

BYLAW No. 2018-10

A BYLAW OF THE R.M. OF SHELLBROOK No. 493 TO AMEND BYLAW No. 08-1981 KNOWN AS THE ZONING BYLAW

The Council of the Rural Municipality of Shellbrook No. 493, in the Province of Saskatchewan, enacts this bylaw to amend Bylaw 08-1981 as follows:

1. PART II – ADMINISTRATION is amended by removing all clauses and replacing it with the following:

“1. Development Officer

(a) The Administrator of the RM of Shellbrook, including any person acting under the authority, direction, and with the consent of the Administrator and/or Council, shall be the Development Officer responsible for the administration of this Zoning Bylaw.

2. Application for a Development Permit

(a) No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Part 2 Section 3 – Developments Not Requiring a Development Permit.(b) A development permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act.

(c) A building permit shall not be issued unless a development permit, where required, has also been issued.

(d) The application for a development permit shall be made to the Development Officer in “Form A” as adopted by Council, and the form content is not defined in this Bylaw.

(e) The application shall at minimum include the following items:

(i) The submission of Development Permit Application (Form A) and a Building Permit application (where applicable);

(ii) A site plan showing dimensions and locations of existing and proposed buildings and structures in proximity to site lines;

(iii) Electronic copies of the building construction plans;

(iv) The Development Officer or Council retains the right to ask for any studies or research necessary prior to making any decision on a development permit, at the cost of the applicant, such as Real Property Surveyor’s Reports of the sites to ensure location of existing buildings and property lines.

(f) The Development Officer is responsible for reviewing all applications to ensure that the proposed development complies with all applicable regulations and provisions of this Bylaw and the policies contained in the OCP.

(g) The Development Officer may submit any application to Council for a decision on the interpretation of the Bylaw and shall inform the applicant of the date and time when Council will consider the matter.

(h) If development authorized by a development permit is not commenced within twelve (12) months of the date of issue, the permit ceases to be valid.

(i) A development permit extension may be granted for an additional twelve (12) month period by the Development Officer. The Development Officer shall provide a written letter granting the extension.

(j) Temporary Development Permits:

(i) The Development Officer may issue temporary development permit applications for the temporary placement of moveable residential buildings during construction, with the submission of a security or performance bond.

(ii) Temporary development permits may be issued for seasonal or mobile commercial operations.

(iii) Temporary Development Permits may be approved for any time period up to 12 months.

(iv) Temporary Development Permits may be renewed for an additional 12 months at the discretion of Council.

(k) Surveyed Plot Plans, Real Property Surveyors Reports (RPSR):

“3.2.4.1 Surveyed Plot Plans and Real Property Surveyors Reports (RPSR)

(1) All applicants shall provide a surveyed plot plan drafted by a Saskatchewan Land Surveyor at time of application.

(2) A development permit application for a proposed residence on potentially hazardous land as defined by provincial regulation, this Bylaw and the Official Community Plan or lands that have an interest registered on the title pursuant to Section 130 of the Act, must be accompanied by a RPSR prepared by a Saskatchewan Land Surveyor, which illustrates that the proposed elevation of the finished main floor is above the Safe Building Elevation as defined by the Ministry of Government Relations.

(3) Any proposed residential or commercial development that directly borders another residential or commercial development shall be required to produce a RPSR for all buildings or structures 18.6 square metres (200 square feet) in area or larger on a permanent foundation, except those exempted by Part II, Subsection 3.2.3, or clause (2) above, from requiring a development permit. The RPSR shall be undertaken after

installation of the permanent foundation, but before installation or construction of the building above the permanent foundation.

(4) Notwithstanding clause (1) and (3), residential or commercial development shall not be required to submit documentation provided by a Saskatchewan Land Surveyor for applications regarding the following items:

- a. Fences
- b. Uncovered Decks
- c. Structures under 200 square feet”

(i) Any proposed residential development that directly borders another residential development shall be required to produce a Real Property Surveyor’s Report for all buildings or structures 27.9 square metres (300 square feet) in area or larger on a permanent foundation, except those exempted by Part II, Subsection 2, from requiring a development permit. The Real Property Surveyor’s Report shall be undertaken after installation of the permanent foundation, but before installation or construction of the building above the permanent foundation.

(ii) An RPSR shall not be required for uncovered decks.

(iii) Notwithstanding clause (i), residential development shall only be required to submit an RPSR completed by a Saskatchewan Land Surveyor in the following cases where all conditions are met:

- (1) Located within the **H** – Hamlet District, or the **LD** – Lakeshore Development District.

3. Developments Not Requiring a Development Permit

The following forms of development do not require a development permit from the municipality. Notwithstanding, new development is subject to obtaining the necessary permits and approvals from various ministries and agencies of higher levels of government:

(a) **Accessory farm uses:** Farm buildings where applied to a principal agricultural use within the Zoning Districts established by this bylaw. This excludes farm residences and intensive livestock operations.

(b) **Public utilities:** Any operation for the purposes of inspecting, repairing or renewing sewers, mains, cables, pipes, wires, tracks or similar public works as required by a public utility.

(c) **Sheds and storage structures:** Any shed or storage structure that is 9.2 square metres (99 square feet) in area or less with a height of less than 4.0 metres (13 feet).

(d) **Television or radio antennas:** Any television or radio antenna meant for the personal residential use of the operator on site.

(e) **Cultural or historical sites:** Any historical and archeological sites, wildlife and conservation management areas. This excludes the structural buildings required for offices, interpretative centres and similar uses.

(f) **Internal alterations:** Where structural alterations do not occur, and no alterations to the external building footprint unless the alterations accompany a change in use or change in intensity of a discretionary use.

(g) **Fencing:** Subject to all height restrictions of the zoning district.

(h) **Landscaping:** For sites, driveways and parking lots, provided the natural or designed drainage pattern of the site and adjacent sites are not adversely impacted. Landowners shall ensure all landscaping incorporates natural drainages routes within site boundaries. Alterations to natural drainage patterns may require the approval from the Water Security Agency where applicable.

(i) Pursuant to clause (h) and where no development permit is required, no applicant shall complete development that causes adverse effects to surrounding landowners regarding surface drainage, runoff, or other natural effects.

(i) **Municipal Facilities:** Municipally owned buildings, parks and facilities, including new construction and renovations, alterations, or additions to existing buildings and structures and facilities.

4. Discretionary Use Application Process

This section addresses special provisions and specific development standards that apply to discretionary development permits. These regulations shall apply in addition to the standard development permit regulations, as well as any standards listed in specific zoning districts.

(a) The application will be examined by the Development Officer for conformance with any adopted Official Community Plan, this Bylaw, and any other applicable policies and regulations.

(b) The Development Officer may request comments from other government agencies, qualified professionals, etc., prior to Council rendering a decision.

(c) The Development Officer or Council retains the right to ask for any studies or research considered necessary prior to deciding on a development permit at the cost of the applicant.

5. General Discretionary Use Evaluation Criteria

In exercising its discretion Council may consider the evaluation criteria identified below, and should determine the extent and nature of the information and analysis required to render a decision:

(a) **Roadways:** the assessment of capacity of existing roadway infrastructure to accommodate the proposed use.

(b) **Air Resources:** assess and consider the potential impacts and effects on local air resources.

(c) **Soil Resources:** assess and consider the potential impacts and effects on local soil resources.

(d) **Water Resources:** assess and consider the generation of waste resulting from the proposed use, and the capacity of existing water management services.

(e) **Natural and Heritage Resources:** assess and consider the potential impacts and effects on natural, cultural and heritage resources.

(f) **Land Use Compatibility:** the anticipated impact(s) of the proposed discretionary use on existing land uses in the area.

(g) **Suitability and Sustainability:** assess and consider the potential impacts and effects on social, economic and physical sustainability of the Municipality.

6. Public Notice of Discretionary Use Applications

(a) The Development Officer shall advise the applicant that advertisement for the proposed use will be required by:

i) Posting the notice in the municipal office, and the post office(s) within the municipality; and

ii) Mailing a copy of the notice to the assessed owners of each property within 75 metres (246 feet) of the subject property.

(b) The notice shall:

(i) Describe the use applied for;

(ii) Describe the location of the use;

(iii) Specify the date, time, and location of the Council meeting at which the application will be considered; and

(iv) Advise the landowner of their ability to submit comments to council for consideration.

(c) Council may increase the notification area, or method (i.e., posting in the newspaper) at their discretion.

(d) The notice shall be published at least seven (7) days, and mailed at least twelve (12) days, prior to the date of the meeting, unless additional time is required for post handling.

(e) Council shall consider the application and any written or verbal submissions received regarding the application.

7. Discretionary Use Application Decisions

(a) Council may approve the application, reject the application, or approve the application with conditions, including a condition limiting the length of time that the use may be conducted on the site to secure the objectives of any Official Community Plan or Zoning Bylaw, with respect to the use, or intensity of the use on the site. The discretionary use will:

- (i) Comply with provisions of this Zoning Bylaw respecting the use and intensity of use of land;
 - (ii) Be consistent with evaluation criteria and regulations in this Bylaw;
 - (iii) Be compatible with development in the district in the immediate area of the application. Specific approval requirements may apply to address land use compatibility;
 - (iv) Be consistent with provincial land use policies and the Statements of Provincial Interest Regulations.
- (b) In approving a discretionary use, Council may prescribe specific development standards or conditions with respect to that use regarding:
- (i) The conditions are based on, and are consistent with general development standards or conditions listed within this Bylaw;
 - (ii) The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings.
 - (iii) The accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading.
 - (iv) The safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust, and odour.
 - (v) Any treatment given, as determined by Council to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials, and any architectural detail.
- (c) The decision rendered by Council regarding the discretionary use development permit application shall be provided to the application through ordinary mail, addressed to the applicant, and following the procedures listed in the subsection 9 below titled *Notice of Decision*.

8. Limitation on Discretionary Use Approvals

- (a) Council's approval of a discretionary use application is valid for a period of twelve (12) months from the date of approval. An approval shall be deemed to be invalid if the proposed use or proposed form of development has not commenced within that time or if the Council determines, within the twelve (12) month period, that the proposed development is not proceeding in accordance with the terms and conditions of its approval. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.
- (b) Council may direct that a discretionary use permit extension be granted for an additional twelve (12) month period by the Development Officer.
- (c) Where Council has approved a discretionary use for a fixed time, as provided in this Bylaw, and that time period has expired, that use of land and/or use of buildings on that land shall cease until such time it conforms with the requirements of the zoning bylaw.

9. Notice of Decision

(a) The notice of Decision shall be in writing in "Form B" as adopted or amended by resolution of Council; the content is not defined in this Bylaw. Form B shall include any of the following components:

- (i) Document the decision determined by the Development Officer and/or Council;
- (ii) Include any development standards and conditions or time limits as authorized by this Bylaw, where applicable;
- (iii) Provides the effective date of the decision;
- (iv) Includes the applicant's right to appeal pursuant to section 58 of The Act.

(b) The Development Officer shall notify the applicant of the permit decision by ordinary mail addressed to the applicant as shown on Form A.

10. Development Appeals

(a) Council shall appoint a Development Appeals Board in accordance with section 214 of The Act.

(b) A person who wishes to appeal to the Development Appeals Board shall, within 30 days of the decision of the development permit, file a written notice of intention to appeal, along with the appeal fee, with the secretary of the Development Appeals Board.

(c) A person whose application for a discretionary use and development permit has been approved with prescribed development standards or conditions, may appeal to the Development Appeals Board, said standards or conditions if considered excessive in the opinion of the applicant.

(d) Nothing in this section authorizes a person to appeal a decision of the council:

- (i) Refusing to rezone land; or,
- (ii) Rejecting an application for approval of a discretionary use.

(e) In making an appeal to the Development Appeals Board, and hearing such appeal, the provisions of The Act shall apply.

11. Fees

(a) **Amendment of any Official Community Plan or Zoning Bylaw:** Where a person requests Council to amend the Bylaws, the costs shall be as follows:

- (i) Text Amendments: **\$200.00**
- (ii) Map Amendments: **\$400.00 plus any applicable ISC fees**
- (iii) Additional costs may be required as per clause (c) below.

(b) **Permit application fees:** An applicant for a development permit shall pay an application fee in accordance with the following:

- (i) Permitted use: **\$100.00**

(ii) Discretionary use: **\$200.00**

(iii) Development Appeal Fee: **As per The Act**

(iv) Additional costs may be required as per clause (c) below.

(c) Additional detailed review costs:

(i) **Public Notification:** Where the amendment involves additional notification, the applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment and the costs associated with providing direct written notice to owners of land that is the subject of the proposed amendment.

(ii) **General:** Where a development or subdivision proposal involves a detailed review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, Council may require the applicant pay the full cost of the additional application review and administration costs, as Council may determine by resolution.

(iii) **Items:** Such costs may include Council meetings, legal and professional planning costs, municipal administration fees and site inspection fees, as determined by Council.

12. Minor Variances to the Zoning Bylaw

(a) Council may grant a variance of up to 10% of any yard requirement or minimum required distances between buildings for a use that conforms to this bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of The Act.

13. Enforcement, Offences and Penalties

(a) Pursuant to Section 242 of The Act, the Development Officer may inspect any development suspected of contravening The Act, or any regulation or bylaw made pursuant to The Act. If it is determined that a contravention exists, the Development Officer may notify the owner in writing and instruct the owner to correct the contravention within a set time period. If for any reason the contravention has not been corrected within that time, the Development Officer may extend the time period or issue a zoning compliance order pursuant to Section 242(4) of The Act to achieve bylaw conformance.

(b) Any person who violates this Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties provided by Section 243 of The Act.

14. Bylaw Compliance

(a) Errors and/or admissions by the Development Officer or someone acting under their direction administering this bylaw while processing applications for development, does not clear any party of responsibility for complying with the provisions of this bylaw or any other bylaw of the Municipality, or relieve any applicant from liability for failure to comply with this bylaw.”

2. **PART III- General Regulations**, is amended by adding the following new subsection after subsection 4(c)

“5. Municipal Facilities and Public Utilities

(a) Are permitted in all zoning districts with no site requirements.

(b) Specific zoning district density regulations shall not apply. “

3. **PART V – ZONING DISTRICT SCHEDULES, Section 1. AR – Agricultural Residential District**, is amended as follows:

a. Subsection (1.2) Principal Uses title is amended by removing the word “Principal” and replacing it with “Permitted”.

b. Subsection (1.2) Principal Uses is amended as follows:

i. removing clause 1.2.1 and replacing it with the following:

“1.2.1 Agricultural – field crops, bee keeping, ranching, grazing, and other similar uses (excluding intensive livestock operations 300 animal units or greater) customarily carried on in the field of general agriculture, including the sale, on the premises, of any produce grown or raised on the premises.”

ii. by removing clause (1.2.4) and replacing it with the following:

“1.2.4 Public utilities, excluding solid and liquid waste facilities”

c. Subsection (1.2) Principal Uses is amended by removing clause (1.2.6) and replacing it with the following:

“1.2.6 Petroleum pipelines and related facilities, oil and gas exploration or extraction wells and related facilities, related primary processing facilities, and transmodal facilities.”

d. Subsection (1.2) Principal Uses, removing all of clause (1.2.7) and replacing it with the following:

“1.2.7 Uses Permitted at Council’s Discretion

(a) Airports, landing strips and similar uses;

(b) Implement and machinery sales and service; motor vehicle sales and servicing;

(c) Bulk fuel storage and sales;

(d) Stockyards and auction marts; abattoirs; animal kennels;

(e) Non-farm residential development in the form of single detached dwellings and mobile homes; dwelling groups;

(f) Home based business; vacation farms; bed and breakfast homes; agricultural tourism; and other similar uses;

(g) Agricultural commercial uses, processing and similar uses; grain and seed storage, drying and cleaning; agriculture fertilizer storage; oil and gas-related

commercial uses (excluding mineral resource primary processing and transmodal facilities), processing, manufacturing and distribution facilities;

(h) Aggregate resource extraction, storage, processing and crushing; natural resource storage and processing facilities;

(i) Market Gardens, nurseries or greenhouses, commercial horticultural operations; intensive agricultural operations;

(j) Concrete manufacturing, storage and processing facilities;

(k) Salvage and wrecking yards;

(l) Institutional uses; recreational uses; sports fields; golf courses; campgrounds; and other similar uses

(m) Intensive livestock operations;

(n) Solid and liquid waste disposal facility; soil farms

e. Removing subsection (1.2.8) and replacing it with the following:

“1.2.8 Accessory Uses

The following uses shall be accessory to an existing principal building or use, and shall be considered as a permitted development, and subject to all site regulations listed in Section 1.3:

(a) Uses, buildings and structures accessory to the foregoing permitted uses and located on the same site with the main use.

(b) Farmstead development, with a principal agricultural use, including one (1) single detached dwelling, or mobile home, on a permanent foundation.

(c) Caretaker dwelling unit where accessory to grain elevators.

(d) An additional residence may be permitted on an agricultural holding for the purpose of housing workers or family directly involved in the agricultural operation.

f. Removing section (1.3) Regulations and replacing it with the following:

“1.3 Regulations

(a) **Site Area Requirements:**

(i) Agricultural Use(s):

(i) One quarter section, 64 hectares (158 acres) or equivalent shall be the minimum site area required to constitute a farm land holding. Equivalent shall mean 64 hectares (158 acres) or such lesser amount as remains in an agricultural holding because of the registration of road widening, road right-of-way or railway plans or pipeline development, or natural features such as streams or bodies of water,

or because of subdivision as permitted herein, but in any case, not less than 57 hectares (140 acres) unless otherwise specified in this bylaw.. Subdivision of land will be permitted for consolidation purposes subject to meeting the total area requirement for a farm land holding.

(2) Any agricultural holding which does not conform to the minimum site area requirement shall be deemed conforming regarding site area, provided that a registered title for the site existed in the Land Titles Office prior to the coming into force of this bylaw.

(3) A reduced site area below 64 hectares (158 acres), but not below 14 hectares (34.5 acres) will be permitted for the purposes of farm land consolidation and estate planning and settlement subject to a resolution of Council.

(ii) Agricultural-related commercial development: **Minimum** – 0.4 ha (0.99 acres).

(iii) Market Garden, nurseries or greenhouses, commercial horticultural operations; intensive livestock operations; intensive agricultural operations: **Minimum** – 0.8 ha (2.0 acres); **Maximum** – as determined by demonstrated space needs necessary for a viable principle agricultural use.

(iv) Residential development: **Minimum** – 0.4 ha (0.99 acres); **Maximum** – 4.45 ha (11.0 acres); however, the maximum site area may be increased depending on physical circumstances, or irregular constraints of the proposed site (i.e., shelter belt, topography, water or septic locations), and may be limited by the demonstrated space needed for viable agricultural uses for the source parcel. Where viable agricultural uses do not exist, maximum site areas may be waived at the discretion of Council.

(v) All other uses – No minimum

(b) Frontage Requirements:

(i) 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 registered and developed road, and upgrades or construction of any road may be requested through a signed servicing agreement.

(ii) Developed municipal road allowances shall mean an existing paved or graded all-weather road on a registered right of way, or road allowance that meets the RM road construction standards, or unless satisfactory arrangements have been made with Council for the improvement or building of a road.

(iii) Residential Development: **30 metres**

(c) Density Requirements:

(i) A maximum of three (3) parcels are permitted per quarter section in this zoning district for any agricultural, commercial / industrial use in addition to the one (1) source parcel, excluding roads, rail, utilities, municipal and public facilities.

(ii) A maximum of four (4) non-farm residential parcels may be permitted per quarter section in this zoning district in addition to the one (1) source parcel excluding roads, rail, utilities, municipal and public facilities.

(d) Road Setback Requirements:

(i) All dwellings shall be set back at least 45 meters (150 feet) from the centerline of any municipal road, road allowance, provincial highway, or as required by the ministry responsible for provincial highways.

(ii) Front Yard

1) Concrete facilities – 30 metres

(iii) Side Yard

1) Concrete facilities – 10 metres

(iv) Rear Yard

(1) Concrete facilities – 10 metres

(e) Separation of Uses

(i) A 457 metre separation is required between residences not occupied by a livestock operator and/or employee involved in the operation and intensive livestock operations, as measured from a dwelling to the area of confinement or animal waste storage.

(A) A lesser separation may be considered, where in the opinion of council, it is demonstrated that a closer distance would not unduly affect the owner of either land use or cause a public safety hazard.

(ii) A 457 metre separation is required between residences, and solid or liquid waste facilities, as measured from a dwelling to the waste facilities

(A) A lesser separation may be considered, where in the opinion of council, it is demonstrated that a closer distance would not unduly affect the owner of either land use or cause a public safety hazard.

(f) Signs and Billboards:

(i) Signs and billboards are prohibited except for signs showing the names of occupants, signs being notices of sale or lease, information signs containing no advertising, and signs advertising the sale of produce.

1.4 Discretionary Use Evaluation Criteria and Regulations

(a) Agricultural commercial uses, processing and similar uses; grain and seed storage, drying and cleaning; agriculture fertilizer storage; oil and gas-related commercial uses, processing, manufacturing and distribution facilities

(i) All applicants shall be required as a condition of approval to provide applicable approval from provincial approving authorities;

(ii) Road and approach standards shall be appropriate for increased frequency and weights associated with the development, and the Developer may be required to upgrade the road and/or will enter into a heavy haul agreement.

(iii) Council will consider the location of the proposal relative for major transportation routes; locations adjacent to major transportation routes are preferred;

(iv) Council will consider the effect of the proposed use on the municipal road network and how applicants propose address increased traffic and use of municipal roads.

(b) Aggregate resource extraction, storage, processing and crushing; concrete manufacturing, storage and processing facilities; salvage and wrecking yards

(i) Council may specify approval conditions regarding, but not limited to:

(1) daily operations of the aggregate pit (i.e., hours of operations, crushing times, etc.);

(2) site rehabilitation and reclamation;

(3) site landscaping and fencing;

(ii) Council may require the submission of a surety or performance bond at time of application;

(iii) Applications shall have adequate set back and sufficient screening of any outdoor storage area from existing incompatible development or a municipal road allowance. The proposed use may be required to provide appropriate screening to the satisfaction of Council.

(c) Non-farm residential development in the form of single detached dwellings and mobile homes; additional dwelling units on an agricultural parcel where the occupants are servicing the primary agricultural use; home based business; vacation farms; bed and breakfast homes; agricultural tourism; and other similar uses

(i) Additional dwelling units on an agricultural parcel may be permitted for a period of one (1) year on site, and shall be required to resubmit a new development permit application yearly;

(ii) Appropriate locations for the proposed use shall be considered based on the surrounding area in relation to the agriculture industry.

(d) Airports, landing strips and similar

(i) May be required to attain Transport Canada regulations regardless of size;

(ii) Applicants shall be required to complete additional consultation as per Canadian Transport Regulations to ensure appropriate mitigation of surrounding landowner concerns;

(e) Implement and machinery sales and service; motor vehicle sales and servicing; bulk fuel storage and sales; market garden, nurseries or greenhouses, commercial horticultural operation

(i) Site size shall be appropriate, in Council's opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.

(ii) Locations are encouraged to be adjacent to major transportation routes;

(f) Intensive livestock operations; intensive agricultural operations; stockyards and auction marts; abattoirs; animal kennels

(i) A livestock operation shall only be considered intensive where more than 300 animal units are confined to an area of less than 370 m² per unit. The review and evaluation of the discretionary use will include the following:

(1) The municipality shall proceed with public notification providing sufficient time to advertise the application, notify surrounding landowners, and shall include dates for the applicants open house regarding the proposal;

(2) Pursuant to clause (1), the applicant shall be required to host an open house and provide information about the proposal, showing conformance to provincial intensive livestock regulations;

(3) Council may not render a decision until public notification procedures as outlined above have been completed, and provincial approvals have been received.

(ii) The intensive livestock operation or kennel may include on-site residential development affiliated with the operation;

(iii) All applicants shall be required as a condition of approval to provide applicable approval from provincial approving authorities, where applicable;

(iv) Site size shall be appropriate, in Council's opinion, for the receipt, distribution or dispatch by vehicles of materials, goods, product or

merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.

(v) Applicants shall be required enter into an agreement to upgrade municipal road allowances to primary weight standards to ensure all-season access to facilities.

(vi) The temporary confinement of livestock for seasonal feeding, wintering, or calving of less than 1000 animal units shall not considered by council to be an intensive livestock operation or require discretionary use approval.

(g) Institutional uses; recreational uses; sports fields; golf courses; campgrounds; and other similar

(i) Site size shall be appropriate, in Council's opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.

(ii) Locations are encouraged to be adjacent to major transportation routes;

(j) Solid and liquid waste disposal facility; soil farms

(i) All applicants shall be required as a condition of approval to provide applicable approval from provincial approving authorities;

(iii) Locations are encouraged to be adjacent to major transportation routes;"

(k) Dwelling groups

(i) Applicants may be required to revised proposals to align with the *Condominium Act, 1993* and the *Condominium Regulations, 2001*;

(ii) All applications shall be required to be designed to accommodate future subdivision as per the *Planning and Development Act, 2007*;"

4. PART V – ZONING DISTRICT SCHEDULES, Section 2. H – Hamlet District, is amended as follows:

- a. Section (2.3) **Regulations**, subsection (2.3.01) is removed.
- b. Section (2.3) **Regulations**, subsection (2.3.1) *Site Area* is amended by removing all content and replacing it with the following:
 - “(a) Single detached dwellings, mobile homes: **Minimum** – 302 sq. m (3,250 sq. ft.)
 - (b) Service stations: **Minimum** – 928 sq. m (10,000 sq. l)
 - (c) Other commercial uses: **Minimum** – 232 sq. m (2,500 sq. ft.)
 - (d) All other permitted uses: **Minimum** – 464 sq. m (5,000 sq. ft.)
 - (e) All discretionary uses: **Minimum** – 0.4 ha (0.99 acre)
- c. Section (2.3) **Regulations**, subsection (2.3.2) *Site Frontage* is amended by removing all content and replacing it with the following:

- “(a) Single detached dwellings, mobile homes: **Minimum** – 6 m (19.7 ft.)
- (b) Commercial Uses: **Minimum** – 7.5 m (25 ft.); **Maximum** – 30 m (100 ft.)
- (c) All other permitted uses: **Minimum** – 15 m (50 ft.)
- (d) All discretionary uses: **Minimum** – 30 m (100 ft.)

d. Section (2.3) **Regulations**, is amended by adding the following subsection:

“2.3.3 Yard Requirements

- (a) Front Yard: **Minimum** – 7.5 m (24.6 ft.)
- (b) Side Yard: **Minimum** – 1.0 m (3.2 ft.) except for semi-detached dwellings where the party wall is above a property line, the side yard requirement is not applicable.
- (c) Rear Yard: **Minimum** – 3.1 m (10 ft.)

2.3.4 There shall be a maximum of three (3) accessory buildings or structures per lot, excluding uncovered decks.”

e. Removing section (2.5) and replacing it with the following:

“2.5 Discretionary Use Evaluation Criteria and Regulations

2.5.1 Trailer manufacturing; prefabricated building component assembly; warehouses and supply depots; auto wreckers; construction yards; storage yards

- (a) The Developer may be required to enter into a development agreement regarding routing of large trucks, and the maintenance of municipal roadways;
- (b) Council may specify approval conditions regarding, but no limited to:
 - (i) daily operations (i.e., hours of operations, crushing times, etc.);
 - (ii) site rehabilitation and reclamation;
 - (iii) site landscaping and fencing;
- (c) Council may require the submission of a surety or performance bond at time of application;
- (d) Applications shall have adequate set back and sufficient screening of any outdoor storage area from existing incompatible development or a municipal road allowance. The proposed use may be required to provide appropriate screening to the satisfaction Council;
- (e) Locations are encouraged to be adjacent to major transportation routes;”

5. **PART V – ZONING DISTRICT SCHEDULES, Section 3. CR – Country Residential District**, is amended as follows:

a. Section (3.1) **Permitted Uses**, subsection (3.1.2) *Institutional Uses*, clause (a) is removed and replaced with "(a) Educational Institutions"

b. Section (3.3) **Regulations**, subsection (3.3.2) *Number of Dwellings and Sites Per Quarter of Land* is amended by removing all content, and replacing it with the following:

"(1) Subdivision of land shall align with the policies outlined in the Official Community Plan, where applicable.

(2) Pursuant to Part IV, Section (1), subsection (1.3)(c), subdivisions in the AR – Agriculture Residential District proposing to establish more than four (4) new, non-farm residential parcels in a quarter section, shall be required to be rezoned to a Country Residential District and compliance with all relevant area, frontage and setback requirements of that zoning district.

(3) A maximum of 32 sites shall be allowed per quarter section."

c. Section (3.3) **Regulations**, subsection (3.3.5) *Keeping of Animals* is amended by removing all content, and replacing it with the following:

"(1) The equivalent of two (2) animal units shall be permitted per 2 hectare (5 acre) site. Four (4) animal units shall be permitted per 4 hectares (10 acre) site. For each additional 1.2 hectares (3 acres), one (1) additional animal unit shall be permitted.

(2) Animals shall not be pastured within 15 metres (49.2 feet) of any dwelling not owned by the owner of the animals and no buildings or structures intended to contain birds or animals shall be located within 30 metres (100 feet) of a dwelling or property line.

(3) The use of vacant residential sites for pasture of animals is prohibited."

d. Section (3.4) **Specific Development Standards and Criteria for Discretionary Uses**, is amended by removing clause (3.4.4) and replacing it with the following:

"3.4.4 Convenience stores with or without gas bars; golf courses

(a) Site size shall be appropriate, in Council's opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan;

3.4.5 Bed-and-breakfast homes, where ancillary to a residence on the same site

(a) The development shall not detract from the surrounding residential neighbourhood;

(b) Site plans shall be provided demonstrating adequate on-site parking of one (1) parking stall per bedroom for rent;"

6. PART V – ZONING DISTRICT SCHEDULES, Section 6. LD – Lakeshore Development District, is amended as follows:

- a. Removing subsection (6.2.1) **Principal Uses** and subsection (6.2.2) **Uses Permitted at Council’s Discretion** and replacing it with the following:

“6.2.1 Principal Uses

- (a) Single detached dwellings; mobile and manufactured homes; modular homes
- (b) Recreational, including picnic grounds, golf courses, sports fields, public beaches and parks

6.2.2 Discretionary Uses

- (a) Tourist campgrounds; tourist cabins;
- (b) Minor commercial service facilities, including grocery and general stores, service stations, restaurants, and take-out Id establishments
- (c) Dwelling groups, condominiums

- b. Section (6.3) **Regulations**, is amended by removing all content and replacing it with the following:

“6.3.1 Site Area:

- (a) Residential: **Minimum** – 700 sq. m (7,530 sq. ft.)
- (b) Dwelling groups, bare land condominium: **Minimum** – 2 ha
 - (i) Unit area: **Minimum** – 400 sq. m (5,380 sq. ft.)
- (c) Commercial development, tourist campgrounds, rental cabins: **None**

6.3.2 Site Frontage:

- (a) Residential: **Minimum** – 23 m (75 ft.)
- (b) Dwelling groups, bare land condominium: **Minimum** – 15 m (49.2 ft.)
 - (i) Unit frontage: **Minimum** – 18 m (59 ft.)
- (c) Commercial development, tourist campgrounds, rental cabins: **None**

6.3.3 Yard Requirements:

- (a) Front setback:
 - (i) Residential and Commercial uses: **Minimum** – 6 m (20 ft.)
 - (ii) Dwelling groups unit, bare land condominium unit: **Minimum** – 6 m (20 ft.)
- (b) Side setback:
 - (i) Residential and Commercial uses: **Minimum** – 1.5 m (5.0 ft.)

(ii) Dwelling groups unit, bare land condominium unit: **Minimum** – 1.5 m (5.0 ft.)

(c) Rear Setback:

(i) Residential and Commercial uses: **Minimum** – 6 m (20 ft.)

(ii) Dwelling groups, bare land condominium:

(d) **Decks:** Notwithstanding the foregoing, all decks will be required to be set back a minimum of 1.5 metres (5 I) from any site line.

(e) Private garages, carports and accessory buildings that are attached by a roof to a residential building shall be considered a part of the building and subject to the yard requirements of the building. Open decks will not be considered a part of the principal building.

(f) There shall be a maximum of three (3) accessory buildings or structures per lot, excluding uncovered decks.

6.3.4 Floor Areas:

(a) Residential: **Minimum** – 40 sq. m (430 sq. ft.)

(b) Dwelling groups unit, bare land condominium unit: **Minimum** – 40 sq. m (430 sq. ft.)

6.3.5 Permitted Yard Encroachments:

(a) A chimney, bay window or roof overhang may be constructed so that it is located no more than 0.61 metres (2.0 feet) from the main wall of a principal building.

(b) No projection shall be closer than 0.6 metres from the lot or parcel boundary.

6.3.6 Removal of Trees:

(a) The removal of trees shall be considered landscaping which does not require a Development Permit. Landscaping, alterations to land, removal of trees and other vegetation near or within a shoreline or other riparian area shall be referred to the Ministry of Environment and Water Security Agency and/or other agencies when appropriate, and may require a shoreline alteration permit.

6.3.7 Signs and Billboards:

(a) Commercial uses – no more than one (1) sign greater than 3 sq. m (32 sq. ft) in size is permitted and shall be located on the premises.

(b) All other uses – other uses are permitted to have one (1) sign shall contain any advertising and shall be located in the premises concerned.

(c) Signs bearing notice of sale or lease of any property are permitted.”

c. Adding the following section after section (6.3):

“6.4 Discretionary Use Evaluation Criteria and Regulations

6.4.1 Tourist campgrounds; tourist cabins:

(a) Shall not contain any principal dwellings, as hereby defined by this bylaw.

(i) Notwithstanding the above, a principal residence may be permitted for the owner/operator of the use.

(b) Applications shall have adequate set back and sufficient screening from surrounding residential development. The proposed use may be required to provide appropriate screening to the satisfaction of Council.

6.4.2 Minor commercial service facilities, including grocery and general stores, service stations, restaurants, and take-out food establishments:

(a) Locations are encouraged to be adjacent to major transportation routes;

(b) Locations are encouraged to be clustered around existing commercial development;

(c) Applications shall have adequate set back and sufficient screening from surrounding residential development. The proposed use may be required to provide appropriate screening to the satisfaction of Council.

(d) Site size shall be appropriate, in Council’s opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.

6.4.3 Dwelling groups, condominiums:

(a) Applicant shall be required to provide a complete concept plan for the proposed development at time of application;

7. **PART V – ZONING DISTRICT SCHEDULES, Section F – Forestry District**, is amended by removing all content and replacing it with the following:

(1) Intent

The boundaries of this district correspond to those areas of Crown land designated as provincial forest pursuant to *The Forest Resources Management Act* and described in The Forest Resources Management Regulations. Lands designated as provincial forest are administered by the Ministry of the Environment.

(2) Regulations

A. The legislation and regulations governing development in this district are administered by the Ministry of the Environment. Enquiries regarding development in the Provincial Forest District shall be direct to the Ministry of the Environment for more information.

B. Any person undertaking commercial activity in the Provincial Forest District which would require the use of Municipal road, shall contact the Municipality regarding location

of trucking routes, hours of operation, road maintenance and any other aspects of concern to the Municipality.

- 8. PART V – ZONING DISTRICT SCHEDULES, Section M – Industrial District**, is amended as follows:
- a. Subsection (2) **Uses Permitted at Council’s Discretion** is amended by adding the following clauses after clause (d):
 - “(e) Cannabis retail stores and production facilities”.
 - b. Subsection (8.3) **Structure Heights** is removed and replaced with the following:
 - “Discretionary Use Evaluation Criteria and Regulations”
 - (a) Abattoirs, hide defleshing, tanning facilities and stockyards:
 - (i) Locations are encouraged to be adjacent to major transportation routes;
 - (b) Outdoor storage yards, agricultural implement and prefabricated building component manufacturing:
 - (i) Site size shall be appropriate, in Council’s opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.
 - (ii) Locations are encouraged to be adjacent to major transportation routes;
 - (c) Accessory residential dwellings:
 - (i) The principal commercial or industrial use shall be located on site prior to the construction or installation of residential development.
 - (ii) Should the primary commercial nature discontinue, the accessory residential dwelling shall discontinue within six (6) months.
 - (d) Cannabis retail stores and production facilities:
 - (i) Shall provide to the municipality all provincial and federal approvals and licenses and comply with these regulations.
 - (ii) Site size shall be appropriate, in Council’s opinion, for the receipt, distribution or dispatch by vehicles of materials, goods or merchandise through the designation of a clearly defined parking, unloading or loading space on the site plan.
 - (iii) Locations are encouraged to be adjacent to major transportation routes, and applicants shall be required to provide sufficient information regarding anticipated vehicular traffic;
 - (iv) applicants shall be required to demonstrate municipal servicing capacity;
 - (v) mitigate anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare vibration or other emissions emanating from the operation;
 - (vi) ensure the safe handling and disposal of hazardous and dangerous substances and materials;

(vii) shall not contain outdoor storage of any kind;

9. PART VI – DEFINITIONS, is amended as follows:

- a. Removing the following definitions: “Cluster Development”, “Intensive Livestock Operation”, “Secretary Treasurer”, and “Site”.
- b. Adding the following definitions in–alphabetical order:

“Animal Unit (AU) - the kind and number of animals calculated in accordance with the following table:

Animal Type	Number of Animals = 1 Animal Unit
Hens, cockerels, capons	100
Chicks, broiler chickens	200
Turkeys, geese, ducks	50
Exotic birds	25
Boars and sows	3
Gilts	4
Feeder pigs	6
Weanling pigs	20
Rams or ewes	7
Lambs	14
All (including llamas, alpacas, etc)	7
Cows and bulls	1
Feeder cattle	1.5
Replacement heifers	2
Calves	4
Colts and ponies	2
Other horses	1
Fallow deer	8.0
Fallow deer fawns	32.0
Elk	5.0
Elk calves	20.0
White tailed deer	8.0
White tailed deer fawns	32.0
Mule deer	8.0
Mule deer fawns	32.0

Cannabis Production Facilities – licensed producers facilitating the growing, harvesting, storage, manufacturing, processing, packaging and labelling of industrial hemp and cannabis plants, as well as associated activities. Typical uses include: nurseries that grow plants for the harvesting of starting material, the production of facilities for the sale to consumers (both private and wholesale), and warehouse facilities for the storage and distribution.

Cannabis Retail Store – a retail store, approved under federal and provincial regulations that sells cannabis and any of its derivatives.

Feedlot: an intensified method of growing beef cattle in a confined pen for the purpose of harvesting rather than grazing or seasonal confinement of a breeding herd.

Intensive Agriculture – an intensified system of tillage from the concentrated raising of crops and other plants for market and without restricting the generality of the above includes:

- a) sod farms;
- b) market gardens;
- c) greenhouses;
- d) nurseries, tree farms and other similar uses.

Intensive Livestock Operation – the confining of any of the following animals, in number equal or greater than 300 animal units, where the space per animal unit is less than 370 square meters:

- a) poultry;
- b) hogs;
- c) sheep;
- d) goats;
- e) cattle;
- f) horses;
- g) any other animal prescribed by provincial regulation;

Party Wall – means either:

- a) a wall erected at, or upon, a line separating two parcels of land, each of which is, or is capable of being, a separate legal parcel subdivided as per the *Planning and Development Act*; or
- b) a wall separating two Dwellings, each of which is, or is capable of being, a separate legal parcel divided under the *Condominium Act, 1993*;

Permanent Foundation – any concrete pads and footings, cement and screw pilings, insulating concrete form (ICF) foundations, pony walls with concrete footings, or other support structures made of concrete, wood, steel or other metal, placed on or in the ground where a permanent building will be constructed or installed.

Site – Any parcel of land with fixed boundaries of record as in one title registered in the Information Services Corporation land registration system, or a “unit” in a bare-land condominium, the plan of which is registered as per the *Land Titles Act, 2000*. Applications where parcels are tied together shall be considered a unit for the sake of density calculations.”

10. This bylaw shall become effective on the date of approval of the Minister of Government Relations.

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Reeve

(S E A L)

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Administrator

Certified a true copy of
Bylaw No. adopted by
resolution of Council this
..... day of, 20.....

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Reeve

(S E A L)

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Administrator