RURAL MUNICIPALITY OF SUTTON NO. 103

ZONING BYLAW NO. 3/98

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PART I

SECTION 1 - INTRODUCTION

1.1 Title

This bylaw shall be known as the "Zoning Bylaw of the Rural Municipality of Sutton No. 103."

1.2 Scope

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

1.3 Purpose

This Zoning Bylaw is to assist in implementing the policies in the Basic Planning Statement adopted by the R.M., and to control the use and development of land in the R.M.

1.4 Severability

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

SECTION 2 - ADMINISTRATION

2.1 Development Officer

The Rural Municipal Administrator shall be the Development Officer responsible for the administration of this bylaw.

2.2 Application for a Development Permit

(1) Every person shall obtain a development permit **before** commencing any development within the municipality, except as listed in Section 2.3.
(2) The application shall be in the "Form A" as adopted or amended by resolution of Council.
(3) The application shall have attached a layout or site plan as required in the application form or by the Development Officer, together with any other information needed to assess the application.

2.3 Development Not Requiring a Permit

(1) Development permits are **not required** for the following only:
   a) *Accessory Farm Buildings and Structures:* Farm buildings and structures, **(but excluding any I.L.O. structure or new dwelling)**, where accessory to a permitted agricultural use or existing farmstead.
   b) *Public Utilities:* Any operation for the purposes of inspecting, repairing, or renewing sewers, mains, cables, pipes, wires, tracks, or similar public works as required by a public utility, and the installation of service connections to property in the municipality. (A permit is required for the installation of new transmission lines, sewer lines, etc., and for solid and liquid waste facilities).

c) *Municipal Facilities:* Any facility installed and operated by the Municipality
d) *Signs:* Subject to the provisions of Section 3.5.

(2) Development listed in clause (1) must be allowed in the district in which they are located and must comply with the regulations of this bylaw.

2.4 Referrals to Council

The Development Officer may submit any application to Council for a decision on the interpretation of the bylaw, or upon special conditions provided for in the bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide such further information as may be required to make a decision.

2.5 Issue of Permits

(1) Upon completion of the review of an application for development, the Development Officer shall:
   a) issue a development permit for a permitted use, where the application conforms to this bylaw, incorporating any special regulations, performance standards, or development standards authorized by this bylaw or;
   b) issue a refusal, where the application does not comply with a provision or regulation of this bylaw, stating the reason for refusal.
   c) submit the application to Council for decision, where the application is for a discretionary use.

(2) Council shall make a decision on a discretionary use, by resolution which instructs the Development Officer to:
   a) issue a development permit incorporating any specific development standards set forth by Council, subject to the limitations of the Act and in accordance with the provisions of this bylaw; or
   b) issue a notice of refusal to the applicant, stating the reasons for the refusal.

(3) The permit or notice shall be in form as adopted by resolution of Council.

2.6 Building Permits, Licenses, and Compliance with Other Bylaws

(1) Nothing in this bylaw shall exempt any person from complying with a building bylaw, or any other bylaw in force within the municipality, or from obtaining any permission required by this, or any other bylaw of the municipality, the province, or the federal government.

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

2.7 Development Appeals Board

(1) Council shall appoint a Development Appeals Board in accordance with Sections 71 and 91 to 104 of the Act.

(2) On the development permit or notice of refusal, the Development Officer shall advise the applicant of the rights of appeal granted by the Act.

(3) A person who wishes to appeal to the board shall, within 30 days of receiving the permit or notice, file a written notice of intention to appeal, and the appeal fee, with the secretary of the board.

2.8 Fees and Advertising

(1) *Amendment of the Zoning Bylaw* - Where a person requests Council to amend the Zoning Bylaw that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment.

(2) *Advertisement of a Discretionary Use Application*

a) Prior to making a decision on a discretionary use application, Council may direct the Development Officer to advertise the application to the public, with a copy mailed to abutting property owners.

b) The applicant shall pay to the municipality a fee equal to the costs associated with the public advertisement.

(3) *Application Fees* - an applicant for a development permit shall pay an application fee in accordance with the following:

a) Permitted principal use $10.00
b) Permitted accessory use ..... $ 0.00
c) Ancillary use $10.00
d) Discretionary principal use $25.00
e) Discretionary accessory use ... $10.00
f) Development Appeal Fee $50.00

These fees shall be in addition to any fee required by clauses (1) and (2) above.

2.9 Offenses and Penalties

Any person who violates this bylaw is guilty of an offence and liable, on summary conviction, to the penalties set forth in the Act.

SECTION 3 - GENERAL REGULATIONS

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

3.1 Development on Hazard Lands

(1) Where the proposed development of a building is located within 150 metres of an area defined in the Basic Planning Statement as potential hazard land, Council may require the applicant to submit sufficient topographic information to determine if the development will be within 50 metres of any slopes that may be unstable, or within any river or stream flood plain, or other land that may be subject to flooding.

(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 clause (1) which, in the opinion of Council, shows that the proposed site and development is suitable with respect to the following where relevant:

- the potential for flooding up to a 1 in 500 flood elevation, or such lower elevation as may be suitable for the proposed use or building,
- the potential for slope instability,
- the required mitigation measures for construction on areas of high water tables, if any.

(3) Identified actions for hazard avoidance, prevention, mitigation, or remedy may be incorporated as conditions to issuance of a development permit. Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the adverse affects, or will result in excessive municipal costs.

3.2 One Principal Building or Use Permitted on a Site

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

- Public utility uses;
- Institutional uses;
- Agricultural uses;
- Ancillary uses as specifically provided for in this bylaw.

3.3 Mobile Homes

(1) Wherever a dwelling is allowed, it may be in the form of a mobile home.
(2) Every mobile home shall bear CSA Z240 certification and shall be attached to a permanent foundation, or securely anchored to the ground and skirted, prior to occupancy.

3.4 Non-Conforming Uses

The provisions of The Act, Sections 113 and 118 inclusive, apply to all non-conforming buildings and uses.

3.5 Signs and Billboards

(1) *Signs Located in Highway Sign Corridor*
   a) Signs located in a highway sign corridor shall be regulated entirely by the requirements of "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986" or amendments thereto, and subsection 2 shall not apply.

(2) *Signs Other Than in a Highway Sign Corridor*
   a) All signs situated along a highway are required to comply with "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986" as may be amended from time to time.
   b) Any sign located in other than a highway sign corridor, may advertise only agricultural commercial uses, home-based businesses, the principal use of a site, or the principal products offered for sale on a premises.
   c) A maximum of 2 advertising signs are permitted on any site, or quarter section.
   d) Government signs, memorial signs, and directional signs which bear no advertising, including traffic control, no trespassing, hunting restriction and similar signs, are exempt from restriction.
   e) Temporary signs and real estate signs are permitted only as long as the temporary condition exists for the property.
   f) Billboard and other off-site advertising signs are prohibited, except in a highway sign corridor.
   g) All private signs shall be located so that no part of the sign is over a public right of way.
   h) The maximum facial area of a sign shall be as specified in the district in which it is located.

3.6 Storage of Vehicles

(1) Notwithstanding anything contained in this bylaw, no person shall use any site in any district for the parking or storage outside of an enclosed building of more than 6 vehicles that are not in running order.
(2) This Section shall not apply to permitted machinery or automotive salvage yards.
(3) Council may require that such vehicles be screened from roadways or neighbouring properties by landscape features or fences, or a combination thereof.

3.7 Public Utilities, Pipelines, and Facilities of the Municipality

(1) Public utilities 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 area or yard requirements shall apply.
(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.

3.8 Solid and Liquid Waste Disposal Facilities

Development and maintenance of a solid or liquid waste disposal facility will be subject to the following special standards as may be specified by Council on issuing a permit:
(1) A buffer strip containing trees, shrubs, or a berm shall be located surrounding a lagoon or sanitary landfill disposal area.
(2) Any solid or liquid waste disposal facility shall be fenced.

3.9 Disposal of Manure

(1) The use of agricultural land for the disposal and recycling of manure produced by an intensive livestock operation is permitted, subject to the following regulations:
   a) Liquid manure shall be spread by direct injection into the soil.
   b) Solid manure shall be incorporated into the soil within 24 hours.
   c) Solid or liquid manure shall not be spread on snow-covered or frozen ground.
(2) Upon application to Council, other procedures for disposal of manure may be approved where the applicant establishes, to the satisfaction of Council, that the objectives of the Basic Planning Statement will be achieved to a similar standard. Council may specify a limited time during which the approval will be valid.
(3) Council may exempt in whole or in part an applicant from this section where:
   a) the manure to be spread comes from an I.L.O. of less than 300 animal units.
   b) the manure will be spread on land owned by the operator of the I.L.O.
   c) adverse weather conditions prevent the incorporation of manure, in which case spreading of manure will be allowed until weather conditions permit incorporation.

3.10 Home-Based Businesses

Home-based businesses shall be subject to the following conditions:
(1) The use is clearly ancillary to the use of a farmstead as an agricultural operation or the dwelling unit as a private residence.
(2) The operator of the business is a resident of the dwelling unit and, in the case of a farmstead only, up to two 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 my be involved only at the client building site.
(3) 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.
(4) 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.
(5) All permits issued for home-based business shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met.

3.11 Bed-and-Breakfast and Vacation Farms

Vacation farms and bed-and-breakfast homes shall be subject to the following requirements:

(1) Vacation farms shall be ancillary to an agricultural farm operation and located on the same site as a farmstead, and may include bed-and-breakfast, cabins, and overnight camping areas.

(2) A maximum of five cabins shall be permitted as part of a vacation farm operation.

(3) On-site signs shall be permitted in accordance with Section 3.5. Off site signs not exceeding 0.5 square metres (5 ft^2) may be permitted at the discretion of Council where necessary to provide directions from a highway to the operation.

(4) Vacation farms and bed-and-breakfast operations shall be licensed pursuant to the *Public Health Act*, where tourist accommodations require health approval.

(5) Bed-and-Breakfast operations shall be located in a single detached dwelling used as the operator's principal residence developed as a farmstead or residence; or located in a dwelling accessory to and established on the same site as the host principal residence.

3.12 Campgrounds

(1) The operator of a campground shall provide the Development Officer with a plan of the campground, identifying any buildings, uses of land, and the location of all roadways and trailer coach or tent campsites, with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the operator shall submit for approval an amended plan incorporating the development.

(2) A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres which shall contain no buildings.

(3) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less that 150 square metres in area with its corners clearly marked.

(4) No portion of any campsite shall be located within a roadway or required buffer area.

(5) Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.

(6) Each trailer coach shall be located at least 4.5 metres from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.

(7) The space provided for roadways within a campground shall be at least 7.5 metres in width. No portion of any campsite, other use, or structure shall be located in any roadway.

(8) No trailer coach shall be stored on any campsite when the campground is not open.

(9) A campground may include as an ancillary use, a laundromat or a confectionary designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.

(10) *The Public Health Act* and the Regulations passed thereunder shall be complied with in respect to all operations and development of the campground.

SECTION 4 - ZONING DISTRICTS

4.1 Districts

For the purpose of applying this bylaw, the municipality is divided into zoning districts. All parts of the Municipality shall be designated as A - Agricultural District, except those areas specifically designated on the detailed Zoning District Maps as another district.

4.2 Boundaries

The boundaries of all zoning districts, except the A - Agricultural District, are shown on the map entitled "Zoning District Map" which is attached to, and forms a part of this bylaw. Unless otherwise shown on the map, the boundaries of the said districts are site lines, centre lines of streets, lanes, roads or such lines extended, and the boundaries of the municipality.

4.3 Regulations

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

SECTION 5: A - AGRICULTURAL DISTRICT

5.1 PERMITTED USES

The following uses are permitted in this district:

(1) *Agricultural Principal Uses*
   a) Field crops.
   b) Pastures for the raising of livestock (excluding I.L.O.'s).
   c) Farmsteads, where located on a site of one quarter section or more.

(2) *Accessory uses and buildings*- to agricultural or residential principal uses:
   a) Farm buildings and structures for a permitted principal agricultural use on the site.
   b) Facilities for the sale directly to the consumer of crops grown by the agricultural operation.
   c) Orchards and vegetable, horticultural, or fruit gardens, where accessory to a farmstead or existing residence.
   d) Private garages, sheds, and buildings accessory to any single detached dwelling on the site.

(3) *Ancillary uses* - permitted where ancillary to an agricultural principal use on the same site.
   a) Beehives and honey extraction facilities.
   b) Facilities for the preparation for sale of crops grown by the agricultural operation.
   c) Fish farming.

(4) *Resource based uses* - including accessory buildings and uses:
   a) Petroleum exploration or extraction wells and related facilities.
   b) Petroleum pipelines and related facilities.
   c) Metallic or non-metallic mineral mines or extraction facilities.

(5) *Other principal uses* - including accessory uses and buildings, but not including a residence:
   a) Places of worship, cemeteries, and non-residential schools.
   b) Radio, television, and microwave towers.
   c) Public parks and public recreational facilities.
   d) Historical and archaeological sites, and wildlife and conservation management areas.
   e) Public utilities, excluding solid and liquid waste disposal sites and sewer lines.
   f) Municipal facilities.

5.2 DISCRETIONARY USES:

The following uses are discretionary in this district:

(1) *Agricultural discretionary principal uses:*
   a) Intensive livestock operations subject to Section 5.4.1.
   b) Intensive agricultural operations.

(2) *Residential discretionary uses:*
   a) Any residence or farmstead on a site of less than a quarter section.
   b) Residences ancillary or accessory to a discretionary use.

(3) *Ancillary discretionary uses:*
   a) Vacation farms, where ancillary to a farmstead on the same site.
   b) Bed-and-breakfast homes, where ancillary to a farmstead or residence on the same site.
   c) Home-based businesses, where ancillary to a farmstead or residence on the same site, including personal care homes.
   d) Agricultural related commercial uses ancillary to a farmstead on the same site.

(4) *Commercial Principal Uses:*
   a) Agricultural product processing.
   b) Agricultural equipment, fuel, and chemical supply establishments.
   c) Agricultural service and contracting establishments.
   d) Grain elevators and related uses.
   e) Gravel pits and gravel crushing operations.
   f) Machine shops and metal fabricators.
   g) Machinery or automotive salvage or storage yards.
   h) Petroleum or mineral processing facilities.
   i) Recreational commercial uses - including sports arenas, golf courses, tourist campgrounds, and other similar uses.

(5) *Other Principal Uses:*
   a) Church residences and residential religious institutions.
   b) Residential schools
   c) Institutional camps.
   d) Airports and private airstrips.
   e) Solid and liquid waste disposal facilities, including sewer lines and soil farms for the rehabilitation of contaminated soils.

5.3 REGULATIONS

5.3.1 Subdivision:

The subdivision of any land within the Agricultural District is subject to the policies contained in the Basic Planning Statement, Sections 3.3 (agricultural), 4.3 (commercial), and 5.3 (residential).

5.3.2 Site Requirements

(1) A quarter section, or portion thereof, located within this district may contain:
   a) a maximum of 3 sites for any of agricultural, residential or commercial principal uses,
   b) sites for *resource based uses* listed in Section 5.1 (4), and
   c) sites for *other uses* listed in Sections 5.1 (5), and 5.2 (5).

(2) The minimum site frontage shall be 30 metres.

(3) No site shall be less that 2 hectares (5 acres).

(4) Exemptions from minimum frontage and area requirements:
   a) Sites for *resource based uses* listed in Section 5.1 (4), and
   b) Sites for *other uses* listed in Sections 5.1 (5), and 5.2 (5).

5.3.3 Access:

(1) Development of a farmstead, residence, commercial use, institutional use, or other development requiring public access is prohibited unless the site abuts a developed road.

(2) For the purpose of this section "developed road" shall mean an existing graded all-weather road on a registered right-of-way, or a road for which arrangements have been made with

Council to provide for the construction of the road on a registered right-of-way to a standard approved by Council.

(3) A site to be created by subdivision shall not be permitted unless, where required for the proposed use, the proposed parcels and the remainder of the parcel being subdivided abuts or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.

5.3.4 Farmsteads

(1) A farmstead my contain the following where located on the same parcel:
   a) A residence for the operator of an agricultural use.
   b) A bunkhouse or additional residence for employees and partners of the operator engaged in the agricultural operation.
   c) Facilities for the temporary holding of livestock raised in an operation, in lesser numbers than constitutes an I.L.O. (unless approved as an I.L.O.).
   d) Buildings for permitted accessory and ancillary uses.

5.3.5 Building Setback Requirements:

(1) The minimum setback of buildings, including dwellings, from the centre line of a developed road, municipal road allowance, or provincial highway shall be 45 metres (148 ft.)

(2) No dwelling shall be located with less than a minimum separation distance to an operation of other than the resident of the dwelling as follows:
   a) the separation distance to an intensive livestock operation as regulated in Section 5.4.1.
   b) 305 metres (1000 ft.) from a public, or licensed private solid or liquid waste disposal facility.
   c) 305 metres (1000 ft.) from a honey processing facility.
   d) Council may accept a lesser minimum separation distance to the above operations than required by clauses (a), (b), and (c), as a special standard in the issuing of a development permit, where the applicant submits a written agreement to Council between the land owner of the dwelling and the owner of the operation relating to such lesser distance. Council will maintain a register of all such agreements.
   e) 305 metres (1000 ft.) to a non-refrigerated anhydrous ammonia facility licensed by the Department of Municipal Government.
   f) 600 metres (1970 feet) to a refrigerated anhydrous ammonia facility licensed by the Department of Municipal Government.

(3) No dwelling or other building shall be located within the approach surface for any airport or airstrip.

5.4 SPECIFIC DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

5.4.1 Intensive livestock operation:

(1) Council is governed by the location criteria contained in the Basic Planning Statement, Section 3.3 in the issuing of a discretionary approval for an I.L.O.

(2) Development of any temporary facility and part of a site shall also require a development permit as a discretionary use if it meets the definition of an I.L.O.

(3) Approval of an intensive livestock operation shall be for a specific maximum number of animal units specified by Council as a condition of the development permit. A new discretionary approval shall be required for the expansion of an I.L.O. for which a greater separation distance is identified according to Table 3.1 in the Basic Planning Statement, or to substantially alter the species of animals in the operation.

(4) Council may issue a conditional approval of an I.L.O. subject to:

a) Coverage of liquid manure storage facilities by straw or other acceptable means on a continuous basis.
b) Disposal of manure produced by an I.L.O. based on the provisions of Section 3.9.

5.4.2 Intensive agricultural operations:

(1) In the application for an intensive agricultural operation, the applicant shall identify the proposed supply of water for the operation where intensive irrigation is required, which supply shall be sufficient to meet the needs of that operation without detrimental effects on the supply or ground water used by neighbouring properties.
(2) The operation may include a farmstead or dwelling on the same site subject to Section 5.3.2.

5.4.3 Keeping of Animals on residential sites other than farmsteads

(1) Two (2) large animals (horses or cattle) will be permitted on a site of at least 2 hectares (5 acres). Four (4) large animals will be permitted on a site of at least 4 hectares (10 acres) site. For each additional 1.2 hectares (3 acres), one (1) additional large animal will be permitted. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.
(2) Animals shall not be pastured with 15 metres (50 feet.) of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain birds or animals shall be located with 30 metres (100 feet) of a property line.

5.4.4 Solid and liquid waste disposal facilities:

(1) Development and maintenance of a solid or liquid waste disposal facility shall be subject to Section 3.8.
(2) Crop land or improved pasture may be used for the disposal of wastes from an intensive livestock operation by spreading of manure, and such manure shall be incorporated into the soil with 24 hours of spreading, unless such incorporation is prevented by adverse weather conditions, in which case incorporation shall take place as soon as possible thereafter.

5.4.5 Home-based businesses:

(1) Shall comply with Section 3.10.
(2) A personal care home must be licensed under *The Personal Care Homes Act.*
(3) Council may apply special standards in the issuing of a development permit limiting the size
(4) of operation, buildings used for the operation, and number of non-resident employees. Any increase in the operation as applied for or approved shall require a new discretionary approval.

5.4.6 Vacation farms and bed-and breakfast homes:

(1) Shall comply with Section 3.11.
(2) Council may apply special standards in the issuing of a development permit limiting the number of rooms, cabins, or camping spaces that may be permitted in conjunction with the operation.

5.4.7 Commercial uses:

(1) Where ancillary to a farmstead, Council may apply special standards as a condition of discretionary approval limiting the size of operation, buildings used for the operation, and

number of non-resident employees.

(2) An 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 development permit subject to discretionary approval by Council.

(3) Council may require special standards for the location, set back, 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.

SECTION 6: R - RESIDENTIAL DISTRICT

6.1 PERMITTED USES

The following uses are permitted in this district:

(1) *Residential:*
   a) Single detached dwelling.
   b) Mobile home on a permanent foundation.

(2) ***Public utilities,*** **except solid and liquid waste disposal facilities.**

(3) *Uses and buildings accessory to residential principal use on the site:*
   a) Private garages, whether detached or attached to a dwelling unit.
   b) Garden sheds used for the storage of non-industrial yard maintenance equipment.
   c) Greenhouses where accessory to a residential use.
   d) Keeping of animals on the same site as the residence, subject to Section 6.3.6.
   e) Barns and stables for animals permitted by Section 6.3.6.
   f) Orchards and vegetable, horticultural, or fruit gardens, where accessory to a residence.
   g) Field crops.

6.2 DISCRETIONARY USES:

The following uses are discretionary in this district:

(1) *Institutional uses:*
   a) Non-residential schools and educational institutions
   b) Places of worship and religious institutions

(2) *Commercial uses:*
   a) Convenience stores with or without gas bars

(3) *Recreational uses:*
   a) Public sports fields and parks
   b) Golf courses
   c) Rinks, arenas, and community halls
   d) Other public or non-profit recreational facilities

(4) *Solid and liquid waste disposal facilities.*

(5) *The following ancillary uses:*
   a) Bed-and-breakfast homes, where ancillary to a residence on the same site
   b) Home-based businesses, where ancillary to a residence on the same site, including personal care homes
   c) Dwellings ancillary to an institutional, recreational or commercial use

(6) *Accessory uses and buildings* which form part of an approved discretionary use are permitted.

6.3 REGULATIONS

6.3.1 Site Area Requirements:

(1)	Residential:	Minimum - 0.8 hectare (2 acres) Maximum - 16 hectares (40 acres)
(2)	Institutional & Commercial:	Minimum - 900 square metres (9,688 square feet)
(3)	All other uses:	Minimum - none

6.3.2 Site Frontage Requirements:

(1)	Residential:	Minimum - 30 metres (100 feet)
(2)	Institutional & Commercial:	Minimum - 30 metres (100 feet)
(3)	All other uses:	Minimum - none

6.3.3 Yard Requirements:

(1) In any yard abutting a municipal road allowance, municipal grid road, main farm access road, or provincial highway, all buildings shall be set back at least 45 metres (148 feet) from the centre line of the road or road allowance.

(2) A yard abutting any other road — Minimum - 7.6 metres (25 feet)

(3) Any other yard — Minimum - 3 metres (10 feet)

(4) The yard requirements shall not apply to any public utility, municipal facility, or public recreational use.

6.3.4 Floor Area:

(1) Detached accessory buildings: Maximum - 100 m^2 (1,076 ft^2)

6.3.5 Outside Storage:

(1) No outside storage shall be permitted in a yard abutting a road.

(2) Outside storage located in a side or rear yard shall be screened by landscaping or vegetation so as not to be visible from a road.

6.3.6 Keeping of Animals:

(1) Two (2) large animals (horses or cattle) will be permitted on a site of a least 2 hectares (5 acres). Four (4) large animals will be permitted on a site of at least 4 hectares (10 acres) site. For each additional 1.2 hectares (3 acres), one (1) additional large animal will be permitted. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.

(2) Animals shall not be pastured within 15 metres (50 feet) of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 metres (100 feet) of a property line.

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

6.4 SPECIFIC DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

6.4.1 Solid and Liquid Waste Disposal Facilities:

(1) Development and maintenance of a solid or liquid waste disposal facility shall be subject to Section 3.8.

6.4.2 Home-based businesses:

(1) Shall comply with Section 3.10.
(2) No home-based business in this district shall include auto body repair or repainting operations.
(3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home-based business in this district.
(4) Council may apply special standards in the issuing of a development permit limiting the size of operation, and buildings used for the operation. Non-resident employees are not permitted in this district. Any increase in the operation as applied for or approved shall require a new discretionary approval.

6.4.3 Bed-and-breakfast homes:

(1) Shall comply with Section 3.11.
(2) Council may apply special standards in the issuing of a development permit limiting the number of rooms or buildings that may be permitted in conjunction with the operation.

SECTION 7: H - HAMLET DISTRICT

7.1 PERMITTED USES:

The following uses are permitted in this district:

(1) Residential:
   a) Single detached dwelling
   b) Mobile home on a permanent foundation
(2) Recreational uses:
   Public sports fields and parks
   a) Rinks
(3) Institutional uses:
   a) Community halls, public museums, and libraries
   b) Non residential schools and educational institutions
   c) Places of worship
(4) Uses and buildings customarily accessory and subordinate to the principal use on the site.

7.2 DISCRETIONARY USES:

The following uses are discretionary in this district:

(1) Commercial principal uses:
   a) All retail store, commercial retail service, restaurant, and public accommodation establishments.
   b) Veterinary clinics and hospitals.

(2) Industrial and agricultural service uses:
   a) Agricultural equipment, motor vehicle, or recreational equipment dealers, and service establishments.
   b) Agricultural seed, fuel, and chemical supply establishments.
   c) Agricultural product storage, transhipment, service and contracting establishments, excluding facilities for the handling of large animals.
   d) Construction trades.
   e) Manufacturing or processing establishments.
   f) Welding, machine shops, and metal fabricating.

(3) The following ancillary uses:
   a) Bed-and-breakfast home, where ancillary to a residence on the same site.
   b) Home-based businesses, where ancillary to a residence on the same site, including personal care homes.

7.3 REGULATIONS:

7.3.1 Site Area Requirements:

(1)	Service stations, gas bars, industrial and agricultural service uses	Minimum - 1,000 m^2 (10,764 ft^2)
(2)	Public utilities and municipal facilities	Minimum - none
(3)	All other uses	Minimum - 450 m^2 (4,845 ft^2)

7.3.2 Site Frontage Requirements:

(1)	Service stations, gas bars, industrial and agricultural service uses	Minimum - 30 metres (100 feet)
(2)	Public utilities and municipal facilities	Minimum - none
(3)	All other uses	Minimum - 15 metres (50 feet)

7.3.3 Yard Requirements - Residential Use:

(1)	Front yard	Minimum - 6 metres (20 feet)
(2)	Side yard	Minimum - 1.5 metres (5 feet)
(3)	Rear yard - principal building	Minimum - 6 metres (20 feet)
	- accessory building	Minimum 1.5 metres (5 feet)

7.3.4 Yard Requirements - Other Uses:

(1)	A yard abutting a highway	As required by Sask. Highways and Transportation, but not less than 6 m (20 feet)
(2)	A yard abutting a highway frontage road or municipal road allowance	Minimum - 6 metres (20 feet)
(3)	A front yard for service stations, gas bars, and agricultural service uses	Minimum - 6 metres (20 feet)
(4)	A yard abutting a residential use without an intervening street	Minimum - 3 metres (10 feet)
(5)	Any yard abutting a railway	Minimum - none
(6)	Any other yard	Minimum - none

(7) The yard requirements shall not apply to any public utility, municipal facility, or public recreational use.

7.3.5 Site Coverage by Buildings:

(1) Residential uses ..... Maximum - 35%
(2) All other uses except public utilities ..... Maximum - 50%

7.3.6 Floor Area:

(1) Detached building accessory to a residential use ..... Maximum - 100 m^2 (1,076 ft^2)

7.3.7 Residential Development:

(1) *Mobile Homes* shall:
   a) bear CSA Standard Z240 (1979) approval, or later revisions thereto, and
   b) be securely attached to a permanent foundation prior to occupancy.
(2) *Reduced front yard* - Where, on a residential block and the dwelling in an abutting lot is legally located less than the minimum front yard required by Section 8.3.3, the front yard may be reduced up to the lesser front yard of the abutting lot, but not less than 3 metres (10 feet).

7.3.8 Animals

(1) The keeping, handling, sale, or transhipment of cattle, horses, pigs, goats, or sheep is prohibited within this district.

7.3.9 Sign Size:

(1) The maximum facial area of a sign on residential sites shall be 1.2 square metres (12.9 ft^2).
(2) The maximum facial area of a sign on service station, gas bar, industrial and agricultural service use sites shall be 6.5 square metres (70 ft^2).
(3) The maximum facial area of a sign on all other sites shall be 3.5 square metres (37.7 ft^2).

7.4 DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

7.4.1 Commercial, Industrial and Agricultural Service Uses:

(1) Council will apply the criteria of the Basic Planning Statement, Section 4.3.6 in considering locations for commercial, industrial or agricultural service uses.
(2) Council may apply special standards in the issuing of a development permit for screening of storage areas fencing, or required yards adjacent to residential uses.

7.4.2 Home-Based Businesses:

(1) Shall comply with Section 3.10
(2) No home-based business in this district shall include auto body repair or repainting operations.
(3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home-based business in this district.

7.4.3 Bed-and-Breakfast Homes:

(1) Shall comply with Section 3.11.
(2) Council may apply special standards in the issuing of a development permit limiting the number of rooms or buildings that may be permitted in conjunction with the operation.

8.1 PERMITTED USES:

The following uses are permitted in this district:

(1) *Commercial Uses:*
- a) Agricultural equipment dealers and service establishments
- b) Agricultural seed, fuel, and chemical supply establishments
- c) Agricultural service and contracting establishments
- d) Commercial nurseries and greenhouses, with or without retail sales
- e) Confectionaries with or without gas bars
- f) Construction trades without outdoor storage
- g) Motor vehicle dealers and service establishments
- h) Marine or recreational vehicle equipment dealers and service establishments
- i) Motels and hotels
- j) Personal service shops
- k) Restaurants and other places for the sale and consumption of food and related items
- l) Retail stores
- m) Veterinary clinics and hospitals

(2) *Residential:*
- a) One dwelling unit for the operator of a commercial use where ancillary to that use and located on the same site.

(3) Public utilities, except solid and liquid waste disposal facilities.

(4) Uses and buildings customarily accessory and subordinate to the principal use on the site, not including residences.

8.2 DISCRETIONARY USES:

The following uses are discretionary in this district:

(1) *Commercial uses:*
- a) Abattoirs, hide de-fleshing and tanning facilities, and stockyards
- b) Agricultural implement and prefabricated building component manufacturing.
- c) Agricultural product processing
- d) Auction marts
- e) Campgrounds
- f) Outdoor storage yards for construction materials and extractive industries
- g) Storage facilities, warehousing, supply and distribution facilities
- h) Welding, machine shops, and metal fabricating
- i) Salvage yards, auto and machinery wreckers
- j) Wood and natural products processing and fabrication

(2) *Recreational uses:*
- a) Commercial recreation facilities.

(3) *Solid and liquid waste disposal facilities.*

8.3 REGULATIONS:

8.3.1 Site Area Requirements:

(1) Public utilities and municipal facilities .... Minimum - none.

(2) All other uses ..... Minimum - 1,000 m^2 (10,764 ft^2)

8.3.2 Site Frontage Requirements:

(1) Public utilities and municipal facilities .... Minimum - none.
(2) All other uses ..... Minimum - 30 metres (100 ft.)

8.3.3 Yard Requirements:

(1) In any yard abutting a municipal road allowance, municipal grid road, main farm access road, or provincial highway, all buildings shall be set back at least 45 metres (148 ft.) from the centre line of the road or road allowance.
(2) A yard abutting any other road (including a highway frontage road) ..... Minimum - 7.6 metres (25 ft.)
(3) A yard abutting a railway ..... Minimum - none
(4) Any other yard ..... Minimum - 3 metres (10 ft.)
(5) The yard requirements shall not apply to any public utility or municipal facility.

8.3.4 Site Coverage by Buildings:

(1) All uses except public utilities ..... Maximum - 30%

8.3.5 Outside Storage:

(1) Outside storage is prohibited in a required yard abutting a road, except for the display of vehicles or machinery in operating condition which are for sale, which shall be neatly arranged.
(2) Outside storage located in a side or rear yard shall be suitably screened to the satisfaction of Council.

8.4 DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

8.4.1 Separation Distance Requirements:

(1) All discretionary commercial uses shall be separated from a residence not occupied by the operator of the use, or a hotel, motel or restaurant, by a distance of at least 300 metres (985 ft.) unless the applicant can establish, to the satisfaction of Council, that the use will not emit noxious odours, dust, smoke, sound, or radio interference.

8.4.2 Solid and Liquid Waste Disposal Facilities:

(1) Development and maintenance of a solid or liquid waste disposal facility shall be subject to Section 3.8.

8.4.3 Salvage Yards, Auto and Machinery Wrecking Yards:

(1) No wrecked, partially dismantled or inoperative vehicle or machinery shall be stored or displayed in any required yard abutting a road.
(2) Council may apply special standards as a condition of a discretionary use approval regarding the screening and location of areas for the storage and display of vehicles, machinery and parts thereof, designed to avoid an unsightly premises.

8.4.4 Discretionary Uses Involving the Housing of Agricultural Animals:

(1) Council is governed by the location criteria contained in the Basic Planning Statement, Section 3.3, respecting discretionary approval for an I.L.O. in the issuing of a permit for any use involving the sale, transhipment, housing, or confinement of agricultural animals.
(2) Council may apply special standards in the issuing of a development permit limiting the number of animals that may be harboured on the site at any point in time.

8.4.5 Campgrounds

(1) Shall comply with Section 3.12.
(2) Council may apply special standards in the issuing of a development permit limiting the number of campsites that may be permitted in conjunction with the operation.

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

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

Act: *The Planning and Development Act, 1983,* as amended.

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

Animal Unit (A.U.): The kind and number of animals calculated in accordance with the following table:

Kind of Animal		Number of Animals = 1 Animal Unit
Poultry	Hens, cockerels, capons	100
	Chicks, broiler chickens	200
	Turkeys, geese, ducks	50
	Exotic birds	25
Hogs	Boars and sows	3
	Gilts	4
	Feeder pigs	6
	Weanling pigs	20
Sheep	Rams or ewes	7
	Lambs	14
Goats, etc.	All (including llamas, alpacas, etc.)	7
Cattle	Cows and bulls	1
	Feeder Cattle	1½
	Replacement heifers	2
	Calves	4
Horses	Colts and ponies	2
	Other horses	1
Other	Domesticated native ungulates (Deer, elk, bison, etc.)	1

Ancillary Use: 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.

Applicant: A developer or person applying for a development permit under this bylaw for a subdivision approval to an approving authority under *The Planning and Development Act, 1983.*

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

Billboard: A private free-standing sign, including supporting structures, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located, and which is greater than 2 square metres in facial area.

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

Building, Accessory: A subordinate detached building appurtenant to a main building or main use and located on the same site, the purpose of which is to provide better and more convenient function of the main building or main use.

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

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

Council: The Council of the Rural Municipality of Sutton No. 103.

Development: The carrying out of any building, engineering, mining, or other operations, in, on, or over land, or the making of any material change in the use of any building or land.

Development Permit: A document authorizing a development, issued pursuant to this bylaw.

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

Dwelling, Single Detached: A detached building consisting of one dwelling unit as herein defined; and occupied or intended to be occupied as a permanent home or residence, but shall not include a mobile home or trailer coach as herein defined.

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

Farmstead: A single site which includes the residence of the farm operator and those buildings or facilities which are related to the farm operation, and may include crop land and pastures.

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

Hazard Land: Land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within a flood plain or watercourse.

Home-Based Business: A secondary occupation carried on by the occupants of a farmstead or residence ancillary to a permitted use.

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

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

Intensive Livestock Operation (I.L.O.): The operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such 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 square metres (4000 ft^2) of space for each animal unit contained therein.

Mobile Home: A trailer coach:

a) that is used as a dwelling;
b) that has water faucets and shower, or other bathing facilities, that may be connected to a water distribution system, and
c) that is equipped with facilities for washing and water closet, or other similar facility, that may be connected to a sewage system.

Municipality: The Rural Municipality of Sutton No. 103.

Non-Conforming Building: A building:

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

Non-Conforming Use: Any use of land, building, or structure lawfully existing at the time of the passing of this bylaw, the use of which does not comply with all the regulations of this bylaw governing the zone district in which it is located.

Pasture: A site that is used for the raising and feeding of livestock by grazing.

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

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

Principal Use: The main activities conducted on a site.

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

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

Public Utility: A government or private enterprise which provides a service to the general public.

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

Reeve: The Reeve of the Rural Municipality of Sutton No. 103.

Residence: A single detached dwelling on a site which is not used as a farmstead.

Rural Municipal Administrator: The official administrator for the municipality pursuant to *The Rural Municipality Act, 1989.*

School: 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.

Sign: 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 advertised; and
c) is visible from outside the building.

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

Site Line, Front or Site Frontage: The boundary that divides the site from the street or road. In the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site from the street. Site frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

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

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

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

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

Subdivision: A division of land, and includes a division of a quarter section into legal subdivisions as described in the Land Titles Act.

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

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

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

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

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

Waste Disposal Facility - Solid: A facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional, and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste, or biomedical waste.

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

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

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

Yard, Required: the minimum yard required by a provision of this bylaw.

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

PART III - ADOPTION

This bylaw is adopted pursuant to Section 67 and 85 of *The Planning and Development Act, 1983,* and shall come into force on the date of final approval by the Minister of Municipal Government.

REEVE

(SEAL)

RURAL MUNICIPAL ADMINISTRATOR

Read a First time this 21st day of May, 1998.

Read a Second time this 21st day of May, 1998.

Read a Third time this 9th day of July, 1998.

Read a third time and adopted
this 9th day of July, 1998.
Certified a true copy of Bylaw No. 3/98
adopted by Resolution of Council on the
9th day of July, 1998

REEVE

(SEAL)

RURAL MUNICIPAL ADMINISTRATOR

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APPROVED
REGINA, SASK.
OCT 21 1998
DEPUTY MINISTER OF
Sask. Municipal Affairs,
Culture and Housing

REEVE

(SEAL)

RURAL MUNICIPAL ADMINISTRATOR