

RURAL MUNICIPALITY OF LUMSDEN NO. 189
ZONING BYLAW
-DRAFT-

Prepared For:

THE RURAL MUNICIPALITY OF LUMSDEN NO. 189

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The Rural Municipality of Lumsden No. 189

Bylaw No. _____

A Bylaw of the Rural Municipality of Lumsden No. 189 to adopt a Zoning Bylaw.

The Council of the Rural Municipality of Lumsden No. 189, in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- (1) Pursuant to Section 34(1) of *The Planning and Development Act, 2007* the Council of the Rural Municipality of Lumsden No. 189 hereby adopts the Rural Municipality of Lumsden No. 189 Zoning Bylaw, as identified as Schedule “A” to this Bylaw.
- (2) The Reeve and Rural Municipal Administrator are hereby authorized to sign and seal Schedule “A” which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 2-2000, the Zoning Bylaw, and all amendments thereto, are hereby repealed.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Municipal Affairs.

Read a First Time the _____ day of _____, _____

Read a Second Time the _____ day of _____, _____

Read a Third Time the _____ day of _____, _____

Adoption of this Bylaw this _____ day of _____, _____

SEAL

(Reeve)

(Rural Municipal Administrator)

Certified a true copy of the Bylaw adopted by Resolution of Council

On the _____ day of _____, of the year _____

(signature) _____, (date) _____

A Commissioner for Oaths in the Province of Saskatchewan

My appointment expires _____

The Rural Municipality of Lumsden No. 189

Zoning Bylaw

Being Schedule "A" to Bylaw No. _____
of the Rural Municipality of Lumsden No. 189

(Reeve)

SEAL

(Rural Municipal Administrator)

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1.0 INTRODUCTION

1.1 TITLE

This Bylaw shall be known as the “Zoning Bylaw of the Rural Municipality of Lumsden No. 189”.

1.2 SCOPE

All development within the limits of the Municipality shall be in conformity with the provisions of this bylaw, subject to the right of appeal provisions of the Act.

1.3 PURPOSE

This is a Bylaw to control the use and development of the land in the Municipality and assist in implementing the Official Community Plan.

1.4 SEVERABILITY

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

1.5 TRANSITION

Pursuant to Section 257 of *The Planning and Development Act, 2007 (the Act)*, every agreement, contract, subdivision approval or power entered into, undertaken or exercised pursuant to *The Planning and Development Act, 1983*, or a zoning bylaw enacted thereto continues in force under *the Act* (and this zoning bylaw) until it is amended, repealed or replaced as authorized by *the Act*.

2.0 INTERPRETATION

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

Above Ground Fuel Storage Tank: means a tank which is 90% above the surface of the ground, which is used by a fuel dealer to dispense gasoline or diesel fuels.

Accessory Building or Use: means a building or use which:

- (a) is subordinate to and serves the principal building or principal use;
- (b) is subordinate in area, extent and purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and,
- (d) is located on the same site as the principal building or principal use served.

Act: means *The Planning and Development Act, 2007*, as amended.

Agriculturally related commercial and industrial uses: means:

- (a) grain and seed storage, cleaning and drying;
- (b) fertilizing mixing sales (subject to provincial regulations);
- (c) livestock and poultry breeding services;
- (d) abattoirs; and,
- (e) other agriculturally related services.

Alteration: means any structural change or addition made to any building or structure.

Ancillary Use: means a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Animal Unit: means the kind and number of animals calculated in accordance with the following:

KIND OF ANIMAL	NUMBER THAT EQUALS ONE ANIMAL UNIT
(1) <u>Poultry</u>	
a) hens, cockerels, capons	100
b) chicks, broiler chicken	200
c) turkeys, geese, ducks	50
d) ostrich	7
e) emu	16

(2)	<u>Hogs</u>	
	a) boars or sows	3
	b) gilts	4
	c) feeder pigs	6
	d) weanling pigs	20
(3)	<u>Wild Boars</u>	
	a) boars or sows	3
	b) gilts	4
	c) feeder pigs	6
	d) weanling pigs	20
(4)	<u>Sheep</u>	
	a) rams or ewes	7
	b) lambs	14
(5)	<u>Goats, Llamas, Alpacas, etc.</u>	7
(6)	<u>Cattle</u>	
	a) cows or bulls	1
	b) feeder cattle	1.5
	c) replacement heifers	2
	d) calves	4
(7)	<u>Horses</u>	
	a) colts or ponies	2
	b) other than colts or ponies	1
(8)	<u>Other</u>	
	a) bison cows or bulls	1
	b) bison calves	4
	c) elk, reindeer	4
	d) deer	7

Auction Market: means building, structure, or lot, or part thereof, used as a premises where goods and materials that are to be sold by public auction.

Applicant: means a developer or person applying for a development permit under this bylaw.

Bed and Breakfast Home: means a dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodation and one meal per day to members of the general public, for periods of one week or less, and in which:

- (a) not more than three bedrooms within the dwelling unit are used to provide such sleeping accommodation;
- (b) the dwelling unit is the principal residence of the persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
- (c) the meal which is provided is served before noon each day.

Buffer Area: means a strip of land, vegetation or a land use that physically separates two or more different land uses by a distance as identified in this bylaw.

Building: means a structure used for the shelter or accommodation of persons, animals, or chattels.

Building Bylaw: means any bylaw of the Rural Municipality of Buckland No. 491 regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

Building Floor Area: means the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, porch, sunroom, unfinished attic or unfinished basement.

Building Height: means the vertical distance of a building measured from 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 (refer to Figure 2-1).

Building Line, Established: means a line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half the lots have been built on.

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

Building, Principal: means the main building in which the principal use of the site is conducted.

Building Setback: means the distance from the curb or other established line within which no buildings may be erected.

Business Dwelling: means an accessory dwelling unit accessory to a commercial or industrial use in a commercial or industrial zoning district that is intended to accommodate an owner, manager, employee of the company who must live onsite to accomplish their tasks.

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

Campsite: means a designated and delineated area within a campground, tourist camp or trailer court that is intended to accommodate a single tent, tent party or trailer coach.

Cemetery: means property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

INSERT FIGURE 2-1

Club: means a group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws; and shall include lodges and fraternal organizations.

Community Centre: means 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.

Construction Trades: means offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

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

Council: means the Council of the Rural Municipality of Buckland No. 491.

Custodial Care Facility: means either:

- (a) a facility for the temporary detention or open custody of persons pursuant to the provisions of *The Youth Criminal Justice Act* (Canada) or *The Summary Offences Procedure Act*, 1990 (Saskatchewan); or,
- (b) a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*.

in which the number of persons in detention, custody or residence does not exceed five.

Day Care Centre: means a facility for the non-parental care of over four (4) preschool age children on a daily basis and licensed under *The Child Care Act*.

Deck: means a raised open platform, with or without rails, attached to a principal building.

Development: means 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 or intensity of use of any building or land.

Development Appeals Board: means a board required by Section 49 of *The Planning and Development Act* to be established in every zoning bylaw, which may be a District Development Appeals Board if municipalities have authorized an agreement pursuant to subsection 214(3).

Development Permit: means a document authorizing a development issued pursuant to this Bylaw.

Development Officer: means an employee of the R.M. of Lumsden No. 189 appointed by R.M. Council to act as a Development Officer to administer this Bylaw.

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

Dugout: means an earthen excavation designed to collect and store runoff.

Dwelling Group: means a group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

Dwelling, Multiple Unit: means a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment houses but not hotels, or motels.

Dwelling, Semi-Detached: means a dwelling unit on its own site, attached to another dwelling unit on its own site, with a common wall dividing the two dwelling units throughout at least 40% of the length of the entire structure, measured from the front to the rear building lines.

Dwelling, Single Detached: means a detached building consisting of one dwelling unit as herein defined, but shall not include a mobile home or prefabricated home as herein defined.

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

Educational Institution: means post-secondary college, university or technical institution, but shall not include a private school.

Estimated Peak Water Level (E.P.W.L.): means the calculated water level used to determine the flood hazard area. It is based on the 1:500 peak flow for rivers, and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.

Face Area, Sign: means the area of the single face of any sign and is calculated using the illustration in Figure 2-2.

Face Area, Total Sign: means the total amount of sign face area on a sign including all sides.

Farm: means the land, buildings, and machinery used in the commercial production of farm products.

Farm Dwelling: means an accessory dwelling on a farm that is intended to accommodate farm workers.

Farm Based Business: means an occupation carried on by the operators of a farm, ancillary to the principal use.

Farm Operation: means conditions or activities which occur on a farm in connection with the commercial production of farm products, including agroforestry, but not including Intensive Livestock Operations or Intensive Agricultural Operations.

Farm Product: means those plants and animals useful to man and including, but not limited to:

- (a) forages and sod crops;
- (b) grains and feed crops;
- (c) dairy and dairy products;
- (d) poultry and poultry products;
- (e) livestock, including breeding and grazing;
- (f) fruits;
- (g) vegetables;
- (h) flowers;
- (i) seeds;
- (j) grasses;

- (k) trees;
- (l) apiaries and honey production;
- (m) equine and other similar products; and,
- (n) other product which incorporate the use of food, feed, fibre or fur.

Fence: means an artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution: means a bank, credit union, trust company, or similar establishment.

Flankage: means the side site line of a corner site which abuts the street.

Flood Hazard Area: means the flood hazard area means the area below the E.P.W.L.. The flood hazard area has two zones; the Flood Fringe and the Floodway.

Flood Fringe: means a zone within the flood hazard area where some types of development may occur if suitably flood-proofed. The Flood Fringe is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is less than 1.0 metre;
- (b) flow velocities are less than 1.0 metre per second; and,
- (c) encroachment (fill) into the Flood Fringe would raise upstream water levels by less than 0.3 metres.

Floodway: means a zone within the flood hazard area where typically only necessary infrastructure is allowed (eg. water intakes and outfalls, bridge piers and abutments, etc) or development that is of low value and non-obstructive (eg. parks, nature areas, parking lots, and recreational trails). The Floodway contains the deepest, fastest, and most destructive floodwaters and is typically defined as that portion of the flood hazard area where:

- (a) depth of inundation above natural ground is more than 1.0 metre;
- (b) flow velocities are greater than 1.0 metres per second; or,
- (c) encroachment (fill) into the Floodway would raise upstream water levels by more than 0.3 metres.

Flood Proofing: means techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevating building (eg. building on fill or piers), constructing dykes, creating upstream storage, diversions, and channelization.

Foreshore: means the Crown Land lying between the shore of any watercourse and registered surface parcels.

Garden Suite: means a accessory, detached single-unit dwelling which is temporarily located on the same site as an existing dwelling unit to provide accommodation for a specific person or persons who are physically dependent on the residents of the existing dwelling unit, or to provide accommodations for a caregiver of whom a specific person or persons residing in the existing dwelling unit is physically dependent.

Insert figure 2-2

Gas Bar: means a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Hazard Land: means land which may be subject to flooding, ponding, slumping, subsidence, landslides, erosion, or contamination by hazardous material.

Hazardous Material: means any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) corrosives;
- (b) explosives;
- (c) flammable and combustible liquids;
- (d) flammable solids, substances liable to spontaneous combustion, substances that on contact with water emit flammable gases;
- (e) gases, compressed, deeply refrigerated, liquefied or dissolved under pressure;
- (f) oxidizing substances; organic peroxides;
- (g) poisonous (toxic) and infectious substances;
- (h) radioactive materials;
- (i) waste Dangerous Materials; and,
- (j) any other environmentally hazardous substance.

Health Care Clinic: means a facility or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

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

Home Based Business: means an occupation carried on by the occupants of a residence ancillary to a principal use.

Hotel: means a building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.

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

Intensive Livestock Operation (ILO): means the operation or facilities for rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle horses or domesticated game animals, in such numbers that the facility and portion of a site used for the operation:

- (a) will contain 100 or more animal units; and,
- (b) provides less than 370 m² of space for each animal unit contained therein.

Intersection: means an area where two or more streets or lanes meet or cross at grade.

Irrigation System: means a permanent underground or temporary above grade watering network for use during plant establishment period and times of drought.

Junk and Salvage Yards: means uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

Kenel: means the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

Landscaping: means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) *hard landscaping:* means landscaping consisting of non-vegetative materials, such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt.
- (b) *soft landscaping:* means landscaping consisting of vegetation, such as trees, shrubs, hedges and grass.
- (c) *architectural elements:* means landscaping consisting of wing walls, sculptures, etc.

Lane: means a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Liquid Manure Lagoon: earthen structures designed to provide biological treatment and long term storage of animal waste. These structures may be either in-ground (earthen structures or concrete tanks) or above-ground (concrete or steel tanks).

Loading Space: means a space, measuring at least 2.4 metres in width and 8.4 metres in depth, located on a site, and having access to a street or lane, in which a vehicle may park to load or unload goods.

Lot: means an area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

Manure Storage Facility: Confinement locale, constructed either as an open lot or enclosed, roofed structure, associated with modern livestock production facilities. Manure storage facilities are now classified primarily on the type and consistency of manure to be handled in the system (liquid and solid).

Mineral Resource Processing: means the blasting, crushing, washing, screening, weighing, sorting, blending and/or refining of mineral resources.

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: means a trailer coach:

- (a) that is used as a dwelling all year round;
- (b) that has water faucets and shower or other bathing facilities that may be connected to a water distribution system;
- (c) that has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and,
- (d) that conforms to *Canadian Standards Association, Construction Standard No. Z240.2.1-1979* and amendments thereto.

Mobile Home Court: means any parcel of land on which two or more occupied mobile homes are located and includes any structure used or intended to be used as part of the equipment of such mobile home court.

Mobile Home, Double Wide: means a mobile home consisting of two sections, separately towable, but designed to be joined together into one building.

Mobile Home, Single Wide: means a mobile home designed to be towed as a single load and less than 6.09 metres wide.

Mobile Home Site: means an area of land in a mobile home court for the placement of a mobile home.

Mobile Home Subdivision: means any residential subdivision of land containing lots under either freehold or leasehold tenure for the purpose of accommodating mobile homes in such a manner that each mobile home is situated on its own lot and in which all such lots, public open spaces, internal streets and lanes, buffer zones and other amenity areas form a contiguous area of development.

Modular Unit: means a factory built frame or shell which comprises supporting and non-supporting walls, siding and other components of a prefabricated home representing only a section of a dwelling and has neither chassis, running gear nor its own wheels.

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

Modular Home, Single Wide: means a modular home that is designed to be moved and placed onto a permanent foundation as a whole unit in a single load and which is less than 5 metres in width.

Modular Home, Double Wide: means a modular home that is designed to be moved and place onto a permanent foundation in two or more modular units that, when joined together, exceed 8 metres in width.

Motel: means an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room.

Motor Vehicle, Farm and Heavy Equipment Use: means any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles.

Municipal Facility: means land and / or structures owned by the Municipality that are used for:

- (a) office and meeting space;
- (b) storage of municipal equipment and supplies;
- (c) recreation; and/or,
- (d) other institutional purposes.

Municipality: means The Rural Municipality of Lumsden No. 189.

Non-Conforming Building: means a building:

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

Non-Conforming Site: means a site, consisting of one or more contiguous parcels, that on the day of 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 zoning bylaw for that use.

Non-Conforming Use: means a lawful specific use:

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

Office and Office Building: means 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 trade are stored, transhipped, sold or processed.

Official Community Plan (OCP): means the Official Community Plan Bylaw, as most recently amended, for the R.M. of Lumsden No. 189.

Outfitter Base Camp: means a commercial recreation facility that provides outfitting services by a licensed outfitter and which may include accommodation licensed under *The Public Accommodation Regulations* and the storage and provision of related outfitting equipment, or the dressing, butchering, cleaning or freezing of game or fish, as part of the service.

Outfitting Equipment: means equipment and supplies, including boats, canoes and other water vessels, aircraft, motor vehicles, motors, fuel, fishing and hunting gear and any other equipment for use in:

- (a) hunting, taking or catching wildlife;
- (b) angling, taking or catching fish; and/or,

- (c) ecotourism, including the viewing and photographing of natural areas, flora and fauna.

Parking Lot: means an open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether cost-free, for a fee or for accommodation of clients or customers.

Parking, Off-Street: means accommodation for the parking of vehicles off a public street or lane.

Parking Space, Vehicle: means a space within a building or parking lot for the parking of one vehicle, having minimum dimensions of 2.4 metres wide by 5.5 metres deep, and which has access to a developed street or lane.

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

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

Place of Worship: means 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.

Preschool: means a facility which provides a program for preschool aged children.

Public Hospital: means a hospital operated by the Regional Health Authority.

Public Utility: means a government, municipality or corporation under Federal or Provincial statute which operates a public work.

Public Work: means:

- (a) systems for the production, distribution or transmission of electricity;
- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water;
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (e) telephone, internet, cable television or light distribution or transmission lines; and,
- (f) facilities for the collection, storage, movement and disposal of storm drainage.

Principal Building: means the main building in which the principal use of the site is conducted.

Principal Use: means the main activities conducted on a site.

Public Utility: means a government, municipality or corporation under Federal or Provincial statute which operates a public work.

Recreational Facility, Commercial - Shall mean a recreation or amusement facility operated as a business and open to the general public for a fee.

Recreational Facility, Public - Shall mean a recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.

Recreation Vehicle: means a unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers and travel trailers.

Reeve: means the Reeves of the Rural Municipality of Lumsden No. 189.

Rental Suite: means dwelling unit located within, and accessory to, a single detached dwelling, including the development or conversion of basement space or above-grade space to a separate dwelling unit, or the addition of new floor space to an existing single detached dwelling.

Residential Care Facility: means a licensed or approved group care facility governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Restaurant: means a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail / Service Commercial: means the sale or display of merchandise to the public, including the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment or establishments engaged in such merchandise sales, or providing the care of a person or their apparel and accessories, including but not limited to childcare services, beauty salons and barber shops, massage services, health clubs, tanning beds, spas, esthetician services, laundry services, laundromats, dry cleaning, shoe repair, tailor or seamstress services, photographic studios and other similar uses, including the provision of health related services.

Rural Municipal Administrator: means the Rural Municipal Administrator(s) for the Rural Municipality of Lumsden No. 189.

Safe Building Elevation (S.B.E.): means the level defined by The Ministry of Municipal Affairs at time of subdivision and by municipal bylaw to which flood-proofing must be undertaken for developments in the flood hazard area. The S.B.E. is calculated as the E.P.W.L. plus a freeboard value. The freeboard allows for uncertainties in the calculations, and for other possible hazards such as ice shove, ice jams, and erosion. The Saskatchewan Watershed Authority usually recommends a freeboard of 0.5 m for most situations. For dykes used as flood-proofing, a freeboard of 0.6 m is usually recommended. In areas with high uncertainty in the hydrology or hydraulic response of the lake or river, a freeboard of up to 1.0 m may be recommended.

Sanitary Landfill Disposal Site: means a facility where waste is isolated from the environment until it is safe. It is considered safe when it has completely degraded biologically, chemically and physically.

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

Screening: means a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Service Station: means a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

Sewage Lagoon: means a waste stabilization pond providing primary and/or secondary treatment of sewage effluent, but not including a private sewage lagoon serving one residential dwelling unit.

Sight Triangle: means the triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines (refer to Figure 2-3).

Sign: means any writing (including letter or word), billboard, pictorial representation (including illustration or decoration), emblem (including devise, symbol or trademark), flag (including banner or pennant), or any other figure of similar character which:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any manner represented on a building;
- (b) is used to announce, direct attention to, or advertise a use or building; or,
- (c) is visible from outside the building.

Sign, Area Identification: means a sign which identifies a cluster subdivision development or industrial area by means of a name, identifying symbol or logo, but does not include any advertising of companies, products or services.

Sign, Billboard: means a large poster panel with a maximum single sign face not to exceed 23.23 m² or a painted bulletin and includes any structure, panel, board or object designed exclusively to support such poster, panel, or a painted bulletin. These signs typically advertise off-site products and services.

Sign Face Area: means the area of the single face of any sign.

Sign, Temporary: means a removable sign erected for a period of time not exceeding six months.

Site: means one or more contiguous lots under one title and used, or intended to be used, by a single principal use.

Site, Corner: means a site at the intersection or junction of two (2) or more streets (refer to Figure 2-4).

Site, Interior: means a site other than a corner site (refer to Figure 2-4).

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, preserved open space, buildings, major landscape features, and locations of proposed utility lines.

Site, Through: means a site not more than one lot in depth, having a frontage on two streets more or less parallel (refer to Figure 2-4).

Site Coverage: means that portion of the site that is covered by principal and accessory buildings.

Site Drainage Plan: means a plan which shows the existing and proposed topography of a site, with contour intervals and drawn to scale, with appropriate dimensions and sufficient spot elevations to adequately demonstrate to the Development Officer that the proposed drainage pattern will not have an adverse affect on neighbouring properties and streets.

INSERT FIGURE 2-3

Insert Figure 2-4

Site Frontage:

- (a) for Rectangular Sites: means the horizontal distance between the side site lines of the site measured along the front site line.
- (b) for Non-Rectangular Sites: means the average of the horizontal distances between the side site lines of the site measured along the front and rear site lines.

Site Line, Front: means the boundary at the front of the site.

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

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

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

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

Subdivision: means a division of land as described in the regulations pursuant to *The Land Surveys Act, 2000*.

Telecommunications Facility: mean:

- (a) microwave towers, including mobile (cellular) phone towers and associated facilities;
- (b) internet receiving and/or transmittal towers and associated facilities;
- (c) radar stations;
- (d) radio and television towers and associated facilities; and,
- (e) any other tower or structure used for receiving and/or transmitting electromagnetic radiation.

Tourism Base Camp: means a commercial recreation facility which provides outfitting services for the viewing of natural areas and wildlife, but not including services for hunting, taking, catching or angling of wildlife or fish, and which may include accommodation licensed under *The Public Accommodation Regulations* and the storage and provision of related outfitting equipment.

Tourist Camp: means a facility which has two or more cabins for the accommodation of the travelling public and may also have provision for the accommodation of trailers, tent trailers, tents and recreational vehicles.

Training Centre: means an establishment which conducts technical training and instruction in a technical subject or trade.

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

Trailer Court: means a site for the accommodation of two or more camp sites for trailer coaches, including any building or structure used or intended for use as part of the equipment for such trailer court, but does not include an industrial or construction camp.

Trapping: means the taking of fur animals by a trapper licensed under the *Wildlife Act, 1998* and associated regulations, by means of traps, where the trapper has several traps operating at one time and checks them in a planned and regular manner, and may include temporary accessory buildings secondary and accessory to the use.

Truck Stop: means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles. A truck stop shall also be defined to include those overnight accommodations and restaurant facilities primarily for the use of truck crews.

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

Use, Agricultural Related Commercial: means a service to the agricultural community such as grain and seed cleaning and drying, fertilizer distribution, implement and machinery assemblage, sale and service, veterinary clinics, hatcheries, apiaries, bulk fuel sales, stock yards, feed mills, oil seed processing plants, and other similar uses.

Use, General Industrial: means any of the following activities:

- (a) the processing of raw or finished materials;
- (b) the manufacturing or assembly of goods, products or equipment;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or 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 with non-industrial development;
- (d) the storage or transhipping of materials, goods and equipment, including warehouses;
- (e) the training of personnel in general industrial operations; or,
- (f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

Use, Hazardous Industrial: means an industrial use involving the manufacturing, storage, processing, transhipment, collection, treatment or disposal of hazardous materials or chemicals (specifically excluding agricultural fertilizer, herbicide or pesticide warehousing and/or sales facilities, depots for the collection of farm chemical containers, and ethanol and biodiesel plants and associated production facilities).

Veterinary Clinic: means a place for the care and treatment of small and/or large animals involving out-patient care and medical procedures involving hospitalization, and may include the keeping of animals in outdoor pens.

Warehouse: means a building used primarily for the storage of goods and materials.

Waste Management or Disposal Facility, Liquid: a facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a manure storage area for an intensive livestock operation.

Waste Management or Disposal Facility, Solid: a facility, not including a waste transfer station, 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 Establishment: means 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.

Wind Farm: means a wind energy conversion facility consisting of two or more wind turbines.

Wind Turbine: means a device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower. The height of a wind turbine tower is measured from the base of the tower foundation to the highest point of the blades at their apex.

Yard: means an unoccupied space open to the sky on the same site with a building or structure as defined by this Bylaw.

Yard, Front: means the area between the side site lines and the front site line to the front building line.

Yard, Rear: means the area between the side site lines, and the rear site line to the rear building line.

Yard, Side: means the area between the front and rear yards and between the side site line and the side building line.

Zoning District: Shall mean a specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

3.0 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

3.1.1 The Rural Municipal Administrator (Administrator) shall be the development officer responsible for the administration of this Bylaw. The Administrator may appoint a Development Officer subject to the approval of Council, to whom duties in the administration of the Zoning Bylaw may be delegated.

3.2 APPLICATION FOR A DEVELOPMENT PERMIT

3.2.1 Except as provided in Section 3.3, no person shall undertake a development or commence a use unless a Development Permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 225 and 226 of *The Act*.

3.2.2 Farm residences do require a development permit.

3.2.3 Intensive livestock and poultry operations with 300 or more animal units shall be considered intensive livestock operations under this bylaw and will also require a Development Permit.

3.3 DEVELOPMENT NOT REQUIRING A PERMIT

3.3.1 Developments which do not require a development permit include:

- (1) Accessory Farm Buildings and Structures: Farm buildings and structures where accessory to a permitted agricultural use, but excluding any Intensive Livestock Operation structure or any new dwelling.
- (2) Small Accessory Buildings: Single storey accessory buildings with a building floor area less than 9.3 m² or 15 m in height and which will be accessory to a lawful use within the Zoning Districts established by this Bylaw, provided the use meets the Building Setback Requirements of the applicable Zoning District.
- (3) Public Works: 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, and the installation of service connections to property in the municipality.

Note: a permit is required for the installation of new transmission lines for public works defined herein.

- (4) Municipal Facilities: Any facility installed and operated by the Rural Municipality.
- (5) Signs: Subject to the provisions of Section 4.10 of this bylaw.
- (6) Maintenance: Maintenance and repairs that do not include any structural alterations.
- (7) Fences
- (8) Trapping

- (9) Temporary Confinement of Livestock: The temporary confinement of livestock during the winter months as part of a farm operation which has been issued a valid development permit.
- (10) Municipal Facilities: Any facility installed and operated by the Municipality.
- (11) Linear Public Utilities: Any operation to install, inspect, repair, or renew lines for sewers, potable water, cables, wires or similar public works as required by a public utility except where the line will cross or lie within the limits of a public road.
- (12) Petroleum or natural gas wells or extraction wells: These facilities are exempt only where legal and physical access to the proposed well site has been previously approved by an R.M. permit and may be issued under the authority of *The Municipalities Act*. Related facilities such as storage batteries shall require a Development Permit.

3.3.2 Development listed in Section 3.3.1 of this Bylaw must be allowed in the zoning district in which they are located and must comply with the regulations of this Bylaw.

3.4 OTHER PERMIT REQUIREMENTS

- 3.4.1 A building permit shall not be issued unless a Development Permit, where required, has also been issued.
- 3.4.2 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 Municipality, or from obtaining permission required by this or any other bylaw in the Municipality, the province or the federal government.
- 3.4.3 Where the provisions in this Bylaw conflict with those of any other municipal, provincial or federal requirement, the higher and/or more stringent standards shall prevail.

3.5 APPLICATION REQUIREMENTS

- 3.5.1 Except in the case of applications for a home based business, every application for a development permit and every application for a discretionary use shall be accompanied by the following:
 - (1) the names, addresses and telephone numbers of the applicant, property owner and person or consultant who prepared the plans being submitted, including a local contact person.
 - (2) the proposed use of the site or building to be constructed, or the proposed use of the existing building floor area to be altered or occupied, including the area of the proposed building or renovations.
 - (3) the complete legal description of the subject property.
 - (4) a copy of a site plan, drawn to scale with appropriate dimensions, showing the following information:
 - (a) north arrow, roads adjacent to the site, all property boundaries, identified frontage of site, site area, site elevations, and the location of any existing buildings, structures, utility poles and wires, underground utilities, easements, building encroachments, and type and location of existing trees;

- (b) the location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions where relevant;
- (c) the location and size of all entrances and exits to the site; and,
- (d) the method and location of on-site sewage disposal facilities and, where proposed, manure storage facilities.

3.5.2 For certain developments or discretionary uses, additional information shall be required in support of the application, as follows:

- (1) The applicant for a development permit for a mobile home court, campground, tourism base camp, tourist camp, outfitter base camp or trailer court shall provide the Development Officer with a plan of the site, identifying any buildings, uses of land and the location of all roadways, buildings, structures, mobile home sites and campsites with dimensions. The addition or rearrangement of sites or accommodation facilities, the construction or moving of buildings, material changes in use of portions of land, or the filling or clearing of land shall require a development permit, and the applicant shall submit for approval an amended plan incorporating the proposed development.
- (2) An applicant for a discretionary use approval for an Intensive Livestock Operation shall provide documentation, to Council's satisfaction:
 - (a) of distances to the nearest land uses, development types and municipal limits, whether within the Municipality or within an adjacent municipality, listed in Section 6, Table 6-1 of the Official Community Plan and measured as specified in the notes to that table;
 - (b) that the water supply is sufficient for the development and that the supply for neighbouring developments will not be adversely affected by the proposed operation;
 - (c) of proposed methods of manure management, including on-site storage or stockpiling, transportation, and spreading, incorporation or disposal;
 - (d) of proposed odour management and control measures, including proposed odour management and control related to earthen manure storage facilities and liquid manure lagoons, and odour management and control measures related to the ventilation of hog or poultry barns;
 - (e) of the location and extent of sufficient lands to be used for the spreading of manure from the ILO, as well as proposals for the annual confirmation of the continued availability of such lands;
 - (f) of the proposed methodology for monitoring on-site and neighbouring wells for water quality and quantity purposes after the ILO has begun operation, and for reporting on same to Council; and,
 - (g) with applications for wild boar and other exotic species operations, expansions or alterations, a containment plan, setting out in detail the techniques and methods to be used to keep the animals contained.

- (3) An applicant for a discretionary use application for an intensive agricultural operation where intensive irrigation is required shall provide documentation, to Council's satisfaction, that the water supply is sufficient for the development and that the supply for neighbouring developments will not be adversely affected by the proposed operation.
- (4) An applicant for a discretionary use approval for a commercial or industrial use may be required to provide documentation, to Council's satisfaction, as specified in Section 3.5.3(12) of the Official Community Plan and documentation that the locational criteria in Section 3.5.3(10) of the Official Community Plan are satisfied.
- (5) An applicant for a discretionary use approval for a hazardous industrial use shall provide documentation, to Council's satisfaction:
 - (a) of distances to the nearest land uses, development types and municipal limits, whether within the Municipality or within an adjacent municipality, listed in Section 6, Table 6-1 of the Official Community Plan and measured as specified in the notes to that table (refer to Section 3.5.3(15) of the Official Community Plan); and
 - (b) of the distance to the nearest permanent surface water course or permanent water body.
- (6) An applicant for a discretionary use approval for a public work in the form of a solid or liquid waste management or disposal facility shall provide documentation, to Council's satisfaction:
 - (a) of distances to the nearest land uses, development types and municipal limits, whether within the Municipality or within an adjacent municipality, listed in Table 6-1 of the Official Community Plan and measured as specified in the notes to that table (refer to Section 3.6.3(8) of the Official Community Plan).
- (7) An application for a dwelling in any country residential zoning district shall provide a copy of a site drainage plan, drawn to scale, with appropriate dimensions except for the following:
 - (a) Development that does not involve the erection of any buildings or changes in site grades.
- (8) An application for a wind energy conversion facility shall provide documentation, to Council's satisfaction as follows:
 - (a) A site location plan showing the subject property, adjacent roads, railways, communications towers (to ensure avoidance of microwave transmission corridors), property lines and all habitable buildings within one (1) one mile of the proposal.
 - (b) A detailed site plan drawn to scale showing the location of the proposed wind turbine(s) and all associated facilities indicating cable locations for domestic usage and power grid connections, existing vegetation, proposed access and landscaping.
 - (c) Confirmation of site ownership by the proponent or where the land is not owned by the proponent evidence of site control and right to access through provisions of a lease or easement agreement with the owner.

- (d) Proponents are responsible for obtaining any required federal or provincial permits, licences and approvals for construction and maintenance of wind energy conversion facilities and must remit a copy to the Municipality.
- (e) Details respecting the color and markings for the proposed tower(s) including required lighting in accordance with federal aviation requirements.
- (f) Validation by a professional engineer of the structural integrity of the proposed supporting tower(s) and foundation or a description of required manufacturing specifications.
- (g) Proposals for wind farms may be required to provide additional information respecting:
 - (i) illustration of sight line vistas from residential buildings within one (1) mile of the proposed development utilizing photographic representations of the development area;
 - (ii) a decommissioning plan addressing the manner of physical removal of the facility, removal of any hazardous materials and site restoration to a natural condition, should the use of the facility be discontinued.

3.6 DEVELOPMENT PERMIT APPLICATION PROCESS

- 3.6.1 The Development Officer shall review all applications for completeness and shall inform an applicant whose application is not complete, of the information or documentation required to complete the application, and that the application will not be considered until it is complete.
- 3.6.2 The Development Officer may submit any application to Council for a decision on the interpretation of the bylaw, or on special conditions provided in the bylaw, and shall inform the applicant of this action. Council or the Development Officer may require the applicant to provide such further information as may be required to make a decision.
- 3.6.3 Upon completion of the review of a complete application for development, the Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Zoning Bylaw, the Official Community Plan and *The Planning and Development Act, 2007*.
- 3.6.4 Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards prescribed by Council Pursuant to Section 56(3) of *The Planning and Development Act, 2007*.
- 3.6.5 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
- 3.6.6 The Development Officer may revoke a development permit where:
 - (1) the development permit has been issued in error; and/or,

- (2) an approved development is not being developed or operated in accordance with the provisions of this Zoning Bylaw, or in accordance with the standards and conditions specified in the development permit.

3.6.7 The Development Officer shall give the reasons for denying or revoking a development permit.

3.7 DISCRETIONARY USE APPLICATIONS

3.7.1 The following procedures shall apply to discretionary use applications:

- (1) The Development Officer shall review all applications for completeness and shall inform an applicant whose application is not complete, of the information or documentation required to complete the application, and that the application will not be considered until it is complete.
- (2) The application will be reviewed by the Development Officer for conformance with the Official Community Plan, this Zoning Bylaw and any other applicable policies and regulations, and will refer the application, along with a written report documenting the results of the review, to Council.
- (3) Council will review the application and Development Officer's report and may request comments or information from other government agencies to assist in Council's review of the application, where appropriate.
- (4) When Council has received requested comments or information from other agencies, the Development Officer shall set a date, time and location of the Council meeting at which the application will be considered.
- (5) The Development Officer shall advertise the proposed discretionary use by mailing a copy of a notice of the application to the assessed owner of each property within 75 metres of the proposal or to the assessed owner of each property within (1) mile of the proposed discretionary use for the following:
 - (a) a commercial use in a hamlet or country residential district;
 - (b) any new Intensive Livestock Operation or expansion or alteration to an Intensive Livestock Operation;
 - (c) kennels; or
 - (d) wind energy conversion facilities including wind farms.
- (6) In addition to the mailing of the notice specified in (5) above, the Development Officer shall prepare an on-site notification poster, which must be placed on the site by the applicant and must remain on the site until the application is considered by Council.
- (7) The notices described in (5) and (6) above shall describe the use applied for, describe the location of the use and specify the date, time and location of the Council meeting at which the application will be considered.
- (8) The notices described in (5) and (6) above shall be mailed and posted no less than two weeks prior to the date of the Council meeting at which the application will be considered.

3.7.2 *Discretionary Use Evaluation Criteria*

Council will apply the following general criteria in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

- (1) The proposal must be in conformance with all relevant sections of the Official Community Plan and Zoning Bylaw and must demonstrate that it will maintain the character, density and purpose of the zoning district where necessary through the provisions of buffer areas, separation and screening.
- (2) The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.
- (3) 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.

3.7.3 *Terms and Conditions for Discretionary Use Approvals*

- (1) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving a discretionary use application, Council may prescribe specific development standards to minimize land use conflict with respect to:
 - (a) site drainage of storm water;
 - (b) the location of buildings with respect to buildings on adjacent property;
 - (c) access to, number and location of parking and loading facilities including adequate vehicular access;
 - (d) control of noise, glare, dust and odour; and,
 - (e) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs to ensure compatibility with the height, scale, setbacks and design of buildings in the surrounding area, and with land uses in the general area.
- (2) Council may approve discretionary use applications for a limited period of time where it is considered important to monitor and re-evaluate the proposal and its conformance with the objectives of this Bylaw.
- (3) Council's approval of a discretionary use application is valid for a period of 12 months from the date of the 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 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.
- (4) Council may direct that a discretionary use permit extension be granted for an additional 12 month period by the Development Officer.

- (5) If an approved discretionary use or form of development ceases to operate for a period of twelve (12) months or more, the discretionary use approval shall no longer be valid. The Development Officer shall advise the owner and Council when a prior approval is no longer valid.
- (6) Council may instruct the Development Officer to issue a notice of refusal to the applicant, where the applicant has been given adequate opportunity to alter the proposal to comply with the Bylaw. The notice shall state the reason for refusal.

3.7.4 Use Specific Discretionary Use Evaluation Criteria

Council will apply the following use specific criteria to the assessment of the suitability of an application for a particular discretionary use or discretionary form of development.

- (1) Bus Terminals and Car Washes:
 - (a) The location of the bus terminal or car wash will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation; and/or,
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians.
 - (b) Bus terminals are also subject to 4.14.11
- (2) Convenience Stores:
 - (a) Convenience stores should be located on corner sites only.
 - (b) The location of the convenience store will only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised.
 - (c) Vehicle car parking and access areas should not form a dominant element in the streetscape.
 - (d) Any new parking and loading areas should be landscaped to improve the visual appearance of this site.
- (3) Community Service Uses, Clubs, Public and Commercial Recreation Facilities:
 - (a) Schools, clubs and places of worship should, where possible, be located on corner sites to facilitate access.
 - (b) Public elementary and secondary schools should, where possible, be located adjacent to public open spaces.
 - (c) The site should be accessible from a major road network to avoid heavy traffic volumes on residential access roads.

- (d) Consideration should be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
 - (e) Vehicle car parking and access areas should not form a dominant element in the streetscape.
- (4) Dwelling Groups – also refer to Section 4.12.5
- (a) All parking areas, private garages or vehicular access to units or sites within a dwelling group should be from a roadway which is common property internal to the parcel.
 - (b) All dwelling groups should have vehicular access to a public street from at least two points which are sufficiently separated to provide accessible ingress and egress in the case of emergency.
 - (c) The suitability of a proposal will be considered with respect to:
 - (i) the capacity of the adjoining street system to handle the size and location of the development. The development will not cause excessive traffic to pass through adjoining low density residential development;
 - (ii) the density of a dwelling group and building separations will be consistent with similar residential structures on separate subdivided parcels; and,
 - (iii) bareland condominium proposals for dwelling groups will only be considered if there is a provision for adequate common property on the parcel.
- (5) Multiple Unit Dwellings:
- (a) Multiple unit dwellings may be developed where located on a second or higher floor over office, retail, restaurant, cafe and personal service use on the main floor.
 - (b) The parking required for multiple unit dwellings is additional to the parking required for the commercial uses.
 - (c) The suitability of a proposal will be considered with respect to:
 - (i) adherence to any concept plan prepared for the proposed development area, including the proposed location of all forms of multiple unit dwellings;
 - (ii) the convenience of parking; and,
 - (iii) appropriate size and quality of proposed dwelling units.
- (6) Night Clubs and Taverns:
- (a) The location of the night club will only be favourably considered where it can be demonstrated that the use will have a minimal impact on the amenity of the surrounding district and adjacent areas and that these areas will not be unreasonably compromised.

- (b) The character of adjacent residential districts, along the zone interface, shall, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening.
 - (c) Night clubs and taverns shall maintain the character, density and purpose of the surrounding area and the district they lay within.
- (7) Ambulance Stations
- (a) The site shall be accessible from a major road network to avoid heavy traffic volumes on residential access roads.
 - (b) Consideration shall be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
 - (c) The character of adjacent residential uses shall be protected and maintained through the provision of buffer areas, separation distances and screening.
- (8) Restaurants, with or without associated lounges:
- (a) Restaurants, with or without associated lounges, where possible, should be located near similar community and support facilities.
 - (b) The character of adjacent residential districts, along the zone interface, should, where possible, be protected and maintained through the provision of buffer areas, separation distances and / or screening.
- (9) Lumber yards, home improvement centres, building supply establishments and construction trades:
- (a) The location of lumber yards, home improvement centres, building supply establishments and construction trades will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and/or,
 - (iv) utilization of hazardous substances.
 - (b) All materials and goods used in conjunction with construction trades shall be stored within an enclosed building, or within an area hidden from view by screening.
- (10) Auto body shops, construction trades, freight handling facilities, taxidermy and accessory tanning of hides, warehouses, light manufacturing, and welding and machine shops:
- (a) The location of the use will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will

have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:

- (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and,
 - (iv) utilization of hazardous substances.
- (b) Warehouses and freight handling facilities shall be accessible from a major road network to avoid heavy traffic volumes on access roads. Consideration shall be given to the location of entry and exit points to the site and their interrelation with existing intersections or land constraints; and,
 - (c) No outside storage is permitted for a wholesale establishment.
- (11) Light manufacturing:
- (a) All materials and goods used in conjunction with light manufacturing plants shall be stored within an enclosed building, or within an area hidden from view by screening.
 - (b) All manufacturing and assembly operations in conjunction with a light manufacturing plant shall be conducted within an enclosed building.
- (12) Indoor storage rental facilities, recycling and collection depots, and storage garages:
- (a) The use shall be located where practical, in a non-highly visible area, and screened to avoid any adverse visual impact. Landscaping and screening acceptable to Council shall be provided in all yards facing a public roadway or properties in residential use.
- (13) Tourist campgrounds:
- (a) Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained.
 - (b) Solid waste storage facilities (including adequate space for both recycling and general waste bins shall be provided on-site and appropriately located and screened or landscaped to avoid any adverse visual impact from the road and within the development.
 - (c) There shall be adequate manoeuvring space on-site.
 - (d) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.
- (14) Laundromats:
- (a) The location of laundromats will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will

have minimal impact on the surrounding, adjacent areas, particularly along the residential zone interface.

- (b) Consideration shall be given to the area's municipal servicing capacity.

(15) Golf Courses:

- (a) Consideration will be given to the compatibility of the golf course with adjacent land uses.
- (b) Insofar as possible, proposed golf courses shall respond to the natural topography and drainways of the site, and employ minimal clearing of native vegetation.
- (c) Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic.
- (d) Council will consider the following as an asset in the development of a golf course:
 - (i) maximum use of existing landforms and native grasses and vegetation;
 - (ii) an alternative water source to potable water; and,
 - (iii) water conserving irrigation systems.

(16) Intensive agricultural uses (excluding livestock):

- (a) The location of agricultural uses will only be favourably considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas. Consideration may be given, but is not limited to, the following effects:
 - (i) municipal servicing capacity;
 - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and,
 - (iv) utilization of hazardous substances.

(17) Accessory Dwelling Units:

- (a) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial establishment. An emergency exit must be provided in addition to the main entrance.
- (b) The minimum floor area of each dwelling unit shall be 28 square metres.

- (18) Junk and salvage yards and auto wreckers:
 - (a) Junk and salvage yards and auto wreckers shall be enclosed by an opaque or solid perimeter fence at least 2.0 m in height, and not more than 5.0 metres in height, with no material piled higher than the height of the perimeter fence.
 - (b) The perimeter fence shall not be located in the required front yard. The required front yard shall be used for no other purpose than landscaping and necessary access driveways to the site.
- (19) Bulk petroleum tanks:
 - (a) Shall be located at least 91.4 metres from residential areas, schools, hospitals, motels.
- (20) Livestock auction facilities, meat packing plants, and stockyards:
 - (a) Shall be located at least 300 metres from all residential and community service districts.

3.8 VALIDITY OF A DEVELOPMENT PERMIT

- 3.8.1 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.
- 3.8.2 A development permit extension may be granted for an additional twelve (12) month period by the Development Officer.
- 3.8.3 Permits may be extended by the Development Officer for one or more periods to a maximum of two (2) additional years.

3.9 AMENDING THE ZONING BYLAW

- 3.9.1 Any person seeking to amend this Zoning Bylaw may submit an application for such amendment and, upon payment of the required fee, the Development Officer shall refer such application to Council for consideration.
- 3.9.2 Council may authorize an amendment to a Zoning Bylaw, and that amendment shall be adopted by bylaw.
- 3.9.3 Sections 206 - 212 of *The Planning and Development Act, 2007*, shall govern the process to be followed with respect to public notice and public participation in the adoption of a bylaw proposed to amend this Zoning Bylaw.

3.10 DEVELOPMENT APPEALS BOARD

- 3.10.1 Council shall appoint a Development Appeals Board in accordance with Sections 49(j) and 213 to 227 of *The Planning and Development Act, 2007*.
- 3.10.2 A person who wishes to appeal to the Development Appeals Board shall, within 30 days of the date of issuance of or refusal to issue a development permit, file a written notice of intention to appeal, and the appeal fee, with the secretary of the Development Appeals Board.

- 3.10.3 A person whose application for a discretionary use or development has been approved with prescribed development standards may appeal any development standards considered excessive, to the Development Appeals Board.
- 3.10.4 An appellant shall make the appeal within 30 days of the date of the issuance of, or refusal to issue, a development permit.
- 3.10.5 Nothing in this section authorizes a person to appeal a decision of the council:
- (1) refusing to rezone land; or,
 - (2) rejecting an application for approval of a discretionary use.
- 3.10.6 In making an appeal to the Development Appeals Board, and hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.

3.11 MINOR VARIANCES

- 3.11.1 Council may grant a variance of up to 10% of any yard requirement or minimum required distances between buildings for a use that is a permitted use as specified in this bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of *The Planning and Development Act, 2007*.
- 3.11.2 Council shall maintain a registry of the location and all relevant details of the granting of such variances.

3.12 FEES

3.12.1 *Amendment of the Zoning Bylaw*

In addition to an application fee, where a person requests Council to amend the Zoning Bylaw, that person 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. Council may choose not to proceed with the advertising if it concludes that the proposed amendment is unsuitable or unnecessary.

3.12.2 *Application fees:*

- (1) An applicant for a development permit shall pay an application fee in accordance with the following:
 - (a) Permitted principal use: \$25.00
 - (b) Permitted accessory use: \$0.00
 - (c) Permitted ancillary use: \$25.00
 - (d) Discretionary principal use \$50.00

- (e) Discretionary accessory use \$50.00
- (f) Discretionary ancillary use: \$50.00
- (g) Development Appeal Fee up to \$50.00 as specified by the Development Appeals Board.

These fees shall be in addition to any fee required by Section 3.12.1 above.

- (2) Subdivision review for all subdivision applications: \$200.00
- (3) Detailed review costs:
 - (a) General: Where a development or subdivision proposal involves a detailed R.M. review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or R.M. legal and professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.
 - (b) Items: Such costs may include Council meetings, R.M. legal and professional planning costs, municipal administration fees and R.M. site inspection fees, as determined by Council.
 - (c) Documentation: Such costs may be addressed and clarified in R.M. Council specified documents, including development and servicing agreements.
- (4) Where a person applies to Council to amend the Zoning Bylaw, that person shall pay to the Municipality the following fees, where applicable:
 - (a) Text amendments: \$200
 - (b) Map amendments:
 Class 1 Districts: A
 Class 2 Districts: C, M,
 Class 3 Districts: H, CR1, CR2, CR3, HDMU

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$100	\$200	\$400
	Class 2	\$100	\$200	\$400
	Class 3	\$100	\$200	\$300

Where an application to amend the Zoning Bylaw involves amendment within two or more of the above categories the sum of the amendment fees shall apply for all categories.

These fees shall be in addition to any fee required by Section 3.12.1 above.

3.13 ZONING BY AGREEMENT

3.13.1 A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of *The Act* and Section 5.1.4 of the Official Community Plan, shall be indicated on the Zoning District Map by the addition of the bylaw number authorizing the agreement after the zoning district designation.

3.14 OFFENSES AND PENALTIES

3.14.1 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.

3.14.2 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*.

3.15 BUILDING PERMITS, LICENCES AND COMPLIANCE WITH OTHER BYLAWS

3.15.1 Nothing in this Bylaw shall exempt any person from complying with a Building Bylaw, or any other bylaw in force within the Municipality, or from obtaining any permission required by this, or any other bylaw of the Municipality, the Province, or the Federal Government.

3.15.2 A building permit, where required, shall not be issued by Council or its agent for a development unless a required development permit has been issued.

4.0 GENERAL REGULATIONS

Except as noted, the following regulations shall apply to all zoning districts in this bylaw:

4.1 FRONTAGE ON THE ROAD

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 Council for the improvement or building of a road, where required.

4.2 DEVELOPMENT ON HAZARD LAND

4.2.1 Where a proposed development of a building is to be located on land considered by Council to be potentially hazardous, including but not limited to a wetland, water body or watercourse where flooding may occur, or a slope that is subject to slumping and erosion, the lands shall be deemed “hazardous” and Council shall require the applicant to submit sufficient topographic information to determine if the development will be within 50 metres of:

- (1) any slope(s) that may be unstable;
- (2) any river or stream flood plain; and/or,
- (3) any other land that may be subject to flooding.

4.2.2 Council may require that before a permit may be issued, the applicant shall submit a report prepared by a professional competent to assess the suitability of the site for a development described in Section 4.2.1, and which in the opinion of Council, shows that the proposed site and development is suitable with respect to the following where relevant:

- (1) the potential for flooding up to the Safe Building Elevation to be determined from specific site investigations, or where not involving any building, such lower elevation as may be suitable for the proposed use.
- (2) the potential for slope instability;
- (3) the required mitigation measures for construction on areas of high water tables, in slopes or on contaminated sites, if any.

4.2.3 Actions identified in an assessment prepared pursuant to Section 4.2.2 which prevent, change, mitigate or remedy hazards in lands deemed hazardous may be incorporated as conditions to issuance of any development permit that may be issued. 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 will result in excessive municipal costs.

4.3 BUILDING TO BE MOVED

4.3.1 No building shall be moved within, or into, the Municipality, without first obtaining a development permit from the Development Officer, except as exempt from requiring a development permit as specified in Section 3.3.1(1).

4.4 WASTE DISPOSAL

4.4.1 No development or use of land which requires sewage disposal or landfill facilities shall be permitted unless those facilities are approved by the Regional Health Authority and/or Saskatchewan Environment. Disposal of liquid, solid, or gaseous waste shall be governed by Acts administered by the Departments of Agriculture and Food, Environment, Health and the Saskatchewan Watershed Authority.

4.5 WATER

4.5.1 No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Regional Health Authority and/or the Saskatchewan Watershed Authority.

4.6 STORAGE OF CHEMICALS, FERTILIZERS AND COMBUSTIBLE MATERIALS

4.6.1 The storage of chemicals, fertilizers and combustible materials are subject to the requirements of both the federal and provincial governments. All necessary approvals from other regulatory agencies must be obtained prior to issuance of a development permit. Development permit conditions may include the requirement that all permits or licenses required by other regulatory agencies be obtained before development proceeds.

4.7 ONE PRINCIPAL BUILDING PER SITE

4.7.1 Not more than one principal building shall be permitted on any one site except for:

- (1) Public works;
- (2) Institutional uses;
- (3) Agricultural uses;
- (4) Dwelling groups;
- (5) Mobile homes in mobile home courts;
- (6) Recreation facilities;
- (7) Schools; or
- (8) Ancillary uses as specifically provided for in this Bylaw.

4.8 NON-CONFORMING BUILDINGS, SITES AND USES

- 4.8.1 The adoption or amendment of this bylaw does not affect non-conforming buildings, sites and uses.
- 4.8.2 The provisions of *The Planning and Development Act, 2007*, Sections 88 to 93 inclusive, shall apply to all non-conforming buildings and uses.
- 4.8.3 Non-conforming buildings or sites may continue to be used, maintained and repaired in their present form.
- 4.8.4 No existing use or building shall be deemed to be non-conforming by reason only of the conversion of the measurements in this Bylaw from the Imperial System of measurement to the Metric System of measurement where such non-conformity results solely from the conversion and is reasonably equivalent to the metric Bylaw regulations.

4.9 MOBILE AND MODULAR HOMES

- 4.9.1 Wherever a single detached dwelling is allowed in any commercial, industrial or agricultural district, it may be in the form of a mobile home, or a modular home subject to Sections 4.9.2, 4.9.3 and 4.9.4 of this Bylaw.
- 4.9.2 Every mobile home shall bear CSA Z240 certification, or a replacement thereof, and shall be attached to a permanent foundation, or securely anchored to the ground and skirted, prior to occupancy.
- 4.9.3 Every modular home shall bear CSA A277 certification, or a replacement thereof, and shall be attached to a permanent foundation.
- 4.9.4 **Mobile homes are prohibited in any residential district.** – CONFIRM THIS POLICY
- 4.9.5 The undercarriage of all mobile homes shall be completely screened from view by the foundation, skirting or other means that is of a manufactured or similar type to harmonize visually with the unit. This foundation or skirting shall permit the circulation of air beneath the unit.
- 4.9.6 The total area of all subsequent additions to a mobile home shall not exceed 50% of the area of the original mobile home.
- 4.9.7 All subsequent additions, accessory buildings and structures to a mobile home shall equal or exceed the quality and appearance of the mobile home, and shall harmonize with the mobile home's exterior.

4.10 REGULATIONS FOR SIGNS AND BILLBOARDS

4.10.1 Signs Located in Highway Sign Corridor

- (1) Signs located in a highway sign corridor shall be regulated entirely by the requirements of "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986" or amendments thereto, and Section 4.10.2 shall not apply.

4.10.2 Signs Other than in a Highway Sign Corridor

- (1) Any sign located in other than a highway sign corridor, may only advertise agricultural commercial uses, home based businesses, the principal use of a site, or the principal products offered for sale on a site.
- (2) Government signs, memorial signs, signs identifying residential occupants or addresses and directional signs that bear no advertising, including traffic control, no trespassing, hunting restriction and similar signs, are exempt from restriction.
- (3) Temporary signs and real estate signs are permitted only as long as the temporary condition exists for the property.
- (4) All private signs shall be located so that no part of the sign is over a public right of way.

4.10.3 Signs in Residential Districts

- (1) Signs and billboards will be prohibited in any residential district in the Municipality except for signs advertising the principal use of a site or the principal products offered for sale on a site. Permitted signs shall be subject to the following requirements:
 - (a) No more than two (2) signs shall be permitted on the premises.
 - (b) No sign shall be in the excess of 3 m² in sign face area, but the two permitted signs may be combined and the total sign face area shall not exceed 6 m². Each sign may be double faced.
 - (c) No sign shall be illuminated unless the source of light is steady and suitably shielded.
 - (d) The maximum height of any sign shall be 3.5 metres

4.10.4 Signs in Other Districts

- (1) Signs and billboards that are not located in a highway sign corridor or a residential district, and that advertise agricultural commercial uses, farm or home based businesses, the principal use of a site or the principal products offered for sale on a site, are subject to the following requirements:
 - (a) No more than two (2) signs shall be permitted on the premises.
 - (b) No sign shall be in the excess of 6 m² in sign face area, but the two permitted signs may be combined and the total sign face area shall not exceed 12 m². Each sign may be double faced.
 - (c) No sign shall be illuminated unless the source of light is steady and suitably shielded.
 - (d) The maximum height of any sign shall be 6 metres.

4.11 PUBLIC WORKS, PIPELINES AND MUNICIPAL FACILITIES

- 4.11.1 Public works and facilities of the Municipality, except solid and liquid waste disposal sites, shall be permitted uses in every zoning district, and unless otherwise specified by this bylaw, no minimum site or yard requirements shall apply.
- 4.11.2 Where a pipeline or other utility or transportation facility will cross a municipal road, Council may apply such special design standards as it considers necessary to protect the municipal interest in the existing and future improvements to the road.

4.12 VEHICLE STORAGE

- 4.12.1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any residential district, for the parking or storage of more than five (5) vehicles that are not in running order. CONFIRM THIS THE NUMBER DOES SEEM A LITTLE HIGH FOR CR and HDMU
- 4.12.2 Section 4.12.1 shall not apply to permitted machinery or automotive salvage yards, auction markets or agricultural implement, recreational vehicle, automobile, marine and mobile home sales and service establishments.
- 4.12.3 Council may require that such vehicles be screened from roadways or neighbouring properties by landscape features or fences or a combination thereof.

4.13 MANURE DISPOSAL

- 4.13.1 The use of agricultural land for the disposal and recycling of manure produced by an approved intensive livestock operation is permitted subject to the following regulations:
- (1) Liquid manure shall be spread by direct injection into the soil.
 - (2) Solid manure shall be incorporated into the soil within 24 hours.
 - (3) Manure (solid nor liquid) shall not be spread on ground that is frozen or covered in frost or snow.
- 4.13.2 Upon application to Council, other procedures for disposal of manure may be approved where the applicant establishes to the satisfaction of Council that the objectives of the Official Community Plan will be achieved to a similar or better standard. Council may specify a limited time during which the approval will be valid.
- 4.13.3 Council may exempt in whole or in part an applicant from this section where each of the following are true:
- (1) the manure to be spread comes from an ILO of less than 300 animal units.
 - (2) the manure will be spread on land owned by the operator of the ILO.
 - (3) adverse weather conditions prevent the incorporation of manure in which case incorporation of the spread manure may be delayed until weather conditions permit.

4.14 SPECIAL STANDARDS AND REGULATIONS

4.14.1 Home Based Businesses and Farm Based Businesses

- (1) Home based businesses and farm based businesses shall be subject to the following development standards:
 - (a) The use is clearly ancillary to the use of a farm as an agricultural operation or the dwelling unit as a private residence.
 - (b) The operator of the business is a resident of the dwelling unit and, in the case of a farm based business only, up to five (5) non-resident employees may be employed at the site. Any employee shall be directly under the hire and management of the operator of the business. Where the business is of a building or service contractor, additional employees may be involved only at the client building site.
 - (c) No variation in the residential or residential farm character and appearance of the dwelling, ancillary residential building, or land shall be permitted, except for permitted signs.
 - (d) The permitted use shall be valid only during the period of time the property is occupied as a residence of the applicant for such permitted use.
 - (e) All permits issued for home based businesses shall be subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the conditions under which the permit was originally issued are no longer met.
 - (f) Any increase in the operation as originally applied for or approved shall require a new discretionary approval.
- (2) Home based businesses in the CR, CR1, CR2, CR3 – Country Residential and HDMU – High Density Mixed Use Districts shall be subject to the subsections 4.14.1 (1)(a) and 4.14.1 (1) (c) to (f) and the following conditions:
 - (a) Non-resident employees are not permitted in home based businesses in these Districts;
 - (b) No heavy construction or industrial equipment or supplies shall be stored outdoors on any site for a home-based business in these districts;
 - (c) Council may also apply special standards in the issuing of a development permit limiting the size of the operation and buildings used for the operation. Any increase in the approval as originally applied for or approved shall require a new discretionary use approval.

4.14.2 Adult Day Care Facilities Type I and Type II

- (1) Adult day care facilities may be approved as an ancillary use or as a principal use.

- (2) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- (3) Required parking spaces shall not be located in a required front yard.
- (4) In addition to the development standards of the zoning district, adult day care facilities that are listed as discretionary uses shall be evaluated and developed in accordance with Section 3.7 of this Bylaw.

4.14.3 Day Care Centres and Preschools

- (1) Day care centres and pre-schools may be approved as an ancillary use or as a principal use. In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- (2) Required parking spaces shall not be located in a required front yard.
- (3) In addition to the development standards contained within the zoning district, Section 3.7 of this Bylaw shall apply to the review and approval of day care centres and pre-schools which are listed as discretionary uses.

4.14.4 Campgrounds, Tourist Camps and Trailer Courts

- (1) The applicant for a development permit for a campground, tourist camp or trailer court shall provide the Development Officer with a plan of the site, identifying any buildings, uses of land and the location of all roadways and recreation vehicle or tent campsites sites with dimensions. The addition or rearrangement of sites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the applicant shall submit for approval an amended plan incorporating the proposed development.
- (2) A campground, tourist camp or trailer court shall have, within its boundaries, a buffer area abutting the boundary of not less than 4.5 metres in width, which shall contain no buildings.
- (3) A site for each recreation vehicle and campsite permitted in the campground, tourist camp or trailer court shall be designated and clearly marked on the ground.
- (4) Each site shall have a minimum area of 150 square metres.
- (5) No portion of any campsite shall be located within an internal roadway or required buffer area.
- (6) Each site shall have direct and convenient access to a developed internal roadway, which shall not be located in any required buffer area.
- (7) Each recreation vehicle shall be located at least 4.5 metres from any other recreation vehicle and each site shall have dimensions, location and orientation sufficient to allow for such location of recreation vehicles.

- (8) The space provided for roadways within a campground, tourist camp or trailer court shall be at least 7.5 metres in width. No portion of any site, other use or structure shall be located in any roadway.
- (9) A campground, tourist camp or trailer court may include, as an ancillary use, a laundromat or a confectionary designed to meet the needs of occupants of the sites and a one unit dwelling for the accommodation of the operator.
- (10) No recreation vehicle shall be stored on any campsite when the campground is not open.
- (11) *The Public Health Act*, and Regulations passed thereunder, shall be complied with in respect of all operations and development of campgrounds.

4.14.5 Mobile Home Courts

- (1) Mobile home courts shall have, within their boundaries, a buffer area abutting the boundary which shall:
 - (a) have a minimum depth of not less than 7.5 metres in width, which shall contain no buildings or structures.
 - (b) not contain any roads, except those which connect a public roadway to the road system within the mobile home court.
- (2) Each mobile home site permitted in a mobile home court shall be designated and clearly marked on the ground.
- (3) Each mobile home site shall have a minimum area of 379.8 square metres.
- (4) No portion of any mobile home site shall be located within an internal roadway or required buffer area.
- (5) Each mobile home site shall have direct and convenient access to a developed internal roadway, which shall not be located in any required buffer area.
- (6) Each mobile home shall be located at least 4.5 metres from any other mobile home and each mobile home site shall have dimensions, location and orientation sufficient to allow for such location of mobile homes.
- (7) The space provided for roadways within a mobile home court shall be at least 7.5 metres in width. No portion of any mobile home site, other use or structure shall be located in any roadway.
- (8) A mobile home court may include, as an ancillary use, a laundromat or a confectionary designed to meet the needs of occupants of the mobile home court and a one unit dwelling for the accommodation of the operator.
- (9) *The Public Health Act*, and Regulations passed thereunder, shall apply to all operations and development of mobile home courts.

4.14.6 *Public Works in the Form of Solid and Liquid Waste Management or Disposal Facilities*

- (1) Development and maintenance of a public work in the form of a solid or liquid waste disposal facility will be subject to the following special standards:
 - (a) A buffer strip containing trees, shrubs or a berm shall be located surrounding a lagoon or sanitary landfill disposal area.
 - (b) Any solid or liquid waste disposal facility shall be fenced.

4.14.7 *Bed and Breakfast Homes and Vacation Farms*

- (1) Bed and breakfast homes and vacation farms shall be subject to the following requirements:
 - (a) Vacation farms shall be ancillary to an agricultural operation and may include bed and breakfast, cabins and overnight camping areas.
 - (b) Bed and breakfast operations shall be located in, and ancillary to, a single detached dwelling used as the operator's principal residence developed as a farm operation site or country residence
 - (c) Only one sign, not exceeding 1.5 square metres in sign face area, advertising the vacation farm or bed and breakfast home, and located on-site, is permitted.
 - (d) Vacation farms and bed and breakfast homes shall be licensed pursuant to *The Public Health Act*, where tourist accommodations require health approval.
 - (e) Council may specify a maximum number of bedrooms, cabins or camping sites, or combination thereof, as a special standard in the issuing of a discretionary approval for a bed and breakfast home or vacation farm application.

4.14.8 *Custodial Care Facilities, Residential Care Facilities and Personal Care Homes*

- (1) Custodial care facilities, residential care facilities – type I and type II – and personal care homes may be approved as an accessory use or as a principal use.
- (2) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- (3) Required parking spaces shall not be located in a required front yard.
- (4) No building or structure used for the purpose of a custodial care facility or a residential care facility shall be used for the purpose of keeping boarders or lodgers.
- (5) In addition to the development standards of the zoning district, custodial care facilities and residential care facilities – type I and type II - that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.7 of this Bylaw.

4.14.9 Service Stations

- (1) Fuel pumps and other apparatus for dispensing or storage of fuel, located all or partly above grade level, shall be at least six metres from a site line.
- (2) All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building.
- (3) Where service stations occupy a corner site, only one access point shall be on the flanking street.

4.14.10 Gas Bars

- (1) Where operated as the principal use on a site, gas bars are subject to the regulations and standards for service stations.
- (2) Where a gas bar is allowed to operate in conjunction with another use on a site, the following standards and regulations apply:
 - (a) All fuel pumps and above ground storage tanks shall be at least five metres from any building on the site, and six metres from any site line.
 - (b) The site shall have at least two separate entrances for vehicles, at least 15 metres apart.
 - (c) Access to, and parking for, fuel dispensing apparatus shall not obstruct access to the site, or other required off street parking spaces on the site.

4.14.11 Above Ground Fuel Storage Tanks

- (1) Above-ground fuel storage tanks which meet the standards of the National Fire Code may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- (2) The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar shall not exceed the regulations and requirements set out by the National Fire Code.
- (3) Above-ground fuel storage tanks shall be:
 - (a) located at least 3.0 metres from any property line or building; however, for uses other than gas bars and service stations, the 3.0 metre separation distance may be reduced to 1.0 metre for tanks with a capacity of 5,000 litres or less.
 - (b) separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer.
- (4) Notwithstanding (3) above, above ground fuel storage tanks associated with a gas bar or service station shall be:
 - (a) located at least 6 metres from any property line or building.

- (b) separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer.
- (c) at least 15 metres from the boundary of any site within a Residential District.
- (5) The dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3.0 metres from any property line, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (6) Notwithstanding (5) above, above ground fuel storage tanks associated with a gas bar or service station shall be located at least 6.0 metres from any property line, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (7) Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or other similar means.

4.14.12 Accessory Uses, Buildings and Structures

- (1) Accessory uses and buildings shall be subordinate to, and located on the same site at the principal building or use, and used in conjunction with that principal use.
- (2) Accessory buildings shall not include any dwelling units or habitable rooms except where specifically provided for within a zoning district and subject to all other relevant provisions of this bylaw and the Official Community Plan.
- (3) Time of Construction:

Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except in the following instance:
 - (a) Where a Development Permit has been issued for a principal building, Council may, at its discretion, allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed in the time period required, the accessory building is to be removed.
- (4) Height of Accessory Buildings:
 - (a) Detached accessory buildings in any residential district are not to exceed a height of 10 metres.
 - (b) Detached accessory buildings in any agricultural district, commercial or industrial district - no height restrictions.
- (5) Area of Accessory Buildings:
 - (a) The combined building floor area of all accessory buildings, including garden suites, on any site in a residential district shall not exceed 140 square metres.

- (b) Detached accessory buildings in any agricultural district, commercial district or industrial district - no area restrictions.
 - (c) In any zoning district other than A - Agriculture District, the building floor area of a garden suite shall not exceed 60 square metres. In the A - Agriculture District, the building floor area of garden suites shall not exceed 113 square metres.
- (6) Location of Accessory Buildings:
- (a) Detached accessory buildings in any country residential district are subject to the following regulations:
 - (i) Yard, front: minimum - 15 metres
 - (ii) Yard, rear: minimum - 5 metres
 - (iii) Yard, side: minimum - 5 metres
 - (b) Detached accessory buildings in any agricultural or commercial district are subject to the following regulations:
 - (i) Yard, front: minimum - same as principal use
 - (ii) Yard, rear: minimum - 3 metres, except trailer courts, campgrounds and tourist camps where the minimum shall be 4.5 metres and mobile home courts where the minimum shall be 7.5 metres.
 - (iii) Yard, side: minimum - 3 metres, except trailer courts, campgrounds and tourist camps where the minimum shall be 4.5 metres and mobile home courts where the minimum shall be 7.5 metres.
 - (c) Detached accessory buildings in the High Density Mixed Use Residential district are subject to the following regulations:
 - (i) Yard, front: minimum – 6 metres
 - (ii) Yard, rear: minimum – 1.2 metres
 - (iii) Yard, side: minimum – 1.2 metres
- (7) Accessory dwelling units shall only be permitted to accommodate:
- (a) a residence for an operator, or for employees and/or partners engaged in farm operation, intensive livestock operation, or intensive agricultural operation, subject to Section 3.4.3 (4) of the Official Community Plan
 - (b) a residence for an operator, manager, an employee and/or partner engaged in a commercial or industrial operation in a commercial or industrial zoning district subject to the following provisions:

- (i) the dwelling unit must be physically attached to the primary building where commercial or industrial operations are underway;
 - (ii) the business dwelling shall have a main entrance separate from that of the commercial or industrial establishment;
 - (iii) an emergency exit must be provided in addition to the main entrance.
- (c) a garden suite, subject to the following provisions:
- (i) Garden suites shall be constructed on grade and without a basement.
 - (ii) Modular homes but not mobile homes or recreational trailers, subject to all wheels and axles being removed, may be allowed as garden suites in the A - Agricultural District; they are not permitted as garden suites in other districts.
 - (iii) Services:
 - 1. *Water and Sewer:*
A garden suite shall be connected to the water and sewer service of the principal residential buildings.
 - 2. *Other Services:*
All other services (cable, electrical, natural gas, telephone) may have separate connections or connect to those services of the principal residential building.
 - (iv) A minimum of one offsite parking stall shall be provided for a garden suite.
 - (v) Garden suites may be only approved where they would not:
 - 1. change the character of the neighbourhood;
 - 2. adversely affect the natural environment;
 - 3. result in any increase in demand on municipal services or public utilities.
 - (vi) An applicant for a Garden suite shall be required to sign an Agreement with the Municipality to ensure that the Garden suite will comply with all Bylaw requirements.
- (8) Satellite Dishes and Solar Collectors:
- (a) Satellite Dishes and Solar Collectors:

The installation and operation of a free standing satellite dish or solar collector, and their supporting structures shall be permitted in all zoning districts, subject to the following:

- (i) in any District such structures shall not be located in any front yard, side yard and in the case of a corner site, in any portion of the rear yard which is within three (3) metres of the side property line adjacent to a flanking street unless it is screened from the flanking street to the satisfaction of the Development Officer;
- (ii) in any District such structures, if freestanding, shall not exceed a height of ten (10) metres above grade level;
- (iii) in any District such structures if attached to a principal building, shall not exceed a height of ten (10) metres above the lowest elevation of: roof surface of a flat roof; the decking of a mansard roof; and the eaves of a gable, hip or gambrel roof; and,
- (iv) in any District such structures, if attached to or erected upon an accessory building, shall not exceed the maximum permitted height of the accessory building upon which such structure is attached or erected.

(9) Rental Suites:

(a) Rental Suites:

A Rental Suite may be attached as a discretionary use to any Single Detached Dwelling in any zoning district, subject to approval of a Building Inspector hired or contracted by the Rural Municipality. Rental Suites are subject to the following requirements:

- (i) cooking facilities, food preparation, sleeping and sanitary facilities within the structure and which are physically separate from those of the principal dwelling.
- (ii) the suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.
- (iii) the suite may not be established on a site where a Garden Suite or Business Dwelling is located - refer to Section 4.14.10 (7).

(10) Swimming Pools:

Private swimming pools, both above ground and in-ground, both open and covered, shall be permitted in any residential zoning district and in any zone where residential use is permitted, subject to the following conditions:

(a) Open Pools:

- (i) Open pools shall be enclosed within a fence a minimum of 1.8 metres in height located not less than 1.2 metres from the pool.

- (ii) Open pools shall not be constructed closer than 1.5 metres to any site line plus additional horizontal distance equal to the height of the top edge of the pool above finished grade at the site line(s). For the purpose of the foregoing, the distance to the site line shall be measured from the nearest inside edge of the pool.
 - (iii) No part of an open pool including an associated apron or platform shall be constructed closer to a street line than the front yard requirements for a principal building in the zoning district within which it is located.
- (b) Covered Pools shall conform with the building accessory requirements relevant to the zoning district in which they are located.

4.14.13 Outfitter Base Camps and Tourism Base Camps

- (1) All outfitter base camps shall be located at least 305 metres from a dwelling unit that is not part of the operation.
- (2) All accommodation provided in conjunction with outfitter base camps and tourism base camps shall comply with *The Public Health Act*, and Regulations passed thereunder.
- (3) Council may establish standards limiting the total number of guests and guest rooms, and the location of buildings and accessory activities as a condition of issuing a discretionary use permit for outfitter base camps and tourism base camps. Any increase in the number of guests or guest rooms shall require a new discretionary approval.
- (4) Outfitter base camps and tourism base camps may be ancillary to a permitted agricultural operation and located on the same site.
- (5) A use that is established as an ancillary use to an agricultural operation shall cease to be permitted when the operator ceases to be resident on the site.

4.14.14 Dugouts, Sewage Lagoons and Manure Storage Pits

- (1) Dugouts, sewage lagoons and manure storage pits shall maintain a minimum separation distance of 15 metres from the legal boundaries of the surface parcel on which they are situated.
- (2) Dugouts may not be dug within 38 metres of an established dugout.

4.14.15 Wind Energy Conversion Facilities and Wind Farms

Wind energy conversion facilities, shall be accommodated as a discretionary use in each zoning district in this Bylaw, except the hamlet district, either as an accessory use to an established principal use on a site or as the principal use of a site. Wind farms shall be accommodated as a discretionary use in only the agricultural and industrial districts in the Municipality. The following standards apply to wind energy conversion facilities and wind farms:

- (1) Wind turbines are limited to a maximum height of 30 metres.
- (2) Wind turbines shall be separated or kept clear of all property lines, accessory

buildings and habitable buildings on the site by a distance of 1.5 times its height.

- (3) Wind turbines shall be set back a distance of 50 metres from a municipal road allowance or railway right of way. Facilities adjacent to a provincial highway are subject to the setback requirements of the Ministry of Highways and Infrastructure.
- (4) Wind turbines shall be located 250 metres from a habitable dwelling situated on an adjoining property. This requirement may be reduced where the Council is satisfied that site terrain or vegetation will effectively reduce the noise level of the turbine or where the proponent furnishes a noise projection by a qualified professional engineer which estimates and recommends a reduced setback based on projected sound levels.

4.14.16 Kennels (Boarding and Breeding)

- (1) An outdoor area must be provided for animals to run free, without being chained, in an area enclosed by a fence which provides safety for the animals and neighbours to the satisfaction of Council.
- (2) Outdoor animal enclosures may not be in front yards.

4.14.17 Auction Markets

- (1) Outside storage shall not be permitted at auction markets except for the display of motor vehicles, farm machinery, and heavy farm equipment;
- (2) Council may require that additional parking spaces be provided for auction markets.
- (3) Temporary storage and accessory repair of goods and materials to be sold shall be permitted.
- (4) Wrecking, destruction or dismantling of goods and materials shall not be permitted.

4.15 SETBACK FROM CENTRE LINE OF ROADS

The minimum setback of buildings, including dwellings, from the centre line of a municipal road allowance, grid road, main farm access road or provincial highway on all sites shall be 45 metres (150 feet). Development of buildings on sites that do not abut such roads shall observe the minimum front yard setbacks as identified in the specific regulation for those districts.

4.16 BUILDING LINES

Where a building line in a hamlet district has been established by existing buildings in a block having at least one half of the lots built on, new development may conform to this line.

4.17 PARKING AND LOADING REGULATIONS

4.17.1 General Parking Requirements

For every building or structure, there shall be provided and maintained off-street parking spaces as required by Table 4-1, subject to the provisions in the rest of Section 4.17. Enclosed or covered parking spaces or areas shall be governed by the development standards required within specific zoning districts.

Table 4-1 Parking Requirements	
Use	Minimum Parking Requirements
Residence	1 space per dwelling unit, <i>plus</i> 1 space if a garden suite or rental unit is on site.
Community Centres and Facilities; Clubs; Intensive Recreation Uses; Auctioneering Establishments	1 space per 10 m ² of gross floor area devoted to public use, or 1 space for every 10 seats devoted to patrons (if applicable), whichever is greater.
Churches	1 space per 15 seating places plus 1 space per 20 m ² of the floor area of the largest assembly room in the building.
Curling Rinks	8 spaces per sheet of ice.
Confectionary and Retail stores; Banks; Personal Service Establishments; Sales; Service,; Rentals or Repair Shops; Home Improvement Centres	1 space per 20 m ² of gross floor area.
Motels and Hotels	1 space per guest room.
Business Offices	1 space per 18 m ² of gross floor area, or 5 spaces, whichever is greater.
Elementary Schools	1 space per employee.
High Schools	1 space per employee, <i>plus</i> 5 spaces per classroom.
Eating Establishments, including Restaurants	1 space per 5 seats devoted to patrons' use, accommodated according to maximum capacity.
Service Stations	4 spaces per service bay..
Animal Shelters; Service Stations or Veterinary Clinics	1 space per 100 square metres of gross floor area.
Passive Recreation	1 space per 4 persons' of the project's design capacity.
Industrial Uses	1 space per 3 employees on maximum work shift, or 1 space per 67 m ² of gross floor area, whichever is greater.
Any other principal or ancillary use	1 space per 27 m ² of gross floor area.
Any combination of the above	The aggregate of the parking as required above.

4.17.2 Parking Area Provisions

- (1) No part of any minimum required side yards shall be used for parking, storage or loading of motor vehicles; although access to parking, storage or loading of motor vehicles may cross required side yards, and side yards may be used as fire lanes, provided they meet all other requirements of fire lanes.

- (2) Each parking space shall be a minimum of 2.5 metres wide. Parallel parking spaces must be a minimum of 6.5 metres long, all other parking spaces must be a minimum of 6 metres long.
- (3) Required parking, with the exception of required and/or disabled persons parking, may be located on another site, provided that all required parking is within 150 metres of the use.
- (4) Separate sites and uses may share parking spaces provided that enough parking spaces are constructed to meet the off-street parking requirements of all uses sharing the site. In cases where peak parking demands for uses sharing parking offset each other, Council may consider deferring parking requirements as provided in Section 4.17.3.
- (5) Where two or more uses share one building or are on a site where two or more uses share common parking facilities, then the off-street parking requirements for each use shall be calculated as if each is a separate use and adding them together.
- (6) Parking spaces and areas required under this Bylaw shall only be used for the parking of vehicles incidental to the uses which have been issued permits, in respect to which such parking spaces and areas are required.
- (7) A minimum turning radius of 6 metres shall be provided at all intersections of private approaches with public streets.
- (8) No part of any public street shall be included in any calculation of the parking space allotment for a specific site.
- (9) Immediately upon change of use or change of district, the parking requirements set out in Table 4-1 shall be required.
- (10) In cases where the provisions of Table 4-1 require that more than 4 parking spaces be required in a single yard, regardless of zoning district, such parking must meet the following conditions laid out in Section 4.17.3 in addition to other applicable conditions laid out in Section 4.17.2.

4.17.3 Parking Areas Requiring more than 4 Parking Spaces

- (1) Every parking area shall be provided with direct, unobstructed access to and from a public street by a private approach which
 - (a) if designated for one-way vehicular movement, shall have a minimum unobstructed width of 3.5 metres, exclusive of any islands or other such physical separation;
 - (b) if designated for two-way vehicular movement, shall have a minimum unobstructed width of 6 metres, exclusive of any islands or other such physical separation.
- (2) The maximum distance of any such private approach shall be no greater than 9 metres at the point of intersection of the approach and street line.
- (3) The maximum distance between a private approach and an intersection of street lines measures along the street shall be 30 metres.

- (4) The angle of intersection between a driveway and a street line shall be between 75 degrees and 105 degrees.
- (5) The parking and loading areas and approaches thereto shall be hard-surfaced.
- (6) Adequate facilities allowing for the proper drainage of all parking areas shall be provided and shall be designed such that there is no detrimental effect to adjoining properties from such water disposal methods or system design.
- (7) Lighting fixtures shall be so designed and installed that the light is directed downward and reflected away from public roads, as well as from dwelling units on adjacent sites.
- (8) Landscaping:
 - (a) Where, in a yard in any zoning district, a parking area which is required to provide for more than 4 off-street parking spaces abuts a residential use and/or zoning district, a continuous strip of landscaped open space of minimum width of 4.5 metres shall be provided along the site lines of said yard or site.
 - (b) Where, in a yard in any zoning district, a parking area which is required to provide for more than 4 off-street parking spaces abuts a street, then a strip of landscaped open space shall be provided along the site line adjoining the said street, and the said landscaped open space shall be continuous except for aisles or driveways required for access to the parking area and shall be a minimum of 3 metres in width along said site line.

4.17.4 Loading Provisions

- (1) When any new Agricultural-Commercial, Commercial, or Industrial development occurs or when any such existing use is changed, enlarged or increased in capacity, a minimum of one (1) off-street vehicular loading and unloading space shall be provided and maintained in accordance with the following provisions:
 - (a) The minimum size for an off-street loading space shall be:
 - (i) for buildings with a gross floor area of 1,400 m² or less, a minimum area of 17 m², and a minimum width of 3 metres; and,
 - (ii) for buildings with a gross floor area of more than 1,400 m² a minimum area of 33.5 m² a minimum width of 3 metres and a minimum clear height of 4.25 metres.
 - (b) Loading spaces must be located either within or abutting the building containing the use;
 - (c) No loading spaces shall be provided within a minimum front yard;
 - (d) Loading spaces provided within the minimum side yard shall be open and uncovered; and,
 - (e) Every off-street loading space and access shall be hard surfaced if the access is from

a street or lane which is hard surfaced. Where hard surfacing is provided or required, it shall be constructed of concrete, asphalt, or a similar durable, dust-free material.

4.18 LANDSCAPING REQUIREMENTS

4.18.1 General Landscaping Requirements:

- (1) Where this bylaw specifies that landscaping is required, it shall be developed and maintained in accordance with the following standards and policies:
 - (a) Plant material shall be species capable of healthy growth in the region and shall conform to the current Canadian Standards for Nursery Stock of the Canadian Nursery Landscape Association;
 - (b) Areas designated for planting shall be provided with an underground permanent irrigation system or other adequate means of irrigation commensurate with landscaping requirements, with at least one outside hose bibb for each principal building. Commercial or industrial sites are required to use commercial grade irrigation products; **NOTE TO COUNCIL THIS MEANS THERE NEEDS TO BE EITHER IRRIGATION OR AN OUTSIDE TAP THAT A SPRINKLER CAN BE ATTACHED TO**
 - (c) Landscaping areas required to be provided within front or side yards shall not be used for any purpose except for signs or structures otherwise permitted, or driveways leading to a parking or loading facility;
 - (d) Required landscaping shall be completed in accordance with the approved landscape plan by the end of the construction season in which occupancy, partial occupancy, or use of the building or site has taken place. When occupancy, partial occupancy, or use of the building or site has taken place after the end of the construction season, all required and approved landscaping shall be completed by June 1st of the following year. For the purposes of this section, 'construction season' means May 1st through October 31st of the same calendar year; and,
 - (e) Required and approved landscaping shall be suitably maintained in a neat and tidy condition at all times, and plant material installed or retained shall be maintained in healthy, vigorous condition at all times.

4.18.2 The Development Officer shall not approve an application for a development permit in the event that:

- (1) Any required landscape plans have not been submitted;
- (2) Any required landscape plans do not, in the opinion of the Development Officer, provide an adequate or suitable degree of landscaping necessary to enhance the visual amenity of the site or provide a visual screen where required by this Bylaw.

4.18.3 Landscaping shall be a condition of the issuance of a development permit when the existing use of a building or structure is significantly enlarged, undergoes a significant capacity increase, or is changed to a new use.

4.18.4 Any landscaping, including planting thereon, which is required to be provided by this Bylaw shall be maintained in a healthy growing condition or shall otherwise be replaced.

4.18.5 Any land for landscaped open space shall be included in any calculation of site area, setbacks, density or yard requirements as required by this Bylaw.

4.18.6 Requirements for Landscape Plans

- (1) When landscaping is required under this Bylaw, landscaping plans shall be attached to a development permit application and shall form part of that application. The landscape plans shall be prepared in accordance with Subsection 4.18.6 (2).
- (2) Landscape Plan Submission Requirements:
 - (a) Two copies of every landscape plan must be submitted to the satisfaction of the Development Officer, showing, to scale, physical features, including existing and proposed grades, the size and type of existing vegetation to be removed and retained, the size, type and location of plant material to be provided, the location of hard landscaping such as fences, retaining walls, walkways and curbs, and the details of the proposed irrigation system, including the location of any outside hose bibbs.
 - (b) A declaration, signed by the property owner and applicant, shall be affixed to required landscape plans, specifically acknowledging that the landscaping specified on the plans is a condition of the issuance of a development permit for the property and that such development will be complete by the date set out in the development permit.

4.18.7 Landscaping compliant with the rest of Subsection 4.18 shall be provided in the following areas:
NOTE TO COUNCIL THIS IS THE LANDSCAPING REQUIREMENT, THE PREVIOUS CLAUSES ARE INTENDED TO CLARIFY WHAT LANDSCAPING MEANS

- (1) The first three (3) metres of the minimum required front yard measured from the front property line.
- (2) A strip of soft landscaping abutting the front of the principal building, where loading does not occur, to an average depth of two (2) metres.
- (3) In the case of a corner site, the side yard abutting the flanking street to a minimum perpendicular width of three (3) metres.

4.19 OUTSIDE STORAGE AND GARBAGE STORAGE

4.19.1 Where permitted in association with any approved industrial, commercial or residential land use, all outside storage, including storage of garbage or waste materials, is subject to the following requirements:

- (1) No outside storage shall be located in the front yard, except for the neatly arranged display of items for sale.
- (2) Outside storage in a side or rear yard shall be screened from adjacent sites by a fence at least 1.9 metres in height, or a combination of fence and soft landscaping screening a

minimum of 1.9 metres in height.

- (3) Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers and shall be visually screened from all adjacent sites and public thoroughfares.

4.20 PERMITTED YARD ENCROACHMENTS

4.20.1 The following are not considered encroachments and shall be considered part of the principal or accessory building and all applicable regulations will apply to it as it would be to the principal or accessory building:

- (1) any deck or floor area attached to a principal or accessory building that has a permanent roof structure and/or solid glass, or screen walls; and,
- (2) any private garage attached to a principal building.

4.20.2 The following yard encroachments shall be permitted in any required yard:

- (1) steps 1.6 metres or less above grade level, as measured at the highest point of the steps, that are necessary for access to a permitted building or for access to a site from a street or lane;
- (2) window sills, eaves, gutters, belt courses, pilaster or other similar vertical columns, cornices, bay windows, chimneys and similar non-structural alterations may project a distance of 0.6 metres from the building into any required yard, but not closer than 0.5 metres to a site line;
- (3) raised patios, decks and sidewalks not more than 0.4 metres above grade level, as measured at the outside edge of the patio, deck or sidewalk;
- (4) trees, shrubs, walkways, trellises or flag poles, so long as these fixtures do not extend into or over public land; and,
- (5) lighting fixtures and lamp posts.

4.21 AGGREGATE RESOURCE EXTRACTION INDUSTRY

4.21.1 Notwithstanding other provisions of this Bylaw, an aggregate extraction industry is subject to the following development standards:

- (1) In reviewing an application, Council shall consider the environmental implications of the operation including plans for site restoration.
- (2) In addition to the public notification provisions for discretionary uses contained in this Bylaw, Council shall require that details of the application be circulated to property owners adjacent to the proposed haul roads to obtain public input on the proposed site.
- (3) The applicant shall ensure that dust and noise control measures are undertaken at the request of and to the satisfaction of Council to prevent the operation from becoming an annoyance to neighbouring land owners.

- (4) The applicant shall apply appropriate methods for minimizing the noise created from machinery and equipment through proper location and property screening including locating stock piles to act as a noise barrier.
- (5) The applicant shall keep the site in a clean and tidy condition free from rubbish and non-aggregate debris.
- (6) The disturbed area shall be progressively reclaimed to a land capability equivalent to the pre-disturbance land capability (for example, agricultural land) or a post-disturbance condition and land use (for example, conversion to wetland) which are satisfactory to Council. These conservation and reclamation procedures shall be in accordance with applicable provincial guidelines.
- (7) Property approaches shall be located away from existing residential dwelling units.
- (8) The applicant shall be responsible for providing an estimate and a corresponding financial guarantee, in a form acceptable to Council, equal to the cost of reclamation of the pit, to be held by the Municipality for the lifespan of the operation.
- (9) An aggregate resource extraction industry shall have regard to adjacent land uses and no material is to be stored or piled on any road allowance or within 30 m (100 ft) of the bank of any river or watercourse.
- (10) The applicant, operator, or any person who hauls the aggregate resource may be required by Council to enter into a road maintenance agreement.
- (11) By November 1 of each year or the end of the hauling season, whichever comes first, the applicant or operator must report the amount of material extracted by the operation that year to Council.
- (12) Any approval of an aggregate extraction industry shall be for a maximum period of two years and may be renewed at the discretion of Council providing the requirements of this Bylaw continue to be met.
- (13) An applicant shall be required to enter into a development agreement with the Municipality to ensure the mineral resource extraction industry complies with all relevant requirements of this Bylaw including any additional conditions of approval necessary to secure the objectives of this Bylaw.

5.0 ZONING DISTRICTS

5.1 CLASSIFICATION OF ZONING DISTRICTS

5.1.1 In order to carry out the purpose and provisions of this Bylaw, the Rural Municipality is divided into the following Zoning Districts, the boundaries of which are shown on the “**Zoning District Map**”. All parts of the Municipality shall be designated as **A** – Agricultural District except those areas specifically designated on the detailed Zoning District Map as another district. Such Districts may be referred to by the appropriate symbols:

Districts	Symbols
Agriculture	A
High Density Mixed Use Residential	HDMU
Low Density Country Residential	CR1
Medium Density Country Residential	CR2
High Density Country Residential	CR3
General Commercial	C1
Highway Commercial	C2
Industrial	M

5.2 ZONING DISTRICT MAPS

5.2.1 The map, bearing the statement “This is the Zoning District Map which accompanies Bylaw Number _____ adopted by the Rural Municipality of Lumsden, No. 189” and signed by the Reeve and Rural Municipal Administrator under the seal of the Rural Municipality shall be known as the “**Zoning District Map**” and such map is hereby declared to be an integral part of this Bylaw.

5.3 BOUNDARIES

5.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled “**Zoning District Map**”.

5.3.2 All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.

5.3.3 Streets, lanes, and road allowances which are shown on the “**Zoning District Map**” and which have been permanently closed pursuant to Section 13 of *The Municipalities Act*, shall be in the same district as the land abutting both sides of the permanently closed street, lane or road allowance. If the land abutting each side of the permanently closed street, lane or road allowance was located in different zoning districts before the said street, lane or road allowance was permanently closed, the centre line of such permanently closed street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.

- 5.3.4 In unsubdivided land, the zoning district boundary shall be determined by the scale shown on the “**Zoning District Map**”.

5.4 REGULATIONS

- 5.4.1 Regulations for the zoning districts are outlined in the following sections of this Bylaw.

5.5 TRANSITIONAL ZONING PROVISIONS

5.5.1 Former Permitted and Discretionary Uses

Land uses or developments in existence on a site that were listed as permitted or discretionary uses under Zoning Bylaw No. 2-2000, or any amendment thereto, and are listed as discretionary uses under this bylaw, shall be considered permitted uses; however, no alteration or enlargement of the land use or development shall take place except in conformity with relevant development standards in this Bylaw.

5.6 PROPERTIES WITH MORE THAN ONE ZONING DISTRICT

- 5.6.1 Where a site or lot is divided into more than one zoning district, each portion of the site or lot shall be developed and used in accordance with the provisions of the applicable zoning districts.

6.0 AGRICULTURE DISTRICT

6.1 INTENT

The objective of the **A** – Agriculture District is to provide for the primary use of land in the form of agricultural development, associated residences, limited single-parcel country residential development, location-dependent natural resource development, other uses compatible with agricultural development, and to protect the existing agricultural economic nature of the Municipality, the rural lifestyle of its residents and the natural environment.

6.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 6-1.

6.3 PROHIBITED USES

Uses prohibited in the **A** – Agriculture District are as follows:

6.4 ACCESSORY BUILDINGS

6.4.1 Accessory buildings and uses, except dwelling units, shall be permitted subject to Section 4.14.12.

6.4.2 Farm dwellings, subject to Section 3.4.3 (4) of the Official Community Plan.

6.5 REGULATIONS

6.5.1 Site Requirements

- (1) Minimum and maximum site size, site with, and yard requirements are shown in Table 6-1.
- (2) In addition to the requirements set out in Table 6-1, the following requirements apply:
 - (a) No dwelling shall be located within 305 metres of an Intensive Livestock Operation (ILO) unless such dwelling is located on the same parcel in conjunction with the ILO, or unless the owners of the dwelling, the land upon which the dwelling is located and the ILO enter into a written agreement approved by Council.
 - (b) A single residential parcel subdivision must be located a minimum of 800 metres of an Intensive Livestock Operation (ILO) unless such dwelling is located on the same parcel in conjunction with the ILO, or unless the owners of the dwelling, the land upon which the dwelling is located and the ILO enter into a written agreement approved by Council.

6.5.2 *Building Height Requirements*

Maximum building height requirements are shown in Table 6-1.

6.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **A – Agriculture District** with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows:

6.6.1 Intensive agricultural operations including, but not limited to intensive livestock operations subject to Section 3.4.3 (5) of the Official Community Plan.

6.6.2 *Garden Suites*

- (1) Modular homes and mobile homes may be used as garden suites in the **A – Agricultural District**.
- (2) In the **A – Agricultural District**, garden suites shall not exceed 115 square metres in gross floor area.

6.6.3 Personal care homes shall be licensed under *The Personal Care Homes Act*.

6.6.4 *Discretionary Commercial Uses*

- (1) Where ancillary to a farm operation, or a single detached dwelling, Council may prescribe specific development standards in the issuing of a development permit limiting the size of operation, buildings used for operation, and number of non-resident employees. Any increase in the area of land for a commercial use, or the number or size of buildings used for the commercial operation, shall require a new discretionary approval by Council.
- (2) Council may specify specific development standards for the location, setback, or screening of any area devoted to the outdoor storage of machinery, vehicles, or vehicular parts in conjunction with a commercial operation including any salvage or vehicle storage yard.

6.7 EXCEPTIONS TO DEVELOPMENT STANDARDS

Exceptions to development standards in **A – Agriculture District**, are as follows:

6.8 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

6.9 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 6-1									
A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS									
for the Rural Municipality of Lumsden No. 189									
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>						
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	
<i>Agricultural Uses</i>									
(1)	Agriculturally related commercial and industrial uses subject to Section 3.4.3 (7) in the Official Community Plan	D		1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(2)	Farm operations	P		64 ⁽²⁾	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(3)	Intensive livestock operations subject to Section 3.4.3 (2) in the Official Community Plan	D		1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(4)	Intensive agricultural operations subject to Section 3.4.3 in the Official Community Plan	D		1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(5)	Manure disposal for an ILO	D	4.13	1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
<i>Resource Based Uses</i>									
(1)	Mineral exploration and extraction, excluding gravel pits	D		--	--	--	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(2)	Petroleum pipelines and related facilities	P		--	--	--	15 ⁽⁵⁾	15 ⁽⁶⁾	15
<i>Residential Uses</i>									
(1)	Farm Dwellings subject to 3.4.3 (4) in the Official Community Plan	D	4.14.12 (7)	1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(2)	Garden suites	D	4.14.12 (7)	1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(3)	Mobile home courts	D	4.14.5	1.01	6.06	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(4)	Rental Suite	D	4.14.12 (9)	Must be developed within Single Detached Dwelling					

Table 6-1									
A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS									
for the Rural Municipality of Lumsden No. 189									
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>						
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	
(5) Single detached dwellings (as a principal use) subject to Section 3.3.3 (7) in the Official Community Plan	D		2.01 ⁽³⁾	4.0 ⁽³⁾	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
Commercial Uses									
(2) Agriculture servicing and contracting establishments	D		2.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(3) Bed and breakfast homes	D	4.14.7	2.01 ⁽⁸⁾	4.0 ⁽⁹⁾	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(4) Campgrounds	D		1.01	(4)	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(5) Custodial care facilities	D	4.14.8	2.01 ⁽⁸⁾	4.0 ⁽⁹⁾	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(6) Golf courses	D		1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(7) Grain elevators	D		1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15 ⁽⁸⁾	
(8) Gravel pits and gravel crushing operations subject to Table 6-1 of the Official Community Plan	D		--	--	60	15 ⁽⁵⁾	15 ⁽⁵⁾	15	
(9) Home based businesses and farm based businesses	D	4.14.1							
(10) Kennels	D	4.14.16	1.01	2.02	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(11) Machine shops and metal fabricators	D		1.01	2.02	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(12) Outfitter base camps	D	4.14.13	1.01	2.02	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(13) Personal care homes	D		2.01 ⁽⁸⁾	4.0 ⁽⁹⁾	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(14) Residential care facilities	D	4.14.8	2.01 ⁽⁸⁾	4.0 ⁽⁹⁾	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	
(15) Tourism base camps	D	4.14.13	1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15	

Table 6-1								
A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS								
for the Rural Municipality of Lumsden No. 189								
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>					
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)
(16) Tourist camps	D	4.14.13	1.01	--	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(17) Veterinary clinics and hospital, including large animal boarding	D		1.01	2.02	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
<i>Municipal, Recreational, Institutional and Other Uses</i>								
(1) Airports and airstrips	D		(1)	--	--	15 ⁽⁵⁾⁽⁶⁾	15 ⁽⁶⁾	15
(2) Cemeteries and crematoria	D		--	--	--	--	--	--
(3) Community halls	P		--	--	--	15 ⁽⁶⁾	15 ⁽⁶⁾	15
(4) Detention centres and correctional institutions	D		1.01	6.06	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(5) Historical and archaeological sites	P		--	--	--	--	--	--
(6) Municipal facilities	P		--	--	--	--	--	--
(7) Parks and playgrounds	P		--	--	--	--	--	3
(8) Places of worship	D		1.01	6.06	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(9) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	3
(10) Radar stations	D		--	--	--	10	10	10
(11) Recreation facilities	D		(1)	(4)	--	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(12) Schools and educational facilities	D		(1)	(4)	--	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(13) Solid and liquid waste disposal facilities including soil farms for the rehabilitation of contaminated soils subject to Sections 3.2.3 (5) and 3.2.3 (6) of the Official Community Plan	D	4.14.6	1.01	6.06	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15

Table 6-1								
A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS								
for the Rural Municipality of Lumsden No. 189								
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>					
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)
(14) Solid waste disposal sites, sewage lagoons, pesticide container collection sites, and associated facilities	D		1.01	6.06	60	15 ⁽⁵⁾	15 ⁽⁶⁾	15
(15) Telecommunications facilities	D		--	--	--	10	10	10 ⁽⁸⁾
(16) Wildlife and ecological conservation areas	P		--	--	--	--	--	--
(17) Wind energy conversion facilities, including wind farms	D	4.14.15	Development Standards as laid out in Section 4.14.15					
Use Designations:								
(P) - <u>Permitted Use</u>			(D) - <u>Discretionary Use</u>					
means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.			A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, the Council; and which complies with the development standards laid out in Section 6.6 and others as required by Council and/or contained in this Bylaw.					

Special limitations and standards regarding Table 6-1 and the A - Agriculture District:

- (1) private facilities: 1.01 hectares. Publicly-owned facilities: no minimum.
- (2) or a lesser amount as identified in Section 3.4.3 of the Official Community Plan.
- (3) or a greater or lesser amount as approved by Council subject to Section 3.3.3(10)(c)(ii) of the Official Community Plan.
- (4) private facilities: 6.06 hectares. Publicly-owned facilities: no maximum.
- (5) except where all or a portion of yard abuts municipal road allowance or highway, in which cases Council may require minimum front and/or side yard of up to 45 metres from the centre-line.
- (6) Council may require a more stringent standard, as part of the discretionary use process, should safety, noise, pollution and/or other concerns require.
- (7) where rear yard abuts a railway or a railway reserve no rear yard is required.
- (8) unless developed ancillary to a farm operation, in which case 64 hectares, and subject to ⁽²⁾ above, or if associated with an approved single detached dwelling, the site size of the single detached dwelling site shall be acceptable.

- (9) no maximum shall apply if developed ancillary to a Farm Operation, or if associated with an approved single detached dwelling, the site size of the single detached dwelling site shall be acceptable..

7.0 HIGH DENSITY MIXED USE RESIDENTIAL DISTRICT

7.1 INTENT

The objective of the **HDMU** – High Density Mixed Use Residential District is to provide for a mix of comprehensively planned high and low density residential uses and compatible commercial and community service uses.

The **HDMU** – High Density Mixed Use Residential District shall be applied only to accommodate approval by agreement (under section 69 of *The Planning and Development Act, 2007*) of a specific development proposal that Council considers suitable under the policy and guidelines established for the High Density Mixed Use Residential District.

7.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 7-1.

7.3 PROHIBITED USES

Uses prohibited in **HDMU** – High Density Mixed Use Residential District are as follows:

7.3.1 Animals

- (1) The keeping, handling, sale or transshipment of cattle, horses, pigs, goats, llamas, alpacas, poultry, sheep or other livestock is prohibited within this district.

7.4 ACCESSORY BUILDINGS AND USES

- 7.4.1 Accessory buildings and uses, except dwelling units, shall be permitted and are subject to Section 4.14.12 (6).

7.5 REGULATIONS

7.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 7-1.

7.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 7-1.

7.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **HDMU** – High Density Mixed Use Residential District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

7.6.1 Commercial Uses

- (1) Council may apply special standards in the issuing of a development permit for screening of storage areas or fencing in commercial uses adjacent to residential uses.
- (2) Council may apply special development standards regarding yard requirements for commercial uses to reduce conflict with neighbouring uses.

7.6.2 Home Based Businesses

- (1) Home based businesses are subject to Section 4.14.1.
- (2) No home based business in this district shall include auto body repair or repainting operations.
- (3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this district.

7.6.3 Garden Suites

- (1) Mobile homes and recreational trailers shall not be used as garden suites in the **HDMU** – High Density Mixed Use Residential District.
- (2) In the **HDMU** – High Density Mixed Use Residential District, garden suites shall not exceed 69 m² in gross floor area.

7.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

7.8 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 7-1								
HDMU - HIGH DENSITY MIXED USE RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
for the Rural Municipality of Lumsden No. 189								
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>					
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
Residential Uses								
(1) Dwelling groups	D	3.7.4 (4) 4.12.5	4,000	no min	no min	3 ⁽¹⁾	no min	60
(2) Dwelling units in conjunction with and attached to any other permitted use	P		no min	no min	no min	1.5	4.5	no max
(3) Multiple unit dwelling (apartments)	P		⁽²⁾	6 / unit ⁽³⁾	6	^{(4) (5)}	no min	60
(4) Multiple unit dwelling (townhouses)	P		225 / unit	6 / unit	6	^{(4) (5)}	no min	60
(5) Semi-detached dwellings	P		255 ⁽⁶⁾	7.5	6	1.5 ^{(7) (14)}	4.5	60
(6) Single detached dwellings	P		450 ⁽⁸⁾	15 ⁽⁹⁾	6	1.5 ⁽⁷⁾	4.5	50
(7) Street townhouse dwellings	P		225	6	6	^{(4) (5)}	no min	60
(8) Two unit dwellings	P		510 ⁽⁹⁾	15	6	1.5 ⁽⁷⁾	4.5	50
(9) Garden suites	D	4.14.12 (7)	465	19 ⁽¹⁰⁾	6	3	3 ⁽¹¹⁾	⁽¹²⁾
(10) Rental suites	D	4.14.12 (9)	Must be developed within Single Detached Dwelling					
Commercial Uses								
(1) Adult daycare – Types I and II	P	4.14.2	450 ⁽⁸⁾	15 ⁽¹³⁾	6	1.5 ⁽⁷⁾	4.5	50
(2) Bakeries with retail sales	P		225	6	no min	1.5	4.5	no max
(3) Bed and breakfast homes	D	4.14.7	450 ⁽⁸⁾	15 ⁽¹³⁾	6	1.5 ⁽⁷⁾	4.5	50
(4) Clubs	P		225	6	no min	1.5	4.5	no max
(5) Commercial recreation facilities, excluding rinks and golf courses	D	3.7.4 (3)	225	6	no min	1.5	4.5	no max
(6) Convenience stores, with or without associated gas bars	P	3.7.4 (2)	225	6	no min	1.5	4.5	no max
(7) Daycare centres and preschools	P	4.14.3	225	6	no min	1.5	4.5	no max
(8) Financial institutions	D		225	6	no min	1.5	4.5	no max

Table 7-1
HDMU - HIGH DENSITY MIXED USE RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS
for the Rural Municipality of Lumsden No. 189

<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>					
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
(9) Gas bars, with or without associated convenience stores	P	4.14.10 4.14.11	225	6	no min	1.5	4.5	no max
(10) Healthcare centres	P		225	6	no min	1.5	4.5	no max
(11) Home based business – Type I	P	4.14.1				1.5	4.5	
(12) Home based business – Type II	D	4.14.1				1.5	4.5	
(13) Laundromats	D	3.7.4 (14)	225	6	no min	1.5	4.5	no max
(14) Medical, dental and optical laboratories	P		225	6	no min	1.5	4.5	no max
(15) Offices and office buildings	P		225	6	no min	1.5	4.5	no max
(16) Parking lots	D		no min	no min	no min	1.5	4.5	no max
(17) Personal care homes	P	4.14.8	450 ⁽⁸⁾	15 ⁽¹³⁾	6	1.5 ⁽⁷⁾	4.5	50
(18) Personal service shops	P		225	6	no min	1.5	4.5	no max
(19) Photographer studios	P		225	6	no min	1.5	4.5	no max
(20) Repair services, restricted to the repair of household goods and appliances	P		225	6	no min	1.5	4.5	no max
(21) Residential care facilities	P	4.14.8	450 ⁽⁸⁾	15 ⁽¹³⁾	6	1.5 ⁽⁷⁾	4.5	50
(22) Restaurants, without associated lounges	D	3.7.4 (8)	225	6	no min	1.5	4.5	no max
(23) Retail stores	D		225	6	no min	1.5	4.5	no max
(24) Veterinary clinics	D		225	6	no min	1.5	4.5	no max
Municipal, Recreational, Institutional and Other Uses								
(1) Ambulance stations	D	3.7.4 (7)	225	6	6	1.5	4.5	no max
(2) Cemeteries and crematoria	D		465	19 ⁽¹⁰⁾	7.5	3	3 ⁽¹¹⁾	no max
(3) Community halls	P		465	19 ⁽¹⁰⁾	7.5	1.5	1.5	no max

Table 7-1
HDMU - HIGH DENSITY MIXED USE RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS
for the Rural Municipality of Lumsden No. 189

<u>Use</u>	<u>Development Standards</u>								
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (m²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)	
(4) Historical and archaeological sites	D		no min	no min	no min	no min	no min	no max	
(5) Municipal facilities	P		no min	no min	no min	no min	no min	no max	
(6) Parks and playgrounds	P		no min	no min	no min	no min	3	no max	
(7) Places of worship	P		225	6	no min	1.5	4.5	no max	
(8) Public works, excluding solid and liquid waste disposal sites	P		no min-	no min	no min	no min	no min	no max	
(9) Public Recreation facilities	D	3.7.4 (3)	225	6	no min	1.5	4.5	no max	
(10) Schools and educational facilities	D		225	6	no min	1.5	4.5	no max	
<u>Use Designations:</u>									
(P) - <u>Permitted Use</u>		(D) - <u>Discretionary Use</u>							
Means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.		A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, the Council; and which complies with the development standards laid out in Section 8.6 and others as required by Council and/or contained in this Bylaw.							

Special limitations and standards regarding Table 7-1 and the HDMU – High Density Mixed Use Residential District:

- (1) or ½ the building height, whichever is greater.
- (2) for multiple unit dwellings containing three to six units, the minimum site area shall be 550 square metres; for multiple unit dwellings containing seven or more dwelling units, the minimum site area shall be 630 square metres.
- (3) to a maximum of 21 metres.

- (4) for one storey multiple unit dwellings, the minimum side yard requirement shall be 1.8 metres, unless the dwelling is on a corner site, in which case the minimum side yard requirement shall be 3 metres for the side flanking the street;
for multiple unit dwellings that are two (2) or three (3) storeys, the minimum side yard requirements shall be 3 metres;
for multiple unit dwellings that are four (4) storeys or higher, the minimum side yard requirement shall be $\frac{1}{2}$ of the building height, to a maximum of six (6) metres.
- (5) except that no side yard is required where a common wall divides two dwelling units.
- (6) unless site is served by a lane, in which case 225 metres per unit.
- (7) except for corner sites, which shall be 3 metres along flanking street.
- (8) unless the site is served by a lane, in which case 360 square metres.
- (9) unless a site is served by a lane, in which case 450 square metres.
- (10) unless a site is served by a lane, in which case 15 metres.
- (11) unless a site is served by a lane, in which case 1.5 metres.
- (12) garden suites shall not exceed 69 m².
- (13) unless the site is served by a lane, in which case 12 metres.
- (14) except that no side yard is required where a common wall divides two dwelling units.

8.0 CR1 – LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

8.1 INTENT

The objective of the **CR1** – Low Density Country Residential District is to provide for low density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

8.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 8-1.

8.3 PROHIBITED USES

Uses prohibited in **CR1** – Low Density Country Residential District are as follows:

8.3.1 Solid and Liquid Waste Disposal

- (1) The construction and operation of Solid and Liquid Waste disposal Sites is prohibited within the **CR1** – Low Density Country Residential District.

8.4 ACCESSORY BUILDINGS AND USES

8.4.1 The following accessory buildings and uses shall be permitted and are subject to Section 4.14.12:

- (1) Private garages, whether detached or attached to a dwelling unit.
- (2) Garden sheds used for the storage of non-industrial yard maintenance equipment.
- (3) Greenhouses where accessory to a residential use.
- (4) Keeping of animals on the same site as the residence, subject to Section 8.5.3.
- (5) Barns and stables for animals permitted by Section 8.5.3.
- (6) Orchards and vegetable, horticultural or fruit gardens, where accessory to a residence.
- (7) Field crops.

8.5 REGULATIONS

8.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 8-1.

8.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 8-1.

8.5.3 *Keeping of animals*

- (1) Large animals, which include only horses, cattle, sheep, goats, llamas and alpacas, will be permitted, in numbers not exceeding 4 animal units, on a site of at least 4 ha. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.
- (2) Animals shall not be pastured within 15.25 metres of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain animals shall be located within 30 metres of a property line.
- (3) The use of vacant residential sites for pasture of animals is prohibited.

8.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **CR1** – Low Density Country Residential District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

8.6.1 *Home Based Businesses*

- (1) Home based businesses are subject to Section 4.14.1.
- (2) No home based business in this district shall include auto body repair or repainting operations.
- (3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this district.

8.6.2 Personal care homes shall be licensed under *The Personal Care Homes Act*.

8.6.3 *Garden Suites*

- (1) Modular homes and mobile homes shall not be used as garden suites in any Country Residential District.
- (2) In any Country Residential District, garden suites shall not exceed 69 m² in gross floor area.

8.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

8.8 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 8-1											
CR1 - LOW DENSITY COUNTRY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS											
for the Rural Municipality of Lumsden No. 189											
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>								
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Minimum Floor Area (m ²)	
Residential Uses											
(1) Garden suites	D	4.14.12 (7)	4.01	8.01	61	10 ⁽¹⁾	15	10	4.4	--	
(2) Rental Suite	D	4.14.12 (9)	Must be developed within Single Detached Dwelling								
(3) Single detached dwellings as a principal use	P		4.01	8.01	61	10 ⁽¹⁾	15	10	15	90	
Commercial Uses											
(1) Bed and breakfast homes	D	4.14.7	4.01	8.01	61	10 ⁽¹⁾	15	10	15	90	
(2) Day care centres	D	4.14.3	4.01	8.01	61	10 ⁽¹⁾	15	10	15	90	
(3) Home based businesses	D	4.14.1	4.01	8.01	61	10 ⁽¹⁾	15	10	15	90	
(4) Personal care homes	D	4.14.8	4.01	8.01	61	10 ⁽¹⁾	15	10	15	90	
Municipal, Recreational, Institutional and Other Uses											
(1) Community halls	P		--	--	--	10 ⁽¹⁾	15	10	15	--	
(2) Historical and archaeological sites	P		--	--	--	--	--	--	--	--	
(3) Municipal facilities	P		--	--	--	--	--	--	--	--	
(4) Parks and playgrounds	P		--	--	--	--	--	--	--	--	
(5) Places of worship	P		4.01	8.01	61	10 ⁽¹⁾	15	10	15	--	
(6) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	3	--	--	
(7) Recreation facilities	D	3.7.4 (3)	--	--	--	10 ⁽¹⁾	15	10	15	--	
(8) Schools and educational facilities	D		4.01	8.01	61	10 ⁽¹⁾	15	10	15	--	
(9) Wildlife and ecological conservation areas	P		--	--	--	--	--	--	--	--	
(10) Wind energy conversion facilities, including wind farms	D	4.14.15	Development Standards as laid out in Section 4.14.15								

Use Designations:**(P) - Permitted Use**

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

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, the Council; and which complies with the development standards laid out in Section 8.6 and others as required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 8-1 and the CR1 - Low Density Country Residential District:

- (1) except where all or a portion of yard abuts municipal road allowance or highway, in which cases Council may require minimum front and/or side yard of up to 45 metres from the centre-line.

9.0 CR2 – MEDIUM DENSITY COUNTRY RESIDENTIAL DISTRICT

9.1 INTENT

The objective of the **CR2** – Medium Density Country Residential District is to provide for medium density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

9.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 9-1.

9.3 PROHIBITED USES

Uses prohibited in **CR2** – Medium Density Country Residential District are as follows:

9.3.2 Solid and Liquid Waste Disposal

- (1) The construction and operation of Solid and Liquid Waste disposal Sites is prohibited within the **CR2** – Medium Density Country Residential District.

9.4 ACCESSORY BUILDINGS AND USES

9.4.1 The following accessory buildings and uses shall be permitted and are subject to Section 4.14.12:

- (1) Private garages, whether detached or attached to a dwelling unit.
- (2) Garden sheds used for the storage of non-industrial yard maintenance equipment.
- (3) Greenhouses where accessory to a residential use.
- (4) Keeping of animals on the same site as the residence, subject to Section 9.5.3.
- (5) Barns and stables for animals permitted by Section 9.5.3.
- (6) Orchards and vegetable, horticultural or fruit gardens, where accessory to a residence.
- (7) Field crops.

9.5 REGULATIONS

9.5.1 Site Requirements

The minimum site size, site with, and yard requirements are shown in Table 9-1.

9.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 9-1.

9.5.3 *Keeping of animals*

- (1) Large animals, which include only horses, cattle, sheep, goats, llamas and alpacas, will be permitted, in numbers not exceeding 4 animal units, on a site of at least 4 ha. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.
- (2) Animals shall not be pastured within 15.25 metres of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain animals shall be located within 30 metres of a property line.
- (3) The use of vacant residential sites for pasture of animals is prohibited.

9.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **CR2** – Medium Density Country Residential District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

9.6.1 *Home Based Businesses*

- (1) Home based businesses are subject to Section 4.14.1.
- (2) No home based business in this district shall include auto body repair or repainting operations.
- (3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this district.

9.6.2 Personal care homes shall be licensed under *The Personal Care Homes Act*.

9.6.3 *Garden Suites*

- (1) Modular homes and mobile homes shall not be used as garden suites in any Country Residential District
- (2) In any Country Residential District, garden suites shall not exceed 69 m² in gross floor area.

9.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

9.8 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 9-1										
CR2 - MEDIUM DENSITY COUNTRY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS										
for the Rural Municipality of Lumsden No. 189										
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>							
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Minimum Floor Area (m ²)
Residential Uses										
(1) Garden suites	D	4.14.12 (7)	2.01	4.0	31	10 ⁽¹⁾	8	8	4.4	
(2) Rental Suite	D	4.14.12 (9)	Must be developed within Single Detached Dwelling							
(3) Single detached dwellings as a principal use	P		2.01	4.0	31	10 ⁽¹⁾	8	8	15	90
Commercial Uses										
(1) Bed and breakfast homes	D	4.14.7	2.01	4.0	61	10 ⁽¹⁾	15	15	15	90
(2) Day care centres	D	4.14.3	2.01	4.0	61	10 ⁽¹⁾	15	15	15	90
(3) Home based businesses	D	4.14.1	2.01	4.0	61	10 ⁽¹⁾	15	15	15	90
(4) Personal care homes	D	4.14.8	2.01	4.0	61	10 ⁽¹⁾	15	15	15	90
Municipal, Recreational, Institutional and Other Uses										
(1) Community halls	P		--	--	--	10 ⁽¹⁾	15	15	15	--
(2) Historical and archaeological sites	P		--	--	--	--	--	--	--	--
(3) Municipal facilities	P		--	--	--	--	--	--	--	--
(4) Parks and playgrounds	P		--	--	--	--	--	--	--	--
(5) Places of worship	P		2.01	4.0	61	10 ⁽¹⁾	15	15	15	--
(6) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	3	--	--
(7) Recreation facilities	D	3.7.4 (3)	--	--	--	10 ⁽¹⁾	15	15	15	--
(8) Schools and educational facilities	D		2.01	4.0	61	10 ⁽¹⁾	15	15	15	--
(9) Wildlife and ecological conservation areas	P		--	--	--	--	--	--	--	--
(10) Wind energy conversion facilities, including wind farms	D	4.14.15	Development Standards as laid out in Section 4.14.15							

Use Designations:**(P) - Permitted Use**

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

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, Council; and which complies with the development standards laid out in Section 9.6 and others as required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 9-1 and the CR2 - Medium Density Country Residential District:

- (1) except where all or a portion of yard abuts municipal road allowance or highway, in which cases Council may require minimum front and/or side yard of up to 45 metres from the centre-line.

10.0 CR3 – HIGH DENSITY COUNTRY RESIDENTIAL DISTRICT

10.1 INTENT

The objective of the **CR3** – High Density Country Residential District is to provide for high density multiple-lot country residential development and other compatible development in specific areas with standards for such development which does not directly support agriculture.

10.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 10-1.

10.3 PROHIBITED USES

Uses prohibited in **CR3** – High Density Country Residential District are as follows:

10.3.2 Solid and Liquid Waste Disposal

- (1) The construction and operation of Solid and Liquid Waste disposal Sites is prohibited within the **CR3** – High Density Country Residential District.

10.4 ACCESSORY BUILDINGS AND USES

10.4.1 The following accessory buildings and uses shall be permitted and are subject to Section 4.14.12:

- (1) Private garages, whether detached or attached to a dwelling unit.
- (2) Garden sheds used for the storage of non-industrial yard maintenance equipment.
- (3) Greenhouses where accessory to a residential use.
- (4) Keeping of animals on the same site as the residence, subject to Section 10.5.3.
- (5) Barns and stables for animals permitted by Section 10.5.3.
- (6) Orchards and vegetable, horticultural or fruit gardens, where accessory to a residence.
- (7) Field crops.

10.5 REGULATIONS

10.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 10-1.

10.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 10-1.

10.5.3 *Keeping of animals*

- (1) Large animals, which include only horses, cattle, sheep, goats, llamas and alpacas, will be permitted, in numbers not exceeding 2 animal units, on a site of at least 2 ha. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.
- (2) Animals shall not be pastured within 15.25 metres of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain animals shall be located within 30 metres of a property line.
- (3) The use of vacant residential sites for pasture of animals is prohibited.

10.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **CR3** – High Density Country Residential District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

10.6.1 *Home Based Businesses*

- (1) Home based businesses are subject to Section 4.14.1.
- (2) No home based business in this district shall include auto body repair or repainting operations.
- (3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this district.

10.6.2 Personal care homes shall be licensed under *The Personal Care Homes Act*.

10.6.3 *Garden Suites*

- (1) Modular homes and mobile homes shall not be used as garden suites in any Country Residential District
- (2) In any Country Residential District, garden suites shall not exceed 69 m² in gross floor area.

10.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

10.8 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 10-1										
CR3 - HIGH DENSITY COUNTRY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS										
for the Rural Municipality of Lumsden No. 189										
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>							
			Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Minimum Floor Area (m ²)
Residential Uses										
(1) Garden suites	D	4.14.12 (7)	1.01	2.0	31	10 ⁽¹⁾	8	8	4.4	
(2) Rental Suite	D	4.14.12 (9)	Must be developed within Single Detached Dwelling							
(3) Single detached dwellings as a principal use	P		1.01	2.0	31	10 ⁽¹⁾	8	8	15	90
Commercial Uses										
(1) Bed and breakfast homes	D	4.14.7	1.01	2.0	31	10 ⁽¹⁾	8	8	15	90
(2) Day care centres	D	4.14.3	1.01	2.0	31	10 ⁽¹⁾	8	8	15	90
(3) Home based businesses	D	4.14.1	1.01	2.0	31	10 ⁽¹⁾	8	8	15	90
(4) Personal care homes	D	4.14.8	1.01	2.0	31	10 ⁽¹⁾	8	8	15	90
Municipal, Recreational, Institutional and Other Uses										
(1) Community halls	P		--	--	--	10 ⁽¹⁾	8	8	15	--
(2) Historical and archaeological sites	P		--	--	--	--	--	--	--	--
(3) Municipal facilities	P		--	--	--	--	--	--	--	--
(4) Parks and playgrounds	P		--	--	--	--	--	3	--	--
(5) Places of worship	P		1.01	2.0	31	10 ⁽¹⁾	8	8	15	--
(6) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	--	--	--
(7) Recreation facilities	D	3.7.4 (3)	--	--	--	10 ⁽¹⁾	8	8	15	--
(8) Schools and educational facilities	D		1.01	2.0	31	10 ⁽¹⁾	8	8	15	--
(9) Wildlife and ecological conservation areas	P		--	--	--	--	--	--	--	--
(10) Wind energy conversion facilities, including wind farms	D	4.14.15	Development Standards as laid out in Section 4.14.15							

Use Designations:**(P) - Permitted Use**

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

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, Council; and which complies with the development standards laid out in Section 10.6 and others as required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 10-1 and the CR3 - High Density Country Residential District:

- (1) except where all or a portion of yard abuts municipal road allowance or highway, in which cases Council may require minimum front and/or side yard of up to 45 metres from the centre-line.

11.0 C1 – GENERAL COMMERCIAL DISTRICT

11.1 INTENT

The objective of the C1 - General Commercial District is to provide for general commercial and other compatible development in specific areas, with standards for such development.

11.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 11-1.

11.3 PROHIBITED USES

Uses prohibited in C1 – General Commercial District are as follows:

11.4 ACCESSORY BUILDINGS AND USES

11.4.1 Accessory buildings and uses, except dwelling units, shall be permitted and are subject to Section 4.14.12.

11.5 REGULATIONS

11.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 11-1.

11.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 11-1.

11.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the C1 – General Commercial District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

11.6.1 All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

11.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

11.8 LANDSCAPING

Landscaping is subject to Section 4.18.

11.9 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 11-1									
C1 - GENERAL COMMERCIAL DISTRICT DEVELOPMENT STANDARDS									
for the Rural Municipality of Lumsden No. 189									
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>						
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage
Residential Uses									
(1) Business dwellings	D	4.14.12 (7)	577	15	8	3	3	15	140m ²
Commercial Uses									
(1) Automotive sales and repair	D		577	15	8	3	3	15	65%
(2) Bakeries	P		577	15	8	3	3	15	65%
(3) Bus terminals	D	4.14.10	577	15	8	3	3	15	65%
		4.14.11							
(4) Car and truck washes	D	3.7.4 (1)	577	15	8	3	3	15	65%
(5) Commercial recreational uses	D		577	15	8	3	3	15	65%
(6) Commercial service establishments	D		577	15	8	3	3	15	65%
(7) Convenience stores and confectionaries	P		577	15	8	3	3	15	65%
(8) Daycare Centres	D	4.14.3	577	15	8	3	3	15	65%
(9) Financial institutions	P		577	15	8	3	3	15	65%
(10) Hotels	D		577	15	8	3	3	15	65%
(11) Medical and dental offices	D		577	15	8	3	3	15	65%
(12) Motels	D		577	30	15	3	3	15	65%
(13) Nurseries, greenhouses and garden centres	D		577	15	8	3	3	15	65%
(14) Offices and office buildings	D		577	15	8	3	3	15	65%
(15) Parking lots	D		577	15	8	3	3	15	65%
(16) Personal service establishments	D		577	15	8	3	3	15	65%
(17) Repair shops and repair services	D		577	15	8	3	3	15	65%
(18) Restaurants	P		577	15	8	3	3	15	60%

Table 11-1									
C1 - GENERAL COMMERCIAL DISTRICT DEVELOPMENT STANDARDS									
for the Rural Municipality of Lumsden No. 189									
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>						
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage
(19) Retail food outlets	P		577	15	8	3	3	15	60%
(20) Retail stores, but not including auction markets	P		577	15	8	3	3	15	60%
(21) Service stations	D	4.14.10 4.14.11	577	30	15	3	3	15	60%
Industrial Uses									
(1) Indoor storage rental facilities	D	3.7.4 (12)	577	15	8	3	3	15	65%
Municipal, Recreational, Institutional and Other Uses									
(1) Community halls	P		577	15	8	3	3	15	65%
(2) Historical and archaeological sites	P		--	--	--	--	--	--	--
(3) Municipal facilities	P		--	--	--	--	--	--	--
(4) Parks and playgrounds	P		--	--	--	--	--	--	--
(5) Places of worship	P		577	15	8	3	3	15	65%
(6) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	--	--
(7) Recreation facilities	P		577	15	8	3	3	15	65%
(8) Wind energy conversion facilities, including wind farms	D	4.14.15	As laid out in Section 4.14.15						

Use Designations:**(P) - Permitted Use**

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

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, Council; and which complies with the development standards laid out in Section 13.6 and others as required by Council and/or contained in this Bylaw.

Special limitation and standards regarding Table 11-1 and the C1 - General Commercial District :

- (1) or 10% of site depth, whichever is greater

12.0 C2 – HIGHWAY COMMERCIAL DISTRICT

12.1 INTENT

The objective of the **C2** - Highway Commercial District is to provide for commercial, light industrial and other compatible development in specific areas, with standards for such development.

12.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 12-1.

12.3 PROHIBITED USES

Uses prohibited in **C2** – Highway Commercial District are as follows:

12.4 ACCESSORY BUILDINGS AND USES

12.4.1 Accessory buildings and uses, except dwelling units, shall be permitted and are subject to Section 4.14.12.

12.5 REGULATIONS

12.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 12-1.

12.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 12-1.

12.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **C2** – Highway Commercial District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

12.6.1 All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

12.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

12.8 LANDSCAPING

Landscaping is subject to Section 4.18.

12.9 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 12-1										
C2 - HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS										
for the Rural Municipality of Lumsden No. 189										
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>							
			Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage	
Residential Uses										
(1) Business Dwelling	D	4.14.12 (7)	0.4	45	(1)	8	8	15	140m ²	
Commercial Uses										
(1) Agricultural supplies and equipment sales and service	D		0.4	45	(1)	8	8	15	65%	
(2) Auction markets	D	4.14.17	0.4	45	(1)	8	8	15	65%	
(3) Automotive sales and service including recreational vehicle sales and service and mobile home sale	D		0.4	45	(1)	8	8	15	65%	
(4) Bus terminals	D	4.14.10 4.14.11	0.4	45	(1)	8	8	15	65%	
(5) Car and truck washes	D	3.7.4 (1)	0.4	45	(1)	8	8	15	65%	
(6) Commercial recreational uses	D		0.4	45	(1)	8	8	15	65%	
(7) Commercial service establishments	D		0.4	45	(1)	8	8	15	65%	
(8) Hotels	D		0.4	45	(1)	8	8	15	65%	
(9) Motels	D		0.4	45	(1)	8	8	15	65%	
(10) Motor vehicle, farm and heavy equipment related uses	D		0.4	45	(1)	8	8	15	65%	
(11) Nurseries, greenhouses and garden centres	D		0.4	45	(1)	8	8	15	65%	
(12) Offices and office buildings	D		0.4	45	(1)	8	8	15	65%	
(13) Parking lots	D		0.4	45	(1)	8	8	15	65%	
(14) Personal service establishments	D		0.4	45	(1)	8	8	15	65%	
(15) Repair shops and repair services	D		0.4	45	(1)	8	8	15	65%	

Table 12-1**C2 - HIGHWAY COMMERCIAL DISTRICT DEVELOPMENT STANDARDS****for the Rural Municipality of Lumsden No. 189**

<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>						
			Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage
(16) Restaurants	P		0.4	45	(1)	8	8	15	65%
(17) Retail food outlets	P		0.4	45	(1)	8	8	15	65%
(18) Retail stores, but not including auction markets	P		0.4	45	(1)	8	8	15	65%
(19) Sale of building supplies and products	D	3.7.4 (9)	0.4	45	(1)	8	8	15	65%
(20) Service stations	D	4.14.10 4.14.11	0.4	45	(1)	8	8	15	65%
(21) Training Centres	D		0.4	45	(1)	8	8	15	65%
(22) Veterinary clinics	D		0.4	45	(1)	8	8	15	65%
Industrial Uses									
(1) Bulk fuel sales and storage	D	4.14.10 4.14.11	0.4	45	(1)	8	8	15	65%
(2) Construction trades establishments	D		0.4	45	(1)	8	8	15	65%
(3) Construction yards	D		0.4	45	(1)	8	8	15	65%
(4) Indoor storage rental facilities	D		0.4	45	(1)	8	8	15	65%
(5) Light manufacturing or processing facilities	D		0.4	45	(1)	8	8	15	65%
(6) Lumber yards, home improvement centres and building supply establishments	D		0.4	45	(1)	8	8	15	65%
(7) Truck stops	D		0.4	45	(1)	8	8	15	65%
(8) Warehouses	D		0.4	45	(1)	8	8	15	65%
(9) Welding and machine shops	D		0.4	45	(1)	8	8	15	65%
(10) Wholesale establishments	D		0.4	45	(1)	8	8	15	65%

Municipal, Recreational, Institutional and Other Uses										
(1)	Community halls	P		0.4	45	(1)	8	8	15	65%
(2)	Historical and archaeological sites	P		--	--	--	--	--	--	--
(3)	Municipal facilities	P		--	--	--	--	--	--	--
(4)	Parks and playgrounds	P		--	--	--	--	--	--	--
(5)	Places of worship	P		0.4	45	(1)	8	8	15	65%
(6)	Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	--	--
(7)	Recreation facilities	P		0.4	45	(1)	8	8	15	65%
(8)	Wind energy conversion facilities, including wind farms	D	4.14.15	As laid out in Section 4.14.15						
Use Designations:										
(P) - <u>Permitted Use</u>				(D) - <u>Discretionary Use</u>						
means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.				A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, Council; and which complies with the development standards laid out in Section 14.6 and others as required by Council and/or contained in this Bylaw.						

Special limitations and standards regarding Table 12-1 and the C2 - Highway Commercial District:

- (1) Site having frontage on a Provincial Highway: A minimum of 25 metres from the centre line of the highway, or such greater distance as required by the Saskatchewan Department of Highways and Transportation. Site having frontage on a public roadway other than a provincial highway: A minimum of 15 metres, or such greater distance as required by Council.

13.0 M – INDUSTRIAL DISTRICT

13.1 INTENT

The objective of the **M** - Industrial District is to provide for light industrial, heavy industrial and other compatible development in specific areas, with standards for such development.

13.2 PERMITTED AND DISCRETIONARY USES AND DEVELOPMENT STANDARDS

The permitted and discretionary uses and applicable development standards are laid out in Table 13-1.

13.3 PROHIBITED USES

Uses prohibited in **M** – Industrial District are as follows:

13.4 ACCESSORY BUILDINGS AND USES

13.4.1 Accessory buildings and uses, except dwelling units, shall be permitted and are subject to Section 4.14.12.

13.5 REGULATIONS

13.5.1 Site Requirements

The minimum site size, site width, and yard requirements are shown in Table 13-1.

13.5.2 Building Height Requirements

Maximum building height requirements are shown in Table 13-1.

13.6 STANDARDS FOR DISCRETIONARY USES

Council will consider discretionary use applications in the **M** – Industrial District with regard to Section 3.7.2 Discretionary Use Evaluation Criteria and Section 3.7.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

13.6.1 All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

13.7 OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements are subject to Section 4.17.

13.8 LANDSCAPING

Landscaping is subject to Section 4.18.

13.9 OUTSIDE STORAGE

Outside storage, including garbage storage, is subject to Section 4.19.

Table 13-1**M - INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS****for the Rural Municipality of Lumsden No. 189**

<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>							
			Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage	
Residential Uses										
(1) Business dwellings	D	4.14.12 (7)	1	60	7	8	8 ⁽¹⁾	15	65%	
Commercial Uses										
(1) Auto body and paint shops	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(2) Grain Elevators	D		1	60	7	8	8 ⁽¹⁾	- -	65%	
(3) Repair shops	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(4) Veterinary clinics, not including the boarding of large animals	D		1	60	7	8	8 ⁽¹⁾	15	65%	
Industrial Uses										
(1) Asphalt and cements plants, and gravel yards	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(2) Auto-wrecking yards	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(3) Automotive sales and services including sales and service of recreational vehicles and mobile homes	P		1	60	7	8	8 ⁽¹⁾	15	65%	
(4) Bulk fuel sales and storage	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(5) Construction yards	P		1	60	7	8	8 ⁽¹⁾	15	65%	
(6) Dry goods storage yards	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(7) Grain storage, milling, cleaning and/or drying facilities	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(8) Kennels	D	4.14.16	1	60	7	8	8 ⁽¹⁾	15	65%	
(9) Landscaping establishments	P		1	60	7	8	8 ⁽¹⁾	15	65%	
(10) Manufacturing or processing facilities	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(11) Mineral Resource Processing	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(12) Petroleum products storage and wholesale	D		1	60	7	8	8 ⁽¹⁾	15	65%	

Table 13-1										
M - INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS										
for the Rural Municipality of Lumsden No. 189										
<u>Use</u>	Permitted or Discretionary	Subject to Sections	<u>Development Standards</u>							
			Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Bldg Height (m)	Maximum Site Coverage	
(13) Railway freight yards	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(14) Sale of building supplies and products	P		1	60	7	8	8 ⁽¹⁾	15	65%	
(15) Sawmills, wood treatment plants and associated industries	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(16) Trucking and transfer yards	D		1	60	7	8	8 ⁽¹⁾	15	65%	
(17) Warehouses and wholesale facilities	D		1	60	7	8	8 ⁽¹⁾	15	65%	
<i>Municipal, Recreational, Institutional and Other Uses</i>										
(1) Historical and archaeological sites	P		--	--	--	--	--	--	--	
(2) Municipal facilities	P		--	--	--	--	--	--	--	
(3) Parks	P		--	--	--	--	--	--	--	
(4) Public works, excluding solid and liquid waste disposal sites	P		--	--	--	--	--	--	--	
(5) Wind energy conversion facilities, including wind farms	D	4.14.15	As laid out in Section 4.14.15							
Use Designations:										
(P) - <u>Permitted Use</u>			(D) - <u>Discretionary Use</u>							
means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.			A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, Council; and which complies with the development standards laid out in Section 15.6 and others as required by Council and/or contained in this Bylaw.							

Special limitations and standards regarding Table 13-1 and the M - Industrial District:

- (1) where abutting railway track, no setback is required

14.0 MAPS