

# ZONING BYLAW

Rural Municipality of Gull  
Lake No. 139

2020



**RURAL MUNICIPALITY OF GULL LAKE No. 139**  
**BYLAW NO. \_\_-2020**

A Bylaw of the Rural Municipality of Gull Lake No. 139 to adopt a Zoning Bylaw.

The Council of the Rural Municipality of Gull Lake , in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- (1) Pursuant to Section 34(1) of *The Planning and Development Act, 2007* the Council of the Rural Municipality of Gull Lake hereby adopts the Rural Municipality of Gull Lake Zoning Bylaw, identified as Schedule "A" to this Bylaw.
- (2) The Reeve and Rural Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 2-1981 and all amendments to is hereby repealed.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations

Read a First Time the \_\_\_\_\_ day of \_\_\_\_\_,

Read a Second Time the \_\_\_\_\_ day of \_\_\_\_\_,

Read a Third Time the \_\_\_\_\_ day of \_\_\_\_\_,

Adoption of this Bylaw this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
(Reeve)

(SEAL)

\_\_\_\_\_  
(Rural Municipality Administrator)

Schedule A:

Rural Municipality of Gull Lake No. 139  
Zoning Bylaw  
2020

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# **1 INTRODUCTION**

## **1.1 AUTHORITY**

- 1.1.1 Under the authority granted by *The Planning and Development Act, 2007*, the Reeve and Council of the Rural Municipality of Gull Lake No. 139 (RM) in the Province of Saskatchewan, in open meeting, hereby enact as follows:

## **1.2 TITLE**

- 1.2.1 This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the RM.

## **1.3 PURPOSE**

- 1.3.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Rural Municipality of Gull Lake No. 139 in accordance with the Official Community Plan.
- 1.3.2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Rural Municipality of Gull Lake No. 139 (hereinafter referred to as the RM) and for the health, safety, and general welfare of the inhabitants:
- a) To minimize land use conflicts;
  - b) To establish minimum standards to maintain the amenity of the Rural Municipality;
  - c) To ensure development is consistent with the physical limitations of the land;
  - d) To restrict development that places undue demand on the Rural Municipality for services; and
  - e) To provide for land-use and development that is consistent with the goals and objectives of the Rural Municipality.

## **1.4 SCOPE**

- 1.4.1 This Bylaw applies to all land included within the boundaries of the Rural Municipality of Gull Lake No. 139. All development within the limits of the Rural Municipality shall hereafter conform to the provisions of this Bylaw.

## **1.5 SEVERABILITY**

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

## 2 DEFINITIONS

Whenever the subsequent words or terms are used in the Official Community Plan, and this Bylaw, they shall, have the following definition unless the context indicates otherwise.

**Abattoir:** A facility for butchering or slaughtering animals, and to dress, cut and inspect meats; refrigerate, cure, and manufacture by-products.

**Accessory:** A building, structure or use of a specific site which is subordinate and exclusively devoted to the principal building, principal structure, or principal use and is located on the same site as the principal use or building.

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

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

**Administrator:** The Administrator of the Rural Municipality of Gull Lake No. 139.

**Aggregate Resource:** Raw materials including sand, gravel, clay, earth or mineralized rock found on or under a site. (Also see Mineral Resource)

**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.

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

- a) Cultivating land;
- b) Producing agricultural crops, including hay and forage;
- c) Producing horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs, flowers, greenhouse crops and specialty crops;
- d) Raising all classes of livestock, horses, poultry, fur-bearing animals, game birds and game animals, bees and fish;
- e) Carrying on an intensive livestock operation;
- f) Involved the primary processing of agricultural products which provide a primary source of livelihood and income to the site owner or operator;
- g) Operating agricultural machinery and equipment, including irrigation pumps and noise-scare devices;
- h) Conducting any process necessary to prepare a farm product for distribution from the farm gate;



- i) Storing, handling and applying fertilizer, manure, organic wastes, soil amendments and pesticides, including both ground and aerial application;
- j) Any other prescribed agricultural activity or process as defined by council.

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

- a) Grain elevators
- b) Feed mills
- c) Abattoirs
- d) Seed cleaning plants
- e) Pelletizing plants
- f) Bulk fertilizer distribution plants
- g) Bulk agricultural chemical distribution plants
- h) Anhydrous ammonia storage and distribution
- i) Bulk fuel plants
- j) Livestock holding stations
- k) Retail sales of the goods produced or stored as part of the dominant use on the site

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

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

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

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

**Animal Unit (A.U.):** The kind and number of animals calculated in accordance with the following table:

Kind of Animal	Number of Animals (=1 Animal Unit)
<b>Poultry</b>	
Hens, cockerels, capons	100
Chicks, broiler chickens	200
Turkeys, geese, ducks	50
Exotic birds	25
<b>Hogs</b>	
Boars and sows	3
Gilts	4
Feeder pigs	6
Weanling pigs	20
<b>Sheep</b>	
Rams or ewes	7
Lambs	14
<b>Goats, etc.</b>	
All (including llamas, alpacas, etc.)	7
<b>Cattle</b>	
Cows and bulls	1
Feeder cattle	1.5
Replacement heifers	2
Calves	4
<b>Horses</b>	
Colts and ponies	2
Other horses	1
<b>Other</b>	
Bison	1
Elk, Reindeer	1
Deer	1

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

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

**Auto Wrecker:** An area where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public.

**Basement:** That portion of a building between two floor levels, which is partly underground and has not more than one-half its height from the finished floor to finished ceiling, above finished grade.

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

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

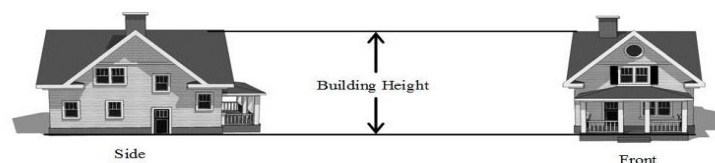
**Buffer:** A strip of land, vegetation or land use that physically separates two or more different land uses.

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

**Building Bylaw:** The Bylaw of the Rural Municipality of Gull Lake No. 139 regulating the erection, alteration, repair, occupancy, maintenance or demolition of buildings and structures.

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

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



**Building Permit:** A permit, issued under the Building Bylaw of the Rural Municipality of Gull Lake No. 139 authorizing the construction of all or part of any building or structure.

**Building Principal:** A building in which is conducted the main or primary use of the site on which the said building is situated.

**Bulk Fuel Sales and Storage:** Includes lands, buildings, and structures for the storage and distribution of fuels and oils including retail sales or key lock operations.

**Bylaw:** The Rural Municipality of Gull Lake No. 139's Zoning Bylaw.

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

**Cannabis:** As defined in *The Cannabis Act* (Canada).

**Cannabis Facility:** Means either:

- a) A facility, licensed by the Federal Government, for the cultivation, synthesis, harvesting, altering, propagating, processing, packaging, labeling, storage, and shipping of cannabis; or
- b) A facility, provincially authorized, for the warehousing and wholesale distribution of cannabis.

**Cannabis Production Facility:** A facility, licensed by the Federal Government, for the cultivation, synthesis, harvesting, altering, propagating, processing, packaging, labeling, storage, and shipping of cannabis.

**Cannabis Warehouse and Distribution Facility:** A facility, provincially authorized, for the warehousing and wholesale distribution of cannabis.

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

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

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

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

**Commercial Indoor Storage:** A building or series of buildings comprising multiple storage bays intended for lease or rent by the general public for the purpose of indoor storage of private goods.

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

**Concept Plan (Comprehensive Development Review):** A land use concept plan for a specific local area that identifies social, environmental, health and economic issues which the proposed development must address.

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

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

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

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

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

**Council:** The Council of the Rural Municipality of Gull Lake No. 139.

**Country Residential Development:** 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.

**Development:** The carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use of any building or land, the moving of any building or structure onto land, the moving of a mobile home or trailer coach onto land, and the opening or stripping of land for the purpose of removing therefrom sand, gravel or other aggregate resources.

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

**Development Officer:** The Administrator shall be the Development Officer, or in his/her absence an employee of the Municipality appointed by the Administrator; or someone appointed by the Council to act as a Development Officer to administer this Bylaw.

**Development Permit:** A permit issued by the Council of the Rural Municipality of Gull Lake No. 139 that authorizes development but does not include a building permit.

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

**Discretionary Use:** A use of land or buildings or form of development that is prescribed as a discretionary use in the Zoning Bylaw; and requires the approval of Council pursuant to Section 56 of *The Planning and Development Act, 2007*.

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

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

**Dwelling, Multiple Unit:** A building containing three or more dwelling units and shall include condominiums, townhouses, row houses, and apartments as distinct from a rooming house, hotel, or motel.

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

**Dwelling, Single-Detached:** A building containing only one dwelling unit, as herein defined, and occupied or intended to be occupied as a permanent residence, including a RTM when attached to a foundation on the site, but not including a mobile or modular home as defined.

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

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

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

**Environmental Reserve:** Lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that

are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6.0 metres (19.69 feet) 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.

**Environmentally sensitive lands and areas:** Means lands or areas with natural features where precautions, mitigation or constraints are needed to minimize impacts. These include the following:

- a) a ravine, coulee, swamp, natural drainage course, or creek bed;
- b) wildlife habitat, environmentally sensitive or significant natural or heritage areas;
- c) flood-prone or potentially unstable land; or
- d) land abutting lakes, streams, or rivers for pollution prevention, bank preservation, or development protection from flooding.

**Equestrian Facility (Riding stables):** The use of lands, buildings, or structures for the boarding of horses, the training of horses and riders, and the staging of equestrian events, with or without charge and with or without general public involvement but does not include the racing of horses.

**Existing:** In place or taking place, on or before the date of the adoption of this Bylaw.

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

**Farmers' Market:** An occasional or periodic sales activity held in an open area where groups or individual sellers offer new and used goods, crafts or produce for sale directly to the public but does not include a retail store, shopping centre or greenhouse.

**Farmstead/Farmyard:** The buildings and adjacent essential grounds surrounding a farm.

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

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

**Flood:** A temporary rise in the water level that results in the inundation of an area not ordinarily covered by water.

**Flood Proofing:** Any combination of structural and non-structural modifications to structures, buildings or land, which reduces or eliminates structural, building, development, land, servicing, environmental and building contents flood damage, by using the freeboard elevation.

**Floodway:** means the portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.

**Flood Fringe:** means the portion of the flood plain where the waters in the 1:500-year flood are projected to be less than a depth of one metre or a velocity of one metre per second.

**Floor Area:** The total area of all floors of a building or structure, excluding stairwells, elevator shafts, equipment rooms, interior vehicular parking, unloading areas and all flows below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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

**Frontage:** the full length of a site measured alongside the road onto which the site fronts.

**Game Farm:** A fenced area for the purpose of management, control, and harvesting of domestic game farm animals. Game farms are regulated by *The Domestic Game Farm Animal Regulations*.

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

**Garden Suite:** An additional dwelling unit that is separate from and secondary to the principal single detached dwelling on the residential lands..

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

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

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

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

**Guest Cottage:** a detached accessory building to be used as summer sleeping accommodation only, and which is located on the same lot as the principal dwelling.

**Hall:** A building or part of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a banquet hall, private club or fraternal organization.



**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.

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

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

**Hazardous Uses:** A development which may generate any of the following characteristics:

- a) Excessive noise, odour, dust, vibration;
- b) Offensive emissions;
- c) Involves dangerous or toxic materials, chemicals and wastes;
- d) Air, water or soil pollution;
- e) Land use incompatibility;
- f) Reduced public safety, and may include auto-wrecking, fertilizer, asphalt, chemical and grain handling uses.

**Height of the Sign:** The vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

**Heritage Property:** Any property, whether by a work of nature or of man, that is of interest for its archaeological, historic, cultural environmental, aesthetic or scientific value, and includes a site where archaeological, historic, paleontological, cultural or scientific property is, or may reasonable be expected to be found, or as otherwise defined in *The Heritage Property Act* and regulations.

**Heritage Resource:** The history, culture and historical resources of an area or community.

**Home Based Business:** An accessory use carried on as a business conducted for gain in whole or in part in a dwelling unit or an accessory building to a dwelling unit.

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

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

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

**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.

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

**Intensive Agricultural Operation:** a principal use that produces a crop that is grown in buildings or under structures, using hydroponic techniques, or by use of intensive irrigation and fertilizer application, but not including an intensive livestock operation.

**Intensive Livestock Operation:** the operation or facilities for the permanent rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, bison or domesticated game animals in such number that the facility and portion of a site used for the operation will contain 300 or more animal units which are confined to a space of one animal unit to less than 370 sq. m (4000 sq. ft).

**Kennel:** development used for the breeding, boarding, caring or training of dogs. Typical facilities include dog boarding and dog training establishments, and animal rescue homes.

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

**Landscaping:** The provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

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

**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.

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

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

**Mineral Resource:** Mineral Resources as defined in *The Mineral Resource Act, 1985*.

**Minimum Distance Separation:** In respect to intensive livestock operations and heavy industrial land uses, the minimum distance separation required in the Zoning Bylaw from non-complementary uses.

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

**Mixed Use:** Mixed uses are where one or more compatible uses are on one site or building. Or designated in a particular area, such as commercial and residential mixed with recreation.

**Mobile Home:** dwelling that may be used 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. CSA Number Z240 MH or replacement thereof.



Double-Wide Mobile Home

**Mobile Home Park:** A site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation.

**Modular Home (RTM):** A building that is manufactured in a factory as a whole or modular unit to be used as one single dwelling unit and is certified by the manufacturer that it complies with the Canadian Standards Association Standard No. CSA-A277, and is placed on a permanent foundation.



Modular (Manufactured) Home

**Municipality:** The Rural Municipality of Gull Lake No. 139.

**Municipal Reserve:** Are dedicated lands:

- a) That are provided to a Municipality pursuant to clause 189(a) of *The Planning and Development Act, 2007* for public use; or
- b) That were dedicated as public reserve and transferred to a Municipality pursuant to section 196, whether or not title to those lands has been issued in the name of the Municipality.

**Municipal Road:** A public road which is subject to the direction, control and management of the municipality, and includes an internal subdivision road.

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

**Natural Areas:** An area relatively undisturbed by human activities and characterized by indigenous species including remnant or self-sustaining areas with native vegetation, water, or natural features.

**Natural Resources:** The renewable resources of Saskatchewan and includes:

- a) Fish within the meaning of *The Fisheries Act*;
- b) Wildlife within the meaning of *The Wildlife Act, 1998*;
- c) Forest products within the meaning of *The Forest Resources Management Act*;
- d) Resource lands and provincial forest lands within the meaning of *The Resource Lands Regulations, 1989*;
- e) Ecological reserves within the meaning of *The Ecological Reserves Act*; and
- f) Other living components of ecosystems within resource lands, provincial forest lands and other lands managed by the department.

**Natural Resource Extraction:** The quarrying, processing, removal and sale of natural resources, including sand and gravel, oil and gas, peat metallic mineral and other non-metallic minerals.

**Non-Conforming Building:** A building:

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

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

**Non-Conforming Use:** A lawful specific use:

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

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

**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.

**Park Model Trailer/Unit:** A unit designed to facilitate occasional relocation, with living quarters for a temporary or seasonal use; 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. It has a gross floor area not exceeding 50 m<sup>2</sup> (540 ft<sup>2</sup>). CSA Number Z241.



Park Model Trailer 102



Park Model Recreational Unit

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

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

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

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

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

**Principle (building, structure or use):** The main or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

**Primary Access:** The principal means of vehicular entry to or from a site or building, but shall not include a lane.

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

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

**Public Utility (Linear):** Linear or private utilities including, but not limited to, roads, communication lines, rail, power and natural gas lines and similar linear uses.

**Public Utility (Service):** Those non-linear utilities which may potentially conflict with other Land uses, including, but not limited to, airports, microwave or communication towers, wind towers, water reservoirs, sewage lagoons, landfills, gas compressor stations, large electrical transformer stations and similar, potentially conflicting service utilities.

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

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

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

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

**Ready-to-Move (RTM) Dwelling:** A new single detached dwelling constructed off-site to National Building Code or CSA-277 standards to be moved onto a new permanent residential site building foundation.



**Real Estate Signage:** Signage directly associated with the sale of property in which it is located, and which maintains a gross surface area of less than 1 m<sup>2</sup>.

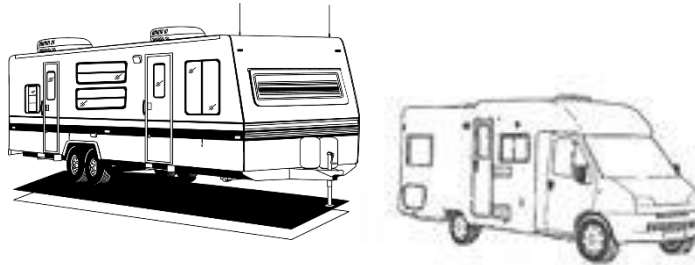
**Redesignation:** Rezoning.

**Recreational Use:** A public or private facility or amenity, a joint-use site or a park or playground that serves the surrounding neighbourhood or community.

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

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

- a) Motor homes
- b) Camper Trailers
- c) Boats
- d) Snowmobiles
- e) Motorcycles



**Recycling and Collection Depot (commercial):** A building or series of buildings intended to accommodate the collection, sorting, processing and temporary storage of recyclable materials including the collection and storage of oil, solvents or other hazardous materials, processing of recyclable material other than compaction and accommodates outdoor compaction or storage.

**Reeve:** The Reeve of the Rural Municipality of Gull Lake No. 139

**Residence** – a single detached dwelling, mobile home or modular home

**Residential:** The use of land, buildings, or structures for human habitation.

**Residential Care Home:** A facility which:

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

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

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

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

**Riparian:** The areas adjacent to any streams, rivers, lakes or wetlands.

**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, aluminum or tin cans prior to shipment for remanufacture into new materials.

**Scale of Development:** The total acreage intended to accommodate a country residential subdivision.

**School:** A body of pupils that is organized as a unit for educational purposes under the jurisdiction of a board of education or of the Saskatchewan Ministry of Education and that comprises one or more instructional groups or classes, together with the principal and teaching staff and other employees assigned to such body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils.

**Screening or Screening Device:** The use of vegetation, berms, fences, walls and similar structures to visually shield, block or obscure one development from another, or from the public.

**Secondary Suite:** An additional dwelling unit located within a principal single detached dwelling.

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



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

**Shipping Container:** A cargo container that is a prefabricated metal container or box constructed for the transportation of goods by ship, train, or highway tractor, ie: sea and rail container.

**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 direction or guidance intended.

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

**Site:** An area of land, consisting of one or more lots consolidated under a single certificate of title, considered as a unit devoted to a certain use or occupied by a building or a permitted group of buildings, and the customary accessories and open spaces belonging to the same.

**Site Area:** The total horizontal area within the site lines of a site.

**Site Line, Front or 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, Rear:** the boundary at the rear of the site and opposite the front site line.

**Site Line, Side:** a site boundary other than a front or rear site line.

**Site Triangle:** Means the triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines.

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

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

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

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

**Stockyard:** An enclosed yard where livestock is kept temporarily.

**Storey:** The space between the top of any floor and the top of the next floor above it and if there is no floor above it, the portion between the top of the floor and the ceiling above it.

**Street(road):** A site owned by the Provincial Crown which provides the principal legal public vehicular access to abutting sites but shall not include an easement or lane.

**Structure:** A combination of materials constructed, located or erected for use, occupancy ornamentation, whether installed on, above or below the surface of land and water.

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

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

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

**Temporary Sign:** A sign which is not permanently installed or affixed in position, advertising a product or activity on a limited basis.

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

**Tower Height:** The height above-ground of the fixed portion of the tower, excluding any wind turbine and rotors.

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

**Trailer Coach:** Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as will permit the occupancy

thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

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

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

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

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

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

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

**Veterinary Clinics:** A place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization but shall not include the keeping of animals in outdoor pens.

**Warehouse:** A building used for the storage and distribution of wholesaling of goods and materials.

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

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

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

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

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

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

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

**Wind Turbine/Wind Power Unit:** A rotating machine which converts kinetic wind energy into mechanical energy and then electrical energy primarily for private use.

**Windmill:** A rotating machine which converts kinetic wind energy directly to mechanical energy for traditional agricultural purposes such as pumping water.

**Wind Farm:** A group of wind turbines in the same location used for the production of electric power. Individual turbines are generally interconnected with voltage power collection and transmission systems.

**Work Camp:** A temporary facility for the use of employees affiliated with a resource based use where meals and overnight accommodations are typically provided.

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

**Yard, Front:** That part of a site which extends across the full width of a site between the front site line and the nearest main wall of a building or structure.

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

**Yard, Required:** the minimum yard required by a provision of this Bylaw.

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

### **3 ADMINISTRATION**

#### **3.1 DEVELOPMENT OFFICER**

3.1.1 The Administrator of the Rural Municipality of Gull Lake No. 139 shall be the Development Officer responsible for the administration of this Bylaw, or in their absence an employee of the Municipality appointed by the Administrator; or someone appointed by the Council to act as a Development Officer to administer this Bylaw.

3.1.2 The Development Officer shall:

- a) Receive, record, and review development permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, development permit conditions, and development and servicing agreements;
- b) Maintain, for inspection by the public during office hours, a copy of this Bylaw, zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
- c) Make available, for public inspection during office hours, a register of all development permits and subdivision applications and decisions;
- d) Collect development fees, according to the fee schedule established by a separate Bylaw;
- e) Perform other duties as determined by Council.

3.1.3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a development permit application for a "Permitted Use."

3.1.4 The Development Officer shall receive, record, review and forward to Council:

- a) Development permit applications for discretionary uses;
- b) Rezoning amendment applications
- c) Subdivision applications;
- d) Development and servicing agreements;
- e) A monthly report;

#### **3.2 APPLICATIONS FOR MINOR VARIANCES. COUNCIL**

3.2.1 Council shall make all decisions regarding discretionary uses, development and servicing agreements, and Zoning Bylaw amendments.

3.2.2 Council shall make a recommendation regarding all subdivision applications circulated to it by Saskatchewan Ministry of Government Relations, prior to a decision being made by the Minister.

3.2.3 Council shall act on discretionary use, rezoning, and subdivision applications in accordance with the procedures established by The Planning and Development Act, 2007 and in accordance with the Official Community Plan.

#### **3.3 INTERPRETATION**

3.3.1 Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.

3.3.2 All Bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.

3.3.3 No existing development or site shall be deemed non-conforming due to non-compliance with the metric units used in the Zoning Bylaw.

### **3.4 BYLAW COMPLIANCE**

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

### **3.5 APPLICATION FOR A DEVELOPMENT PERMIT**

3.5.1 Unless the proposed development or use is exempt from development permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:

- a) Complete and submit a development permit application, and
- b) Receive a development permit for the proposed development.

3.5.2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.

3.5.3 Except where a particular development is specifically exempted by Section 3.7 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

3.5.4 Developers and applicants may be required to prepare and provide additional information, as requested by the Development Officer or Council, including:

- a) Technical reports including, but not limited to, sewer and water services, expected traffic impacts and, where appropriate, hydro geological impacts and flood risk studies;
- b) Wildlife habitat studies;
- c) Mineral extraction studies;
- d) Heritage resource studies;
- e) Additional information, as required by the approving authority, to evaluate the proposal in conformity with this bylaw.

3.5.5 Development which is not specified in this Bylaw as a permitted, discretionary or accessory use shall be prohibited.

### **3.6 REFERRAL OF APPLICATION**

3.6.1 The Development Officer may refer any application to Council for a decision on the interpretation of the Bylaw or regarding special conditions provided for in the Bylaw and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

3.6.2 The Development Officer may refer the application to any internal or external departments, professionals or organizations for review or comment prior to making a decision on the application.

- 3.6.3 The Development Officer shall make available, in addition to plumbing permits and plan information, a copy of all approved Development Permit applications involving installation of water and sanitary services, should such information be requested by provincial officials under the Public Health Act and Regulations.
- 3.6.4 The Development Officer, in conjunction with the Health Authority shall determine the suitability of a parcel proposed for subdivision to accommodate a private sewage treatment system with the subdivision review process. The review process indicates the level of assessment required and upon this determination provides the submittal requirements as well as identifies the qualifications required for the site assessor.
- 3.6.5 All submissions required are the responsibility of the developer. The final review of a subdivision will not be completed prior to the receipt and evaluation of all required information by the Development Officer, the Health Authority and any other relevant agency deemed necessary by the Municipality.

### **3.7 DEVELOPMENT NOT REQUIRING A PERMIT**

- 3.7.1 The following developments shall be exempt from development permit requirements, but shall conform to all Bylaw requirements (e.g., building permits, setbacks, environmental and development standards, etc.):
- a) General agricultural uses including: farm buildings (excluding any residence), field crops, non-intensive dairy farming, animal and poultry raising, orchards and vegetable, horticultural or fruit gardens, beekeeping, ranching, grazing, tree nurseries and other similar uses customarily to general agriculture including facilities for the direct sale of field crops and animals grown or raised on the lands (this does not apply to intensive livestock operations or intensive agricultural operations).
  - b) Accessory Uses/buildings which are no more than 9.3 Sq. m. (100 sq. ft.) in size or 15 m. (50 ft.) tall and which will be accessory to a lawful use within the Zoning Districts established by this bylaw, provided the use meets the Building Setback requirements of the relevant Zoning District;
  - 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 Development/Building Permit issued for the project if required;
  - d) The erection of any fence, wall, gate, television antennae, or radio antennae;
  - e) Uses and buildings undertaken, erected, or operated by the Rural Municipality of Gull Lake No. 139.
  - f) The use of all or 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.
  - g) Internal alterations and maintenance to buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change or an increase in the number of dwelling units within the building or on the site.
  - h) Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.
  - i) Signs subject to the provisions of this Bylaw

- j) Linear Public Utilities: Any operation to install, inspect, repair, or renew lines for sewers, potable water, cables, wires, tracks or similar public works as required by a public utility except where the line will cross or lie within the limits of a public road;
- k) Keeping of Animals, subject to the regulations in the applicable zoning district.

### **3.8 FEES AND ADVERTISING**

- 3.8.1 The fees related to the Zoning Bylaw and Official Community Plan shall be set out in the Municipal Fees Bylaw.
- 3.8.2 All advertising shall be as per the requirements of *The Planning and Development Act, 2007*.

### **3.9 DEVELOPMENT PERMIT PROCEDURE – PERMITTED USE**

- 3.9.1 Where an application for a development permit is made for a permitted or accessory use in conformity with this Bylaw, The Planning and Development Act, 2007 and all other municipal Bylaws, the Council shall hereby direct the Development Officer to issue a development permit.
- 3.9.2 As soon as an application has been made for a development permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- 3.9.3 Upon approval of a permitted use, the Development Officer shall issue a development permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.
- 3.9.4 A Development Officer may incorporate specific development standards in a development permit for a permitted use to ensure development and application conformity with the Zoning Bylaw. The development standards shall be based on the provisions of the General Development Standards and other defined requirements of the Zoning Bylaw or Official Community Plan.
- 3.9.5 The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.
- 3.9.6 A Building Permit, where required, shall not be issued unless a development permit has been issued, or is issued concurrently.
- 3.9.7 All permits shall expire one year from the date of issuance and may be extended by the Development Officer for one or more periods to a maximum of two additional years.
- 3.9.8 Where the Development Officer determines that a development is being carried out in contravention of any condition of the Official Community Plan or any provision of this Bylaw, the Development Officer shall suspend or revoke the development permit and notify the permit holder that the permit is no longer in force.
- 3.9.9 Where the Municipality is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the permit



and the requirements of this Bylaw the Municipality may reinstate the development permit and notify the permit holder that the permit is valid and in force.

### **3.10 DEVELOPMENT PERMIT PROCEDURE - DISCRETIONARY USE**

3.10.1 The following procedures shall apply to discretionary use applications:

- a) Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required fees;
- b) The Development Officer shall examine the application for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations and shall advise the Council as soon as practical;
- c) Council may refer the application to whichever government agencies or interested groups, as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant;
- d) The Development Officer will give notice by regular mail that the application has been filed to the assessed owner of each abutting property and each assessed owner of property within 75 metres of the boundary within the applicant's land at least 7 days before the application is considered by Council;
- e) The Development Officer will also provide notification of an upcoming public hearing and an opportunity for landowners and residents to provide written comment on the proposal;
- f) 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*;
- g) If deemed necessary, the Development Officer will set a date for the public hearing at which time the application will be considered by Council and provide notice to assessed owners of property indicating so within the information packages provided as part of the notification process;
- h) Council shall consider the application together with:
  - a. The goals, policies and objectives of the Official Community Plan
  - b. The intent, regulations, and standards of the applicable zone. Discretionary Uses shall conform to the development standards and application provisions of this Bylaw.
  - c. The regulations, standards, and considerations outlined for the proposed land use;
  - d. The considerations outlined for discretionary uses in Section 3.10.3
  - e. The development officers report
  - f. Any technical or professional report(s) submitted regarding the application; and
  - g. Any written or verbal submissions Council receives.
- i) 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 where it is considered important to monitor and re-evaluate the proposal and its conformance to this Bylaw;

- j) The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.

3.10.2 Discretionary uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.

3.10.3 The following criteria must be considered in the review of discretionary use applications:

- a) The proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw;
- b) There must be a 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 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.
- e) 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;
- f) 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;
- g) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- h) Council's approval of a discretionary use application is valid for a period of twelve (12) months from the date of the approval and may be extended by the Development Officer for one or more periods to a maximum of two additional years.

### **3.11 REFUSAL OF DEVELOPMENT PERMIT APPLICATION**

3.11.1 An application for a development permit shall be refused if it does not comply with all Zoning Bylaw requirements.

3.11.2 The reasons for a development permit refusal shall be stated on the refused development permit application.

3.11.3 Where an application for a development permits has been refused, the Council (in the case of a proposed discretionary use), or the Development Officer (in all other cases), may refuse to accept another application for the same or a similar development on the same site, until six (6) months from the date of the approving authority's decision. The Development Officer shall not accept another application for the same development until six (6) months have passed from the date of a refusal by either the local Development Appeals Board or the Saskatchewan Municipal Board.

- 3.11.4 The applicant shall be notified of the right to appeal a decision to refuse an application of the local Development Appeals Board in accordance with the requirements of The Planning and Development Act, 2007.

### **3.12 APPEALS**

- 3.12.1 Section 219 of The Planning and Development Act, 2007, provides the right to appeal where a Development Officer:

- a) Is alleged to have misapplied the Zoning Bylaw in issuing a development permit;
- b) Refuses to issue a development permit because it would contravene the Zoning Bylaw; or
- c) Issues an order, based on inspection, to the owner, operator, or occupant of land, building, or premises considered to contravene the Zoning Bylaw.

- 3.12.2 Appellants also may appeal where they are of the opinion that development standards prescribed by the Municipality with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and the Official Community Plan. This right of appeal extends thirty days after the issuance or refusal of a development permit or order.

- 3.12.3 Council shall appoint a Development Appeals Board in accordance with Section 213 to 227 inclusive, of *The Planning and Development Act, 2007*.

- 3.12.4 As per Section 221 of *The Planning and Development Act, 2007*; "the board hearing the appeal:

- a) Is bound by any official community plan in effect;
- b) Must ensure that its decisions conform to the uses of land, intensity of use and density of development in the zoning bylaw;
- c) Must ensure that its decisions are consistent with any provincial land use policies and statements of provincial interest; and
- d) May, subject to clauses a) to c); confirm, revoke or vary the approval, decision, any development standard or condition, or order imposed by the approving authority, the council or the development officer, as the case may be, or make or substitute any approval, decision or condition that it considers advisable if, in its opinion, the action would not:
  - i. Grant to the applicant a special privilege inconsistent with the restrictions on the neighboring properties in the same zoning district;
  - ii. Amounts as a relaxation so as to defeat the intent of the zoning bylaw or Injuriiously affect the neighboring properties.

### **3.13 DEVELOPMENT PERMIT – INVALID**

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

- a) If the proposed development is not commenced within the period for which the Permit is valid;
- b) If the proposed development is legally suspended, or discontinued, for a period of six or more months, unless otherwise indicated by Council or the Development Officer; or
- c) When development is undertaken in contravention of this bylaw, the development permit and specified development standards, and/or

- d) When a written appeal notice is received by the Development Appeals Board secretary regarding the development permit.

### **3.14 CANCELLATION**

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

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

### **3.15 PERMIT RE-ISSUANCE**

3.15.1 A development permit may be re-issued in its original or a modified form where a new development permit application conforms to the provisions of this Bylaw.

### **3.16 ZONING BYLAW AMENDMENTS**

3.16.1 When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in professional review of the application and in carrying out a public hearing. An application decision shall not be made, and the amendment process shall not be initiated, until all required information has been provided and reviewed.

3.16.2 Council may amend this Bylaw, either upon request or at any time upon its own initiative, in order to achieve the application of the Official Community Plan goals, objectives and policies, or to alter any zoning regulation or district while ensuring conformity with the Plan.

3.16.3 Every Bylaw amendment application shall include:

- a) a completed application form;
- b) a copy of the certificate of title for the lands affected, copies of any registered interests or other document verifying that the applicant has a legal interest in the land, for at least the period of time necessary to process the application to a public hearing;
- c) where the applicant is an agent acting for the owner, a letter from the owner shall be provided verifying the agent's authority to make the application;
- d) a statement of the reasons for the request to amend the Bylaw;
- e) a payment for cost of advertising and other administrative costs, authorized by *The Planning and Development Act, 2007*, for processing the application.
- f) Vicinity Map: A properly dimensioned vicinity map indicating the site to be amended, its relationship to existing land uses within a 91 metres (300 ft.) radius of the boundaries of the site and any prominent physical features, including roads and public utilities.
- g) Additional Information: The Development Officer may request additional information, to evaluate and make a recommendation regarding the application, to effectively administer this Bylaw.

- h) Exemptions: The Council or Development Officer, at their sole discretion, may waive part of the application requirements, when doing so will not jeopardize the Official Community Plan policies or Zoning Bylaw requirements.

### **3.17 CONCEPT PLANS (COMPREHENSIVE DEVELOPMENT PLANS)**

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

### **3.18 BUILDING PERMITS, LICENSES AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION**

- 3.18.1 Nothing in this bylaw shall exempt any person from complying with a Building Bylaw, or any other bylaw in force within the municipality, or from obtaining any permission required by this, or any other bylaw of the municipality, the province or the federal government.
- 3.18.2 A building permit, where required, shall not be issued by the Council or its agent for a development unless a required development permit has been issued.
- 3.18.3 Compliance with the requirements of this Bylaw shall not exempt any person from the requirements of any federal, provincial or municipal legislation or complying with any easement, covenant agreements, caveat or contract that affects the development site.
- 3.18.4 Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

### 3.19 MINOR VARIANCES

3.19.1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:

- a) A minor variance may be granted for the following only:
  - i. Minimum required distance of a building from a lot line; and
  - ii. Minimum required distance of a building from any other building on the lot.
- b) The maximum amount of a minor variance shall be 10% variation from the requirements of this Bylaw;
- c) The development must conform to all other requirements of this Bylaw;
- d) The relaxation of the Bylaw requirement must not injuriously affect a neighbouring property;
- e) No minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*;
- f) Minor variances shall be granted only in relation to residential properties.
- g) A record of minor variance applications shall be established pursuant to Section 49 of *The Planning and Development Act 2007*;

3.19.2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee as set in Municipal Fees Bylaw.

3.19.3 Upon receipt of a minor variance application the Development Officer may:

- a) Approve the minor variance;
- b) Approve the minor variance and impose terms and conditions on the approval; or
- c) Deny the minor variance.

3.19.4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.

3.19.5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.

3.19.6 Where a minor variance is approved, with or without terms, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval.

3.19.7 The written notice shall contain:

- a) A summary of the application;
- b) Reasons for and an effective date of the decision;
- c) Notice that an adjoining assessed owner has 20 days to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
- d) Where there is an objection and the approval is revoked, the applicant shall be notified of the right to appeal to the Development Appeals Board.

- 3.19.8 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 23 days from the date the notice was provided.
- 3.19.9 If an assessed owner of a property having an adjoining property with the applicant's 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.
- 3.19.10 If an application for a minor variance is refused or approved with terms or conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

### **3.20 NON-CONFORMING BUILDINGS, USES AND SITES**

- 3.20.1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.
- 3.20.2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.
- 3.20.3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.
- 3.20.4 Existing lands which do not conform to the site size requirements as set out in this bylaw shall be deemed to be conforming with regards to site size and frontage, provided that a registered title for the site existed prior to the coming into force of this bylaw.

### **3.21 TEMPORARY DEVELOPMENT PERMITS**

- 3.21.1 The Development Officer may issue a temporary Development Permit, with specified conditions for a specified period of time, to accommodate developments incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants.
- 3.21.2 Nothing in this Bylaw shall prevent the use of land, or the erection or use of any building or structure for a construction camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building, or structure is necessary for such construction work as has not been finished or abandoned.
- 3.21.3 Every temporary development permit or use shall be approved for a specified period, but in no case shall it exceed twelve (12) months.

- 3.21.4 Where a development permit for a temporary use is granted for less than twelve (12) months, the permit may be renewed at Council's discretion for another period of not more than twelve (12) months.
- 3.21.5 Upon the expiration of the period for which the temporary use was approved, the use shall be discontinued, and all temporary structures removed.
- 3.21.6 A temporary use may be approved for development in any zone, unless specified elsewhere in this Zoning Bylaw.
- 3.21.7 Council may, at its discretion, revoke a temporary development permit should the use violate any of the permit conditions, conflict with adjacent land uses or cause a nuisance. Permanent structures shall not be permitted in association with a temporary development permit.
- 3.21.8 Temporary uses include, but are not limited to the following:
- a) Developments established or erected for special holidays;
  - b) Temporary asphalt and asphalt mixing plants;
  - c) Agriculturally supportive commercial and industrial development including fertilizer operations and similar uses;
  - d) Small temporary, seasonally or periodically used sand, gravel, gravel crushing and commercial topsoil stripping operations, including accessory equipment;
  - e) Temporary accommodation: licensed contractors or developers may be authorized to erect a temporary accommodation, on or off site (e.g. campers, travel trailers, construction bunk houses), excluding a mobile home;
  - f) Temporary Residence: Council may issue a development permit for a temporary residence where an existing residence is damaged or destroyed as a result of a disastrous situation (e.g. fire).
- 3.21.9 Except in the Agricultural Districts, buildings or structures shall not include a mobile home or motor home as temporary uses.

### **3.22 PERMITS FOR ACCESSORY USES**

- 3.22.1 Unless exempted in accordance with this bylaw, all development for an accessory use to a dwelling shall require a development permit. Unless otherwise exempted in a Zoning District, all accessory buildings, even those exempted from requiring a permit, shall be required to conform to the front, side and rear yard setbacks of that District.

### **3.23 OFFENCES AND PENALTIES**

- 3.23.1 Pursuant to Section 242 of *The Planning and Development Act, 2007* the Development Officer may issue a written order to the owner, operator or occupant of the land, building or premises for any contravention to this Zoning Bylaw or the Official Community Plan.
- 3.23.2 Any person who violates this Zoning Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties outlined in Section 243 of *The Planning and Development Act, 2007*.
- 3.23.3 The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or



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

### **3.24 MOVING OF BUILDINGS**

- 3.24.1 No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 2.7 of this Bylaw.

### **3.25 DEMOLITION OF BUILDINGS**

- 3.25.1 No building shall be demolished without first obtaining a Development Permit from the Development Officer. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.
- 3.25.2 An applicant for a Demolition Permit for a dwelling or water well may be required to fill, grade, fence or follow other special Permit conditions for public and environmental safety reasons.

### **3.26 SERVICING AND DEVELOPMENT LEVY AGREEMENTS**

- 3.26.1 Council may require a subdivision applicant to enter into a Servicing Agreement or development permit applicant to enter into a Development Levy Agreement to ensure conformity with the Official Community Plan and Zoning Bylaw and to ensure adequate funding for on-site and off-site infrastructure development as allowed for in *The Planning and Development Act, 2007*.
- 3.26.2 Council has the authority to create and adopt a development levy bylaw to provide guidance when entering into development levy agreements.
- 3.26.3 Council will ensure there is adequate municipal infrastructure and other public facilities prior to entering into the Agreement with the applicant, which may include sewage disposal, garbage disposal, availability and adequacy of source of water, recreational facilities, etc.

## **4 GENERAL REGULATIONS**

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

### **4.1 FLOOD HAZARD LANDS**

- 4.1.1 Any development proposed on lands that are and/or may be considered flood hazard, the Development Officer may refer the application to federal or provincial departments and other relevant environmental agencies or professionals for comments prior to reaching a decision. Council may require the applicant to obtain a professional report to determine the Safe Building Elevation on hazard lands and on lands where the development of a building is proposed within 150 metres (492.13 feet) of an area of potential hazard lands.
- 4.1.2 Development of new buildings and additions to buildings in the flood way of the 1:500-year flood elevation of any watercourse or water body will be prohibited.
- 4.1.3 Flood-proofing of new buildings and additions to buildings to an elevation of 0.5 metres above the 1:500 year flood elevation of any watercourses or water bodies will be required in the flood fringe.
- 4.1.4 Sanitary landfills and lagoons shall not be located on hazard lands.
- 4.1.5 Actions to avoid, prevent, mitigate or remedy hazards may be incorporated as conditions of a development permit.
- 4.1.6 No person shall backfill, grade, deposit earth or other material, excavate, or store good or materials on these lands nor plant any vegetation parallel to the water flow.
- 4.1.7 If excessive remedial measures are necessary to safely accommodate development, Council may refuse to issue a development permit.
- 4.1.8 For the purpose of this Bylaw, appropriate flood proofing measures shall mean:
  - a) That all buildings shall be designed to prevent structural damage by flood waters;
  - b) The first floor of all buildings shall be constructed above the designated flood design elevation; and
  - c) All electrical and mechanical equipment within a building shall be located above the designated flood design elevation.

### **4.2 GROUNDWATER PROTECTION**

- 4.2.1 No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Regional Health Authority and/or the Water Security Agency.
- 4.2.2 If in the opinion of Council, the groundwater would be adversely affected a professional report shall be prepared at the cost of the developer. The report/study shall determine whether the proposed development would adversely affect the groundwater resource, the stability of the land and include conditions under which appropriate development may be approved. Council shall make a recommendation for subdivisions or development based on the recommendations including the municipal servicing and costs.

- 4.2.3 No liquid wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough or other body of water.

#### **4.3 SLUMPING AND SLOPE INSTABILITY**

- 4.3.1 Development or subdivision proposed on potentially unstable slope areas shall require supporting evidence of slope stability by a professional engineer.
- 4.3.2 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.
- 4.3.3 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 watercourses, creeks or any other tributary creeks and gullies extending from the edge of the flood plain in the valley, to the ridge of the slope at the top. Council may require a surveyor to determine where this line or crest of valley is located at the developer's expense and development will be set back from that line at all points.
- 4.3.4 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?
- 4.3.5 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.
- 4.3.6 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.
- 4.3.7 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.

#### **4.4 PRINCIPAL USE AND BUILDING PER SITE**

- 4.4.1 In any Zoning District in this Bylaw, the principal use of the land must be established prior to any accessory buildings, structures, or uses being permitted.
- 4.4.2 Not more than one principal building or use shall be permitted on any one site except for:
- a) Public Utility Uses;
  - b) Institutional Uses;

- c) Agricultural Uses;
- d) Accessory Uses as specifically provided for in this bylaw;
- e) Natural Resource Development; and
- f) Recreational Uses.

4.4.3 Temporary uses may be permitted on a site where a principal development already exists, at Council's discretion.

4.4.4 Council may, at its discretion, issue a development permit for additional principal buildings, uses or businesses in Agricultural and Commercial Zones.

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

#### **4.5 NUMBER OF RESIDENCES ON A PARCEL**

4.5.1 Only one residence shall be allowed on a titled area unless:

- a) Where the titled area is zoned as Agriculture and agriculture is the principal use, a maximum of two residences per titles area of a minimum of 160 acres may be allowed at the discretion of Council.

#### **4.6 MOBILE AND MODULAR HOMES**

4.6.1 Wherever a dwelling is allowed, it may be in the form of a mobile or modular home only where attached to a permanent foundation to the satisfaction of the Development Officer, prior to occupancy.

4.6.2 Every mobile home shall bear CSAZ240 certification for mobile homes (or replacement thereof) and every modular home shall bear CSA A277 certification for modular homes (or replacement thereof).

4.6.3 All mobile and modular homes shall be securely anchored to the ground.

4.6.4 The undercarriage of all mobile and modular homes shall be completely screened from view by the foundation, skirting or other means that is of a manufactured or similar type to harmonize visually with the unit. This foundation or skirting shall permit the circulation of air beneath the unit.

4.6.5 The total area of all subsequent additions shall not exceed 50% of the area of the original mobile/modular home.

4.6.6 All subsequent additions, accessory buildings and structures to a mobile/modular home shall equal or exceed the quality and appearance of the home and shall harmonize with the home's exterior.

#### **4.7 SIGNS AND BILLBOARDS**

4.7.1 Temporary signs and real estate signs are permitted only as long as the temporary condition exists for the property, in Council's opinion.

#### 4.7.2 Signs Along a Highway

- a) Signs located in a highway sign corridor shall be regulated entirely by the requirements of *The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*, or amendments thereto.

#### 4.7.3 Signs Outside a Highway Sign Corridor

- a) Any sign proposed at a location other than a highway sign corridor, unless specified otherwise in this bylaw, may only advertise agricultural commercial uses, or home-based businesses, the principal use of an adjoining site or the principal products offered for sale on the adjoining site.
- b) A maximum of 2 advertising signs are permitted on any site, or quarter section and each sign shall be no larger than 3.5 sq. m and no higher than 6 m in total height.
- c) Government signs, memorial signs and directional signs that bear no advertising, including traffic control, no trespassing, hunting restriction and similar signs, are exempt from restriction.
- d) Billboard and other off-site advertising signs are prohibited, except in a highway sign corridor.
- e) All private signs shall be located so that the safety of the public is not jeopardized, in Council's opinion, by the size, lighting, movement or location of the sign.

#### 4.7.4 Signs on Dedicated Lands

No person shall construct on any site:

- a) more than one sign;
- b) a sign bearing any information other than information relating to a temporary condition affecting the site;
- c) a sign, any face of which has an area exceeding 0.4 square meters (1.3 square feet) unless otherwise approved by a resolution of the Council; or
- d) a sign that is located in a manner that obstructs the vision of or jeopardizes the safety of any person.

### 4.8 SALVAGE YARDS AND STORAGE OF VEHICLES

- 4.8.1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any district, for the parking or storage outside of an enclosed building of more than 5 vehicles that are not in running order.
- 4.8.2 This section shall not apply to permitted machinery or automotive salvage yards.
- 4.8.3 Council may require that such vehicles be screened from roadways or neighbouring properties by landscape features or fences or a combination of both.
- 4.8.4 The use of an abandoned vehicle, or unlicensed vehicle or truck trailer unit for the purpose of a sign is prohibited.

### 4.9 PUBLIC UTILITIES AND MUNICIPAL FACILITIES

- 4.9.1 Public utilities, as defined in this Bylaw, shall be a permitted use in all zones.
- 4.9.2 Development permits shall be required, unless otherwise exempted in this Bylaw.

- 4.9.3 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.
- 4.9.4 Where a linear public utility will cross or lie within the limits of a municipal road, Council may apply such special design standards as it considers necessary to protect the municipal interest in the existing and future improvements to the road.
- 4.9.5 All provincial and municipal zoning requirements, Official Community Plan and other municipal bylaw requirements shall be met.
- 4.9.6 Protective, emergency, municipal services and other public works and facilities may be established in all zoning districts.

#### **4.10 HOME BASED BUSINESSES**

- 4.10.1 Home based businesses in the Agricultural District shall be subject to the following conditions:
  - a) The use is clearly accessory to the use of a farmstead as an agricultural operation or the dwelling unit as a private residence.
  - b) The operator of the business is a resident of the dwelling unit and, in the case of a farmstead only, up to 5 non-resident employees may be employed at the site. Where the business is for a building or service contractor, additional employees may be involved only at the clients' building site.
  - c) Except as specified in the required development permit, no variation in the residential or residential farm character and appearance of the dwelling, ancillary residential building, or land shall be permitted, except for permitted signs.
  - d) On-site signs shall be permitted according to Section 4.7. Off-site signs not exceeding 0.5 square metres (5 ft<sup>2</sup>) may be permitted at the discretion of Council where necessary to provide directions from a highway to the operation.
  - e) The permitted ancillary use shall be valid only during the period of time the property is occupied as the residence of the owner for such permitted use.
  - f) All development permits issued for home-based business shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met.
  - g) Council may also apply special standards in the issuing a development permit limiting the size of operation including, but not limited to, the size and number of buildings used for the operation or allowing a specified increase in the number of non-resident employees, above that mentioned in subsection (b). Council shall not allow the total number of non-resident employees to exceed 12, including the 5 allowed under subsection (b). Any home-based business requiring more than that number shall only have the options of relocating its operation to an appropriate Zoning District or requesting an appropriate rezoning for the existing property.
  - h) Any increase in the operation as originally applied for or approved shall require a new discretionary approval.

**4.11 BED-AND-BREAKFAST AND VACATION FARMS**

4.11.1 Vacation farms and Bed and Breakfasts are subject to the following requirements:

- a) Vacation farms shall be accessory to an agricultural farm operation and located on the same site as a farmstead, and may include bed and breakfast, cabins, and overnight camping areas.
- b) A maximum of five cabins shall be permitted as part of a vacation farm operation.
- c) On-site signs shall be permitted according to Section 4.7. Off-site signs not exceeding 0.5 square metres (5 ft<sup>2</sup>) may be permitted at the discretion of Council where necessary to provide directions from a highway to the operation.
- d) Vacation farms and bed-and-breakfast operations may be licensed by the Local Health District, if so required.
- e) Bed-and-breakfast operations shall be located in a single detached dwelling used as the operator's principal residence developed as a farmstead or residence; or located in a dwelling accessory to and established on the same site as the host principal residence.
- f) Council may apply special standards in the issuing a development permit limiting the number of rooms, cabins or camping spaces that may be permitted in conjunction with the operation.

**4.12 WATER SUPPLY AND WASTE DISPOSAL**

- 4.12.1 A proven potable water supply shall be available to service all development where water is required.
- 4.12.2 Council may require an applicant to provide written proof from a qualified professional or a welldriller, that a proven potable water supply of sufficient quality and quantity is available to service the proposed development or subdivision.
- 4.12.3 If subsection 4.11.2 above is not complied with, or if the proposed development or subdivision may jeopardize ground or surface water supplies, Council may refuse a development or recommend refusal of a proposed subdivision.

**4.13 WASTE DISPOSAL**

- 4.13.1 No liquid, solid or gaseous waste shall be disposed of by any development except in accordance with legislation administered by a provincial Department, the Water Security Agency, the Regional Health District, and this RM.
- 4.13.2 Dumping of chemicals or other noxious materials into the sanitary sewer system is strictly prohibited and shall be considered an offence.
- 4.13.3 Storage:
  - a) New Facilities: All chemicals, substances and material storage shall be installed, stored, constructed and maintained in an environmentally safe manner and according to all federal, provincial and municipal requirements;
  - b) Abandoned, underground and surface storage facilities shall be removed to avoid pollution potential at Council's or a senior government's request.

**4.14 PARKING AND LOADING REGULATIONS****4.14.1 Parking Standards****a) Number of Spaces Required:**

When any new development is commenced or when any existing development is enlarged, or use changed, provision shall be made for off-street vehicular parking spaces in accordance with the following standards:

<b>Table 1 – Development Parking Standards</b>		
<b>Specific Use of Building or Site</b>		<b>Minimum Number of Parking Spaces Required</b>
(1)	Dwellings, Mobile Homes	1 space per dwelling unit
(2)	Churches	1 space per 15 seating places plus 1 space per 20 square metres of the assembly room floor area of the largest assembly of the assembly room within the building.
(3)	Community Halls and Facilities and Places of Public Assembly, and Places of Worship	1 space per 10 seating places for the public or 1 space per 10 square metres of gross floor area, whichever is greater
(4)	Confectionary and Retail stores; banks; personal service establishments; sales, service, rentals or repair shops; home improvement centres	1 space per 46 square metres of gross floor area
(5)	Motels and Hotels	1 space per guest room or unit
(6)	Restaurants	1 space per 4 seats provided for patrons
(7)	Service Stations	4 spaces per service bay
(8)	Animal Shelters or Veterinary Clinics	1 space per 100 square metres of gross floor area
(9)	Service Stations	1 space per 100 square metres of gross floor area
(10)	All manufacturing, fabricating, warehousing uses; storage buildings and yards; handling, loading, distribution and/or shipping facilities; builders or contractors' yards and shops; and other similar industrial or industry-related uses.	1 for every 55 square metres (592 sq ft.) of gross floor area
(11)	Any other use	1 space per 30 m <sup>2</sup> (322.93 sqft.) of gross floor area



#### 4.14.2 Parking for Non-Residential Uses

- a) Where in this Bylaw parking facilities are required for other than detached and semi-detached dwelling units and rooming houses, the following regulations shall apply:
  - i. The parking area shall have visible boundaries and be suitably drained.
  - ii. The parking area shall be provided on the same lot.
  - iii. The parking area shall be surfaced in the same manner as abutting roadways and be clearly demarcated.
  - iv. The parking area shall also have a minimum width of 2.5 metres and a minimum length of 5.5 metres.
  - v. Approaches or driveways to any parking area shall be defined and the limits of the parking area shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance.
  - vi. The minimum width of a driveway leading to any parking area shall be 7.5 metres.
  - vii. The location of vehicular approach ramps or driveways at the street line shall be no closer than 7.5 meters from the point of intersection of two property lines at a street intersection.

#### 4.14.3 Loading Provisions

- a) When any new development occurs or when any existing use is changed, enlarged or increased in capacity, a minimum of one (1) off-street vehicular loading and unloading space shall be provided and maintained in accordance with the following provisions:
  - i. The minimum size for an off-street loading space shall be:
    - 1. For buildings with a gross floor area of 1400 square meters or less, a minimum area of 17 square metres and a minimum width of 3 metres; or
    - 2. For buildings with a gross floor area of more than 1400 square metres, a minimum area of 33.5 square metres, a minimum width of 3 metres and a minimum clear height of 4.25 metres.
  - ii. Loading spaces must be located either within or abutting the building containing the use.
  - iii. No loading spaces shall be provided within a minimum front yard.
  - iv. Loading spaces provided within the minimum side yard shall be open and uncovered.
  - v. Every off-street loading space and access shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where hard surfacing is provided or required, it shall be constructed of concrete, asphalt or a similar durable, dust-free material.

**4.15 GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL DISCRETIONARY USES IN THIS BYLAW**

4.15.1 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit subject to any development standards prescribed by Council which shall be based on the following and the *Act*:

- a) Sites shall be landscaped and fenced where necessary to screen the development from adjacent properties;
- b) Adequate on-site parking shall be provided and maintained;
- c) Parking, storage and other non-landscaped areas shall be suitably screened from adjacent properties and streets;
- d) Adequate receptacles for refuse and litter shall be supplied;
- e) Vehicle access points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards;
- f) The density, size, height and location of principal or accessory structures shall be regulated so as not to detract from the character and amenity of the neighbourhood;
- g) Council may attach special conditions to the Development Permit to regulate sound, light, glare, heat, dust, electrical interference, or other emission, and limit hours of operation, if required due to adjacent land uses.
- h) Hours of operation.
- i) Buffer strips shall be provided between incompatible or uses of land where hazardous substances that are a function or product of that use.

**4.16 ACCESS AND ROADS**

4.16.1 Council may require applicants and developers to pay for any or all costs associated with road construction and short-term maintenance where the cost is directly associated with the development or subdivision.

4.16.2 A development permit shall not be issued or a site to be created by subdivision shall not be permitted unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on a developed road, or unless satisfactory arrangements have been made with the Council for the improvement or building of a road.

4.16.3 For the purposes of this section "developed road" shall mean an existing graded All-Weather road on a registered right of way, or a road for which a signed servicing agreement has been made with Council to provide for the construction of the road on a registered right of way to a standard approved by Council.

4.16.4 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.

4.16.5 All site access from roads shall be to the satisfaction of Council with respect to location, design, and construction standards. Council shall take into account the physical capability and safety of the roads that are proposed to serve the development.

4.16.6 Development adjacent to a provincial highway shall meet all requirements of the Saskatchewan Ministry of Highways and Infrastructure.

- 4.16.7 When any development is approved on land adjacent to an unconstructed road allowance and access is required from the said road allowance, the owner/applicant shall be responsible for all costs related to the construction of the road to the standards set out by the Development Officer.
- 4.16.8 All approaches to public roads require the approval of the Municipality. All approaches shall be constructed in accordance with the engineering standards of the Municipality.
- 4.16.9 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.

#### **4.17 WORK CAMP**

- 4.17.1 Work camps accessory to and located on the same site as an industrial resource development shall be considered part of the industrial resource development and should be included in the development permit application for that use.
- 4.17.2 Work camps accessory to but not located on the same site as an industrial resource development will require its own development permit application.
- 4.17.3 All work camps not located on the same site as an industrial resource development shall be limited to the period of one year with the option for renewal.
- 4.17.4 Work camps shall have acceptable utilities (water, sewer, garbage disposal, etc) that meet provincial standards taking into account the number of occupants proposed to use the development.
- 4.17.5 The development must be accessed by roads and approaches that meet municipal standards.
- 4.17.6 Work camps shall consist of a residential use which may also include separate eating, laundry and recreational space.
- 4.17.7 All work camps shall be located within close proximity to provincial highways.
- 4.17.8 Work camps shall provide for onsite parking of vehicles. No parking of vehicles shall take place on municipal roads or approaches to public or private lands.
- 4.17.9 All work camp sites shall be reclaimed after the use is no longer needed. All structures shall be removed, and all waste shall be cleaned up.

#### **4.18 SITE SIZE ADJUSTMENTS**

- 4.18.1 In all zones, all minimum site size requirements shall be as stated, except that the site size of the remnant shall be deemed to be conforming in any of the following instances:
  - a) Where roads, railways, pipelines and other linear public utilities, including their widening, are subdivided or registered as easements; or
  - b) Where adjustments are required due to irregularities in the primary survey system.

#### **4.19 RESTORATION TO A SAFE CONDITION**

- 4.19.1 Nothing in this Bylaw shall prevent the structural improvement or restoration to a safe condition of any building or structure, provided that such structural improvement or

restoration shall not increase the height, area or volume so as to contravene the provisions of this Bylaw.

#### **4.20 DRAINAGE**

- 4.20.1 Every development shall be graded and leveled at the owner's expense to provide for adequate surface drainage that does not adversely affect adjacent property, or the stability of the land.
- 4.20.2 Adequate surface water drainage will be required throughout the municipality and on new development sites to avoid flooding, erosion and pollutions. Consideration shall be given to the ecological, wildlife habitat and drainage effects of development, including the upstream and downstream implications.
- 4.20.3 Where an area has been previously or exhibits potential for poor drainage (sloughs) due to snowmelt or prolonged rainfall events, all proposed building sites shall be located outside of those areas whenever possible. Otherwise, the proponent shall provide a suitable amount of fill at the building site to provide a satisfactory level of protection for the buildings.
- 4.20.4 Unauthorized drainage of surface water runoff from any land throughout the Municipality shall be prohibited. Water courses shall not be filled or altered without the prior approval of the Water Security Agency, Ministry of the Environment and the Municipality.
- 4.20.5 New developments and subdivisions which are adjacent to water courses shall be developed to minimize erosion and to maximize water quality.

#### **4.21 LANDSCAPE BUFFERS**

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

#### **4.22 FENCE AND HEDGE HEIGHTS**

- 4.22.1 Fences shall be exempt from the required yard setbacks of the Agricultural District.
- 4.22.2 Fences, Hedges and screening devices in the Highway Commercial & Industrial District shall:
  - a) Not exceed 1.2 metres (4 feet) in height if placed within a required front yard.
  - b) Not exceed 3 m (9.84 feet) in height within a required side or rear yard (except where required for screening).

4.22.3 On corner lots, that portion of a lot contiguous to a public road allowance shall be considered as a front yard area for the purpose of applying the regulations herein.

4.22.4 Screening devices shall not locate within a sight triangle as defined in this Bylaw.

#### **4.23 PROHIBITED AND NOXIOUS USES**

4.23.1 The keeping of livestock shall not be allowed except for permitted agricultural uses and where specifically addressed in the individual Zoning Districts.

4.23.2 Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.

4.23.3 Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:

- a) By the creation of noise or vibration;
- b) By the emission of light and glare;
- c) By reason of the emission of gas, fumes, smoke, dust or objectionable odour;
- d) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material;
- e) By any combination of things in this subsection.

4.23.4 The storage of chemicals, fertilizers and combustible materials are subject to the requirements of both the federal and provincial governments. All necessary approvals from other regulatory agencies must be obtained prior to issuance of a development permit.

#### **4.24 KEEPING OF DOMESTIC ANIMALS**

4.24.1 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.

#### **4.25 RAILWAYS**

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

4.25.2 Future residential developments shall take into consideration the Guidelines for New Development in Proximity to Railway Operations document.

4.25.3 Consultation with the railway may be required prior to issuing a permit for the proposed development or prior to proceeding with a subdivision. Consultation is needed in order to determine:

- a) The location of the site in relation to the rail corridor;
- b) The nature of the proposed development;
- c) The frequency, types, and speeds of trains travelling within the corridor;
- d) The potential for expansion of train traffic within the corridor;

- e) Any issues the railway may have with the new development or with specific uses proposed for the new development;
- f) The capacity for the site to accommodate standard mitigation measures;
- g) Any suggestions for alternate mitigation measures that may be appropriate for the site;
- h) Proposed stormwater management and drainage; and
- i) The specification to be applied to the project.

#### **4.26 DEVELOPMENT ALONG PIPELINES AND GAS TRANSMISSION LINES**

- 4.26.1 Any development involving pipeline and /or power line transmission rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial Regulations or Acts and any regulations or directives established by crown corporations. Refer to "Land Use Planning for Pipelines publication by Canadian Standards Association (CSA) PLUS663", which may be amended from time to time.
- 4.26.2 Setbacks from the edge of the pipeline easement shall be 12.0 metres except for where provision has been made in the previous bylaw or in consultation with the operator of the pipeline, a lesser separation may be allowed.
- 4.26.3 The National Energy Board has designated a setback area of 30 metres on either side of a pipeline in which, subject to exceptions for such things as normal agricultural activities, anyone proposing to conduct a ground disturbance/excavation, must:
- a) Ascertain whether a pipeline exists;
  - b) Notify the pipeline company of the nature and schedule of the excavation; and
  - c) Conduct the excavation in accordance with such regulations.

#### **4.27 COMMUNICATION TOWERS**

- 4.27.1 The erection of Cellular telephone transmission towers shall not be permitted in, or closer than 33 metres (110 feet) to any Country Residential.
- 4.27.2 Satellite dishes may be erected in Commercial/ Industrial District for communications purposes or re-broadcasting of television signals.

#### **4.28 SWIMMING POOL REGULATIONS**

- 4.28.1 All swimming pools and the appurtenances thereto shall be constructed and located so as to have a yard not less than 1.5 metres (5 feet) in width on all sides except where the pool is attached to or part of a principal structure. No swimming pool shall be located in a required front or side yard setback.
- 4.28.2 For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than 1.8 metres (6 feet) in height. Any openings in the enclosure affording access to the pool proper shall have a gate containing an automatic or manual locking device affixed in such a manner so as to exclude small children.
- 4.28.3 Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.

- 4.28.4 Any maintenance equipment including heating, filtering, disinfectant and re-circulation equipment shall not be located at any point within 1.5 metres (5 feet) from adjacent property lines and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties. No equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odours would be considered obnoxious or dangerous to the health and safety of the public.

#### **4.29 AIR QUALITY**

- 4.29.1 No development shall cause or create air contaminants, odorous matter, visible emissions, vapour and gases, particulate emissions, toxic or hazardous emissions or smoke, which would exceed federal, provincial or municipal requirements.

#### **4.30 CRITICAL WILDLIFE HABITAT MANAGEMENT**

- 4.30.1 Where development is proposed in an area identified as containing critical wildlife habitat the Development Officer may require the applicant provide additional information as required by *The Wildlife Habitat Protection Act* (WHPA) and any other relevant provincial regulations.
- 4.30.2 Critical wildlife conservation uses shall be permitted uses in all zoning districts. Council may prohibit development and recommend subdivision refusal where proposals may adversely affect long-term wildlife conservation.
- 4.30.3 Council may specify development and subdivision requirements based on reports from qualified consultants or officials from the provincial government.
- 4.30.4 All development and subdivision proposals on private and Crown Lands which are within a Wildlife Management Area shall conform to:
- a) The Wild Life Habitat Protection Act (WHPA) requirements;
  - b) Any related Ministry of Environment or responsible Federal or Provincial Agency or
  - c) Ministry provisions and requirements;
  - d) Council specified wildlife development, management, conservation, mitigative and rehabilitation development standards to maximize long-term wildlife protection.

#### **4.31 HERITAGE LANDS**

- 4.31.1 The Rural Municipality may consult with the Heritage Conservation Branch, Ministry of Parks, Culture and Sport, prior to issuing a development permit.
- 4.31.2 Where a proposed development is located in a heritage sensitive area, as identified on the Developmental Constraints Map in the Official Community Plan, the RM will require the developer to refer to the Heritage Conservation Branch, Ministry of Parks, Culture and Sport to determine if a heritage resource impact assessment (HRIA) is required pursuant to Section 63 of The Heritage Property Act. Such information shall be provided to the RM prior to issuing a development permit.

#### **4.32 GARDEN SUITES**

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

- 4.32.2 There is no secondary suite in the primary residence.
- 4.32.3 The Garden Suite dwelling unit is a temporary use and shall be permitted for a five-year term, which may be renewed at Council's discretion. The landowner shall enter into an agreement that the land shall not be considered for subdivision.
- 4.32.4 Except for infant children (up to two years of age) of a resident of the Garden Suite dwelling, there shall be no more than two residents.
- 4.32.5 The occupant(s) of the Garden Suite should be able to benefit from the informal care and support of relatives in the primary residence or provide care and support to family in the primary residence.
- 4.32.6 The floor area of the Garden Suite dwelling shall not be less than 35 m<sup>2</sup> (375 ft<sup>2</sup>) and not greater than 90 m<sup>2</sup> (1000 ft<sup>2</sup>). The Garden Suite may be a single width mobile home.
- 4.32.7 The Garden Suite shall not be located on a permanent foundation to allow the structure to be removed from the property when it is no longer required by a relative of the permanent resident.
- 4.32.8 The maximum height of the Garden Suite shall not exceed 5 metres (16.4 feet) from grade level and shall have only one story.
- 4.32.9 Garden Suite dwellings shall only be located on sites where the dwelling can be serviced by existing utilities and can be hooked up to the services of the host residence.
- 4.32.10 Residents of the Garden Suite must have access to the rear yard amenities.
- 4.32.11 The combined site coverage of the single detached dwelling and Garden Suite dwelling shall not exceed the maximum coverage permitted by this zoning bylaw, and the accessory dwelling shall be placed so that all other setback requirement of this zoning bylaw are met.
- 4.32.12 An attached garage of up to 768 square feet is permitted.
- 4.32.13 A parking space shall be provided on site for the resident(s) of the Garden Suite dwelling.
- 4.32.14 There shall be direct and separate access to the Garden Suite dwelling by an on-site driveway, or by public roadway or alley.

#### **4.33 SECONDARY SUITES**

A single Secondary Suite may be allowed in under the following conditions.

- 4.33.1 Secondary suites may be constructed within a principal, single detached dwelling, or over a residential garage on a residential site. Only one secondary suite is permitted on each residential site.
- 4.33.2 Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- 4.33.3 Secondary suites must contain cooking, eating, living, sleeping, and sanitary facilities.
- 4.33.4 Secondary suites may not exceed 60 m<sup>2</sup> or 35% of the total floor space, including basements, and may not have more than two bedrooms.

#### **4.34 SALVAGE YARDS (AUTO WRECKERS)**



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

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

#### **4.35 AUTOMOTIVE SERVICE USES AND GAS PUMPS**

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

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

#### **4.36 AGRICULTURAL TOURISM USES**

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

- 4.36.1 Agricultural tourism uses shall display a high visual quality and shall be integrated into the rural environment by virtue of appropriate design, location and landscaping. Agricultural tourism uses may only be approved where they would not:

- a) Unduly interfere with the amenities or change the character of the neighborhood;
- b) Materially interfere with or affect the use and enjoyment of adjacent properties;
- c) Adversely impact upon the environment; or
- d) Result in excessive demand on municipal services, utilities or public roadway access.

4.36.2 Agricultural tourism uses shall comply with all provincial environmental and health regulations.

#### **4.37 ANIMAL KENNELS**

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

- 4.37.1 The maximum number of animals not normally attributed to the host site to be kept onsite shall be at the discretion of Council.
- 4.37.2 No building or exterior exercise area(s), to be used to accommodate the animals shall be allowed within 300 metres (1000 feet) of any dwelling located on adjacent lots.
- 4.37.3 All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.
- 4.37.4 Pens, rooms, exercise runs and holding stalls shall be soundproofed to the satisfaction of Council.
- 4.37.5 All dog facilities shall be visually screened from existing dwellings on adjoining lots.
- 4.37.6 Details of animal wastes/sewage disposal shall be included in the application.
- 4.37.7 Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- 4.37.8 Animal kennels shall be subject to relevant Bylaws and legislation governing noise and public health.
- 4.37.9 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.
- 4.37.10 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.

#### **4.38 EQUESTRIAN FACILITIES (RIDING STABLES)**

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

- 4.38.1 The development permit shall set the maximum number of horses and cattle, if applicable, that may be kept on the site.
- 4.38.2 An animal is kept, for purposes of this section, when it is on the site overnight.

- 4.38.3 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.
- 4.38.4 The development permit shall set out conditions that address garbage and manure control, pasture management, on site stock trailer parking, participant and spectator parking.
- 4.38.5 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 Facility and supporting facilities.
- 4.38.6 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.
- 4.38.7 Details of water supply and sewage disposal shall be included with the application.
- 4.38.8 Council shall place any additional conditions for approval deemed necessary based upon a specific application.

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

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

- 4.39.1 Development and site maintenance shall be in accordance with provincial, environmental and health regulations.
- 4.39.2 Any solid waste disposal facility shall be located 457 metres (1500 feet.) from any residence.
- 4.39.3 A buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area.
- 4.39.4 Any solid or liquid waste disposal facility shall be fenced.
- 4.39.5 Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- 4.39.6 Solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road.
- 4.39.7 The development of any new disposal sites shall take into consideration direction of prevailing winds.
- 4.39.8 Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- 4.39.9 Where approval has been deemed appropriate, Council may consider the following requirements within a development permit:
  - a) Place a limitation on the years, months, weeks, days and/or hours of operation;

- b) Requirement to provide and maintain sufficient dust control to the satisfaction of the Municipality;
- c) Limitations to the height of the landfill development;
- d) Specific requirements related to any stripping, filling, excavation and grading associated with a landfill development; and
- e) Requiring development to adhere to any appropriate provincial health regulations.

#### **4.40 SEA AND RAIL CONTAINERS**

The following sea and rail container regulations must be met in all zoning districts:

- 4.40.1 Sea and rail containers must meet the setback distances for the Zoning District.
- 4.40.2 Sea and rail containers must be located in the rear yard of the site.
- 4.40.3 Sea and rail containers must not be on a permanent foundation.
- 4.40.4 The sea and rail containers must not be stacked one on top of the other.

#### **4.41 IRREGULAR/NON-RECTANGULAR LOTS OR SITES**

- 4.41.1 Irregular lots or sites are permitted at Council discretion in all Districts.
- 4.41.2 Where an irregular or non-rectangular lot is involved, the average width of the lot shall be considered as the value for calculating the minimum frontage requirement for a lot or the required frontage may be measured at the minimum front yard setback requirement of the same District.
- 4.41.3 Notwithstanding the provisions of clause (2) above, the Development Officer has the right to request the minimum required frontage to be met at the property line (not different than a rectangular lot) for those cases where future building or development of the proposed lot or site may be limited by a reduced frontage at the property line.

#### **4.42 WIND FARM ENERGY SYSTEMS**

- 4.42.1 A site plan that shows the location of the wind energy system(s) including roads, underground cabling, fencing, drainage and access shall be submitted as part of the development permit application.
- 4.42.2 When required by Council, as a condition of development approval, the Developer shall enter into an agreement with the municipality to ensure all roads and accesses are constructed to municipal standards.
- 4.42.3 The developer is required to consult with the adjacent properties within a 5 kilometre (3.11 mile) radius surrounding the proposal prior to the review of the development permit application.
- 4.42.4 Setback distances from a commercial wind energy tower to a residence shall be:
  - a) From any property line: 1.5 times tower/system height;
  - b) From on-site dwelling: 1.5 times tower/system height;
  - c) Setback distances may be decreased or increased, if deemed necessary through consultations and/or studies, by qualified professionals, provincial departments, provincial parks, environmental sensitive areas, wetlands, or other protected areas.

#### 4.42.5 Site Suitability

- a) The minimum site size for the allowance of any wind energy system shall be 2.0 hectares (5.08 acres).
- b) For residential applications, wind energy components and towers shall be erected in rear-yards only.
- c) The wind energy system shall not be located on environmentally sensitive lands.
- d) Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands.

#### 4.45.5 Other Specifications

- a) Development permit applications for wind energy systems shall be accompanied by a manufacturer's engineering certificate of structural safety or certification of structural safety from a Saskatchewan Professional Engineer.
- b) The proposed height of the wind energy system shall be included in the development permit application. Maximum total wind tower height or total system height shall be at the discretion of Council and will be based on the surrounding land uses.
- c) There shall be no sounds, light, glare, heat, dust, or other emissions that will, in Council's opinion, detract from the amenity of the area. Council may require the developer to take mitigating measures to ensure the development produces minimal disturbance to the surrounding lands.
- d) Landscaping shall be provided by the developer, where deemed necessary by Council, to maintain safety, protection, and the character of the surrounding area.
- e) No advertising shall appear on the tower or blades.
- f) Any changes to the original development permit shall require a new permit to be issued.

### **4.43 SMALL WIND ENERGY SYSTEMS**

4.43.1 Only one small wind energy system shall be permitted as an accessory use to the principal use, subject to the minimum site size requirement.

4.43.2 The minimum site size for the allowance of any small energy system shall be 2.0 hectares (5.08 acres).

4.43.3 Maximum total wind tower height or total system height shall be:

- a) 45 metres (147.64 feet) above grade level, in all other permitted zones.

4.43.4 Wind Tower Base and System Setbacks:

- a) From any property line: 1.5 times tower/system height
- b) From on-site dwelling: 1.5 times tower/system height
- c) From neighbouring dwellings: < 10 Kw - 100 metres (328.08 feet) > 10 Kw - 300 metres (984.25 feet)

4.43.5 For residential applications, wind energy components and towers shall be erected in rear yards only.

- 4.43.6 The bottom point of an operating rotor shall be above grade level to manufacturer's specification at minimum, but in no case nearer than 5 metres (16.25 feet) above grade level.
- 4.43.7 All wind energy systems and towers shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 metres (6 feet) and the design shall be included in the development permit application for Council's approval.
- 4.43.8 Development and building permit applications for a small wind energy system shall include either a manufacturer's engineering certificate of structural safety or certification of structural safety via a Saskatchewan Professional Engineer.
- 4.43.9 Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer.
- 4.43.10 Proof of an approved electrical permit has been obtained shall be provided to the municipality in regard to small wind energy systems.
- 4.43.11 The small wind energy system shall be finished in a non-reflective matte colour or to the satisfaction of Council.

#### **4.44 CANNABIS**

- 4.44.1 Cannabis facilities, retail stores and uses shall be prohibited unless explicitly identified and defined with reference to cannabis in this bylaw or permitted for personal medical use by the federal and provincial government.
- 4.44.2 Cannabis facilities and retail stores shall be prohibited in all districts and excluded from all other permitted or discretionary use categories including, but not limited to, field crops, gardens, greenhouses, retail stores, home based businesses, warehousing, manufacturing and processing operations.

#### **4.45 GRADING AND LEVELING OF LOTS**

- 4.45.1 Any lot proposed for development shall be graded and leveled at the owner's expense to provide adequate surface drainage which does not adversely affect adjacent property.

## 5 ZONING DISTRICTS

### 5.1 DISTRICTS

- 5.1.1 For the purpose of applying this Bylaw, the Municipality is divided into Zoning Districts.
- 5.1.2 All parts of the Municipality shall be designated as AR – Agricultural Residential District except those areas specifically designated on the detailed Zoning District Maps as another District, attached to and forming part of this bylaw.

### 5.2 BOUNDARIES

- 5.2.1 The boundaries of all Zoning Districts are shown on the map entitled, “Zoning District Map” which is attached to, and forms a part of this Bylaw. Unless otherwise shown on the Map, the boundaries of the Districts are site lines, center lines of streets, lanes, roads or such lines extended, and the boundaries of the Municipality. Unless otherwise shown on a Zoning Amendment Map, the Zoning District boundary, coincident with a parcel boundary, moves with a minor adjustment to that boundary.

### 5.3 REGULATIONS

- 5.3.1 Regulations for the Zoning Districts are outlined in the following Sections:

<b>AR – Agricultural District</b>
<b>HC – Highway Commercial &amp; Industrial District</b>

### 5.4 PROHIBITED USES AND REGULATIONS

- 5.4.1 Uses which are not included as a Permitted or Discretionary Use in this Bylaw and which do not qualify as a legal non-conforming use as defined in the Act and this Bylaw, shall be treated as prohibited uses.
- 5.4.2 Regulations for the Zoning Districts are outlined in the following Sections.

## **6 AR – AGRICULTURAL DISTRICT**

**INTENT:** To support the use of land in the RM of Gull Lake No. 139 for agricultural purposes and related activities. Subdivision of land shall only be permitted where the future use will be for one of the uses listed below.

### **6.1 PERMITTED USES**

- a) Field crops, pastures for the raising of domestic or exotic birds or livestock, beehives and honey extraction facilities, fish farming, and other similar uses customarily carried out in the field of general agriculture but excluding Intensive Livestock Operations (ILOs), poultry operations, feed lots, apiaries, hatcheries, market gardens, mushroom farms, tree and garden nurseries and greenhouses
- b) Residence (A maximum of two residences on a minimum site of one quarter section or equivalent (minimum 64.5 hectares (160 acres))
- c) Recreational uses and agriculture tourism including sports fields, golf courses, summer camps, parks, and other similar uses.
- d) Service utilities such as telecommunication towers
- e) Agricultural Related Commercial – including but not limited to: implement and machinery sales and service, small scale processing and sales of grain and seed
- f) Mineral Resource Exploration and related facilities
- g) Places of Worship, cemeteries, community halls, institutional uses and facilities
- h) Municipal Facilities
- i) Public or private utilities, excluding solid and liquid waste disposal sites

### **6.2 DISCRETIONARY USES**

- a) Sand and Gravel Operations
- b) Abattoirs
- c) Auction Marts
- d) Historical and Archaeological Sites
- e) Airport and private airstrips
- f) Work Camps
- g) Intensive livestock operations
- h) Non-agricultural residential buildings
- i) Storage and mixing of agricultural chemicals and fertilizers
- j) Mineral resource processing and related facilities including battery sites, pipelines and pumping facilities.
- k) Industrial landfills for processing of oil and gas field wastes and reclamation subject to any environmental standards council may establish in consultation with Sask. Environment and Resource Management.



- l) Commercial Greenhouses and Market Gardens and tree and garden nurseries
- m) Game farm and Controlled hunt farms
- n) Machine shops and metal fabricators
- o) Home Based Business
- p) Solid and liquid waste disposal facilities
- q) Trucking/hauling operations
- r) Vehicle Storage Yards
- s) Vacation Farms and Bed and Breakfast homes
- t) Kennels
- u) Wind Energy Facilities
- v) Secondary Suites and Garden Suites

## **6.2 ACCESSORY USES**

Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

## **6.3 DISTRICT REGULATIONS**

### **6.3.1 Subdivision**

- a) The subdivision of any land within the Agricultural District is subject to the policies contained in the Official Community Plan.
- b) One subdivision will be allowed per quarter section (2 separate titles per quarter section in total) within this district.
- c) Additional sites may be considered where the site to be added is physically separated from the remainder of the quarter section by a railway, a registered road plan containing a highway or developed road, or a river, lake or significant stream, the separated land may be subdivided from the quarter-section provided the separated site has direct access to a developed road.
- d) An agricultural holding may be subdivided or severed to provide a separate site for an existing residential building provided the following conditions are met:
  - i. The site to be subdivided or severed has an area of not less than 0.8 hectares (2 acres) and not more than 8 hectares (20 acres).
  - ii. The site shall not be located where, in the opinion of Council an all-weather access road would be prohibitively expensive to construct or maintain.

### 6.3.2 Site Requirements

#### a) Agricultural Uses

The minimum site area constituting an agricultural operation shall be 64.5 hectares or equivalent. Equivalent shall mean 64.5 ha 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.

#### b) Non-agricultural residential

- i. Minimum site size shall be 0.8 hectares (2 acres)
- ii. Maximum site size shall be 8 hectares (20 acres)

#### c) Agriculturally related commercial – Minimum 0.4 ha (1 acre)

#### d) Discretionary Uses:

- i. Minimum 0.8 ha (2 acres)
- ii. Maximum: as determined by demonstrated space needs necessary for a viable principle agricultural use

#### e) In the event of subdivision as permitted by this bylaw, the minimum remainder site area of a quarter section shall be 57 hectares (140 acres) unless otherwise permitted at the discretion of Council.

#### f) There shall be no minimum area required for recreational sites, places of worship, cemeteries, community halls, institutional uses and facilities, service utilities such as radio, television and microwave towers, wildlife and conservation management areas and historical and archaeological sites.

#### g) Any agricultural holding within the A-Agricultural District which does not conform with the minimum site requirements, as set out in the regulations of that district, shall be deemed to be conforming with regard to the 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.

### 6.3.3 Setback Requirements

#### a) The minimum setback for all buildings (including dwellings), from any road right of way shall be 60 metres (200 ft). (Note: A greater distance may be required by the Ministry of Highways near a provincial highway.)

#### b) A minimum setback of 91 metres (300ft) is required from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required (e.g. site triangle).

#### c) Except as may be allowed by Council under subsection (iv), no new dwelling shall be located within:

- i. the separation distance to an intensive livestock operation as regulated in Sections 6.3.7 unless the dwelling is owned by the ILO operator;
- ii. the separation distance to a solid or liquid waste disposal facility as regulated in Section 6.3.5

- iii. 305 metres (1000 ft) from a honey processing facility.
  - iv. Council may accept a lesser minimum separation distance to the above operations than required by clauses (i), (ii), and (iii), as a special standard in the issuing of a development permit, where the applicant submits a written agreement to Council between the land owner of the proposed dwelling and the owner of the operation relating to such lesser distance. Council will maintain a register of all such agreements and shall caveat such agreements against the relevant titles pursuant to Section 215 of the Act.
  - v. 305 metres (1000 ft) to a non-refrigerated anhydrous ammonia facility licensed by the Department of Corrections and Public Safety.
  - vi. 610 metres (2000 feet) to a refrigerated anhydrous ammonia facility licensed by the Department of Corrections and Public Safety.
- d) No dwelling or other building shall be located within the approach surface for any airport or airstrip.
  - e) All buildings and permanent structures shall be setback a minimum of 4 feet from the side, rear and front property lines.

#### 6.3.4 Workcamps

This criterion applies to those workcamps that are accessory to but not located on the same site as a resource-based use.

- a) The minimum setback for any building from any road shall be 30 metres (100 ft).
- b) In the event of conflict between the setback regulations or requirements of any future Overlay District and those this zone, the future overlay district requirements shall apply.
- c) The workcamp shall not be located in the 1:500 flood elevations.
- d) Reasonable year-round access to the site shall be available. If the road does not meet municipal standards Council may refuse the application or require the developer to upgrade the road to meet municipal standards.
- e) Council may require the developer to maintain a buffer from adjacent land uses.

#### 6.3.5 Solid or liquid waste disposal facilities

Development and maintenance of a solid or liquid waste disposal facility as a principal or accessory use shall be subject to the separations contained in Table 2 of this Bylaw, and to the following standards:

- a) A buffer strip containing trees, shrubs or a berm may be located surrounding a solid or liquid waste disposal facility to the specifications established by Council in the required Development Permit;
- b) Any solid or liquid waste disposal facility may be fenced to a standard as specified by Council.

- c) Development of a solid or liquid waste disposal facility shall also be subject to the following Table:

<b>Table 2 - Minimum Separation Distances between Solid and Liquid Waste Facilities and Land Uses</b>		
<b>Specific Use</b>	<b>Solid Waste Facility</b>	<b>Liquid Waste Facility</b>
Any single dwelling / residential land use / tourist accommodation	800 metres	457 metres
Residential subdivision, hamlet, or urban municipality, school or hospital	1600 metres	600metres
Any commercial or industrial use	300 metres	300 metres
<b>Notes</b> (1) Distances are measured between the fence, berm or edge of the Facility (as the case may be) and the nearest part of the other land use.		

#### 6.3.6 Commercial uses:

- a) Council may apply special standards as a condition of discretionary approval limiting the size of operation, buildings used for the operation, and number of non-resident employees.
- b) An increase in the area of land for a commercial use, or the number or size of buildings used for the commercial operation, shall require a development permit subject to discretionary approval by Council.
- c) Council may require special standards for the location, set back or screening of any area devoted to the outdoor storage of machinery, vehicles, or vehicular parts in conjunction with a commercial operation including any salvage or vehicle storage yard.

#### 6.3.7 Intensive livestock operations:

- a) All new or expanding intensive livestock operation shall comply with the policies set out in the Official Community Plan.
- b) Any operation involving the raising of animals shall be considered an ILO for the purpose of this bylaw if it:
  - i. requires a permit for an Intensive Livestock Operation under the *Agricultural Operations Act*; or
  - ii. will contain 100 or more animal units and
  - iii. provides less than 370 square metres (4000ft.) of space for each animal unit contained therein.
  - iv. is an expansion of an existing ILO which has been permitted by the appropriate provincial agency; or
  - v. involves the alteration of animal species in an existing ILO; or
  - vi. is a Game Farm or Controlled Hunt Farm which has been permitted by the Province.

- c) In considering whether a specific livestock operation should be considered as an ILO for the purposes of subsections (a)(i) or (ii), Council shall exempt existing or proposed operations from compliance as an ILO if Council determines that the operation involves only the temporary confinement of livestock during winter months as part of a mixed farming operation.
- d) Approval of an ILO shall be for a specific maximum number of animal units specified by council as a condition of the development permit. A new discretionary approval shall be required to expand the ILO, or to substantially alter the species of animals in the operation.
- e) Council shall require information from the ILO applicant regarding the type, frequency, and technology proposed for, and land location of manure disposal. If the applicant is proposing to spread manure rather than use alternate means of manure handling or disposal (e.g. earthen manure storage or direct injection), Council may add the following as conditions of the discretionary use:
  - i. Council may require that the applicant use only the specific areas of cropland or improved pasture which have been approved for manure disposal by the Province. Any subsequent change to the location of the manure disposal areas specified as a permit condition shall also require the prior approval of Council, and shall be added as a new condition to the original permit;
  - ii. Council may require that the manure which is being spread on the specific areas of cropland or improved pasture which have been approved for manure disposal by the Province, shall not be spread on frozen ground, and shall be incorporated into the soil within 24 hours of spreading, unless incorporation is prevented by adverse weather conditions, in which case incorporation shall take place as soon as practical.
- f) To minimize conflict between proposed intensive livestock operations and surrounding development or vice versa, the following separation distances shall be adhered to unless altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw.
- g) Where Council approves a lesser separation distance than given in Table 3, a written agreement between the ILO developer and any landowners or municipality agreeing to the lesser separation distance may be registered against the applicable parcel titles of both parties at the cost of the developer.
- h) Prior to granting a reduction, Council may consult with appropriate agencies and adjacent landowners.

**Table 3 - Minimum Separation Distances between ILOs and Land Uses**

Specific Use	Animal Units				
	100-299	300-499	500-2000	2000-5000	>5000
Any dwelling / residential land use	300 (450)	400 (600)	800 (1200)	1,200 (1,600)	1,600 (2,000)
Residential subdivision, hamlet, or urban municipality with <100 population, or tourist accommodation	400 (600)	800 (1,200)	1,200 (1,600)	1,600 (2,400)	2,000 (2,400)
Urban municipality with 100-500 population	800 (1,200)	1,200 (1,600)	1,600 (2,000)	2,400 (2,400)	2,400 (2,400)
Urban municipality with 501-5000 population, school, or hospital	1,200 (1,600)	1,600 (2,000)	2,400 (2,400)	3,200 (3,200)	3,200 (3,200)
Urban municipality with >5000 population	1,600 (2,000)	2,400 (2,400)	3,200 (3,200)	3,200 (3,200)	3,200 (3,200)
<b>Notes</b> (1) Distances are measured in meters between livestock facilities and building development. (2) Numbers in brackets apply where open liquid manure storage facilities are used or proposed. (3) Distances do not apply to residences associated with the operation.					

#### 6.3.8 Additional Information Requirements

- i) Council may require the proponent to obtain recommendations from appropriate agencies regarding water supply quality and quantity considerations, manure management plans, and other issues that council may require the proponent to address, for the purpose of ensuring public health and safety.
- j) The following are additional actions which Council may use in dealing with applications for new ILOs.
  - i. Council may require the applicant to pay for the public advertisement of a proposal that will result in an intensive livestock operation and for the cost of a public hearing or information session on the proposal.
  - ii. Council may require an applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
  - iii. Crop land or improved pasture may be used for the incorporation of wastes from an intensive livestock operation by spreading of manure, and such manure shall be incorporated into the soil
  - iv. within 24 hours of spreading, unless such incorporation is prevented by adverse weather conditions, in which case incorporation shall take place as soon as practical thereafter.
  - v. Council may require or allow an applicant to utilize manure injection into the soil or other technology rather than conventional stockpiling and spreading. Council may consult with the appropriate Provincial agency regarding the suitability of such technology.

- vi. Council may require that the ILO operator notify the RM whenever any change is proposed in location of the areas for manure application required by the Province or Council as part of an earlier approval issued to the operator by either approval party. Council may consult the Province regarding the suitability of such new area for the expected manure type and volume etc. No new area may be used for ILO manure application until a Discretionary Use Permit authorizing the change in use has been issued by Council.

#### 6.3.9 Sand and Gravel Operations

- a) All sand and gravel operations shall meet applicable municipal, provincial and federal requirements including but not limited to the RMs Bylaw to License the Excavation of Gravel from Gravel Pits and the Ministry of Environments Reclamation Guidelines for Sand and Gravel Operations and shall be subject to the policies set out in the Official Community Plan.
- b) An approval for a sand and gravel extraction development permit will be issued for a maximum of 5 years and may be renewed at the discretion of Council through the development permit process. Existing gravel pits that have been inactive for a period of more than 12 consecutive months will require a new development permit.
- c) Land use incompatibility, public safety, dust, noise, nuisance and pollution shall be minimized by considering appropriate routes, fencing, signage, buffers and screening.
- d) All operations shall have efficient servicing, haul routes and have a high consideration for public safety.
- e) Upon the request of Council, the developer shall undertake a mineral extraction study prior to development approval to determine specific development requirements and standards.
- f) Where a sand and gravel development is proposed within the vicinity of a water source, the development permit application should be accompanied by an appropriate hydrological study which outlines necessary mitigation measures.
- g) Where applicable, Council will specify development conditions in conjunction with recommendations from provincial agencies and reports from a qualified person regarding site development, services, modifications to application and location of operation and any other mitigation measures deemed necessary.
- h) Applicants will be required to provide:
  - i. a plan showing the location of the proposed area of operation, site boundaries, storage of extracted materials, the depth of excavation and the quantity of topsoil to be removed;
  - ii. a description of the excavation, disposal, and stripping or grading operation;
  - iii. a detailed timing and phasing of the project including the length of the proposed operation and hours of operation;
  - iv. a plan showing the final site conditions and post-development land use plan following the completion of the operation (reclamation plan) including the phasing of remediation (progressive restoration is expected while extraction is ongoing in other sections of the pit);

- v. a description of the measures to be taken for the prevention or mitigation of dust, noise, public safety, erosion and other effects to surrounding land uses and the public, during and after the operation;
  - vi. information that identifies the projected volumes of truck traffic on roads, the proposed road impacts (e.g. road deterioration), and the proposed measures to minimize negative (e.g. noise, dust, excessive speed) impacts on other road users and the public;
  - vii. method for storm water management/drainage control, and erosion and sediment control; and
  - viii. any other information that Council deems necessary.
- i) Council will specify conditions regarding cost recovery and cost-sharing of municipal road construction and maintenance expenses due to increased haulage by trucks carrying mineral resources. The applicant, operator or person that hauls the sand and gravel resources may be required by the RM to enter into a road maintenance agreement.
- j) No mining, excavation or stockpiling shall occur:
  - i. Within 805 metres (0.5 miles) from any dwelling, unless an agreement has been entered into with the owner of the dwelling consenting to a closer separation distance. If an agreement is entered into, Council will require that an interest protecting the parties to the agreement be registered against the lands, at the cost of the developer; Sand and Gravel Operations which are closer than 0.8km from a dwelling will not be considered within the A-Agricultural District.
  - ii. Within 15 metres (50 feet) from the limit of any road allowance or provincial highway;
  - iii. Within 805 metres (0.5 miles) from any recreational or heritage lands;
  - iv. Within 30 metres (100 feet) from any hazard lands.
- k) All gravel operations shall have direct access to a developed road.
- l) All development including any new excavation on existing gravel pits (prior to the adoption of this bylaw) shall be reclaimed to a land capability that is equivalent to its pre-developed state or to a condition which is satisfactory to the RM. These procedures shall be in accordance with all applicable provincial requirements. The restoration of the site shall commence immediately upon termination of the operation or two years from the date of issuance of the development permit should the permit not be renewed.
- m) In addition to the public notification requirement for discretionary uses contained in this Bylaw, Council shall require that details of the application be circulated to property owners adjacent to the proposed haul roads to obtain public input on the proposed site prior to development consideration.
- n) The applicant shall keep the site in a clean and tidy condition free from rubbish and non-aggregate debris.
- o) Approaches to the development shall be located away from existing residences.
- p) The applicant shall be responsible for providing a bond or other method of security/ financial guarantee, in a form acceptable to the RM, equal to the cost of reclamation of the



pit, to be held by the Municipality for the lifespan of the operation to ensure the land is reclaimed to a satisfactory condition. The bond or other acceptable security must be in place before development proceeds. Once the site has been satisfactorily restored, the bond or security will be discharged or returned to the applicant or their predecessor.

- q) Council may require an agreement be entered into with the developer to ensure the sand and gravel development complies with all relevant requirements of this Bylaw including any additional conditions of approval necessary to secure the objectives of this Bylaw.

#### 6.3.10 Keeping of Animals on residential sites in this District

- a) Two (2) Animal Units will be permitted on a site of at least 0.8 hectares (2 acres) in size, and 2 additional Animal Units will be permitted for each incremental increase of 2 hectares (5 acres) in the site size. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall these numbers exceed that equal to one Animal Unit as defined in this Bylaw.
- b) Animals shall not be pastured within 15 metres (50 ft) of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 metres (100 feet) of a property line or well for potable water.

## **7 HC- HIGHWAY COMMERCIAL & INDUSTRIAL**

**INTENT:** The purpose of this district is to accommodate the orderly development of commercial and industrial developments requiring medium to large lots in close proximity to the Provincial Highway.

### **7.1 PERMITTED USES**

- a) Agriculture Related Commercial Development
  - i. agricultural equipment dealers and service establishments
  - ii. agricultural seed, fuel, and chemical supply establishments
  - iii. grain elevator
  - iv. agricultural service and contracting establishments
- b) Motels and Hotels
- c) Service Stations, truck and bus terminals, including those with confectionary and carwash
- d) Establishments for the sale, storage and servicing of motor vehicles, trailers, marine vehicles, farm machinery and equipment
- e) Restaurants and other places for the sale and consumption of food and related items
- f) Storage facilities, warehousing, supply and distribution facilities
- g) Commercial nurseries and greenhouses, with or without retail sales
- h) Municipal facilities, and community centres
- i) Tourist information centres and services
- j) Hardware, home improvement and supplies retail outlets
- k) Light manufacturing industries conducted wholly within a building
- l) Shop and offices
- m) Residence: one dwelling unit for the operator of a commercial use where ancillary to that use and located on the same site.
- n) Public utilities, excluding solid and liquid waste disposal facilities.
- o) Uses and buildings customarily accessory and subordinate to the principal use on the site, not including a dwelling.

### **7.2 DISCRETIONARY USES**

- a) Abattoirs, skinning and tanning facilities, and stockyards
- b) Manufacturing
- c) Agricultural product processing, meat packing plant
- d) Auction marts and stockyards
- e) Welding, machine shops, and metal fabricating
- f) Veterinary clinics and hospitals

- g) Energy producing plants
- h) Asphalt or tar manufacturing and processing
- i) Cement or brick plant
- j) Storage Yards, warehousing, supply and distribution facilities
- k) Bulk sale of fuel, fertilizer and chemicals
- l) Feed mills, seed cleaning plants
- m) Grain terminals and elevators
- n) Salvage yards and auto wreckers
- o) Sand and gravel and natural resources storage yards
- p) Commercial recreation facilities
- q) Go karts, miniature golf course, water slides and similar uses
- r) Solid and liquid waste disposal facilities.

### 7.3 ACCESSORY USES

Buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted.

### 7.4 DISTRICT REGULATIONS

#### 7.4.1 Subdivision

- a) The subdivision of any land that does not meet the subdivision requirements within the Agricultural District will be required to be rezoned to this district and are subject to the policies contained in the Official Community Plan for Commercial and Business Development.
- b) All commercial subdivisions shall be located adjacent to an existing transportation corridor
- c) All commercial subdivisions shall be serviced to meet municipal standards.
- d) A buffer strip or landscaping may be required in all subdivisions to separate commercial uses and existing adjacent land uses.

#### 7.4.2 Site Requirements

- a) Lot Area

<b>Table 4: Minimum Lot Area</b>	
Hotels, motels, mini malls, , home improvements and supplies retail outlets	929 square meters (10,000 sq. ft)
Service Stations	700 square metres (7,534.98 sq. ft.)
Public Utilities and Municipal Facilities	no requirements
All other uses	464 square metres (4,994.6 sq. ft.)

## b) Lot Frontage:

<b>Table 5: Minimum Lot Frontage</b>	
Hotels, motels, mini malls, services stations, home improvements and supplies retail outlets	30 meters (98.43 ft.)
Public Utilities and Municipal Facilities	15 metres (49.21 ft.)
All other uses	no requirements

## 7.4.3 Setback Requirements

<b>Table 6: Minimum Setback Requirements</b>			
Use	Front Yard	Side Yard	Rear yard
Service Station	15 metres (49.21 ft.)	3 m (9.84 ft)	10% of the depth of the lot
All other uses	7.5 metres (24.61 ft.)	3 m (9.84 ft)	3 m (9.84 ft)
<b>Notes</b> <ol style="list-style-type: none"> <li>1) Any yard abutting a railway shall be determined in consultation with the rail line.</li> <li>2) Fuel pumps and other accessory equipment shall be located at least 6 m (20 ft) from any road or lot line.</li> <li>3) The yard requirements shall not apply to any public utility.</li> </ol>			

## 7.4.4 Specific Development Standards and Criteria for Discretionary Uses

## a) All Discretionary Commercial Uses

- i. All commercial uses shall be separated from a residence not occupied by the operator of the use, by a distance of at least 300 m unless the applicant can establish to the satisfaction of Council that the use will not emit noxious odours, dust, smoke, and noise limiting the enjoyment or use of the residence
- ii. All commercial uses must demonstrate adequate access and egress to the provincial or municipal road system.

## 7.4.5 Salvage Yards, Auto and Machinery Wrecking Yards

- a) Wrecked, partially dismantled or inoperative vehicle or machinery shall be stored or displayed will not be allowed in any required yard abutting a road
- b) Council may apply special standards as conditions of approval regarding screening, location of storage, location of vehicles on display, machinery and parts to avoid an unsightly premise
- c) The proximity and location of residential and tourist facility shall be considered in making this discretionary use decision.

#### 7.4.6 Recreational Uses

- a) Discretionary recreational uses shall be separated from a commercial use by a distance of at least 300 m unless the applicant can satisfy Council that the commercial use does not produce noxious odours, dust, smoke or noise limiting the enjoyment or use of the recreational area.
- b) The developer of a recreational use shall submit to Council as part of the development permit application a plan that described the details of the development which shall include a complete site plan.
- c) Solid and Liquid Waste Disposal Facilities
  - i. development and maintenance of a solid or liquid waste disposal facility shall be subject to Section 4.39.
  - ii. Council will consider existing and future land use patterns when determining the location of new solid and liquid waste disposal facilities.

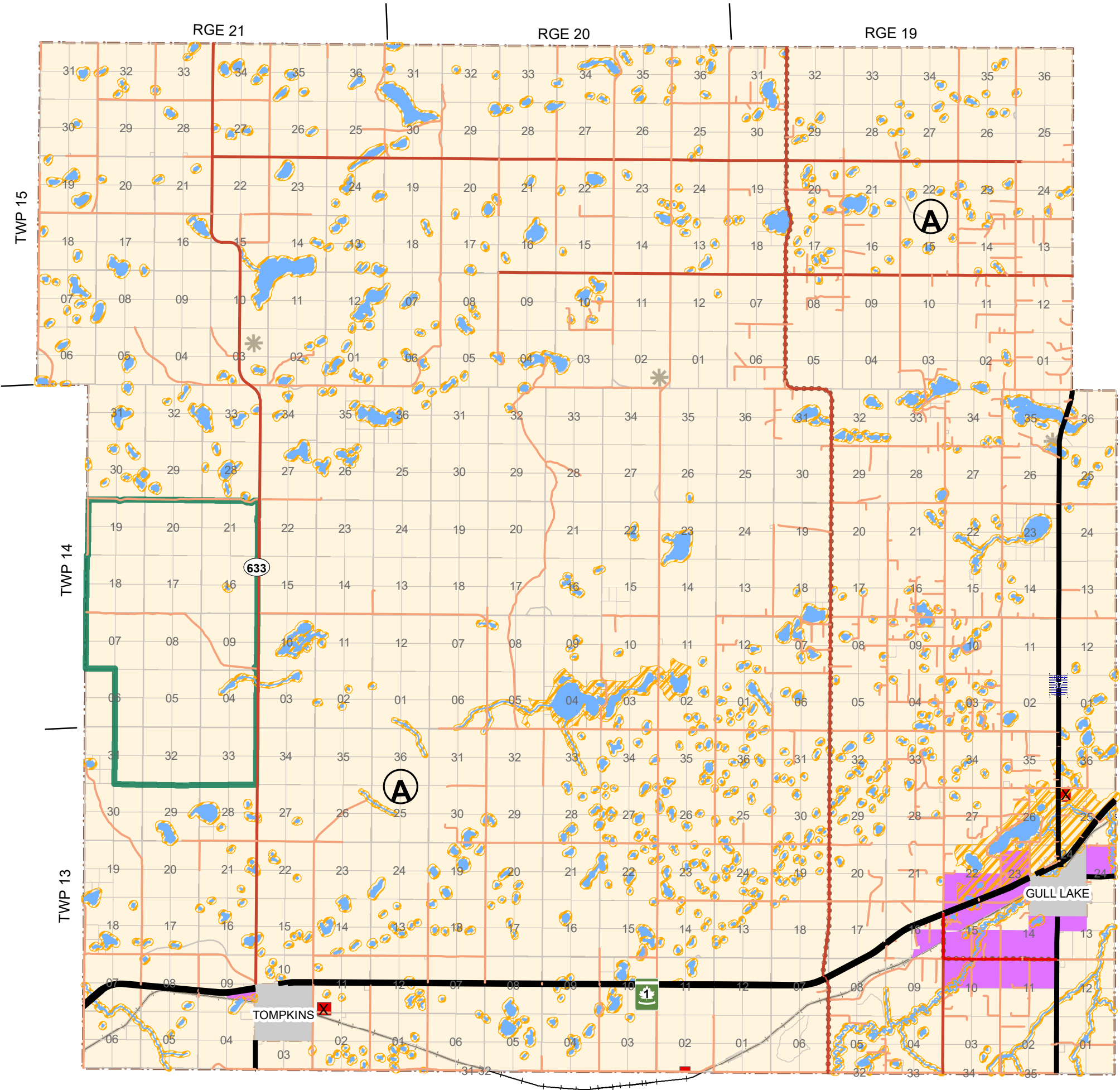
#### 7.4.7 Other Regulations

- a) All development is subject to all applicable regulations within Section 4-General Regulations

## **APPENDIX A - MAPS**

Rural Municipality of Gull Lake No. 139

Zoning District Map



Legend

Zoning Districts

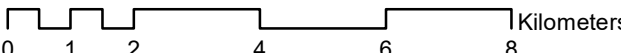
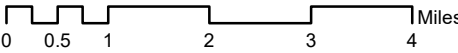
- Highway Commercial and Industrial District
- A-Agricultural District

- Screening for flood hazard potential
- Gull Lake Community Pasture
- RM of Gull Lake No. 139
- Clearing the Path Corridor
- Waterbody
- Watercourse
- Gravel Pit
- Solid Waste Management Site
- Highway
- Main Grid
- Secondary Road
- Urban Municipality

This is the Zoning District Map which accompanys Bylaw No. \_\_\_\_\_ adopted by the RM of Gull Lake No. 139

Reeve \_\_\_\_\_ Administer \_\_\_\_\_

SEAL



Source: Geospatial data from Information Services Corporation, Sask Surface Cadastral Dataset. Reproduced with the permission of Information Services Corporation.

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