

**BYLAW NO. 2009-02**

**THE RURAL MUNICIPALITY OF KELLROSS NO. 247**

**LEROSS, SASKATCHEWAN**

**A Bylaw of the Rural Municipality of Kellross No. 247 to adopt a Zoning Bylaw.**

**Whereas** the Council of the Rural Municipality of Kellross No. 247 has, by resolution, authorized the preparation of a Zoning Bylaw for the Municipality pursuant to *The Planning and Development Act, 2007*;

**And Whereas** *The Planning and Development Act, 2007* provides in Section 46 that Council may authorize the preparation of a Zoning Bylaw for the Municipality in conjunction with the adoption of an Official Community Plan.

**And Whereas** *The Planning and Development Act, 2007* provides that a Zoning Bylaw shall be adopted by bylaw

**And Whereas**, Council of the Rural Municipality of Kellross No. 247 held a Public Hearing on December 7<sup>th</sup>, 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 Zoning Bylaw
2. The Zoning Bylaw 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 7<sup>th</sup>, 2009

Read a Third Time and adopted  
This 7<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
Administrator



Schedule A

# Zoning Bylaw

**Rural Municipality of Kellross No 247**

**Bylaw No. 2009-02**

**2009**

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## Table of Contents

Section	Regulation	Page
<b>1.0</b>	<b>Introduction</b>	7
<b>2.0</b>	<b>Administration</b>	
2.1	Authority	8
2.2	Application for Development Permit	8
2.3	Application Requirements	8
2.4	Development Permit Exemption	8
2.5	Application Review and Decision	8
2.6	Referral to Public Health District	9
2.7	Building Permit	10
2.8	Development Appeals Board	10
2.9	Amendment of Zoning Bylaw	10
2.10	Fees	11
2.11	Offences and Penalties	11
2.12	Agreements and Development Levies	11
2.13	Development Standard Conditions	11
<b>2.14</b>	<b>General Discretionary Use Criteria</b>	<b>12</b>
<b>3.0</b>	<b>Regulations</b>	13
3.1	Licenses, Permits and Compliance with Other Bylaws	13
3.2	Access	13
3.3	Building to be Moved	13
3.4	Waste Disposal	13
3.5	Water Supply	13
3.6	Storage of Hazardous Substances	13
3.7	Additional Dwelling Units	13
3.8	Non-Conforming Buildings, Uses and Sites	13
3.9	Sign and Billboard Regulations	14
3.10	Public Utilities	14
3.11	Environmental Development Considerations	15
3.12	Natural Resource Development	15
3.13	Oil and Gas Resource	16
3.14	Home Based Business	16
3.15	Bed and Breakfast and Vacation Farms	17
3.16	Campgrounds	17
3.17	Intensive Livestock Operations	18
3.18	Storage of Vehicles	18
3.19	Keeping of Animals	20
3.20	Junk, Salvage and Auto Wrecking Yards	21
3.21	Apiaries and Aquaculture	21
3.22	Tower	21
3.23	Kennel	21
3.24	Recreational Facilities	22
3.25	Work Camps	22
3.26	Industrial Commercial Uses	22
3.27	Setback Requirements	22
3.28	Accessory Buildings	23
3.29	Wind Farms	24
<b>4.0</b>	<b>Zoning Districts A</b>	25
<b>5.0</b>	<b>A – Agricultural District</b>	26

<b>6.0</b>	<b>R – Residential District</b>	<b>28</b>
<b>7.0</b>	<b>C – Commercial District</b>	<b>29</b>
<b>8.0</b>	<b>H – Hamlet District</b>	<b>30</b>
<b>9.0</b>	<b>Definitions</b>	<b>31</b>
	<b>Map</b>	<b>37</b>

# **1 INTRODUCTION**

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## **1.1 Title**

This Bylaw shall be know as the "Zoning Bylaw" of the Rural Municipality of Kellross No. 247.

## **1.2 Authority**

Pursuant to Section 46 of the Planning and Development Act, 2007, the Council of the Rural Municipality of Kellross No. 247 hereby adopts Zoning Bylaw No.2009-02

## **1.3 Scope**

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

## **1.4 Purpose**

This is a Bylaw to control the use and development of the land in the municipality.

## **1.5 Bylaw Interpretation**

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

## **1.6 Severability**

If any part of this Bylaw, including anything shown on the zoning district map, is declared to be invalid for any reason, by an authority of competent jurisdiction, that decision shall not affect the validity of the Bylaw as a whole, or any other part, section or provision of this Bylaw.

## **2 ADMINISTRATION**

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### **2.1 Authority**

The Rural Municipal Council of the RM of Kellross shall administer this Bylaw. The Council shall direct the Rural Municipal Administrator to be the Development Officer responsible for the issuance of development permits.

The Development Officer shall receive, record and review Development Permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision referrals, discretionary uses, development permit conditions and development and servicing agreements.

### **2.2 Application for a Development Permit**

Every person, before commencing any development within the municipality, shall complete an application for a Development Permit and receive a Development Permit unless exempt from the requirement as per Section 2.4.

### **2.3 Application Requirements**

Unless otherwise specified in this Bylaw, every application for Development Permit shall meet the requirements set in the RM of Kellross Official Community Plan.

Completed Development Permit applications shall include:

- dimensions of the parcel
- parcel size
- location of all existing development
- location of proposed development
- setback measurements from road
- building elevations
- access location
- grading or earthworks required for development
- appropriate fees and securities

### **2.4 Development Permit Exemption**

The following developments shall be exempt from Development Permit requirements but shall conform to all other Bylaw requirements, including the requirements for obtaining a building permit, where necessary:

- 2.4.1 Farm buildings and structures that are accessory to a permitted agricultural operation (this does not include the residence or discretionary agricultural uses such as intensive livestock operations).
- 2.4.2 Field cropping
- 2.4.3 Pastures for raising livestock (this does not include those associated with intensive livestock operations).
- 2.4.4 Municipal facilities and public utilities.
- 2.4.5 Any operation for the purpose of inspecting, repairing, or renewing municipal facilities and public utilities
- 2.4.6 Agricultural or residential fences, gates and walls including those made of wire, wood, concrete, and other materials as approved by Council.



- 2.4.7 On parcels containing a residential dwelling, the storage of up to 3 trailer coaches.
- 2.4.8 Landscaping
- 2.4.9 Minor structures ancillary to the residential use of the parcel; such as furnaces, barbecues, bird feeders, lawn sculptures, etc.
- 2.4.10 Personal recreational facilities such as tennis courts and swimming pools
- 2.4.11 Seasonal or holiday decorations
- 2.4.12 Building maintenance
- 2.4.13 Television or communication towers under 50 feet in height
- 2.4.14 Sidewalks, steps, driveways, decks and patios ancillary to the residential use of the property.
- 2.4.15 The parking of vehicles in accordance with the regulations in this Bylaw.

## **2.5 Application Review and Decision**

An application may be referred to other agencies to obtain comments or recommendations and to assist in determining proposal conformity with the Official Community Plan and this Bylaw.

### **2.5.1 Referrals to Council**

The Development Officer may submit an application to Council for a decision on the interpretation of the bylaw, or upon special conditions provided for in the bylaw, and shall inform the applicant of this action.

### **2.5.2 Permitted Uses**

Applications for Permitted Uses shall be made to the Development Officer. Application requirements are set out in Section 2.3 of this Bylaw.

If the proposal conforms to the provisions of this Bylaw, the Development Officer shall issue a Development Permit subject to any development standards, special regulations, or performance standards that may be required. Such permits shall be effective for one year from the date of its issuance.

The Development Officer shall notify the applicant of the decision, with or without conditions. If the proposal does not conform to the provisions of this Bylaw, the Development Permit shall be refused and the reasons for refusal shall be stated.

### **2.5.3 Discretionary Uses**

Applications for Discretionary Uses shall be made to the Development Officer. Application requirements are set out in Section 2.3 of this Bylaw.

The Development Officer shall advertise the discretionary use application at least seven days before the application is to be considered by council. The notice shall be provided to:

- The assessed owners of the property within 75 metres of the boundary with the applicant's land through a letter from the RM describing the proposed development; and
- Advertised in the local newspaper.

The Development Officer shall prepare a report for Councils review and consideration. Council shall make a decision, with or without conditions, on the Development Permit proposal based on the provisions of this Bylaw and from comments received from referrals. The decision shall be made by resolution and such permits shall be effective for one year from the date of its issuance.

The Development Officer shall notify the applicant of Councils decision. If the proposal is refused, the reason for the refusal shall be stated and the applicant shall be notified of their right to appeal.

A new permit is required where Council has previously approved a discretionary use, or a specific discretionary intensity of use, if the use or intensity changes.

#### 2.5.4 Conditions

Approval of the development permit may be subject to conditions specified in this Bylaw or the Official Community Plan.

#### 2.5.5 Prohibited Uses

If the proposal is neither a permitted nor a discretionary use within the Zoning District, the Development Officer shall issue a refusal.

#### 2.5.6 Right of Appeal

An affected person may appeal a decision issued by the municipality in accordance with the provisions of The Planning and Development Act, 2007.

### 2.6 Referrals

The Development Officer or Council may refer the development permit application to any internal or external agency or department for review or comment. A decision on the development permit application may be delayed, pending a response from the referral.

A copy of all approved Development Permit applications, involving the installation of water and sanitary services, shall be sent to the local office of the Public Health District.

### 2.7 Building Permit

A building permit, when required, shall not be issued unless a Development Permit, when required, has been issued.

### 2.8 Development Appeals Board

2.8.1 Council shall appoint a Development Appeals Board in conformity with the provisions of the Planning and Development Act, 2007 within 90 days from the date of this Bylaw coming into effect.

2.8.2 An appellant shall make the appeal within thirty (30) days of issuing the Development Permit decision.

2.8.3 In making an appeal to the Development Appeals Board, and hearing such appeal, the provisions of the Planning and Development Act, 2007, shall apply.

2.8.4 In determining a decision on the appeal, the Development Appeals Board is bound by the Planning and Development Act, 2007.

## **2.9 Amendment of Zoning Bylaw**

- 2.9.1 Council may amend this Bylaw at any time, upon its own initiative or upon request, provided that the amendments are in keeping with the intent of the Official Community Plan.
- 2.9.2 Council shall require applicants requesting an amendment to this Bylaw, to submit fees as per the Rural Municipalities fees bylaw which will include all or part of the cost associated with public advertisement of the applicant.

## **2.10 Fees**

Payment and fees for all matters pertaining to development shall be as per the RM of Kellross fees bylaw.

## **2.11 Offences and Penalties**

The Development Officer may enforce this Bylaw, pursuant to Section 242 of The Planning and Development Act, 2007. This includes issuing a stop work order for work that contravenes the provisions of this Bylaw in order to achieve compliance.

Any person who violates this Bylaw is guilty of an offence and liable, on summary conviction, to penalties and subject to an order as stated in Section 243 of The Planning and Development Act, 2007.

## **2.12 Agreements and Development Levies**

Council may require the applicant to enter into an agreement to ensure conformity with the Official Community Plan and Zoning Bylaw and/or establish a development levy bylaw to ensure adequate funding for off-site infrastructure development as set out in the *Planning and Development Act, 2007*.

- 2.12.1 Where a development proposal involves subdivisions, Council may require the applicant to enter into a servicing agreement to ensure appropriate servicing pursuant *The Planning and Development Act, 2007*.
- 2.12.2 Council may require the applicant to post and maintain a performance bond, irrevocable letter of credit, or similar legal mechanism to ensure performance and to protect the public interest.
- 2.12.3 Council may require the applicant to provide and maintain liability insurance to protect the municipality, applicant, and public.
- 2.12.4 Council may require that development and servicing agreements and other documents be registered on the title of the affected lands.

## **2.13 Development Standard Conditions**

To achieve conformity with the requirements of the Official Community Plan and Zoning Bylaw, Council may establish and incorporate the following development standards for permitted and discretionary uses, subdivisions or discretionary forms of development with the development permits:

- 2.13.1 Mitigating measures identified to address any potentially inappropriate environmental conditions which may be created or compounded by the development.
- 2.13.2 Landscaping, buffering and screening to enhance the site and create a sensitive interface between differing land uses.

- 2.13.3 Building sizes, shapes and layouts on sites to reflect the character of the adjacent land uses and structures.
- 2.13.4 Servicing agreements pursuant to *The Planning and Development Act, 2007*.
- 2.13.5 Conservation, mitigative and rehabilitation measures to maintain and enhance wildlife habitats, heritage and archaeological area and previously developed areas such as well sites.
- 2.13.6 Sufficient amenities (recreational, aesthetics, services) to address the needs of the individuals utilizing the development.

#### **2.14 General Discretionary Use Criteria**

Council shall apply the following criteria in making a discretionary use decision in all zoning districts:

- 2.14.1 The proposed development shall meet the requirements of the zoning bylaw, including area, frontage, setbacks, standards and access.
- 2.14.2 No new or expanded discretionary uses shall be located in the 1:500 flood elevations.
- 2.14.3 Unless otherwise noted in this Bylaw, the proposed discretionary use shall be located farther than 1600 m from an intensive livestock operation, waste disposal facility or sewage lagoon; cemeteries, signs and waste disposal facilities are exempt from this criterion.
- 2.14.4 The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- 2.14.5 Reasonable year round access to the site shall be available.
- 2.14.5 Any proposed commercial development or commercial agricultural development must have access to a provincial highway within 3 miles of driving distance, unless the development is tied to the particular location by a natural resource or rail infrastructure.
- 2.14.6 Other requirements of this bylaw specific to the proposed use shall be met.

### **3 Regulations**

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

#### **3.1 Licenses, Permits and Compliance with Other Bylaws**

Nothing in this Bylaw shall exempt any person from complying with the requirements of 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.

Where the provisions in this Bylaw conflict with those of any other municipal, provincial or federal requirement, the higher or more stringent standards shall prevail.

#### **3.2 Access**

Development, including a residence or a farmstead, shall not be permitted unless legal and physical access is available from a developed road. A developed road is defined as an existing paved or graded all-weather road on a registered right of way. However, Council may consider a development proposal if the applicant has made arrangements with Council to provide for legal and physical access by constructing of a developed road to a standard approved by Council at the developers own cost.

A site to be created by subdivision shall not be permitted unless the proposed parcel(s) and the remnant parcel has legal and physical access available from a developed road or the developer has entered into a Servicing Agreement with Council to provide for legal and physical access by constructing a developed road to a standard approved by Council.

#### **3.3 Building to be Moved**

No building shall be moved within or into the municipality without first obtaining a Development Permit from the Development Officer. The building being moved must be either a permitted or discretionary use within the specific zone.

#### **3.4 Waste Disposal**

No development or use of land which requires sewage disposal, manure disposal or landfill facilities shall be permitted unless those facilities are approved by the appropriate departments of the provincial government. Disposal of liquid, solid or gaseous waste shall be governed by applicable provincial Acts.

#### **3.5 Water Supply**

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 Saskatchewan Health and/or the Saskatchewan Water Corporation.

#### **3.6 Storage of Hazardous substances**

The storage of chemicals, fertilizers and combustible materials are subject to provincial and federal requirements for hazardous substances. All necessary provincial requirements and permits must be met and obtained prior to the municipality considering the development in any zone.

#### **3.7 Additional Dwelling Units**

Lands within the A – Agricultural District that contains 80 acres or more may have:

- A residence for the operator of the agricultural use
- Additional residences for employees or partners of the agricultural operation to a maximum of three in total.

No more than one residence shall be permitted on parcels within the Residential, Commercial or Hamlet District.

### **3.8 Non-Conforming Building Uses and Sites**

- 3.8.1 The provisions of the Planning and Development Act, 2007 shall apply to all non-conforming buildings, uses and sites.
- 3.8.2 A non-conforming use must not:
- a) Increase in intensity, area or volume within a building or on the parcel it occupies
  - b) Relocate within a building
  - c) Move to any other location in a building
  - d) Move to another portion of the parcel on which the use is situated
- 3.8.3 Structural alterations or additions may only be made where the use is conforming
- 3.8.4 Repairs, maintenance or installations that do not alter the size of the building, structural supporting elements or use may be permitted.
- 3.8.5 If the non-conforming building is damaged to the extent of 75% or more of the construction cost to replace the building above its foundation, the building is not to be repaired or rebuilt except in accordance with this Bylaw.
- 3.8.6 The use of land or the use of a building is not affected by a change or intended change of ownership, tenancy or occupancy of the land or building.

### **3.9 Sign and Billboard Regulations**

- 3.9.1 All signs must conform to any requirements of Saskatchewan Highways and Infrastructure and meet the provisions of the Signing Corridor administered by the Village of Kelliher.
- 3.9.2 All signs must comply with the applicable Provincial regulations governing construction and erection of signs.
- 3.9.3 All signs must be maintained in a neat and professional manner.
- 3.9.4 All associated costs and liabilities resulting from sign fabrication and placement shall be the responsibility of the sign owner.
- 3.9.5 Signs shall not be accompanied by lights that are considered distracting to the public.
- 3.9.6 Signs shall not interfere with site lines of a road intersection or railway crossing.
- 3.9.7 Temporary event signs will not be allowed for more than 21 calendar days prior to the event, and must be removed no later than three days after the event is completed.
- 3.9.8 The following signs will not require a permit from the municipality provided they meet the above noted requirements and are located in an area deemed appropriate by Council:
- a) Government or public utility sign
  - b) Real Estate Signs
  - c) Directional Signs
  - d) Civic Address Signs
  - e) Memorial Signs

- f) Construction Signs
- g) Agricultural Related Signs

3.9.9 There shall be a maximum of 2 commercial/industrial signs located on one parcel.

### **3.10 Public Utilities**

Public utilities shall be permitted in every zoning district, unless otherwise specified by this Bylaw, no minimum site area or yard requirements shall apply. Notwithstanding the forgoing, the municipality may require site specific development standards for the utility to ensure environmental and municipal concerns are addressed.

### **3.11 Environmental Development Considerations**

A Development Permit shall not be issued for development of a site or a road located on land that, in the opinion of Council, is environmentally sensitive land and not suitable for development.

#### **3.11.1 Hazard Lands**

Where conditions such as geological factors, flooding, erosion, ice action, and slumping, etc exist, Council may require the applicant to pay for a geotechnical or hydrological inspection of the site by a qualified professional consultant prior to considering the application. Development in the flood plain or within the 1 in 500 flood level or below the elevation recommended by the Saskatchewan Watershed Authority may not be permitted.

#### **3.11.2 Heritage and Archaeological Resource**

Council will work with provincial government agencies, in particular the Heritage Resources Branch of the Ministry of Tourism, Parks, Culture and Sport to ensure the protection of significant heritage resources. Where the potential for impacting heritage sites exists, Council will refer proposed land developments to the Heritage Resource Branch to determine if a heritage resource impacts assessment study or other action is required.

- a) Council may defer issuing a permit for any development until such time as all the heritage resource impact assessment and mitigation requirements have been satisfactorily met.
- b) There are currently two identified historical sites identified in the RM of Kellross.
  - Site 1: St. Joseph's Cemetery  
Pt. NE 22-26-15-W2M
  - Site 2: Ukrainian Catholic Parish of Nativity of Blessed Virgin Mary  
SW 6-26-13-W2M
- c) Development proposals on land identified with potential heritage or archaeological resource shall only be permitted subject to resource protection, pursuant to *The Heritage Act*.
- d) Council may require the applicant to undertake a study of the heritage resource.
- e) Council may prohibit development and recommend subdivision refusal where proposals may adversely affect the heritage or archaeological resource unless :

- i. the applicant can demonstrate that conservation measures will be taken to ensure heritage and archaeological areas and wildlife and waterfowl habitats are maintained and enhanced to the satisfaction of Council, and:
- ii. the applicant can demonstrate that mitigative and rehabilitation measures will be taken to ensure site reclamation and enhancement of oil, water, and gas well sites or other extractive or servicing industry sites, to the satisfaction of Council

### 3.11.3 Wildlife Resource

Development proposals within wildlife habitat areas shall ensure conservation of the wildlife resource and will be referred to the appropriate agencies for review and comments.

## 3.12 Natural Resource Development

- 3.12.1 Natural Resource development, including sand and gravel resource development, shall meet provincial requirements and guidelines
- 3.12.2 All development shall take into account environmental conditions and other site conditions. The applicant shall take into consideration the conservation of topsoil, trees, shrubbery, watercourses, and environmentally significant areas.
- 3.12.3 If the applicant is not the landowner, the applicant is required to obtain written consent from the landowner and provide the municipality with a copy of this consent.
- 3.12.4 Development Permit applications for sand and gravel resources shall be accompanied by:
  - a) reclamation plans
  - b) legal land description
  - c) scope of the operation
  - d) current use of the lands
  - e) proposed access and hauling activities (route, hours of hauling, number of trucks, etc)
- 3.12.5 The hours of operation shall be to the satisfaction of Council.
- 3.12.6 The applicant shall be required to provide sufficient dust control measures on the haul route and at the extraction site.
- 3.12.7 The applicant shall be required to enter into a road haul maintenance agreement with the municipality, to the satisfaction of Council.
- 3.12.7 The extraction site shall be reclaimed to achieve an appropriate and productive use after the site is no longer required for extraction purposes. Depending on the area, this normally consists of some combination of the following: smoothing and contouring slopes, replacing overburden and topsoil and re-vegetating.

## 3.13 Oil and Gas Resource

- 3.13.1 Exploration and Development of oil and gas shall be subject to all federal and provincial requirements, and such activity in and around the municipality must comply with the objectives and policies outlined in the Official Community Plan.
- 3.13.2 Oil exploration and any other development proposals in the municipality may be subject to prior review of a project proposal by Saskatchewan Environment. Any proposal which satisfies any of the criteria of a development in the *Environmental Assessment Act* will be required to undergo an Environmental Impact Assessment and to obtain Ministerial Approval



to proceed. An Environmental Protection Plan may be required for any project not requiring an Environmental Impact Assessment.

### **3.14 Home Based Business**

A Home Based Business will be subject to the following conditions:

- 3.14.1 The use shall be valid only for the period of time the property is occupied by the applicant.
- 3.14.2 No variation in the residential character and appearance of the dwelling unit, accessory buildings, or land shall be permitted. The home based businesses shall clearly be used ancillary to the use of a farmstead as an agricultural operation or the dwelling unit.
- 3.14.3 Advertising signs may be limited in size and number and shall form part of the application and approval.
- 3.14.4 The use shall not generate substantially more vehicular and/or pedestrian traffic and vehicular parking than normal within the district.
- 3.14.5 No offensive noise, vibration, electrical interference, smoke, dust, odors, heat or glare shall be produced by the use.
- 3.14.6 The use shall not cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc) such that the combined total consumption for a residence and its home based business substantially exceeds the average for residences in the area.
- 3.14.7 No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home based business is located.
- 3.14.8 The use should not involve the permanent display or storage of goods or equipment upon or inside the premises such that these items are exposed to public view from the exterior.
- 3.14.9 All permits issued for a home based business shall be subject to the condition that the permit is renewed annually.
- 3.14.10 All 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
- 3.14.11 Council may, by resolution, declare certain uses to be undesirable as home based businesses.

### **3.15 Bed-and-breakfast and Vacation Farms**

- 3.15.1 Vacation farms shall be ancillary to agricultural farm operations and located on the same site as a farmstead, and may include bed and breakfast and cabins.
- 3.15.2 Council may specify the maximum number of cabins permitted as part of a vacation farm operation.
- 3.15.3 On-site signs shall be permitted in accordance with Section 3.9. Off site signs not exceeding 0.5 sq. m (5 sq. ft) may be permitted at the discretion of Council where necessary to provide directions from a highway to the operation.
- 3.15.4 Vacation farms and bed-and-breakfast operations shall be licensed pursuant to *The Public Health Act*, where tourist accommodations require health approval.

- 3.15.5 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.

### **3.16 Campgrounds**

- 3.16.1 The operator of a campground shall provide the Development Officer with a plan of the campground identifying:
- a) All buildings
  - b) Uses of land
  - c) Location of all roadways
  - d) Campsites with dimensions
  - e) The addition or rearrangement of campsites
  - f) The construction or moving of buildings
  - g) The filling or clearing of land
  - h) Areas of garbage disposal
- 3.16.2 A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 m. The buffer area shall not contain buildings.
- 3.16.3 Campsites shall not be located within a roadway or required buffer area.
- 3.16.4 Each campsite shall have direct and convenient access to a developed roadway, which is not located in the required buffer area.
- 3.16.5 Each trailer coach shall be located at least 4.5 m from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- 3.16.6 The space provided for roadways within a campground shall be at least 7.5 m in width.
- 3.16.7 A campground may include, as an ancillary use, a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one residence for the accommodation of the operator.
- 3.16.8 *The Public Health Act*, and the Regulations passed there under, shall be complied with in respect to all operations and development of the campground.
- 3.16.9 Should water and waste collection services be provided, the services shall meet the requirements of the appropriate provincial agencies.

### **3.17 Intensive Livestock Operations**

- 3.17.1 The operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such number that the facility and portion of a site used for the operation will contain 100 or more animal units, and provides less than 370 sq. m (4,000 sq.ft) of space for each animal unit contained therein.
- 3.17.2 Livestock confined for the purposes of branding, sorting, health management and market purposes, for not more than 30 days, is not considered an Intensive Livestock Operation (ILO).
- 3.17.3 Council is governed by the location criteria contained in the Official Community Plan and this Bylaw respecting the approval for an ILO in the issuing of a permit for any use involving the transshipment, housing or confinement of livestock.

3.17.4 Council will consider the development of ILO's if the location of the development does not create major conflicts between land uses and all provincial guidelines and regulations are met.

3.17.5 In order to minimize conflicts between intensive livestock operations and surrounding development, Council will consider the following criteria:

- a) The minimum separation distances in Table 1 (shown in metres) shall be applied to determine acceptable locations for new and expanding ILO.'s.

Table 1

Specific Use	Animal Units				
	100-299	300-499	500-2000	2000-5000	>5000
Residence, tourist accommodation, or campground	300m	400m	800m	1200m	1600m
Multi-parcel residential subdivision, hamlet, urban municipality <100 population	400m	800m	1200m	1600m	2000m
Urban municipality 100-500 population	800m	1200m	1600m	2400m	2400m
Urban municipality 501-5000	1200m	1600m	2400m	3200m	3200m
Urban municipality >5000	1600m	2400m	3200m	3200m	3200m

- b) Where an existing ILO is proposing an expansion, a development permit is required.
- c) The applicant shall demonstrate to the satisfaction of Council that the water supply is sufficient for the development and the supply for neighboring developments will not be adversely affected by the proposed operation. All water runs shall be protected from pollution. Council, at its discretion, may require a soils and water test to be conducted by a qualified professional to confirm that the site can accommodate the proposal.
- d) A greater separation may be needed from any liquid manure storage lagoon involved in the operation to residential and other developments. Disposal of manure shall be as per provincial regulations and at Council's discretion.
- e) The criterion on a separation distance to the lagoon from a residence of 1.5 times the distance in Table 1 will be considered adequate.
- f) Council may consider lesser separation distances than given in Table 1 where:
  - i) Written notice approved by Council has been given to the owner of a residence within the distance provided in Table1, and to the hamlet board or Council of urban municipality with the specified distance.
  - ii) A public hearing has been held.

- iii) There is sufficient water supply.
- iv) The developer of a proposed ILO has entered into an agreement with the owner of a residence and the municipality, consenting to the proposed development up to a specified size, as a condition of approval where the separation distances are less than the criteria of Table 1. The agreement shall include the identification of land used for manure spreading and that a caveat to protect the interest of the parties to the agreement be registered against the residential, ILO, and land spread sites.
- g) As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made and may impose standards to reduce the potential for conflict with neighboring uses which specify the location of holding areas, buildings or manure storage facilities on site.
- h) As a condition of approval, Council may specify crop land or improved pasture which may be used for the disposal of wastes from the ILO by spreading of manure, and such manure shall be incorporated into the soil 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.
- i) Development of any temporary facility and part of a site shall also require a development permit as a discretionary use if it meets the definition of an ILO.
- j) A new discretionary approval will be required if the applicant wants to expand the intensity of an intensive livestock operation, alter the species of animals and/or type of manure to be spread.
- k) Residential, tourist accommodation, campground Hamlet, Village or Town development shall not be located within the Location Separation Criteria of Table 1 for Intensive Livestock Operations unless Council deems a lesser distance is acceptable pursuant to the foregoing criteria.
- l) Development permit applications shall include:
  - i) Size and type of facility
  - ii) Site plan showing adjacent properties
  - iii) Manure storage and disposal areas
  - iv) Surface water
- m) Council, at its discretion, may enter into a road haul maintenance agreement with the operator.
- n) Applications will be referred to provincial agencies

### **3.18 Storage of Vehicles**

3.18.1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any district for the parking and storage outside of an enclosed building of more than four (4) unlicensed vehicles.

3.18.2 This section does not apply to Junk, Salvage and Auto Wrecking Yards.

- 3.18.3 No wrecked, partially dismantled or inoperative vehicles or machinery shall be stored or displayed in the front yard of the property.
- 3.18.4 Council may apply special standards as a condition regarding the screening and location of area for the storage and display of vehicles, machinery and parts thereof, designed to avoid an unsightly premise.
- 3.18.5 On sites located within the Residential District, the parking and storage of less than 3 trailer coaches will be allowed.
- 3.18.6 On sites located within the Hamlet District and Commercial District, the parking and storage of one trailer coach will be allowed.

**3.19 Keeping of Animals**

3.19.1 *Agricultural Parcels, within the Agricultural District, are not subject to these regulations.*

<u>Animal Unit</u>	<u>Acres</u>
2 Animal Unit	2 – <10 acres
4 Animal Unit	10 acres
+ 1 Animal Unit	Every additional 3 acres

All other animals shall be limited to domestic pets.

3.19.2 Animals shall not be pastured within 15 metres (50 feet) 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.

**3.20 Junk, Salvage, Auto Wrecking Yards**

- 3.20.1 All junk, salvage and auto wrecking yards shall be enclosed by an opaque or solid perimeter fence, made of a material approved by Council, at a minimum of 1.8 m (6 feet) in height, but not more than 3.04 m (10 feet) in height.
- 3.20.2 The perimeter fence shall not be located within the required front yard. The front yard shall be used for no other purpose than landscaping, necessary access to driveways and for customer parking.
- 3.20.3 All junk, salvage and auto wrecking yards shall be located in the rear yard of the property.
- 3.20.4 All materials or vehicles connected to the operation of the business shall be stored within the confines of the perimeter fence.
- 3.20.5 Vehicles should be stacked no more than two high.
- 3.20.6 Any other materials and vehicles stored on the site shall not exceed 80% of the height of the perimeter fence

**3.21 Apiaries and Aquaculture**

- 3.21.1 Developments shall not be located within 305m (1000 ft) of a institutional use or other public facility.
- 3.21.2 Developments shall not be located within 305m (1000 ft) of a residence on an adjacent property unless an agreement has been submitted to Council between the properties.

3.21.3 The development shall be compatible with the existing character of the neighbourhood and its associated quality of life.

### **3.22 Tower**

3.22.1 The recommended setback is the tower height plus 10% of the height. However, Council shall determine the setback from the property line for each application.

3.22.2 If the proposed tower is less than 50 feet in height, the tower will be exempt from development permit approval as per Section 2.4 of this Bylaw. If the tower is 50 feet in height or greater, the tower must receive development permit approval and be on a parcel of at least 2 acres in size

### **3.23 Kennel**

3.23.1 Development shall not be located within 305 m (1000ft) of a subdivision, institutional use, or other similar use.

3.23.2 Pens, rooms, runs and stalls shall be soundproofed to the satisfaction of Council.

3.23.3 All facilities shall meet public health regulations and be kept in a manner satisfactory to the local health authority

3.23.4 All runs shall be enclosed with a fence acceptable to Council with a minimum height of 6 ft.

3.23.5 Council may regulate the hours that the dogs are allowed outdoors.

3.23.6 Council may require the facilities to be visually screened from adjacent lots.

### **3.24 Recreation Facilities**

3.24.1 All facilities shall meet public health regulations and be kept in a manner satisfactory to the local health authority

3.24.2 Development shall be subject to conditions put on by Council relating to access, parking, size of operation, location on parcel, services, landscaping, hours of operation, etc.

3.24.3 The operator of a facility shall provide the Development Officer with a plan identifying:

- a) All buildings
- b) Uses of land
- c) Location of all roadways
- d) Any filling or clearing of land

### **3.25 Work Camp**

Development which provides individual or communal residential accommodation for industrial, commercial or construction works on a short term, temporary basis and is comprised of transportable dwelling or dwelling units. Development shall be subject to conditions put on by Council relating to access, parking, size of operation, location on parcel, required services, landscaping, hours of operation, etc.

### **3.26 Industrial Commercial Uses**

3.26.1 Uses associated with industrial storage and the distribution or transshipment of materials.

3.26.2 The developer of a facility shall provide the Development Officer with a plan identifying:

- a) Number of employees
- b) Water demand and source
- c) Sewer demand and method
- d) Site disturbance
- e) Haul route activities

3.26.3 All developments shall comply with provincial and federal regulations.

3.26.4 Development shall be subject to conditions put on by Council relating to access, parking, size of operation, location on parcel, services, landscaping, hours of operation, etc.

### **3.27 Setback Requirements**

3.27.1 Public utilities and municipal facilities may be exempt from these requirements at Council's discretion.

3.27.2 Setbacks for all Districts

Dwelling units and residential accessory buildings shall be located as follows:

- a) the separation distance to an intensive livestock operation as regulated in section 3.17;
- b) 305 m (1000 feet) from a licensed public or private liquid waste disposal facility or 457 m (1500 feet) from a licensed public or private solid waste disposal facility;
- c) 305 meters (1000 feet) from an apiary and aquaculture development;
- d) 305 m (1000 feet) to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan;
- e) 600 m (1970 feet) to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan; and
- f) No dwelling or other building shall be located within the approach surface for any functional airport or airstrip.
- g) 305 m (1000 ft) from industrial commercial uses

3.27.3 Agriculture, Residential, and Commercial District Setbacks

The minimum setback of buildings, including dwellings:

Front Yard: 45m (148 ft) from the centerline of a developed road, municipal road allowance or provincial highway or as required by Saskatchewan Highways and Transportation.

7.6m (25 ft) from an established subdivision road

Side Yard, Rear Yard: 3.0m (10 ft) from an adjacent property or lane.

3.27.4 Hamlet Setbacks

The minimum setback of buildings, including dwellings:

Front Yard: 45m (148 ft) from the centerline of a developed road, municipal road allowance or provincial highway or as required by Saskatchewan Highways and Transportation

6 m (20 ft) from a highway frontage road or municipal road allowance for service stations, gas bars, industrial and agricultural service uses or as required by Saskatchewan Highways and Transportation

6 m (20 ft) from a hamlet road

Side Yard: 3 m (10 ft) from an adjacent property.  
3 m (10 ft) from a lane or back alley

Rear Yard: 3 m (10 ft) from an adjacent property.  
3 m (10 ft) from a lane or back alley

#### 3.27.5 Minor Variance to Setback Requirements

- a) Council may consider a minor variance variation for any or all of these setback requirements to a maximum amount of 10%. The applicant shall demonstrate a need for the variance, all provincial and federal requirements shall be met and Council shall receive a written agreement between the applicant and the adjacent landowner who is most affected by the variance. Council will maintain a register of all such agreements.
- b) Minor variances to these requirements may be applied for through the development permit process. Council can approve, approve with conditions or refuse the application. If the application is refused, the applicant will be notified in writing of the refusal and will be provided reasons for the refusal. If the application is approved, with or without conditions, a notice will be sent via registered mail to the applicant and the adjacent landowners. The notice will contain a summary of the application, the reason for the decision and information on the right to appeal.
- c) The adjacent landowners may appeal the approval, or the applicant may appeal the conditions of the approval, within 20 days of the receipt of the notice. The decision approving a minor variance does not take effect until 23 days from the date the notice was sent out.

### 3.28 Accessory Buildings

- 3.28.1 A building incidental and subordinate to the principal building which shall not be used as a dwelling. Typical uses include garages, sheds, greenhouses, barns, etc.
- 3.28.2 Non residential accessory buildings and structures for agricultural purposes on parcels of a quarter section or more used for field crop, pasture and non-intensive livestock operations will not require development permits.
- 3.28.3 Accessory buildings and structures for agricultural purposes on agricultural parcels less than a quarter section are defined as General Agricultural Development and are considered a discretionary use in the Agricultural District.
- 3.28.4 Accessory Buildings in the Residential, Commercial or Hamlet District shall be limited to a maximum size of 100 sq. m (1076 sq. ft). Accessory Buildings proposed prior to the principal building shall be considered a discretionary use and are subject to development permit approval.

### 3.29 Wind Farming

- 3.29.1 All towers shall be setback from any municipal road, property line and other developments at a distance equal to the blade length plus 10 metres. This setback is to ensure public safety from ice shedding or turbine failure or manufacturer's defect.



- 3.29.2 Setbacks between towers and dwellings should be determined on the basis of the sound levels and based on recommendation from professionals to maintain acceptable sound levels for municipal residents.
- 3.29.3 Wind Farm developers shall examine a "consultation area" of 80 km surrounding the proposed wind farm and provide Council with a summary of findings. From this summary Council may have additional requirements including setbacks from radios, radars and telecommunication systems. A single tower may or may not be required to have to examine a "consultation areas"; this will be at the discretion of Council.
- 3.29.4 Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands.

## **4 Zoning Districts**

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### **4.1 Districts**

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

### **4.2 Boundaries**

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 said districts are site lines, centre lines of streets, lanes, road or such lines extended and the boundaries of the municipality.

### **4.3 Regulations**

Regulations for the zoning districts are outlined in the following sections.

## **5 A – Agricultural District**

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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 subdivision of quarter sections into parcels smaller than 80 acres will not be encouraged except as is necessary in special circumstances.

### **5.1 Permitted Uses**

- Apiary
- Aquaculture
- Accessory Buildings
- Accessory Uses
- General Agriculture Development
- General Livestock Development
- Mobile Home
- Modular Home
- Municipal Facilities
- Public Utilities
- Single Detached Dwelling
- Tower

### **5.2 Discretionary Uses**

- Airports and Private Airstrips
- Auction Mart
- Bed and Breakfast
- Campground
- Cemetery
- Commercial Agriculture Development
- Home Based Business
- Intensive Agriculture Operation
- Intensive Livestock Operation
- Institutional Uses
- Junk, Salvage and Auto Wrecking Yards
- Kennel
- Medical Services
- Natural Resource Development
- Oil and Gas Resource
- Recreational Facilities
- Religious Assembly
- Sign
- Vacation Farm
- Waste Disposal Facility (Liquid and Solid)
- Wind Farming
- Work Camps

### **5.3 Site Regulations**

The subdivision of any land is subject to the policies contained in the Official Community Plan.

5.3.1 Density: A quarter section or portion thereof located within this district, may contain:

- a) A maximum of 3 parcels
- b) Additional parcels *may* be considered where:

- the site to be added is physically separated from the remainder of the section by a registered road plan or by a railway on registered right of way, and the site had direct access to a developed road
  - the site to be added is intended to be used for Oil and Gas Resource Development
  - the site to be added is for uses which are deemed appropriate by Council
- c) The minimum size of any site in this district shall be 4.04 hectares (10 acres) with at least 2 acres of contiguous developable land
- d) The minimum site frontage shall be 20m (66ft)
- e) Exemptions from minimum frontage and area requirements may be considered by Council if:
- The parcel is being created for Oil and Gas Resource Development
  - The parcel is deemed appropriate by Council

## **6 R – Residential District**

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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.

### **6.1 Permitted Uses**

- Accessory Buildings
- Accessory Uses
- General Agriculture Development
- Mobile Home
- Modular Home
- Municipal Facilities
- Public Utilities
- Single Detached Dwelling

### **6.2 Discretionary Uses:**

- Bed and Breakfast
- Cemetery
- Commercial Agriculture Development
- Commercial Development
- Home Based Business
- Institutional Uses
- Medical Services
- Recreational Facilities
- Religious Assembly
- Sign
- Vacation Farms
- Waste Disposal Facilities

### **6.3 Site Regulations**

6.3.1 Subdivision: The subdivision of any land is subject to the policies contained in the Official Community Plan.

6.3.2 The minimum size of any site in this district shall be 0.8 hectares (2 acres) with at least 2 acres of contiguous developable land

6.3.3 The maximum size of any site in this district shall be 4.04 hectares (10 acres) with at least 2 acres of contiguous developable land.

6.3.4 The minimum site frontage shall be 20m (66ft)

6.3.5 Exemptions from minimum frontage and area requirements may be considered by Council if:

- a) The parcel is being created for Oil and Gas Resource Development
- b) The parcel is deemed appropriate by Council

## **7 C – Commercial District**

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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.

### **7.1 Permitted Uses**

- Accessory Building
- Accessory Use
- Institutional Uses
- Municipal Facility
- Public Utility
- Security Suite
- Sign

### **7.2 Discretionary Uses**

- Auction Mart
- Commercial Agricultural Development
- Commercial Development
- Industrial Commercial Development
- Junk, Salvage and Auto Wrecking
- Medical Services
- Personal Care Home
- Recreation Facilities
- Religious Assembly
- Waste Disposal Facilities
- Work Camp

### **7.3 Site Regulations**

7.3.1 Subdivision: The subdivision of any land is subject to the policies contained in the Official Community Plan.

a) Site Area Requirements:

- i) No minimum site area for public utilities and municipal facilities;
- ii) Minimum site area for all other uses shall be 1,000 sq. m (10,764 sq.ft)

b) Site Frontage Requirements:

- i) No minimum site area for public utilities and municipal facilities; and
- ii) Minimum site area of all other uses is 20 m (66 ft).

## **H – Hamlet District**

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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.

### **8.1 Permitted Uses**

- Accessory Building
- Accessory Use
- Mobile Home
- Modular Home
- Municipal Facility
- Public Utility
- Single Detached Dwelling

### **8.2 Discretionary Uses**

- Bed and Breakfast
- Cemetery
- Commercial Agricultural Development
- Commercial Development
- Home Based Business
- Industrial Commercial Development
- Institutional Uses
- Medical Services
- Recreational Facility
- Religious Assembly
- Waste Disposal Facility

### **8.3 Site Regulations**

#### **8.3.1 Site Area Requirements:**

- a) The minimum site for commercial related uses shall be 1,000 sq. m (10,764 sq.ft)
- b) No minimum site area for public utilities and municipal facilities
- c) For all other uses, the minimum site area shall be 450 sq.m (4845 sq.ft).

#### **8.3.2 Site Frontage Requirements:**

- a) The minimum site frontage for commercial related uses shall be 20 m (66 ft).
- b) No minimum site area for public utilities and municipal facilities
- c) For all other uses, the minimum site frontage shall be 15 m (50 ft).

## 9 Definitions

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Whenever in this Bylaw the following words or terms are used, they shall, unless the context otherwise provides be held to have the following meaning:

**Accessory Use** – a use customarily incidental, subordinate, and exclusively devoted to the principal use or building and is located on the same site with such principal use or building.

**Accessory Buildings** – A building incidental and subordinate to the principal building which shall not be used as a dwelling. Typical uses include garages, sheds, greenhouses, barns, etc.

**Act** - The Planning and Development Act, 2007, as amended.

**Alteration** – any structural change or additions.

**Animal Unit** - the kind and number of animals calculated in accordance with the following table:

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



**Apiary** - development involving the raising of bees for the production of honey.

**Applicant** – a developer or person applying for a permit under this Bylaw or for subdivision approval to an approving authority as set out in The Planning and Development Act, 2007.

**Aquaculture** – development involving the breeding and raising fish, aquatic animals or plants.

**Auction Mart** - 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.

**Bed-and-Breakfast Home** – a dwelling unit, licensed as a tourist home under *The Public Accommodation Regulations*, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the traveling public for a charge.

**Building** – a structure used for the shelter or accommodation of persons, animals, or chattels.

**Building Permit** – a permit issued under a building bylaw of the municipality authorizing the construction of all or part of any building.

**Campground** – the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travelers and tourists.

**Cemetery** – development for the entombment of the deceased.

**Commercial Agriculture Development** - areas of land used for businesses that are agriculture in nature such as agriculture product processing, agriculture service establishments, grain elevators, abattoir and rendering facilities, and similar type uses.

**Commercial Development** – areas of land used for business such as restaurants, hotel, motel, personal service shop, retail services, service stations, etc.

**Contiguous Developable Land** – the area of land suitable for development which excludes environmentally sensitive areas and hazard lands.

**Council** – the Council of the Rural Municipality of Kellross No. 247, which includes the Reeve.

**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.

**Development Officer** - the body appointed by Council to be responsible for the issuance of development permits, as per the regulations of this Bylaw.

**Development Permit** – a document authorizing a development issued pursuant to this Bylaw.

**Discretionary Use** – a use or form of development specified in this Bylaw, which may be allowed following application to, and approval of the Council; and which complies with the development standard, as required by Council, contained in this Bylaw.

**Dwelling, Single Detached** – a detached building consisting of one dwelling unit and is occupied or intended to be occupied as a permanent residence but shall not include a mobile home, modular home or trailer coach.

**Dwelling Unit** – one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

**Farmstead** – a single site, which includes the residence of the farm operator and those buildings, or facilities that are related to the farm operation, and may include cropland and pastures.

**Floor Area** – the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, unfinished basement, or attic.

**General Agriculture Development** - Areas of land used for agricultural purposes such as farmsteads, pasture, and field crops. This includes buildings and other structures incidental to farming as well as other farm related uses.

**General Livestock Development** - Areas of land used for the rearing of livestock in connection or separate from general agriculture development. The density of livestock is less than that of an Intensive Livestock Operation as defined in this Bylaw.

**Hazard Land** – includes environmentally sensitive lands and lands which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within a flood plain or watercourse.

**Home Based Business** – a use secondary to the residential use which is operated by the occupants of a farmstead or residence.

**Highway Sign Corridor** – a strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled “The Erection of Signs Adjacent to Provincial Highway Regulations, 1986”, as may be amended from time to time.

**Industrial Commercial Uses:** Uses associated with manufacturing, assembling, fabrication, processing and research/testing activities.

**Institutional Uses** – development comprised of groups or classes and includes the land, building and other improvements used by and in connection with the use; typical uses include schools, education institutions, and institutional camps

**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 does not include an intensive livestock operation.

**Intensive Livestock Operation (ILO)** – the operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such number that the facility and portion of a site used for the operation contains 100 or more animal units and provides less than 370 sq. m (4,000 sq. ft) of space for each animal unit contained therein.

**Junk, Salvage and Auto Wrecking Yards** – development associated with the storage and wrecking of scrap, miscellaneous materials, and vehicles.

**Kennel** – development used for breeding, boarding, caring for or training domestic animals including dogs and cats.

**Medical Services** – development associated with veterinary services and health services including clinics, hospitals, and centers.

**Mobile Home** – a dwelling unit that complies with Canadian Standards Association Code CSA Z240 standard and

- a) has water faucets and shower, or other bathing facilities, that may be connected to a water distribution system; and
- b) is equipped with facilities for washing and washroom, or other similar facility, which may be connected to a sewage system.

**Modular Home** – a factory build home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

**Municipal Facilities** – a facility owned and operated by the Rural Municipality of Kellross No. 247

**Municipality** – the Rural Municipality of Kellross No. 247

**Natural Resource Development** – development for the removal, extraction, and processing of raw materials including sand and gravel resources.

**Non-Conforming Building** – a building lawfully constructed or lawfully under construction at the time of the passing of this Bylaw or any amendment to this Bylaw, which affects the conformity of the building with the regulations of this Bylaw

**Non-Conforming Site** – a site that contains a conforming use, but the passing of this Bylaw or any amendment to this Bylaw has affected the conformity of the site.

**Non-Conforming Use** – any use of land, building, or structure lawfully existing at the time of the passing of this Bylaw or any amendment to this Bylaw, which affects the conformity of the use with the regulations of this Bylaw.

**Permitted Use** – a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

**Personal Care Home** – a facility licensed under *The Personal Care Homes Act* that provides long term residential, social and personal care, including accommodations, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.

**Principal Use** – the main activities conducted on a site.

**Principal Building** – the main building for the primary use of the site.

**Public Road** – a road allowance or a legally surveyed road vested in the name of Department of Highways.

**Public Utility** – a government or private enterprise, which provides a service to the general public.

**Quarter Section** – a quarter section as defined by the Township Plan of Survey of record in the Land Titles Office, exclusive of any registered road, road widening, or railway right of way, but including any partial quarter section defined on the Township Plan of Survey.

**Recreation Facility** - areas of lands, private or public, used for recreational purposes; typical uses include community halls, museums, libraries, sports fields, parks, rinks, golf courses, ski areas, private recreation facilities, etc

**Religious Assembly** – development used for worship, religious activities, and social activities.

**Residence/Residential:** includes single detached dwelling, dwelling unit, modular home and manufactured home.

**Rural Municipal Administrator** – the official administrator for the municipality pursuant to *The Municipalities Act*.

**Security Suite** - residence used to accommodate and provide security to a commercial or an industrial development.

**Sign** – any writing, billboard, pictorial representation, emblem, flag or any other figure of similar character which:

a) is a structure or any part thereof, or is attached to, painted on, or in any manner represented

on a building;

b) is used to announce direct attention to, or advertise; and

c) is visible from outside the building.

**Site** – an area of land with fixed boundaries and which has been registered in the Land Title Office by Certificate of Title, and for which all portions of the land are consolidated under a single title.

**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 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.

**Street** – a public road or thoroughfare registered by plan of survey which affords the principal means of access to abutting property, but shall not include an easement or lane.

**Structure** – anything that is built, constructed, or erected, located in, on or over the ground, or attached to something located on or over the ground.

**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 Titles Act, 2000*.

**Tower** - A structure for transmitting or receiving television, radio, telephone or other electronic communications as well as for the transmission of electrical energy.

**Trailer Coach** – any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public roads or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked-up.

**Use** – the purpose or activity for which a piece of land or its buildings is designed, arranged, occupied or maintained.

**Vacation Farm** – an operation 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 rental accommodations in the farm dwelling or adjacent private cabins comprising of one or more rooms which are furnished to enable the preparation of meals if full board is not provided.

**Waste Disposal Facility, Liquid** - a facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a 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 or industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

**Work Camp** – Development which provides individual or communal residential accommodation for industrial, commercial or construction works on a short term, temporary basis and is comprised of transportable dwelling or dwelling units.

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

**Yard, Front** – that part of a site that 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 that 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.



**Adoption**

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1. This Bylaw is adopted pursuant to *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister.

(Seal)

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Read a Third Time and adopted  
This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Administrator