

Zoning Bylaw of the Rural Municipality of Eyebrow No. 193

Prepared by the



Advisory Planning Commission

2012

RURAL MUNICIPALITY OF EYEBROW NO. 193

BYLAW NO 2-2013

**A BYLAW TO REGULATE DEVELOPMENT IN THE R.M. OF EYEBROW NO. 193
AND TO PROVIDE FOR THE AMENITY OF THE AREA AND FOR THE HEALTH,
SAFETY AND GENERAL WELFARE OF THE INHABITANTS.**

TABLE OF CONTENTS

1	INTRODUCTION	3
1.1	TITLE	3
1.2	PURPOSE	3
1.3	SCOPE	3
1.4	SEVERABILITY.....	3
2	DEFINITIONS.....	4
3	ADMINISTRATION and interpretation.....	11
3.1	Development Officer.....	11
3.2	DEVELOPMENT PERMIT.....	11
3.3	Application for a development permit.....	11
3.4	Referrals to Council	11
3.5	Issue of Permits	11
3.6	Suspension of Decision.....	12
3.7	Limitation on Discretionary Use Approvals.....	12
3.8	Development Appeals	12
3.9	Fees and Advertising	13
3.10	Minor Variances to the Zoning Bylaw	14
3.11	Enforcement, Offences and Penalties	15
4	GENERAL REGULATIONS	16
4.1	Development on Hazard Lands	16
4.2	One Principal Building or Use Permitted on a Site.....	16
4.3	Mobile and Modular Homes	16
4.4	Non-conforming Uses, Sites and Buildings.....	16
4.5	Signs and Billboards.....	17
4.6	Storage of Vehicles.....	17
4.7	Public Utilities, Pipelines, and Facilities of the Municipality	17
4.8	Solid and Liquid Waste Disposal Facilities.....	17
4.9	Manure Application.....	18
5	Special provisions.....	19
5.1	Home Based Businesses	19
5.2	Bed-and-Breakfast and Vacation Farms	19
5.3	Residential Care Home	19
5.4	Accessory Residence	19
5.5	Campgrounds	20
5.6	Animal kennels	20
5.7	Intensive Livestock Operations (ILO).....	20
5.8	Rodeo Facilities and Equestrian Centers	22
5.9	Wind energy facilities.....	22
5.10	SMALL WIND ENERGY SYSTEMS.....	23
6	ZONING DISTRICTS AND ZONING MAPS	24
6.1	Classification of ZONING DISTRICTS	24
6.2	ZONING DISTRICT MAPS.....	24
6.3	Boundaries of Zoning Districts	24
6.4	Zoning district schedules.....	24
7	Zoning district schedules.....	25
7.1	AR – agricultural/Resource district.....	25
7.2	CR – country residential district	28
7.3	IC – Industrial/commercial district.....	30
7.4	HA – hamlet district.....	32
7.5	I – lakeshore district.....	34
7.6	RDA – reservoir development area district	37
8	EFFECTIVE DATE OF THE BYLAW	38
8.1	Coming Into Force	38

1 INTRODUCTION

Under the authority granted by *The Planning and Development Act, 2007*, the Reeve and Council of the RM of Eyebrow No. 193 in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the RM of Eyebrow No. 193".

1.2 PURPOSE

The purpose of this Bylaw is to regulate development in the RM of Eyebrow and to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the RM.

1.3 SCOPE

Development shall hereafter be permitted within the limits of the RM of Eyebrow only when in conformity with the provisions of this Bylaw.

1.4 SEVERABILITY

If any section, clause, or provision of this Bylaw, including anything shown on the Zoning Map, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, Clause or provision, including anything shown on the Zoning Map, so declared to be invalid.

2 DEFINITIONS

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

Abattoir: a building for butchering. The abattoir houses facilities to slaughter animals; dress, cut and inspect meats; and refrigerate, cure, and manufacture by-products.

Accessory Use: a use customarily associated with, incidental to, and subordinate to, the principal use or building, and located on the same site with such principal use or building.

Act: *The Planning and Development Act 2007*, Province of Saskatchewan.

Administrator: the Administrator of the Rural Municipality of Eyebrow No. 193.

Alteration or Altered: With reference to a building, structure or site means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height, or the removal or part of a building, or any change to the structure such as the construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding, trim, or any other items regulated by this Bylaw such as parking and landscaping.

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

Animal Type	Number of Animals = 1 Animal Unit
Poultry	
hens, cockerels, capons	100
chicks, broiler chickens	200
turkeys, geese ducks	50
exotic birds	25
Hogs	
boars and sows	3
gilts	4
feeder pigs	6
weanling pigs	20
Sheep	
rams or ewes	7
lambs	14
Goats etc.	
all including lamas, alpacas	7
Cattle	
cows and bulls	1
feeder cattle	1.5
replacement heifers	2
calves	4
Horses	
colts and ponies	2
other horses	1
Other	
domesticated ungulates	
- bison	1
- elk, reindeer	4
-deer	7

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

Bareland Condominium: a parcel containing a dwelling group which has been subdivided into Bareland Units, pursuant to a condominium plan.

Bareland Unit: a unit of land subdivided under a bare land condominium plan registered pursuant to the *Condominium Properties Act, 1993*, excluding units that are service units or parking units.

Bed and Breakfast Home: a bed-and-breakfast facility in a single detached dwelling, licensed as an itinerant use accommodation under The Public Accommodation Regulations, in which overnight accommodation within the dwelling 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 which 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

Billboard: a private, free standing sign, including supporting structures, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located, and which is greater than 2 m² in surface area.

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 authorizing the construction of all or part of any building

Bylaw: means the Zoning Bylaw.

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

Child Care Facility: a building or portion of a building for the provision of care, instruction, maintenance or supervision of seven children or more under the age of 13 years, by persons other than those related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, early childhood services, nurseries

and after-school or baby-sitting programs which meet this definition.

Community Facilities: a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

Conservation: to protect from loss or harm.

Contractor's Yard: the yard of a contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

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

Council: the Council of the Rural Municipality of Eyebrow No. 193.

Country Residence: a dwelling or site whose owner's principal source of household income in derived from a source other than the principal agricultural use of that site.

Country Residential Development: residential development where the essential land requirement is for a residential building site and space rather than for productive agricultural purposes.

Crematorium: a building fitted with the proper appliances for the purposes of the cremation of human and animal remains and includes everything incidental or ancillary thereto.

Demolition Permit: a permit issued for the removal or dismantling of a building or structure within RM of Eyebrow's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

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 Officer: The administrator of the RM of Eyebrow or anyone else appointed by council.

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.

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 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

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

Elevation: the height of a point on the Earth's surface above sea level.

Environmental Reserve: lands that have been dedicated to the Municipality by the developer of a subdivision as part of the subdivision approval process, as environmental reserve.

Equestrian Center: facilities (buildings, shelters or other structures) at which horses are exercised or trained, training in equestrian skills, or equestrian competitions or shows are held

Farm Building: improvements such as barns, granaries, etc., used in connection with the growing and sale of trees, shrubs, and sod or the raising or production of crops, livestock or poultry or in connection with fur production or bee keeping and situated on a parcel of land used for farm operation.

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

Free Standing Sign: a sign, except a billboard, independently supported and visibly separated from a building or other structure and permanently fixed to the ground.

Garage: a building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for remuneration.

Gas Bar: a building or place used for, or intended for the provision of gasoline or diesel fuel and may or may not include a convenience store.

Greenhouse: a building with glass or clear plastic walls and roof for the cultivation and exhibition of plants under controlled conditions.

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

Gross surface area: the area of the rectangle or square within which the face of a sign can be completely contained, exclusive of any supporting structure or, where a sign has more than one face or the face of the sign is not flat, the rectangle within which the largest area of the face of the sign in profile can be completely contained exclusive of any supporting structure.

Hamlet: an unincorporated community with:

- a) five or more occupied dwellings individually situated on lots, blocks or parcels; and
- b) at least 10 subdivided lots, blocks or parcels, the majority of which are an average size of less than one acre; or

any unincorporated area declared to be a hamlet by order of the minister pursuant to *The Municipalities Act*, or any former Act providing for the establishment of hamlets;

Harvest Preserve: an area of deeded private land fenced for the purpose of management, control, and harvesting of domestic game farm animals. Harvest preserves are regulated by *The Domestic Game Farm Animal Regulations*.

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

Height of the sign: the vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

Heritage Resource: the history, culture and historical resources of an area or community.

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 Erection of Signs Adjacent to Provincial Highway Regulations, 1986*, as may

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

Hotel: a building which provides sleeping accommodation for which a fee is charged and may also contain ancillary 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: the operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such numbers that the facility and portion of a parcel or site used for the operation does any of the following conditions:

- (a) will contain 100 or more animal units
- (b) provides less than 370 m² of space for each animal unit

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

Kenel, Breeding: the keeping of more than four dogs, cats or other domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Kenel, Enclosure: an accessory building or enclosure intended to house one or more domestic animals.

Landfill: a specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

Landscaping: the provision of horticultural and other related compatible features or materials designed to enhance the visual amenity of a site or to provide a visual screen consisting of any combination of the following elements:

- a) Soft landscaping consisting of vegetation such as trees, shrubs, vines, hedges, flowers, grass and ground cover; and/or
- b) Hard landscaping consisting of non-vegetative materials such as concrete, unit pavers, brick pavers or quarry tile, but does not include gravel, shale, or asphalt.

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

Livestock: domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

Lot: a parcel of land of a subdivision, the plan of which has been filed or registered in the Land Titles Office.

Minister: the Minister as defined in the Act.

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.

Mobile Home Park: a site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation

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: means 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

Municipality: the Rural Municipality of Eyebrow No. 193.

Museum: an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.

Natural Areas: an area relatively undisturbed by human activities and characterized by indigenous species including remnant or self-sustaining areas with native vegetation, water, or natural features.

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.

Office or Office Building: a building or part of a building uses primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transshipped, sold or processed.

Official Community Plan (OCP): The WaterWolf Growth Management Plan

Open Space: passive and structured leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community. Urban and rural open space includes parks, recreation and tourism nodes, and natural areas.

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

Parking Lot: an open area, other than a street, used for the temporary parking of more than four vehicles and available for public use and the use of employees working on, or from, the site.

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

Personal Service Shop: 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.

Private Airports: A private airport is any airport that is not open to the public.

Private Riding Arenas: a building used by the owners or occupants of the site for the training and exercising of horses that is not used for horse shows, rodeos or similar events to which there is a fee to participate in or to use the facilities

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

Public Works: a facility as defined under the Act.

Quarter Section: 64.8 ha (160 acres) or a lesser amount that remains due to the original township survey, road widening, road right-of-way or railway plans, drainage ditch, pipeline or transmission line development, or other public utility; or natural features such as water courses or water bodies.

Recreational Use: a public or private facility or amenity, a joint-use site or a park or playground that serves the surrounding neighbourhood or community.

Recreational Vehicle: a vehicle used for personal pleasure or travels by an individual or a family which may or may not be towed behind a principle vehicle. Notwithstanding the generality of the above may include: Motorhomes, Camper Trailers, Boats, Snowmobiles, or Motorcycles.

Reeve: the Reeve of the Rural Municipality of Eyebrow No. 193.

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

Residential: the use of land, buildings, or structures for human habitation.

Residential Care Home: A facility licensed under provincial statute to provide, in a residential dwelling, long term residential, social, physical or personal care, including accommodation, meals, supervision or assistance for persons who have limits on ability for self-care and self supervision, and who are unrelated to the operator or owner.

Restaurant: a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within the building. However, limited facilities may be permitted to provide for a take-out food function provided such facility is clearly secondary to the primary restaurant use.

Right of Way: the right of way is the land set aside for use as a roadway or utility corridor. Rights of way are purchased prior to the construction of a new road or utility line, and usually enough extra land is purchased for the purpose of providing mitigative features. Sometimes, road rights of way are left vacant after the initial roadway facility is constructed to allow for future expansion.

Roads, Flanking: a roadway constructed to the side of a lot, parcel or site.

Rodeo Facilities: buildings, shelters, fences, corrals or other structures used for commercial rodeo events.

RTM: a new single detached dwelling built off-site to national building code standards and moved on, and permanently attached to, a foundation meeting national building code standards

Scale of Development: the total acreage intended to accommodate a multi-parcel country residential subdivision.

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

Secondary Suites: means a self contained dwelling unit which is an ancillary use to, and located within, a detached building in which the principal use is a one unit dwelling.

Setback: the distance measured from the nearest edge of the wind turbine tower base, substation facility, building or other accessory facilities to a property line, specified building, centre of a road line or water course.

Service Station: A building which is a principal use on a site or a structure which is an accessory use in a clearly defined space on a site; where gasoline or other motor fuels are kept for sale and delivery directly into a motor vehicle, and where the service station is a principal use on the site, it may also include the servicing and repairing of motor vehicles.

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

- a) is a structure or any part thereof, or is attached to, painted on, or in any manner represented on a building
- b) is used to announce 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 Area: the total horizontal area within the site lines of a site.

Site Corner: a site at the intersection of two or more public streets, or upon two parts of the same street, the adjacent sides of which street or streets (or, in the case of a curved corner, the tangents at the street extremities of the side site lines) contain an angle of not more than one hundred and thirty-five (135) degrees. In the case of a curved corner, the corner of the site shall be that point on the street at the point of intersection of the said tangents.

Site Depth: the horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

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: any boundary of a site.

Site Width: the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

Small Scale Commercial: Commercial or Industrial land uses maintaining a lineal frontage less than 90 meters.

Small Wind Energy System: any wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale.

Structure: anything that is erected, built or constructed of parts joined together and supported by the soil or any other structure requiring a foundation to hold it erect, but not including pavement, curbs, walks or open air surfaced areas.

Stockyard: an enclosed yard where livestock is kept temporarily.

Subdivision: according to the Act, means a division of land that will result in the creation of a surface parcel, or the rearrangement of the boundaries or limits of a surface parcel, and includes the removal of a parcel tie that links two or more parcels together so as to prevent those parcels from being individually dealt with in the land registry if the situation involves:

- a) a legal subdivision (LSD) in a quarter section;
- b) a parcel linked to another parcel if the parcels:
 - (i) were deemed to be one parcel of land pursuant to any former Act;
 - (ii) are separated by a road or railway plan or a water course; and
 - (iii) were held under one certificate of title before the implementation of *The Land Titles Act, 2000*;
- c) a parcel that was required to be consolidated with all or part of another parcel by a certificate of approval issued pursuant to the Act or any former Act.

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

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

- m - metre(s)
- m²- square metre(s)
- km - kilometre(s)
- ha - hectare(s)

Use: the purpose or activity for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, or for which these may be occupied or maintained.

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

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

Veterinary Clinics: a place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

.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.

Wholesale: the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

Wind Energy Facilities: a power plant that uses wind turbines to generate electricity, together with all equipment, machinery, and structures utilized in connection with the conversion of wind to electrical energy into electricity and/or the transmission of electricity, including without limitation:

- (i) wind turbines

- (ii) foundations and concrete pads, footings, steel towers, wires, anchors, fences, and associated maintenance, security and office buildings;

- (iii) wind analysis equipment, anemometers and associated monitoring devices, instruments and structures;

- (iv) 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 and support structures;

- (v) facilities for the transmission, conveyance or transfer of data or communications including, without limitation, wire-based control and communications systems, and wireless radio rely systems; and

- (vi) substation facilities (to transfer power from the wind turbines to power transmission lines)".

Wind Turbine: a structure designed to convert kinetic energy of the wind into rotational energy to turn an electrical generator shaft thereby generating electricity, including its foundation, tower, rotor and blades, nacelle, and padmount transformer".

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

3 ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

The Administrator of the RM of Eyebrow or any other person authorized by council pursuant to an agreement with WaterWolf, shall be the Development Officer responsible for the administration of this Bylaw.

3.2 DEVELOPMENT PERMIT

(1) No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2(3)

(2) A development permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act.

(3) A development permit is not required for the following, but all other applicable provisions of this Bylaw are to be followed:

- a) principle agricultural uses, exclusive of any Intensive Livestock Operation (ILO) or intensive agricultural use
- b) farm buildings and structures where accessory to a permitted agricultural use or existing farmstead; excluding any ILO structure, intensive agricultural structure, small wind energy system, or a new dwelling
- c) manure application in accordance with Section 4.9
- d) public utilities: any operation for the purposes of inspecting, repairing, or renewing sewage systems, water mains, cables, pipes, wires, tracks or similar public works as required by a public utility, and the installation of service connections to property in the Municipality (excluding the installation of new transmission lines)
- e) municipal facilities: any facility installed and operated by the Municipality
- f) signs: subject to the provisions of Section 4.5.

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

(5) If the development or use authorized by a development permit is not commenced within six months from the date of issue of a permit, and completed within eighteen months of its issue, the permit is deemed void unless an extension has been granted prior to its expiry.

(6) Development listed in Clause 3.2.3 must be allowed in the District in which they are located and must comply with the regulations of this Bylaw.

3.3 APPLICATION FOR A DEVELOPMENT PERMIT

(1) The application for a development permit shall be made, to the Development Officer, in "Form A" as adopted or amended by resolution of Council. The application shall be accompanied by two copies of a site or building plan showing dimensions and locations of existing and proposed buildings and structures as well as site lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development in place of such plans.

(2) Where the application is for a discretionary use the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

3.4 REFERRALS TO COUNCIL

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

3.5 ISSUE OF PERMITS

(1) Upon completion of the review of an application for development, the Development Officer shall:

- a) for a permitted use, issue a development permit where the application conforms with the Zoning Bylaw, incorporating any special regulations, performance standards or development standards authorized by this Bylaw.
- b) for a permitted use, issue a refusal, where the application does not comply with a provision or regulation of this Bylaw, stating the reason for refusal.

- c) for a discretionary use, prepare a report for Council on the proposal respecting the criteria for consideration of that discretionary use and submit the application to Council for decision.
- d) issue a refusal, where the application is for a use that is not provided for in the District in which the property is located.

(2) Council shall make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use on that site, and that instructs the Development Officer to:

- a) issue a development permit incorporating any specific development standards set forth by Council, where the development will comply with the standards of this Bylaw, subject to the limitations of the Act.
- b) issue a development permit incorporating any specific development standards set forth by Council, where the applicant submits an amended application so that development will comply with the standards of this Bylaw, subject to the limitations of the Act.
- c) issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal that the applicant may have.

(3) The permit or notice shall be in "Form B" as adopted or amended by resolution of Council.

3.6 SUSPENSION OF DECISION

Where an approved development is not being developed in accordance with the provisions of this Bylaw, or with the standards and conditions specified in the development permit, Council may suspend the development permit. The development permit shall not be reinstated until all deficiencies have been corrected.

3.7 LIMITATION ON DISCRETIONARY USE APPROVALS

3.7.1 VALIDITY OF DISCRETIONARY USE APPROVALS

A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use, and:

- the use ceased and was replaced by another use
- the use ceases for a 12 month period.
- a building required for the approved use is not started within 6 months or completed within 18 months.
- the use is not started within 12 months of completion of the building.
- a use not requiring construction of a building is not started within 12 months.
- the applicant applies to increase the specifically approved intensity of use

3.7.2 TIME LIMITED DISCRETIONARY USES

Where Council has approved a discretionary use for a limited time as provided in the Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.

3.8 DEVELOPMENT APPEALS

3.8.1 APPOINTMENT OF BOARD

(1) Council shall appoint a Development Appeal Board in accordance with Sections 49 and 214 to 218 of the Act.

(2) Council shall, by resolution, adopt a policy specifying: the terms of office; the manner of filling of vacancies to the board; the remuneration and expenses for board members; the provision for appointment of a secretary to the board; the duties of the secretary; and the remuneration and expenses to be paid for the secretary.

(3) Council shall, by resolution, appoint a board and secretary to the board in accordance with the policy.

(4) Should Council enter into an agreement to appoint a District Development Appeal Board, in conjunction with one or more other municipalities, to be the Development Appeal Board for the Municipality; members shall be appointed in accordance with that agreement, and the Local Development Appeal Board shall cease to exist.

3.8.2 NOTICE

On "Form B", the Development Officer shall advise the applicant of the rights of appeal granted by the Act, with respect to that application.

3.8.3 FILING AN APPEAL

A person who wishes to appeal to the Development Appeal Board shall, within 30 days of receiving the permit or notice, file a written notice of intention to appeal, and the appeal fee, with the secretary of the Board.

3.8.4 POWERS OF THE DEVELOPMENT APPEAL BOARD

(1) The Development Appeal Board has the powers given by the Act to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted use or a discretionary use.

(2) Nothing in this Section allows a Development Appeal Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a District.

(3) Nothing in this Section allows a Development Appeal Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Bylaw for a District.

3.8.5 APPEAL FROM A DEEMED REFUSAL

An application for a development permit for a permitted use shall be deemed to be refused when the Development Officer has not issued a decision more than 40 days from the date the application was received by the Development Officer in its complete and final form. An appeal may then be made as though the application had been refused at the end of 40 days.

3.9 FEES AND ADVERTISING

3.9.1 AMENDING PLANNING BYLAWS

(1) Where a person requests Council to amend the Official Community Plan, Zoning Bylaw, or other planning bylaw, that person shall pay to the Municipality a fee equal to the costs associated with the public advertisement of the proposed amendment, pursuant to the requirements of Part X of the Act.

(2) Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to a planning bylaw, at its own cost.

3.9.2 THE FOLLOWING PROVISIONS APPLY TO THE ADVERTISEMENT OF A DISCRETIONARY USE APPLICATION:

(1) The Development Officer shall direct the applicant for a discretionary use to advertise the proposed use by posting a notice of the application conspicuously on the front the property in question, and by mailing or delivering a copy of the notice to the assessed owner of each property within 75 metres of the subject property for the following:

- a) any discretionary residence or any ancillary use to a residence
- b) a home based business.

(2) In addition to the requirements specified in Clause (1), for an application for any discretionary use not listed in Clause (1), the Development Officer shall publish a notice in a newspaper that is circulated in the Municipality.

(3) The notice shall:

- describe the use applied for
- describe the location of the use
- specify the date, time, and location of the Council meeting at which the application will be considered.

(4) The notice shall be posted, delivered, and published at least seven days, and mailed at least twelve days, prior to the date of the meeting.

(5) The applicant shall pay a fee equal to the costs to the Municipality associated with the public advertisement.

3.9.3 AN APPLICANT FOR A DEVELOPMENT PERMIT SHALL PAY AN APPLICATION PROCESSING FEE IN ACCORDANCE WITH THE FOLLOWING:

- a) permitted principal use: \$50.00
- b) permitted accessory use:..... \$25.00
- c) ancillary use: \$50.00
- d) discretionary principal use:..... \$200.00

- e) discretionary accessory use:..... \$100.00
- f) minor variance:..... \$75.00
- g) development appeal fee: up to \$50.00 as specified by the Board
- h) in addition, if a building permit is required, any fees associated with the issuance of a permit and inspection of construction related to a building permit

These fees shall be in addition to any fee required by Clauses 3.9.1 and 3.9.2.

3.10 MINOR VARIANCES TO THE ZONING BYLAW

- (1)** An application for a minor variance shall be made to the Development Officer for a minor variance to the Zoning Bylaw in a form as prescribed by the Development Officer.
- (2)** The Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.
- (3)** The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:
- a) A minor variance may be granted for variation only of:
 - (i) the minimum required distance of a building from the site line
 - (ii) the minimum required distance of a building to any other building on the site.
 - b) The maximum amount of minor variance shall not exceed a 10% variation of the bylaw requirements of the Zoning Bylaw.
 - c) The development shall conform to the Zoning Bylaw with respect to the use of land.
 - d) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.
- (4)** A minor variance must conform to any applicable provincial land use policies or Statements of Provincial Interest, adopted pursuant to the Act.
- (5)** On receipt of an application for a minor variance, the Development Officer may:
- a) approve the minor variance
 - b) approve the minor variance and impose terms and conditions on the approval
 - c) refuse the minor variance.
- (6)** Where the Development Officer imposes terms and conditions on an approval pursuant to Subsection 3.11(6) the terms and conditions shall be consistent with:
- a) minimizing adverse impacts on neighbouring properties, including any potential change in fire rating requirements
 - b) providing adequate separation between buildings for safety reasons
 - c) avoiding encroachment into adjoining property, by reduction of allowable projects or other potential encroachments.
- (7)** Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- (8)** Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the land that is the subject of the application.
- (9)** The written notice required pursuant to Subsection (7) shall:
- a) contain a summary of the application for minor variance
 - b) provide a reason for and an effective date of the decision
 - c) indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer
 - d) where there is an objection described in Clause (c), advise the public that the applicant will be notified of the right of appeal to the Development Appeal Board.
- (10)** The written notice required pursuant to Subsection (7) shall be delivered:
- a) by registered mail or
 - b) by personal service.
- (11)** A decision approving a minor variance, with or without terms and conditions, does not take effect:
- a) in the case of a notice sent by registered mail, until 23 days from the date the notice was mailed

b) in the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.

(12) If an assessed owner of property having a common boundary with the land that is the subject of the application, objects in writing to the Municipality respecting the approval of the minor variance within the time period prescribed in Subsection (8), the approval is deemed to be revoked and the Development Officer shall notify the applicant in writing:

- a) of the revocation of the approval
- b) of the applicant's right to appeal the revocation to the Development Appeal Board within 30 days of receiving the notice

(13) If an application for a minor variance is refused, or approved with terms and conditions, the applicant may appeal to the Development Appeal Board within 30 days of the date of that decision.

3.11 ENFORCEMENT, OFFENCES AND PENALTIES

3.11.1 INSPECTION

Where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the Zoning Bylaw, he/she may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent, with a warrant, enter any land, building, or premises for the purposes of inspection.

3.11.2 ORDER BY THE DEVELOPMENT OFFICER

(1) Where the Development Officer has determined that a violation of this Bylaw has occurred, the Development Officer may issue an order to correct the violation pursuant to Section 242 of the Act.

(2) The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following: discontinue the development, alter the development so as to remove the contravention, restore the land, building or premises to its condition immediately prior to the development or form of development, and complete the work necessary to comply fully with the Zoning Bylaw.

(3) The order shall specify the time when the actions required by Clause (2) are to be complete and shall advise of the rights of appeal.

(4) The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.

(5) The Development Officer may apply to the Court of Queen's Bench to enforce the order, or the order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.

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

4 GENERAL REGULATIONS

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

4.1 DEVELOPMENT ON HAZARD LANDS

4.1.1 Where development of a building is proposed within 150 m of an area defined in the WaterWolf Growth Management Plan as potential hazard land, Council may require the applicant to submit sufficient topographic and geotechnical information to determine if the development will be within 50 m of any slopes that may be unstable, within the flood plain of any river or stream, or any other land that may be subject to flooding.

4.1.2 Council may require that before a permit is issued for development on a site referenced in 4.1.1, the applicant shall submit a report prepared by a professional that is competent to assess the suitability of a proposed development site with respect to:

- a) the potential for flooding up to the 1:500 flood elevation
- b) the potential for slope instability before and after the development and any proposed improvements
- c) the suitability of the location for the proposed use or building given the site constraints
- d) the required mitigation measures for development on areas with a high water table.

4.1.3 Within the flood plain of a river or stream:

- a) residential structures containing habitable or potentially habitable rooms shall be flood proofed to the 1:500 flood elevation
- b) Intensive Livestock Operations (ILOs) shall ensure that buildings, permanent ILO animal enclosures, and manure storage facilities are flood proofed to the 1:500 flood elevation
- c) intensive agricultural operations shall ensure buildings are flood proofed to the 1:500 flood elevation
- d) buildings not housing animals or habitable rooms may employ wet flood proofing techniques.

4.1.4 Sanitary landfills and lagoons shall not be located on hazard lands.

4.1.5 Actions to avoid, prevent, mitigate or remedy hazards may be incorporated as conditions of a development permit. Council shall refuse a permit for any development where, in Council's opinion, the proposed actions are inadequate to address the adverse conditions or will result in excessive municipal costs.

4.2 ONE PRINCIPAL BUILDING OR USE PERMITTED ON A SITE

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

- a) public utility uses
- b) institutional uses
- c) approved dwelling groups
- d) agricultural uses
- e) wind energy facilities
- f) ancillary uses as specifically provided for in this Bylaw

4.3 MOBILE AND MODULAR HOMES

4.3.1 Wherever a single unit dwelling is allowed, it may be in the form of a mobile home, or modular home, unless specifically prohibited in the District.

4.3.2 Every mobile home shall bear CSA Z240 certification (or a replacement thereof) and shall be attached to a permanent foundation, or securely anchored to the ground and skirted, prior to occupancy.

4.3.3 Every modular home shall bear CSA A277 certification (or a replacement thereof) and shall be attached to a permanent foundation.

4.4 NON-CONFORMING USES, SITES AND BUILDINGS

4.4.1 The adoption or amendment of this Bylaw does not affect non-conforming buildings, non-conforming, uses or non-conforming sites.

4.4.2 An existing non-conforming use or intensity of use may be continued if the use conformed to the Bylaw that was in effect at the time of the development and has not been discontinued for 12 consecutive months.

4.4.3 Non-conforming buildings or sites may continue to be used, maintained and repaired in their present form.

4.5 SIGNS AND BILLBOARDS

4.5.1 Signs located in a Highway Sign Corridor shall be regulated entirely by the requirements of "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986" or amendments thereto, and subsection 4.5.2 shall not apply.

4.5.2 Signs other than those located in a Highway Sign Corridor shall comply with the following:

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

4.6 STORAGE OF VEHICLES

4.6.1 Notwithstanding anything contained in this Bylaw, no person shall use any site in any District, for the parking or outside storage of more than four vehicles that are not operational.

4.6.2 Section 4.6.1 shall not apply to permitted machinery or automotive salvage yards.

4.6.3 Council may require that permitted machinery or automotive salvage yards be screened from roadways or neighbouring properties with landscaping, fences or a combination of both.

4.6.4 The use of an abandoned vehicle, or unlicensed vehicle or truck trailer unit for the purpose of a sign is prohibited.

4.7 PUBLIC UTILITIES, PIPELINES, AND FACILITIES OF THE MUNICIPALITY

4.7.1 Public utilities and facilities of the Municipality, except solid and liquid waste disposal sites, shall be permitted uses in every zoning District, and unless otherwise specified by this Bylaw, no minimum site area or yard requirements shall apply.

4.7.2 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.

4.8 SOLID AND LIQUID WASTE DISPOSAL FACILITIES

4.8.1 Development and maintenance of a solid or liquid waste disposal facility will be subject to the following special standards as specified by Council upon issuing a permit:

- a) a buffer strip containing trees, shrubs or a berm shall be located surrounding a lagoon or sanitary landfill disposal area
- b) a lagoon or sanitary landfill disposal area shall be located outside the 1:500 flood hazard area
- c) any solid or liquid waste disposal facility shall be fenced.

4.8.2 A lagoon or sanitary landfill disposal area subject to discretionary use approval shall be considered according to the following criteria:

- a) a municipal or regional landfill or lagoon project that has undergone a provincial environmental impact assessment and a public hearing process will be considered suitable, with any necessary mitigation measures identified by that process
- b) 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
- c) sanitary landfills and lagoons shall not be located on hazard lands.

4.9 MANURE APPLICATION

4.9.1 The minimum separation distance between occupied dwellings and the location where manure is to be spread is listed within Table 4.9.

Table 4.9

Location Separation Criteria for Manure Spreading to Dwellings (in metres)

Distance between manure application and the nearest property boundary	Method of Manure Application		
	Injected	Incorporated within 24 hours	No incorporation
Communities of 1 - 1000 people	200	400	800
Communities of 1001 - 5000 people	400	800	1200
Communities of > 5001	400	800	1600

Distances are measured between edge of the manure application area and the edge of a nearest property boundary in metres.

5 SPECIAL PROVISIONS

This Section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the District.

5.1 HOME BASED BUSINESSES

5.1.1 Home based businesses shall visibly be secondary and ancillary to the farmstead as an agricultural operation or the dwelling unit.

5.1.2 Home based businesses shall cause no variation in the residential or residential farm character and appearance of the dwelling, accessory residential building, or land, except for permitted signs.

5.1.3 The operation of a home based business is subject to section 3.11, including any violation of the terms and conditions included in the development permit for that use.

5.2 BED-AND-BREAKFAST AND VACATION FARMS

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

5.2.2 Council may specify the maximum number of cabins permitted as part of a vacation farm operation.

5.2.3 On-site signs shall be permitted in accordance with Section 4.5. Off-site signs not exceeding 1 m² may be permitted at the discretion of Council where necessary to provide directions from a highway to the operation.

5.2.4 Vacation farms and bed-and-breakfast operations shall be licensed pursuant to The Public Health Act, where tourist accommodations require health approval.

5.2.5 Bed-and-breakfast operations shall be located in a single detached dwelling 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.

5.2.6 Council will consider applications with respect to the following criteria;

- a) the proposed structures are suitable and comfortable for the proposed development
- b) there is a water source suitable for public consumption at the facility
- c) there are suitable utilities and sewage disposal system for the facility
- d) there are appropriate levels of access to the site and off-street or road parking for the users of the facility
- e) the development will not be in conflict with adjacent uses or uses currently on site.

5.3 RESIDENTIAL CARE HOME

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for a Residential Care Home:

- a) The use shall be clearly incidental and secondary to the use of the dwelling unit as a private residence.
- b) Required parking spaces may be located in a required front yard.
- c) No building or structure used for the purpose of a residential care home shall be used for the purpose of keeping boarders or lodgers.
- d) The use shall be conducted entirely within the dwelling unit and shall not have any exterior evidence of a secondary use.
- e) The use shall not generate substantially more traffic and parking than is normal for the district in which the use is located.

5.4 ACCESSORY RESIDENCE

In addition to the general requirements regarding discretionary use applications provided in Section 3 of this Bylaw, the following additional considerations shall be made for all applications for an Accessory Residence:

- a) The Development Officer may issue a development permit for more than 1 dwelling on a parcel if it is an accessory agricultural residential dwelling to be occupied by a person or persons who are engaged on a full-time basis for at least 6 months of each year in an agricultural operation or accessory to an approved discretionary use where applicable within a zoning district and the additional dwelling is located on a parcel containing a permitted agricultural operation.

- b) A development permit for an accessory residence when accessory to an approved discretionary use, and located on a parcel containing the agricultural operation, shall be considered at the discretion of Council. If approved, the development permit shall be valid for a period up to five years after which time the Council may at its discretion seek renewal of the permit on a 5-year basis provided that the dwelling complies with the provisions of this Bylaw. The applicant shall be responsible to renew the permit every five years.
- c) Accessory dwellings shall only be located on sites where the accessory dwelling can be serviced by existing utilities.

5.5 CAMPGROUNDS

Campgrounds are subject to the following conditions:

- a) The operator of a campground shall provide the development officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, and material change in use of portions of land, or the filling or clearing of land shall require a Development Permit, and the operator shall submit for approval an amended plan incorporating the development.
- b) A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres which shall contain no buildings.
- c) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 m² in area with its corners clearly marked.
- d) One permanent sign located on site advertising the campground is permitted per site;
- e) No portion of any campsite shall be located within a roadway or required buffer area.
- f) Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- g) Each trailer coach shall be located at least 4.5 metres from any other trailer coach, and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- h) The space provided for roadways within a campground shall be at least 7.5 meters in width. No portion of any campsite, other use or structure shall be located in any roadway.
- i) A campground may include as ancillary uses a laundromat or a confectionery designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.
- j) *The Public Health Act* shall be complied with in respect to all operations and development of the campground.

5.6 ANIMAL KENNELS

Animal kennels are subject to the following:

- a) The maximum number of animals not normally attributed to the host site to be kept on site shall be at the discretion of council.
- b) Council may apply special conditions with respect to siting conditions
- c) All facilities, including buildings and exterior exercise areas, shall be sited behind the principal building unless otherwise approved by Council.
- d) Animal kennels shall be subject to relevant bylaws and legislation governing noise and public health.
- e) Failure to comply with any of the above regulations or the conditions of a development shall be subject to Section 3.11 of this bylaw.

5.7 INTENSIVE LIVESTOCK OPERATIONS (ILO)

In order to manage the development of ILOs and surrounding land use interests, Council will consider applications for development of an ILO, including any rendering facility or abattoir, and apply the following criteria.

5.7.1 Location Separation Criteria

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 3.13:

Table 3.13
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 population	1200	1600	2400	3200	3200
Urban municipality > 5000	1600	2400	3200	3200	3200

- Distances are measured between livestock facilities and building development, or site occupied for campground purposes.
- Distances do not apply to residences associated with the operation.

5.7.2 Location separation criteria reduction

Council, at its discretion, may consider lesser separation distances than given in Table 3.13, subject to the following:

- development considerations: where Council considers that a lesser separation distance than described, in Table 3.13, 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 may consult with appropriate agencies
- consultation within prescribed distances: the developer shall provide written notice that has been approved for notification by Council to the owner of a residence within the distance provided in Table 3.13, and to the hamlet board of a hamlet or Council of urban municipality within the specified distance
- agreements and interests: where the separation distances is significantly, in Council's opinion, less than the criteria of Table 3.13, Council may require the developer of a proposed ILO to enter into an agreement with the owner of a residence and the Municipality consenting to the proposed development up to a specified size, as a condition of the approval. Council may require that an interest protecting the parties to the agreement, be registered against the residence and the ILO parcel titles.

5.7.3 Public consultation

- Council will advertise any proposal for an intensive livestock operation, as defined by this Bylaw, and will provide an opportunity for public comment for a minimum of 21 days
- Council will encourage developers to hold a public open house to provide information to affected landowners
- Council shall hold a public meeting and to ensure community interests are considered before a decision is issued by the Council
- Council will make a decision on a proposed livestock operation within 45 days. If an extension is required, Council will notify the developer in writing, including reasons for the extension, and the length of the extension.

5.7.4 Water supply and protection

There shall be a water supply adequate for the proposed development and the development shall not contaminate any water supply source. As a condition of approval, Council may:

- require the project to demonstrate that appropriate measures will be in place to minimize the risk of contamination of water sources

- b) 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.

5.7.5 Additional information requirement

- a) Council may require the proponent 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
- b) The Agricultural Operations Act and other provincial legislation may 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 refer a development permit application to the appropriate agencies for advice and recommendations.

5.7.6 Application of manure will be carried out in accordance with Section 4.9.

5.7.7 Permit conditions

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 and may impose development standards which specify the location of holding areas, buildings or manure storage facilities on the site, the locations may vary from the separation criteria in Table 13.3.

5.7.8 Existing livestock operations

ILOs existing at the time of the adoption of this Bylaw shall continue. However, any expansion of the operation or change of animal species or type of operation is required to obtain written approval from Council in accordance with the requirements and conditions of this Bylaw.

5.4.9 Development permits required

Development permits are required for any proposed:

- a) new ILO
- b) expansion of an existing ILO
- c) any temporary facility or part of a site
- d) change of animal species or type of operation, if it meets the definition of an ILO, as defined within this Bylaw.

5.8 RODEO FACILITIES AND EQUESTRIAN CENTERS

- a) shall be located on sites exceeding 15.9 hectares
- b) shall meet the separation requirements listed within Table 3.13, where applicable
- c) shall provide a water source suitable for public consumption at the rodeo facility or equestrian center
- d) shall have sewage disposal and other necessary utilities for domestic and public use
- e) Council may require the proponent to obtain recommendations from appropriate agencies regarding issues related to water supply, quality and quantity, manure management plans, and any other issues Council deems relevant for the purpose of ensuring environmental protection
- f) *The Agricultural Operations Act* and other provincial legislation may apply to the development of a rodeo facility or equestrian center. When considering the operational or environmental aspects of a proposed project that does not trigger a provincial review, Council may refer a development permit application to the appropriate agencies for advice and recommendations
- g) there shall be a water supply adequate for the proposed development and the development shall not contaminate any water supply source. As a condition of approval, Council may:
 - require the project 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
- h) application of Manure will be carried out in accordance with Section 4.9
- i) as a condition of approval, Council shall specify the maximum number of animal units for which the approval is made.

5.9 WIND ENERGY FACILITIES

5.9.1 Where wind energy facilities are provided for, Council shall apply the following criteria and development standards in considering an application for a development permit:

- a) the need to use or access any municipal services or public roads;

- b) the need for a road use agreement during construction and road rehabilitation upon conclusion of construction; and
- c) the appropriate fencing of electrical substations;

5.9.2 The proponent shall submit to Council copies of any provincial environmental approval, certificate or license or permit.

5.9.3 A wind turbine and substation facility shall be located at a minimum setback distance of:

- a) 10 metres plus the length of the wind turbine blade from the site line abutting a municipal road right of way or railway right of way, but in no case shall that setback distance be less than 45 metres. Facilities near a provincial highway shall be subject to the setback requirements of the Ministry of Highways and Infrastructure.
- b) 550 metres from any habitable dwelling. Council may approve a lesser distance where:
 - (i) consideration is given to the site terrain or vegetation if it will effectively reduce the noise level of the turbine; or
 - (ii) the proponent furnishes a noise projection by a qualified professional engineer which recommends a reduced setback based on projected sound levels; or
 - (iii) the owner of the habitable dwelling provides written consent agreeing to the reduced setback.
- c) 10 metres plus the length of the wind turbine blade, from any site line of another landowner, unless the site line divides two properties both of which are owned, at the time of issuing a development permit, by landowners who have agreed to have wind turbines constructed on their land or unless the landowner provides written consent to the Council agreeing to the reduced distance.
- d) 500 metres to any existing wind turbine unless the existing wind turbine is owned by the same person or unless the owner of the existing wind turbine provides written consent agreeing to the reduced distance.”

5.10 SMALL WIND ENERGY SYSTEMS

- a) Only one small wind energy system shall be permitted as an accessory use to the principal use, subject to the minimum site size requirement, in the applicable zoning districts
- b) The minimum site size for the allowance of any small energy system shall be 2.0 hectares (5.08) acres.
- c) Maximum total wind tower height or total system height shall be:
 - (i) 6.0 meters above grade level in CR District
 - (ii) 45.0 meters above grade level in AR District
- d) Wind Tower base and System setbacks:
 - (i) from any property line 1.5 times tower/system height
 - (ii) from on-site dwelling 1.5 times tower/system height
 - (iii) from neighbouring dwellings: < 10 Kw - 100 meters; > 10 Kw - 300 meters
- e) For residential applications, wind energy components and towers shall be erected in rear - yards only.
- f) The bottom point of an operating rotor shall be above grade level to manufacturer’s specification at minimum, but in no case nearer than 5 meters above grade level.
- g) All wind energy systems and towers shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters and the design shall be included in the development permit application for Council’s approval.
- h) Development and Building Permit applications for a small wind energy system shall include either a manufacturer’s engineering certificate of structural safety or certification of structural safety via a Saskatchewan Professional Engineer.
- i) Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer.
- j) Proof of an approved Electrical Permit that has been obtained shall be provided to the municipality in regards to small wind energy systems.
- k) The small wind energy system shall be finished in a non -reflective matte colour or to the satisfaction of Council.
- l) All towers shall be located on the same site as the intended signal user.
- m) The tower shall not be illuminated unless required by Transport Canada Regulations, and except for a manufacturer’s logo, shall not exhibit or display any advertising.
- n) Guy-wire anchors shall be setback at least 1.0 meters (3.3 feet) from the property line.
- o) Council, at its discretion, may seek approval of this development from both internal and external referral agencies.

6 ZONING DISTRICTS AND ZONING MAPS

6.1 CLASSIFICATION OF ZONING DISTRICTS

For the purpose of this Bylaw, the RM of Eyebrow can be divided into the following Zoning Districts. All parts of the Municipality shall be designated as AR – Agricultural/Resource District except those areas specifically designated on the detailed Zoning District Maps as another District.

Table 3 – Zoning Districts

District	Symbol
Agricultural/Resource	AR
Country Residential	CR
Industrial/Commercial	IC
Hamlet	HA
Lakeshore	L
Reservoir Development Area Overlay	RDA

6.2 ZONING DISTRICT MAPS

The Zoning District Map bears the statement:

“This is the Zoning District Map which accompanies and forms part of Bylaw No. XX-XX and is referred to in Section 6 adopted by the RM of Eyebrow signed by the Reeve and RM Administrator under the seal of the RM.”

6.3 BOUNDARIES OF ZONING DISTRICTS

- (1) The boundaries of the Districts referred to in this Bylaw, together with an explanatory legend, notations and reference to this Bylaw, are shown on the map entitled, Zoning District Map.
- (2) Unless otherwise shown, the boundaries of zoning Districts are site lines, centre lines of streets, lanes, road allowances, or such lines extended and the boundaries of the municipality.
- (3) Where a boundary of a District crosses a parcel, the boundaries of the Districts shall be determined by the use of the scale shown on the map.
- (4) Where the boundary of a District is also a parcel boundary and the parcel boundary moves by the process of subdivision, the District boundary shall move with that parcel boundary, unless the boundary is otherwise located by amendment to the Bylaw.

6.4 ZONING DISTRICT SCHEDULES

The uses or forms of development allowed within a Zoning District, along with regulations or standards which apply are contained in the Zoning District Schedules. The Zoning District Schedules are contained in Section

7 ZONING DISTRICT SCHEDULES

7.1 AR – AGRICULTURAL/RESOURCE DISTRICT

7.1.1 Permitted Uses

(1) Agricultural principal uses:

- a) field crops
- b) pastures for the raising of livestock (excluding ILOs)
- c) farmsteads, where located on a site of one quarter Section or more.

(2) Accessory uses and buildings to agricultural or residential principal uses:

- a) farm buildings and structures for a permitted principal agricultural use on the site
- b) facilities for the direct sale of crops grown by the agricultural operation
- c) orchards and vegetable, horticultural or fruit gardens, where accessory to a farmstead or existing residence
- d) private garages, sheds, and buildings accessory to any single detached dwelling on the site.

(3) Ancillary uses, where ancillary to an agricultural principal use on the same site:

- a) beehives and honey extraction facilities
- b) facilities for the preparation and sale of crops grown by the agricultural operation
- c) fish farming
- d) manure application subject to Section 4.9.

(4) Resource based uses, including accessory buildings and uses:

- a) petroleum exploration or extraction wells and related facilities
- b) petroleum pipelines and related facilities
- c) mineral mines or extraction facilities.

(5) Other principal uses, including accessory uses and buildings, but not including a residence:

- a) places of worship, cemeteries, and non-residential schools
- b) radio, television and microwave towers
- c) public parks and public recreational facilities
- d) historical and archaeological sites, and wildlife and conservation management areas
- e) public utilities, excluding solid and liquid waste disposal sites
- f) municipal facilities.
- g) wind energy facilities

7.1.2 Discretionary Uses

(1) Agricultural principal uses:

- a) ILOs and buildings accessory to ILOs, subject to Section 7.1.4(5)
- b) intensive agricultural operations and buildings accessory to intensive agricultural operations, subject to Section 7.1.4(6)
- c) rendering facilities and abattoirs.

(2) Residential uses:

- a) any residence or farmstead on a site of less than a quarter Section
- b) residences ancillary or accessory to a discretionary use.

(3) Ancillary uses:

- a) vacation farms, where ancillary to a farmstead on the same site
- b) bed-and-breakfast homes, where ancillary to a farmstead or residence on the same site
- c) home based businesses, where ancillary to a farmstead or residence on the same site, including personal care homes
- d) agricultural related commercial uses ancillary to a farmstead on the same site
- e) kennels in the form of a home based business.

(4) Commercial principal uses:

- a) agricultural product processing
- b) agricultural equipment, fuel, and chemical supply establishments
- c) agricultural service and contracting establishments
- d) grain elevators and related uses
- e) gravel pits and gravel crushing operations
- f) machine shops and metal fabricators
- g) machinery or automotive salvage or storage yards
- h) petroleum or mineral processing facilities
- i) recreational commercial uses, which are sports arenas, golf courses, tourist campgrounds, or other similar uses
- j) service stations and accessory restaurants
- k) rodeo facilities
- l) equestrian center.

(5) Other principal uses:

- a) church residences and residential religious institutions
- b) residential schools
- c) institutional camps
- d) solid and liquid waste disposal facilities, including soil farms for the rehabilitation of contaminated soil.

(6) Accessory uses:

- a) small wind energy systems

7.1.3 Site Regulations**(1) Uses other than those in 7.1.1(4), 7.1.1(5), and 7.1.2(5)**

Site Width:	minimum 20 m
Site Area:	minimum 1 ha
Maximum Density:	3 sites per quarter section or any portion of a quarter section. One additional site for agricultural, residential or commercial principal use where the site to be added is physically separated from the remainder of the Section by a registered road plan or by a railway on registered right of way, and the site has direct access to a developed road.

(2) Uses in 7.1.1(4), 7.1.1(5), and 7.1.2(5)

No Requirements

7.1.4 AR District Supplementary Regulations**(1) Access**

- a) Development of a farmstead, residence, commercial use, institutional use, or other development requiring public access is prohibited unless the site abuts a developed road
- b) For the purposes of this Section "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) 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.

(2) Farmsteads

A farmstead may contain the following where located on the same parcel:

- a) a residence for the operator of an agricultural use
- b) a bunkhouse or additional residence for employees and partners of the operator engaged in the agricultural operation
- c) facilities for the temporary holding of livestock raised in an operation, in lesser numbers than constitutes an ILO (unless approved as an ILO)
- d) buildings for permitted accessory and ancillary uses.

(3) Building Setback Requirements

- a) The minimum setback of buildings, including dwellings, from the centreline of a developed road, municipal road allowance, or provincial highway shall be 45 m.

- b) No dwelling shall be located with less than a minimum separation distance to an operation of other than the residence of the operation as follows:
- the separation distance to an ILO as regulated in Section 5.7
 - 305 m from a licensed public or private liquid waste disposal facility
 - 457 m from a licensed public or private solid waste disposal facility
 - 305 m from a honey processing facility.
 - Council may reduce the minimum separation distance to the operations listed above, as a special standard where the applicant submits a written agreement to Council between the land owner of the dwelling and the owner of the operation agreeing to the reduced separation (Council should maintain a register of all such agreements)
 - 305 m to a non-refrigerated anhydrous ammonia facility licensed by Province of Saskatchewan
 - 600 m to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan
 - no dwelling or other building shall be located within the approach surface for any functional airport or airstrip.

(4) Intensive Livestock Operations

Intensive Livestock Operation discretionary use criteria are listed under Section 5.7

(5) Intensive Agricultural Operations

- a) In the application for an intensive agricultural operation, the applicant shall identify the proposed supply of water for the operation where intensive irrigation is required, 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
- b) The operation may include a farmstead or dwelling on the same site, subject to Section 7.1.3

(6) Keeping of animals on residential sites other than farmsteads

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

(7) Commercial uses

- a) Council may require special standards for the location, set back, or screening of any area devoted to the outdoor storage of machinery, vehicles, or vehicular parts in conjunction with a commercial operation including any salvage or vehicle storage yard
- b) Council will apply the following criteria in making a discretionary use decision for commercial principal uses:
- the development complies with the provisions of Sections 7.1.3. Council may consider rezoning to a commercial District if the site is considered appropriate for the use
 - the development is located in an identified commercial corridor appropriate for the use, unless the development is tied to the particular location by a particular resource
 - gravel operations will require an agreement between the developer and the municipality that provides for continuous site reclamation. The agreement will be protected by registration of an interest on the title that runs with the land
 - that a road of a standard that meets the demands of the operation provides access to the site. If required, the operator will enter into a heavy haul agreement.

(8) Rodeo facility and equestrian center

- a) Criteria is listed in Section 5.8
- b) Council will consider existing and future land use patterns when determining the location of a new rodeo facility and equestrian center.

(9) Single parcel residential development

Council will apply the following criteria in making a discretionary use decision for residential principal uses, including any institutional residential facility:

- Where the proposed development is to separate the residence from a farmstead for the purpose of retirement from farming, Council will favourably consider the application unless prevented by other separation issues
- The development complies with the provisions of Sections 7.1.3.
- Where the proposed single parcel will be adjacent to other country residential development Council will first consider rezoning to a residential District

- Where adjacent to other Residential Districts including hamlets and lakeshore development Districts, rezoning extending those Districts is considered more suitable
- Reasonable year round access to the site is to be available.

(10) Bed and Breakfast and Vacation farms

See Section 5.2

(11) Home based businesses

See Section 5.1

(12) Church Residences, Residential Religious Institutions, Residential Schools, Institutional Camps, Solid and Liquid Waste Disposal Facilities, including soil farms for the rehabilitation of contaminated soil

- a) Council will require all weather road access and appropriate water and sewer supply for uses listed in 7.1.2(5) (a) through (c).
- b) Solid and liquid waste disposal facilities, including soil farms for the rehabilitation will be required to have appropriate separation from water supply.

(13) Small Wind Energy Systems

See Section 5.10

7.2 CR – COUNTRY RESIDENTIAL DISTRICT

7.2.1 Permitted Uses

(1) Residential uses:

- a) single detached dwelling
- b) mobile or modular home on a permanent foundation
- c) dwelling groups consisting of single detached dwellings

(2) Institutional uses:

- a) non-residential schools and educational institutions
- b) places of worship, and religious institutions

(3) Recreational and public uses:

- a) public sports fields and parks
- b) other public or non-profit recreational facilities
- c) public utilities, except solid and liquid waste disposal facilities

(4) Uses and buildings accessory to residential principal use on the site:

- a) private garages, whether detached or attached to a dwelling unit
- b) garden sheds used for the storage of non-industrial yard maintenance equipment
- c) greenhouses where accessory to a residential use
- d) private riding arenas where the site area is a minimum of 8 ha
- e) keeping of animals on the same site as the residence, subject to Section 7.2.4(4)
- f) barns and stables for animals permitted by Section 7.2.4(4)
- g) orchards and vegetable, horticultural or fruit gardens, where accessory to a residence
- h) field crops
- i) signs, subject to Section 7.2.4(3)
- j) outside storage
- k) accessory uses and buildings which form part of an approved discretionary use are permitted

7.2.2 Discretionary Uses:

(1) Commercial uses:

- a) convenience stores with or without gas bars

(2) Recreational uses:

- a) golf courses.

b) rinks, arenas, and community halls

(3) Ancillary uses:

- a) bed-and-breakfast homes, where ancillary to a residence on the same site
- b) home based businesses, where ancillary to a residence on the same site
- c) dwellings ancillary to an institutional, recreational or commercial use

(4) Accessory uses:

- a) small wind energy systems

7.2.3 Site Regulations

(1) Single Detached Dwellings, Mobile Homes, and Modular Homes

Site Frontage:	minimum 30 m; for irregular site lot may be reduced to 20 m provided that the parcel is 30m in width at location of principal building
Site Area:	minimum 1 ha; maximum 16 ha
Yards:	In any yard abutting a municipal road allowance, municipal grid road, main farm access road, or provincial highway all buildings shall be set back at least 45 m from the centreline of the road or road allowance. A yard abutting any other road: minimum - 7.6 m Any other yard: minimum - 3 m

(2) Dwelling Groups

Site Frontage:	minimum 30 m on common property containing a roadway providing access for each bareland unit
Site Area:	minimum 1 ha for each bareland unit, plus 20% for communal facilities and access
Yards:	same as section 7.2.3(1) yard requirements

(3) Commercial Uses

Site Frontage:	minimum 30 m
Site Area:	minimum 900 m ²
Yards:	same as section 7.2.3(1) yard requirements

(4) Institutional Uses

Site Frontage:	minimum 30 m
Site Area:	no requirement
Yards:	same as section 7.2.3(1) yard requirements

(5) All Other Uses

No Requirements

7.2.4 CR District Supplementary Regulations

(1) Accessory Buildings

Detached accessory buildings shall not have a floor area exceeding 100 m².

(2) Outside Storage

- a) no outside storage shall be permitted in a yard abutting a road.
- b) outside storage located in a side or rear yard shall be screened by landscaping or vegetation so as not to be visible from a road.

(3) Sign Size

The maximum facial area of a sign on residential sites shall be 1.2 m²

(4) Keeping of Animals

- a) two large animals (horses or cattle) will be permitted on a site of at least 2 ha. Four large animals will be permitted on a site of at least 4 ha site. For each additional 1.2 ha, one additional large animal will be

permitted. All other animals shall be limited to domestic pets of the residents of the site, but in no case shall the numbers exceed that equal to one animal unit.

- b) animals shall not be pastured within 15 m of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 m of a property line.
- c) the use of vacant residential sites for pasture of animals is prohibited.

(5) Dwelling Groups

- a) access to individual dwellings and dwelling sites shall be from a road internal to the dwelling group parcel
- b) no dwelling shall be closer than 6 m 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 this District and the required set back to the centre line of a road required by Section 7.2.3.

(6) Commercial and Recreational Uses

Council will apply the following criteria in making a discretionary use decision for commercial, commercial recreational facilities, rinks or community halls:

- a) the uses should be located at or near the entry to a residential subdivision and not require access through the residential development.
- b) an application for a golf course and any associated residential development must prepare a concept plan addressing transportation, utilities, and design, as well as any other issues identified by Council.
- c) public rinks and community halls may be located on municipal reserve within the subdivision.

(7) Home based Business

- a) No home based business in this District shall include auto body repair or repainting operations
- b) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this District
- c) Council may apply special standards in the issuing a development permit limiting the size of operation, and buildings used for the operation
- d) All employees of the home based business must reside on the property
- e) Any increase in the operation as applied for or approved shall require a new discretionary approval.

(8) Bed and Breakfast Homes

- a) Bed-and-breakfast homes shall comply with Section 5.2
- b) Council may apply special standards in the issuing a development permit limiting the number of rooms or buildings that may be permitted in conjunction with the operation

(9) Discretionary Residential Development:

Council will apply the following criteria in making a discretionary use decision for residential, including any institutional residential facility:

- a) the site is large enough to be used as a residential principal use
- b) reasonable year round access to the site is to be available

(10) Small Wind Energy Systems

See Section 5.10

7.3 IC – INDUSTRIAL/COMMERCIAL DISTRICT

7.3.1 Permitted Uses

(1) Commercial uses:

- a) agricultural equipment dealers and service establishments
- b) agricultural seed, fuel, and chemical supply establishments
- c) agricultural service and contracting establishments
- d) commercial nurseries and greenhouses, with or without retail sales
- e) confectionaries with or without gas bars
- f) construction trades without outdoor storage
- g) motor vehicle dealers and service establishments
- h) marine or recreational vehicle equipment dealers and service establishments
- i) motels and hotels
- j) personal service shops

- k) restaurants, and other places for the sale and consumption of food and related items
- l) retail stores
- m) storage facilities, warehousing, supply and distribution facilities
- n) veterinary clinics and hospitals.

(2) Residential uses:

- a) One dwelling unit for the operator of a commercial use where ancillary to that use and located on the same site

(3) Public uses:

- a) Public utilities, except solid and liquid waste disposal facilities

(4) Uses and buildings accessory to residential principal use on the site

7.3.2 Discretionary Uses:

(1) Commercial uses:

- a) abattoirs, skinning and tanning facilities, and stockyards
- b) agricultural implement and prefabricated building component manufacturing
- c) agricultural product processing
- d) auction marts
- e) outside storage ancillary to the principal use, subject to Section 8.4.3
- f) signs associated with the principal use, subject to Section 8.4.4
- g) welding, machine shops, and metal fabricating
- h) salvage yards, auto and machinery wreckers
- i) wood and natural products processing and fabrication.

(2) Recreational uses:

- a) commercial recreation facilities
- b) campgrounds.

(3) Public uses:

- a) Solid and liquid waste disposal facilities

7.3.3 Site Regulations

(1) Public Uses

No Requirements

(2) All Other Uses

Site Frontage:	minimum 30 m
Site Area:	minimum 1000 m ²
Yards:	In any yard abutting a municipal road allowance, municipal grid road, main farm access road, or provincial highway all buildings shall be set back at least 45 m from the centreline of the road or road allowance. A yard abutting any other road: minimum - 7.6 m Any yard abutting a railway: no requirement Any other yard: minimum - 3 m
Building Coverage:	30 % of the site maximum

7.3.4 IC District Supplementary Regulations

(1) All Discretionary Commercial Uses

- a) all commercial uses shall be separated from a residence not occupied by the operator of the use, by a distance of at least 300 m unless the applicant can establish to the satisfaction of Council that the use will not emit noxious odours, dust, smoke, and noise limiting the enjoyment or use of the residence
- b) all commercial uses must demonstrate adequate access and egress to the provincial or municipal road system.

(2) Uses Involving the Housing of Agricultural Animals

- a) Council is governed by the location criteria contained in the Official Community Plan and Zoning Bylaw respecting discretionary approval for an ILO in the issuing of a permit for any use involving the sale, shipping, housing, or confinement of agricultural animals
- b) Council may apply special standards in the issuing a development permit limiting the number of animals that may be harbored on the site at any point in time.

(3) Outside storage

- a) outside storage is prohibited within a yard abutting a road, except for the display of vehicles or machinery for sale, which will be neatly arranged
- b) outside storage located in a side or rear yard shall be suitably screened to the satisfaction of Council.

(4) Signs

- a) where multiple businesses operate within a single structure one business logo sign is permitted per visible business front. The maximum dimension of the sign shall not exceed three meters in vertical or horizontal direction, parallel to the front of the building, nor exceed a depth of 0.3 m
- b) one business name sign is permitted per visible business unit front, and shall not exceed 15% of the area of the front of the building and shall not exceed 30 m², parallel to the front of the building, nor exceed a depth of 0.3 m.

(5) Salvage Yards, Auto and Machinery Wrecking Yards

- a) no wrecked, partially dismantled or inoperative vehicle or machinery shall be stored or displayed in any required yard abutting a road
- b) 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
- c) the proximity and location of residential and tourist facility shall be considered in making this discretionary use decision

(6) Recreational Uses

- a) discretionary recreational uses shall be separated from a discretionary commercial use by a distance of at least 300 m unless the applicant can satisfy Council that the commercial use does not produce noxious odours, dust, smoke or noise limiting the enjoyment or use of the recreational area
- b) campgrounds shall be surrounded by a landscaped and treed buffer within the site boundary
- c) campgrounds must have a proven safe water supply sufficient for the purpose

(7) Solid and Liquid Waste Disposal Facilities

- a) development and maintenance of a solid or liquid waste disposal facility shall be subject to Section 3.8
- b) Council will consider existing and future land use patterns when determining the location of new solid and liquid waste disposal facilities

7.4 HA – HAMLET DISTRICT

7.4.1 Permitted Uses

(1) Residential uses:

- a) single detached dwelling
- b) mobile home or modular home on a permanent foundation

(2) Recreational and public uses:

- a) public sports fields and parks
- b) rinks
- c) public utilities, except solid and liquid waste disposal facilities
- d) municipal facilities

(3) Institutional uses:

- a) community halls, public museums, and libraries
- b) non-residential schools and educational institutions
- c) places of worship.

(4) Accessory uses that are an integral part of the principal use, and are secondary, subordinate and lesser in extent to the principal permitted or approved discretionary use; including accessory buildings that are secondary, subordinate and lesser in size to the principal building.

7.4.2 Discretionary Uses

(1) Commercial uses:

- a) all retail stores, commercial retail services, restaurants
- b) veterinary clinics and hospitals
- c) liquor sales
- d) beverage room, restaurants, and lounges
- e) dwelling units, accessory to commercial use
- f) grocery store
- g) child care facilities
- h) personal service shops
- i) motels and hotels

(2) Industrial and agricultural service uses:

- a) agricultural equipment, motor vehicle, or recreational equipment dealers and service establishments
- b) agricultural seed, fuel, and chemical supply establishments
- c) agricultural product storage, transshipment, service and contracting establishments, excluding facilities for the handling of large animals
- d) construction trades
- e) manufacturing or processing establishments
- f) welding, machine shops, and metal fabricating.

(3) ancillary uses:

- a) bed-and-breakfast homes, where ancillary to a residence on the same site
- b) home based businesses, where ancillary to a residence on the same site, including personal care homes.
- c) signs.

7.4.3 Site Regulations

(1) Residential Uses:

Site Frontage:	minimum 12 m with lane, minimum 15 m without
Site Area*:	minimum 360 m ² with lane, minimum 450 m ² without
Yards:	Front – minimum 6 m; Side – minimum 1 m; Rear – minimum 6 m for principle building, minimum 1.5 m for accessory building
Height:	maximum 11 m

*residential minimum site areas will depend on communal water and sewer. If communal water and sewer are not provided for in the hamlet, larger minimum sites will be required for onsite services as specified by the Ministry of Health and the Ministry of Environment.

(2) Recreational and Public Uses:

No Requirements

(3) Institutional Uses:

Site Frontage:	minimum 30 m
Site Area:	minimum 900 m ²
Yards abutting a highway, highway frontage road, or municipal road allowance:	minimum 6 m
Yards Other:	Front – minimum 6 m; Side – minimum 1.5 m; Rear – minimum 6 m

(4) Commercial Uses:

Site Frontage:	minimum 30 m for hotels and motels; minimum 7.5 m for all other commercial uses
Site Area:	minimum 900 m ² for hotels and motels; minimum 225 m ² for all other commercial uses
Yards abutting a highway, highway frontage road, or municipal road allowance:	6 m
Yards Other:	Front – no requirement; Side – minimum 1.5 if abutting a residential site, otherwise no requirement; Rear – no requirement

(5) Industrial and Agricultural Service Uses:

Site Frontage: minimum 30 m
Site Area: minimum 900 m²

**Yards abutting a highway,
highway frontage road, or
municipal road allowance:** 6 m

Yards Other: Front – no requirement; Side – minimum 1.5 if abutting a residential site, otherwise no requirement; Rear – no requirement

7.4.4 HA District Supplementary Regulations**(1) Residential development:**

a) Mobile homes shall comply with Section 3.3 and be securely attached to a permanent foundation prior to occupancy.

(2) Re-use, rehabilitation, preservation or restoration of heritage properties.

- a) site requirements listed under Section 8.3.1 are waived in regards to applications for the re-use, rehabilitation, preservation or restoration of identified and designated heritage properties
- b) the original site and structure are deemed to be in conformity with the Bylaw and applications may be made to change the use of the property as provided for within the Hamlet District.

(3) Commercial, Industrial and Agricultural Service Uses

- a) Council will apply the criteria of the Official Community Plan, Section 5.3, in considering locations for commercial, industrial or agricultural service uses
- b) Council may apply special standards in the issuing a development permit for screening of storage areas fencing, or required yards adjacent to residential uses
- c) locations within residential areas of hamlets will be avoided for Industrial and Agricultural Service Uses
- d) for commercial developments, locations on the main street, adjacent to a railway, or adjacent to a highway or a main access route to the hamlet will be preferred
- e) commercial development that are of a scale and type that is compatible with residential uses may be considered in residential areas if the site is of sufficient size.

(4) Uses Compatible With Residential Development.

- a) Bed-and-breakfast and personal care homes are considered compatible with residential development provided the sites are large enough to provide adequate parking and separation to adjacent dwellings
- b) Home based businesses which provide personal services are generally considered compatible with residential development if the services are provided within the dwelling

7.5 L – LAKESHORE DISTRICT**7.5.1 Permitted Uses****(1) Residential Uses:**

- a) single detached dwelling
- b) RTM or modular home on a permanent foundation

(2) Recreational and Public Uses:

- a) public sports facilities
- b) parks and picnic areas
- c) beaches and beach facilities
- d) trails, walkways and natural interpretive areas
- e) boat launches and marinas
- f) day use parking lots.
- g) public utilities, except solid and liquid waste disposal facilities
- h) municipal facilities

(3) Institutional uses:

- a) community halls
- b) places of worship
- c) public museums, libraries, and historical sites.

(4) Accessory uses that are an integral part of the principal use, and are secondary, subordinate and lesser in extent to the principal permitted or approved discretionary use; including accessory buildings that are secondary, subordinate and lesser in size to the principal building.

7.5.2 Discretionary Uses

(1) Residential uses:

- a) permanent RV parks which may include mobile homes
- b) dwelling groups.

(2) Commercial principal uses:

- a) beach concessions, general merchandise stores
- b) water craft or beach equipment rental operations
- c) hotels, motels, and resort developments with or without restaurants
- d) beverage room, restaurants, and lounges
- e) seasonal campgrounds
- f) golf courses
- g) commercial recreation facilities
- h) confectionaries
- i) service stations and gas bars.

(3) Institutional uses:

- a) private clubs
- b) church, sports, educational, or service club institutional camps.

(4) The following ancillary uses:

- a) bed-and-breakfast homes, where ancillary to a residence on the same site
- b) home based businesses, where ancillary to a residence on the same site, including personal care homes.

7.5.3 Site Regulations

(1) Residential Uses:

Site Area:	Minimum 1000 m ²
Site Frontage:	Minimum 20 m; irregular sized, backshore*, and lakeside* lots may be reduced to 15 m provided the parcel is at least 20 m in average width over the first 30 m of parcel depth.
Lakeside* Lot Yards:	Front Yard (Principle Building) – minimum 6 m; Front Yard (Accessory Building) – minimum 1.5 m; Front Yard Coverage – maximum 30%; Rear Yard (Any Building) – minimum 4.5 m for any building wall and 2 m for any open deck; Side Yard (Any Building) – minimum 1 m
Backshore* Lot Yards:	Front Yard (Any Building) – minimum 6 m; Front Yard (Open Deck) – minimum 4 m; Front Yard Coverage – maximum 30%; Rear Yard (Principle Building) – minimum 6 m; Rear Yard (Accessory Building) – minimum 1.5 m for any building wall and 2 m for any open deck; Side Yard (Any Building) – minimum 1 m
Dwelling Group Yards:	All yards shall have a minimum of 4.5 m between the site line and any building
Height:	maximum 11 m

* For the purposes of this Section a lakeside lot is a parcel that abuts the bank of the lake or abuts an environmental or municipal reserve that abuts a lake, and a backshore lot is a parcel that has a street between it and any other parcel of land and the lake.

(2) Recreational and Public Uses:

No Requirements

(3) Institutional Uses:

Site Area:	Minimum 1000 m ²
Site Frontage:	Minimum 20 m
Yards:	All yards shall have a minimum 6 m between the site line and any building

(4) Commercial principal uses:

Site Area:	Minimum 1000 m ²
Site Frontage:	Gas bars and Service stations – Minimum 30 m; all other commercial uses – 20 m
Yards:	All yards shall have a minimum 6 m between the site line and any building

7.5.4 L District Supplementary Regulations

(1) Residential development:

- a) all permitted residential uses shall be placed on permanent foundations
- b) one travel trailer or recreational vehicle may be used as temporary accommodation for guests of a principal residential dwelling, for periods not exceeding 30 days.

(2) Permanent RV parks:

- a) all campgrounds and RV parks that allow the sitting of trailers and other forms of recreational vehicles year round will be defined as Permanent RV Parks and will be assessed for taxation both for land and residential structures.
- b) Council will apply the following criteria in considering RV parks:
 - the size of the parcel shall be sufficient to maintain a 7.5 m landscaped buffer containing no development on the inside of the parcel boundary. Each site must have access from an internal roadway on the parcel
 - the parcel shall not be located within a residential subdivision or the area for any proposed expansion
 - the proposal will provide for adequate sewer and water supply services.

(3) Dwelling Groups:

- a) all parking areas, private garages, or vehicular access to units or sites within a dwelling group shall be from a roadway which is common property internal to the parcel
- b) all dwelling groups shall have vehicular access to a public street from at least two points which are sufficiently separated to provide separate access and egress in case of fire or other emergencies
- c) Council will apply the following criteria in considering dwelling groups:
 - the size and location will be such that the access system has sufficient capacity to handle the added development and that the development will not cause excessive traffic through existing residential areas
 - there will be adequate access to the lake for the development
 - the proposal will provide for adequate sewer and water supply services.

(4) Commercial uses:

- a) Commercial uses on dedicated lands must:
 - obtain a permit or lease document from the Municipality
 - serve to enhance the use of the dedicated lands as a public recreation area
 - be temporary and removable, and not exceed 20 m² in size unless located in a municipal facility
- b) Commercial uses on private parcels shall be located adjacent to the roads providing access to the resort as a whole
- c) a golf course shall be located on a separate parcel to any associated residential developments
- d) Council will apply the following criteria in considering dwelling groups:
 - the commercial development will serve tourists and residents of the resort area
 - the parcel shall not be located within a residential subdivision or area for any proposed expansion
 - the parcel shall not cause additional traffic in the residential areas, except where it is associated with a golf course
 - the proposal will provide for adequate sewer and water supply services.

(5) Institutional uses:

- a) in approving an institutional use, Council may specifically limit any residential component based upon the application. Any expansion or change of form of the residential component will require a new discretionary use approval
- b) Council will apply the following criteria in considering institutional uses:
 - the use will be separate from the residential subdivision areas
 - the use will not disrupt the quiet enjoyment of the resort area
 - the proposal will provide for adequate sewer and water supply services.

(6) Ancillary Uses:

- a) bed-and-breakfast and personal care homes are considered compatible with residential development provided the sites are large enough to provide adequate parking and separation to adjacent dwellings
- b) home based businesses which are personal services are generally considered compatible with residential development if the services are provided within the dwelling.

7.6 RDA – RESERVOIR DEVELOPMENT AREA DISTRICT

The Intent of this overlay district is to identify lands that are located with the Reservoir Development Areas to ensure land proposed for development complies with The Reservoir Development Area Regulations pursuant to *The Saskatchewan Watershed Authority Act, 2005*

7.6.1 Defining the district

The Reservoir Development Area Regulations under *The Saskatchewan Watershed Authority Act, 2005* apply to all lands within this district and are administered by the Saskatchewan Watershed Authority (SWA).

For all proposed development in this Overlay Area:

- a) The developer shall be required to contact Saskatchewan Watershed Authority for their review and approval.
- b) Council shall forward any applications for development with their review and comments to the Saskatchewan Watershed Authority for administration and approval.

7.6.2 Removal of The Reservoir Development Area Regulations.

If at any time land designated to the RDA district is removed from the jurisdiction of The Reservoir Development Area Regulations pursuant to *The Saskatchewan Watershed Authority Act, 2005* the zoning of the land shall revert to the AR Agricultural Resource district of this bylaw.

8 EFFECTIVE DATE OF THE BYLAW

8.1 COMING INTO FORCE

This Bylaw shall come into force on the date of final approval by the Minister of Municipal Affairs.

a)

[SEAL]

Reeve

Administrator

INTRODUCED AND READ a first time this 13 day of February, 2013.

READ A SECOND TIME this 20th day of March, 2013.

READ A THIRD TIME and passed this 10th day of April, 2013.

Certified a true copy of Bylaw No. 2-2013

adopted by the council of the Rural

Municipality of Eyebrow No. 193

on the 10th day of April, 2013.

Administrator