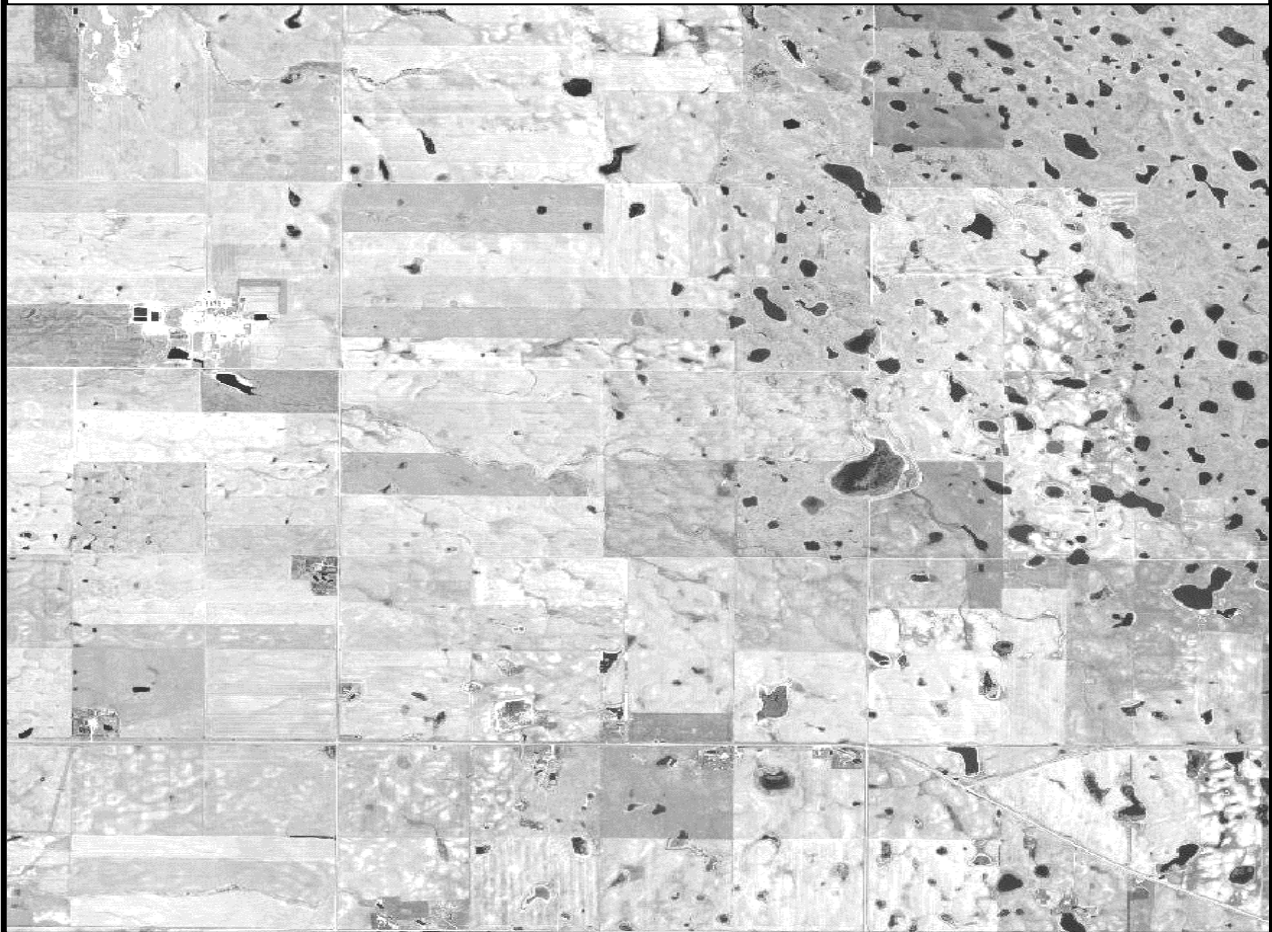


Zoning

# BYLAW

RM of BAILDON NO. 131





THE RURAL MUNICIPALITY OF BAILDON NO. 131  
BYLAW NO. 08-2015

A Bylaw of the Rural Municipality of Baidon No. 131 to adopt a Zoning Bylaw.

The Council of the Rural Municipality of Baidon, 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 Baidon hereby adopts the Rural Municipality of Baidon Zoning Bylaw, identified as Schedule "A" to this Bylaw.
- (2) The Reeve and Rural Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (3) Bylaw No. 2/88, the Zoning Bylaw, and all amendments to are hereby repealed.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 Municipality Administrator)



**RURAL MUNICIPALITY OF BAILDON NO. 131**

**Zoning Bylaw**

**Bylaw No. 08-2015**

**SCHEDULE "A"**



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## 1 INTRODUCTION

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**1.1 Title**

This Bylaw shall be known as the “Zoning Bylaw of the Rural Municipality of Baildon No. 131”

**1.2 Scope**

All development within the limits of the Municipality shall be in conformity with the provisions of this Bylaw.

**1.3 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, the validity of the Bylaw as a whole, or any other part, Section or provision of this Bylaw will not be affected.



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## 2 DEFINITIONS

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In this Bylaw when the following words or terms are used, they have the following meaning, unless the context provides otherwise:

### A

**Accessory Use** – a use or structure that is 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. Structures including but not limited to, those intended to be used as vehicle garages, larger garden sheds, gazebos, recreational structures housing swimming pools, tennis courts, ice surfaces and similar recreational activities that are not intended for commercial use.

**Act** – *The Planning and Development Act, 2007.*

**Administrator** – the official administrator for the Municipality pursuant to *The Municipalities Act.*

**Agricultural Operator:** those persons responsible for the day-to-day management decisions made in the operation of a farm or agricultural operation.

**Alteration** – any structural change or addition made to any building or structure.

**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.

**Animal Husbandry** – means the rearing, confinement or feeding of poultry, hogs, horses, sheep or cattle on a site, but does not include intensive livestock operations.

**Animal Unit** – the kind and number of animals calculated in accordance with the following table:

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

**Applicant** – a developer or person applying for a development permit under this Bylaw, for a subdivision approval to an approving authority under The Act.

## B

**Bed-and-Breakfast Operation**– a residence, licensed as a tourist home under *The Public Accommodation Regulations*, in which overnight accommodation within the unit, along with one meal served before noon, is provided to the travelling public for a charge.

**Beverage Room** – an establishment, licensed by the Province of Saskatchewan, in that alcoholic beverages are served for a fee for consumption on the premises and may include a licensed lounge that is ancillary to a restaurant. Food preparation or serving of food maybe an accessory use to the drinking establishment but is subject to all applicable provincial regulations.

**Building** – a structure used for the shelter or accommodation of persons, animals, or goods.

**Building, Accessory** – a subordinate detached building apart from the main building or main use and located in the same site, which provides better and more convenient function of the main building or main use.

**Building Permit** – a permit issued under a building Bylaw of the Municipality (Building Bylaw) authorizing the construction of all or part of any building.

## C

**Camping Facility** – 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.

**Care Services** - means development to provide daytime personal care and education to children or elderly persons, but does not include overnight accommodation. Typical facilities would include daycare or "elder care" centres, day nurseries, family day home child care, nursery schools and play schools.

**Communal Dwelling** - is identified as the dwelling unit(s) on land owned by a colony who use the land for communal agricultural, educational, and other shared purposes.

**Council** – the Council of the Rural Municipality of Baildon No. 131.

## D

**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 or intensity of the use of any building or land.

**Development Permit** – a document authorizing a development issued pursuant to this Bylaw.

**Discretionary Use** – means a use of land or buildings or form of development that:

- (a) is prescribed as a discretionary use in this Bylaw; and
- (b) requires the approval of Council pursuant to Section 56 of the Act and this Bylaw.

**Domestic Animal**- Animals such as dogs and cats, or any other animal that Council sees fit, which have been tamed and made fit for a human environment.

**Domestic Game Farm** – Defined as per *The Domestic Game Farm Animal Regulations*.

**Duplex Dwelling** – a building divided into two (2) dwelling units as herein define, each of which is occupied as a permanent home or residence.

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

**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.

**Dwelling Group** – a group of principal buildings used as dwellings, located on a single parcel, developed as a project, that may include rental, condominium or bare land condominium forms of tenure.

## E

## F

**Farmstead** – a farm or the part of a farm comprising its main buildings together with adjacent lands.

**Floor Area** – the sum of horizontal area contained within the outside of the outside walls of a building at each floor level at or above grade, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, or unfinished room or attic.

**Flood Fringe** – means the portion of the flood plain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.

**Flood Plain** – means the area prone to flooding from a water body or watercourse that comprises the combined area of the flood way and flood fringe.

**Flood Way** – means the portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.

**Frontage** – the full length of a titled site measured alongside the road on to which the site or building fronts.

## G

**Grocery Store** – the use of a building, or a portion of a building, for the sale of foodstuffs and convenience goods to serve the needs of the surrounding residents and the traveling public.

## H

**Hazard Land** – land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within the flood plain of a river, stream or lake.

**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 Ministry of Saskatchewan Highways and Infrastructure entitled *The Provincial Highway Sign Control Regulations, 2012*, as may be amended or replaced from time to time.

**Home Based Business** – an occupation carried on by the occupants of a residence or agricultural operation and is a use secondary to the permitted use.

**Hotel** – a building which provides sleeping accommodation for which a fee is charged and may also contain commercial uses, facilities or services such as a restaurant, dining room, room service or convention room.



**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 (ILO)** – the operation or facilities for the confinement or feeding of poultry, bison, hogs, sheep, goats, cattle, horses, or domesticated game animals where the site provides less than 370 m<sup>2</sup> of space for each animal unit and will contain 100 or more animal units.



**Junked Vehicles** – any automobile, tractor, truck, trailer or other vehicle that:

- (a) has no valid license plate
- (b) is in rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition
- (c) is not contained within a permitted building
- (d) does not form part of a permitted business



**Kennel** - development used for the breeding, boarding, caring or training of dogs. Typical facilities include dog boarding and dog training establishments, and animal rescue homes.



**Lane** – legal site intended to provide secondary access to the rear or side of abutting sites.

**Liquor Sales** – the wholesale or retail sale or distribution to the public of any and all types of alcohol spirits/beverages.



**Mobile Home** – a trailer coach bearing CSA Z240 certification for mobile homes (or a replacement thereof):

- (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
- (c) that is equipped with facilities for washing and water closet, or other similar facility, which may be connected to a sewage system.

**Modular Home** – 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 one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

**Motel** – a building or group of buildings on a site designed and operated to provide temporary accommodation and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall.

**Multiple Dwelling** – a residential building consisting of three (3) or more dwelling units.

**Municipality** – the Rural Municipality of Baildon No. 131

## N

**Non-Conforming Building** – a building:

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

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

**Non-Conforming Use** – a lawful specific use:

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

## O

**Outside Storage** – the storing, stockpiling or accumulating of goods, equipment or material in an area that is open or exposed to the natural elements.

## P

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

**Permitted Use** – a use or form of development rightfully allowed in a zoning District, subject to the regulations contained in this Bylaw.

**Personal Service Shops** – a facility for providing a service to individuals, including but not limited to barbershops, professional services, medical clinics, drycleaners, etc.

**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 Ministry of Highways and Infrastructure.

**Public Utility** – a government or private enterprise, which provides a service to the general public not including wind energy systems.

## Q

**Quarter Section** – a quarter Section as defined by the Township Plan of Survey 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.

## R

**Reeve** – the Reeve of the Rural Municipality of Baidon No. 131

**Residence** – a single detached dwelling, mobile home or modular home

## S

**School** – a site, building or other premises and improvements that is utilized for the purposes of educating students with a faculty.

**Sign** – any writing (including letter or word), 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 or direct attention to, or advertise
- (c) is visible from outside the building.

**Site** – an area of land with fixed boundaries that 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 site 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 regulations made pursuant to *The Land Surveys Titles Act, 2000*.

## T

**Telecommunication Tower** – structures designed to support antennas for telecommunication and broadcasting.

**Total Wind System Height:** Shall mean the height from ground level to the tip of the rotor at its highest point.

**Tower:** Shall mean any structure used for the transmission or reception of radio, television, telecommunications, mechanical or electrical energy for industrial, commercial, private or public uses, or for the storage of any substance or liquid

**Tower Height:** Shall mean the height above-ground of the fixed portion of the tower, excluding any wind turbine and rotors.

**Trailer Coach** – any vehicle or dwelling that has been modified to allow for both transportation upon public roads or highways and also be utilized as a dwelling or sleeping place for one or more persons.

## U

**Units of measure** – units of measure in this Bylaw are metric abbreviated as follows:

m	- metre(s)
m <sup>2</sup>	- square metre(s)
km	- kilometre(s)
ha	- hectare(s)
ac	- acre(s)
ft	- foot (feet)

**Use** – the purpose or activity for which a piece of land or its buildings are designed, arranged or intended, occupied or maintained.

## V

**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, where electricity, potable water and toilet facilities are provided to the persons, families, or groups occupying any of the sites.

## W

**Waste Disposal Facility, Liquid** – a facility to accommodate any liquid waste from residential, commercial, institutional and industrial sources, 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.

**Wind Energy System** - a structure including towers that converts wind energy to electrical energy, including but not limited to a wind charger or wind turbine.

**Wind Energy Facilities** - shall mean a power plant that uses wind turbines to generate electricity, together with all fixtures, improvements, facilities, machinery, equipment, roads and other items required or useful for the conversion of wind energy into electricity and/or the transmission of electricity, including without limitation:

- i) foundations and concrete pads, footings, steel towers, wires, anchors, fences, maintenance, security, office and/or guest facilities, buildings to properly operate the wind turbines, house, protect and otherwise facilitate the conversion and transmission of electricity;
- ii) wind analysis equipment, anemometers and associated monitoring devices and instruments, and associated towers, support structure, footings, towers, guy wires, anchors and wires;
- iii) facilities for the storage, switching, metering, step-up, step-down, transmission, conducting, wheeling or conveyance of electricity, or to connect one or more wind turbines to a utility's or other wheeling entity's power lines, including, without limitation, (i) transmission lines, (ii) power transfer, distribution and collector lines, (iii) interconnection and switching facilities, (iv) transformers, circuit breakers, disconnect switches and (v) associated towers, support structures, footings, tower, poles, cross-arms, guy lines anchors and wires;
- iv) Facilities for the transmission, conveyance or transfer of data or communications necessary for a wind energy project, including, without limitation, wire-based control and communications systems, and wireless radio relay systems;
- v) substation facilities (to transfer power from the wind turbines to power transmission lines); and
- vi) staging areas, lay-down areas and maintenance yards.

**X**

**Y**

**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 that 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 that 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.

**Z**

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### 3 Administration

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#### 3.1 Development Officer

The Rural Municipal Administrator shall be the Development Officer responsible for the administration of this Bylaw. In their absence Council may designate other employee(s) of the Municipality from time to time.

#### 3.2 Development Permit Process

- a. Every person shall obtain a development permit before commencing any development within the Municipality, except those developments that are listed as exempt.
- b. The completed development permit application shall include, where applicable:
  - A description of the intended use or proposed development including any change in building use or land use change
  - Legal land description
  - The signature of the applicant and the registered landowner(s)
  - A copy of the Certificate of Title or other proof of ownership
  - Estimated commencement and completion dates
  - Floor Plans and elevations of the proposed development (which will be kept at the Municipal Office for future reference)
  - Technical reports i.e. geotechnical, hydrological, environmental
  - Flood elevation information
  - Construction schedule
  - A detailed description of the proposed use, its overall operation and servicing
  - Proof of approval from any other appropriate authority when such approval is deemed necessary by the Development Officer
  - any other information needed to assess the application.
  - An attached site plan which shall include:
    - All adjacent roads, highways, service roads and access to the site (label on site plan)
    - Rights-of-ways and easements (gas, oil, power, drainage easements, etc)
    - All drainage courses

- Location of proposed development
  - Existing development on the site
  - Landscaping details (existing trees, removal of trees, proposed plantings, berming, water features, etc.)
  - Setbacks to property line, road and services
  - Top of bank and water
  - Existing and proposed services:
  - Location of well or cistern
  - Method and location of sewage disposal
  - Sign location and details like artwork, colors, size, lights, etc
  - Parking and loading facilities
  - Sidewalks, patios, playgrounds
  - North arrow
  - Any additional information deemed necessary by Council or the Development Officer
- c. Upon receipt of the completed application and prior to making a decision, the Development Officer may refer any application to Council for a decision on the interpretation of the Bylaw or regarding 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 further information necessary to render a decision.
- d. The Development Officer may refer the application to any internal or external departments or organizations including other professional such as planning, legal or engineering, or 15 Wing Moose Jaw for review or comment prior to issuing a development permit with the cost borne by the applicant. Any recommendations received may be applied as conditions to the development permit.
- e. The Development Officer shall make available a copy of all approved Development Permit applications involving installation of water and sanitary services should such information be requested by provincial officials under the *Public Health Act* and *Regulations*.
- f. The Development Officer shall determine if the proposed development is either:
- i. Permitted Use:

- The Development Officer will issue a development permit when the application conforms to the Zoning Bylaw, incorporating any special regulations, performance standards or development standards authorized by this Bylaw
- The Development Officer will issue a refusal, when the application does not comply with a provision or regulation of this Bylaw and write a letter to the applicant stating the reason for refusal.

ii. Discretionary Use:

- The Development Officer will prepare a report for Council on the proposal discussing or examining the criteria for consideration of that discretionary use and submit the application to Council for a decision.
- At least 7 days before the application is to be considered by Council, the Development Officer shall provide notice to the public for the discretionary use application. The notice must be provided to the assessed owners of property within 75 metres of the boundary with the applicant's land; and any other owners the Development Officer feels should be notified or who may have an interest in the lands.
- Council shall make a decision on a discretionary use, by resolution, that approves, approves with development standards or conditions, or refuses the discretionary use on that site and that instructs the Development Officer to:
  1. Issue a development permit incorporating any specific development standards set by Council, where the development complies with the standards of this Bylaw
  2. Issue a notice of refusal to the applicant stating the reasons for the refusal, referencing the specific discretionary use criteria the application did not meet
  3. All applicants shall be provided the effective date of the decision and information on their right of appeal.
- Conditions may be specified by Council in its approval for a discretionary use in addition to the applicable development standards set out in this Bylaw.

iii. Prohibited Use:

If the proposed development is not listed as a Permitted or Discretionary Use, it is considered a prohibited use.

g. A new development permit approval is required when:

- i. The approved use ceases and is replaced by another use;
  - ii. The approved use ceases for a 12 month period;
  - iii. The development or use is not started within 12 months; or
  - iv. The intensify of use increases.
- h. Council is deemed to have granted discretionary approval to a use, or specific intensity of use, that becomes discretionary on a site as a result of the adoption or amendment of this Bylaw, as of the date that this Bylaw or amendment comes into effect.
- i. Where a decision is not made upon an application within 60 days of submission to the Administrator, the application is deemed refused and may be appealed. The period for a decision may be extended by mutual agreement between Council and the applicant.
- j. Where a person wishes to vary the development from the application as approved, with or without conditions, the person must submit a new application and obtain a new development permit providing for the variation, before the variation is made.
- k. A development permit may be cancelled where the Development officer or Council is satisfied that a permit was issued based on false or mistaken information, where new information regarding environmental protection, flood or hazardous land is identified and when a developer requests a development permit modification.

### **3.3 Temporary Development Permits**

- a. Temporary Development permits may be issued with specified conditions for a specified period of time to accommodate development incidental to approved construction, temporary accommodation, or temporary gravel operations or asphalt plants unless otherwise exempt under Section 3.7 of this Bylaw.
- b. The restoration and clean-up of the site may be a condition attached to a permit.

### **3.4 Interpretation**

- a. Where any provision of this Bylaw appears unclear, Council shall make the final Bylaw interpretation.

### **3.5 Building Permits, Licenses, and Compliance with Other Bylaws**

- a. 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.
- b. A building permit, where required, shall not be issued for a development unless a required development permit has been issued. A building permit issued before a development permit is not valid until the required development permit has been issued.
- c. Where applicable, the Development Officer may apply other bylaws as conditions to a development permit.

### **3.6 Appeals**

- a. The RM of Baildon has a Development Appeals Board.
- b. The composition of the Board, the secretary, remuneration and expenses, powers, duties and responsibilities shall be as per Council's policy which is adopted by resolution.
- c. The Development Appeals Board has the authority to hear an appeal based on:
  - i. The approval of a development permit where it is alleged the Development Officer misapplied the Zoning Bylaw in approving the proposal;
  - ii. The refusal of the Development Officer to issue a development permit because the proposal contravenes the Zoning Bylaw;
  - iii. Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed); or
  - iv. An order to repair or correct contraventions under a Nuisance Bylaw, Property Maintenance Bylaw and/or Zoning Bylaw adopted under *The Municipalities Act* (Sections 364 and 365 ) or *The Planning and Development Act, 2007* (Section 242).
- d. The Development Appeals Board does not have the authority to hear an appeal based on:
  - i. A discretionary use application is refused;
  - ii. Council refuses to amend a zoning bylaw or rezone land; or
  - iii. A decision concerning a subdivision application.
- e. Anyone starting an appeal must send written notice of appeal to the Secretary of the Development Appeals Board within:
  - i. 30 days of a Development Officer's decision being issued;
  - ii. 30 days of the failure of a Council to make a decision;

- iii. 30 days of receiving a permit with terms and conditions; or
  - iv. 15 days if appealed under *The Municipalities Act*, or 30 days under *The Planning and Development Act, 2007*, of an order being served to repair or correct contraventions.
- f. The Board must hold a public hearing on the appeal within 30 days of receiving a notice of appeal.
- g. At least ten days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.
- h. In making an appeal to the Development Appeals Board, and hearing such appeal, the provisions of *The Planning and Development Act, 2007* shall apply.

### **3.7 Development Not Requiring a Permit**

The following developments are exempt from obtaining a development permit provided they meet the requirements of this Zoning Bylaw:

- a. Agricultural District:
- i. The planting, management and harvesting of field crops and gardens
  - ii. The management of pastures for the raising of livestock -excluding ILOs.
  - iii. Keeping of animals on farmsteads
  - iv. Accessory uses and buildings required for the carrying out of agricultural uses (including sheds, barns, grain bins/ grain storage buildings and quonsets). Accessory uses and buildings related to a residential use will require a permit.
  - v. Parking of private or agricultural vehicles on private lands
- b. Accessory buildings which are less than 10m<sup>2</sup> (107 ft<sup>2</sup>) in area that do not contain any habitable rooms and are smaller in area than the principle residence. Including but not limited to sheds and storage buildings. Accessory buildings shall adhere to the minimum setback requirements in the applicable sections of this Bylaw.
- c. The repair and maintenance of existing buildings that does not include structural alterations, additions or major works or renovation.
- d. Sidewalks and steps.
- e. Patios under 100 square feet and decks under 100 square feet.
- f. Landscaping on private lands: provided the drainage pattern of the site and adjacent sites are not negatively impacted including any surrounding waterways.

- g. Installation and repair of public utilities, except solid and liquid waste disposal facilities.
- h. Development and expansion of municipal facilities, buildings and uses (including but not exclusive to sand and gravel operations) that are operated and used by the RM of Baildon No. 131.
- i. Signs, subject to Section 4.6.
- j. Fences
- k. Keeping of domestic pets

### **3.8 Amending the Zoning Bylaw**

- a. Any person who seeks to amend this Zoning Bylaw must submit an application for amendment to the Development Officer who shall review and then refer the application to Council for consideration.
- b. The amendment application is subject to fees as set out in the Municipal Fee Bylaw.
- c. Prior to Council's review, the Development Officer may refer the amendment application to any internal or external departments or organizations for review or comment (ie. provincial departments, interested stakeholders, etc).
- d. The process for public notification and public participation during the Bylaw adoption process shall be as per the regulations of *The Planning and Development Act, 2007*.
- e. Premature rezoning of land for development shall not be practiced.
- f. Council shall consider Zoning Bylaw amendments to accommodate proposals, only when specific development proposals, subdivision applications, servicing agreement and other information, as the case may be, have been presented to and reviewed by Council.

### **3.9 Servicing Agreements and Development Levies**

- a. Council may require a subdivision applicant to enter into a Servicing Agreement or development permit applicant to enter into a Development Levy Agreement to ensure conformity with the Official Community Plan and Zoning Bylaw and to ensure adequate funding for on-site and off-site infrastructure development as allowed for in *The Planning and Development Act, 2007*.
- b. Council may require the applicant to post and maintain a performance bond, irrevocable letter of credit or similar legal mechanism to ensure performance and to protect the public interest.
- c. Council may require the applicant to provide and maintain liability insurance to protect the applicant, municipality and the public.
- d. Council will ensure there is adequate municipal infrastructure and other public facilities prior to entering into the Agreement with the applicant, which may include sewage disposal, garbage disposal, availability and adequacy of source of water, recreational facilities, etc.

- e. To protect the municipal and public interests, Council may require that development and servicing agreements may be caveated on subject lands.

### **3.10 Fees and Advertising**

- a. The fees related to the Zoning Bylaw and Official Community Plan shall be set out in the Municipal Fees Bylaw.
- b. All advertising shall be as per the requirements of *The Planning and Development Act, 2007*.

### **3.11 Offences and Penalties**

- a. Pursuant to Section 242 of *The Planning and Development Act, 2007* the Development Officer may issue a written order to the owner, operator or occupant of the land, building or premises for any contravention to this Zoning Bylaw or the Official Community Plan.
- b. Any person who violates this Zoning Bylaw is guilty of an offence and is liable, on summary conviction, to the penalties outlined in Section 243 of *The Planning and Development Act, 2007*.

### **3.12 Minor Variance**

- a. Council may vary the requirements of this Zoning Bylaw for the:
  - i. Minimum required distance of a building from the lot line
  - ii. Minimum required distance of a building to any other building on the lot
- b. The maximum amount of variance given by Council shall not exceed 10% from the requirements established in this Zoning Bylaw. The development must conform to the land use requirements established in this Zoning Bylaw and shall not affect neighbouring properties.
- c. The Development Officer shall refer the development permit application for the minor variance to Council. Council shall approve, approve with conditions or refuse the minor variance.
- d. If the application is refused by Council, the Development Officer shall provide written notice to the applicant and provide reason for the refusal.
- e. If the application is approved by Council, with or without conditions, the Development Officer shall provide written notice, delivered by registered mail, to the applicant and to the assessed owners of property who have a common boundary with the applicant's land. The notice shall contain a summary of the application and reasons for Council's approval as well as the effective date of the decision. The assessed property owners may lodge a written objection to Council or the Development Officer within 20 days after the receipt of the notice. If an objection is lodged, the approval is deemed to be revoked and the Development Officer shall notify the development permit applicant, in writing, of the revocation of the approval and the applicant's right to appeal the revocation to the Development Appeals Board within 30 days after receiving the notice.

- f. If an application for a minor variance is refused, the applicant may appeal the refusal to the District Development Appeals Board within 30 days of that decision



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## 4 General Regulations

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The following regulations shall apply to all lands within the Rural Municipality of Baildon No. 131:

### 4.1 Environmental Management and Hazard Lands

- a. The Natural Environment Policies in Section 7.2 of the Official Community Plan shall be applied to all development on hazard lands.
- b. If a proposed development has the potential to inhibit neighboring uses or natural systems it shall be prohibited.
- c. Where a portion of land contains a water body or course, the appropriate setback distances shall apply as per this Bylaw.
- d. No person shall backfill, grade, deposit earth or other material, excavate, or store goods or materials on lands that are hazardous nor plant any vegetation parallel to the water flow.
- e. Flood proofing techniques, at Council's discretion, may be required in accordance with the flood policies in the Official Community Plan and the Statements of Provincial Interest Regulations.

### 4.2 Number of Residences on a Parcel

- a. Only one residence shall be allowed on a titled area unless:
  - i. A multiple dwelling unit or communal dwelling is allowed in accordance with this Bylaw
  - ii. A maximum of two residences per titled site are allowed in the agricultural district on a site of (16.20 hectares) 40 acres or more). Additional dwellings to accommodate full-time or part-time workers engaged in the conduct of the agricultural operation may be permitted at Council's discretion. Dwellings accessory to non-agricultural uses may be permitted at Council's discretion in the Agricultural District.
  - iii. In the Commercial District, one accessory dwelling per titled site that is less than 40 acres may be allowed at Council's discretion.
- b. A development permit application, in any district, for an additional residence will not be approved unless the additional residence is designed, sited, constructed, and finished in a manner that is visually compatible and harmonious with the character of the surrounding residential developments.

### 4.3 One Principal Building or Use

- a. Only one principal building or use per site shall be permitted on any one site excluding: agricultural and commercial uses, communal dwellings, parks, schools, hospitals, recreation facilities, public utilities, mineral and resource developments, gravel operations and approved dwelling groups. Two residences are permitted on one titled lot of at least 16.20 hectares (40 acres) or more in the Agricultural District, as per Section 4.2.

- b. Council may, at its discretion, issue a development permit for additional principal uses or buildings in the Commercial District.
- c. Temporary uses may be permitted on a site where a principal development already exists at Council's discretion.

#### **4.4 Mobile and Modular Homes**

- a. A mobile or modular home is considered a residence for the purpose of this bylaw.
- b. All residences, including mobile and modular homes, shall be attached to a permanent foundation and/or piles or securely anchored to the ground and skirted prior to occupancy.
- c. Every mobile home shall bear CSAZ240 MH Series certification (or replacement thereof) and every modular home shall bear CSA A277 certification (or replacement thereof).
- d. Mobile and/or modular homes for non-residential purposes may only be considered at Council's discretion.

#### **4.5 Non-conforming Uses, Sites and Buildings**

- a. The adoption or amendment of this Bylaw does not affect non-conforming buildings, non-conforming uses or non-conforming sites.
- b. An existing non-conforming use or intensity of use may continue if the use existed when this Bylaw was adopted and has not been discontinued for 12 consecutive months.
- c. Non-conforming buildings or sites may continue to be used, maintained and repaired in their present form.
- d. Any lands which do not conform to the site requirements as set out in this Bylaw shall be deemed to be conforming with regards to site size, provided that a registered title for the site existed prior to the coming into force of this Bylaw.

#### **4.6 Signs and Billboards**

Unless specified elsewhere in this Bylaw the following regulations shall apply:

- a. Signs located in a Highway Sign Corridor shall be regulated entirely by the requirements of *"The Provincial Highway Sign Control Regulations, 2012"* or amendments thereto, and do not require a development permit from the RM of Baildon.
- b. Signs other than those located in a Highway Sign Corridor shall comply with the following:
  - i. The following signs are allowed:
    - 1. A sign that advertises agricultural commercial uses, home based businesses, the principal use of a site, or the principal products offered for sale on the site

2. Signs with no advertising, including government signs, memorial signs, directional signs, traffic control, no trespassing, hunting restrictions, farmyard identification signs and similar signs
  3. Temporary signs and real estate signs, which shall be promptly removed after they are no longer needed and shall have a facial area of not more than one (1) square meter
- ii. A maximum of one advertising sign is permitted on a titled area. Additional signs may be permitted at Council's discretion where identified as a discretionary use in this Bylaw.
  - iii. Billboard and other off-site advertising signs are prohibited
  - vi. All private signs shall be located so that no part of the sign is over a public right of way.
  - vii. The maximum facial area of a sign shall be 4' x 8' (32 sq. ft.) and a sample of the sign artwork may be required to be submitted for review prior to installation.
  - viii. A development permit is required for signs larger than 4' x 8' (32 sq. ft.) where permitted in this Bylaw.
  - ix. All signs may be double faced.
  - ix. Signs that are in disrepair shall be properly maintained or removed at the discretion of the Municipality. All signs shall conform to the amenities of the neighborhood.
  - x. Signs shall not be located where they may interfere with, distract from, or obstruct the view of a pedestrian way, vehicular right of way or railway crossing.
  - xi. No sign shall be illuminated unless the source of light is steady and suitably shielded. Flashing and/or animated sign shall be prohibited.
  - xii. The maximum height of any free-standing sign shall be 6 meters, as measured from grade level to top-of-sign.

#### **4.7 Storage of Vehicles**

- a. Notwithstanding anything contained in this Bylaw, no site shall be used for the parking or outside storage of junked vehicles, which includes any automobile, tractor, truck, trailer or other vehicle that has no valid license plate or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or in an abandoned condition at Councils discretion except that not more than three may be stored in the Hamlet District and not more than ten shall be stored in the Agricultural and Highway Commercial District.
- b. Section 4.7 a. shall not apply to lands that have received a development permit for a salvage yard or similar type development.

- c. All stored vehicles shall be kept in a neat and tidy manner. The RM may require that the vehicles be screened from roadways or neighbouring properties with landscaping, fence, a combination of both or that they be stored in a building.
- d. The use of an abandoned vehicle, or unlicensed vehicle or truck trailer unit for the purpose of a sign is prohibited.

#### **4.8 Salvage Yards, Auto Repair Shops and Body Shops and Similar Uses**

- a. Salvage yards and similar uses may be required to be hidden from the view of the travelling public including public roads or highways and from adjacent residential development.
- b. Screening may be required and can include natural or planted vegetation, fencing, building or any other methods that Council approves.

#### **4.9 Gas or Service Stations**

- a. Gas or service stations, including underground storage tanks and program and natural gas pumps setbacks, shall be in accordance with *The Fire Protection Act* and Provincial Regulations.
- b. Gas pumps and/or islands shall be set back 6 meters (20 ft) from any site line.
- c. Ease of access and egress for the flow and safety of travelling public is required.
- d. Parking requirements shall apply.

#### **4.10 Sea and Rail Containers**

- a. Sea and rail containers are only allowed as an accessory use on titled areas greater than or equal to 10 acres and may be allowed at the discretion of Council in the Hamlet District and on titled areas less than 10 acres. The Municipality may require screening with landscaping or fences.

#### **4.11 Public Utilities, Pipelines, and Facilities of the Municipality**

- a. Where a pipeline, other utility or transportation facility, crosses a municipal road Council may apply special design standards as considered necessary to protect the municipal interest in the road, including but not limited to requiring the pipeline to be punched under the road.
- b. Unless otherwise stipulated, the regulations of this Bylaw shall not apply to maintenance operations for linear public utilities, except solid and liquid waste disposal sites and wind energy, (such as sewers, water mains, power cables, pipelines, railroad tracks) required in connection with any lawful use of buildings or land.

#### **4.12 Waste Disposal Facilities**

- a. Development of a new solid or liquid waste disposal facility or expansion of an existing facility will be subject to the following, as specified by Council upon issuing a permit:
  - i. A buffer strip containing trees, shrubs or a berm shall be located surrounding a lagoon or sanitary landfill disposal area

- ii. A lagoon or sanitary landfill disposal area shall be located outside the 1:500 flood hazard area
  - iii. Any solid or liquid waste disposal facility shall be fenced to provincial standards
- b. Criteria for approving a lagoon or sanitary landfill disposal area:
- i. A municipal or regional landfill or lagoon project must undergo a provincial environmental impact assessment and a public hearing process to determine if the proposal is considered suitable for the area.
  - ii. Any necessary mitigation measures will be specified as conditions of the permit approval
  - iii. Private landfills and lagoons will be considered, provided they meet provincial requirements, and are located so they will not interfere with existing or future residential, recreational, or tourism development
  - iv. Sanitary landfills and lagoons shall not be located on hazard lands as defined by this bylaw.

#### **4.13 Home Based Businesses**

- a. A home based businesses shall be a secondary use on the property.
- b. The agricultural use or residential use shall be established on the property prior to the establishment of the home based business.
- c. A home based businesses shall cause no variation in the residential or agricultural character or the appearance of the residence, accessory residential building, or land, except for permitted signs.
- d. All approvals issued for a home based business shall be subject to the condition that the approval may be revoked at any time if, in the opinion of the Council, the conditions under which the approval was originally issued are no longer met. Where an approval is revoked the use shall cease immediately.

#### **4.14 Kennel**

- a. A Kennel shall not be located within or adjacent to a multi-parcel residential subdivision or closer than 304.8 m (1,000.0 ft.) from the boundary of an adjacent property line. Exceptions may be made when a highway, arterial road or secondary road bisects the 304.8 m (1,000.0 ft.) separation distance.
- b. All facilities shall meet provincial regulations, when necessary.

- c. No facility or exterior exercise area used to accommodate the animals shall be located within 6 m (20 ft.) of any property line of the parcel on which the facility is to be sited.
- d. All exterior exercise areas (runs) shall be enclosed with a fence with a minimum height of 1.8 m (6.0 ft.).
- e. All facilities, including buildings and exterior exercise areas, shall be required to be sited behind the residence, unless stated otherwise by Council.
- f. All facilities shall be visually screened from existing dwellings on adjoining parcels.

#### **4.15 Bed-and-Breakfast and Vacation Farm Operations**

- a. A bed and breakfast or vacation farm operation shall be a secondary use on the property.
- b. The agricultural use or residential use shall be established on the property prior to the establishment of the operation.
- c. The operation may include rooms, cabins, and overnight camping areas.
- d. The maximum number of rooms, cabins or overnight camping areas permitted will be specified as a condition of the development permit.
- e. On-site signs will be permitted in accordance with Section 4.6.
- f. All operations shall be licensed pursuant to *The Public Health Act*, where tourist accommodations require health approval and obtaining this license will be a condition of approval.
- g. Bed-and-breakfast operations shall be located in a residence used as the operator's principal residence, or located in a dwelling accessory to and established on the same site as the operator's principal residence.

#### **4.16 Campgrounds**

- a. The operator of a campground shall provide the Development Officer with a plan of the development, identifying:
  - i. Any buildings;
  - ii. Uses of land;
  - iii. Changes to the land, grading/drainage, storm water management;
  - iv. Location of garbage collection;
  - v. Location of washroom facilities and utilities;
  - vi. Emergency evacuation plan;

- vii. Location of all roadways; and
  - viii. Campsites with dimensions.
- b. 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 new development permit, and the operator shall submit, for approval, an amended plan incorporating the changes.
  - c. There shall be a buffer area abutting the boundary of not less than 4.5 m (14.76 ft.), which shall contain no buildings and shall be left in its natural state
  - d. No portion of any campsite shall be located within a roadway or required buffer area.
  - e. Each campsite shall have direct and convenient access to the internal developed roadway.
  - f. The space provided for roadways within a campground shall be at least 7.5 m in width.
  - g. The development may include uses such as laundry facilities or a confectionery designed to meet the needs of the occupants of the campsites, and one residence for the accommodation of the operator.
  - h. All provincial regulations, including *The Public Health Act*, shall be complied with in respect to all operations and development of the camping facility.
  - i. All campgrounds shall be properly serviced. Council may apply specific requirements for water and sewer.

#### **4.17 Dwelling Groups**

- a. Access to sites shall be from a road internal to the dwelling group parcel
- b. No dwelling shall be closer than 6 m (20 ft) to any other dwelling
- c. All buildings on a dwelling group parcel shall maintain the required yards to the property lines of the parcel provided for the District and the required set back to the centre line of a road.

#### **4.18 Access**

- a. Every development shall have convenient, physical and legal access to a public highway, municipal grid road or main farm access or road or any road to be developed under an agreement that is developed to a standard that, in the opinion of Council, is suitable for the proposed development.
- b. For the purposes of Bylaw "developed road" shall mean an existing paved or 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

- c. Approaches and road crossings require approval from Council; the approval is issued through a separate permit process than from this Bylaw.
- d. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.
- e. All lots within a subdivision may be required to have access from an internal subdivision road. The number of accesses from the municipal road will be limited to provide for the safety of the travelling public.
- f. Where, in the opinion of Council, a developed road would be prohibitively expensive for the Municipality to construct or maintain, Council shall not be required to recommend subdivision approval, or to issue a Development Permit, unless the proponent agrees to pay to the Municipality the full cost, or such portion of the cost as Council may determine, for the construction and maintenance of such street, in according with *The Municipalities Act*.
- g. Developed roads shall be to a standard approved by Council.

#### **4.19 Setbacks**

- i. The minimum setback of buildings, including a residence, structure or objects, from the centreline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft.).
- ii. The minimum setback of buildings, including a residence, structure or objects from the intersection of the center lines of two or more municipal road right-of-ways shall be 91.4 m (300 ft.).
- iii. Trees, shrubs, stone piles, portable structures, machinery, corrals, fences or other objects, such as wells, dugouts, or reservoirs on private property shall also adhere to the regulations in 4.19 i. and ii.
- iv. Fences which are 4 feet in height or less may be allowed up to the edge of the road right of way.
- v. Minimum rear yard in all Districts (excluding the Hamlet District): 6.0 metres (20 feet)
- vi. Minimum side yard in all Districts (excluding the Hamlet District): 6.0 metres (20 feet)
- vii. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operation, as follows:

Use/Operation	Separation Distance
ILO	As per Table 1
Animal Testing Facilities	305 meters (1000ft)
Pregnant Mare Urine Operations	305 meters (1000ft)
Livestock Assembly and Brokerage Yards	305 meters (1000ft)
Abattoirs	305 meters (1000ft)
Anhydrous Ammonia facilities	305 meters (1000ft)
Bulk Petroleum Storage Facilities	305 meters (1000ft)
Sand and Gravel Pits	305 meters (1000ft)
Drive-in Theatres	305 meters (1000ft)
Private Airstrips	305 meters (1000ft)
Outdoor Gun Clubs and Shooting Ranges	305 meters (1000ft)
Licensed Public or Private Liquid Waste Disposal Facility	305 meters (1000ft)
Licensed public or Private Solid Waste Disposal Facility	457 meters (1500 ft)
Honey Processing Facility	305 meters (1000ft)
Non-refrigerated Anhydrous Ammonia Facility licensed by the Province of Saskatchewan	305 meters (1000ft)
Refrigerated Anhydrous Ammonia Facility licensed by the Province of Saskatchewan	600 meters (1970 ft.)

- v. The minimum setback of any residence or building from any waterbody(ies) or watercourse within the RM shall be 45.7 meters (150 ft.) unless specified otherwise by Council.
- vi. The minimum setback for buildings or other objects on private property from an internal subdivision road shall be 7.6 m (25 ft.)

#### **4.20 Outdoor Storage**

- a. The outdoor storage or display of any materials or equipment shall be kept in a tidy a neat manner.

#### **4.21 Accessory Uses**

- a. The peace, order and character of adjacent land uses shall not be disturbed by dust, noise, odour, smoke, traffic or similar nuisances generated by any accessory use.
- b. Accessory uses/buildings will not include secondary suites or granny suites.

#### **4.22 Fences**

- a. No fence (including snow fences) may obstruct the view or site lines from public roads or accesses.
- b. The maximum height shall be 6 ft. or else at the discretion of Council.

**4.23 Grading and Leveling of Sites**

- a. To provide adequate surface drainage that does not negatively impact adjacent properties, grading and leveling of sites may be required at the owner's and/or developer's expense.

**4.24 Parking**

- a. Council may require that adequate space be left for parking for developments which are intended for the purpose of accommodating vehicles of clients, customers, employees, members, residents or visitors in connection with the principal building or use. The requirement may be attached as a condition to the development permit.

**4.25 Water**

- a. 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 meet provincial requirements.

**4.26 Storage of Chemicals, Fertilizers and Combustible Materials**

- a. 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.
- b. Council may deny the proposed storage of a hazardous good if the proposed use has the potential to cause a detrimental effect on the surrounding uses.

**4.27 Waste Disposal**

- a. 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 provincial legislation.

**4.28 Wind Energy Systems**

- a. Where a number of Wind Energy Systems are proposed to operate in close proximity to each other as a Wind Farm and the electrical power that is generated will be sold to a public or private utility, the proposed development shall be deemed a Discretionary Use in the Agricultural District.
- b. All roads and accesses required to facilitate the development shall be proposed by the developer as part of the development permit application. As a condition of development the Developer shall enter into an agreement with the municipality to ensure all roads and accesses are constructed to municipal standards
- c. The developer may be required to enter into a road maintenance agreement, in accordance with the regulations of *The Municipalities Act*.

- d. Site Suitability:
  - i. There is no minimum site size for the allowance of any wind energy system.
  - ii. All wind energy systems and towers shall be enclosed within a locked protective fencing, where necessary, of a minimum height of 1.85 metres (6.0 ft.). Wind Turbines and Roads do not require fencing.
  - iii. Environmental concerns shall be addressed provincially and federally through environmental assessment. Copies of environmental documents will be shared with the Council upon issuance of the certificate, license or permit by the appropriate authorities.
  
- e. Setback distances:
  - i. Occupied residences to Wind Energy System: No Wind Energy System shall be located within five hundred and fifty (550) meters (1804 ft.), unless otherwise agreed to by the affected landowner, developer and the Council through variance procedures.
  - ii. Road allowance to Wind Energy System: No Wind Energy System shall be within the greater of 45.72 m (150 ft.) or the length of the wind turbine blade plus ten (10) meters (3 ft.) from any road. No Wind Energy System shall be within three hundred (300) feet (91 meters) of an intersection.
  - iii. Property line of non-participating landowner to wind turbine – No wind turbine shall be within the length of the wind turbine blade plus (10) meters (3 ft.) of any non-participating property line, unless otherwise agreed to by the affected landowner, developer and the Council through variance procedures.
  - iv. Existing Wind Energy System to Wind Energy System – No Wind Energy System shall be located within five hundred (500) meters (1640 ft.) of any existing wind turbine unless the existing wind turbine is owned by the same person or unless the owner of the existing Wind Energy System provides written consent.
  
- f. Maximum noise levels:
  - i. Sound levels shall not exceed 45 dbA measured at a distance of 30 meters (98.42 ft.) from an existing residential exterior wall.
  
- g. Residential Wind Energy Systems:
  - i. For residential applications, wind energy components and towers less than 30 meters (98.42 ft.) in height including maximum blade height shall be exempt from Wind Energy System Regulations and considered as an Accessory Use.

#### **4.29 Telecommunication Towers**

- a. All towers may be required to be enclosed within a locked protective chain link fence.

- b. Council may consult with external agencies prior to issuing a permit.
- c. Towers shall not display advertising, unless required by Transport Canada and excluding the manufacturer's logo.
- d. Where applicable, towers shall be erected in rear yards only.
- e. Setbacks from the centerline of a municipal road allowance shall be equal to the distance of the height of the tower plus 10 meters or at Council's discretion.

**4.30 Domestic Game Farms**

- a. Shall comply with all federal and provincial regulations and legislation.

**4.31 Conservation and Development Areas**

- a. Future subdivisions and/or developments surrounding the conservation and development areas (C&D) within the RM shall not have an adverse effect on the drainage system and ditches. Council may refer the application to the appropriate agency(ies) and may require the developer to provide professional reports/documentation that confirms that the drainage pattern and ditches will not be affected and shall comply with provincial regulations and legislations.

**4.32 Museums and/or Historical Developments**

- a. At Council's discretion, site sizes, frontage and setbacks may be relaxed for subdivisions or developments relating to museums or any other historical development.
- b. Consultations with provincial agencies may be required prior to granting a relaxation.

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## 5 Zoning Districts

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### 5.1 Districts

- a. For the purpose of applying this Bylaw, the Municipality is divided into Zoning Districts.
- b. 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, attached to and forming part of this bylaw.

### 5.2 Boundaries

- a. The boundaries of all Zoning Districts 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 Districts are site lines, centre lines of streets, lanes, roads or such lines extended, and the boundaries of the Municipality. Unless otherwise shown on a Zoning Amendment Map, the Zoning District boundary, coincident with a parcel boundary, moves with a minor adjustment to that boundary.

### 5.3 Regulations

- a. Regulations for the Zoning Districts are outlined in the following Sections:
  - i. Agricultural Resource District (AR)
  - ii. Hamlet District (H)
  - iii. Highway Commercial District (HC)
  - iv. 15 Wing Overlay District



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## 6 Agricultural Resource District (AR)

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The purpose of the Agricultural Resource District is to provide for and preserve the primary use of land in the form of agricultural development and associated agricultural uses. Other uses compatible with agricultural development are also provided for as well as location dependent natural resource development. The Hamlets of Crestwynd and Tilney will also be included in this district as the RM will transition these areas back to agricultural land.

### 6.1 Permitted Uses that require development permit approval:

- a. Residential Uses
  - i. Residence (up to two residences permitted on titled sites > 40 acres (16.20 hectares) or more).
  - ii. Accessory buildings greater than 10 square meters (107 square feet) related to a residence (including but not limited to garages, sheds, etc.)
  - iii. Patios and decks greater than 10 square meters (107 square feet).
- b. Resource based uses:
  - i. Petroleum exploration, extraction wells and related facilities
  - ii. Petroleum pipelines and related facilities
  - iii. Mineral mines or extraction facilities
  - iv. Accessory uses or buildings related to the resource
- c. Agricultural Uses
  - i. Intensive Agricultural Operations such as:  
market gardens, orchards and fruit market, horticultural and sod farms including nurseries, kennels, aviaries (birds) and apiaries (bees), the sale of produce obtained from the pursuit of the listed uses and other uses determined by Council.
  - ii. Facilities for the direct sale of horticulture crops
- d. Telecommunication towers

### 6.2 Discretionary Uses

The following uses will be permitted at Council's discretion and with compliance with all provincial and federal regulations and legislation where necessary:

- a. Agricultural Uses
  - i. New or expanding Intensive Livestock Operation (ILO)

- ii. Livestock related facilities, limited to: livestock assembly and brokerage yards, auction facilities, abattoirs, other similar uses.
  - iii. Equipment Uses, limited to: farm implement/machinery servicing and repair, welding shops, salvage yards, equipment storage and rental, other similar uses.
  - iv. Agro-Chemical Uses, limited to: fertilizer processing and storage, bulk petroleum storage, grain and seed storage, drying and cleaning, other similar uses, including sales.
  - v. Agricultural related Manufacturing and Processing, including storage and sales and other commercial agricultural operations, grain elevators and other similar uses.
  - vi. Agricultural service and contracting establishments
- b. General Commercial Uses, such as: retail stores, service/gas stations, financial institutions, business/professional offices, beauty parlors and barber shops, commercial uses related to the mineral and resource sector.
- c. Residential Uses
- i. Residences (more than two residences on one titled site > 40 acres to accommodate full-time or part-time workers engaged in the conduct of the agricultural operation).
  - ii. Bed and Breakfast Operation
  - iii. Vacation Farm
- d. Recreational commercial uses (sports arenas or fields, parks and playgrounds, fair and rodeo grounds, animal race tracks, gun clubs, shooting ranges, museums, hockey or curling rinks, drive in theatres, golf courses, tourist campgrounds, or similar type uses)
- e. Community Uses:
- i. Places of worship, cemeteries, and non-residential schools
  - ii. Radio, television and microwave towers
  - iii. Public parks and public recreational facilities
  - iv. Historical sites, archaeological sites, wildlife and conservation management areas
  - v. Institutional camps or lodges
- f. Workcamps
- g. Sand, Gravel and Crushing Operations including accessory uses and buildings
- h. Dwellings accessory to Non-Agricultural Uses

- i. Accessory uses and buildings related to the above listed uses
- j. Signs (more than one per titled lot and/or greater than 3 sq. meters (32 sq. ft.))
- k. Private Airstrips
- l. Wind Energy Systems
- m. Game Farms
- n. Communal Dwellings
- o. Salvage Yard
- p. Keeping of animals on sites other than a farmstead

### **6.3 Regulations**

- a. Subdivision
  - i. The subdivision of any land within the Agricultural District is subject to the policies contained in the Official Community Plan.
  - ii. Two subdivisions will be allowed per quarter section (3 separate titles per quarter section in total) before requiring rezoning to another district.
  - iii. Additional sites may be considered where a part of land is physically separated from the remainder of the quarter section by a railway, a registered road plan containing a highway or developed road, or a river, lake or significant stream and the separated site has direct access to a developed road
- b. Frontage
  - i. Minimum site frontage for Sand and Gravel Operations shall be 45.7 meters (150 feet)
  - ii. Minimum site frontage shall be 20 m (65 ft.) for all other parcels
  - iii. Exemptions from minimum frontage may be considered by Council for resource based uses and community uses.
- c. Site Size
  - i. Agricultural Commercial and Intensive Agricultural Uses: Minimum 0.8 hectare (2 acre)
  - ii. Resource Activity: as per Council's discretion
  - iii. Residential: Minimum 0.81 hectares (2 acres) to a maximum of 15.8 hectares (39 acres)

- iv. Exemptions from minimum and maximum area requirements may be considered by Council for the following: public and/or municipal facilities or uses, recreation and heritage uses, wildlife habitats, conservation and development areas, community uses and existing physical circumstances.
  - v. The maximum and minimum site area may be varied depending on existing physical circumstances i.e. limitations or demarcations such as existing shelterbelt, topographical restraints or irregular(cutoff) shaped parcels caused by road cut-offs, railways, river, lake or significant stream or other similar features at the discretion of Council.
- d. Setback Requirements
- i. Setbacks shall be as per Section 4.19 in this Bylaw.
- e. Resource Based Uses
- i. To provide appropriate access/egress, sewage, water, stormwater and/or drainage works the construction of or upgrades to municipal infrastructure may be required at the developer's expense.
  - ii. Land use incompatibility, nuisance and pollution including odour and dust shall be minimized by considering appropriate routes, buffers, screening, etc.
  - iii. Signage, fencing, lighting restrictions or other safety measures may be required at the developer's expense.
  - iv. The developer may be required to submit to the RM a copy of the proposed reclamation or rehabilitation plan.
  - v. Council shall manage and review development, subdivision activities and proposal and apply development standards and requirements in consultation, coordination and cooperation with the appropriate Provincial agencies and other professionals/consultants as determined by Council.
  - vi. The developer shall be required to provide Council sufficient information, plans, reports, Federal and Provincial approvals and related information to enable Council to thoroughly review and manage the proposed development in compliance with this Bylaw.
  - vii. Site inspections shall involve Council or other agencies when development and subdivision proposals on environmentally sensitive lands take place.

#### **6.4 Criteria for Discretionary Use Applications**

Council shall use the following criteria in making a decision on a discretionary use development permit application:

- a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

- b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.
- c. No new or expanded discretionary uses shall be located in the 1:500 flood elevations as per the provincial regulations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.
- d. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- e. Commercial Uses, including Commercial Agricultural Developments:
  - i. Any proposed agricultural commercial development is encouraged to locate adjacent to existing roads that are of a standard to accommodate the business; as per the policies in Part 4.2 of the Official Community Plan.
  - ii. Any unsightly outdoor storage of machinery, vehicles, or materials including any salvage or vehicle storage yard shall be adequately screened from the public's view.
  - iii. If required, the operator will enter into a heavy haul agreement with the RM.
  - iv. In the application for an intensive operation, the applicant shall identify the proposed supply of water for the operation where intensive irrigation is required, showing that the supply shall be sufficient to meet the needs of that operation without adverse effects on the supply of water used by neighbouring properties. A license or proof of application shall be required.
- f. Home Based Businesses:
  - i. Any increase in the operation as applied for or approved shall require a new discretionary use approval.
- g. Bed-and-Breakfast and Vacation Farms:
  - i. The proposed structures are suitable and comfortable for the proposed development.
  - ii. There shall be a water source suitable for public consumption at the facility.
  - iii. There shall be suitable utilities and sewage disposal system for the facility.
  - iv. There shall be appropriate levels of access to the site and off-street or road parking for the users of the facility.
  - v. The development shall not be in conflict with adjacent uses or uses currently on site.
  - vi. The development shall meet all provincial regulations and legislations.

h. Campgrounds

- i. Each site shall have access from an interior roadway
- ii. A water source for public consumption shall be available on site
- iii. Suitable utilities, sewage disposal systems and facilities shall be available on site
- iv. The development shall not conflict with adjacent uses or uses currently on site
- v. An emergency services plan shall be discussed and agreed to by the service providers and the applicant
- vi. The development shall meet all provincial regulations and legislations.

i. Workcamps

- i. In addition to the information required in Section 3.2, development permit applications for workcamps shall contain the following information, to the satisfaction of Council:
  1. The location, type and purpose of the camp which shall include a site plan specifying the number of buildings and their location.
  2. Method of supplying water, sewage and waste disposal facilities, which must comply with provincial regulations.
  3. The number of persons proposed to live in the camp.
  4. The start date of construction, the date of occupancy and the removal date.
  5. Reclamation measures once the camp is no longer needed.
- ii. The developer is to maintain any existing natural buffers (trees, natural topography, etc.), where possible.
- iii. The workcamp shall be contained within the commercial use or resource based use site.
- iv. The developer shall provide Council with information regarding the necessity of the workcamp in attracting and attaining skilled workers for the operation of the commercial use.
- v. The site shall be adjacent to an all-weather road to provide year round access to the site.
- vi. There shall be sufficient separation distance between the buildings for fire emergency access.

- k. Sand and Gravel Pits and Gravel Crushing Operations
- i. All sand and gravel operations shall meet provincial requirements and guidelines as well as municipal requirements.
  - ii. Land use incompatibility, nuisance and pollution shall be minimized by considering appropriate routes, buffers, screening, etc.
  - iii. All operations shall have efficient servicing, haul routes and have a high consideration for public safety
  - iv. Council will specify development conditions in conjunction with recommendations from provincial agencies and reports from qualified person regarding site development, services, modifications to application and location of operation;
  - v. Council will specify conditions regarding cost recovery and cost- sharing of municipal road construction and maintenance expenses due to increased haulage by trucks carrying mineral resources.
  - vi. The following standards shall apply to the development of sand and gravel operations:
    1. Slope instability shall not be increased;
    2. Groundwater supplies shall not be depleted or adversely affected;
    3. Turbidity and siltation of water courses and bodies shall not be increased;
    4. Adjacent land uses shall not be adversely affected; and
    5. Wildlife habitats and historical and/or archaeological sites shall not be disturbed.
  - vii. Minimum excavation setbacks are as follows:
    1. 45.72 metres (150 feet) from any dwelling;
    2. 45.72 metres (150 feet) from the centre line of a Municipal Road; RM owned operations are exempt from this requirement.
    3. 45.72 metres (150 feet) from any recreational or heritage lands which should not be disturbed; and
    4. 30 metres (100 feet) from any hazard lands.
    5. Setbacks may be relaxed with written agreement between both parties consenting to a closer separation distance. If an agreement is entered into Council will require that an interest protecting the parties be registered against the lands, at the cost of the developer.

- viii. All gravel operations shall have direct access to a developed road.
  - ix. Applicants will be required to provide:
    - 1. A plan showing the location of the proposed area of operation, site boundaries, the depth of excavation and the quantity of topsoil to be removed;
    - 2. A description of the excavation, stripping or grading operation, which includes a decommissioning plan;
    - 3. A detailed timing and phasing of the project including the length of the proposed operation;
    - 4. A plan showing the final site conditions and post-development land use plan following the completion of the operation;
    - 5. A description of the measures to be taken for the prevention or mitigation of dust, noise, public safety, erosion and other effects to surrounding land uses and the public, during and after the operation; and
    - 6. Information that identifies the projected volumes of truck traffic on roads, the proposed road impacts (e.g. road deterioration), and the proposed measures to minimize negative (e.g. noise, dust, excessive speed) impacts on other road users and the public.
  - x. Council may require the developer to proceed with site reclamation concurrently with extraction activities, and in any event, site reclamation shall be completed to the satisfaction of Council within three (3) years of closure of the pit operation. Portions of the site which have been subject to extraction activities shall be restored to a natural contour and slope acceptable to Council. Topsoil shall be stockpiled and replaced.
  - xi. Council may require the developer to enter into an agreement which may be protected by caveat on the Title to the subject site. Council may require the developer to provide any assurance of performance that Council deems necessary or appropriate, to undertake actions or meet responsibilities specified in an agreement or to ensure site reclamation.
- I. Intensive Livestock Operations (ILOs)
- i. The RM of Baildon will require the developer to apply for a municipal development permit for any ILO, including any rendering facility or abattoir.
  - ii. Location Separation Criteria
    - 1. In order to ensure ILO development occurs in acceptable locations, new ILO development proposed subsequent to the date of the adoption of this Bylaw or a proposed expansion of an existing ILO (existing at the date of adoption of

this Bylaw) Council will consider an approval in conjunction with the location separation criteria in this Section and in Table 1:

**Table 1**  
**Minimum Separation Criteria for ILO to Specific Uses (in metres)**

Specific Use	Animal Units				
	100-299	300-499	500-2000	2000-5000	>5000
Residence, tourist accommodation, or campground	300	400	800	1200	1600
Area authorized for a multi-parcel residential subdivision, hamlet, urban municipality <100 population	400	800	1200	1600	2000
Urban municipality 100-500 population	800	1200	1600	2400	2400
Urban municipality 501-5000	1200	1600	2400	3200	3200
Urban municipality >5000	1600	2400	3200	3200	3200

- Distances are measured between livestock facilities and building/site development
- Distances do not apply to residences associated with the operation.

iii. Location Separation Criteria Reduction

1. Council, at its discretion, may consider lesser separation distances than given in Table 1, subject to the following:
  - Where a lesser separation distance than described, in Table 1 will not negatively impact the specific use or surrounding development, Council may grant a reduction of the location separation criteria. Prior to granting a reduction, Council will consult with appropriate agencies.
  - The developer shall provide written notice, approved by Council, to the owners of all residences within the distance provided in Table 1, and to the hamlet board of a hamlet or Council of urban municipality within the specified distance
  - Where the separation distances is significantly, in Council's opinion, less than the criteria of Table 1, Council will require the developer of a proposed ILO to enter into an agreement with the owner of a residence and/or the Municipality consenting to the proposed development up to a specified

size, as a condition of the approval. Council will require that an interest protecting the parties to the agreement, be registered against the residence and the ILO parcel titles at the cost of the developer.

iv. Public consultation

1. Council will advertise any proposal for an intensive livestock operation, as defined by this Bylaw, in the local newspaper and will provide an opportunity for public comment for a minimum of 21 days prior to making a decision. All costs associated with advertising will be the responsibility of the developer.
2. Council will encourage developers to hold a separate public open house prior to development permit consideration to provide information to affected landowners.
3. If the developer does not hold a public open house, Council will hold a separate public meeting prior to development permit consideration to ensure community interests are considered before a decision is made by the Council, at the cost of the developer.
4. Council will make a decision on a proposed livestock operation within 45 days of receiving all information necessary to make a decision. If an extension is required, Council will notify the developer in writing, including reasons for the extension, and the length of the extension.

vi. Water Supply and Protection

1. There shall be a water supply adequate for the proposed development and the development shall not contaminate any water supply source. Council may:
  - Require the applicant to demonstrate that appropriate measures will be in place to minimize the risk of contamination of water sources
  - Require the applicant to demonstrate an adequate water supply is available for the development and that the supply for neighbouring developments will not be adversely affected by the proposed operation.
  - Based on discussions with the Ministry of Agriculture, require as a condition of development, that all water supply and protection measures meet provincial standards.
2. The development shall meet all provincial regulations and legislations.

vii. Additional Information

1. Council may require the applicant to obtain recommendations from appropriate agencies and address issues regarding water supply, quality and quantity considerations and manure management plans to evaluate the suitability of the site

2. *The Agricultural Operations Act* and other provincial legislation will apply to the development of an ILO. When considering the operational or environmental aspects of a proposed project that does not trigger a provincial review, Council may wish to refer a development permit application to the appropriate agencies for advice and recommendations.
- viii. Permit conditions
1. As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made to reduce the potential for land use conflicts with neighbouring uses.
  2. Development standards will be in accordance with provincial regulations and legislations with regards to holding areas, Council may impose development standards which specify the location of buildings or manure storage facilities on the site, the locations may vary from the separation criteria in Table 1.
- ix. Existing Operations
1. ILOs existing at the time of the adoption of this Bylaw may continue, however if there is any expansion of the operation or change of animal species or type of operation the developer will be required to obtain approval from Council in accordance with the requirements and conditions of this Bylaw.
- x. Development permits are required for any proposed:
1. New ILO
  2. Expansion of an existing ILO
  3. Any temporary facility or part of a site
  4. Change of animal species or type of operation
- m. Communal Dwellings
- i. All dwelling(s) are to be located on a parcel conforming to all requirements of the Zoning Bylaw, including area, setbacks/ frontage, and access.
  - ii. Utilities, including sewage disposal system(s) must meet provincial standards.
- n. Keeping of animals other than animal husbandry and those not mentioned in Section 6.1 c (i).
- i. At Council's discretion, animals may be kept on a residential site.
  - ii. Council may apply development standards to ensure that specified concerns are satisfied.

- iii. Council shall have regard for on-site conditions, adjacent land use, setbacks and public health when determining requirements, and may regulate animals in a separate agreement.
- iv. In rendering its discretionary decision, Council may direct that all residents within two (2) km of the site proposed for the keeping of animals be notified concerning the proposal by regular mail.
- v. Animals shall not be pastured within 15 m (49 ft) of any dwelling not owned by the operator of the pasture or owner of the animals and buildings or structures intended to contain birds or animals shall be located within 30 meters (100ft) of a property line.
- iv. The keeping of animals shall not cause excessive noise, odour, air pollution, water contamination, or any other impact that jeopardizes public safety and welfare.

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## 8 Hamlet District (H)

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The objective of this district is to provide for urban density development of residential and associate commercial or industrial development which do not directly support agriculture. Prior to the issuance of a permit, sites may be required to be consolidated or acquire a parcel tie to comply with the regulations. Only the Hamlet of Baildon will be zoned as Hamlet District. The Hamlet of Crestwynd and the Hamlet of Tilney will fall within the Agricultural Resource District (AR).

### 8.1 Permitted Uses that require development permit approval:

- a. Residence including duplex, multiple or apartment dwellings, rooming and or boarding houses
- b. Accessory uses and buildings greater than 10m<sup>2</sup> (107 ft<sup>2</sup>)
- c. Commercial Uses such as: retail stores, grocery stores, restaurants, confectionaries, liquor stores and other places established for the sale and or consumption of food and related items.
- d. Patios and decks greater than 100 ft<sup>2</sup> (9.29 m<sup>2</sup>)

### 8.2 Discretionary Uses

- a. Commercial Uses such as: hotels/motels, service stations, financial institutions, business/professional offices, personal service shops, other similar uses.
- b. Institutional Uses such as: churches, religious institutions, cemeteries, lodges, cultural institutions, fraternal organizations.
- c. Recreational Uses such as: sports fields, parks and playgrounds, golf courses, hockey and curling rinks, museums, theatres, community halls, libraries,
- d. Industrial Uses:
  - i. Agricultural equipment, motor vehicle, or recreational equipment dealers and service establishments
  - ii. Agricultural seed, fuel, and chemical supply establishments
  - iii. Agricultural product storage, transshipment, service and contracting establishments, excluding facilities for the handling of large animals
  - iv. Construction trades
  - v. Manufacturing or processing establishments
  - vi. Welding, machine shops, and metal fabricating.
  - vii. Grain elevators

- e. Residential Uses:
  - i. Bed-and-breakfast Operation
  - ii. Home based businesses
- f. Care facilities: Medical Centres, Care Homes, and Child Care Centers (subject to Provincial Regulations)

### **8.3 Regulations**

- a. Frontage
  - i. Minimum site frontage shall be 15 m (50 ft.) for all parcels
  - ii. Exemptions from minimum frontage may be considered by Council for public utility uses and municipal facilities.
- b. Site Size
  - i. Minimum site size shall be 462 sq. m (5000 sq. ft.)
  - ii. Maximum site size shall be 4046 sq. m (43560 sq. ft.)
  - iii. Exemptions from area requirements may be considered by Council for public utility uses and municipal facilities.
- c. Access:
  - i. A subdivision shall not be permitted unless 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.
  - ii. All lots within a subdivision shall be provided access from an internal subdivision road. The number of accesses from the municipal road and provincial highway will be limited to provide for the safety of the travelling public.
- d. Setback Requirements
  - i. Front Yard:
    - 1. Setbacks shall comply with Section 4.19 of this Bylaw.
    - 2. The minimum setback for all buildings from the property line shall be 3m (10 ft.)
  - ii. Side Yard:
    - 1. The minimum setback for all buildings on private property from any side yard shall be a 1.5 m (5 ft)

2. No portion of any building, including eaves, shall be located within 0.9m (3 feet) of any site line.
- iii. Rear Yard
  1. The minimum setback for all buildings on private property from any rear yard shall be a 1.5 m (5 ft.)
- iv. Floor Area
  1. The minimum floor area for dwellings/residences shall be 46.2 sq. m (500 sq. ft.)
- vi. Signs
  1. Signs for commercial uses within the Hamlet District shall adhere to Section 4.6 of this Bylaw.
  2. All other uses in the Hamlet District shall be permitted to have (1) one sign per titled lot. No such sign shall have a facial area in excess of (1) square meter.

#### **8.4 Criteria for Discretionary Use Applications**

- a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.
- b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.
- c. No new or expanded discretionary uses shall be located in the 1:500 flood elevations as per the provincial regulations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.
- d. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- e. Council will apply the criteria of the Official Community Plan when considering locations for commercial and industrial uses
- f. Home Based Businesses:
  - i. Council may apply special standards in the issuing a development permit limiting the size of operation, and buildings used for the operation.
  - ii. Any increase in the operation as applied for or approved shall require a new discretionary approval
- g. Bed-and-breakfast Operation

- i. the proposed structures are suitable and comfortable for the proposed development
  - ii. there is a water source suitable for public consumption at the facility
  - iii. there are suitable utilities and sewage disposal system for the facility
  - iv. there are appropriate levels of access to the site and off-street or road parking for the users of the facility
  - v. the development will not be in conflict with adjacent uses or uses currently on site.
  - vi. the development shall meet all provincial regulations and legislations.
- h. Other requirements of this bylaw specific to the proposed use are met.

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## 9 Highway Commercial District (HC)

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The objective of this district is to provide for commercial and industrial development uses within the RM where they would be appropriate. Preference will be given to developments and or subdivisions that are in close proximity to Highway 2.

### 9.1 Permitted Uses that require development permit approval:

- a. Commercial nurseries or greenhouses, including retail.
- b. Services stations with or without confectionary
- c. Motels and hotels
- d. Restaurants
- e. Retail stores
- f. Accessory buildings, greater than 10 m<sup>2</sup>
- g. Veterinary Hospitals and Veterinary Surgeons' Offices.
- h. Patios and decks greater than 100 square feet.

### 9.2 Discretionary Uses

- a. Abattoirs, skinning and tanning facilities
- b. Manufacturing
- c. Fabricating
- d. Agricultural product processing
- e. Auction Mart
- f. Outside Storage of materials visible from a Highway
- h. Storage unit facilities, structures and containers.
- i. More than one principal building(s) or use(s)
- j. Services, contracting and supply establishments
- k. Propane Gas Sales Establishments
- l. Campgrounds

- l. Autobody and Vehicle Repair Shops
- m. Motor vehicle dealers and service establishments
- n. Sales of Building, Home and Garden Supplies
- o. One accessory residence or dwelling per titled site

**9.3 Regulations**

a. Subdivision

- i. All subdivisions shall be serviced to meet municipal standards and provincial standards.
- ii. All subdivisions shall be as per the required Concept Plan approved by Council, as per the policies in the Official Community Plan.

b. Frontage

- i. Minimum site frontage shall be 45.72 m (150 ft.) for all parcels.
- ii. Exemptions from minimum frontage may be considered by Council for public utility uses and municipal facilities.

c. Site Size

- i. Minimum site size for hotels/motels shall be 1 hectare (2.5 acres).
- ii. Minimum site size for Campgrounds shall be 6 hectares (14 acres)
- iii. Minimum site size for all other uses shall be .8 hectare (2 acre)
- iv. Maximum site size shall be at the discretion of Council.
- v. Exemptions from minimum site size requirements may be considered by Council for public utility uses and municipal facilities.

e. Setback Requirements

- i. Setbacks shall comply with Section 4.19 of this Bylaw.
- ii. Front Yard:
  - 1. The minimum setback for buildings on private property from any front yard line shall be 6m (20 ft.).

iii. Side Yard:

The minimum setback for buildings on private property from any side yard shall be a 6 m (20 ft).

iv. Rear Yard

The minimum setback for residences and commercial buildings on private property from any rear yard shall be a 6 m (20 ft.).

f. Signs

i. The maximum number of signs allowed on a site shall be determined at the discretion of Council.

ii. No sign shall have a facial area in excess of 4.5 square meters.

**9.4 Criteria for Discretionary Use Applications**

a. All Discretionary Commercial Uses

i. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.

ii. The proposed development shall be located on a parcel conforming to all requirements of this Zoning Bylaw, including site size, frontage, setbacks and access and to all provincial requirements.

iii. No new or expanded discretionary uses shall be located in the 1:500 flood elevations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.

iv. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.

v. Year round access to the site shall be available.

vi. All commercial uses shall be separated from a residence not occupied by the operator of the use, by a distance of at least 300m (984 ft.) unless the applicant can establish to the satisfaction of Council that the use will not emit noxious odours, smoke, dust and noise limiting the enjoyment or use of the residence.

b. Outside Storage

i. Uses that include or may include storage may require screening from roads or neighbouring properties by landscape features or fences or a combination of both.

- ii. Council may apply special standards as conditions of approval regarding screening, location of storage, location of vehicles on display, machinery and parts to avoid an unsightly premise.
- iii. The proximity and location of residential and tourist facilities shall be considered in making a discretionary use decision that involves outside storage of materials.
- iv. The storage of vehicles shall be subject to Section 4.7 of this Zoning Bylaw.

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**10 15 Wing Overlay District**

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The objective of this district is to provide regulations for lands that fall within 15 Wing Moose Jaw. The following regulations shall apply in addition to the underlying district regulations. Where discrepancies arise, the overlay district regulations will supersede.

**10.1 Development**

- a. All development within this overlay will be referred to 15 wing Moose Jaw for consultation and recommendations prior to development taking place.

**10.2 Prohibited Uses**

- a. Uses, structures, buildings or commercial and/or industrial processes that may be noxious or injurious or create emissions such as dust, smoke, excessive amount of refuse, matter, odor gas, fumes, noise vibration or other similar discharges.