

# Zoning Bylaw

**Bylaw 02-2013**

**TABLE OF CONTENTS**

1 INTRODUCTION ..... 8

    1.1 AUTHORITY ..... 8

    1.2 TITLE ..... 8

    1.3 PURPOSE ..... 8

    1.4 SCOPE ..... 8

    1.5 SEVERABILITY ..... 8

2 DEFINITIONS ..... 9

3 ADMINISTRATION AND INTERPRETATION ..... 29

    3.1 DEVELOPMENT OFFICER ..... 29

    3.2 COUNCIL ..... 29

    3.3 APPLICATION FOR A DEVELOPMENT PERMIT ..... 29

    3.4 CONCURRENT PROCESSING OF DEVELOPMENT PERMITS, BUILDING PERMITS  
    AND BUSINESS LICENSES ..... 30

    3.5 DEVELOPMENT NOT REQUIRING A PERMIT ..... 30

    3.6 CONCEPT PLANS (Comprehensive Development Review) ..... 31

    3.7 DEVELOPMENT PERMIT PROCEDURE ..... 32

    3.8 DISCRETIONARY USE APPLICATION PROCEDURE ..... 33

    3.9 INTERPRETATION ..... 35

    3.10 REFUSAL OF DEVELOPMENT PERMIT APPLICATION ..... 35

    3.11 DEVELOPMENT APPEALS BOARD ..... 35

    3.12 DEVELOPMENT PERMIT APPLICATION FEES ..... 36

    3.13 DISCRETIONARY USE APPLICATION FEES ..... 36

    3.14 FEE FOR ZONING AMENDMENT APPLICATION ..... 36

    3.15 HOLDING ZONE PROVISIONS ..... 37

    3.16 PLANNED UNIT DEVELOPMENT ..... 37

    3.17 REFERRAL UNDER THE PUBLIC HEALTH ACT ..... 37

    3.18 MINOR VARIANCES ..... 38

    3.19 NON-CONFORMING BUILDINGS, USES AND SITES ..... 39

    3.20 DEVELOPMENT PERMIT – INVALID ..... 40

    3.21 CANCELLATION ..... 40

3.22	STOP-WORK.....	40
3.23	OFFENCES AND PENALTIES .....	40
3.24	INSPECTION OF PREMISES .....	41
3.25	BYLAW COMPLIANCE .....	41
3.26	MOVING OF BUILDINGS .....	41
3.27	DEMOLITION OF BUILDINGS .....	41
3.28	TEMPORARY DEVELOPMENT PERMITS.....	41
3.29	REGISTERING AN INTEREST (CAVEATS) .....	42
3.30	DEVELOPMENT AGREEMENTS .....	42
3.31	SERVICING AGREEMENTS .....	42
3.32	PERFORMANCE BONDS.....	42
3.33	LIABILITY INSURANCE.....	42
4	GENERAL REGULATIONS.....	44
4.1	LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION.....	44
4.2	PRINCIPAL USE ESTABLISHED .....	44
4.3	ACCESSORY BUILDINGS, USES AND STRUCTURES.....	45
4.4	USES PERMITTED IN ALL ZONING DISTRICTS .....	45
4.5	APPLICATION OF OVERLAY DISTRICTS .....	45
4.6	RESTORATION TO A SAFE CONDITION .....	46
4.7	GRADING AND LEVELING OF SITES.....	46
4.8	HEIGHT OF BUILDINGS.....	46
4.9	RESTRICTIONS ON CHANGES .....	47
4.10	SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES .....	47
4.11	HERITAGE AND SENSITIVE AND CRITICAL WILDLIFE HABITAT .....	47
4.12	FENCE AND HEDGE HEIGHTS .....	47
4.13	LANDSCAPE BUFFERS .....	48
4.14	KEEPING OF DOMESTIC ANIMALS .....	48
4.15	BUILDING AND SITE MAINTENANCE .....	49
4.16	PROHIBITED AND NOXIOUS USES.....	49
4.17	DISPOSAL OF WASTES .....	49
4.18	SITE DEVELOPMENT REGULATIONS FOR DEVELOPMENT NEAR WATER SOURCES.....	50
4.19	PUBLIC UTILITIES AND MUNICIPAL SERVICES.....	50

4.20	CLOSINGS.....	50
4.21	ROADWAYS.....	51
4.22	FRONTAGE AND ACCESS/APPROACHES .....	51
4.23	ROAD CROSSINGS .....	52
4.24	HEAVY HAUL ROADS.....	52
4.25	RAILWAY CROSSINGS AND SIGHT DISTANCES.....	52
4.26	COMMUNICATION TOWERS .....	522
4.27	SIGHT TRIANGLE .....	53
4.28	DEVELOPMENT ALONG PIPELINES and GAS TRANSMISSION LINES.....	523
4.29	USES OR OBJECTS PROHIBITED OR RESTRICTED IN YARDS .....	54
4.30	VEHICLE STORAGE .....	54
4.31	TRAILERS, BOX CARS, SEA AND RAIL CONTAINERS .....	55
4.32	LIGHTING .....	55
4.33	SIGNAGE.....	55
4.34	ZONING DISTRICT SIGN REGULATIONS .....	57
4.35	LOADING REQUIREMENTS .....	58
4.36	PARKING .....	58
5	DISCRETIONARY USE STANDARDS FOR DEVELOPMENT.....	60
5.1	HOME BASED BUSINESSES AND OCCUPATIONS .....	60
5.2	AGRICULTURAL TOURISM USES.....	60
5.3	GARDEN SUITES.....	61
5.4	RESIDENTIAL CARE HOMES .....	62
5.5	BED & BREAKFAST HOMES .....	62
5.6	SALVAGE YARDS (AUTO WRECKERS) .....	62
5.7	AUTOMOTIVE SERVICE USES AND GAS PUMPS .....	63
5.8	ANIMAL KENNELS .....	63
5.9	EQUESTRIAN FACILITIES .....	64
5.10	CAMPGROUNDS .....	65
5.11	TEMPORARY WORK CAMPS.....	65
5.12	DOMESTIC WIND ENERGY SYSTEMS .....	66
5.13	COMMERCIAL WIND ENERGY SYSTEMS.....	68
5.14	COMMUNICATION TOWERS.....	68
5.15	SOLID & LIQUID WASTE DISPOSAL FACILITIES.....	69

6	ZONING DISTRICTS AND ZONING MAPS .....	70
6.1	ZONING DISTRICTS.....	71
6.2	ZONING DISTRICT MAPS .....	71
6.3	BOUNDARIES OF ZONING DISTRICTS .....	71
7	AGRICULTURAL RESOURCE DISTRICT (AR) .....	72
7.1	Permitted Uses.....	72
7.2	Discretionary Uses .....	73
7.3	Prohibited Uses.....	73
7.4	Accessory Buildings and Uses.....	73
7.5	Subdivision and Site Regulations .....	74
7.6	Supplementary Development Standards for Agricultural Uses .....	75
7.7	Farmsteads .....	76
7.8	Temporary Uses .....	77
7.9	Non-farm Subdivision of Agricultural lands.....	78
7.10	Intensive Livestock Operations .....	79
7.11	Aggregate Extraction (Sand, Gravel, Topsoil) .....	82
7.12	Oil and Gas Development .....	83
7.13	Signage Regulations.....	84
8	MINERAL RESOURCE EXTRACTION OVERLAY DISTRICT (MRE) .....	85
8.1	Permitted Uses.....	85
8.2	Discretionary Uses .....	85
8.3	District Regulations .....	85
8.4	Areas within the MRE Overlay District.....	86
8.5	Method of Application.....	86
8.6	Potash, Fertilizer and Ethanol Plant Development .....	86
8.7	Oil and Gas Development .....	87
8.8	Separation Distances between Potash or Oil and Gas Development and Other Uses....	87
9	COUNTRY RESIDENTIAL DISTRICT (CR).....	89
9.1	Permitted Uses.....	89
9.2	Discretionary Uses .....	89
9.3	Prohibited Uses.....	90

9.4	Subdivision and Site Regulations .....	90
9.5	Supplementary Regulations or Special Provisions.....	91
9.6	Accessory Buildings and Uses.....	91
9.7	Legal Access .....	92
9.8	Temporary Uses .....	92
9.9	Keeping of Livestock .....	93
9.10	Swimming Pool Regulations .....	93
9.11	Signage Regulations.....	93
10	HAMLET DISTRICT-H .....	94
10.1	Permitted Uses.....	94
10.2	Discretionary Uses .....	94
10.3	Prohibited Uses.....	95
10.4	Subdivision and Site Regulations .....	95
10.5	Accessory Buildings and Uses.....	96
10.6	Fence and Hedge Heights.....	96
10.7	Outdoor Storage.....	97
10.8	Signage Regulations.....	97
11	HIGHWAY COMMERCIAL DISTRICT (COM) .....	98
11.1	Permitted Uses.....	98
11.2	Discretionary Uses .....	98
11.3	Prohibited Uses.....	99
11.4	Subdivision and Site Regulations .....	99
11.5	Accessory Buildings and Uses.....	100
11.6	Supplementary Regulations or Special Provisions.....	100
11.7	Parking Requirements.....	101
11.8	Loading Requirements.....	101
11.9	Landscaping Requirements .....	102
11.10	Outside Storage .....	102
11.11	Oilfield Supply and Service, Bulk Petroleum Storage and Agrichemical Storage Sites .....	103
11.12	Signage Regulations.....	103

12	INDUSTRIAL DISTRICT (IND).....	104
	12.1 Permitted Uses.....	104
	12.2 Discretionary Uses.....	104
	12.3 Prohibited Uses.....	105
	12.4 Subdivision and Site Regulations.....	105
	12.5 Accessory Buildings and Uses.....	106
	12.6 Supplementary Regulations or Special Provisions.....	106
	12.7 Loading Requirements.....	107
	12.8 Parking Requirements.....	108
	12.9 Landscaping Requirements.....	108
	12.10 Outdoor Storage.....	108
	12.11 Oilfield Supply and Service, Bulk Petroleum Storage and Agrichemical Storage Sites .....	109
	12.12 Performance Standards.....	109
	12.13 Signage Regulations.....	109
13	ENVIRONMENTALLY SENSITIVE LANDS OVERLAY (ES).....	110
	13.1 Areas Within the ES Overlay District.....	110
	13.2 Overlay District Regulations.....	110
	13.3 Permitted Uses.....	111
	13.4 Discretionary Uses.....	111
	13.5 Site Development Regulations for Slope Instability Areas.....	111
	13.6 Site Development Regulations for Flood Hazard Cautionary Areas.....	112
14	HERITAGE RESOURCE OVERLAY (HR).....	113
	14.1 Defining the Boundary.....	113
	14.2 Site Regulations in the Heritage Resources Overlay Area.....	113
15	REPEAL AND ADOPTION.....	114
	ZONING MAP.....	115
	APPENDIX “A” DEVELOPMENT PERMIT APPLICATION REQUIREMENTS.....	116

## 1 INTRODUCTION

### 1.1 AUTHORITY

Under the authority granted by *The Planning and Development Act, 2007*, the Reeve and Council of the Rural Municipality of Pense No. 160 in the Province of Saskatchewan, in open meeting, hereby enact as follows:

### 1.2 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Rural Municipality of Pense No. 160.

### 1.3 PURPOSE

- .1 The purpose of this Bylaw is to regulate development and to control the use of land in the Rural Municipality of Pense No. 160 in accordance with the Official Community Plan, Bylaw 01-2013.
- .2 The intent of this Zoning Bylaw is to provide for the amenity of the area within the Rural Municipality of Pense No. 160 (hereinafter referred to as the Municipality) and for the health, safety, and general welfare of the inhabitants of the area:
  - a) to minimize land use conflicts;
  - b) to establish minimum standards to maintain the amenity of the Rural Municipality;
  - c) to ensure development is consistent with the physical limitations of the land;
  - d) to restrict development that places undue demand on the Rural Municipality for services; and
  - e) to provide for land-use and development that is consistent with the goals, objectives and policies of the Rural Municipality of Pense Official Community Plan, Bylaw 01-2013.

### 1.4 SCOPE

This Bylaw applies to all land included within the boundaries of the Rural Municipality of Pense No. 160. All development within the limits of the Rural Municipality shall hereafter conform to the provisions of this Bylaw.

### 1.5 SEVERABILITY

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



**2 DEFINITIONS**

Whenever the subsequent words or terms are used in the RM of Pense Official Community Plan, Bylaw No. 01-2013 and this Bylaw, they shall have the following definition unless the context indicates otherwise.

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

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

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

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

**ADMINISTRATOR:** The Administrator of the Rural Municipality of Pense No.160.

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

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

**AGRICULTURE(INTENSIVE):** an agricultural production system characterized by high

inputs relative to land area enabling a substantial increase in production using methods geared toward making use of economies of scale to produce the highest output at the lowest cost.

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

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

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

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

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

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

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

**AGRICULTURAL RESIDENCE:** the establishment of a residence on an agricultural holding in the absence of subdivision of where the residence remains

directly appurtenant to the agricultural operation.

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

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

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

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

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

**APPLICANT:** a developer or person applying for a Development Permit under this Bylaw, for a development or for a subdivision

approval to an approving authority under *The Planning and Development Act, 2007*.

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

**AUTO WRECKER:** an area where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public. (Refer to Salvage Yard)

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

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

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

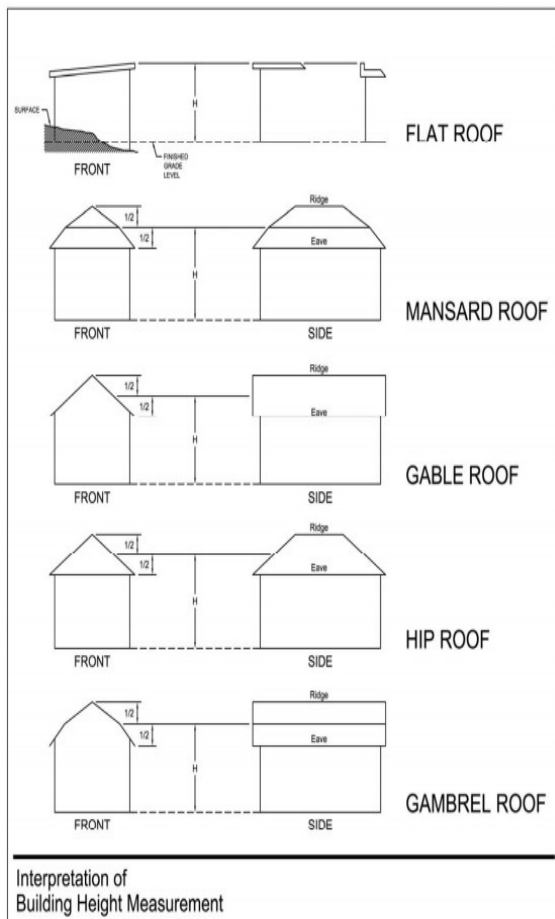
**BUILDING:** a structure used for the shelter or accommodation of persons, animals, or chattels and includes any structure covered by a roof supported by walls or columns.

**BUILDING BYLAW:** of the Rural Municipality of Pense No.160 regulating the erection, alteration, repair, occupancy, maintenance or demolition of buildings and structures.

**BUILDING FLOOR AREA:** the sum of the gross horizontal area of all floors of a building excluding the floor area used for or devoted to mechanical equipment, laundry, storage, swimming pools, and enclosed

parking facilities. All dimensions shall be measured between exterior faces of walls or supporting columns, or from the centre line of the walls or supporting columns separating two buildings. For the purpose of this Bylaw, the term 'storage' means the keeping or placing of trunks, luggage or similar articles in a place designed therefore, but shall exclude clothes closets, linen closets, broom cupboards, kitchen and bathroom cupboards of whatsoever nature.

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



**BUILDING PERMIT:** a permit, issued under the Building Bylaw of the Rural Municipality

of Pense No.160 authorizing the construction of all or part of any building or structure.

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

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

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

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

**BYLAW** - means the Zoning Bylaw.

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

**CANADA LAND INVENTORY (C.L.I.) SOIL CLASS RATING SYSTEM:** provides an indication of the agricultural capability of land. The classes indicate the degree of limitation imposed by the soil in its use for mechanized agriculture. The C.L.I. class for each parcel of land is determined by the dominant C.L.I. class for the parcel, usually a quarter-section of land. Soil classes range from 1 to 7, with Class 1 soils having no significant limitations and Class 7 having severe limitations in terms of its capacity for arable culture or permanent pasture.

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

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

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

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

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

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

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

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

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

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

**CLUSTER:** where design allows for the concentration of development in pockets to

preserve ecological areas and other open space while providing lower servicing cost and alternative development (e.g. housing) patterns.

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

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

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

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

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

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

**CONSERVATION:** the planning, management and implementation of an activity with the objective of protecting the essential

physical, chemical and biological characteristics of the environment.

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

**COUNCIL:** The Council of the Rural Municipality of Pense No.160.

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

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

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

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

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

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

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

**DEVELOPMENT PERMIT:** a permit issued by the Council of the Rural Municipality of Pense No. 160 that authorizes development but does not include a Building Permit.

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

**DOMESTIC RESIDENCE:** A home that is installed into realty and is ordinarily occupied by the owner as a residence( including a season residence), but does not include a structure occupied for commercial or industrial use such as a commercial office, construction site office, bunk house, wash house, kitchen or dining unit, library, classroom, television mobile unit, industrial display unit, laboratory unit, or medical clinic, or homes purchased for the use of a company's employees or shareholders or homes purchased for the purpose of rental or lease to others.

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

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

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

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

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

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

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

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

**ENVIRONMENTAL RESERVE:** lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process. Environmental reserves are those lands that are considered undevelopable and may consist of a swamp, gully, ravine, coulee or natural drainage course, or may be lands that are subject to flooding or are considered unstable. Environmental reserve may also be a strip of land, not less than 6.0 metres in width, abutting the bed and shore of any lake, river stream or other body of water for the purposes of preventing pollution or providing access to the bed and shore of the water body.

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

identify management practices that can reduce environmental risk on their operations.

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

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

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

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

**FARMSTEAD/FARMYARD:** the buildings and adjacent essential grounds contained in a farm yard site.

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

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

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

deemed corrosive, combustible, noxious, reactive or radioactive.

**FUTURE LAND USE MAP:** the map identifies potential future development or preservation areas of land including possible areas for agricultural, commercial, industrial, country residential, development and conservation areas.

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

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

**GARDEN SUITE:** an additional dwelling unit that is separate from and secondary to the principal single detached dwelling on residential lands. The unit is to be used by a relative or caregiver of the resident of the principal single detached dwelling.

**GAS BAR:** a building or place used for or intended for the provision of gasoline or diesel fuel and may or may not include a convenience store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter.

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

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

of the nature of the site, materials or processes and shall include but not be limited to the following activities:

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

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

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

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



**GENERAL INDUSTRY TYPE III**

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

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

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

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

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

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

**GREENWAYS:** a linear park which may accommodate pathways principally for foot

traffic and/or bicycles. Typically, greenways are planned along creeks, streams or rivers and managed as natural environments or bikeways along landscaped roads.

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

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

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

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

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

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

**HOME BASED BUSINESS:** an accessory use carried on as a business conducted for gain in whole or in part in a dwelling unit or an accessory building to a dwelling unit.

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

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

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

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

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

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

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

**INTENSIVE AGRICULTURE:** an intensified system of tillage and animal husbandry from the concentrated raising of crops or the

concentrated rearing or keeping on a continuous basis of livestock, poultry or other products for market and, without restricting the generality of the above, includes:

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

**INTENSIVE LIVESTOCK OPERATION:** the confining of any of the following animals, where the space per animal unit is less than 370m<sup>2</sup>:

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

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

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

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

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

**LANDSCAPING:** the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual

screen consisting of any combination of the following elements:

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

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

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

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

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

**LOT:** a parcel of land of a subdivision, the plan of which has been filed or registered at Information Services Corporation.

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

manufacturing of products and the blending of materials.

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

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

**MINISTER:** means the member of the Executive Council to whom, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

**MOBILE HOME:** A portable structure built on a metal chassis that is defined in the Canadian Standards Association (CSA) Z240MH standards as a "mobile home", a multiple section mobile home, or a "swing out and expandable room section mobile home," and bears a CSA seal attesting that the structure complies with the Z240 standards.

**MOBILE HOME PARK:** a site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation, but shall not include an industrial or construction camp.

**MODULAR (MANUFACTURED) HOME:** A factory built house that is designed and intended for use as a domestic residence and is constructed in climate controlled factories usually in an assembly line by assembling manufactured three-dimensional modular units, each with three walls and a roof/ceiling, that are each at least one room or living area, and bears a CSA seal attesting that the house complies with the A-277 Standards. Modular homes are often designed to be placed on basements and other perimeter foundations systems requiring engineered stamped foundation designs.

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

**MUNICIPALITY:** The Rural Municipality of Pense No. 160.

**MUNICIPAL RESERVE:** dedicated lands that:

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

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

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

**NATURAL RESOURCES:** the renewable resources of Saskatchewan including:

- a) fish within the meaning of *The Fisheries Act*;
- b) wildlife within the meaning of *The Wildlife Act, 1998*;
- c) forest products within the meaning of *The Forest Resources Management Act*;
- d) resource lands and provincial forest lands within the meaning of *The Resource Lands Regulations, 1989*;

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

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

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

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

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

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

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

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

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

**OFFICIAL COMMUNITY PLAN (OCP):** The Rural Municipality of Pense No. 160 Official Community Plan is Bylaw No. 01-2013.

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

**PARK MODEL TRAILER:** A unit designed to be towed by a heavy-duty tow vehicle but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 meters. Designed for infrequent towing, it is not fitted with a 112-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide outs, but when in set-up mode the gross trailer area does not exceed 37.2 m<sup>2</sup> (400ft<sup>2</sup>) It conforms to the CSA Z-240 Standard for RVs.

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

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

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

**PERSONAL SERVICE TRADE:** a business associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories and may include beauty salons and barber shops, shoe repair, self-serve laundry, tailor or seamstress or massage services, but does not include the provision of health-related services.

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

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

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

- a) communication by way of telephone lines, optical cable, microwave, and cable television services;
- b) delivery of water, natural gas, and electricity;

- c) public transportation by bus, rail, or other vehicle production;
- d) collection and disposal of sewage, garbage, and other wastes; and
- e) Fire and Police Services.

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

**PUMPING STATION (POTASH MINE):** Any leased or subdivided site which is approved for use as a pumping station for potash liquification or extraction activities and which is accessory to a potash mine.

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

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

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

**READY –TO-MOVE (RTM)DWELLING:** A “stick-built home” is a house that is fully assembled by the seller prior to sale that is a single structure designed for use with a permanent foundation as a domestic residence, and is entirely constructed away from the site transported as a single unit to the building site for installation on a permanent foundation.

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

**REDESIGNATION:** Rezoning.

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

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

**RECREATIONAL VEHICLE:** A structure designed to provide temporary living accommodation for travel, vacation, or recreational use, and to be driven, towed, or transported. Living accommodations may include sleeping, kitchen, bathroom, and systems for fresh and waste water, 110/12V electricity, propane, heating, air conditioning, and entertainment. It has an overall length not exceeding 12.5 meters (11.3 for a fifth wheel travel trailer) and an overall width not exceeding 2.6 meters where the width is the sum of the distance from the vehicle centerline to the outermost projections on each side (including door handles, water connections, etc.) when the vehicle is folded or stowed away for transit. Such structures include folding camping trailers, travel trailers, fifth wheel trailers, slide-in truck campers and motor homes. Recreational vehicles are divided into three basic categories: Motorized RVs, Towable RVs and the Park Models.

**RECREATIONAL VEHICLE (RV) PARK:** An area of land, managed as a unit, providing short-term accommodation for motor homes and camping trailers, including accessory facilities such as administration offices and laundry facilities but not including the use of mobile homes or trailers on a permanent year-round basis.

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

**REEVE:** The Reeve of the Rural Municipality of Pense No.160.

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

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

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

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

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

**RIGHT- OF- WAY:** the right-of-way is the land set aside for use as a roadway or utility corridor. Right-of-ways are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing

mitigative features and to allow for future expansion.

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

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

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

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

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

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

**SELF-STORAGE FACILITY:** a commercial business that rents or leases storage rooms, lockers, containers, modular storage units and/or outdoor space, for businesses and individuals for the purpose of indoor storage of private goods.

**SERVICE STATION:** a building or place used for or intended to be developed primarily for supplying vehicles with gasoline, diesel

fuel, grease, tires or other similar items and for the repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including painting, body work and major repairs.

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

**SHALL, SHOULD OR MAY:**

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

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

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

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

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

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

**SIGN, PORTABLE:** A free-standing sign which is capable of being relocated and which may have lettering that can be changed manually, but does not include vehicles and trailers not originally designed as a sign, but which have been converted or used for that purposes.

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

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

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

**SITE AREA:** the total horizontal area within the site lines of a site.

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

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

**SITE FRONTAGE:** the boundary that divides the site from the street or road. In the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site from the street.



Site frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

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

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

**SPORT FIELD:** an open space set aside for the playing of sports and may include benches or bleachers for observers.

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

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

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

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

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

manufacturer's permit in accordance with the *Alcohol Control Regulations*.

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

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

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

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

**TRANSLOADING FACILITY:** shall mean a facility used to transfer resources or agricultural products from one mode of transportation to another and may include rail lines, pipelines, tank storage, rail loading buildings, instrumentation, related office buildings, and other related facilities.

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

**USE:** the purpose or activity for which any land, building, structure, or premises, or part

thereof is arranged, designed, or intended, or for which these may be occupied or maintained.

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

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

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

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

**VETERINARY CLINICS:** a place for the care and treatment of domestic animals and livestock involving outpatient care and medical procedures involving hospitalization, and may include the keeping of animals in outdoor pens.

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

**WASTE DISPOSAL FACILITY, LIQUID:** a facility to accommodate any waste which contains animal, aggregate or vegetable

matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

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

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

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

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

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

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

**(DOMESTIC) WIND ENERGY SYSTEM:** any structure used for the transmission or production of electrical energy which is

intended primarily to produce electricity for private on-site consumption.

**(COMMERCIAL) WIND ENERGY SYSTEM:** any structure(s) used for the transmission or production of electrical energy for industrial, commercial, or public uses and related facilities connected to a substation or metering point.

**WIND ENERGY SYSTEM:** A structure that converts wind energy to electrical energy, including but not limited to a wind charger or wind turbine.

**WIND ENERGY CONVERSION SYSTEM:** A system composed of a wind turbine, tower and associated control electronics with a capacity of less than 100 kW for non-residential use or 10 kW for residential use. It will be considered an accessory use and is intended to provide on-site power for a principal use.

**WIND ENERGY CONVERSION SYSTEM, (PRIVATE USE):** a system consisting of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principle use. A system having a rated capacity of 10 kilowatts (kW) or less for residential use or 100 kW or less for non-residential uses shall be considered a private use system for the purposes of the regulations.

**WIND TURBINE:** The individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters.

**WORK CAMP:** A temporary Industrial or Construction camp established for the purpose of providing accommodation for employees, and without restricting the generality of the above, the camp is usually made up of a number of mobile units, clustered in such a fashion as to provide

sleeping, eating and other basic living facilities.

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

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

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

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

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

**Metric to Imperial Conversions\***

<b>Distance (metres - feet)</b>			
0.6 metres	2 ft	17.0 metres	55 ft
2.0 metres	7 ft	19.8 metres	65 ft
2.5 metres	8 ft	30 metres	98 ft
3.0 metres	10 ft	46 metres	150 ft
4.2 metres	14 ft	50 metres	164 ft
4.5 metres	15 ft	75 metres	246 ft
5.0 metres	16 ft	80 metres	262 ft
5.5 metres	18 ft	90 metres	295 ft
6.0 metres	20 ft	100 metres	328 ft
6.5 metres	21 ft	150 metres	492 ft
7.5 metres	25 ft	200 metres	656 ft
10 metres	33 ft	230 metres	755 ft
11 metres	36 ft	305 metres	1000 ft
12 metres	39 ft	467 metres	1532 ft
15 metres	49 ft		
15.3 metres	50 ft		
<b>Distance (kilometres - miles)</b>		<b>Area</b>	
.5 km	.31 miles	1.0 m <sup>2</sup>	10.76ft <sup>2</sup>
.6 km	.37 miles	5.0 m <sup>2</sup>	53.8 ft <sup>2</sup>
.8 km	.5 miles	9.3 m <sup>2</sup>	100 ft <sup>2</sup>
1 km	.62 miles	100 m <sup>2</sup>	1076 ft <sup>2</sup>
1.6 km	1 mile	0.8 hectare	2 acres
2.4 km	1.5 miles	1 hectare	2.5 acres
3.2 km	2 miles	2 hectares	5 acres
		8 hectares	20 acres
		64.8 hectares	160 acres

\*Conversions are rounded to the nearest decimal point

### 3 ADMINISTRATION AND INTERPRETATION

#### 3.1 DEVELOPMENT OFFICER

- .1 The Administrator of the Rural Municipality of Pense No. 160 shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Council designates from time to time.
- .2 The Development Officer shall:
  - a) receive, record and review Development Permit applications and issue decisions in consultation with Council, particularly those decisions involving subdivision, discretionary uses, Development Permit conditions, and development and servicing agreements;
  - b) maintain, for inspection by the public during office hours, a copy of this Bylaw, Zoning maps and amendments, and ensure that copies are available to the public at a reasonable cost;
  - c) make available, for public inspection during office hours, a register of all Development Permits and subdivision applications and decisions;
  - d) collect development fees according to the fee schedule established by a separate Bylaw; and
  - e) perform other duties as determined by Council.
- .3 The Development Officer shall be empowered to make a decision, in consultation with Council, regarding a Development Permit application for a "Permitted Use."

#### 3.2 COUNCIL

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

#### 3.3 APPLICATION FOR A DEVELOPMENT PERMIT

- .1 Unless the proposed development or use is exempt from Development Permit requirements, before commencing any principal or accessory use development, including a public utility use, every developer shall:
  - a) complete and submit a Development Permit application, and (refer to Development Permit application form in Appendix A); and
  - b) receive a Development Permit for the proposed development.
- .2 A Development Permit shall not be issued for any use in contravention of any of the provisions of this Bylaw and the Official Community Plan.
- .3 Except where a particular development is specifically exempted by Section 3.5 of this Bylaw, no development or use shall commence without a Development Permit first being obtained.

---

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

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

---

### 3.5 DEVELOPMENT NOT REQUIRING A PERMIT

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

- .1 Agricultural Zoning districts
  - a) accessory farm buildings or structures under 100 m<sup>2</sup> (1000 ft<sup>2</sup>) where applied to a principal agricultural use within an appropriate zoning district established by this Bylaw;
  - b) accessory non-farm buildings or structures under 9.3m<sup>2</sup> (100 ft<sup>2</sup>) where applied to a principal permitted use within an appropriate Zoning District established by this Bylaw; and
  - c) the temporary placement of a trailer during the construction or alteration of a primary structure for a term not to exceed that provided by an active approved building permit issued for the project.
- .2 Hamlet and Country Residential Zoning Districts

- a) buildings and structures under 9.3 m<sup>2</sup> (100 ft<sup>2</sup>), which are accessory to a principal, residential use except where such dwelling is a discretionary use;
  - b) the erection of any
  - c) , wall, gate, television antennae, or radio antennae; and
  - d) relocation of any residential or accessory building provided development standards are still met on the site.
- .3 Commercial/Industrial Zoning Districts
- a) buildings and structures under 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) that are accessory to a permitted, principal, commercial use, except where such use is discretionary;
  - b) the erection of any fence or gate; and
  - c) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a building permit has been granted.
- .4 Accessory Uses: All accessory uses, unless otherwise specified in this Bylaw.
- .5 Official Uses: Uses and buildings undertaken, erected, or operated by the Rural Municipality of Pense No. 160.
- .6 Internal Alterations
- a) Residential Buildings: Internal alterations to a residential building, provided that such alterations do not result in a change of use or an increase in the number of dwelling units within the building or on the site;
  - b) All other Buildings: Internal alterations and maintenance to other buildings, including mechanical or electrical work, provided that the use, or intensity of use of the building, does not change.
- .7 Landscaping: Landscaped areas, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted.

---

### 3.6 CONCEPT PLANS (COMPREHENSIVE DEVELOPMENT REVIEW)

- .1 A Concept Plan (Comprehensive Development Review) shall be completed prior to consideration of an application by Council by any person proposing to rezone, subdivide, or re-subdivide land for multi-parcel country residential, commercial or industrial purposes. The purpose of this review is to identify and address social, environmental, health and economic issues and to encourage high quality development. The scope and required detail of the Concept Plan will be based on the scale and location of the proposed development, and address the following:
- a) proposed land use(s) for various parts of the area;
  - b) the effect on adjacent land uses and integration of the natural landscape regarding the planning and design of the area;
  - c) the location of, and access to, major transportation routes and utility corridors;

- d) the provision of services respecting the planning for future infrastructure;
  - e) sustainable development and environmental management practices regarding surface and groundwater resources, flooding and protection of significant natural areas; and
  - f) appropriate information specific to the particular land use (residential, commercial or industrial).
- .2 The Concept Plan (Comprehensive Development Review) must be prepared in accordance with the overall goals and objectives of the Official Community Plan. Council shall not consider any development application until all required information has been received. The responsibility for undertaking all administrative reviews, technical investigations and hosting public meetings as required shall be borne solely by the applicant.

---

### 3.7 DEVELOPMENT PERMIT PROCEDURE

- .1 Where an application for a Development Permit is made for a permitted or accessory use in conformity with this Bylaw, *The Planning and Development Act, 2007* and all other municipal Bylaws, the Council shall hereby direct the Development Officer to issue a Development Permit.
- .2 As soon as an application has been made for a Development Permit and prior to making a decision, the Development Officer may refer the application to whichever government agencies or interested groups Council may consider appropriate. The Development Officer may also require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
- .3 A copy of all approved Development Permit applications involving the installation of water and sanitary services shall be sent to the local District Health Region.
- .4 Upon approval of a permitted or accessory use, the Development Officer shall issue a Development Permit for the use at the location and under such terms and development standards specified by the Official Community Plan and this Bylaw.
- .5 The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal a decision to the Development Appeals Board on a permitted or accessory use application and any terms and conditions attached to an application.
- .6 A Development Officer may incorporate specific development standards in a Development Permit for a permitted use to ensure development and application conformity with the Zoning Bylaw. The development standards shall be based on the provisions in the General Regulations section and other defined requirements of the Zoning Bylaw or Official Community Plan.
- .7 A Building Permit, where required, shall not be issued unless a Development Permit has been issued, or is issued concurrently.



- .8 A Development Permit is valid for a period of twelve (12) months unless otherwise stipulated when the permit is issued.
- .9 Where the Development Officer determines that a development is being carried out in contravention of any condition of the Official Community Plan or any provision of this Bylaw, the Development Officer shall suspend or revoke the Development Permit and notify the permit holder that the permit is no longer in force.
- .10 Where the Municipality is satisfied that a development, the permit for which has been suspended or revoked, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw, the Municipality may reinstate the Development Permit and notify the permit holder that the permit is valid and in force.

---

### 3.8 DISCRETIONARY USE APPLICATION PROCEDURE

- .1 The following procedures shall apply to discretionary use applications:
  - a) Applicants must file with the Development Officer the prescribed application form, a site plan, any other plans and supplementary information as required by the Development Officer and pay the required application and public hearing fees.
  - b) The Development Officer shall examine the application for conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations and shall advise the Council as soon as practical.
  - c) Council may refer the application to whichever government agencies or interested groups as Council may consider appropriate. Council also may require the application to be reviewed by planning, engineering, legal, or other professionals, with the cost of this review to be borne by the applicant.
  - d) The Development Officer will give notice by regular mail that the application has been filed to the assessed owner of each abutting property and each assessed owner of property within a 1.6 kilometre (1 mile) radius of the area in which the subject site is located (75.0 metres if the development is proposed within or adjacent to a Hamlet) and provide notification of an upcoming public hearing and an opportunity for them to provide written comment on the proposal.
  - e) The Development Officer will prepare a report concerning the application which may contain recommendations, including recommendations that conditions of approval be applied in accordance with Section 54 of *The Planning and Development Act, 2007*.
  - f) The Development Officer will set a date for the public hearing at which time the application will be considered by Council and, if deemed necessary, provide notice to assessed owners of property indicating so within the information packages provided as part of the notification process.
  - g) Council shall consider the application together with the reports of the Development Officer and any written or verbal submissions received by Council.
  - h) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site.

- i) The applicant shall be notified of Council's decision by regular mail addressed to the applicant at the address shown on the application form.
- .2 Discretionary uses, discretionary forms of development, and associated accessory uses shall conform to the development standards and applicable provisions of the Zoning District in which they are located.
- .3 The following criteria must be considered in the review of discretionary use applications:
- a) The proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw;
  - b) There must be a demand for the proposed use in the general area, and a supply of land currently available in the area capable of accommodating the proposed use;
  - c) The proposal must be capable of being economically serviced including roadways, water and sewer services, and other supportive utilities and community facilities; and
  - d) The proposal must not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- .4 In approving a discretionary use application, Council may prescribe specific development standards with respect to that use or form of development, provided those standards are necessary to secure the following objectives:
- a) The proposal, including the nature of the proposed site, the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs, must be generally compatible with the height, scale, setbacks and design of buildings in the surrounding area, and with land uses in the general area, including safeguards to prevent noise, glare, dust, or odour from affecting nearby properties.
  - b) The proposal must provide adequate access and circulation for the vehicle traffic generated, as well as providing an adequate supply of on-site parking and loading spaces; and
  - c) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- .5 Council may approve a discretionary use application for a limited time period where it is considered important to monitor and re-evaluate the proposal and its conformance with the provisions of this Bylaw.
- .6 Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit for the discretionary use at the location and under such terms and development standards specified by Council in its resolution.
- .7 Council's approval of a discretionary use application is valid for a period of twelve (12) months from the date of the approval. If the proposed use or proposed form of development has not commenced within that time, the approval shall no longer be valid. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.

- .8 The applicant shall be notified in writing of the decision of their application. The applicant shall be advised of their right to appeal any terms and conditions attached to a discretionary use application to the Development Appeals Board.

---

### 3.9 INTERPRETATION

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

---

### 3.10 REFUSAL OF DEVELOPMENT PERMIT APPLICATION

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

---

### 3.11 DEVELOPMENT APPEALS BOARD

#### **Right to Appeal**

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

- a) is alleged to have misapplied the Zoning Bylaw in issuing a Development Permit;
  - b) refuses to issue a Development Permit because it would contravene the Zoning Bylaw; or
  - c) issues an order, based on inspection, to the owner, operator or occupant of land, buildings or premises considered to contravene the Zoning Bylaw.
- .2 Appellants also may appeal where they are of the opinion that development standards prescribed by the Municipality with respect to a discretionary use exceed those necessary to secure the objectives of the Zoning Bylaw and the Official Community Plan. This right of appeal extends thirty (30) days after the issuance or refusal of a Development Permit or order.

---

### 3.12 DEVELOPMENT PERMIT APPLICATION FEES

- .1 An applicant seeking the approval of a Development Permit application shall pay an application fee in accordance with the fee schedule set in the Bylaw to Establish Fees for Development Permit Applications and reviewed annually. Separate fees may be charged for each type of permit (permitted use, discretionary use, accessory use, etc).
- .2 There shall be no Development Permit application fee for accessory buildings to an agricultural or country residential use, sign permits, licenses for home occupations or other forms of business licenses.

---

### 3.13 DISCRETIONARY USE APPLICATION FEES

- .1 An applicant seeking a discretionary use approval shall pay the fee in accordance with the fee schedule set in the Bylaw to Establish Fees for Development Permit Applications.
- .2 The Development Officer shall direct the applicant for a discretionary use, or carry out on behalf of the applicant, the advertisement of the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each abutting property and each assessed owner of property within a 1.6 kilometre (1 mile) radius of the proposed development (75.0 metres if the development is proposed within or adjacent to a Hamlet).
- .3 The Development Officer shall publish a notice of the application in accordance with the provisions of *The Planning and Development Act, 2007*, whereby the applicant shall pay to the Municipality a fee equal to the costs associated with the public advertisement.

---

### 3.14 FEE FOR ZONING AMENDMENT APPLICATION

When an application is made to Council for an amendment to this Bylaw, the applicant making the request shall bear the actual cost of advertising such zoning amendment as permitted by *The*

*Planning and Development Act, 2007*. Council also may require the applicant to pay all costs incurred in administrative or professional review of the application and in carrying out a public hearing.

---

### 3.15 HOLDING ZONE PROVISIONS

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

---

### 3.16 PLANNED UNIT DEVELOPMENT

- .1 Specific zone regulations shall not apply to Planned Unit Development Contract Zoning. Uses permitted within a PUD include: residential, commercial, light industrial recreation and open space. However, the project shall produce an environment of stable and desirable character and shall incorporate at least equivalent standards of building separation, parking, height and other requirements and provisions of this Bylaw.
- .2 Planned Unit Development Contract Zoning shall be regulated through a Contract Zoning agreement which is Registered as an Interest (caveated) on the title at Land Registry of Information Services Corporation (ISC).

---

### 3.17 REFERRAL UNDER THE PUBLIC HEALTH ACT

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

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

---

### 3.18 MINOR VARIANCES

- .1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:
  - a) a minor variance may be granted for the following only:
    - i. Minimum required distance of a building from a lot line; and
    - ii. The minimum required distance of a building from any other building on the lot;
  - b) the maximum amount of a minor variance shall be 10% variation from the Requirements of this Bylaw;
  - c) the development must conform to all other requirements of this Bylaw;
  - d) the relaxation of the Bylaw requirement must not injuriously affect a neighbouring property; and
  - e) no minor variance shall be granted for a discretionary use or form of development, or in connection with an agreement to rezone pursuant to Section 60 of *The Planning and Development Act 2007*.
- .2 An application form for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee as set in the fee schedule set in the Development Fees Bylaw.
- .3 Upon receipt of a minor variance application the Development Officer may:
  - a) approve the minor variance;
  - b) approve the minor variance and impose terms and conditions on the approval; or
  - c) deny the minor variance.
- .4 Terms and conditions imposed by the Development Officer shall be consistent with the general development standards in this Bylaw.
- .5 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.

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

---

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

- .1 Any use of land or any building or structure lawfully existing at the time of passing this Bylaw that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, may be continued, transferred, or sold in accordance with provisions of Section 88 to 93 inclusive, of *The Planning and Development Act, 2007*.
- .2 No enlargement, additions, or reconstruction of a non-conforming use, building or structure shall be undertaken, except in conformance with these provisions.
- .3 No existing use, building or structure shall be deemed to be nonconforming by reason only of the conversion of this Bylaw from the Metric System of Measurement to the Imperial

System of Measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

- .4 No existing non-conforming site shall be deemed to be non-conforming by reason only of its dimensions or area failing to at least equal the standards prescribed for proposed sites in the Zoning District in which the site is located.

---

### 3.20 DEVELOPMENT PERMIT – INVALID

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

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

---

### 3.21 CANCELLATION

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

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

---

### 3.22 STOP-WORK

The Development Officer may authorize action to stop any development which does not conform to this Bylaw, a development or servicing agreement, a Development Permit or condition, or an Interest is Registered (caveat) under this Bylaw.

---

### 3.23 OFFENCES AND PENALTIES

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



---

### 3.24 INSPECTION OF PREMISES

The Development Officer, or any official or employee of the Municipality acting under their direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this Bylaw are not being complied with, and for the purpose of carrying out their duties under this Bylaw.

---

### 3.25 BYLAW COMPLIANCE

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

---

### 3.26 MOVING OF BUILDINGS

No building shall be moved within or into or out of the area covered by this Bylaw without obtaining a Development Permit from the Development Officer, unless such building is exempt under Section 3.5 of this Bylaw. An applicant shall pay the fee in accordance with the Bylaw to Establish Fees for Development Permit Applications.

---

### 3.27 DEMOLITION OF BUILDINGS

No building shall be demolished without first obtaining a Demolition Permit from the Development Officer in accordance with the Bylaw Respecting Buildings No. 2015-15. Such Permit shall not be issued unless a proposal for the interim or long-term use or redevelopment of the site is also submitted, and the proposed use is in conformity with this Bylaw. A separate Development Permit is required for any redevelopment of the site.

---

### 3.28 TEMPORARY DEVELOPMENT PERMITS

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

---

### 3.29 REGISTERING AN INTEREST (CAVEATS)

Council may require that development and servicing agreements and other documents registered as an interest on affected lands, to protect municipal and public interests.

---

### 3.30 DEVELOPMENT AGREEMENTS

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

---

### 3.31 SERVICING AGREEMENTS

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

---

### 3.32 PERFORMANCE BONDS

The Municipality may require a developer, including host owners of property where an accessory dwelling or Garden Suite is located or a Temporary Work Camp, to post and maintain a performance bond to ensure developer performance and to protect the public interest.

---

### 3.33 LIABILITY INSURANCE

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

## 4 GENERAL REGULATIONS

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

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

- .1 In their interpretation and application, the provisions of this Bylaw shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- .2 Nothing in this Bylaw shall exempt any person from complying with the requirements of a Building Bylaw or any other Bylaw in force within the Rural Municipality of Pense No.160, or law within the Province of Saskatchewan or Canada; or from obtaining any license, permission, permit, authority, or approval required by this or any other Bylaw of the Rural Municipality of Pense No. 160 or any law of the Province of Saskatchewan or Canada.
- .3 Where requirements in this Bylaw conflict with those of any other municipal, provincial, or federal requirements, the more stringent regulations shall prevail.

### 4.2 PRINCIPAL USE ESTABLISHED

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

- .1 Only one (1) principal building shall be permitted on any one site except for the following uses may have more than one principal building to accommodate the use:
  - a) farmyards
  - b) public utility uses
  - c) a private institution,
  - d) a multi-unit residential use
  - e) recreational uses
  - f) an agricultural use
  - g) commercial or industrial uses
  - h) uses allowed in a Contract Zoning agreement or a Planned Unit Development District.
- .2 Council may, at its discretion, issue a Development Permit for additional principal developments, uses or businesses in Commercial and Industrial Zones.
- .3 Temporary Uses may be permitted on a site where a principal development already exists, at Council's discretion.
- .4 Notwithstanding anything contained in this Bylaw, where any land, building, or structure is used for more than one purpose, all provisions of this Bylaw relating to each use shall be

complied with, but no dwelling shall be located within 3.0 metres of any other building on the site except to a building accessory to such dwelling.

---

#### 4.3 ACCESSORY BUILDINGS, USES AND STRUCTURES

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

---

#### 4.4 USES PERMITTED IN ALL ZONING DISTRICTS

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

---

#### 4.5 APPLICATION OF OVERLAY DISTRICTS

- .1 The Overlay Districts shall be in addition to all other Zoning Districts where they are applied so that any parcel of land lying in an Overlay District shall also lie in one or more of the other Districts provided for by this Bylaw. The effect is to create a new District which has the characteristics and limitations of the underlying Districts together with the characteristics and limitations of the Overlay District.
- .2 Unless specifically exempted, the regulations, standards and criteria of the Overlay District shall supplement and be applied in addition to but not instead of any regulations, standards and criteria applicable to the underlying Zoning District.
- .3 In the event of conflict between the requirements of any Overlay District and those of the underlying Zoning District, the Overlay requirements shall apply.

---

#### 4.6 RESTORATION TO A SAFE CONDITION

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

---

#### 4.7 GRADING AND LEVELING OF SITES

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

---

#### 4.8 HEIGHT OF BUILDINGS

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

---

#### 4.9 RESTRICTIONS ON CHANGES

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

---

#### 4.10 SIGNAGE ON NATURAL AND HUMAN HERITAGE SITES

Small plaques, markers, and interpretation signs will be encouraged on properties that have significant natural or human heritage resources, with the approval of the owner, and where the signage is appropriate in scale, design, and placement with the site and surrounding area, and does not cause safety concerns or negatively impact the heritage value of the site.

---

#### 4.11 HERITAGE AND SENSITIVE AND CRITICAL WILDLIFE HABITAT

Where development is proposed in an area identified as containing critical wildlife habitat or heritage sensitive areas (Refer to the Environmentally Sensitive Lands (ES) and Heritage Resource(HR) Overlay Districts in Sections 13 and 14), the Development Officer may require that the applicant provide additional information as required by *The Wildlife Habitat Protection Act* (WHPA) and *The Heritage Property Act* or any other relevant provincial regulations.

---

#### 4.12 FENCE AND HEDGE HEIGHTS

- .1 Notwithstanding the other provisions in this section, barbed wire fences shall be exempt from the required yard setbacks in all Zoning District in accordance with the Bylaw to Prohibit Obstructions Adjacent to Certain Road Allowances (Bylaw 08-2011).
- .2 On corner lots, that portion of a lot contiguous to a public road allowance shall be considered as a front yard area for the purpose of applying the regulations herein.

- .3 Screening devices shall not locate within a sight triangle as defined in this Bylaw. Screen fences shall be consistent and complement the quality of building design and materials of the primary building. Screening devices shall not exceed 2.4 metres in height.
- .4 Subject to traffic sight lines, the following limitations shall apply to fences, walls, chain-link fences and hedges in all Country Residential Districts:
  - a) no hedge, fence or other structure shall be erected past any property line; and
  - b) no barbed wire or razor wire fences shall be allowed.

---

#### 4.13 LANDSCAPE BUFFERS

- .1 Landscape buffers are intended to improve land use compatibility and environmental quality by recurring noise, lighting glare and other nuisances, or facilitating natural drainage.
- .2 The Development Officer may require or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials or other similar uses.
- .3 For any non-residential use, Council may establish landscaping requirements for any permitted or discretionary use or Development Permit to achieve:
  - a) maximum public safety;
  - b) zero nuisance; and
  - c) environmental quality.
- .4 Council may establish specific landscaping requirements to include berms, natural vegetation, planted vegetation, landscaping, trees, shrubs, fences, private signs and similar amenities.
- .5 Council may require all sites along Highway No. 1 and associated service roads, which are developed for non-agricultural purposes, to be landscaped in the front yard. These requirements are provided in the individual Zoning Districts.
- .6 Country Residential acreages shall be encouraged to establish a shelterbelt or vegetative landscape buffer around the residential use to reduce land use conflicts with adjacent agricultural uses and activities and to recognize the need for a windbreak.
- .7 The Development Officer may require that site landscaping be provided in conjunction with and addressed as part of any Development Permit approval in any Zoning District.

---

#### 4.14 KEEPING OF DOMESTIC ANIMALS



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

---

#### 4.15 BUILDING AND SITE MAINTENANCE

- .1 All sites at all times shall be maintained clean and free from waste and debris in accordance with the Bylaw to Provide for the Abatement of Nuisances (Bylaw 10-2010).
- .2 The outdoor storage or collection of goods and materials is prohibited in a front yard in any Commercial, Industrial, or Country Residential District. Outdoor storage is permitted in a side or rear yard in a Country Residential District only when the goods or material being stored are clearly accessory and incidental to the principal use of the property.
- .3 The Development Officer may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, motor, building materials, waste materials and other similar uses in a Commercial or Industrial District, or where other landscaping and screening requirements would be appropriate as determined by the Development Officer. The use of landscaping may be required adjacent to exterior storage areas within industrial developments to provide a natural screening of activities that are visible from public roads.

---

#### 4.16 PROHIBITED AND NOXIOUS USES

- .1 Any use is prohibited which, by its nature or the materials used therein, is declared by *The Public Health Act and Regulations* to be a noxious trade, business, or manufacture.
- .2 Notwithstanding any use contained within a building, no land shall be used and no building or structure shall be erected, altered or used for any purpose that is noxious and, without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offence, or both:
  - a) by the creation of noise or vibration;
  - b) by the emission of light and glare;
  - c) by reason of the emission of gas, fumes, smoke, dust or objectionable odour;
  - d) by reason of the unsightly storage of goods, merchandise, salvage, refuse matter, motor vehicles, trailers or parts of vehicles or trailers, machinery, or other such material; or
  - e) by any combination of things in this subsection.

---

#### 4.17 DISPOSAL OF WASTES

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

---

#### 4.18 SITE DEVELOPMENT REGULATIONS FOR DEVELOPMENT NEAR WATER SOURCES

- .1 If the proposed development will be within 150.0 metres of any public well or private or public dam which is licensed by the Saskatchewan Water Security Agency, and identified in the OCP, Council may also require additional information from the applicant to ensure that the existing water supplies will not be jeopardized.
- .2 Council may require that before a permit may be issued, the applicant shall submit a report prepared by a professional who is competent to assess the suitability of the site for a development and that the development is suitable with respect to the required mitigation measures to develop in areas of high water table, near public wells, waste disposal sites or a private or public dam which is licensed by the Saskatchewan Water Security Agency, and identified in the OCP.

---

#### 4.19 PUBLIC UTILITIES AND MUNICIPAL SERVICES

- .1 Public utilities, except solid waste disposal, liquid waste disposal and clean fill sites, unless otherwise specified by this Bylaw, shall be exempt from the provisions of every Zoning District.
- .2 Protective, emergency, municipal services and other public works and facilities may be established in all Zoning Districts.

---

#### 4.20 CLOSINGS

In the event a dedicated road, street or lane shown on the Zoning District Map forming part of this Bylaw is closed, the property formerly in such street or lane shall be included within the Zoning

District of the adjoining property on either side of such closed road, street or lane. If a closed road, street or lane is the boundary between two or more different Zoning Districts, the new district boundaries shall be the former centre line of the closed road or street.

---

#### 4.21 ROADWAYS

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

---

#### 4.22 FRONTAGE AND ACCESS/APPROACHES

- .1 A Development Permit shall not be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on a graded all-weather registered road, or unless satisfactory arrangements have been made with the Council for the improvement or building of a road.
- .2 All site access from roads shall be to the satisfaction of Council with respect to location, design, and construction standards. Council shall take into account the physical capability and safety of the roads that are proposed to serve the development.
- .3 Notwithstanding the setback provisions contained in the Zoning District Schedules, Council may reduce the 46.0 metre for buildings and structures on Municipal Roadways where physical circumstances make it unrealistic to maintain the 46.0 metre setback.

- .4 All approaches to public roads require the approval of the Municipality. All approaches shall be constructed in accordance with the engineering standards of the Municipality.
- .5 The Development Officer shall decide upon all approach applications and, based on location, drainage, traffic flow, sight lines, road standards, and safety considerations, may approve or refuse an application for an approach.
- .6 Where an approach for a Commercial, Industrial, or Country-Residential lot within a multi-parcel subdivision accesses onto a paved road or highway, the approach shall be paved from the edge of the road surface to 5.0 metres into the lot.

---

#### 4.23 ROAD CROSSINGS

The Municipality may apply special standards as outlined in *The Municipalities Act* to protect the municipal interest when transportation, utility and pipeline facilities cross municipal roads or when seismic activity is proposed on roads or road allowances.

---

#### 4.24 HEAVY HAUL ROADS

The Municipality may use *The Municipalities Act* to ensure that any trucking activity cover the cost of road repair caused by their usage of a Rural Municipal road.

---

#### 4.25 RAILWAY CROSSINGS AND SIGHT DISTANCES

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

---

#### 4.26 COMMUNICATION TOWERS

- .1 The erection of cellular telephone transmission towers shall not be permitted in, or closer than 100.0 metres to any Country Residential District or Hamlet.
- .2 Satellite dishes may be erected in Commercial or Industrial Districts for communications purposes or re-broadcasting of television signals.

---

#### 4.27 SIGHT TRIANGLE

- .1 In all Zoning Districts no building, structure, earth pile, vegetation, etc. shall obstruct the vision of drivers within a sight line triangle. The sight line triangle area shall be calculated

by connecting straight lines, which are measured from the intersection of centerlines of the various types of roads and railways, to points established along these centerlines, as indicated in the following:

**Figure 1: Sight Triangle Distances**

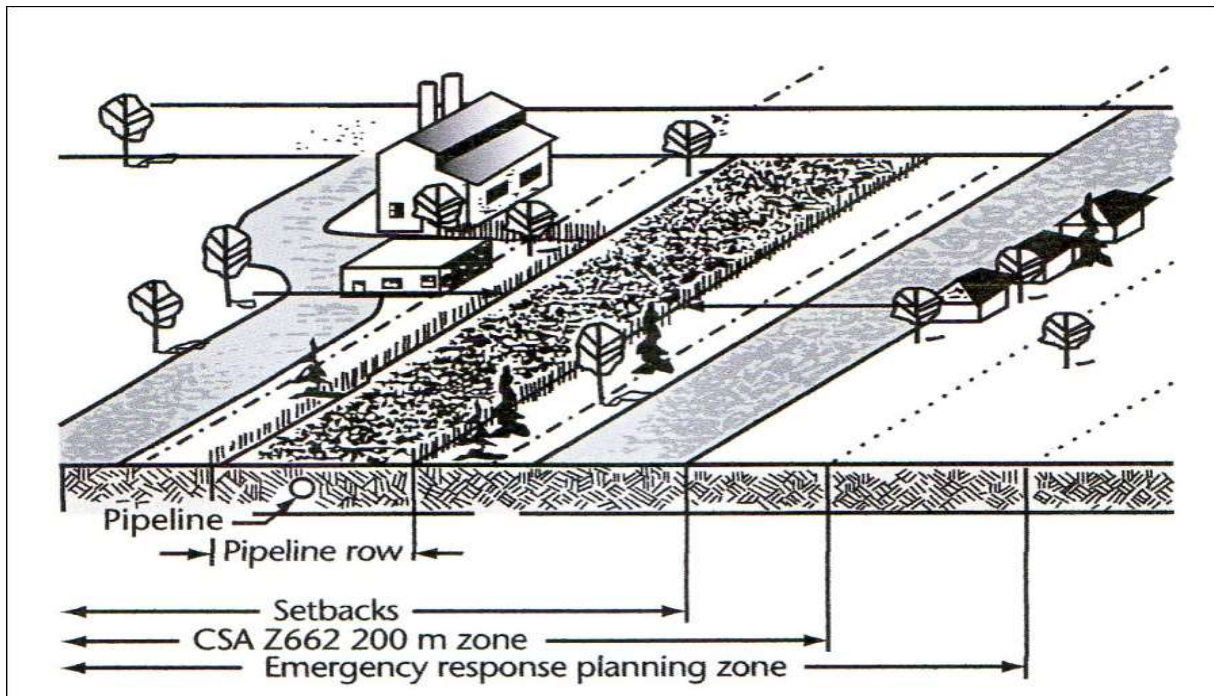
Type of Road or Railway	Distance Along Centerline
Provincial Highways	230 metres
Municipal Grid Roads or Railway Lines	80 metres

---

**4.28 DEVELOPMENT ALONG PIPELINES AND GAS TRANSMISSION LINES**

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

**Figure 2: Land Use Areas**



#### 4.29 USES OR OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- .1 No development or use of land which requires the disposal of solid waste, liquid waste, gaseous waste or clean fill shall be permitted unless it has received all required federal and provincial approvals.
- .2 The storage of chemicals, fertilizers and combustible materials are subject to the requirements of both the federal and provincial governments. All necessary requirements and permits must be met and obtained prior to issuance of a Development Permit.
- .3 A Development Permit for residential, commercial, recreational or industrial buildings shall not be permitted except in accordance with the recommended separation distances of the "Regulations Respecting Anhydrous Ammonia-Saskatchewan Regulations 361/77" which may be amended from time to time. Residences and buildings which are an integral part of the fertilizer operation are not subject to the foregoing buffer requirement.

#### 4.30 VEHICLE STORAGE

- .1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any Zoning District for the parking or storage of any vehicle that is not in running order, except that not more than five (5) such vehicles may be stored on any site in an Agricultural, Commercial or Industrial District, except in the case of permitted vehicle storage establishments or auto wreckers.

- .2 Notwithstanding anything contained in this Bylaw, no person shall use any site in any district for the parking or storage of any vehicle that is not in running order, except that not more than two (2) such vehicles may be stored on any site in a Country Residential or Hamlet District.
- .3 Where any outside storage of vehicles is proposed, the site shall be kept in a tidy and neat manner. The Municipality may require that the outside storage of vehicles be screened from roadways or neighbouring properties by landscape features or fences or a combination thereof. The screening, where required, shall also include any individual parts of a vehicle and any equipment or machinery involved with the storage of such vehicles.

---

#### 4.31 TRAILERS, BOX CARS, SEA AND RAIL CONTAINERS

- .1 No person shall park or store on any part of a site any unlicensed rail or sea container, truck, bus or coach body for the purpose of advertising within any Zoning District.
- .2 Mobile Storage containers may be accommodated for warehousing or storage purposes under the following conditions:
  - a) must be properly anchored;
  - b) shall be located a minimum of 3.0 metres from the primary building and behind the rear wall of the primary building;
  - c) containers determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Municipality;
  - d) must meet the National Building Code Standards as applicable; and
  - e) must apply for a Development Permit every five (5) years.

---

#### 4.32 LIGHTING

- .1 All outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties; interfere with the use and enjoyment of neighbouring lands; or interfere with the effectiveness of any traffic control devices or the vision/safety of motorists.
- .2 Appropriate lighting of Commercial and Industrial development shall be undertaken to provide security and to add visual interest. Lighting standards and fixtures shall be of consistent design and complimentary to the overall architecture.

---

#### 4.33 SIGNAGE

- .1 A Development Permit is required for the erection, display, alteration, relocation or replacement of any temporary or permanent sign unless exempted as follows:
  - a) regular maintenance including painting and repairs due to deterioration;
  - b) municipal and provincial agency signage;
  - c) traffic control signage;
  - d) incidental signs containing traffic and pedestrian controls;
  - e) signage intended to regulate hunting or trespassing on private property;
  - f) agriculturally related signage;
  - g) real estate signage;
  - h) residential name plates; and
  - i) works of art containing no advertising.
  
- .2 The following general regulations shall pertain to temporary and permanent signage in all Zoning Districts unless otherwise stated:
  - a) all signs situated along a provincial highway shall comply with provincial highway regulations as amended from time to time;
  - b) a sign which is made from part of or is attached to, a fence is prohibited;
  - c) signs shall be constructed in a permanent manner, of materials suitable for the purpose and life of the sign and shall be maintained and mounted in a condition that is safe, neat, clean and not unsightly or dangerous;
  - d) signs which are deemed to be in disrepair shall be properly maintained or removed at the discretion of the Municipality;
  - e) the Development Officer may require that a sign be enhanced with landscaping or architectural features to improve aesthetics;
  - f) offensive statements, words or pictures that do not conform to the amenities of the neighbourhood shall be prohibited;
  - g) signs or sign structures shall not be located where they may interfere with, distract from, obstruct the view of or be confused with any authorized traffic sign, signal or device.
  - h) signs shall not be located in such a manner as to impede the view of any pedestrian or vehicular right-of-way or railway crossing;
  - i) Intermittent flashing signs, neon or LED lighting shall be discretionary in any Zoning District and all illuminated signs shall be designed to cast light downwards and located appropriately to prevent the creation of a hazardous situation related to vehicular traffic;
  - j) signs identifying multi-parcel country residential developments may be permitted;
  - k) incidental signage shall not exceed 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) of gross surface area and shall not contain any advertising; and
  - l) no permanent sign shall be placed on or over public property unless specifically permitted within this Bylaw.
  
- .3 Highway Corridor Signage
  - a) Where a sign will be located adjacent to a Provincial highway, *The Highways and Transportation Act* will govern placement requirements; and
  - b) Billboard and other off-site advertising signs are permitted in a highway sign corridor.



- 4 Temporary Signage maybe placed in public right-of-ways for the purpose of advertising special events and will be limited to the following:
- a) temporary, portable and real-estate signs are permitted as long as the temporary condition exists for the property. They can be erected ten (10) days prior to the day of an event and must be removed within 48 hours of the event`s end;
  - b) signage will maintain a separation distance of 10.0 metres from another temporary or permanent sign, 3.0 metres from a site access point and 10.0 metres from an intersection; and
  - c) election signage is permitted as temporary signage and is permitted only if it is erected no earlier than 30 days prior to the date of the election, by-election, referendum or plebiscite and removed 24 hours following the close of voting stations.

#### 4.34 ZONING DISTRICT SIGN REGULATIONS

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

**Figure 3: Zoning District Sign Regulations**

<p><b>Agricultural Resource District and Mineral Resource Extraction Overlay District</b></p>	<p>Free standing signs shall not exceed a gross surface area of 11m<sup>2</sup> (118.4 ft<sup>2</sup>) and a height of 7.5 metres.</p> <p>One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27ft<sup>2</sup>) in gross surface area.</p> <p>Where a building maintains direct exposure to more than one public right-of-way, a second attached sign shall be allowable following the previous regulations.</p> <p><b>Recreational Uses</b> Free standing signs shall not exceed a gross surface area of 5 m<sup>2</sup> (53.82 ft<sup>2</sup>) and a height of 2.5 metres.</p> <p>One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> (60.27 ft<sup>2</sup>) in gross surface area.</p> <p><b>Ag-Commercial and Home-Based Businesses</b> One sign per building frontage shall be permitted to a maximum gross surface area of 1 m<sup>2</sup> (10.76 ft<sup>2</sup>) for an approved use and shall not exceed a maximum 2.5 metres in height. Illumination shall be limited to 75 watts and shall not include electronic message boards.</p>
<p><b>Commercial and Industrial District</b></p>	<p>Free standing signs shall not exceed a gross surface area of 11m<sup>2</sup> and a height of 17.0 metres</p>

	<p>One attached sign shall be permitted not exceeding 5.6 m<sup>2</sup> in gross surface area.</p> <p>Illumination shall be limited to 75 watts and may/may not include electronic message boards.</p> <p>Where a building maintains direct exposure to more than one public right-of-way, a second attached sign shall be allowed.</p>
--	---

---

#### 4.35 LOADING REQUIREMENTS

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

---

#### 4.36 PARKING

- .1 All required parking and loading facilities are intended for the purpose of accommodating the vehicles of clients, customers, employees, members, residents or visitors in connection with the principal building or use for which the parking and loading facilities are provided. Parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.
- .2 Required parking and loading facilities shall provide for and include an adequate, safe and convenient arrangement of vehicular points of ingress or egress, driveways, internal roadways, aisles and ramps, unloading and loading of motor vehicles all in relation to buildings and entry points to buildings on the site.
- .3 The parking facility shall be located on the same site as the use for which it is intended. It shall be developed such that:
  - a) it is reasonably accessible to the use and vehicles it is intended to serve;
  - b) it meets the satisfaction of the Municipality regarding design;
  - c) it is appropriately landscaped to the satisfaction of the Municipality;
  - d) all parking facilities shall be maintained to the satisfaction of the Municipality by the owner of the property;
  - e) each parking space within a parking facility shall be a minimum of 2.5 metres wide and 6 metres long except that parallel parking spaces shall be a minimum of 6.5 metres long;
  - f) where two or more uses are permitted on any one site or where two or more uses are to share common parking facilities, the off-street parking requirements for each use shall be calculated as if each is a separate use and the total number of off-street parking spaces so calculated shall be provided; and

- g) one (1) barrier free parking space shall be provided for any required parking facility accommodating between 4 and 100 parking spaces.
- .4 Any parking facility shall be developed to the satisfaction of the Municipality within one (1) year of the completion of the development for which the Development Permit was issued.
- .5 When a building is enlarged or altered in such a manner as to cause an intensification or change of use, provisions shall be made for additional parking spaces as required by the previous subsection.

## 5 DISCRETIONARY USE STANDARDS FOR DEVELOPMENT

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

### 5.1 HOME BASED BUSINESSES AND OCCUPATIONS

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

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

### 5.2 AGRICULTURAL TOURISM USES

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

- Agricultural tourism uses shall display a high visual quality and shall be integrated into the rural environment by virtue of appropriate design, location and landscaping. Agricultural tourism uses may only be approved where they would not:
  - unduly interfere with the amenities or change the character of the neighborhood;
  - materially interfere with or affect the use and enjoyment of adjacent properties;
  - adversely impact upon the environment; or

- result in excessive demand on municipal services, utilities or public roadway access;
- Agricultural tourism uses shall comply with all provincial environmental and health regulations.

---

### 5.3 GARDEN SUITES

A single Garden Suite may be placed in the back yard of a single-detached residential development under the following conditions in an Agricultural Resource or Country Residential District:

- The Garden Suite dwelling unit is a temporary use and shall be permitted for a five (5) year term, which may be renewed at Council's discretion. The landowner shall enter into an agreement that the land shall not be considered for subdivision.
- The owner(s) of the host residence live on the site.
- The occupant(s) of the Garden Suite should be able to benefit from the informal care and support of relatives or a caregiver in the primary residence, or provide care and support to relatives or a care-receiver in the primary residence.
- The floor area of the Garden Suite dwelling shall not be less than 35 m<sup>2</sup> (375 ft<sup>2</sup>) and not greater than 90 m<sup>2</sup> (1000 ft<sup>2</sup>). The Garden Suite may be a single width mobile or modular home.
- The Garden Suite shall not be located on a permanent foundation to allow the structure to be removed from the property when it is no longer required by a relative of the permanent resident.
- The maximum height of the Garden Suite shall not exceed 5.0 metres from grade level and shall have only one storey.
- Garden Suite dwellings shall only be located on sites where the dwelling can be serviced by existing utilities and can be hooked up to the services of the host residence. The suite shall not have a separate water supply or waste disposal system.
- Residents of the Garden Suite must have access to the rear yard amenities.
- The accessory dwelling shall be placed so that all other
- 
- requirements of this Zoning Bylaw are met.
- A parking space shall be provided on site for the resident(s) of the Garden Suite dwelling.
- There shall be direct and separate access to the Garden Suite dwelling by on-site driveway, or by public roadway or alley.
- Garden Suites may only be approved where they would not:
  - change the character of the neighbourhood;
  - adversely affect the natural environment;
  - result in any increase in demand on municipal services or public utilities.
- An applicant for a Garden Suite shall be required to sign an Agreement with the Municipality or post a Performance Bond to ensure that the Suite will comply with all Bylaw requirements.
- The Municipality shall, at its own cost, file a copy of a Discretionary Use approval as an Interest against the title of the land on which the Garden Suite has been allowed.

---

#### 5.4 RESIDENTIAL CARE HOMES

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

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

---

#### 5.5 BED & BREAKFAST HOMES

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

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

---

#### 5.6 SALVAGE YARDS (AUTO WRECKERS)

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

- This includes salvage yards, auto wreckers, auto repair shop, body shops and similar uses, all salvage vehicles and materials, vehicles waiting repair, salvage or removal and similar uses.
- No vehicles or parts thereof shall be located in the front yard.
- All salvage yards shall be totally hidden from the view of the travelling public, provincial highways, any public road by utilizing distance and careful location, natural or planted vegetation, an earth berm, opaque fence or other appropriate methods approved by Council.
- All salvage or auto wrecking yards adjacent to a Country Residential, Village, Town or Hamlet District shall be totally enclosed by a sturdy fence built to a minimum height of 2.0 metres and constructed of material suitable to conceal from view the materials stored on site. No materials shall be stacked above the height of the fence.
- A Performance Bond may be required by Council to ensure the development meets the required development standards.

---

## 5.7 AUTOMOTIVE SERVICE USES AND GAS PUMPS

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

- Gas pumps and islands shall be set back 6.0 metres from any site line.
- Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- Propane and natural gas pumps (retail or wholesale) shall be set back according to Provincial regulations.
- Access/egress points shall not be continuous along a street and shall be separated by at least 10.0 metres.
- Traffic circulation for auto-related services shall be accommodated on the site.
- Vehicles and parts storage shall not locate in any yard abutting a road and must be screened from view by a solid fence with the location, height and materials being first approved by the Development Officer.

---

## 5.8 ANIMAL KENNELS

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

- The maximum number of animals not normally attributed to the host site to be kept on-site shall be at the discretion of Council.
- No building or exterior exercise area(s), to be used to accommodate the animals, shall be allowed within 300 metres of any dwelling located on adjacent lots.
- All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.

- Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of Council.
- All dog facilities shall be visually screened from existing dwellings on adjoining lots.
- No animals shall be allowed outdoors between the hours of 9:00 p.m. to 7:00 a.m. daily. During this time period, all animals shall be kept indoors.
- A boarding use shall at no time unduly interfere with the character of the neighbourhood or the general enjoyment of adjoining sites.
- Details of animal waste disposal shall be included in the application.
- One sign located on site, advertising the animal kennel is permitted subject to the General Sign Regulations in Section 4.33.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- Animal kennels shall be subject to relevant Bylaws and legislation governing noise and public health.
- All permits issued shall be valid for a two (2) year period from the date of issuance and shall be subject to cancellation by the Municipality for due cause.
- Failure to comply with any of the above regulations or the conditions of a Development Permit may result in the revoking of the permit by the Municipality.

---

## 5.9 EQUESTRIAN FACILITIES

The following additional considerations shall be made for all applications for an Equestrian Facility:

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



---

## 5.10 CAMPGROUNDS

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

- The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and the material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres which shall contain no buildings.
- The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m<sup>2</sup> in area with its corners clearly marked.
- One sign located on site, advertising the campground, is permitted subject to the General Sign Regulations in Section 4.33.
- No portion of any campsite shall be located within a roadway or required buffer area.
- Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- Each trailer coach shall be located at least 3.0 metres from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- The space provided for roadways within a campground shall be at least 7.5 metres in width. No portion of any campsite, other use or structure shall be located in any roadway.
- A campground may include, as accessory uses, a laundromat or confectionary designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

---

## 5.11 TEMPORARY WORK CAMPS

- Temporary Work Camps are an accessory use to an industrial or resource development.
- A Development Permit for a Work Camp may be issued for up to one (1) year, at which time an application must be made for the continuance of the use for one (1) additional year, after which time a new Development Permit approval is required.
- An application for a Development Permit must provide the following information and a Concept Plan for the development:
  - the location, type and purpose of the camp;
  - adjacent Land uses;
  - the method of supplying water and sewage and waste disposal to the camp. The proposed method of sewage disposal must comply with the Saskatchewan Onsite WasteWater Disposal Guide and in accordance with the Saskatchewan *Public Health Act*;

- the number of persons proposed to live in the camp;
  - the method of providing garbage disposal and pest control in the camp;
  - the start date for development, date of occupancy by residents and removal day for the camp.
- A Temporary Work Camp for accommodation purposes must be:
  - linked to a specific project for which a valid and current Development Permit has been issued and can only accommodate workers for this project;
  - able to accommodate a minimum of twenty (20) persons and a maximum of three-hundred (300) persons;
  - secured by the installation of appropriate fencing around the project accommodation and onsite security staff;
  - provide adequate on-site parking for private vehicles; and
  - separated (buffered) from adjacent land uses.
- The final review of an application will not be completed prior to the receipt and evaluation of all required information by the Development Officer, the District Health Region and any other relevant agency deemed necessary by the Municipality.
- The Work Camp buildings and structures must be removed from site when the project is completed.
- The Developer must post a Performance Bond sufficient to remove and/or reclaim the site after the project is either completed or if work has stopped to the extent that the need for the camp no longer exists.

---

## 5.12 DOMESTIC WIND ENERGY SYSTEMS

- The Developer shall submit a site plan that shows the legal land description, the size of the site, the location of the private wind energy system in relationship to the property lines and other structures or buildings, including roads, underground cabling, overhead lines, fencing and access.
- Council will require the developer to consult with the adjacent property owners surrounding the proposal prior to reviewing the Development Permit application.
- The Rural Municipality may seek approval of this development from both internal and external referral agencies.
- Development and Building Permit applications for Wind Energy systems shall be accompanied by a manufacturer's engineering certificate of structural safety and certification of structural safety from a Saskatchewan Professional Engineer including:
  - installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer and must meet with Municipal approval; and
  - an approved Electrical Permit from SaskPower shall be obtained and provided to the Municipality for all wind energy systems.
- All buildings and structures shall be set back at least 90.0 metres from an intersection of any Municipal road allowance or Provincial highway or such greater distance as required by the Department of Highways.
- All infrastructure, roads and accesses required to facilitate the implementation of the wind energy facilities shall be proposed by the developer as part of the Development Permit application.

- Any proposed development within a municipal road allowance (e.g. underground lines or overhead poles/lines) must be proposed by the developer as part of the Development Permit application and adhere to the Rural Municipality road crossing policy.
- Setback distance for the Domestic Wind Energy System shall be a minimum distance of the height of the wind energy system plus 50.0 metres from the property line.
- Approaches for access roads to the wind energy facilities must be perpendicular to established road allowances.
- The setback related to Municipal road allowances and the wind energy generator (turbine) shall be no less than the length of the blade plus 10.0 metres.
- The minimum distance from an Agricultural, Country Residential dwelling or Hamlet shall be:
  - 500 metres (1,604 feet) for up to two towers, where the residence's owner is hosting the tower(s).
  - 1500 metres (4,921 feet) for up to two towers, where the residence's owner is not hosting the tower(s) and from any neighboring residences.
  - 2,000 metres (6,561 feet) for all residences, where three or more towers are combined in a quarter section. This applies to residences on the subject lands and on neighbouring properties.
- The separation distance from a Commercial or Industrial principal use to a wind energy generator (turbine) shall be a minimum distance of 550 metres.
- A maximum of one domestic wind energy system per lot may be permitted. For residential applications, wind energy components and towers shall be erected in rear-yards only
- Upon request, where Council considers that a lesser separation distance than described above will not negatively impact the specific use or surrounding development, Council may consider a reduction of the required separation distance. Prior to granting a reduction, Council may consult with appropriate agencies.
- Where Council considers a lesser separation distance than required above, the developer of the wind energy system may be required to enter into an agreement with the owner of any residence that does not meet the required distance and the Municipality consenting to the proposed development, as a condition of the approval. Council may require that an interest protecting the parties to the agreement be registered against the title of the residence and the titles of any other affected parcels.
- The Municipality may require the developer to take mitigating measures to ensure the development produces minimal disturbances to the surrounding lands as per Saskatchewan Environment guidelines.
- The proposed height of the domestic wind energy system shall be included in the Development Permit application. The maximum total tower height shall be:
  - 45.0 metres above grade level in the Agricultural Resource Zoning District; or
  - 6.0 metres in a Hamlet or Country Residential, Commercial or Industrial District.
- There shall be no sounds, light, glare, heat, dust or other emissions that detract from the amenity of the area other than those that are necessary for the operation of the system.
- Sites having potentially dangerous or hazardous developments shall have visible signs stating any potential dangers. No hazardous waste shall be stored on the site.
- Substations are required to be fenced. All wind energy facilities shall be enclosed within a locked protective chain link fence of a minimum height of 2.0 metres and the design shall be included in the Development Permit application.

- Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands.
- A decommissioning plan shall be submitted with the development application.
- Any changes to the original Development Permit shall require a new permit to be issued.

---

### 5.13 COMMERCIAL WIND ENERGY SYSTEMS

In addition to the regulations for Domestic (Privately Owned) Wind Energy Systems in 5.12, the following regulations shall apply:

- Where a number of Wind Energy Systems are proposed to operate in close proximity to each other as a Wind Farm and the electrical power that is generated will be sold to a Public or Private utility, the proposed development shall be deemed a Discretionary Use in the Agricultural Resource District.
- The Developer shall submit a site plan that shows the legal land description, the size of the site, the location of the Commercial wind energy system in relationship to the property lines and other structures or buildings, including roads, underground cabling, overhead lines, fencing and access.
- Council will require the developer to consult with the adjacent properties within a 5.0-kilometre radius surrounding the proposal prior to reviewing the Development Permit application.
- The minimum site size for the allowance of any wind energy system shall be 2.0 hectares. Minimum distance of 1.0 kilometre from any residence or group of residences.
- The developer is required to enter into a road use agreement with the Municipality for the construction period to ensure roads are maintained in condition agreeable by both parties.
- The developer shall undertake required consultations and/or studies to determine appropriate setback distances from environmentally sensitive areas, wetlands, or other protected or sensitive areas.
- The Developer shall submit a site plan that shows the location of the wind energy systems including roads, underground cabling, fencing, overhead lines, drainage and access.
- Landscaping shall be provided by the developer, where deemed necessary by Council, to maintain safety, protection and the character of the surrounding area.
- Accessory outdoor storage shall be screened from adjacent residential dwellings and public highways and the location of the storage shall be shown on the sketch that forms part of the Development Permit application.
- Development applications must be accompanied by a report of any public information meetings or other process conducted by the developer.
- A post-construction reclamation plan as well as a decommissioning plan shall be submitted with the development application.

---

### 5.14 COMMUNICATION TOWERS

- All towers with a height of 15.0 metres (50 feet) or more shall be considered at the discretion of Council and shall require a Development Permit.

- All towers shall be located on the same site as the intended signal user.
- All towers shall be erected in rear-yards only.
- The tower shall not be illuminated unless required by Transport Canada Regulations, and except for a manufacturer's logo, shall not exhibit or display any advertising.
- The maximum total tower height shall be:
  - 6.0 metres above grade level in Hamlets and Country Residential Districts;
  - 46.0 metres above grade level in all other Districts.
- Guy-wire anchors shall be setback at least 1.0 metre from the property line.
- All towers that require a Development Permit shall be enclosed within a locked protective chain link fence of a minimum height of 2.0 metres and the design of the fence shall be included in the Development Permit application for Council's approval.
- Council, at its discretion, may seek approval of this development from both internal and external referral agencies.

---

#### 5.15 SOLID & LIQUID WASTE DISPOSAL FACILITIES

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Solid or Liquid Waste Disposal Facility. The following standards do not apply to liquid manure storage facilities and the application of manure on agricultural lands where this use is deemed consistent with all other relevant sections of this Bylaw.

- Development and site maintenance shall be in accordance with provincial environmental and health regulations.
- Any solid waste disposal facility shall be located 457.0 metres from any residence unless relaxation of this requirement is agreed to by affected parties.
- A buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area.
- Any solid or liquid waste disposal facility shall be fenced.
- Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
- Solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road.
- The development of any new disposal sites shall take into consideration direction of prevailing winds.
- Council shall place any additional conditions for approval deemed necessary based upon a specific application.
- Where approval has been deemed appropriate, Council may consider the following requirements within the granting of a Development Permit:
  - placing a limitation on the years, months, weeks, days and/or hours of operation;
  - a requirement to provide and maintain sufficient dust control to the satisfaction of the Municipality;
  - limitations on the height of the landfill development; and
  - specific requirements related to any stripping, filling, excavation and grading associated with a landfill development.

**Figure 4: Minimum Separation Distances Relating to all Solid and Liquid Waste Disposal**

Other Uses	Solid Waste Facility	Liquid Waste Facility
Single residence, tourist Accommodation	800 metres	300 metres
Multi-Parcel Country Residential subdivision or Hamlet or urban Municipality	1.6 kilometres	600 metres
Commercial or Industrial use	300 metres	300 metres

### 5.16 TRANSLOADING FACILITIES

.1 As part of the development permit application, the applicant may be required to submit information regarding any hazardous material to be kept or stored on-site, emergency management plan, site grading and drainage plans, and proposed truck routes.

.2 The applicant may be required to enter into a road maintenance agreement. The construction or upgrading of a road and/or approach required for access to the development shall be at the cost of the applicant and meet municipal standards.

.3 Transloading facilities shall not be located within 90 metres of a residence or such greater distance deemed acceptable to Council after consultation with adjacent landowners.

.4 Screening of the facility from neighbouring properties may be required to the satisfaction of Council.

.5 There shall be adequate fire suppression on the site. The development application may be referred to the local fire department for comment.

.6 Council may require the developer to undertake specific safeguards to address safety issues related to material kept on site and nuisance issues related tot dust, noise, odour, or similar conditions.

.7 Transloading facilities shall be developed and shall operate in compliance with all relevant federal and provincial requirements.

**6 ZONING DISTRICTS AND ZONING MAPS**

**6.1 ZONING DISTRICTS**

For the purpose of this Bylaw, the Rural Municipality of Pense No. 160 is divided into several Zoning Districts that may be referred to by the appropriate symbols.

Zoning Districts	Symbol	Overlay Districts	Symbol
<b>Agricultural Resource</b>	<b>AR</b>	<b>Mineral Resource Extraction</b>	<b>MRE</b>
<b>Country Residential</b>	<b>CR</b>	<b>Environmentally Sensitive Lands</b>	<b>ES</b>
<b>Hamlet District</b>	<b>H</b>	<b>Heritage Resource</b>	<b>HR</b>
<b>Highway Commercial</b>	<b>COM</b>		
<b>Industrial</b>	<b>IND</b>		

**6.2 ZONING DISTRICT MAPS**

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 02-2013" adopted by the Rural Municipality of Pense No.160, signed by the Reeve and Administrator under the seal of the Rural Municipality, shall be known as the "Zoning Districts" map, and such map is hereby declared to be an integral part of this Bylaw.

**6.3 BOUNDARIES OF ZONING DISTRICTS**

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

**7 AGRICULTURAL RESOURCE DISTRICT (AR)**

*The purpose of the Agricultural Resource District (AR) is to provide for and preserve large areas capable of accommodating a diversity of general agricultural operations and natural resource extraction and related activities.*

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



**7.1 PERMITTED USES**

- a) Field crops, animal and poultry raising, ranching, grazing, and other similar uses customarily carried out in the field of general agriculture, including the sale on the agricultural holding of any produce grown or raised on the agricultural holding but excluding intensive livestock, P.M.U. and poultry operations, feed lots, apiaries, hatcheries and mushroom farms;
- b) One detached one-unit dwelling, RTM or modular home on a quarter section, following the placement thereof on a permanent foundation;
- c) Uses, buildings and structures accessory to the principal building or use;
- d) Home Occupation or Home-Based Business;
- e) Small-Scale facilities for the processing and direct sale of crops grown or products raised by the agricultural operation;
- f) Intensive Agricultural Activities (e.g. tree and garden nurseries, market gardens, greenhouses, orchards, vegetable, horticultural or fruit gardens);
- g) Beehives and honey extraction facilities;
- h) Fish farming;
- i) Oil, gas, and CO<sub>2</sub> wells, but excluding intensive oil, gas, or CO<sub>2</sub> processing development;
- j) Pipelines and related facilities;
- k) Potash mining operations including, but not limited to, mine offices, maintenance and processing building, headframes, wells, pipelines and storage facilities;
- l) Petroleum extraction development including wells, pipelines, compressor stations and storage facilities;
- m) Institutional Uses and facilities;
- n) Public Parks and Recreational Uses;
- o) Places of Worship;
- p) Cemeteries;
- q) Historical and archaeological sites;
- r) Wildlife and conservation management areas;
- s) Public utilities, buildings, and structures, warehouses and storage yards excluding solid and liquid disposal waste facilities.



---

## 7.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw:

- a) Intensive Livestock Operations (over 300 Animal Units);
- b) P.M.U. and poultry operations;
- c) Feedlots and Hatcheries;
- d) Agricultural Commercial;
- e) Ag-related light manufacturing, assembly, or machine shops;
- f) Stand Alone Grain Storage sites (greater than 100,000 bushels);
- g) Agricultural Industry;
- h) Aggregate Resource Extraction (Sand and Gravel), Storage and Processing;
- i) Clean fill sites;
- j) Oil and gas related commercial and other similar uses;
- k) One (1) Agricultural Accessory Residence, including a Mobile Home;
- l) Non-farm residential on sites less than a quarter section;
- m) Agricultural Tourism;
- n) Personal Care Homes;
- o) Bed and Breakfast homes, where part of a single detached dwelling;
- p) Garden Suites;
- q) RV Parks and Campgrounds;
- r) Temporary Work Camps;
- s) Mobile Storage Containers including Sea Cans;
- t) Communication Towers;
- u) Private Airstrip;
- v) Domestic and Commercial Wind Energy Systems;
- w) Solid and Liquid Waste Disposal Facilities;
- x) Transloading Facilities.

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

---

## 7.3 PROHIBITED USES

- a) Harvest Preserves (Game Farms);
- b) All uses of buildings and land except those specifically noted as permitted or discretionary.

---

## 7.4 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any building, structure or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .3 Manure applications associated with livestock and agricultural composting are considered accessory to an agricultural operation where the spreading occurs on the parcel in which it is produced or on other lands included in the Agricultural Operation.
- .4 Facilities for the direct sale of crops grown by the agricultural operation including orchards and market gardens shall be considered as an accessory use to a farmstead or agricultural residence in the Agricultural Resource District.
- .5 Large Accessory buildings used for Ag-related light manufacturing, assembly or machine shops are a discretionary use and shall be located adjacent to a developed all-season road.

---

7.5 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	<p><b>One subdivided site/quarter section.</b></p> <p><b>Resource Activity:</b> no minimum</p> <p><b>Intensive Agricultural activities:</b> 1.0 hectare</p> <p><b>Farm residential:</b> 0.8 hectare (2 acres) to a maximum of 8 hectares (20 acres) except that the maximum site area may be a greater area depending on existing physical circumstances.</p> <p><b>Non-farm Residential:</b> 0.8 hectare (2 acres) to a maximum of 4.05 hectares (10 acres).</p> <p><b>All other discretionary uses:</b> 1.0 hectare (2.471 acres).</p>
<b>Minimum site frontage</b>	30.0 metres
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 46.0 metres from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90.0 metres from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required (e.g. Site triangle).
<b>Minimum rear yard</b>	15.0 metres or 25% of the depth of the site whichever is the lesser

<b>Minimum side yard</b>	15.0 metres except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees, shelterbelts, grain bags and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials or grain bags shall comply with the same setback requirements as for buildings.
<b>Fence Lines</b>	All fences shall be set back a minimum of 46.0 metres from the centre line of any developed road, municipal road allowance or provincial highway
<b>Public Works and Facilities</b>	There shall be no minimum site area required for cemeteries, radio or communication towers or related facilities.

---

**7.6 SUPPLEMENTARY DEVELOPMENT STANDARDS FOR AGRICULTURAL USES**

- .1 The minimum site area constituting an agricultural operation or agricultural holding shall be 64.8 hectares (160 acres) or equivalent. Equivalent shall mean 64.5 hectares (160 acres) or such lesser amount as remains in an agricultural holding because of the original township survey, road widening, road right-of-way or railway plans, drainage ditch, pipeline or transmission line development or government action, natural features such as water courses or water bodies, or as a result of subdivision as permitted herein.
- .2 Any existing agricultural site which does not conform to the minimum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (ISC) prior to the coming into force of this Bylaw.
- .3 A reduced agricultural site area below 64.8 hectares (160 acres) may be permitted at Council's discretion for the purpose of farmland consolidation, estate planning settlement, farm debt restructuring or as a result of a permitted or discretionary subdivision or due to topographical or physical limitations.
- .4 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .5 No dwelling shall be located with less than a minimum separation distance to an operation other than the residence of the operation as follows:
  - a) The separation distance to an Intensive Livestock Operation as regulated in Section 7.9;
  - b) 305 metres from a licensed public or private liquid waste disposal facility;
  - c) 457 metres from a licensed public or private solid waste disposal facility;
  - d) 305 metres from a honey processing facility;

- e) 400 metres from an Aggregate Resource extraction operation;
- f) 1.0 kilometre from sour gas wells and 75 metres from other oil, gas or CO<sub>2</sub> wells;
- g) 500 metres from an Ethanol, Fertilizer or Potash development;
- h) 305 metres to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan; or
- i) 600 metres to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan.

---

## 7.7 FARMSTEADS

- .1 A maximum of two (2) farm-related, single detached dwellings will be permitted on agricultural sites and farmsteads. A farmstead may contain the following where located on the same parcel:
  - a) A residence for the operator of an agricultural use.
  - b) A bunkhouse or additional residence for employees or business partners of the operator engaged in the agricultural operation.
  - c) Facilities for the temporary holding of livestock raised in an operation, in lesser numbers than constitutes an I.L.O. (unless approved as an I.L.O.).
  - d) Buildings for permitted accessory and ancillary uses.
  
- .2 The Development Officer may issue a Development Permit for more than one (1) dwelling on a parcel if:
  - a) It is an accessory agricultural residential dwelling to be occupied by a person or persons who are engaged on a full-time basis for at least six (6) months of each year in the agricultural operation;
  - b) The additional dwelling is located on a parcel which is a permitted agricultural operation; and
  - c) Accessory dwellings shall only be located on sites where the accessory dwelling can be serviced by existing utilities. Development criteria regarding Garden Suites are provided in Section 5.3.
  
- .3 Notwithstanding the provisions of this Bylaw and the Official Community Plan, a mobile home may be permitted for a period of up to three (3) years on an existing farmstead or non-farm residential site within this Zoning District subject to a resolution of Council, provided that the following criteria is met:
  - a) Adherence to any permit or Building Bylaw or licensing requirement in effect in the Municipality;
  - b) Issuance of a Development Permit to the landowner, where the said mobile home is located;
  - c) The entering into of a Development Agreement between all affected parties, where considered necessary, to assure applicable development standards are adhered to;
  - d) Compliance with any requirement of Sask Health or government agencies respecting water and waste connections and disposal concerns.

- .4 Each home shall comply with the Canadian Standards Association (CSA) document CAN/CSA - 240.2.1-M86 "Structural Requirements for Mobile Homes" and shall be anchored but shall not be placed on a permanent foundation.
- .5 The keeping of livestock on sites other than farmsteads shall be permitted in the Agricultural Resource District (AR) in accordance with the following schedule. Any operation involving the keeping of livestock numbers greater than the maximums shown below will be required to make an application for an Intensive Livestock Operation (ILO) in accordance with section 7.10.1(a).

Parcel Size	Maximum Number of Animal Units Permitted
Minimum 2 hectares	Two (2) Animal Units or a maximum of 100 Poultry.
Between 2 and 25 hectares	Two (2) additional Animal Units will be permitted for each incremental increase of 2 hectares in the site size for the raising of up to 50 animal units of Poultry, Sheep, Goats or Hogs.
Between 2 and 50 hectares	Two (2) additional Animal Units will be permitted for each incremental increase of 2 hectares in the site size for the raising of up to 100 animal units of Cattle, Horses or domesticated ungulate animals.

- .6 Animals shall not be pastured within 15.0 metres of any dwelling or well not owned by the owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30.0 metres of a dwelling, property line or well for potable water.

---

## 7.8 TEMPORARY USES

- .1 A Trailer Coach used for farm employees during the farming season shall be accommodated as a temporary/seasonal use on a permitted agricultural site.
- .2 In the case of an existing, currently habitable dwelling, which is being replaced by a new one, the existing dwelling, may, as a condition of the new Development Permit, be allowed to be occupied during construction, only until the new one is habitable. At that point, the existing dwelling must be demolished or moved off the site within thirty (30) days after occupancy of that dwelling.
- .3 Grain Storage Bags:
  - a) shall not be used or stored in any required yard setbacks; and
  - b) shall not become a nuisance or impede visibility at the approach of an intersection or obstruct snow plowing or road maintenance activities.

- .4 Mobile Storage Containers including Sea Containers:
  - a) shall require a Development Permit;
  - b) must be properly anchored;
  - c) shall be located a minimum of 3.0 metres from the primary building and behind the rear wall of the primary building; and
  - d) containers determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Rural Municipality.

---

## 7.9 NON-FARM SUBDIVISION OF AGRICULTURAL LANDS

- .1 A maximum of one (1) site may be subdivided for any land use, commercial, industrial, or non-farm residential per quarter section 64.8 ha (160 acres) in the AR- Agricultural Resource District in addition to one farmstead. Such subdivisions shall not exceed the creation of more than two (2) legal residential parcels, unless rezoned to an appropriate zoning district.
- .2 A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a developed road, including any road to be developed at the sole expense of the developer or under a signed servicing agreement.
- .3 A farmstead which contains a residence proposed for subdivision as a separate site shall provide sufficient land area to provide for an on-site waste disposal system.
- .4 Subdivision proposing to establish more than one (1) new non-farm, single parcel country residential site shall be subject to rezoning to a Country Residential District and must comply with all relevant area, frontage and setback requirements of that Zoning District.
- .5 The subdivision of parcels of agricultural land which are physically isolated from the majority of the quarter section by a road, rail-line or watercourse will be allowed. To preserve viable agricultural sites, such parcels should be consolidated with other adjoining agricultural land.
- .6 All proposed non-farm Residential subdivisions shall observe the minimum separation distances from intensive livestock operations and aggregate extraction operations, potash, oil and gas and ethanol plant developments as provided in Figures 5 and 7.
- .7 Any parcel which does not conform to the minimum site area requirement but existed in the Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw shall be deemed conforming with regard to site area.
- .8 At the request of the current owner of the site proposed to be subdivided, Council may increase the maximum site size requirement by no more than 100% where the change:
  - a) is required to include additional land required for water supply or waste disposal systems which exist on or are proposed for the site;

- b) is requested to include or facilitate any existing landscaping, buildings, structures or natural features on the proposed site;
- c) would not unnecessarily reduce, or negatively affect the existing use, size, servicing or access to the balance of the quarter section, or equivalent as defined in this Bylaw; and
- d) would not negatively affect the existing use, servicing, or access to any neighbouring land which abuts the proposed new site.

---

## 7.10 INTENSIVE LIVESTOCK OPERATIONS

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

- .1 For the purpose of this section, an Intensive Livestock Operation (ILO) shall be defined as the rearing, sustaining, finishing or breeding by means other than grazing of more than 100 animal units of livestock or where the space per animal unit is less than 370m<sup>2</sup> (4000 ft<sup>2</sup>), including buildings and structures directly related to the operation but not including a residence, seasonal feeding or bedding sites.
  - a) In addition to the general requirements for a discretionary use as provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for:
    - i) new ILOs;
    - ii) expansion of Existing ILOs;
    - iii) any operation involving the raising of more than 100 animal units which are Cattle, Horses or Domesticated Ungulate animals on less than 160 acres of land;
    - iv) any operation involving the raising of more than 50 animal units which are Poultry, Sheep, Goats or Hogs on less than 160 acres of land;
    - v) any temporary facility or part of a site; or
    - vi) the alteration of an animal species in an approved operation.
  - b) In addition to any requirements contained herein, all applications for an ILO shall conform to the regulations provided within *The Agricultural Operations Act, 1995*.
  - c) As a condition of approval, the Municipality shall specify the maximum number of animal units for which the approval is made and specify land which may or may not be used for the disposal or storage of manure from an ILO in order to minimize potential land use conflicts.
  - d) The applicant shall be responsible for submitting a site plan and narrative including the following:
    - i) The size and type of facility;
    - ii) A sketch plan showing the location of existing and proposed buildings and the distance from the development site to every residence within 1.6 kilometre (1 mile);
    - iii) The number and type of animals including identification of any risks of disease;
    - iv) Manure storage and disposal strategies including identification of all parcels including their acreage intended to host the disposal;
    - v) Identification of surface water and residential development on or adjacent to the parcels intended for hosting the disposal of manure;
    - vi) Provide a copy of written agreements with land owners for all parcels intended to host the disposal of manure where the parcels are not controlled by the operator;

- vii) Identification of the location of potentially affected surface and groundwater sources on and adjacent to the site including distance measurements to these watercourses;
  - viii) Identification of the reason for this site being selected including what characteristics exist that makes it suitable for hosting the operation. The Municipality may, at its discretion, require the submission of a soils and water test conducted by a qualified agricultural engineer to confirm that the site selected is capable of accommodating the activities proposed;
  - ix) Identification of socioeconomic benefits of the operation to the area as well as a brief discussion of the potential conflicts associated with the operation in addition to any mitigative actions to be taken to minimize these effects on adjacent land uses;
  - x) Servicing requirements associated with the operation including but not limited to road upgrades, utility provisioning and availability of adequate water sources; and
  - xi) Type, volume and frequency of traffic associated with the transportation of animals and animal feed to and from the site.
- e) When considering the operational/environmental aspects of an application, the Rural Municipality shall refer all Development Permit applications to Saskatchewan Agriculture for their review and recommendation regarding waste storage, nutrient and mortality management.
- f) The Municipality may require the applicant to pay for the public advertisement of a proposal that will result in an intensive livestock operation and for the cost of a public hearing or information session on the proposal.
- g) The Municipality may require an applicant to demonstrate that the water supply is sufficient for the development and the supply for neighbouring developments will not be adversely affected by the proposed operation.
- h) ILOs shall adhere to the following recommended minimum distance separations:

**Figure 5: ILO Separation Distances**

Type of Development	10-49 Animal Units	50-299 Animal Units	300-499 Animal Units	500-2000 Animal Units	2000+ Animal Units
Single family dwelling not owned by the ILO operator	600 metres	800 metres (0.5 mile)	1600 metres (1 mile)	1600 metres (1 mile)	2400 metres (1.5 miles)
Multi-Parcel Country Residential subdivision	600 metres	1200 metres (0.75 mile)	1600 metres (1 mile)	2400 metres (1.5 miles)	2400 metres (1.5 miles)
Town of Pense, Village of Belle Plaine and the Hamlets	800 metres (0.5 mile)	1200 metres (0.75 mile)	2400 metres (1.5 miles)	3200 metres (2 miles)	3200 metres (2 miles)

- i) The Municipality may grant a reduction of the separation distance criteria where it can be proven that a proposal will not negatively impact adjacent land uses. Prior to granting a reduction, the Municipality will consult with all agencies deemed appropriate and will require registered written agreement from all land owners directly affected by the reduction.



- i) A sketch Council may approve a separation distance that is up to 10% less than the relevant separation distance shown above, where the applicant submits a copy of a signed agreement between the owner of the Intensive Livestock Operation, and the owner of the other development, the Hamlet or Village residents, agreeing to the reduced separation distance.
- ii) Such agreements must contain a provision that the parties to the agreement will Register an Interest on the Land Titles of all affected land owned by, or within the jurisdiction of, both parties.
- j) In determining proximity to a multi-parcel residential subdivision, Hamlet, Town, Village, or recreational use, separation distances shall be measured from the area of confinement of the animals to the property boundary of the closest developable parcel.
- k) In determining proximity to a single-family dwelling located on agricultural property or within a single parcel residential subdivision not owned by the Intensive Agricultural Operator, separation distances shall be measured from the area of confinement of the animals to the residential dwelling.
- l) ILOs existing at the time of the adoption of this Bylaw shall continue with their current operation. Any expansion of the operation or change of animal species or type of operation is required to obtain written approval from the Municipality in accordance with the requirements and conditions of this Bylaw.
- m) The operator may be required to enter into a road maintenance agreement to pay for the maintenance of roads required to provide access to the development.
- n) The minimum separation distance between occupied dwellings and riparian areas and the location where manure is to be spread is listed below. Distances are measured between the edge of the manure application area and the edge of a nearest property boundary.

**Figure 6: Location Separation Criteria for Manure Spreading to Dwellings**

<b>Method of Manure Application</b>	<b>Injected</b>	<b>Incorporated within 24 hours</b>	<b>No incorporation</b>
<b>Town of Pense, Village of Belle Plaine, Multi-Parcel Country Residential Acreages and Riparian areas</b>	200 metres	400 metres	800 metres

- p) Crop land or improved pasture may be used for the disposal of wastes from an intensive livestock operation by spreading of manure, and such manure shall be incorporated into the soil within twenty-four (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.
- q) The Rural Municipality may require or allow an applicant to utilize manure injection into the soil or other technology rather than conventional stockpiling and spreading. The Municipality may consult Saskatchewan Agriculture, regarding the suitability of such technology.

### 7.11 AGGREGATE EXTRACTION (SAND, GRAVEL, TOPSOIL)

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

- a) For the purpose of this section, Aggregate Resource extraction shall mean excavation other than for construction, building or for purposes of creating an artificial body of water, including but not limited to, sand and gravel mining, or topsoil stripping.
- b) An application proposing a new aggregate extraction use or an expansion to an existing aggregate extraction operation shall be a temporary and discretionary use and shall adhere to all appropriate Provincial and Federal regulations.
- c) In reviewing applications for Aggregate Resource extraction operations, the environmental implications of the operation including plans for site restoration shall be considered.
- d) An approval of an aggregate resource extraction activity shall be for a maximum period of two (2) years and may be renewed at the discretion of Council providing the requirements of this Bylaw continue to be met.
- e) The applicant shall submit plans and a narrative including:
  - i) the location and area of the site where the excavation is to take place;
  - ii) the expected life of the deposit if applicable;
  - iii) the type and dimensions, including average depth of the proposed excavation and the effect on existing drainage patterns on and off the site;
  - iv) identification of the outdoor noise and the discharge of substances into the air;
  - v) the methods for preventing, controlling, or reducing erosion;
  - vi) proposed access and hauling activities (including number of trucks, tonnage, and hours of hauling);
  - vii) proposed extraction, operation, and staging (including years, dates and hours of operation); and
  - viii) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected.
- f) Aggregate resource extraction industries are permitted in accordance with the following conditions:
  - i) The applicant shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring land owners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Rural Municipality. In this regard stock piles shall be located in a position to act as a sound barrier. Also, the applicant shall attempt to minimize the noise created by machinery and equipment.
  - ii) The applicant shall keep the area subject to the Development Permit in a clean and tidy condition free from rubbish and non-aggregate debris.
  - iii) Access routes into extraction areas shall be located away from residential areas.
  - iv) A disturbed area shall be reclaimed to a land capability equivalent to the pre-disturbance land capability (e.g. agricultural land) or a post-disturbance condition and land use (e.g. conversion to wetland) which are satisfactory to the Municipality. These conservation and reclamation procedures shall be in accordance with the *Guidelines*

*for Environmental Protection During Development and Restoration of Sand and Gravel Pits, Saskatchewan Environment and Public Safety, 1983.*

- v) Any Aggregate Resource extraction industry proposed to be located within 100.0 metres of any municipal road, provincial highway or major waterbodies or riparian areas shall be permitted only where it would not adversely impact the environment or materially interfere with or affect adjacent lands.
- vi) Aggregate resource extraction industries shall have regard to adjacent land uses and no material is to be stored or piled on any road allowance or within 30.0 metres of the bank of any river or watercourse.
- vii) The general resource extraction operator and any person who hauls the aggregate may be required to enter into a road maintenance agreement. The Municipality may require the developer to sign an agreement for road maintenance pursuant to *The Municipalities Act* as a condition of the approval.
- viii) The Aggregate Resource extraction operator must report the amount of aggregate extracted by November 1 of each year or the end of the hauling season, whichever comes first.
- ix) The Municipality may require the aggregate resource extraction operator to post a performance bond to guarantee adherence to the above noted agreements.

---

## 7.12 OIL AND GAS DEVELOPMENT

- .1 Petroleum extraction development including wells, pipelines, compressor stations and storage facilities will be accommodated as a permitted use. Related processing and service-related development (land farms for contaminated soil, oil storage batteries, etc.) will be accommodated as a permitted use, if such uses are already regulated by Provincial or National Departments or Agencies.
- .2 Other related processing and service-related development, which is not regulated by those Departments or Agencies shall be accommodated as discretionary uses.
- .3 Exploration and development of oil and gas shall be subject to all Federal and Provincial
- .4
- .5
- .6 requirements, and such activity must comply with the objectives and policies outlined in the Official Community Plan.
- .7 Upon approval by the Municipality, the owner of the pipeline shall provide the Municipality at least forty-eight (48) hours' notice of the owner's intention to commence work. Written request must be made to the Rural Municipality before construction begins and the owner shall obtain the required Municipal standards for construction for approaches and for Pipelines (Flowlines) crossing Road Allowances.

- .8 Temporary Development Permits may be issued specifying time lines and conditions for such uses of a temporary nature such as oil and gas, mineral seismic or exploratory activities, or other ecotourism/seasonal activities. In no way should the issuance of these permits construe approval of projects other than that which is outlined specifically in the permit. Council has the right to revoke said permits if any of the conditions are not met. Temporary permits will not be issued if the use is not acceptable with the appropriate zoning designation or incompatible with the provisions of the Official Community Plan.
- .9 The Rural Municipality may apply special standards as outlined in *The Municipalities Act* to protect the municipal interest when transportation, utility and pipeline facilities cross Municipal roads, or when seismic activity is proposed on roads or road allowance.
- .10 To minimize conflict between Mineral Resource extraction or oil and gas operations and surrounding land uses, the separation distances provided in Section 8.6 shall be adhered to. These separation distances shall be used to ensure adequate separation distances between mineral resource extraction, oil and gas operations and other uses which may conflict with this industry or land uses which should not be developed due to problems with air quality or proximity to pipelines (e.g. oil batteries).

---

### 7.13 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.

**8 MINERAL RESOURCE EXTRACTION OVERLAY DISTRICT (MRE)**

*The intent of this overlay district is to protect mineral extraction land from unsuitable development which would result in greater land use conflict. The Rural Municipality recognizes the importance of protecting mineral extraction uses from encroachment for the benefit of all residents and landowners. There are certain other areas in or near potash mines or possible oil and gas uses which should not be developed due to the risk to people and property.*



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

**8.1 PERMITTED USES**

In addition to the uses allowed in the Zoning District, which underlies the MRE Overlay District, the following are permitted uses:

- a) Principal uses, including accessory uses and buildings, but not including a residence;
- b) Cemeteries, institutional uses and facilities;
- c) Public parks and public recreational facilities;
- d) Historical and archaeological sites;
- e) Wildlife and conservation management areas.

**8.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw:

- a) Communication towers;
- b) Public utilities, buildings, and structures, warehouses and storage yards excluding solid and liquid disposal waste facilities.

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

**8.3 DISTRICT REGULATIONS**

All the Regulations of the District, which underlies the MRE District, shall be used by Council as a guideline in establishing conditions, which may be applied to location-sensitive Development Permits for the specific use being requested.

---

#### 8.4 AREAS WITHIN THE MRE OVERLAY DISTRICT

All land shown in the Mineral Resource Extraction (MRE) Overlay District on the Zoning Map, consisting of:

- a) surface land owned or leased by a potash company upon which the actual mining facility is situated (the "Extraction Core Area") and any surface land contiguous to the Core Area that is owned or leased by the potash company (this excludes any cluster site which is used as a pumping station for potash liquification or extraction);
- b) surface land owned or leased by an oil or gas company; and
- c) land which is approved by Saskatchewan Industry and Resources for oil or gas extraction purposes.

---

#### 8.5 METHOD OF APPLICATION

- .1 Council shall use the General Regulation Section of this Bylaw in dealing with requests for new development in this Overlay District. The Development Officer shall circulate any new development proposal in the Overlay District to neighbouring landowners and other parties (e.g. Provincial or National Departments/Agencies) for comment. Such parties may choose to comment at their discretion, before the Development Officer or Council, as the case may be, makes a decision on the proposal. Such parties are not required to comment.

---

#### 8.6 POTASH, FERTILIZER AND ETHANOL PLANT DEVELOPMENT

- .1 Potash mining operations including, but not limited to, mine offices, maintenance and processing building, headframes, wells, pipelines and storage facilities will be accommodated as a Permitted use. Fertilizer plants or the development of an ethanol plant, whether in association with potash mining or fertilizer operations or as an independent operation, will be accommodated as a permitted use.
- .2 Other related processing and service-related development (tailing ponds, tailings piles, etc.) will be considered as accessory uses to mining operations and also accommodated as permitted use, if such uses are already regulated by Provincial or National Departments or Agencies. Other related processing and service-related development which is not regulated by those Departments or Agencies shall be accommodated as discretionary uses.
- .3 The regulations contained in Section 8.8 shall be used to ensure adequate separation distances between potash, fertilizer and ethanol operations and other uses. Council shall determine which uses may conflict with this industry.

---

**8.7 OIL AND GAS DEVELOPMENT**

- .1 The regulations provided in Section 7.11 for Oil and Gas Development shall apply to the Mineral Extraction Overlay District.
- .2 The regulations contained in Section 8.8 shall be used to ensure adequate separation distances from other uses which may conflict with this industry or land which should not be developed due to problems with air quality or proximity to pipelines, oil batteries etc.

---

**8.8 SEPARATION DISTANCES BETWEEN POTASH OR OIL AND GAS DEVELOPMENT AND OTHER USES**

- .1 To minimize conflict between mineral extraction, ethanol, potash or oil and gas operations and surrounding land uses, the following separation distances shall be adhered to. However, the separation distances may be altered by Council as a condition of a permitted or discretionary use permit where authorized by the Zoning Bylaw.
- .2 The Municipality may grant a reduction of the separation distance criteria where it can be proven that a proposal will not negatively impact adjacent land uses. Prior to granting a reduction, the Municipality will consult with all agencies deemed appropriate and will require registered written agreement from all land owners directly affected by the reduction.
  - a) Council may approve a separation distance that is up to 10% less than the relevant separation distance shown, where the applicant submits a copy of a signed agreement between the owner of the potash or oil and gas operation, the owners of adjacent developments, and the Hamlet or Urban Municipality, agreeing to the reduced separation distance.
  - b) Such agreements must contain a provision that the parties to the agreement will then be Registered as an Interest agreement to the titles of all affected land owned by, or within the jurisdiction of, both parties at Land Registry of Information Services Corporation (ISC).
  - c) Where the minimum separation would not be sufficient, but the potential land use conflict would be reduced to acceptable levels, or eliminated with a greater separation distance, Council may require a greater separation than shown. This would only apply where an unacceptable land use conflict would result between existing or future operations and developments as shown on the Future Land Use Map in the OCP.

**Figure 7: Minimum Separation Distances Relating to Potash, Fertilizer, Ethanol Development, Oil and/or Gas Operations**

<b>Land Uses</b>	<b>Oil and Gas Development</b>	<b>Potash, Fertilizer or Ethanol Development</b>
<b>Single dwelling or tourist accommodation</b>	1.0 kilometre from sour gas wells 75.0 metres from other gas and oil wells	500 metres (0.5 kilometre)
<b>Multi-Parcel Country residential subdivisions, Town, Village, or Hamlets.</b>	1.0 kilometre from sour gas wells 75.0 metres from other gas and oil wells	1.0 kilometre
<b>Commercial Uses</b>	At Council's discretion	At Council's Discretion
<b>Recreational Uses</b>	At Council's discretion	At Council's Discretion
<b>Fertilizer, Potash or Ethanol Development</b>	n/a	800 metres
<b>Oil and Gas Development</b>	800 metres	n/a



## 9 COUNTRY RESIDENTIAL DISTRICT (CR)

*The purpose of the Country Residential District (CR) is to accommodate a low-density rural acreage development where the essential land requirement is for a building site, open space and rural lifestyle option rather than for productive agricultural purposes.*

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



### 9.1 PERMITTED USES

- a) One detached one-unit dwelling, RTM or modular home following the placement thereof on a permanent foundation per site;
- b) Uses, buildings and structures accessory to the principal building or use;
- c) Open spaces and parks;
- d) Home Based Business or Occupation;
- e) Artisan or Craft Workshop;
- f) Public utilities, buildings, structures, warehouses and storage yards excluding solid and liquid waste disposal facilities.

### 9.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw.

- a) Multi-Parcel Country Residential development;
- b) Bareland Condominium development;
- c) Residential Care Home;
- d) Bed and Breakfast Homes, where part of a single detached dwelling;
- e) Vacation Farms;
- f) Garden Suites;
- g) Animal Kennels;
- h) Equestrian Facilities;
- i) Mobile Storage Containers including Sea and Rail Containers;
- j) Domestic Wind Energy System.

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

**9.3 PROHIBITED USES**

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

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

**9.4 SUBDIVISION AND SITE REGULATIONS**

<b>Minimum site area</b>	2.0 hectares (5.0 acres)
<b>Maximum site area</b>	8 hectares (20 acres) or to be determined at Council’s discretion based on topographical and physical site limitations.
<b>Minimum site frontage</b>	30.0 metres
<b>Bareland Condominium developments</b>	Site areas to be evaluated on a case-by-case basis.
<b>Minimum setback from Roads and Highways</b>	All buildings shall be set back a minimum of 46.0 metres from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90.0 metres from the intersection of the centre lines of any municipal roads or provincial highway or such greater distance as required (e.g. Site triangle).  Where development is serviced by an internal subdivision road, the minimum front yard shall be 15.0 metres.
<b>Minimum rear yard</b>	6.0 metres
<b>Minimum side yard</b>	6.0 metres except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Maximum building height</b>	10.0 metres
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.
<b>Public utilities, recreational, Institutional land uses</b>	Exempted from minimum frontage and site area requirements.

---

**9.5 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS**

- .1 The final subdivision design and approved lot density of development in the CR Zoning District shall be determined by the carrying capacity of the lands proposed for development as identified within the submission of a Concept Plan.
- .2 Each Country Residential (multi-parcel) subdivision shall be in a clustered form to facilitate servicing and shall not exceed all requisite standards provided by the local District Health Region for onsite wastewater disposal systems.
- .3 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .4 No dwelling shall be located with less than a minimum separation distance to an operation of other than the residence of the operation as follows:
  - a) the separation distance to an Intensive Livestock Operation as regulated in Section 7.9;
  - b) 305 metres from a licensed public or private liquid waste disposal facility;
  - c) 457 metres from a licensed public or private solid waste disposal facility;
  - d) 305 metres from a honey processing facility;
  - e) 400 metres from an Aggregate Resource Extraction operation;
  - f) 1.0 kilometre from sour gas wells and 75 metres from other gas and oil wells;
  - g) 1.0 kilometre from an Ethanol, Fertilizer or Potash development;
  - a) 305 metres to a non-refrigerated anhydrous ammonia facility or 600 meters to a refrigerated facility licensed by Province of Saskatchewan.
- .5 Country Residential parcels may be exempted from these requirements in the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features, such as watercourses or water bodies in which case there shall be no maximum site area. Existing residential parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers.
- .6 In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum or maximum site area.

---

**9.6 ACCESSORY BUILDINGS AND USES**

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 All accessory uses, buildings or structures (e.g. detached garages) require the submission of an application for a Development Permit prior to commencing the use or construction

unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.

- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .4 The building floor area for large accessory buildings (workshops) located on Country Residential (CR) sites may not exceed 231m<sup>2</sup> (2500 ft<sup>2</sup>). All workshop-related activities shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

---

## 9.7 LEGAL ACCESS

- .1 Development of a residential dwelling, bed and breakfast home, or bare land condominium development is prohibited unless the site abuts a developed road. In the case of a bare land condominium development, only the outer portion of the land to be owned by the condominium corporation requires this legal access, not the separate bare land units.
- .2 For the purposes of this section, "developed road" shall mean an existing graded all-weather road on a registered right-of-way, or a road for which a signed servicing agreement has been made by the developer with Council to provide for the construction of the road on a registered right-of-way to a standard approved by Council.
- .3 A subdivision shall not be recommended for approval by Council unless the proposed sites and any un-subdivided remnant of the land being subdivided has frontage on a developed road, including any road which is required to be registered and developed as a public road under a signed servicing agreement.

---

## 9.8 TEMPORARY USES

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

- d) Wherever a mobile home or trailer coach is allowed by Council as a temporary discretionary use during construction of a single detached dwelling, it shall be removed within 30 days after occupancy of that dwelling; and
- e) Each mobile home shall comply with the Canadian Standards Association (CSA) document CAN/CSA - 240.2.1-M86 "Structural Requirements for Mobile Homes" and shall be anchored but shall not be placed on a permanent foundation.

.2 In the case of an existing, currently habitable dwelling, which is being replaced by a new one, the existing dwelling, may, as a condition of the new Development Permit, be allowed to be occupied during construction, only until the new one is habitable. At that point, the existing dwelling must be demolished or moved off the site within thirty (30) days after occupancy of that dwelling.

---

**9.9 KEEPING OF LIVESTOCK**

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

<b>Parcel Size</b>	<b>Maximum Number of Animal Units Permitted</b>
2 hectares	<b>Two (2) Animal Units</b>
Greater than 2 hectares	<b>A maximum of five (5) Livestock or 100 Poultry</b>

.2 Animals shall not be pastured within 15.0 metres of any dwelling or well not owned by the owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30.0 metres of a dwelling, property line or well for potable water.

---

**9.10 SWIMMING POOL REGULATIONS**

.1 All swimming pools, maintenance equipment and appurtenances thereto shall be constructed and located so as to have a yard not less than 3.0 metres in width on all sides except where the pool is attached to or part of a principal structure. No swimming pool shall be located in a required front or side yard setback.

.2 For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than 1.8 metres in height. Any openings in the enclosure affording access to the pool proper shall have a gate containing an automatic or manual locking device affixed in such a manner so as to exclude small children.

---

**9.11 SIGNAGE REGULATIONS**

All developments shall comply with Section 4.33 General Regulations.

## 10 HAMLET DISTRICT-H

*The purpose of the Hamlet District (H) is to accommodate the existing Hamlets of Stony Beach and Keystown which provide an alternative residential lifestyle choice.*

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



### 10.1 PERMITTED USES

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

### 10.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw:

- a) Semi-Detached or Duplex Dwellings;
- b) Personal Service Trade;
- c) Small Scale Commercial Activities (e.g. landscape business);
- d) Bed and Breakfast Home;
- e) Recreational (e.g. sports fields, rinks, tennis courts and other similar uses);
- f) Lodges, social clubs and service clubs;
- g) Places of Worship and Community Halls;
- h) Large Accessory Buildings (up to 2500 ft<sup>2</sup>);
- i) Domestic Wind Energy System;
- j) Portable Storage Containers (Pods/Pups).

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

**10.3 PROHIBITED USES**

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

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

**10.4 SUBDIVISION AND SITE REGULATIONS**

<b>Minimum site area</b>	<p><b>Single Detached Dwellings:</b> 464m<sup>2</sup> with a lane, 557m<sup>2</sup> without a lane</p> <p><b>Institutional and Recreational:</b> Minimum: 0.8 hectares (2 acres)</p> <p>In the case of a parcel that existed prior to the adoption of this Bylaw there shall be no minimum site area.</p> <p><b>Public utilities:</b> shall have no minimum or maximum area requirement.</p>
<b>Minimum site frontage</b>	15.3 metres with a lane, 19.8 metres without a lane
<b>Minimum rear yard</b>	Principal buildings shall be set back a minimum of 6.0 metres from the rear property line.
<b>Minimum side yard</b>	All buildings shall be set back a minimum of 1.5 metres, except where a side yard abuts a Municipal road allowance or a Provincial highway, the front yard requirements shall apply
<b>Maximum building height</b>	Principal buildings: 10.0 metres; Accessory buildings: 10.0 metres as measured from the finished grade to the bottom of the eave of the building (e.g. not including the eaves of the building).
<b>Public Utilities and Institutional Uses</b>	Exempted from minimum frontage and site area requirements.

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

- a) Re-development of former residential sites shall be determined by the availability of potable water and wastewater treatment carrying capacity of the lands proposed for development. The developer shall ensure that there is an available water supply, access to an existing sewage disposal facility, or an onsite wastewater disposal system which meets all requisite standards

- provided by the District Health Region, and that meets *The Public Health Act and Regulations* requirements.
- .2 Where minimum front, side or rear yards are required in a Hamlet District the following yard encroachments shall be permitted:
- a) uncovered and open balconies, terraces, verandas, decks, and patios having a maximum projection from the main wall of 1.8 metres into any required front or rear yard; and
  - b) window sills, roof overhangs, eaves, gutters, bay windows, chimneys, and similar alterations projecting a distance of 0.6 metres into any required yard.

---

### 10.5 ACCESSORY BUILDINGS AND USES

- a) A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- b) All accessory uses, buildings or structures require the submission of an application for a Development Permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- c) Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- d) Accessory buildings located on a single site in this District shall not exceed 56 m<sup>2</sup> or 50% of the floor area of the residential dwelling on that site, whichever is the greatest.
- e) The building floor area for discretionary large accessory buildings (workshops) may not exceed 231m<sup>2</sup> (2500 ft<sup>2</sup>). All workshop-related activities shall be conducted within an enclosed building. No exterior storage of materials, goods, or waste products is permitted, except within a waste disposal bin for collection.

---

### 10.6 FENCE AND HEDGE HEIGHTS

- .1 No hedge, fence or other structure shall be erected past any property line and may not be:
- a) higher than 1.0 meter above grade level in a required front yard;
  - b) higher than 2.0 metres above grade level in a required rear yard;
- .2 Except permitted accessory buildings, no fence or other structure shall be erected to a height of more than 2.0 metres.
- .3 No barbed wire, or razor wire fences shall be allowed.



---

### 10.7 OUTDOOR STORAGE

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

---

### 10.8 SIGNAGE REGULATIONS

The following permanent signage requirements will apply:

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

## 11 HIGHWAY COMMERCIAL DISTRICT (COM)

*The purpose of the Highway Commercial District (COM) is to accommodate Highway-related Commercial and light Industrial activities located primarily along provincial highways and municipal roadways.*

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



### 11.1 PERMITTED USES

- a) Uses, buildings and structures accessory to the principal building or use;
- b) Offices and Professional Office Buildings;
- c) General Commercial;
- d) General Industry Type I;
- e) Agricultural Commercial
- f) Service Stations, Car Wash or Gas Bar;
- g) Hotels or Motels including a dwelling for caretakers, owners, or managers;
- h) Market Gardens, Tree Nurseries;
- l) Lumber and building supply use;
- m) Home improvement centres;
- n) Contractor's yard;
- o) Sale, rental, leasing and associated servicing of automobiles, trucks, motorcycles and recreational vehicles, industrial equipment and agricultural implements;
- p) Small Scale Repair Services;
- q) Greenhouses or landscape nursery stock farms (including sales of plants, trees, shrubs and plant supplies such as fertilizers and related products);
- r) Veterinary clinics;
- s) Tourist facilities;
- t) Self-Storage Facilities;
- u) Energy and Communication service depots;
- v) Intensive recreation uses (e.g. arenas, sports stadium) and similar uses;
- w) Public works, buildings, and structures, warehouses and storage yards excluding solid and liquid waste disposal facilities.

### 11.2 DISCRETIONARY USES

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw:

- a) Bulk Fuel Sales and Storage;
- b) Bulk Agricultural Chemical Distribution facilities;
- c) General Industry Type II;
- d) Animal Kennels and domestic animal boarding facilities;
- e) Salvage Yards and Machine Wrecker Operations;
- f) Trucking Firm Establishments;
- g) Auctioneering establishments;
- h) Concrete and Asphalt Plants;
- i) Feed pelleting plants and Feed Mills;
- j) Seed cleaning plants;
- k) Mobile Storage Containers including Sea and Rail Containers;
- l) Domestic Wind Energy Systems;
- m) Communication Towers.

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

---

### 11.3 PROHIBITED USES

The following uses shall be strictly prohibited within the Highway Commercial District (COM):

- a) All uses of buildings and land except those specifically noted as permitted or discretionary.
- b) All uses of land, buildings or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
- c) Dwelling units.
- d) "Hazardous Substances and Waste Dangerous Goods" are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of *The Environmental Management and Protection Act of Saskatchewan*.

---

### 11.4 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.4 hectare (1.0 acre). The minimum site size may be reduced based on physical circumstances unique to the site.
<b>Maximum site area</b>	4.0 hectares (10 acres) or greater depending upon physical circumstances unique to the site
<b>Minimum site frontage</b>	25.0 metres
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 46.0 metres from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90.0

	metres from the intersection of the centre lines of any municipal roads or provincial highway
<b>Minimum rear yard</b>	15.0 metres or 25% of the depth of the site whichever is the lesser.
<b>Minimum side yard</b>	15.0 metres except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.
<b>Public utilities, recreational, Institutional land uses</b>	Exempted from minimum frontage and site area requirements.

---

#### 11.5 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any buildings, structures or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 All accessory uses, buildings or structures require the submission of an application for a Development Permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .4 Mobile Storage Containers including Sea Containers:
  - a) shall require a Development Permit;
  - b) must be properly anchored;
  - c) shall be located a minimum of 3.0 metres from the primary building and behind the rear wall of the primary building; and
  - d) containers determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Municipality.

---

#### 11.6 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS

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

- .2 Any existing parcel which does not conform to the minimum or maximum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw.
- .3 Commercial parcels may be exempted from these requirements in the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features, such as watercourses or water bodies, in which case there shall be no maximum site area.
- .4 No development or use of land shall be permitted where the proposal will adversely affect domestic or municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the local District Health Region and/or Saskatchewan Environment.
- .5 Notwithstanding any other requirements contained in this Bylaw, Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- .6 The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this Zoning District; however, each use shall obtain a separate Development Permit.
- .7 All areas to be used for vehicular traffic shall be designed and constructed to the satisfaction of Council.

---

### 11.7 PARKING REQUIREMENTS

<b>Commercial Use</b>	One (1) parking space for every 18m <sup>2</sup> of gross floor area; minimum five spaces.
<b>Industrial Use</b>	One and one-half (1.5) parking spaces for every 90m <sup>2</sup> of gross floor area, but there shall not be less than one (1) parking space for every three (3) employees.

---

### 11.8 LOADING REQUIREMENTS

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

**Off-Street Loading Spaces**

<b>Width</b>	5.5 metres
<b>Length</b>	12 metres
<b>Height Clearance</b>	4.2 metres

**Required Loading Spaces**

<b>Between 93m<sup>2</sup> and 800m<sup>2</sup> of gross floor space</b>	1 space
<b>Between 801m<sup>2</sup> and 5,500 m<sup>2</sup> of gross floor space</b>	2 spaces
<b>Between 5,501m<sup>2</sup> and 10,000m<sup>2</sup> of gross floor space</b>	3 spaces
<b>Greater than 10,000m<sup>2</sup> of gross floor area</b>	3 spaces plus one for each additional 4,000m <sup>2</sup> of gross floor area or fraction thereof.

---

**11.9 LANDSCAPING REQUIREMENTS**

- .1 In addition to the requirements contained within Section 4.13 of the General Regulations, where a Commercial site abuts any Country Residential district, Town, Village or Hamlet, without an intervening road, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 metres in depth throughout, which shall not be used for any purpose except landscaping.

---

**11.10 OUTSIDE STORAGE**

- .1 Outdoor storage is permitted in side and rear yards.
- .2 The storage and display of goods shall be permitted in a front yard where it is deemed essential to facilitate a permitted or approved discretionary use.
- .3 All outdoor commercial displays shall be a minimum of 5.0 metres from any site line and not block the vision of drivers both on site and within a sight triangle.

- .4 All outdoor storage must be screened from view from adjacent roadways and public lands by a solid fence, landscape materials, berm, vegetative plantings or any combination of the above at least 2.0 metres in height.
- .5 Commercial vehicles and equipment associated with a permitted use may be stored on-site provided the area used for storage of these vehicles does not exceed the area of the building used by the business to carry out its operations. No vehicles, materials or equipment shall be in a state of disrepair.

---

#### 11.11 OILFIELD SUPPLY AND SERVICE, BULK PETROLEUM STORAGE AND AGRICHEMICAL STORAGE SITES

- a) All operations shall comply with all regulations of Saskatchewan Environment and Public Safety governing their development and operation.
- b) Bulk petroleum storage tanks are to be located in accordance with the National Fire Code of Canada, as amended from time to time.
- c) Agrichemical sales and storage facilities are to be constructed and operated in compliance with The Agrichemical Warehouse Standards Association's Warehousing Audit Protocols and User Guide, as amended from time to time.

---

#### 11.12 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.

**12 INDUSTRIAL DISTRICT (IND)**

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



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

**12.1 PERMITTED USES**

- a) General Industry Type I;
- b) General Industry Type II;
- c) Agricultural Industry;
- d) Uses and buildings accessory to the principal building or use;
- e) Agricultural Commercial;
- f) Seed processing and cleaning activities;
- g) Feed mills and Feed pellet plants;
- h) Trucking Firm Establishments;
- i) Storage Yards (excluding asphalt or cement plants);
- j) Contractor's Yard;
- k) Aggregate storage;
- l) Salvage Yards and Machine Wrecker Operations;
- m) Energy and Communication service depots and facilities;
- n) Warehouses, supply depots and similar uses;
- o) Mobile Storage Containers including Sea and Rail Containers;
- p) Public works, buildings, and structures, warehouses and storage yards excluding liquid and solid waste disposal facilities;
- q) Greenhouses.

**12.2 DISCRETIONARY USES**

The following uses shall be considered by Council subject to the completion of the discretionary use process as outlined in Section 3 and with regard to the discretionary use criteria provided in Section 5 of this Bylaw:

- a) General Industry Type III;
- b) Ethanol plants;
- c) Fertilizer plants;
- d) Agricultural supply depots;
- e) Oilfield Equipment Parking Lot and Staging Area;
- f) Grain storage terminals and elevators;
- g) Bulk petroleum Sales and Storage;
- h) Bulk Agricultural Chemical Distribution Facilities;
- i) Petroleum or Mineral processing facilities;



- j) Metallic or non-metallic mineral (e.g. Potash) mines or extraction facilities including pumping stations;
- k) Service Stations, Car Wash or Gas Bar;
- l) Sale, rental, leasing and associated servicing of farm machinery, automobiles, trucks, motorcycles and recreational vehicles, industrial equipment and agricultural implements;
- m) Restaurants;
- n) Asphalt or cement plants;
- o) Domestic (Private) Wind Energy Systems;
- p) Communication Towers;
- q) Auctioneering establishments;
- r) Livestock holding stations;
- s) Anhydrous Ammonia Storage and Distribution;
- t) Bulk Propane Storage and Distribution;
- u) Abattoirs, Poultry eviscerating and processing/packing plants;
- v) Solid and Liquid Waste Disposal Facility.

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

---

### 12.3 PROHIBITED USES

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

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

---

### 12.4 SUBDIVISION AND SITE REGULATIONS

<b>Minimum site area</b>	0.8 hectares (2 acres). The minimum site size may be reduced based on physical circumstances unique to the site.
<b>Minimum site frontage</b>	30.0 metres
<b>Minimum front yard</b>	All buildings shall be set back a minimum of 46.0 metres from the centre line of any developed road, municipal road allowance or provincial highway and/or a minimum of 90.0 metres from the intersection of the centre lines of any municipal roads or provincial highway.
<b>Minimum rear yard</b>	15.0 metres or 25% of the depth of the site whichever is the lesser

<b>Minimum side yard</b>	15.0 metres except where a side yard abuts a municipal road allowance or a provincial highway, the front yard requirements shall apply
<b>Minimum setback for trees, shelterbelts and other</b>	All shelterbelts, tree plantings, portable structures, machinery and the storage of aggregate materials shall comply with the same setback requirement as for buildings.
<b>Public utilities or recreational land uses</b>	Exempted from minimum frontage and site area requirements.

---

## 12.5 ACCESSORY BUILDINGS AND USES

- .1 A permitted accessory use/building shall be defined as any building, structure or a use which is customarily accessory to the principal use of the site, but only if the principal permitted use or discretionary use has been established.
- .2 All accessory uses, buildings or structures require the submission of an application for a Development Permit prior to commencing the use or construction unless it is identified as exempt from this process in Section 3 of the General Administration of this Bylaw.
- .3 Setbacks and general performance standards for accessory buildings shall meet the same requirements as the principal use or building.
- .4 Mobile Storage Containers including Sea Containers:
  - a) shall require a Development Permit;
  - b) must be properly anchored;
  - c) shall be located a minimum of 3.0 metres from the primary building and behind the rear wall of the primary building; and
  - d) determined by the Municipality to be unsightly, misused, unsafe, or inappropriate in any way, must be removed at the owner's expense within a time period specified by the Rural Municipality.

---

## 12.6 SUPPLEMENTARY REGULATIONS OR SPECIAL PROVISIONS

- .1 The Development Officer may require a greater setback for a permitted or discretionary use if it is deemed that the use may substantially interfere with the safety and amenity of adjacent sites.
- .2 Any parcel which does not conform to the minimum or maximum site area requirement shall be deemed conforming with regard to site area, provided that a registered title for the site existed at Information Services Corporation (Land Titles Office) prior to the coming into force of this Bylaw.

- .3 Industrial parcels may be exempted from these requirements in the case of a parcel physically severed as a result of road right-of-way or railway plans, drainage ditch, pipeline or transmission line, development, or natural features, such as watercourses or water bodies, in which case there shall be no maximum site area. Existing industrial parcels may be enlarged to include adjoining land physically severed as a result of the above noted barriers.
- .4 No development or use of land shall be permitted where the proposal will adversely affect domestic or municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the local District Health Region and/or Saskatchewan Environment.
- .5 Notwithstanding any other requirements contained in this Bylaw, Service Stations shall locate underground storage tanks in accordance with *The Fire Protection Act*.
- .6 The Development Officer may allow a building to be occupied by a combination of one or more of the permitted or discretionary uses listed within this Zoning District; however, each use shall obtain a separate Development Permit.
- .7 Where the use of the building or site involves the receipt, distribution or dispatch by vehicles of materials, goods or merchandise, adequate dedicated and clearly defined space for such vehicles to stand for unloading or loading shall be provided on site.
- .8 All areas to be used for vehicular traffic shall be designed and constructed to the satisfaction of Council.

---

## 12.7 LOADING REQUIREMENTS

Where the use of a building or site involves the receipt, distribution, or dispatch by vehicles of materials, goods, or merchandise, adequate space for such vehicles to stand for loading and unloading without restricting access to all parts of the site shall be provided on the site.

### On-Site Loading Spaces

<b>Width</b>	5.5 metres
<b>Length</b>	12 metres
<b>Height Clearance</b>	4.2 metres

### Required Loading Spaces

<b>Between 93m<sup>2</sup> and 800m<sup>2</sup> of gross floor space</b>	1 space
<b>Between 801m<sup>2</sup> and 5,500 m<sup>2</sup> of gross floor space</b>	2 spaces

<b>Between 5,501m<sup>2</sup> and 10,000m<sup>2</sup> of gross floor space</b>	3 spaces
<b>Greater than 10,000m<sup>2</sup> of gross floor area</b>	3 spaces plus one for each additional 4,000m <sup>2</sup> of gross floor area or fraction thereof.

## 12.8 PARKING REQUIREMENTS

<b>Commercial Use</b>	One (1) parking space for every 18m <sup>2</sup> of gross floor area; minimum five spaces.
<b>Industrial Use</b>	One and one-half (1.5) parking spaces for every 90m <sup>2</sup> of gross floor area, but there shall not be less than one (1) parking space for every three (3) employees.

## 12.9 LANDSCAPING REQUIREMENTS

- .1 In addition to the requirements contained within Section 4.13 of the General Regulations, where an Industrial site abuts any Country Residential, Town, Village or Hamlet District, without an intervening road, there shall be a strip of land adjacent to the abutting site line of not less than 3.0 metres in depth throughout, which shall not be used for any purpose except landscaping.

## 12.10 OUTDOOR STORAGE

- a) Outdoor storage is permitted in side and rear yards.
- b) Open air operations, storage and display of goods or material are prohibited in any front yard. The storage and display of goods shall be permitted in a front yard where it is deemed essential to facilitate a permitted or approved discretionary use.
- c) All outside storage shall be fenced and where the area abuts a Hamlet, Town, Village or Country residential area without an intervening street or lane, the storage area shall be screened with a solid fence or hedge at least 2.0 metres in height;
- d) A space to be used exclusively for garbage storage and pickup, having minimum dimension of 3.0 metres by 6.0 metres shall be provided on each site to the satisfaction of the Development Officer.
- e) All automobile parts, dismantled vehicles, storage drums and crates, stockpiled material, and similar articles and materials shall be stored within a building or suitably screened.
- f) Industrial vehicles and equipment associated with a permitted use may be stored on-site.

- g) Access to lots shall be located to ensure that heavy truck traffic is directed to designated truck routes.

---

#### 12.11 OILFIELD SUPPLY AND SERVICE, BULK PETROLEUM STORAGE AND AGRICHEMICAL STORAGE SITES

- a) All operations shall comply with all regulations of Saskatchewan Environment and Public Safety governing their development and operation.
- b) Bulk petroleum storage tanks are to be located in accordance with the National Fire Code of Canada, as amended from time to time.
- c) Agrichemical sales and storage facilities are to be constructed and operated in compliance with The Agrichemical Warehouse Standards Association's Warehousing Audit Protocols and User Guide, as amended from time to time.

---

#### 12.12 PERFORMANCE STANDARDS

An industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following standards:

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

---

#### 12.13 SIGNAGE REGULATIONS

All developments shall comply with Section 4.33 General Regulations.

**13 ENVIRONMENTALLY SENSITIVE LANDS OVERLAY (ES)**

*The Intent of this Overlay area is to restrict development in areas that are considered environmentally sensitive. The following regulations are intended to apply supplementary standards for development in areas designated as having potential environmental sensitivities or natural hazards conditions (unstable slopes, flooding) in order:*

- to restrict development in identified and potentially environmentally sensitive areas;
- to restrict development in areas that are considered hazardous for development in order to minimize property damage due to flooding; and
- to restrict development in areas that are considered hazardous for development for reasons of excessive soil erodibility and/or ground instability.



**13.1 AREAS WITHIN THE ES OVERLAY DISTRICT**

- All land within the Environmentally Sensitive/Heritage Resource Overlay District in the Future Land Use Plan (Appendix "C") and identified on the Zoning Map;
- All land within 150 metres of any public, commercial or industrial wells.
- All land within 457 metres of any waste disposal sites.
- All land within 300 metres of any of the municipal, commercial or industrial sewage lagoons, and the existing ILO Lagoon.

**13.2 OVERLAY DISTRICT REGULATIONS**

- .1 All the Regulations of the District, which underlies the ES District, shall be used by Council as a guideline in establishing conditions, which may be applied to location-sensitive Development Permits for the specific use being requested.
- .2 Where a proposed development of a new use and any required access driveway is located within 150.0 metres of an area defined as Environmentally Sensitive land in the OCP or as an Environmentally Sensitive (ES) District on the Zoning Map, Council may require the applicant to submit sufficient topographic or other information to determine if the development will be within 50.0 metres of any slopes that may be unstable, or within any river or stream flood plain, or other land that may be subject to flooding.
- .3 Identified actions for hazard avoidance, prevention, mitigation or remedy for any development proposed in an ES Overlay District may be incorporated as special conditions of a Development Permit. Where such special conditions conflict with any other regulation of this Bylaw, the special conditions shall take precedence. Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the adverse effects or may result in excessive costs for the Municipality.

**No person shall within an Environmentally Sensitive Lands Overlay District use any land or erect, alter or use any building or structure, except in accordance with the following provisions.**

---

### 13.3 PERMITTED USES

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

---

### 13.4 DISCRETIONARY USES

The following uses may be permitted only by resolution of Council and only in locations specified by Council:

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

---

### 13.5 SITE DEVELOPMENT REGULATIONS FOR SLOPE INSTABILITY AREAS

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

- a) Will the proposed development be detrimentally affected by natural erosion or slope instability?
  - b) Will the proposed development increase the potential for erosion or slope instability that may affect the proposed development or any other property?
- .5 Unless the geotechnical engineer can answer “no” in response to both of the above questions, further analysis will be required. The required analysis must define the hazard as it may affect the proposed development and any other potentially affected property. The engineering report will identify hazard mitigation measures including engineered works and other measures deemed to be effective in eliminating or managing anticipated erosion and slope stability impacts, and will identify and explain known and suspected residual hazards. The responsibility for monitoring and responding to monitored findings shall be resolved before approval is granted.
- .6 A Development Permit shall not be issued unless the report on the site, presented by the professional consultant, indicates that the site is suitable for development or outlines suitable mitigating measures and documents residual hazard.
- .7 If such an evaluation is not done, or having been done, Council determines that excessive remedial or servicing measures are necessary to safely and efficiently accommodate the proposed development, and Council shall not be required to approve the application for development.
- .8 Where a parcel of land borders on or contains a water body, the setback from the bank of the water body shall be determined by the Municipality but shall not be less than 30.0 metres from a water body of 8 hectares or more.

---

### 13.6 SITE DEVELOPMENT REGULATIONS FOR FLOOD HAZARD CAUTIONARY AREAS

- .1 For all proposed development in this cautionary area, the developer shall be responsible to obtain and determine the 1:500 year Estimated Peak Water Level to determine the Safe Building Elevation. The Saskatchewan Watershed Authority will assist and provide comment when possible or the developer shall be responsible for the cost.
- .2 No person shall use any land, erect, alter or use any building or structure within a Flood Hazard land area without a Development Permit. A Development Permit shall not be issued for any land use, erection, alteration or use of any building or structure unless the site/development meets approved flood proofing measures to the 1:500 flood design elevation.
- .3 No person shall backfill, grade, deposit earth or other material, excavate, or store goods or materials on these lands nor plant any vegetation parallel to the waterflow.
- .4 “Hazardous Substances and Waste Dangerous Goods” are prohibited, as defined by the Hazardous Substances and Waste Dangerous Goods Control Regulations of the *Environmental Management and Protection Act of Saskatchewan*.



**14 HERITAGE RESOURCE OVERLAY (HR)**

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



**14.1 DEFINING THE BOUNDARY**

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

- a) lands located within the same quarter-section as, or within 500 metres of, a Site of a Special Nature as defined in *The Heritage Property Act*;
- b) lands within 500 metres of other previously recorded sites, unless they can be shown to be of low heritage significance; and
- c) all known Heritage sites, based on archaeological records, shown on the Environmentally Sensitive/Heritage Resource Overlay District (Appendix "C") in the Official Community Plan.

**14.2 SITE REGULATIONS IN THE HERITAGE RESOURCES OVERLAY AREA**

- .1 The Municipality will require the developer to search and identify any known heritage sites within 500 metres of any recorded heritage sensitive lands and to comply with all Province of Saskatchewan legislation.
- .2 Any substantive development that lies within these sensitive lands shall be referred to the provincial Heritage Unit for a heritage review.
- .3 Should a Heritage Resource Impact Assessment be required, it is the responsibility of the developer to have it carried out by a qualified professional under an approved investigation permit. The study should establish:
  - a) the presence of heritage sites within the project areas;
  - b) suitable mitigation measures that could be implemented;
  - c) the content, structure, and importance of those heritage sites; and
  - d) the need for a scope of any mitigative follow-up.
- .4 If such an assessment is not done or having been done, Council may defer the issuance of a Development Permit until such time as all mitigation requirements have been met.
- .5 Heritage resource development shall be a discretionary use in all zones. Heritage resource development shall be exempted from site and frontage area requirements.



**ZONING MAP**

**APPENDIX "A" DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

**Every Development Permit application shall include:**

**1. Application Form**

A completed application form.

**2. Site Plan**

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

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

**3. Building Plan**

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

**4. Landscape Plan**

A landscape plan showing, with labels, the following:

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

- iii) other, as required, to effectively administer this Bylaw.
- d) areas to be damaged or altered by construction activities and proposed methods of restoration;
- e) a schedule of site stripping and grading, construction, and site restoration, including methods to be employed to reduce or eliminate erosion by wind, water, or by other means; and historical and archaeological heritage resources and management areas.

## **5. Vicinity Map**

A vicinity map showing, with labels, the location of the proposed development in relation to the following features within three (3) kilometers:

- a) nearby municipal roads, highways and railways;
- b) urban Municipalities or Residential Developments;
- c) significant physical features, environmentally sensitive areas, and more or less pristine natural areas or features, especially undisturbed grassland, wooded ravines, and water feature or stream courses,
- d) critical wildlife habitat and management areas;
- e) mineral extraction resources and management areas; and
- f) other as required, to effectively administer this Bylaw.

## **6. Certificate of Title**

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

## **7. Valid Interest**

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

- a) proof of ownership;
- b) an agreement for sale;
- c) an offer or option to purchase;
- d) a letter of purchase;
- e) a lease for a period of more than 10 years; and/or
- f) other, as determined and accepted by Council, or the Development Officer.

## **8. Site Description**

- a) A proposed plan of subdivision prepared by a Saskatchewan Land Surveyor or Professional Community Planner and signed by the registered site owner or appointed agent;
- b) A Site Plan that identifies setbacks, neighbouring buildings and any natural features accompanied by an accurate sketch and air photo image (ie google image);
- c) Photographic Information and photographs showing the site in its existing state.