



Rural Municipality of Kellross No. 247

Official Community Plan

Bylaw No. 2009-03

BYLAW NO. 2009-03

THE RURAL MUNICIPALITY OF KELLROSS NO. 247

LEROSS, SASKATCHEWAN

A Bylaw of the Rural Municipality of Kellross No. 247 to adopt an Official Community Plan.

Whereas the Council of the Rural Municipality of Kellross No. 247 has, by resolution, authorized the preparation of an Official Community Plan for the Municipality pursuant to *The Planning and Development Act, 2007*;

And Whereas *The Planning and Development Act, 2007* provides in Section 29 that Council may authorize the preparation of an Official Community Plan for the Municipality

And Whereas *The Planning and Development Act, 2007* provides that an Official Community Plan must be adopted by bylaw

And Whereas, Council of the Rural Municipality of Kellross No. 247 held a Public Hearing on **December 7th, 2009** in regards to the proposed bylaw, which was advertised in a weekly paper on _____ and _____ in accordance with the public participation requirements of *The Planning and Development Act, 2007*

Therefore, the Council of the Rural Municipality of Kellross No. 247 in the Province of Saskatchewan, in open meeting enacts as follows:

1. This Bylaw may be cited as the "The Rural Municipality of Kellross No. 247 Official Community Plan
2. "The Official Community Plan" of the Rural Municipality No. 247, is attached as Schedule A to and forms part of this Bylaw.
3. This Bylaw shall come into force on the date of final approval by the Minister.

Reeve

(Seal)

Administrator

First Reading: _____

Second Reading: December 7th, 2009

Read a Third Time and adopted
This 7th day of December , 20 ____.

Administrator

SCHEDULE A

Official Community Plan

Rural Municipality of Kellross No 247

Bylaw No.2009-03

2009

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This is Schedule A as attached to and forming part of Bylaw No. 2009-03, the Official Community Plan of the Rural Municipality of Kellross No. 247

RURAL MUNICIPALITY OF KELLROSS NO. 247

OFFICIAL COMMUNITY PLAN

1 INTRODUCTION

This Official Community Plan is adopted by the Rural Municipality of Kellross No. 247, in accordance with *The Planning and Development Act, 2007*, to provide a comprehensive policy framework to guide the physical, environmental, economic, social and cultural development in the incorporated area of the Rural Municipality. All development within the incorporated boundaries of the Rural Municipality shall conform to this Official Community Plan.

2 PLANNING CONTEXT

MUNICIPAL VISION

The Rural Municipality of Kellross No 247 values its rural character and believes it is important to sustain the natural resources and agricultural features of the land. Growth and expansion will be welcomed providing the proposal will be done in harmony with the existing development and will not cause undue hardship to the residents of the municipality.

The Rural Municipality of Kellross No 247 believes that land is a valuable resource. Land, along with all the resources within the municipality, must be managed, preserved, and developed efficiently and effectively through land use planning. Planning will provide for land use certainty and will guide future land use and physical development.

MUNICIPAL GOALS

This Official Community Plan is designed pursuant to The Planning and Development Act, 2007 which states, “the purpose of an Official Community Plan is to provide comprehensive policy framework to guide the physical, economic, environmental, social and cultural development of the municipality.” This Plan will provide municipal goals to direct development decisions and guide community aspirations.

The goals for the Rural Municipality of Kellross No. 247 are identified as follows:

- To preserve and enhance the agricultural economic base of the municipality.
- To enhance the rural way of life in the municipality and provide for new opportunities that support that way of life.
- To promote orderly and appropriate development of the land and of services to support that development.
- To support land uses that will maintain the productivity and the environmental quality for future generations.

AUTHORITY and MANDATE

Section 32 of The Planning and Development Act, 2007, provides that an Official Community Plan contains land use policies **that are consistent with** statements of provincial interest, with respect to:

- Sustainable current and future land use and development in the Municipality.
- Current and future economic development.
- The general provision of public works
- The management of lands that are subject to natural hazards, including flooding, slumping and slope instability
- The management of environmentally sensitive lands
- Source water protection
- The means of implementing the Official Community Plan.

3 GUIDING PRINCIPALS

The guiding principals for the creation of the plan are:

- The Rural Municipality of Kellross is committed to making sustainable development decisions that take into consideration the needs of the present and future community.
- The Rural Municipality of Kellross is committed to ensuring there is mutual respect between individuals, governments, agencies, municipalities and nature. There should be mutual benefits for all parties involved.
- Cooperation between individuals, governments, agencies, municipalities and different development areas will be encouraged which will provide for greater access to resources, economic, social and environmental opportunities, and overall growth and success across the region.
- The Rural Municipality of Kellross understands the effect development decisions can have on the cultural, natural, social and economic aspects of the community and is committed to balancing the interests of its community, region, and the Province when making development decisions.
- Consultations shall be made prior to making development decisions to ensure decisions are carefully derived and all factors have been taken into consideration
- Innovation and implementation of technological advances will be carefully considered as they may provide opportunities for successful developments in the area.

4 BACKGROUND

The Rural Municipality of Kellross No. 247 is located in the east central part of the province and was incorporated on December 13th, 1909 after intensive settlement of the Rural Municipality of Kellross No. 247 took place during 1905 and 1906. In 1908 the Canadian National Railway was brought to the area. The railway construction started in Leross and before the end of 1908 the rail was extended west of Lestock just south of the present town sites of Kelliher, Leross, and Lestock. Settlers came from three main areas of the world, mainly Ontario, Central Europe and the British Isles.

Prior to the municipal incorporation, the area was contained in a Local Improvement District which had a local organization. Ranching was practiced in the district before the influx of settlers took place. Once the settlers came to the area, the area changed; this was done by the breaking of the prairies and by the construction of many rural roads to serve the people of the municipality.

The grid road system was instituted by the provincial government in 1959, followed by a Farm Access Road System. These two programs were carried out by the municipality and all weather roads in excess of 136 miles have been provided in the area. There is also a super grid constructed that runs south and north of Lestock.

The Rural Municipality of Kellross No 247 continues to be agricultural in nature with very little development deviating away from the agricultural foundation. The large farming community has provided the municipality with many farming related activities and land uses. The majority of the lands remain in ¼ section parcels with very few subdivisions.

5 AGRICULTURAL USE AND DEVELOPMENT – OBJECTIVES AND POLICIES

5.1 Discussion

Agriculture will continue to have a predominant role in the economy of the municipality. Development in the municipality has been almost exclusively related to agriculture, with an emphasis on dryland crop farming and non-intensive mixed farming. Most land in the municipality is suited to these forms of agriculture.

Protection of agricultural activities and resources is the principal concern of the municipality. Council recognizes that a trend to more diverse forms of farm operation, including intensive livestock operation (ILOs), is occurring within the municipality and adjacent municipalities. Provisions are required to encourage such developments while ensuring that land use conflicts are minimized.

Services related to agriculture, which are not provided in the region's urban service centers, are encouraged as ancillary uses to farming operations. Council supports this form of economic diversification in the municipality.

5.2 Objectives

- 5.2.1 To promote continued agricultural activity and to ensure that agriculture remains the primary land use in the municipality, conserving high quality agricultural land for continuing productive agricultural use.
- 5.2.2 To protect agricultural land uses from negative impacts of non-agricultural land use and development.
- 5.2.3 Where appropriate, to provide for intensive forms of agriculture, including intensive livestock operations, and to recognize differing forms of land division patterns that intensive agriculture may create.
- 5.2.4 To support intensive agricultural uses in a manner that does not create conflicts with neighboring uses, jeopardize reasonable development potentials or create significant environmental concerns.

5.3 Policies for General Agricultural Development

- 5.3.1 The primary agricultural uses include grain farming, mixed grain/livestock operations, farmsteads, intensive livestock agricultural uses, and farm based agricultural related commercial developments, or home based businesses.
- 5.3.2 The development and operation of farms of a quarter section or more for field crop, pasture and non-intensive livestock operations will not be restricted. Non residential accessory buildings and structures for agricultural purposes on agricultural properties will not require development permits.
- 5.3.3 Intensive agricultural operations and intensive livestock operations will be considered discretionary uses in accordance with the policies specific to such uses.
- 5.3.4 Council will support the development of intensive agricultural and livestock operations unless specific locational conflicts would be created by such operations.

5.4 Policies for Intensive Livestock Operation Development

- 5.4.1 In general, Council supports diversification and intensification of agricultural opportunities, including the development of intensive livestock operations.
- 5.4.2 In order to manage the development of intensive livestock operations and surrounding land use interest, Council will consider applications for development of an intensive livestock operation and apply the location criteria, development standards, and review procedures established within the Zoning Bylaw.
- 5.4.3 Council may require an applicant to demonstrate rightful access to a water supply that sufficiently meets the needs of the proposed operation and to show that the water supply for neighboring developments will not be adversely affected by the proposed operation.

5.5 Policies for Intensive Agricultural Operation Development

- 5.5.1 As a basis for approval, Council shall require a proponent of intensive agricultural operations, such as nurseries and market gardens, to submit **information that demonstrates the need** for the proposed operation.
- 5.5.2 Council may require an applicant to demonstrate rightful access to a water supply that sufficiently meets the needs of the proposed operation and to show that the water supply for neighboring developments will not be adversely affected by the proposed operation.

6 RESIDENTIAL DEVELOPMENT – OBJECTIVES AND POLICIES

6.1 Discussion

Most land in the municipality remains in parcels of land that are comprised of quarter sections without subdivisions, except as may be necessary for road widening. Council wishes to maintain this pattern of land division, but recognizes that there are circumstances where some subdivision of land may be necessary and desirable. Council wishes to avoid a scattered pattern of smallholding development that may be relatively costly and difficult to provide with services.

A farmstead on the home quarter that serves as the base for an agricultural operation is a major form of residential development in the municipality. This type of residence will be permitted, without significant constraint, as it is essential to a farm operation. Council also supports the subdivision of farmsteads from the remnant of the quarter section to provide for a residential use.

The subdivision of agricultural quarter sections will not be encouraged except as is necessary in special circumstances which will be at the discretion of Council. Where the need for rural residences can be demonstrated, Council may consider up to three parcels in a quarter section which could contain a residential use (for example a maximum of two small acreage sites and a farmstead). The subdivision application review process can be used in such cases to ensure appropriate review and control. Section 5.3 of the Rural Municipality of Kellross No. 247 Zoning Bylaw specifies the Site Regulations for lands within the Agricultural District.

In many municipalities, particularly around larger urban centers, there has been a demand for small acreages sites for residences of people who commute to urban jobs. If such sites are scattered throughout the municipality, located on poor access routes, or improperly located near urban centers or on hazard lands, problems can arise for a municipality. Such residential development commonly needs access to roads that are constructed and serviced at high standards to ensure access to the urban areas throughout the year. Scattered residences may restrict options for agricultural operations through lack of compatibility and have impacts on municipal road maintenance.

Council wishes to ensure that any multi-parcel residential development would not place particular demands on municipal services. Where a proposal or application is made that would result in there being more than three residences per agricultural quarter section, Council will use the rezoning process in such cases to ensure appropriate review and control. Section 6.3 of the Rural Municipality of Kellross No. 247 Zoning Bylaw specifies the Site Regulations for lands within the Residential District. Section 6.4 of this Plan specifies the policies for Multi-Parcel Residential Subdivisions.

6.2 Objectives

- 6.2.1 To control scattered non-farm residential development or residential development that would be difficult to provide with necessary services.
- 6.2.2 To provide criteria for the consideration of multi-parcel residential development.
- 6.2.3 To ensure that any residential use can be served by a road of a sufficient standard to provide the needed level of access to the site.
- 6.2.4 To provide for residential development in agricultural areas as is necessary to support the primary agricultural function of the municipality.

6.3 General Policies for Agricultural Residential Development

For the purposes of this document, policies for residential development shall apply to all residential development as a principal use, including agricultural and residential development.

- 6.3.1 Farmsteads, and other residential developments, which are ancillary to an operating agricultural use, will be permitted uses on a quarter section as per the regulations set out in the Zoning Bylaw.
- 6.3.2 In any area of the municipality designated to an Agricultural District, there shall be a maximum of 3 titled sites within any quarter section (as registered on a township plan) that may contain a farmstead or a residence.
- 6.3.3 The minimum size of any site in an Agricultural District and containing a farmstead or dwelling unit will be 4.04 hectares (10 acres) with at least 2 acres of **contiguous developable land**.
- 6.3.4 Where land is physically separated from the remainder of the parcel by a railway, a registered road plan containing a highway or developed road, or a river, lake or significant stream, the land may be subdivided from the parcel and Council may approve a farmstead site in addition to the 3 sites provided for under this section. Such approval shall be subject to any requirement for location on a developed road.
- 6.3.5 The required separation distances from a residence for locating of an intensive livestock operation, an anhydrous ammonia facility, a waste disposal facility, rendering facility, or other form of development, shall also apply to the locating of a residence near those forms of development.

6.4 Policies for Multi-Parcel Residential Development

- 6.4.1 Council may consider the subdivision and development of more than three sites containing residential uses in a quarter section by the process of rezoning to a Residential District. Significant multi parcel residential development will only be considered subject to the following criteria:
 - a) The site of the subdivision takes direct access from a highway or a primary grid or other all weather road, and has a sufficient proven water supply.
 - b) The development complies with the environmental policy on hazard lands.
 - c) If more than 16 sites are proposed, Council may require a Concept Plan for the project and also require the project to be developed in stages to ensure that the proposal is not premature and may limit the area of rezoning at one time.
 - d) The developer shall sign a servicing agreement to provide all required services at their own cost and responsibility or as negotiated with the rural municipality as per *The Planning and Development Act, 2007*.
- 6.4.2 Where a minimum separation distance is required for the development of a residential use, a residential development shall observe the same standard. Council may refuse a rezoning or a discretionary use approval for a residential development, where, in its opinion, a greater separation may be required for a future expansion of an existing intensive livestock operation, or for a proposed operation.

7 HAMLET DEVELOPMENT – OBJECTIVES AND POLICIES

7.1 Discussion

Currently there are no hamlets within the municipal boundaries of the Rural Municipality of Kellross No. 247. However, this plan provides objectives and policies for any future hamlet development that may occur. The Rural Municipality of Kellross understands that there may be future opportunities for the expansion of residential growth in the formation of hamlet development. If multi-parcel residential development occurs, the Rural Municipality of Kellross encourages it to develop in clustered form to promote efficiency of providing services.

7.2 Objectives

- 7.2.1 To provide for the development of future hamlets where services exist or will be enhanced.
- 7.2.2 To encourage residential development that promotes energy efficiency, sustainability, diverse land use, and is appropriately located to ensure effective and economical infrastructure.
- 7.2.3 To provide for appropriate services in future hamlets through Servicing Agreements.
- 7.2.4 To support appropriate commercial and tourism developments within hamlets.
- 7.2.5 To ensure that appropriate amounts of dedicated land or cash in lieu are received to meet the recreational needs of future hamlets.

7.3 Policies

- 7.3.1 Hamlet land use districts will only be applied within an identified hamlet boundary.
- 7.3.2 Future hamlet expansions should not be greater than that required to accommodate a proposed subdivision or development.
- 7.3.3 Council may require a landowner to prepare a concept plan in support of a rezoning or subdivision application within or adjacent to a hamlet.
- 7.3.4 Council will support the adaptive re-use and restoration of Municipal Heritage Properties, and to provide for their development as local tourism attractions or their redevelopment as residential or commercial venues.
- 7.3.5 Recreation, commercial and tourism developments will be considered in locations that maintain some separation between these uses and residential properties and where access to these developments avoids residential properties.

8 BUSINESS DEVELOPMENT – OBJECTIVES AND POLICIES

8.1 Discussion

Council encourages agricultural based services, commercial and industrial opportunities to locate within the rural municipality. It is recognized that some farm operators seek income diversification through home based businesses additional to farming.

Council also supports the development of vacation farms, bed-and-breakfast homes, and other forms of tourist services. Council wishes to provide for most forms of farm site based businesses that have accessibility to appropriate services.

Council recognizes the significant importance of resource based activities and will encourage such opportunities where they will not conflict with adjacent land uses and have accessibility to appropriate services.

8.2 Objectives

- 8.2.1 To encourage agriculturally related business development ancillary to farmstead operations.
- 8.2.2 To provide for other business development opportunities including agribusiness, home based businesses, tourism related activities and natural resource extraction activities.
- 8.2.3 To ensure that business development occurs in a manner which minimizes negative impacts on other land uses, adjacent lands and the environment.

8.3 Policies

- 8.3.1 The Zoning Bylaw will provide for home based businesses as a use ancillary, secondary and subordinate to a residential or farmstead use and will be subject to the criteria established in the Zoning Bylaw.
- 8.3.2 The Zoning Bylaw will provide for other commercial agricultural developments.
- 8.3.3 Tourist developments, in the form of bed-and-breakfast operations ancillary to a residence or vacation farms ancillary to a farmstead and operating agricultural uses, will be provided for at the discretion of Council.
- 8.3.4 Sand and gravel operations will be a discretionary use in the appropriate districts. Council may require, as a condition of approval, that the developer submit a plan for staging of extraction and reclamation. Council may attach as a special standard, requirements for compliance with the staging and reclamation plan, including slope stabilization and re-vegetation of complete areas. A revision of the plan or the addition of other operations such as rock crushing, concrete mixing, or asphalt preparation operations shall require a new discretionary use approval.
- 8.3.5 Any individual and commercial uses provided for in the Zoning Bylaw, which are not specifically related to agriculture, will be discretionary uses in the Agricultural District. Where such uses may be visually disruptive, Council may require screening or special locations on the site as a condition of approval.
- 8.3.6 Railway associated uses accessory to a railway operation, or a petroleum or water pipeline and associated pumping or compressor stations, will be considered transportation facilities and permitted. Such uses shall avoid conflict with farmsteads and residential developments.

9 ROADS, SERVICES, UTILITIES, COMMUNITY FACILITIES – OBJECTIVES AND POLICIES

9.1 Discussion

The primary interest of the municipality is to ensure the proper provision and maintenance of roads to provide access suitable for agricultural operations. Encouraging development where roads and services exist will reduce additional demands on the municipal road network, thereby reducing potential costs to the ratepayers.

In most cases, recreational facilities serving the rural community are located in areas within or adjacent to urban centers near the municipality. The rural municipality may choose to participate with the urban centers in the provision of recreational facilities that serve their ratepayers.

9.2 Objectives

- 9.2.1 To provide for roads, utilities, parks and other services at a standard appropriate to the area, and to ensure that development will supplement the cost of those services.
- 9.2.2 To provide for necessary waste disposal and utility services in or near the municipality, and for other utility and transportation facilities, while protecting the interests of the municipality.
- 9.2.3 To provide for recreational facilities to be used by the community.

9.3 Policies

- 9.3.1 All residential, commercial, intensive agricultural development shall require access to a developed road.
- 9.3.2 Where pipelines, utility lines or other transportation facilities cross municipal roads, the municipality may apply special standards for their construction that are necessary to protect the municipal interest.
- 9.3.3 Solid or liquid waste disposal facilities shall be located in conformity with applicable minimum separation distances established within the Zoning Bylaw for the applicable land use. The above shall not apply to any facility solely for the disposal of domestic wastes of a development located on the same site.
- 9.3.4 Where a subdivision of land will require the installation or improvement of municipal services, such as roads, or streets, utilities or sewage disposal facilities, the developer will be required to enter into a servicing agreement with the municipality pursuant to *The Planning and Development Act, 2007* to cover the costs of the installation or improvements. The municipality may consider sharing in the costs of a service where the proposed service is of wider benefit to the municipality.
- 9.3.5 Where no subdivision is involved and a development requires the installation or upgrading of roads, sewage, water or drainage works, Council may require the developer to enter into a development levy agreement pursuant to the RM of Kellross Development Levy Bylaw.
- 9.3.6 Where dedication of land for municipal reserve is required for a subdivision, Council may consider the dedication of municipal reserve for land with a reasonable expectation for recreational development opportunities ~~or land having environmental constraints~~ **otherwise money in lieu of land will be considered.**
- 9.3.7 **Where the land to be subdivided has environmental constraints, Council may consider the dedication of land for environmental reserve.**

- 9.3.8 Cash-in-lieu or deferral for dedication may be considered for single parcel development.
- 9.3.9 Council may consider using dedicated lands account funds for municipal reserves development either within the municipality or in urban areas where the development will serve the residents of the rural municipality.

10 ENVIRONMENTAL MANAGEMENT – OBJECTIVES AND POLICIES

10.1 Discussion

While there are Provincial Departments that work to achieve environmental quality and water management, Council recognizes its roles and responsibilities in environmental planning within the framework of *The Planning and Development Act, 2007* and other statutes.

10.2 Objectives

- 10.2.1 To encourage developmental practices that can be sustained by the environment without significant pollution, nuisance, or damage to the environmental resources.
- 10.2.2 To protect areas of critical habitat and heritage resources.
- 10.2.3 To protect critical water supply resources, including both ground and surface water resources.
- 10.2.4 To protect hazard lands and lands that are subject to flooding.

10.3 Policies

- 10.3.1 Council will support practices and developments that conserve soil, improve soil quality, conserve moisture, and protect water supplies. Council may deny a permit to any development that may significantly deteriorate the land resources for agriculture, or deplete or pollute water sources.
- 10.3.2 Council will work with agencies of the provincial government to protect any significant heritage resources, critical wildlife habitat, or rare or endangered species. Where significant potential has been identified to Council, Council may delay development until such time as the requirements of the relevant provincial agencies to protect such resources have been obtained.
- 10.3.3 Where a development or a subdivision is proposed on lands that Council considers hazard land, the applicant shall submit a professional report on the proposed development. The report shall assess the geotechnical suitability of the site, susceptibility to flooding, or other environmental hazards, together with any required mitigation measures. These measures may be attached as a condition for a development permit approval.
- 10.3.4 There shall be no development within the 1:500 year flood area or on slopes without Council's approval. However, Council may consider recommendations and mitigating measures as outlined in a report prepared by a professional and submitted by the applicant prior to the approval of such development.

11 IMPLEMENTATION

11.1 Zoning Bylaw

The Zoning Bylaw will be the principal method of implementing the objectives and policies contained in this Official Community Plan.

11.2 Content and Objectives

The Zoning Bylaw will implement the land use policies contained in this Official Community Plan by prescribing and establishing Zoning districts. Initially the Zoning Bylaw will contain 4 districts as follows:

1) AGRICULTURAL DISTRICT

The objective of this district is to provide for the primary use of land in the form of agricultural development and associated farmsteads. Other uses compatible with agricultural development are provided for to support a farm way of life. Location dependent natural resource development is also provided for. Fragmentation of agricultural land in this district generally will be avoided.

The municipality will be zoned to this district except where circumstances require a special purpose district.

2) RESIDENTIAL DISTRICT

The objective of this district is to provide for the subdivision and development of multi parcel residential use. Areas with existing multi parcel residences will be zoned residential, other properties will only be designed to this district by the rezoning process, upon submission of a specific proposal that is satisfactory to Council and meets the criteria of the Official Community Plan.

3) COMMERCIAL DISTRICT

The objective of this district is to provide for specific areas and standards for intensive business, commercial and industrial development. Properties will be designed to this district by the rezoning process, upon submission of a specific proposal that is satisfactory to council and meets the criteria of the Official Community Plan. The Commercial District is intended to encourage business development opportunities along transportation corridors.

4) HAMLET DISTRICT

The objective of this district is to provide for dense development of residential and associated commercial development which does not directly support agriculture. Organized hamlets with commercial and residential opportunities will be zoned as Hamlet District.

11.2.1 Additional District Classifications

Council may consider adding other zoning districts to carry out the objectives of this Plan, or to provide for a greater density of development than initially considered in this Plan.

11.3 OTHER IMPLEMENTATION TOOLS

11.3.1 Regional Co-operation

- 1) Council will work with neighboring rural and/or urban municipalities to develop joint service programs where such arrangements will be of benefit to the municipality and community.
- 2) Council will consider the provision of recreational facilities on a community basis with the other governments for the community that the facilities are intended to serve.
- 3) Council will work with the province and with Aboriginal peoples, including Muskowkewan First Nations. Cooperation between governments, municipalities and First Nations in land use planning and development will benefit all parties.

11.3.2 Provincial Land Use Policies/Interests

- 1) This Plan shall be administered and implemented in conformity with applicable Provincial land use policies or interest, statutes and regulations and in co-operation with provincial agencies.
- 2) Council will review this Plan and the Zoning Bylaw for consistency with a new Provincial land use policies or interests adopted pursuant to *The Planning and Development Act, 2007*
- 3) Wherever feasible and in the municipal interest, Council will avoid duplication of Regulation of activity and development governed by appropriate provincial agency controls.

11.3.3 Administration

- 1) This Plan is binding on Council and all development in the municipality.
- 2) The definitions as contained in the Zoning Bylaw shall apply to this Plan.
- 3) If any part of this Plan is declared to be invalid for any reason, by an authority of competent jurisdiction, that decision shall not affect the validity of the bylaw as a whole, or any other part, section or prevision of this Plan.