

RURAL MUNICIPALITY OF
GARDEN RIVER No. 490

ZONING BYLAW

Prepared for:

THE RURAL MUNICIPALITY OF GARDEN RIVER NO. 490

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Saskatoon, SK

MAY 2023

The Rural Municipality of Garden River No. 490

Bylaw No. _____

A Bylaw of the Rural Municipality of Garden River No. 490 to adopt a Zoning Bylaw.

The Council of the Rural Municipality of Garden River, 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 Garden River No. 490 hereby adopts the Rural Municipality of Garden River No. 490 Zoning Bylaw, identified as Schedule "A" to this Bylaw.
- (2) The Reeve and Rural Municipal Administrator of the Rural Municipality of Garden River No. 490 are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 3/87, the *Zoning Bylaw*, and all amendments thereto, are hereby repealed.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 Government Relations.

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 _____, _____

(Reeve)

SEAL

(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 GARDEN RIVER No. 490

ZONING BYLAW

Being Schedule "A" to Bylaw No. _____
of the Rural Municipality of Garden River No. 490

(Reeve)

SEAL

(Rural Municipal Administrator)

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1 INTRODUCTION

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Rural Municipality of Garden River No. 490".

1.2 SCOPE

All development within the boundaries of the Rural Municipality of Garden River No. 490, herein defined as the Municipality, shall be in conformity with the provisions of this Bylaw, subject to the right of appeal provisions of *The Planning and Development Act, 2007 (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 District Official Community Plan for the Municipality.

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 this Bylaw as a whole, or any other part, section or provision of this Bylaw.

2 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:

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.

Agroforestry: means a collective name for the practice of intentionally using trees within land use systems and practices in which woody perennials are deliberately integrated with crops and/or animals on the same land management unit either in a spatial or temporal sequence.

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

Amusement Park: means development including go-cart, paint ball and miniature golfing facilities, concessions and arcades, swimming pools, water slides, batting cages and other similar uses.

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, Exotic: means any animal that is not domesticated in Saskatchewan and is wild by nature.

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

<i>Kind of Animal</i>	<i>Number Equalling One Animal Unit</i>
(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>Sheep</u>	
(a) rams or ewes	7
(b) lambs	14
(4) <u>Goats, Llamas, Alpacas, etc.</u>	7
(5) <u>Cattle</u>	
(a) cows or bulls	1
(b) feeder cattle	1.5
(c) replacement heifers	2
(d) calves	4
(6) <u>Horses</u>	
(a) foals or ponies	2
(b) other than foals or ponies	1
(7) <u>Other</u>	
(a) bison cows or bulls	1
(b) bison calves	4
(c) elk, reindeer	4
(d) deer	7

Apartment House: means a building divided into three (3) or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence, as distinct from a hotel or motel, but excluding townhouses and street townhouses as herein defined.

Auction Market: means a 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, or discretionary use under this Bylaw.

Bare Land Condominium: means a condominium divided into bare land units, as defined in *The Condominium Property Act, 1993*.

Bare Land Unit: means a bare land unit as defined in *The Condominium Property Act, 1993*.

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.

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

Building Development: means the primary building that is currently occupied, or capable of immediate occupation, for human habitation and that meets the definition of one or the following:

- (a) a bed and breakfast home;
- (b) personal care home,
- (c) residential care facility;
- (d) custodial care facility;
- (e) business dwelling;
- (f) temporary work camp;
- (g) garden suite;
- (h) residence or;
- (i) farm dwelling-

Building Bylaw: means any bylaw of the Municipality 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).

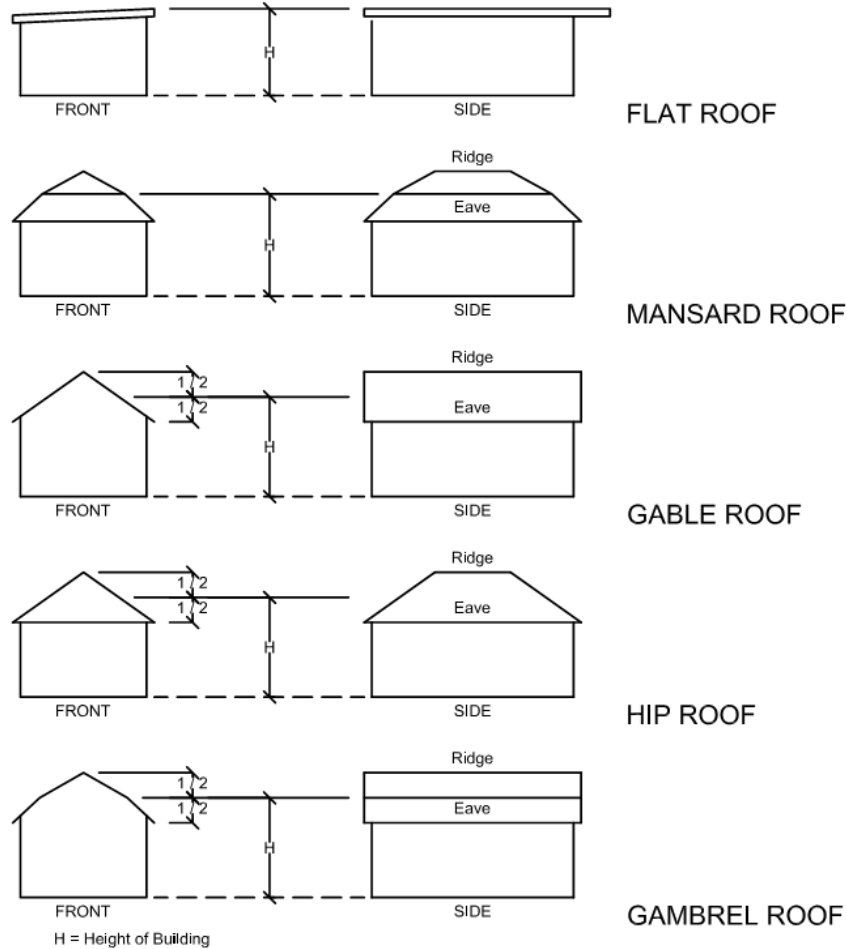


Figure 2-1: Interpretation of Building Height Measurement

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.

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.

Carport: means a roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

Car Wash: means a building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

Catchment Pond or Catch Basin: means a structure or building used for the collection and/or storage of animal waste generated at a livestock facility including, but not limited to, liquid manure storage and/or earthen manure storage.

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

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.

Community Garden: means an area of land managed and maintained by a formal or informal group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale at a farmers' market or farm stand, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

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 Garden River No. 490.

Cultural Institution: means an establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest.

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.

Dairy Processing: means facilities for the processing and sale of dairy products such as cheese, cream, yogurt, ice cream and other goods but not including facilities for the keeping, rearing, or milking of animals.

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 Permit: means a document authorizing a development issued pursuant to 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.

Distances are measured between livestock facilities and building development: means the distance between the closest points on the outside wall of the livestock facility structure and the closest building development. For the purposes of measuring distance, building development shall refer to the outside wall of the closest primary structure that meets the definition of “building development”, whether or not that structure is a stand-alone structure or is found within a residential subdivision, hamlet, village, or town.

Distilleries, Wineries and Breweries: means facilities for the small-scale or craft production of alcoholic and other beverages, including the distillation, aging, blending, fermenting, bottling, storage, distribution, promotion, and sale of said beverages.

District Official Community Plan (DOCP): means the Official Community Plan Bylaw, as most recently amended, for the Garden River – Meath Park Planning District.

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 modular home as herein defined.

Dwelling, Street Townhouse: means a dwelling unit on its own site, attached to two or more other dwelling units, each on their own sites, with a common wall dividing the dwelling units throughout at least 40% of the depth of the entire structure.

Dwelling, Two-Unit: means a detached building divided into two dwelling units 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 a 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.

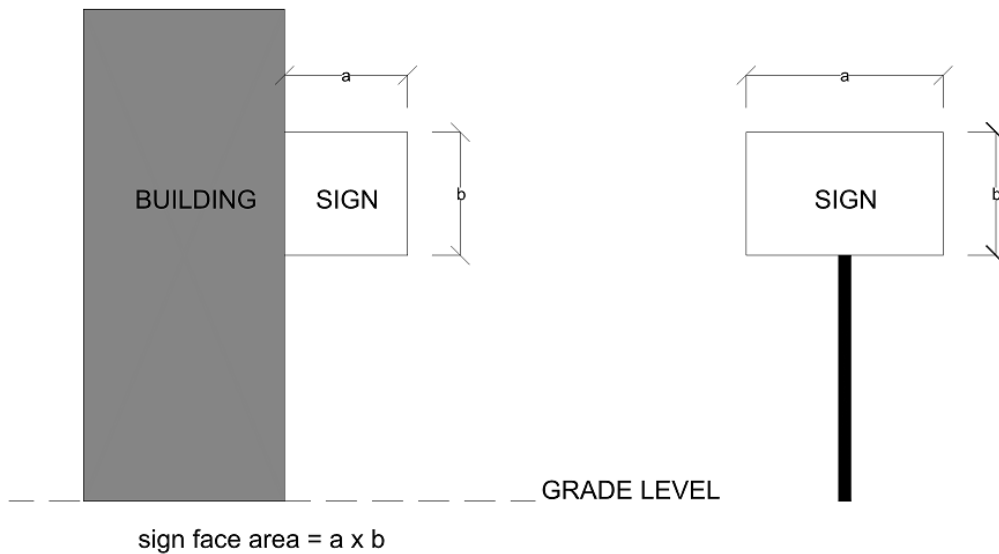


Figure 2-2: Calculation of Sign Face Area

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 Livestock facilities 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.

Farm Stand: means a seasonal direct-marketing operation without a permanent structure and offering outdoor shopping for the sale of locally-produced agricultural products including those produced in a community garden, enhanced agricultural products, and handmade crafts.

Farmers' Market: means a permanent structure, operated on a seasonal or year-round basis, which allows for agricultural or horticultural producers to retail their products and other agriculture-related items, including those produced in a community garden, directly to consumers and enhance income through value-added products, services, and activities.

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.

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

Garden Suite: means an accessory building, 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 dependant on the resident of the existing dwelling unit, or to provide accommodation for a caregiver of whom a specific person or persons residing in the existing dwelling unit is physically dependent.

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, liquified or dissolved under pressure;
- (f) oxidizing substances;
- (g) organic peroxides;
- (h) poisonous (toxic) and infectious substances;
- (i) radioactive materials;
- (j) waste Dangerous Materials; and,
- (k) 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.

Institutional Camp: means an area of land containing sleeping accommodations and facilities which are used to provide short term accommodation for persons engaged in passive or active recreation or leisure, which, without limiting the generality of the foregoing, shall include the following: children's camp or establishment, religious camp, artist's camp, retreat, educational camp, recreational camp, sports camp or other similar camp or establishment.

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 a livestock facility.

Intensive Livestock Operation (ILO): 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.

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.

Kennel: 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.

Linear Park: means dedicated land developed in a linear fashion, between 15 and 35 metres in width, intended to facilitate pedestrian and cycling transportation, and may also facilitate the management of storm water.

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.

Lounge: means a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted, either in the lounge or in the restaurant attached to the lounge.

Mall: means a single story commercial building in which, up to six (6) commercial uses are located together for their mutual benefit, each use having a separate entrance to the outside.

Membrane-Covered Structure: means a structure consisting of a frame that is covered with plastic, fabric, canvass or similar non-permanent material, which typically is used to provide storage for vehicles, boats, recreational vehicles or other personal property, or on a larger scale, for storage of commercial goods and materials. The terms shall also apply to structures known commonly as ‘hoop houses’, ‘canopy-covered carports’ and ‘tent garages’, and can be fully or partially covered. Gazebos are not membrane-covered structures.

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 Garden River No. 490.

Nacelle: means the framing and housing at the top of a wind tower that enclose the gearbox and generator.

Noise Receptor: means permanent or seasonal residences, hotels/motels, nursing/retirements homes, rental residences, hospitals, campgrounds, and noise sensitive buildings such as schools and places of worship.

Nonconforming 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.

Nonconforming 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.

Nonconforming 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.

Non-Participating Noise Receptor: means a noise receptor on a property that is not associated with the wind energy facility by means of legal agreement for the installation and operation of a wind turbine or wind turbines and/or equipment, machinery and structures utilized in connection with the conversion of wind to electrical energy which is located on that property.

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.

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.

Passive Recreation Use: means a recreational land use that does not require significant development upon the site and does not lessen the natural character of the area.

Participating Noise Receptor: means a property that is associated with the Wind Energy Facility by means of a legal agreement with the property owner for the installation and operation of a wind turbine or wind turbines and/or equipment, machinery and structures utilized in connection with the conversion of wind to electrical energy which is located on that property.

Pen: means an enclosed area, whether inside or outside, in which livestock is confined but does not include a pasture or winter grazing area whether or not a fence surrounds such pasture or winter grazing area.

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.

Personal Service Shops: means establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.

Photography Studio: means a place used for portrait or commercial photography, including the developing and processing of film, and the repair or maintenance of photographic equipment.

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: means a recreation or amusement facility 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.

Recycling Collection Depot: means a building or structure used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper. The following shall not be allowed at a recycling collection depot:

- (a) processing of recyclable material other than compaction;
- (b) collection and storage of paints, oil, solvents or other hazardous material; nor,

- (c) outdoor compaction.

Reeve: means the Reeve of the Rural Municipality of Garden River No. 490.

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.

Residence: means a primary structure that is currently occupied, or immediately capable of being occupied, for human habitation, including, but not limited to:

- (a) apartment house;
- (b) bare land condominium;
- (c) dwelling unit;
- (d) dwelling, multiple unit;
- (e) dwelling, semi-detached;
- (f) dwelling, single detached;
- (g) dwelling, street town house;
- (h) dwelling, two-unit;
- (i) mobile home;
- (j) mobile home, double wide;
- (k) mobile home, single wide;
- (l) modular home;
- (n) modular home, single wide;
- (n) modular home, double wide;
- (o) modular unit;
- (p) farm dwelling;
- (q) business dwelling;
- (r) garden suite; or,
- (s) custodial care facility

but does not include: a detached garage, a deck or patio whether or not such deck or patio is enclosed, or any other building or structure not attached to the primary structure.

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.

Residential Subdivision: means a multiple-lot country residential grouping of residences.

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.

Rotor: means the blades and hubs of a wind turbine that rotate during its operation.

Rural Municipal Administrator: means the Rural Municipal Administrator(s) for the Rural Municipality of Garden River No. 490.

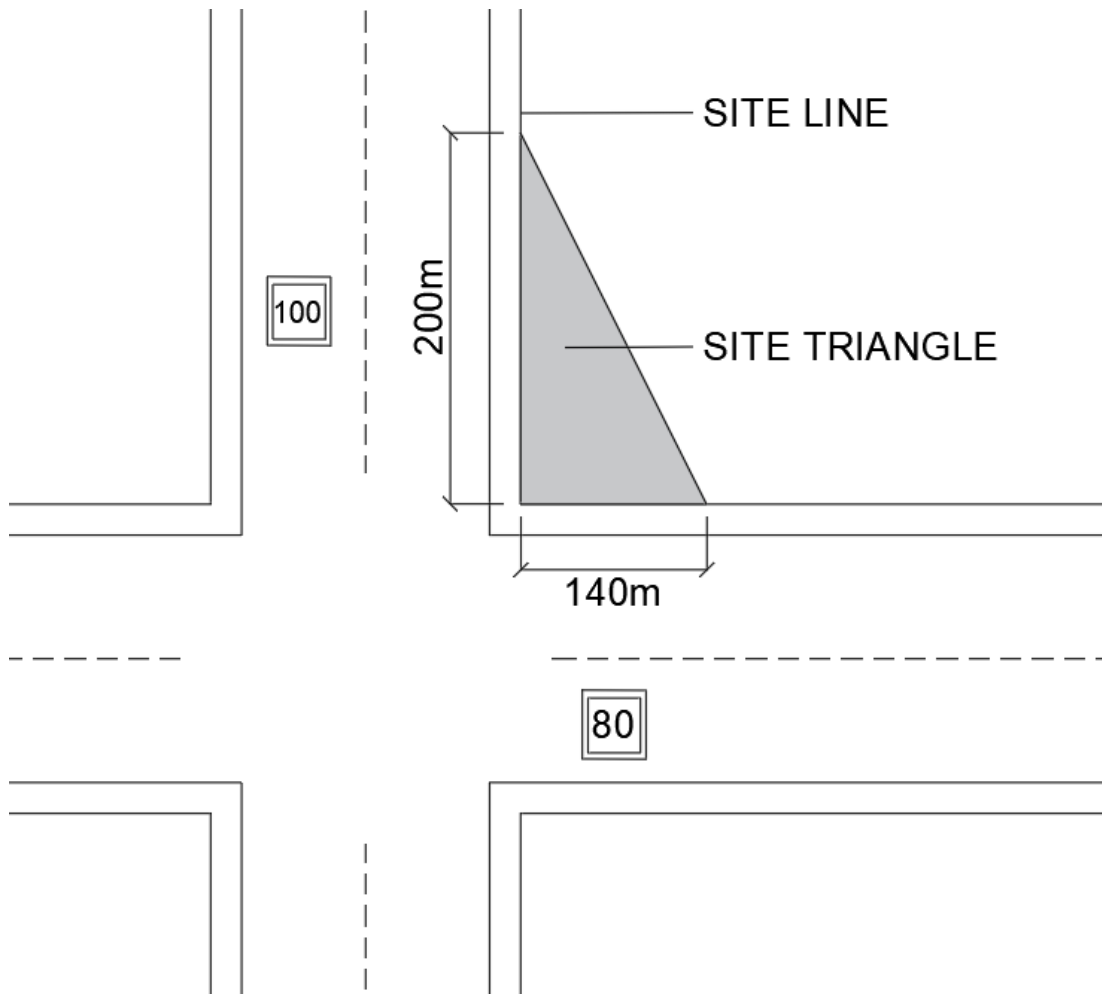
Safe Building Elevation (S.B.E.): means the level defined by The Ministry of Municipal Affairs at time of subdivision and by municipal bylaw to which flood-proofing must be undertaken for developments in the flood hazard area. The S.B.E. is calculated as the E.P.W.L. plus a freeboard value. The freeboard 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.

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.

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).



DESIGN SPEED (KM/H)	STOPPING SITE DISTANCE (S.S.D.)
≤ 60	7.5 m
≤ 80	140 m
≤ 100	200 m

Figure 2-3: Sight Triangle

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, Portable: means a portable, free-standing sign, mounted on a wide based frame, with a single sign face area no greater than 6.0 m, which can be readily moved or transported to various locations.

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, 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).



Figure 2-4: Illustration of Site Definition

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.

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: means:

- (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.

Temporary Building: means a building without a foundation or footing, and that is to be removed upon expiration of a designated time period.

Temporary Use: means a use established for a fixed period of time and that is to be discontinued upon the expiration of the time period specified for that use.

Temporary Work Camp: means a temporary residential complex used to house camp workers by various contracting firms on a temporary basis of more than 28 days and less than one (1) year. The camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.

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.

Transformer Substation: means a central facility comprised of a power transformer(s), disconnect and interrupting devices, support structures and associated controls and equipment such as cooling fans for transforming the electrical outputs from the wind turbine generators to a higher voltage for input to the grid transmission system.

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.

Tree Nursery: means the use of land for raising shrubs, trees and bedding plants.

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 transshipping 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, transshipment, 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).

Valley: means an extensive area of land drained or irrigated by a river system.

Valley Wall: means the side slope of a stream or river valley.

Veterinary Clinic: means a place for the care and treatment of small and/or large animals involving outpatient 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.

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.

Waste Management or Disposal Facility, Liquid: means 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 a livestock facility.

Waste Management or Disposal Facility, Solid: means 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.

Water's Edge: means the line where the shore and a body of water meet.

Wildlife Management Activities: means activities involved in the proper management of an area or region for the continuous production of wildlife therefrom.

Wind Energy Facility: means a single wind turbine and all equipment, machinery and structures utilized in connection with the conversion of wind to electrical energy. This may include, but is

not limited to, all associated transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery.

Wind Farm: means a wind energy 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, unit transformer 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.

Wind Turbine Setback: means the measured horizontal distance from the centre line or point of a wind turbine or transformer substation to the nearest part of a public road or railway or property boundary.

Yard: means an unoccupied space open to the sky on the same site with a building or structure.

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

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

Yard, Required: means the minimum yard required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

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

Zoning District: means 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 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

The Rural Municipal Administrator, herein referred to as the 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 this Bylaw may be delegated.

3.2 APPLICATION FOR DEVELOPMENT PERMIT

3.2.1 No person shall undertake a development or commence a use unless a Development Permit has first been obtained, except as provided in Section 3.3. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 213 to 227 of The Act.

3.2.2 Farm dwellings and business dwellings require a development permit.

3.2.3 Livestock and poultry operations with 300 or more animal units and providing less than 370 m² of space for each animal unit shall be considered Intensive Livestock Operations, as per the definition in this Bylaw, and will also require a development permit.

3.3 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

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

3.3.2 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, excluding Livestock Facilities structures, new dwellings or any agricultural building meant for human occupation.

(2) Small Accessory Buildings

Single storey accessory buildings with a building floor area less than 9.3 m², with the exception of oil & gas wells and related facilities.

(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 all new transmission lines associated with facilities and systems for public works as defined herein.

(4) Municipal Facilities

Any facility, including buildings and structures, installed and operated by the Municipality.

(5) Maintenance

Maintenance and repairs that do not include any structural alterations.

(6) Fences

(7) Temporary Confinement of Livestock

The temporary confinement of livestock during the winter months as part of a legally existing farm operation or livestock facility.

3.4 OTHER PERMIT REQUIREMENTS

3.4.1 A building permit shall not be issued unless a Development Permit, where required, has 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 law or 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 legislated municipal, provincial or federal requirement, the higher and/or more stringent standards shall prevail.

3.5 APPLICATION REQUIREMENTS

3.5.1 Applications for a development permit and applications for a discretionary use, with the exception of applications for a home based business, 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; and,
- (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, including a valid sewage disposal permit issued by Public Health.

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

- (1) Mobile Home Courts, Campgrounds, Tourist Base Camps, Tourist Camps, Outfitter Base Camps, and Trailer Courts:

An applicant for a discretionary use approval for the above uses shall provide documentation to Council's satisfaction, as follows:

- (a) 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) Intensive Livestock Operation (ILO)

An applicant for a discretionary use approval for an intensive livestock operation shall provide the following 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 - Required Separation Distances Between Uses” of the District 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.

(2) Commercial / Industrial Use:

An applicant for a discretionary use approval for a commercial or industrial use may be required to provide documentation, to Council’s satisfaction, as follows:

- (a) as specified in Section 4.4.2.1 of the District Official Community Plan and documentation that the locational criteria in Section 4.4.2.2 (c) of the District Official Community Plan are satisfied.

(3) Hazardous Industrial Use:

An applicant for a discretionary use approval for a hazardous industrial use shall provide documentation, to Council’s satisfaction, as follows:

- (a) 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 - Required Separation Distances Between Uses” of the District Official Community Plan and measured as specified in the notes to that table (refer to Section 4.4.2.2 of the District Official Community Plan); and,

- (b) The distance to the nearest permanent surface water course or permanent water body.

(4) Solid or Liquid Waste Management or Disposal Facility:

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, as follows:

- (a) Distances to the nearest land uses, development types and municipal limits, whether within the Municipality or within an adjacent municipalities, listed in "Table 6-1 - Required Separation Distances Between Uses" of the District Official Community Plan and measured as specified in the notes to that table (refer to Section 4.1.2.2 of the District Official Community Plan).

(5) New Communal Water System:

An application for any new communal water system or communal sewer system shall provide documentation, to Council's satisfaction, of the following:

- (a) A copy of the system drawings, as required by the *Public Health Act, 1994* and associated regulations or *The Environmental Management and Protection Act* and associated regulations.

(6) Wind Energy Facilities (one turbine):

An application for a wind energy facility shall provide documentation, to Council's satisfaction, as follows:

- (a) A site location plan showing the subject property, adjacent roads, railways, telecommunications facilities (to ensure avoidance of microwave transmission corridors), property lines and all habitable buildings within one (1) one mile of the proposed development;
- (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 useage 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 colour and markings for the proposed tower including required lighting in accordance with federal aviation requirements; and
 - (f) Validation by a professional engineer of the structural integrity of the proposed supporting tower and foundation or a description of required manufacturing specifications.
- (7) Wind Farms (two or more turbines):

An application for a wind farm shall provide documentation, to Council's satisfaction, as follows:

- (a) A site location plan showing the subject property, adjacent roads, railways, telecommunications facilities (to ensure avoidance of microwave transmission corridors), property lines and all habitable buildings within one (1) one mile of the proposed development;
- (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 useage 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 colour and markings for the proposed tower including required lighting in accordance with federal aviation requirements;
- (f) Validation by a professional engineer of the structural integrity of the proposed supporting tower and foundation or a description of required manufacturing specifications;
- (g) Illustration of sight line vistas from residential buildings within one (1) mile of the proposed development utilizing photographic representations of the development area;

- (h) 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.

(8) Gravel Operations:

An application for a discretionary use approval for the excavating, stripping or grading of sand, gravel, clay or similar materials, such as gravel pits and gravel crushing operations, shall provide documentation to Council's satisfaction, of the following:

- (a) A plan showing the location of the area of the operation relative to the site boundaries, the depth of excavation, and the quantity of material to be removed;
- (b) A plan showing the distances to the adjoining land uses as listed in "Table 6-1 - Required Separation Distances Between Uses" of the District Official Community Plan;
- (c) A description of the excavation, stripping or grading operation proposed;
- (d) A detailed timing and phasing program covering the time span of the proposed operation;
- (e) A description of reclamation and rehabilitation measures to be conducted both during and following the operation consistent with *The Reclamation Guidelines for Sand and Gravel Operations* provided by the Ministry of Environment. Those guidelines recommend that "reclamation practises should ensure a physical stabilization of the soils and achieve a sustainable land use so that the land may be returned to a productive state as soon as possible after the operation has completed", and that "reclamation operations should be carried out concurrently with extraction";
- (f) A description of the measures to be taken for the prevention and lessening of dust and other nuisances during and after the operation; and,
- (g) Road maintenance measures and proposed truck routes.

3.5.2 Council may impose requirements in addition to those set out above. Council may also require a performance bond by any person or company undertaking any work outlined in this subsection to ensure that the development is carried out in the manner specified. The amount of the performance bond is to be set at the discretion of Council.

3.5.3 Council may enter into a formal Road Maintenance Agreement with the Developer or Contractor.

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 Bylaw, the District 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 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 VALIDITY OF A DEVELOPMENT PERMIT

- 3.7.1 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 except in the case of an appeal. The development permit must be commenced within twelve (12) months after the date of the last appeal or at the discretion of the Development Officer.

3.7.2 A development permit extension may be granted for an additional twelve (12) month period by the Development Officer.

3.7.3 Where a discretionary use approval has been issued by Council for a garden suite for a specific 24 month period, the associated development permit issued for the garden suite shall cease to be valid 24 months from the date of its issuance.

3.8 DISCRETIONARY USE APPLICATIONS

3.8.1 Discretionary Use Application Process

- (1) The following procedures shall apply to discretionary use applications:
 - (a) Applicants must file with the Development Officer a discretionary use application along with a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application and public hearing fees.
 - (b) The application will be examined by the Development Officer for conformance with the District Official Community Plan, this Bylaw, and any other applicable policies and regulations.
 - (c) The Development Officer may request comments from other government agencies where applicable.
 - (d) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval.
 - (e) The Development Officer will set a date for the meeting at which the application will be considered by Council and notice will be given by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land. The Development Officer will prepare on-site notification posters which must be placed on the site by the Development Officer and must remain on the site until the application is considered by Council.
 - (f) In addition to the requirements set out in (e) above, 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 1.6 kilometres of the proposed discretionary use for the following:
 - (i) any new livestock facility or expansion or alteration to a livestock facility;
 - (ii) kennels;
 - (iii) wind energy conversion facilities; or

- (iv) commercial use in a residential district.
- (g) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council.
- (h) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on site.
- (i) The Development Officer shall notify the applicant of Council's decision by ordinary mail addressed to the applicant at the address shown on the application form.
- (j) Where an application for discretionary use is approved by permit of Council, the Development Officer shall issue a development subject to any specified development standards prescribed by Council pursuant to Section 3.8.4 below.
- (k) Where an application for a discretionary use is approved by resolution of Council but the proposed development does not meet the zoning regulations for the applicable zoning district, the Development Officer shall:
 - (i) advise the applicant of Council's approval of the discretionary use application; and
 - (ii) advise the applicant that the development permit application must be refused on the grounds of zoning noncompliance but the applicant has the right of appeal.
- (l) The Development Officers shall maintain a registry of the location and all the relevant details respecting the granting of the discretionary use approval.
- (2) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning districts in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - (a) site drainage of storm water;
 - (b) the location of buildings with respect to buildings on adjacent properties;
 - (c) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic;

- (d) appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways;
 - (e) control of noise, glare, dust and odour;
 - (f) landscaping, screening, fencing, and preservation of existing vegetation to buffer adjacent properties;
 - (g) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
 - (h) prescribed specific time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and
 - (i) intensity of use.
- (3) Council's approval of a discretionary use application is valid for a period of twelve (12) months from the date of approval. An approval shall be deemed to be invalid if the proposed use or proposed form of development has not commenced within that time or if the Council determines, within the twelve (12) month period, that the proposed development is not proceeding in accordance with the terms and conditions of its approval. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.
- (4) Council may direct that a discretionary use permit extension be granted for an additional twelve (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) consecutive 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) Where Council has approved a discretionary use for a limited time, as provided in this Bylaw, and that time period has expired, that use of land and/or use of buildings on that land shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.

3.8.2 General 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 District Official Community Plan and this 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.

3.8.3 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 provision 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 fixed period of time where it is considered important to monitor and reevaluate the proposal and its conformance with the objectives of this Bylaw.
- (3) Prior to issuance of a development permit for the establishment of a gravel pit or gravel crushing operation, Council may require the developer to enter into an agreement, pursuant to Section 235 of *The Act*, to define the responsibilities of the operator and operation requirements. Any of the following criteria, along with any additional criteria in accordance with an agreement set by Council and the developer, may be prescribed in such an agreement:
 - (a) Conditions respecting the operation of the pit or quarry;
 - (b) Responsibilities of the developer and/or operator concerning the reclamation of the site;

- (c) The routing of trucks to and from the site;
- (d) The planting of trees on and/or near the site, and/or in another location to the satisfaction of Council;
- (e) The erection of fencing and signs;
- (f) The maintenance of municipal roadways; and/or,
- (g) The posting by the developer of a performance bond to guarantee adherence to the above or any other requirements that Council may specify.

3.8.4 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 Section 4.13.9.
- (3) Bulk Petroleum Tanks:
 - (a) Shall be located at least 91.4 metres from residential areas, schools, hospitals, and motels.
- (4) Community Service Uses, Clubs, Places of Worship, 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.
- (5) 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; and,
 - (b) The minimum floor area of each dwelling unit shall be 28 square metres.
- (6) Livestock Auction Facilities, Meat Packing Plants, and Stockyards:
- (a) Shall be located at least 300 metres from all residential and community service districts.
- (7) Abattoirs:
- (a) Shall be located at least 300 metres from residential areas, schools, hospitals, motels and restaurants.
- (8) 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 metres in height, and not more than 5.0 metres in height, with no material piled higher than the height of the perimeter fence; and,
 - (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.

- (8) 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.
- (9) 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/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;
 - (c) 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.

(9) 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; and,

(b) All manufacturing and assembly operations in conjunction with a light manufacturing plant shall be conducted within an enclosed building.

(10) 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.

(11) 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, 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; and,

(d) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.

(12) 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.
- (13) 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/or,
 - (iv) utilization of hazardous substances.

3.9 AMENDING THE ZONING BYLAW

- 3.9.1 Any person seeking to amend this 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 this 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 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 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.

3.10.5 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 The Development Officer may grant a variance of up to 10% of any yard requirement or minimum required distances between buildings for a use that conforms to this Bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of *The Planning and Development Act, 2007*.

3.11.2 The Development Officer 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 this 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: \$100.00
 - (b) Permitted accessory use: \$100.00

- (c) Permitted ancillary use: \$100.00
- (d) Discretionary principal use: \$200.00
- (e) Discretionary accessory use: \$200.00
- (f) Discretionary ancillary use: \$200.00
- (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) Zoning and DOCP compliance check for all subdivision applications:

- (a) Single Parcel Residential, Industrial, Commercial: \$250.00
- (b) Multiple Parcel Industrial, Commercial: \$500.00

(3) Detailed review costs:

- (a) General: Where a development or subdivision proposal involves a detailed review by the Municipality, a plan or amendment to this Bylaw, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or legal and professional planning advice, Council may require the applicant 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, the Municipality’s legal and professional planning costs, municipal administration fees and municipal site inspection fees, as determined by Council.
- (c) Documentation: Such costs may be addressed and clarified in Council specified documents, including development and servicing agreements.

(4) Where a person applies to Council to amend this Bylaw, that person shall pay to the Municipality the following application fees, where applicable:

- (a) Text amendments: \$200
- (b) Map amendments:
 - Class 1 Districts: A
 - Class 2 Districts: C, M
 - Class 3 Districts: CR1, CR2

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$200	\$400	\$500
	Class 2	\$200	\$400	\$500
	Class 3	\$200	\$400	\$500

Where an application to amend this 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 District 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 ZONING COMPLIANCE AND PENALTIES

3.14.1 Pursuant to Section 242(4) of *The Act*, the Development Officer may issue a zoning compliance order for development that contravenes this Bylaw to achieve bylaw compliance.

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*.

4 GENERAL REGULATIONS

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

4.1 FRONTAGE ON THE ROAD

4.1.1 A development permit shall not be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on a graded all-weather registered road, or unless satisfactory arrangements have been made with Council for the improvement or building of a road where required. A landowner shall be solely responsible for constructing lanes or access on private property.

4.2 DEVELOPMENT ON HAZARD LANDS

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, 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) any land as identified as potentially hazardous on Map 4 – Development Constraints of the Garden River – Meath Park District Official Community Plan.

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 1:500 year flood elevation as identified in *The Statements of Provincial Interest Regulation, 2012*, 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; and/or
- (3) the required mitigation measures for construction on areas of high-water tables, on 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 may 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.
- 4.2.4 the potential for flooding up to the 1:500 year flood elevation as identified in *The Statements of Provincial Interest Regulations, 2012*, the development of new buildings and additions to buildings in the flood way in the 1:500 year fold elevation of any water course or water body shall be prohibited.
- 4.2.5 Council may require a Phase I environmental assessment and, if warranted, a Phase II environmental assessment where it receives a development permit application for any site with potential soil contamination. The Phase II environmental assessment will determine the need for a remedial plan to identify necessary work to address soil contamination issues. Alternately, the Phase II environmental assessment may conclude that site conditions are causing adverse effects which substantiate notification to the appropriate regulatory authority. A final decision respecting the development permit application will be held in abeyance until soil contamination concerns are resolved.

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, except as provided in Section 3.3, from the Development Officer.

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 Water Security Agency of Saskatchewan (WSA).

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 WSA.

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 PERMITTED ON A 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) shopping centres;
- (5) dwelling groups;
- (6) manufactured homes in manufactured home courts;
- (7) recreation facilities;
- (8) schools;
- (9) hospitals;
- (10) municipal facilities;
- (11) communal dwellings; and
- (12) communal farm settlements.

4.8 NONCONFORMING BUILDINGS, SITES AND USES

4.8.1 The adoption or amendment of this Bylaw does not affect nonconforming 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 nonconforming buildings and uses.

4.8.3 Nonconforming buildings or sites may continue to be used, maintained and repaired in their present form.

4.9 MOBILE HOMES AND MODULAR HOMES

4.9.1 Wherever a single detached dwelling is allowed it may be in the form of a mobile home, or a modular home subject to Sections 4.9.2 and 4.9.3.

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.

4.10 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 by the requirements of "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*" and amendments thereto, as well as Sections 4.10.2 through 4.10.10.

4.10.2 Signs Not Requiring a Sign Permit

- (1) Government signs, memorial signs, signs identifying residential or farm occupants or addresses and directional signs that bear no advertising, including traffic control, no trespassing, hunting restriction, and similar signs, are permitted and do not require a permit.
- (2) Temporary signs and real estate signs are permitted only as long as the temporary condition exists for the property.
- (3) A fascia sign which is attached to a building other than a dwelling that indicates the name or address of the building, the name of the person or institution occupying the building and the activities carried out in the building, including hours of operation and rates charged is permitted, provided that the sign face area does not exceed 1.5 m².
- (4) A fascia sign attached to a dwelling identifying the name of a home-based business or farm-based business for which a permit has been issued is permitted, provided that the sign face area does not exceed 0.4 m².
- (5) Murals or works of art which contain no advertising are permitted.

4.10.3 Application for Sign Permits

- (1) Applications for sign permits must be made in writing to the Development Officer by the owner, lessee or authorized agent of the building or premises on which the sign is to be erected. The written application shall be accompanied by plans, specifications, construction details and other information sufficient to inform the Development Officer of the exact nature and location of the intended sign.
- (2) Prior to issuing a sign permit for a free standing, projecting or roof sign, the Development Officer may require that the supplementary documentation described in (1) above, contain the professional stamp of a certified professional engineer qualified to certify that the sign design satisfies all relevant legislation, codes, this Bylaw, and any other applicable bylaws.

4.10.4 Permit and Licence Fees

- (1) Permanent Signs:
 - (a) \$30.00 for the first \$5,000 of sign construction value; and,
 - (b) \$5.00 for every \$1,000 of sign construction value in excess of \$5,000.
- (2) Portable Signs:
 - (a) A licence fee of \$25.00 valid for twelve months following the issuance of the permit.

4.10.5 General Sign Regulations

- (1) Signs shall not be located in sight triangles for intersections or driveways or in such a manner that they visually obstruct sight triangles or otherwise jeopardize public safety.
- (2) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains.
- (3) Any sign 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.
- (4) All private signs shall be located so that no part of the sign is over a public right of way.
- (5) Any permitted external lighting used to illuminate a sign shall be directed away from vehicular thoroughfares and pedestrian pathways.
- (6) Signs shall not be erected, attached or maintained upon trees or utility poles, or drawn or painted on rocks or other natural features.
- (7) Third-party advertising signs, including signs affixed to or painted on a vehicle or trailer, shall be prohibited in all zoning districts, except signs in the highway sign corridor which comply with the rest of Section 4.10.

4.10.6 Licensing of Portable Signs

- (1) Portable signs intended for rental or lease at more than one site during a 12 month period, or located at more than one site during a 12 month period must be licensed.
- (2) The annual licence shall be in the form of a licence sticker which must be affixed anywhere on the top third of the sign on the end or face closest to the street.

- (3) A licence sticker is not transferable from one portable sign to another.

4.10.7 Denying or Revoking Sign Permits

- (1) The Development Officer may deny or revoke a sign permit for any of the following reasons:
 - (a) erection of the sign has not commenced within three months from the date of issue of the permit;
 - (b) the sign does not conform to all relevant provisions of this Bylaw;
 - (c) the sign being constructed or erected does not conform to the approved drawings; and/or,
 - (d) the sign is not in a proper state of repair.

4.10.8 Portable Sign Regulations

- (1) No portable sign shall have a single face area greater than 6.0 m².
- (2) No portable sign shall have a height greater than 3.0 metres above grade.
- (3) No portable sign shall occupy any space required for off-street parking unless the site contains off-street parking in excess of that required under this Bylaw.
- (4) On any single site, no portable sign may be located closer than 20.0 metres from any other portable sign.

4.11 PUBLIC WORKS, PIPELINES AND FACILITIES OF THE MUNICIPALITY

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.

5 SPECIAL STANDARDS AND REGULATIONS

5.1 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) The use shall not involve the display or storage of goods or equipment upon or inside the premises such that these items are exposed to public view from the exterior.
 - (g) The use shall not generate substantially more vehicular and/or pedestrian traffic or vehicular parking than normal within the district, nor produce offensive noise, vibration, electrical interference, smoke, dust, odours, heat, or glare.
 - (h) The use shall not cause an increase in the demand placed on one or more utilities (water, sewer, electricity, telephone, garbage, etc) such that the combined total consumption for a dwelling and its home occupation substantially exceeds the average for residences in the area.

- (i) No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home occupation is located.

5.2 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 campsites 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, unless the site is restricted to tents only, in which case the minimum area shall be 60 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 recreational vehicle shall be stored on any campsite when the campground is not open.

- (11) The operator may designate an area for the harbouring of mobile homes on a year-to-year lease. The minimum dimensions of each site within the area shall provide a site of not less than 400 square metres for each mobile home.
- (12) *The Public Health Act*, and Regulations passed thereunder, shall be complied with in respect of all operations and development of campgrounds.

5.3 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 8 metres in width, which shall contain no buildings or structures; and,
 - (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.

5.4 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.

5.5 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.
 - (f) A maximum of five cabins shall be permitted as part of a vacation farm.

5.6 CUSTODIAL CARE FACILITIES AND RESIDENTIAL CARE FACILITIES

- (1) Custodial care facilities and residential care facilities 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 that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.8.

5.7 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.

5.8 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.

5.9 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 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.
- (4) Notwithstanding (3) above, above ground fuel storage tanks associated with a gas bar or service station shall be located :
 - (a) at least 6 metres from any property line or building; and
 - (b) 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.

5.10 ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) Accessory uses and buildings shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.
- (2) 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.

- (3) Garden suites shall require discretionary use approval every twenty four (24) months.
- (4) Height of Accessory Buildings:
 - (a) *Country Residential Districts:*

Detached accessory buildings in any country residential development district shall not exceed a height of 10 metres.
 - (b) *Agricultural, Commercial and Industrial Districts:*

Detached accessory buildings in any agricultural district, commercial district or industrial district – no height restrictions.
- (5) Area of Accessory Buildings:
 - (a) *Country Residential Districts:*

On any site in any country residential district, the combined building floor area of all accessory buildings shall not exceed 150 square metres.
 - (b) *Agricultural, Commercial and Industrial Districts:*

Detached accessory buildings in any agricultural district, commercial district or industrial district – no area restrictions.
- (6) Location of Accessory Buildings:
 - (a) *Country Residential Districts:*

Detached accessory buildings in any country residential district are subject to the following regulations:

 - (i) *Front Yard:* minimum - 15 metres;
 - (ii) *Rear Yard:* minimum - 5 metres; and
 - (iii) *Side Yard:* minimum - 5 metres.
 - (b) *Agricultural, Commercial and Industrial Districts:*

Detached accessory buildings in any agricultural or commercial district are subject to the following regulations:

 - (i) *Front Yard:* minimum - same as principal use

- (ii) *Rear Yard:* 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) *Side Yard:* 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.

(7) Accessory dwelling units shall only be permitted to accommodate:

- (a) A farm dwelling as 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 4.2.2.2 (b) of the District Official Community Plan.
- (b) A business dwelling as 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; and
 - (iii) An emergency exit must be provided in addition to the main entrance.

(8) Swimming Pools:

Private swimming pools, both above ground and in-ground, both open and covered, shall be permitted in any zone where residential uses are 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 about 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; and,

- (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.

5.11 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 an agricultural operation for which a permit has been issued 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.

5.12 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.

5.13 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.

5.14 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.

5.15 TRANSLOADING FACILITIES

Transloading facilities shall be subject to the following requirements:

- (1) In addition to any other information required by Council, the applicant shall submit, as part of their development permit application, information regarding any hazardous material to be kept or stored on site, an emergency management plan, a screening and landscape plan, site grading and drainage plans, and proposed truck routes and road maintenance measures. The applicant may be required to enter into a road maintenance agreement.
- (2) Transloading facilities for oil and gas resources shall not be located within 90 metres of a residence or on hazard lands.
- (3) The applicant shall suitably screen and landscape the facility from neighbouring properties to the satisfaction of Council.
- (4) Council may require the developer to undertake specific safeguards to address safety issues related to material kept on the site and nuisance issues related to dust, noise, odour, smoke, or similar conditions.
- (5) Transloading facilities shall be developed and shall operate in compliance with all relevant federal and provincial requirements.

5.16 TRUCK STOPS

- (1) Truck stops shall not be constructed within 300 metres of a school, education facility, playground, library or place of worship.
- (2) The minimum width of a driveway in a truck stop shall be 9.2 metres.
- (3) No more than two access driveways shall connect a truck stop to any street.

- (4) Gas bars on the site of a truck stop shall comply with Sections 4.13.8 and 4.13.8.
- (5) Above ground fuel storage tanks shall comply with Section 4.13.9.

5.17 JUNK AND SALVAGE YARDS AND AUTO WRECKERS

- (1) Junk and salvage yards and auto wreckers shall be enclosed by an opaque or solid perimeter fence at least 2.0 metres in height, and not more than five metres in height, with no material piled higher than the height of the perimeter fence; and,
- (2) 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.

5.18 COMMUNAL FARM SETTLEMENTS

- (1) Access to individual dwellings and other uses and buildings shall be from a road internal to the communal farm settlement site.
- (1) No dwelling shall be closer than 6.0 m to any other dwelling.
- (3) All buildings on a communal farm settlement site shall maintain the required setbacks contained in Table 8-1 of this bylaw.

5.19 WIND ENERGY FACILITIES (ONE TURBINE)

- (1) Wind energy facilities shall be accommodated as a discretionary use in each zoning district in this Bylaw, either as an accessory use to an established principal use on a site or as the principal use of a site.
 - (a) Wind turbines are limited to a maximum height of 50 metres.
 - (b) Wind turbines are limited to a maximum name plate capacity of 100kW.
 - (c) The setback of a wind turbine to any public road right of way and railway rights of way that existed on the day the proponent submitted an application to the Municipality to construct, install, or expand the wind energy conversion facility shall be greater than or equal to the height of the turbine as herein defined.
 - (d) The setback of a wind turbine to any property boundary of a Non-Participating Noise Receptor that existed on the day the proponent submitted an application to the Municipality to construct, install or expand the wind energy conversion facility, shall be greater than or equal to the height of the wind turbine.

- (e) Council may approve a lesser separation where the applicant submits a copy of the agreement between the developer of a wind turbine and the Non-Participating Noise Receptor, agreeing to a lesser separation. Such agreements must contain the provision that the parties to the agreement will register an interest on the titles of the affected land. Where such agreements are made, Council shall be a party to the agreement and may use Section 235 of *The Act* to register an interest to the title(s) of the affected lands.
- (2) Council will evaluate Discretionary Use application for single Wind Turbines with the following criteria:

Wind turbines shall be located in a manner in which they are separated from the nearest non-participating noise receptor in the following way:

- (a) Wind turbines with a rotor diameter between 0.1 m and 5.0 m: 100 metre separation distance;
- (b) Wind turbines with a rotor diameter between 5.01 m and 12.5 m: 250 metre separation distance; and
- (c) Wind turbines with a rotor diameter greater than 12.5 m: 350 metre separation distance.

5.20 WIND FARMS (TWO OR MORE TURBINES)

- (1) Wind Farms shall be accommodated as a discretionary use in the AR – Agricultural Residential District, either as an accessory use to an established principal use on a site or as the principal use of a site. The following standards apply to Wind Farms:
- (a) Wind Turbines are limited to a maximum height of 50 meters.
 - (b) Wind Turbines are limited to a maximum name plate capacity of 100kW.
 - (c) The setback of a wind turbine to any public road right of way and railway rights of way that existed on the day the proponent submitted an application to the Municipality to construct, install, or expand the wind energy conversion facility shall be greater than or equal to the height of the turbine as herein defined.
 - (d) The setback of a wind turbine to any property boundary of a Non-Participating Noise Receptor that existed on the day the proponent submitted an application to the Municipality to construct, install or expand

the wind energy conversion facility, shall be greater than or equal to the height of the wind turbine.

- (e) Council may approve a lesser separation where the applicant submits a copy of the agreement between the developer of a wind turbine and the Non-Participating Noise Receptor, agreeing to a lesser separation. Such agreements must contain the provision that the parties to the agreement will register an interest on the titles of the affected land. Where such agreements are made, Council shall be a party to the agreement and may use Section 235 of *The Act* to register an interest to the title(s) of the affected lands.

- (2) Council will evaluate Discretionary Use application for Wind Farms with the following criteria:

In addition to the criteria outlined in Section 4.14.17(2), Wind Farms shall be separated from the nearest non-participating noise receptor by a distance of 550 metres.

5.21 GEOTHERMAL ENERGY SYSTEMS

- (1) All plumbing, reservoirs and pumps and other requirements associated with Geothermal Energy Systems shall require plumbing, electrical and building permits, as required, and shall meet all applicable requirements of *The National Building Code of Canada*.
- (2) Plans for Geothermal Energy Systems shall be stamped by a qualified professional engineer or have the system and installation certified by an accredited member of the Canadian GeoExchange Coalition.
- (3) Geothermal Energy Systems shall comply with CSA Standard C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Town, provided documented proof is provided that shows that the exception meets or exceeds CSA Standard C448.
- (4) All Geothermal Energy Systems shall be a closed loop system. Open loop systems shall not be permitted.
- (5) Heat transfer fluids used within a Geothermal Energy System shall be the most environmentally friendly type available at the time of installation, such as propylene glycol. In no case may an ethylene glycol-based fluid be used, nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.
- (6) Brand names or advertising associated with a Geothermal Energy System or the system's installation shall not be visible from any public area or roadway.

- (7) Upon abandonment or termination of any Geothermal Energy System, the facility and components associated with the use of the system, above grade and 0.6 m below grade, shall be removed and the site restored at the owner's expense.
- (8) Only vertical Geothermal Energy Systems will be permitted.
- (9) All components of the Geothermal Energy System must be a minimum of 0.6 metres away from any property line.

5.22 SOLAR ENERGY SYSTEMS

- (1) The installation and operation of solar energy systems, and their supporting structures, shall be permitted in all zoning districts subject to the following:
 - (a) In all districts except the **AR – Agricultural Residential District**, Solar energy systems shall not be located any required front or side yard. In the case of a corner site, solar energy systems shall not be placed in any portion of the rear yard which is within 3.0 metres of the side property line adjacent to a flanking street.
 - (b) All freestanding solar structures shall be placed a minimum of 1.2x the total height of the structure away from any site line, and in no case shall the total height of the system exceed the height of the principal building.
 - (c) In any district, if attached to a building, the solar energy system shall not exceed the maximum permitted height of the building the system is attached to.
- (2) A development permit is required for:
 - (a) Any free-standing solar energy system.
 - (b) Any Solar energy system being attached to an existing roof or wall structure.

5.23 SOLAR FARMS

- (1) In addition to any other information required by Council, the applicant shall submit, as part of their development permit application, information regarding site grading along with a drainage plan for the site.
- (2) Council may require that it be demonstrated how any adverse effects on neighbouring properties will be mitigated including ensuring that sight lines are maintained.

5.24 EXOTIC SPECIES OPERATIONS

- (1) Applications for operations containing exotic species, including expansions or alterations of the operation shall set out in detail, in a containment plan, the techniques and methods to be used to keep the animals contained.

5.25 OIL AND GAS EXPLORATION AND DEVELOPMENT

- (1) Exploration and development of oil and gas shall be subject to all federal and provincial requirements, and such activity must comply with the objectives and policies outlined in the RM of Bratt's Lake's Official Community Plan.
- (2) Oil and gas exploration, extraction and development within the RM shall occur in accordance with *The Oil and Gas Conservation Regulations, 2012*.
- (3) Multiple parcel country residential subdivisions, single parcel country residences and residential sites located in proximity to oil wells may be subject to separation requirements from an oil well, as per *The Subdivision Regulations*.
- (4) Multiple parcel country residential developments, single parcel country residences and residential sites located in proximity to sour gas wells with H₂S concentrations over 100 ppm may be subject to separation requirements based on guidelines as recommended by the Ministry of Government Relations.
- (5) In addition to any other information required by Council, the applicant shall submit, as part of their development permit application, information regarding any hazardous material to be kept or stored on site, an emergency management plan, a screening and landscape plan, site grading and drainage plans, and information regarding proposed truck routes and road maintenance measures. The applicant may be required to enter into a road maintenance agreement.
- (6) Council may require the applicant to suitably screen and landscape the facility from neighbouring properties to the satisfaction of Council.
- (7) Council may require the applicant to undertake specific safeguards to address safety issues related to material kept on the site and nuisance issues related to dust, noise, odour, smoke, or similar conditions.
- (8) The Municipality may apply special standards as outlined in *The Municipalities Act, 2005*, to protect the municipal interest when transportation, utility and pipeline facilities cross municipal roads, or when seismic activity is proposed on roads or road allowances.
- (10) Upon approval by the Municipality, the owner of a pipeline shall provide the Municipality at least 48 hours notice of the owner's intention to commence work. Written request must be made to the Rural Municipality before construction

begins and the owner shall obtain the required Municipal standards for construction approaches and for pipelines (flowlines) crossing road allowances.

(e) Council may require that oil and gas well sites be fenced with a gate.

5.26 CANNABIS PRODUCTION FACILITIES

- (1) The location of the use will only be favorably 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:
 - (a) municipal servicing capacity;
 - (b) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
 - (c) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and / or
 - (d) utilization of hazardous substances.
- (2) All materials and goods used in production shall be stored within an enclosed building, or within an area hidden from view by screening;
 - (a) No outside storage is permitted.
 - (b) All production shall be conducted within an enclosed building.

5.27 SETBACK FROM CENTRE LINE OF ROADS

5.27.1 The minimum setback of buildings, including dwellings, signs, trees, fences, stone placement, earth or gravel piles, portable structures, dugouts, and machinery or other similar objects 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) and within the intersection of the centre line, 90 metres (295 feet) shall be required. On provincial highways the minimum setbacks shall be regulated by the Ministry of Highways and Infrastructure. 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.

5.27.2 In all cases, Council may consider a lesser setback of no less than 15 metres (50 feet) from the centerline where the road is interrupted by a natural feature prohibiting its development, where the road is not a through road, and/or where the road serves local traffic only, which shall be adequately posted with signage.

5.27.3 Notwithstanding section 4.14.1, in any **A** – Agricultural District, wire agricultural fencing may be placed along any site line abutting a municipal road allowance, grid road, main farm access road or provincial highway.

5.27.4 Excluding buildings, where a person wishes to plant or place an object as listed in Section 4.14.1, that does not meet the requirements, an application to Council is required, and Council may through a resolution, reduce the setback requirement providing the proposal does not create a traffic safety hazard in the sight triangle, as herein defined.

5.28 OUTSIDE STORAGE AND WASTE MATERIAL STORAGE

5.28.1 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. Where adjacent to a public road, storage areas shall provide a landscaped strip of at least 2.0 metres in horizontal depth between the required fence and the required right of way.
- (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.

5.29 PERMITTED YARD ENCROACHMENTS

5.29.1 The following are not considered encroachments and shall be considered part of the principal or accessory building and all applicable regulations will apply to its 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.

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

- (1) stairs 1.6 metres or less above grade level, as measured at the highest point of the stairs, 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, pilasters 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.

5.30 GARDEN AND GARAGE SUITES

- (1) Garden and garage suites shall be accommodated as a discretionary use in districts that list section 5.32 under 'Accessory Buildings and Uses'.
- (2) No more than one garden or garage suite accessory to a single detached dwelling shall be allowed per site. No garden or garage suite shall be permitted on a site which contains a secondary suite.
- (3) The maximum floor area of a garden or garage suite shall be 50 m² and the minimum floor area shall be 30 m².
- (4) Garden and garage suites shall have a full bathroom, kitchen, and a maximum of two bedrooms.
- (5) No more than four persons are allowed to occupy any garden or garage suite.
- (6) All habitable areas of a garden or garage suite shall be above grade.
- (7) Condominium plans to provide a separate title for a garden or garage suite shall not be approved.
- (8) The maximum building height of a garden suite shall be 4.3 m and shall not exceed one storey in height. The maximum height of a garage suite shall be 5.0 m or the height of principal dwelling, whichever is less.
- (9) Garden and garage suites shall be located in the rear yard and shall be setback a minimum of 4.0 metres from the principal dwelling.
- (10) The minimum side yard setback for a garden or garage suite shall be the same as the side yard requirements of the principal building, including corner lots.
- (11) The minimum rear yard setback for a garden or garage suite shall be 2.0 m. The minimum rear yard setback may be reduced to 1.2 m on sites with a rear lane.
- (12) No portion of a garage or garden suite may be located on, under or over a registered easement.
- (13) The cumulative floor area of a garden or garage suite and all accessory buildings located in a rear yard shall not occupy more than 50% of the rear yard.
- (14) Windows and doors in garden or garage suites shall be of a size and in locations which will not result in the loss of privacy for residents of adjacent sites.
- (15) Mechanical units such as air conditioners and vents shall be located so as not to constitute a

nuisance to adjacent properties.

- (16) One parking space shall be provided for each dwelling unit on the site. On sites with a rear or side lane, the parking space for the garden or garage suite shall be accessed from said lane.
- (17) The site plan submitted for a garden or garage suite must include details regarding utility service connections. The site plan must be approved by the RM and by all utility agencies which provide services to the site.
- (18) Sites containing garden or garage suites shall be adequately drained. A site drainage plan shall be submitted to the RM.
- (19) A building permit is required for garden or garage suites which shall comply with all relevant building, plumbing and development codes.
- (20) Wherever possible, there should be only one water service from the street to the principal dwelling and the garden or garage suite.

5.31 PROHIBITION OF SPECIES BREEDING

5.31.1 The breeding of rats and other rodents, and crickets and other insects is prohibited in all zoning districts in the Municipality.

5.32 PROHIBITION OF WILD BOAR OPERATIONS

5.32.1 Wild boar livestock operations are prohibited in all zoning districts in the Municipality.

6 ZONING DISTRICTS

6.1 CLASSIFICATION OF ZONING DISTRICTS

6.1.1 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**”. Such districts may be referred to by the appropriate symbols.

Districts	Symbols
Agricultural Residential	AR
Commercial	C
Low Density Country Residential	CR
Industrial	M
Forest	F

6.2 ZONING DISTRICT MAPS

6.2.1 The map, bearing the statement “This is the Zoning District Map which accompanies Bylaw No. _____ adopted by the Rural Municipality of Garden River No. 490” and signed by the Reeve and the Administrator under the seal of the Municipality shall be known as the “**Zoning District Map**” and such map is hereby declared to be an integral part of this Bylaw.

6.3 BOUNDARIES

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

6.3.2 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.

6.3.3 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.

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

6.4 REGULATIONS

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

6.5 TRANSITIONAL ZONING PROVISIONS

6.5.1 Existing Buildings

6.5.2 Buildings lawfully existing at the time of the approval of this bylaw shall be limited in terms of site width and setback requirements, to the regulation of the zoning district in which they are located, or to their current dimensions, whichever is the least restrictive.

6.6 PROPERTIES WITH MORE THAN ONE ZONING DISTRICT

6.6.1 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 district.

7 DISTRICT SCHEDULES

7.1 AR – AGRICULTURAL RESIDENTIAL DISTRICT

7.1.1 Intent

The objective of the **AR** – Agricultural Residential 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 and other uses compatible with agricultural development.

7.1.2 Permitted and Discretionary Uses and Development Standards

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

7.1.3 Prohibited Uses

Uses prohibited in the **AR** District are as follows:

- (1) The breeding of rats and other rodents, and crickets and other insects.
- (2) Wild boar livestock operations.

7.1.4 Accessory Buildings

7.1.5 Accessory buildings and uses shall be permitted subject to Section 5.10

	Accessory Building and Uses Including	Subject to Section	Designation
(1)	Accessory Buildings and Structures	5.10	Permitted
(2)	Bed and Breakfast Homes and Vacation Farms	5.5	Discretionary
(3)	Custodial Care Facilities and Residential Care Homes	5.6	Discretionary
(4)	Home-Based Businesses and Farm based Businesses	5.1	Discretionary
(5)	Wind Energy Facilities	5.19	Discretionary
(6)	Garden and Garage Suites	5.30	Discretionary

7.1.6 Regulations

7.1.7 Site Requirements

- (1) Minimum and maximum site size, site width, and yard requirements are shown in Table 7-1.

- (2) In addition to the requirements set out in Table 7-1 herein, Table 6-1 of the District Official Community Plan details required separation distances between uses.
- (3) A maximum of four (4) single parcel residential subdivisions per quarter section shall be permitted within the **AR** District Subject to Section 4.3.2.3 of the District Official Community Plan.

7.1.8 Standards for Discretionary Uses

Council will consider discretionary use applications in the **AR** District with regard to Section 3.8.2 General Discretionary use Evaluation Criteria and Section 3.8.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows:

7.1.9 Intensive agricultural operations including, but not limited to, intensive livestock operations subject to Section 4.2.2.4 of the District Official Community Plan.

7.1.10 Discretionary Commercial Uses

- (1) Where ancillary to a farm operation, or single detached dwelling, Council may prescribe specific development standards in the issuing of a development permit limiting the size of operation, buildings used for the 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 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.

7.1.11 Exceptions to Development Standards

Exceptions to development standards in the **AR** District are as follows:

7.1.12 Outside Storage

Outside storage, including garbage storage, is subject to Section 5.28.

7.1.13 Temporary Accommodation

A mobile home or trailer coach may be permitted for a period of up to one year on an existing farm dwelling or residential site, while a permanent dwelling unit is being erected on the same site.

Table 7-1: AR – AGRICULTURAL RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490									
<u>Use</u>	Development Standards								
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	
Agricultural Uses									
(1)	Farm operations	P	--	32.4 ⁽²⁾	no max	30	15	10 ⁽⁵⁾	10
(2)	Manure disposal for a Livestock Facility	P	--	0.8	no max	30	15	10 ⁽⁵⁾	10
(3)	Agriculturally related commercial and industrial uses subject to Section 3.5.2.3 in the District Official Community Plan	D	--	0.4	no max	30	15	10 ⁽⁵⁾	10 ⁽⁶⁾
(4)	Intensive Livestock Operations subject to Section 4.2.2.4 in the District Official Community Plan	D	3.5.2 (2)	0.8	4.04	30	15	10 ⁽⁵⁾	10
(5)	Intensive agricultural operations subject to Section 4.2.2.4 in the District Official Community Plan	D	3.5.2 (3) 3.8.4 (14)	0.8	no max	30	15	10 ⁽⁵⁾	10
Resource Based Uses									
(1)	Mineral exploration and extraction, excluding gravel pits	P	--	no min	no max	no min	15	10 ⁽⁵⁾	10 ⁽⁶⁾
(2)	Oil and Gas exploration and development	P	5.25						
(3)	Petroleum pipelines, oil & gas wells, and related facilities	P	--	no min	no max	no min	15	10 ⁽⁵⁾	10 ⁽⁶⁾
Residential Uses									
(1)	Farm Dwellings subject to 4.2.2.2 in the District Official Community Plan	P	--	32.4 ⁽²⁾	no max	30	15	10 ⁽⁵⁾	10
(2)	Single detached dwellings (as a principal use) subject to Section 4.3.2.3 in the District Official Community Plan	D	--	0.5	1.5 ⁽³⁾	30	15	10 ⁽⁵⁾	10
Commercial Uses									
(1)	Agriculture servicing and contracting establishments	D		0.4	no max	30	15	10 ⁽⁵⁾	10 ⁽⁶⁾
(2)	Campgrounds	D	3.5.2 (1) 3.8.4 (12)	0.8	⁽⁴⁾	30	15	10 ⁽⁵⁾	10
(3)	Custodial care facilities	D	5.6	2.03 ⁽⁷⁾	4.04 ⁽⁸⁾	30	15	10 ⁽⁵⁾	10
(4)	Dairy processing	P	--	0.4	10	30	15	10 ⁽⁵⁾	10
(5)	Distilleries, wineries and breweries	D	--	0.4	10	30	15	10 ⁽⁵⁾	10
(6)	Farm stands	P	--	no min	no max	no min	no min	no min	no min
(7)	Farmers' markets	D	0.8	4.04	no max	no min	no min	no min	no min
(8)	Golf courses	D	3.8.4 (13)	0.8	--	30	15	10 ⁽⁵⁾	10

Table 7-1: AR – AGRICULTURAL RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490									
Use		Development Standards							
		Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)
(9)	Grain elevators	P	--	0.8	--	30	15	10 ⁽⁵⁾	10 ⁽⁶⁾⁽⁷⁾
(10)	Gravel pits and gravel crushing operations subject to Table 6-1 of the District Official Community Plan	D	3.5.2 (9)	--	--	30	15	10 ⁽⁵⁾	10 ⁽⁶⁾
(11)	Green houses	D	--	0.8	4.04			10 ⁽⁵⁾	
(12)	Kennels	D	5.13	0.8	2.02	30	15	10 ⁽⁵⁾	10
(13)	Machine shops and metal fabricators	D	3.8.4 (9)	0.8	2.02	30	15	10 ⁽⁵⁾	10 ⁽⁶⁾
(14)	Outfitter base camps	D	3.5.2 (1)	0.8	2.02	30	15	10 ⁽⁵⁾	10
(15)	Personal care homes	D	--	2.03 ⁽⁷⁾	4.04 ⁽⁸⁾	30	15	10 ⁽⁵⁾	10
(16)	Residential care facilities	D	5.6	2.03 ⁽⁷⁾	4.04 ⁽⁸⁾	30	15	10 ⁽⁵⁾	10
(17)	Tourism base camps	D	3.5.2 (1)	0.8	--	30	15	10 ⁽⁵⁾	10
(18)	Tourist camps	D	3.5.2 (1)	0.8	--	30	15	10 ⁽⁵⁾	10
(19)	Veterinary clinics and hospital, including large animal boarding	D	--	0.8	2.02	30	15	10 ⁽⁵⁾	10
Municipal, Recreational, Institutional and Other Uses									
(1)	Airports and airstrips	D	--	(1)	--	--	15 ⁽⁶⁾	10 ⁽⁵⁾	10
(2)	Cemeteries	D	--	--	--	--	--	--	--
(3)	Community gardens	P	--	--	--	--	--	--	--
(4)	Community halls	P	--	--	--	--	15	10 ⁽⁵⁾	10
(5)	Detention centres and correctional institutions	D	--	0.8	6.06	30	15	10 ⁽⁵⁾	10
(6)	Historical and archeological sites	P	--	--	--	--	--	--	--
(7)	Municipal facilities	P	--	--	--	--	--	--	--
(8)	Parks and playgrounds	P	--	--	--	--	--	--	3
(9)	Places of worship	D	3.8.4 (3)	0.8	6.06	30	15 ⁽⁵⁾	10 ⁽⁵⁾	10
(10)	Public works, excluding solid and liquid waste disposal sites	P	--	--	--	--	--	--	3
(11)	Recreation facilities	D	3.8.4 (3)	(1)	(4)	--	15 ⁽⁵⁾	10 ⁽⁵⁾	10
(12)	Schools and educational facilities	D	3.8.4 (3)	(1)	(4)	--	15 ⁽⁵⁾	10 ⁽⁵⁾	10

Table 7-1: AR – AGRICULTURAL RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490									
Use		Development Standards							
		Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)
(13)	Solid and liquid waste disposal facilities including soil farms for the rehabilitation of contaminated soils subject to Section 3.3.2.2 of the District Official Community Plan	D	3.5.2 (5)	0.8	6.06	30	15 ⁽⁵⁾	10 ⁽⁵⁾	10
(14)	Solid waste disposal sites, sewage lagoons, pesticide container collection sites, and associated facilities	D	3.5.2 (5)	0.8	6.06	30	15 ⁽⁵⁾	10 ⁽⁵⁾	10
(15)	Telecommunications facilities	P	--	--	--	--	--	--	--
(16)	Wildlife and ecological conservation areas	P	--	--	--	--	--	--	--
(17)	Wind energy facilities, including wind farms	D	3.5.2 (7), 3.5.2(8), 5.19, 5.20	Development Standards as laid out in Section 5.19 and 5.20					

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 and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 7-1 and the A District:

- (1) Private facilities: 1.0 hectares. Publicly-owned facilities: no minimum.
- (2) or a lesser amount as identified in Section 4.3.2.3 of the District Official Community Plan
- (3) or a greater site size as identified in Section 4.3.2.3 of the District Official Community Plan
- (4) Private facilities: 6.06 hectares. Publicly-owned facilities: no maximum.
- (5) council may require a more stringent standard, as part of the discretionary use process, should safety, noise, pollution and/or other concerns require
- (6) where rear yard abuts a railway or a railway reserve no rear yard is required
- (7) unless developed ancillary to a farm operation, in which case 64 hectares, and subject to ⁽²⁾ above
- (8) no maximum shall apply if developed ancillary to a Farm Operation

7.2 C - COMMERCIAL DISTRICT

7.2.1 Intent

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

7.2.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-2.

7.2.3 Prohibited Uses

Uses prohibited in the C District are as follows:

- (1) The breeding of rats and other rodents, and crickets and other insects.
- (2) Wild boar livestock operations.
- (3) The keeping, handling, sale or transshipment of cattle, horses, pigs, goats, llamas, alpacas, poultry, sheep or other livestock is prohibited within this district.

7.2.4 Accessory Buildings

Accessory Building and Uses Including	Subject to Section	Designation
(1) Accessory Buildings and Structures	5.10	Permitted

7.2.5 Regulations

7.2.6 Site Requirements

The minimum and maximum site size and yard requirements are shown in Table 7-2.

7.2.7 Standards for Discretionary Uses

Council will consider discretionary use applications in the C District with regard to Section 3.8.2 General Discretionary Use Evaluation Criteria and Section 3.8.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows:

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

7.2.8 Outside Storage

Outside storage, including garbage storage, is subject to Section 5.28.

Table 7-2: C - COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490									
<u>Use</u>	Development Standards								
	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 Bldg Height (m)	
Residential Uses									
(1)	Business dwellings	D	5.10	1115	30	7.5	3	3	15
Commercial Uses									
(1)	Automotive sales and repair	P	--	1115	30	7.5	3	3	15
(2)	Bakeries	P	--	1115	30	7.5	3	3	15
(3)	Bus terminals	D	3.8.4 (1)	1115	30	7.5	3	3	15
(4)	Car and truck washes	P	--	1115	30	7.5	3	3	15
(5)	Commercial recreational uses	D	3.8.4 (3)	1115	30	7.5	3	3	15
(6)	Commercial service establishments	D	--	1115	30	7.5	3	3	15
(7)	Convenience stores and confectionaries	P	--	1115	30	7.5	3	3	15
(8)	Dairy processing	P	--	1115	30	7.5	3	3	15
(9)	Daycare Centres	D	--	1115	30	7.5	3	3	15
(10)	Distilleries, wineries and breweries	P	--	1115	30	7.5	3	3	15
(11)	Farm stands	P	--	no min	no min	no min	no min	no min	15
(12)	Farmers' markets	P	--	1115	30	7.5	3	3	15
(13)	Financial institutions	P	--	1115	30	7.5	3	3	15
(14)	Gas bars	D	--	1115	30	7.5	3	3	15
(15)	Hotels	P	--	1337	30	15	3	3	15
(16)	Lumber yard, home improvement centres and building supply establishments	D	3.8.4 (8)	1115	30	7.5	3	3	15
(17)	Medical and dental offices	D	--	1115	30	7.5	3	3	15
(18)	Motels	P	--	1337	30	15	3	3	15
(19)	Nurseries, greenhouses and garden centres	P	--	1115	30	7.5	3	3	15
(20)	Offices and office buildings	P	--	1115	30	7.5	3	3	15
(21)	Parking lots	D	--	1115	30	7.5	3	3	15
(22)	Personal service establishments	D	--	1115	30	7.5	3	3	15
(23)	Repair shops and repair services	P	--	1115	30	7.5	3	3	15
(24)	Restaurants	P	--	1115	30	7.5	3	3	15

Table 7-2: C - COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490									
<u>Use</u>		Development Standards							
		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 Bldg Height (m)
(25)	Retail food outlets	P	--	1115	30	7.5	3	3	15
(26)	Retail stores, but not including auction markets	P	--	1115	30	7.5	3	3	15
(27)	Service stations	D	5.7	1337	30	7.5	3	3	15
(28)	Indoor storage rental facilities	P	--	1115	30	7.5	3	3	15
<i>Municipal, Recreational, Institutional and Other Uses</i>									
(1)	Community halls	P	--	1115	30	7.5	3	3	15
(2)	Community gardens	P	--	--	--	--	--	--	--
(3)	Historical and archaeological sites	P	--	--	--	--	--	--	--
(4)	Municipal facilities	P	--	--	--	--	--	--	--
(5)	Parks and playgrounds	P	--	--	--	--	--	--	--
(6)	Places of worship	P	--	1115	30	7.5	3	3	15
(7)	Public works, excluding solid and liquid waste disposal sites	P	--	--	--	--	--	--	--
(8)	Municipal solid and liquid waste disposal facilities	D	--	1115	30	7.5	3	3	15
(9)	Recreation facilities	P	--	1115	30	7.5	3	3	15
(10)	Wind energy facilities (one turbine)	D	3.5.2 (7) 5.19	As laid out in Section 5.19					

Use Designations:

(P) - Permitted Use

(D) - Discretionary Use

means a use or form of development allowed as of A use or form of development specified in this Bylaw, which may be allowed following application to, and approval of, right in a zoning district, subject to the regulations Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special Limitations and standards regarding Table 7-2 and the C District

7.3 CR - COUNTRY RESIDENTIAL DISTRICT

7.3.1 Intent

The objective of the **CR** - 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.

7.3.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-3.

7.3.3 Prohibited Uses

Uses prohibited in the **CR** District are as follows:

- (1) The breeding of rats and other rodents, and crickets and other insects.
- (2) Wild boar livestock operations.

7.3.4 Accessory Uses

Accessory Building and Uses Including		Subject to Section	Designation
(1)	Accessory Buildings and Structures	5.10	Permitted
(2)	Field Crops	--	Permitted
(3)	Greenhouses	5.10	Permitted
(4)	Barns and Stables	5.10	Permitted
(5)	Bed and Breakfast Homes and Vacation Farms	5.5	Discretionary
(6)	Custodial Care Facilities and Residential Care Homes	5.6	Discretionary
(7)	Home-Based Businesses and Farm based Businesses	5.1	Discretionary
(8)	Wind Energy Facilities	5.19	Discretionary
(9)	Garden and Garage Suites	5.30	Discretionary

7.3.5 Regulations

7.3.6 Site Requirements

- (1) Minimum and maximum site size, site width, and yard requirements are shown in Table 7-3.
- (2) A maximum of 4 subdivisions per quarter section shall be permitted within the CR1 district.

7.3.7 Keeping of Animals

- (1) Large animals, which 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 number 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 building 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.

7.3.8 Standards for Discretionary Uses

Council will consider discretionary use applications in the **CR** District with regard to Section 3.8.2 General Discretionary use Evaluation Criteria and Section 3.8.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

7.3.9 Exceptions to Development Standards

Exceptions to development standards in the **CR** District are as follows:

7.3.10 Outside Storage

Outside storage, including garbage storage, is subject to Section 5.28.

7.3.11 Temporary Accommodation

A mobile home or trailer coach may be permitted for a period of up to one year on an existing residential site, while a permanent dwelling unit is being erected on the same site.

Table 7-3: CR - COUNTRY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490											
<u>Use</u>	<u>Development Standards</u>										
	Permitted or Discretionary	Subject to Sections	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)	Single detached dwellings as a principal use	P	--	2	4	61	10	15	10	15	90
(2)	Modular homes	P	--	2	4	61	10	15	10	15	90
Commercial Uses											
(2)	Day care centres	D	--	0.4	--	61	10	15	10	15	90
(3)	Farm stands	P	--	--	--	--	--	--	--	--	--
(6)	Personal care homes	D	--	0.4	--	61	10	15	10	15	90
(7)	Convenience stores	D	--	0.4	--	61	10	15	10	15	90
Municipal, Recreational, Institutional and Other Uses											
(1)	Community halls	P	--	--	--	--	10	15	10	15	--
(2)	Community gardens	P	--	--	--	--	--	--	--	--	--
(3)	Historical and archaeological sites	P	--	--	--	--	--	--	--	--	--
(4)	Municipal facilities	P	--	--	--	--	--	--	--	--	--
(5)	Parks and playgrounds	P	--	--	--	--	--	--	--	--	--
(6)	Places of worship	P	--	0.4	--	61	10	15	10	15	--
(7)	Public works, excluding solid and liquid waste disposal sites	P	--	--	--	--	--	--	--	--	--
(8)	Hospitals	D	--	0.4	--	61	10	15	10	15	90
(9)	Recreation facilities	D	--	--	--	--	10	15	10	15	--
(10)	Schools and educational facilities	D	--	0.4	--	61	10	15	10	15	--
(11)	Wildlife and ecological conservation areas	P	--	--	--	--	--	--	--	--	--
(12)	Wind energy facilities (one turbine)	D	3.5.2 (7), 5.19	Development Standards as laid out in Section 5.19							

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 and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitation and standards regarding Table 7-3 and the CR District:

7.4 M - INDUSTRIAL DISTRICT

7.4.1 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.

7.4.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-4.

7.4.3 Prohibited Uses

Uses prohibited in the **M** District are as follows:

- (1) The breeding of rats and other rodents, and crickets and other insects.
- (2) Wild boar livestock operations.

7.4.4 Accessory Buildings

Accessory Building and Uses Including	Subject to Section	Designation
(1) Accessory Buildings and Structures	5.10	Permitted

7.4.5 Regulations

The minimum and maximum site size and yard requirements are shown in Table 7-4.

7.4.6 Standards for Discretionary Uses

Council will consider discretionary use applications in the **M** District with regard to Section 3.8.2 General Discretionary use Evaluation Criteria and Section 3.8.3 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows:

- (1) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

7.4.7 Outside Storage

Outside storage, including garbage storage, is subject to Section 5.28.

Table 7-4: M - INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490								
Use		Development Standards						
		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)
Residential Uses								
(1)	Business dwellings	D	5.10	4000	30	7.5	3	(1)
Commercial Uses								
(1)	Auto body and paint shops	P	3.8.4 (9)	4000	30	7.5	3	(1)
(2)	Convenience stores	D	--	4000	30	7.5	3	(1)
(3)	Dairy processing	P	--	4000	30	7.5	3	(1)
(4)	Distilleries, wineries and breweries	P	--	4000	30	7.5	3	(1)
(7)	Grain Elevators	P	--	4000	30	7.5	3	(1)
(8)	Lumber yards, home improvement centres and building supply establishments	D	3.8.4 (8)	4000	30	7.5	3	(1)
(9)	Nurseries, greenhouses and garden centres	P	--	4000	30	7.5	3	(1)
(10)	Repair shops	P	--	4000	30	7.5	3	(1)
(11)	Service stations	P	5.7	4000	30	7.5	3	(1)
(12)	Veterinary clinics, not including the boarding of large animals	P	--	4000	30	7.5	3	(1)
Industrial Uses								
(1)	Abattoirs and accessory tanning of hides	D	3.8.4 (6)	4000	30	7.5	3	(1)
(2)	Asphalt and cements plants, and gravel yards	D	3.5.2 (8)	4000	30	7.5	3	(1)
(3)	Auction marts	P	--	4000	30	7.5	3	(1)
(4)	Auto-wrecking yards	D	3.8.4 (7)	4000	30	7.5	3	(1)
(5)	Automotive sales and services including sales and service of recreational vehicles, mobile homes, farm implements and machinery	P	--	4000	30	7.5	3	(1)
(6)	Bulk fuel sales and storage	D	3.8.4 (2)	4000	30	7.5	3	(1)
(7)	Construction yards	D	3.8.4 (8), (9)	4000	30	7.5	3	(1)
(8)	General industrial uses	P	--	4000	30	7.5	3	(1)
(9)	Grain storage, milling, cleaning and/or drying facilities	P	--	4000	30	7.5	3	(1)
(10)	Livestock auction facilities	D	3.8.4 (5)	4000	30	7.5	3	(1)

Table 7-4: M - INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490								
Use		Development Standards						
		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)
(11)	Manufacturing or processing facilities	D	3.8.4 (9) 3.8.4 (10)	4000	30	7.5	3	(1)
(12)	Mineral resource processing	D	--	4000	30	7.5	3	(1)
(13)	Railway freight yards	D	3.8.4 (9)	4000	30	7.5	3	(1)
(15)	Sawmills, wood treatment plants and associated industries	D	--	4000	30	7.5	3	(1)
(16)	Taxidermy and accessory tanning of hides	D	3.8.4 (9)	4000	30	7.5	3	(1)
(17)	Transloading facilities	P	5.15	4000	30	7.5	3	(1)
(18)	Warehouses and wholesale facilities	D	3.8.4 (9)	4000	30	7.5	3	(1)
(19)	Welding and machine shops	P	--	4000	30	7.5	3	(1)
Municipal, Recreational, Institutional and Other Uses								
(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)	Municipal solid and liquid waste disposal sites	D	--	--	--	--	--	--
(6)	Wind energy facilities (one turbine)	D	3.5.2 (7) 5.19	As laid out in Section 5.19				

Use Designations:

(P) - Permitted Use

(D) - Discretionary Use

means a use or form of development allowed as of right in A use or form of development specified in this Bylaw, which may be allowed following application to, and approval a zoning district, subject to the regulations contained in of, Council; and which complies with the development standards and other regulations as may be required by Council this Bylaw. and/or contained in this Bylaw.

Special limitations and standards regarding Table 7-4 and the M District:

- (1) where abutting railway track, no setback is required, otherwise 10% of site depth

7.5 F – FOREST DISTRICT

7.5.1 Intent

The objective of the **F** - Forest District is to encourage forestry and other natural resource-oriented development and activity on provincial forest lands.

7.5.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-5.

7.5.3 Prohibited Uses

Uses prohibited in the **F** District are as follows:

- (1) The breeding of rats and other rodents, and crickets and other insects.
- (2) Wild boar livestock operations.

7.5.4 Accessory Buildings

Accessory Building and Uses Including	Subject to Section	Designation
(1) Accessory Buildings and Structures	5.10	Permitted

7.5.5 Regulations

The minimum and maximum site size and yard requirements are shown in Table 7-5.

7.5.6 Standards for Discretionary Uses

Council will consider discretionary use applications in the **F** District with regard to Section 3.8.2 General Discretionary use Evaluation Criteria and Section 3.8.3 Terms and Conditions for Discretionary Use Approvals.

7.5.7 Outside Storage

Outside storage, including garbage storage, is subject to Section 5.28.

Table 7-5: F – FOREST DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Garden River No. 490								
<u>Use</u>		<u>Development Standards</u>						
		Permitted or Discretionary	Subject to Sections	Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)
Agricultural and Resource Extraction Uses								
(1)	Logging, silviculture, timber processing, and related tree harvesting operations	P	--	--	--	--	--	--
Municipal, Recreational, Institutional and Other Uses								
(1)	Historical and archaeological sites	P	--	--	--	--	--	--
(2)	Recreational trails	P	--	--	--	--	--	--
(3)	Outfitters	D	--	--	--	--	--	--
(4)	Hunting base camps	D	--	--	--	--	--	--
(5)	Guided recreational activity camps	D	--	--	--	--	--	--
(6)	Parks	P	--	--	--	--	--	--
(7)	Conservation areas	P	--	--	--	--	--	--
(8)	Seasonal remote cabins	D						

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 and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 7-5 and the F District:

8 MAPS
