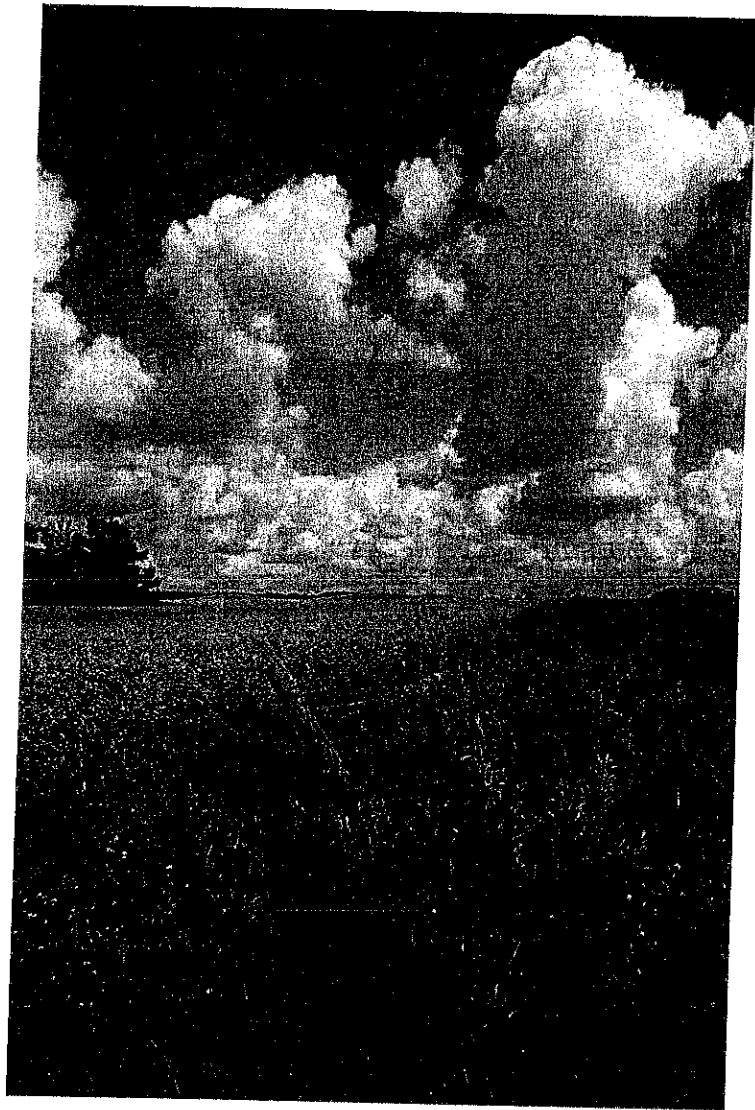


2015

# Zoning Bylaw

Rural Municipality Of Moose Creek No. 33



Prepared by:

**SARM**

## Table of Contents

Section 1	Introduction	Page 4
Section 2	Administration	Page 5
Section 3	General Regulations	Page 14
Section 4	Zoning Districts	Page 24
Section 5	A – Agricultural District	Page 25
Section 6	CR – Country Residential District	Page 39
Section 7	M1 – Light Industrial and Commercial District	Page 45
Section 8	M2 – Industrial District	Page 49
Section 9	EC - Environmental Constraint District	Page 52
Section 10	Definitions	
Appendix A	Zoning District Map	

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## Section 1 - INTRODUCTION

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Under the authority of *The Planning and Development Act, 2007*, the Reeve and Council of the Rural Municipality of Moose Creek in the Province of Saskatchewan, in open meeting hereby enact as follows:

### **1.1 Title**

This Bylaw shall be known as the "Zoning Bylaw of the Rural Municipality of Moose Creek No. 33."

### **1.2 Purpose**

The purpose of this Bylaw is to regulate development so as to provide for the many uses within the municipality, and the health, safety and general welfare of its inhabitants.

### **1.3 Scope**

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

### **1.4 Severability**

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

5. Landscaping on private property including sidewalks, steps and similar features. (this does not apply to major excavation and filling of sites).
  6. Keeping of animals (limited to domestic pets of the residence of the site).
- b. Development listed in clause (a) are considered permitted in the specified Zoning District and must comply with the regulations of this of this bylaw, including setback requirements and flood protection requirements.
- c. The completed development permit application shall include:
- A description of the intended use or proposed development including any change in building use or land use change
  - Legal land description
  - The signature of the applicant and the registered landowner(s)
  - A copy of the Certificate of Title
  - Estimated commencement and completion dates
  - Floor Plans and elevations of the proposed development (which will be kept at the Municipal Office for future reference)
  - Any other information needed to assess the application.
  - An attached site plan which shall include:
    - All adjacent roads, highways, service roads and access to the site (label on site plan)
    - Rights-of-ways and easements (gas, oil, power, drainage easements, etc)
    - All drainage courses
    - Location of proposed development
    - Existing development on the site
    - Landscaping details (existing trees, removal of trees, proposed plantings, berming, water features, etc.)
    - Setbacks to property line, road and services
    - Top of bank and water
    - Existing and proposed services:
      - Location of well or cistern
      - Method and location of sewage disposal
    - Sign location and details like artwork, colors, size, lights, etc.
    - Parking and loading facilities
    - Sidewalks, patios, playgrounds
    - North arrow
  - Any additional information deemed necessary by Council or the Development Officer

2. Any other owners the Development Officer feels should be notified or who may have an interest in the lands.
- iii. After all information is gathered, the Development Officer will prepare a report for Council on the proposal discussing or examining the criteria for consideration of that discretionary use and submit the application to Council for a decision.
- iv. Council shall make a decision on a discretionary use, by resolution, that approves, approves with development standards or conditions, or refuses the discretionary use on that site and that instructs the Development Officer to:
  1. Issue a development permit incorporating any specific development standards set by Council, where the development complies with the standards of this Bylaw
  2. Issue a notice of refusal to the applicant stating the reasons for the refusal, referencing the specific discretionary use criteria the application did not meet
  3. All applicants shall be provided the effective date of the decision and information on their right of appeal.
- v. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
  1. Site drainage of storm water
  2. The location of buildings with respect to buildings on adjacent properties
  3. Access to the site as well as the number and location of parking and loading facilities
  4. Control of noise, glare, dust and odour
  5. Landscaping, screening and fencing to buffer adjacent properties.
- c. A new development permit approval is required for both permitted and discretionary uses when:

- ii. The refusal of the Development Officer to issue a development permit because the proposal contravenes the zoning bylaw
  - iii. Council's approval of a discretionary use with development standards or conditions (only the conditions or standards may be appealed)
  - iv. An order to repair or correct contraventions under a Nuisance Bylaw, Property Maintenance Bylaw and/or Zoning Bylaw adopted under *The Municipalities Act* (Sections 364 and 365 ) or *The Planning and Development Act, 2007* (Section 242)
- d. The Development Appeals Board does not have the authority to hear an appeal based on:
- i. A discretionary use application is refused
  - ii. Council refuses to amend a zoning bylaw or rezone land
  - iii. A decision concerns a subdivision application
- e. Anyone starting an appeal must send written notice of appeal to the Secretary of the Development Appeals Board within:
- i. 30 days of a Development Officer's decision on a development permit being issued;
  - ii. 30 days of the failure of a Council to make a decision on a development permit;
  - iii. 30 days of receiving a development permit with terms and conditions; or
  - iv. 15 days if appealed under *The Municipalities Act*, or 30 days under *The Planning and Development Act, 2007*, of an order being served to repair or correct contraventions.
- f. The Board must hold a public hearing on the appeal within 30 days of receiving a notice of appeal.
- g. At least ten days before the hearing, the Board must notify affected parties about the hearing. The notice must be served by personal service, ordinary mail or registered mail.

- c. The agreement shall run with the land, regardless of the landowner.
- d. Council will register an interest on the title of the land when the Zoning Bylaw amendment is approved.

## **2.9 Servicing Agreements and Development Levy Agreements**

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

## **2.10 Fees and Advertising**

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

## **2.11 Offences and Penalties**

- a. Pursuant to Section 242 of *The Planning and Development Act, 2007* the Development Officer may issue a written order to the owner, operator or

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## Section 3 – GENERAL REGULATIONS

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The following regulations shall apply to all lands within the Rural Municipality of Moose Creek No. 33:

### 3.1 Environmental Management and Hazard Lands

- a. Any development proposed on lands that may be considered hazard lands or environmentally sensitive lands, the Development Officer may refer the application to federal or provincial departments and other relevant environmental agencies or professionals for comments prior to reaching a decision.
- b. Where the development of a building is proposed within 150 m of an area of potential hazard lands or environmentally sensitive lands, Council will require the applicant to submit sufficient supporting information to determine if the development is appropriate for the lands.
- c. Supporting information shall be in the form of a report, prepared by a professional that is competent to assess the suitability of the proposed development site with respect to:
  - i. The potential for flooding up to the 1:500 flood elevation
  - ii. The potential for slope instability before and after the development including any proposed improvements or additions (geotechnical report)
  - iii. The suitability of the location for the proposed use or building given the site constraints
  - iv. Other environmental hazards identified by the professional
  - v. The mitigation measures that should be required if development is allowed to proceed. These measures may be attached as conditions for the development permit approval.
- d. Additional requirements for development within the flood plain of a river or stream include:



### **3.3 One Principal Building or Use**

- a. Only one principal building or use per site shall be permitted on any one site excluding: public utilities and related uses, ancillary uses provided for in this bylaw, institutional uses, agricultural uses, parks, schools, hospitals, recreation facilities, mineral and resource developments and approved dwelling groups. Two residences are permitted on one titled lot in the Agricultural District.
- b. Council may, at its discretion, issue a development permit for additional principal uses or buildings in the Commercial District.
- c. Temporary uses may be permitted on a site where a principal development already exists at Council's discretion.

### **3.4 Mobile and Modular Homes**

- a. A mobile or modular home is considered a residence for the purpose of this bylaw.
- b. All residences, including mobile and modular homes, shall be attached to a permanent foundation or securely anchored to the ground and skirted prior to occupancy.
- c. Every mobile home shall bear CSAZ240 certification for mobile homes (or replacement thereof) and every modular home shall bear CSA A277 certification for modular homes (or replacement thereof).

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

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

### **3.7 Storage of Vehicles**

- a. Notwithstanding anything contained in this Bylaw, no site shall be used for the parking or outside storage of junked vehicles, which includes any automobile, tractor, truck, trailer or other vehicle that:
  - i. has no valid license plate or is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or in an abandoned condition
  - ii. is located on private land
  - iii. is not located within a structure erected in accordance with this bylaw
- b. Section 3.6 (a) shall not apply to lands that have received a development permit for a salvage yard or similar type development.
- c. All permitted salvage yards shall be screened from roadways or neighbouring properties with landscaping, fences or a combination of both.
- d. The use of an abandoned vehicle, or unlicensed vehicle or truck trailer unit for the purpose of a sign is prohibited.

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

- a. Public utilities and facilities of the Municipality, except solid and liquid waste disposal sites, shall be allowed in all districts unless otherwise specified by this Bylaw and no minimum site area or yard requirements shall apply.
- b. Where a pipeline, other utility or transportation facility, crosses a municipal road Council may apply special design standards as considered necessary to protect the municipal interest in the road, including but not limited to requiring the pipeline to be punched under the road.

### **3.9 Waste Disposal Facilities**

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

- g. No use shall cause an increase in the demand placed on one or more utilities, such that the combined total consumption for a dwelling and the home based business substantially exceeds the average for residences in the area.
- h. No use requiring electrical or mechanical equipment shall cause a substantial fire rating change in the structure or the district in which the home based business is located.
- i. A home based businesses shall cause no variation in the residential or agricultural character or the appearance of the residence, accessory residential building, or land, except for permitted signs.
- j. All permits issued for a home based business shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.

### **3.11 Kennel**

- a. A kennel shall not be located within or adjacent to a multi-parcel residential subdivision or closer than 304.8 m (1,000.0 ft.) from the boundary of a multi-parcel residential subdivision. Exceptions may be made when a highway, arterial road or secondary road bisects the 304.8 m (1,000.0 ft.) separation distance.
- b. All facilities shall meet provincial regulations, when necessary.
- c. No facility or exterior exercise area used to accommodate the animals shall be located within 25.0 m (82.0 ft.) of any property line of the parcel on which the facility is to be sited;
- d. All exterior exercise areas (runs) shall be enclosed with a fence with a minimum height of 1.8 m (6.0 ft.);
- e. All facilities, including buildings and exterior exercise areas, shall be required to be sited behind the residence; and
- f. All facilities shall be visually screened from existing dwellings on adjoining parcels.

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

- a. A bed and breakfast or vacation farm operation shall be a secondary use on the property.

of land shall require a new development permit, and the operator shall submit, for approval, an amended plan incorporating the changes.

- c. There shall be a buffer area abutting the boundary of not less than 4.5 m, which shall contain no buildings and shall be left in its natural state
- d. No portion of any campsite shall be located within a roadway or required buffer area.
- e. Each campsite shall have direct and convenient access to the internal developed roadway.
- f. The space provided for roadways within a campground shall be at least 7.5 m in width.
- g. The development may include uses such as laundry facilities or a confectionery designed to meet the needs of the occupants of the campsites, and one residence for the accommodation of the operator.
- h. All provincial regulations, including *The Public Health Act*, shall be complied with in respect to all operations and development of the camping facility.

### **3.14 Dwelling Groups (Bare Land Condo)**

- a. Access to 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 the District and the required set back to the centre line of a road.

### **3.15 Access**

- a. Every development shall have physical and legal access to a public highway or municipal road that is developed to a standard that, in the opinion of Council, is suitable for the proposed development.
- b. For the purposes of Bylaw "developed road" shall mean an existing paved or graded all-weather road on a registered right of way, or a road for which arrangements have been made with Council to provide for the construction of the road on a registered right of way to a standard approved by Council

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## Section 4 – ZONING DISTRICTS

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### 4.1 Districts

- a. For the purpose of applying this Bylaw, the Municipality is divided into Zoning Districts.
- b. All parts of the Municipality shall be designated as A – Agricultural District except those areas specifically designated on the detailed Zoning District Maps as another District, attached to and forming part of this bylaw.

### 4.2 Boundaries

- a. The boundaries of all Zoning Districts are shown on the map entitled, "Zoning District Map" which is attached to, and forms a part of this Bylaw. Unless otherwise shown on the Map, the boundaries of the Districts are site lines, center lines of streets, lanes, roads or such lines extended, and the boundaries of the Municipality. Unless otherwise shown on a Zoning Amendment Map, the Zoning District boundary, coincident with a parcel boundary, moves with a minor adjustment to that boundary.

### 4.3 Regulations

- a. Regulations for the Zoning Districts are outlined in the following Sections:
  - i. Agricultural District (A)
  - ii. Country Residential District (CR)
  - iii. Light Industrial & Commercial District (M1)
  - iv. Industrial District (M2)
  - v. Environmental Constraint District (EC)

- ii. Intensive Agricultural Operations
  - iii. Commercial use related to the agricultural operations
  - iv. Agricultural product processing
  - v. Agricultural equipment, fuel and chemical supply establishment
  - vi. Orchards, vegetable, horticultural or fruit gardens
- b. Residential Uses
- i. More than one residence (on a parcel of 80 acres or more)
  - ii. Dormitory dwelling(s) to accommodate full-time workers engaged in the agricultural operation
  - iii. Bed and Breakfast and Vacation Farm
- c. Commercial Uses
- i. Petroleum related commercial and similar uses
  - ii. Machine shops and accessory structures
  - iii. Salvage and storage yards
  - iv. Workcamps
- d. Sand and gravel pits and gravel crushing disposal facilities
- e. Recreational commercial uses (sports arenas, golf courses, tourist campgrounds, or similar type uses)
- f. Private airstrips
- g. Community Uses
- i. Public parks and public recreational facilities
- h. Home based business

1. Minimum site size shall be 32.37 ha (80 ac)
  2. No maximum site size is prescribed
- iii. All Other Uses
1. Minimum site size shall be 0.8 (2 ac)
  2. Maximum site size shall be at Council's discretion based on proposed use of the land but shall not exceed 64.75 ha (160 ac)
- d. Access
- i. A site to be created by subdivision shall not be permitted unless the proposed parcels and the remainder of the parcel being subdivided abuts, or has frontage on a registered developed road, including any road to be developed under a signed servicing agreement.
- e. Setback Requirements
- i. The minimum setback of buildings, including a residence, from the centreline of a developed road, municipal road allowance, or provincial highway shall be 46 m (150 ft).
  - ii. The minimum setback of buildings, including a residence, from the intersection of the center lines of two or more municipal road right-of-ways shall be 69 m (226 ft)
  - iii. Trees, shrubs, stone piles, portable structures, machinery, corrals, board and post wire fences or other objects, such as wells, dugouts, or reservoirs on private property shall also adhere to the regulations in 5.3(e)(i) and 5.3(e)(ii)
  - iv. No building shall be located closer than 3m (10 ft.) to any other property line.
  - v. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operation, as follows:
    1. The separation distance to an ILO

- iii. A road of a standard that meets the demands of the operation shall provide access to the site. If required, the operator will enter into a heavy haul agreement with the RM.
- iv. In the application for an intensive operation, the applicant shall identify the proposed supply of water for the operation where intensive irrigation is required, showing that the supply shall be sufficient to meet the needs of that operation without adverse effects on the supply of water used by neighbouring properties.

#### **5.4 Criteria for Discretionary Use Applications**

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

- a. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application.
- b. The proposed development shall be located on a parcel conforming to all requirements of this zoning bylaw, including site size, frontage, setbacks and access.
- c. No new or expanded discretionary uses shall be located in the 1:500 flood elevations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.
- d. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- e. Home Based Businesses
  - i. No heavy construction or industrial equipment or supplies shall be on any site for a home based business in this District.
  - ii. Any increase in the operation as applied for or approved shall require a new discretionary use approval.
- f. Bed-and-Breakfast and Vacation Farm
  - i. The proposed structures are suitable and comfortable for the proposed development.



5. Reclamation measures once the camp is no longer needed.
  - ii. The developer is to maintain any existing natural buffers (trees, natural topography, etc.), where possible.
  - iii. The workcamp shall be contained within the commercial use or resource based use site.
  - iv. The developer shall provide Council with information regarding the necessity of the workcamp in attracting and attaining skilled workers for the operation of the commercial use.
  - v. The site shall be adjacent to an all-weather road to provide year round access to the site.
- i. Sand and Gravel Pits and Gravel Crushing Operations
- i. All sand and gravel operations shall meet provincial requirements and guidelines as well as municipal requirements.
  - ii. Land use incompatibility, nuisance and pollution shall be minimized by considering appropriate routes, buffers, screening, etc.
  - iii. All operations shall have efficient servicing, haul routes and have a high consideration for public safety.
  - iv. Council will specify development conditions in conjunction with recommendations from provincial agencies and reports from qualified person regarding site development, services, modifications to application and location of operation.
  - v. Council will specify conditions regarding cost recovery and cost-sharing of municipal road construction and maintenance expenses due to increased haulage by trucks carrying mineral resources.
  - vi. Minimum excavation setbacks are as follows:
    1. 805 metres (0.5 miles) from any dwelling, unless an agreement has been entered into with the owner of the dwelling consenting to a closer separation distance. If an agreement is entered into, Council will require that an interest protecting the parties to the

- ii. The RM of Moose Creek will require the developer to apply for a municipal development permit if the development meets the RM definition for an ILO.
- iii. 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.
- iv. Location Separation Criteria
  - 1. In order to ensure ILO development occurs in acceptable locations, new ILO development proposed subsequent to the date of the adoption of this Bylaw or a proposed expansion of an existing ILO (existing at the date of adoption of this Bylaw) Council will consider an approval in conjunction with the location separation criteria in this Section and in Table 1:

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

District or Use	Animal Units			
	300-499	500-2000	2000-5000	>5000
Residence or accommodation in (A) District	400	800	1200	1600
Boundary of the (CR) District	800	1200	1600	2000
Town of Alameda	1600	2400	3200	3200

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

- v. Location Separation Criteria Reduction
  - 1. Council, at its discretion, may consider lesser separation distances than given in Table 1, subject to the following:
    - Where a lesser separation distance than described, in Table 1 will not negatively impact the specific use or surrounding development, Council may grant a reduction of the location separation criteria. Prior to granting a reduction, Council will consult with appropriate agencies.
    - The developer shall provide written notice, approved by Council, to the owners of all residences within the distance

- Require the applicant to demonstrate that appropriate measures will be in place to minimize the risk of contamination of water sources
- Require the applicant to demonstrate an adequate water supply is available for the development and that the supply for neighbouring developments will not be adversely affected by the proposed operation.

viii. Additional Information

1. Council may require the applicant to obtain recommendations from appropriate agencies and address issues regarding water supply, quality and quantity considerations and manure management plans to evaluate the suitability of the site
2. The Agricultural Operations Act and other provincial legislation 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 wish to refer a development permit application to the appropriate agencies for advice and recommendations.

ix. Permit conditions

1. As a condition of approval, Council shall specify the maximum number of animal units for which the approval is made to reduce the potential for land use conflicts with neighbouring uses.
2. Council 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 1.

x. Existing Livestock Operations

1. ILOs existing at the time of the adoption of this Bylaw may continue, however if there is any expansion of the operation or change of animal species or type of operation the developer will be required to obtain approval from Council in accordance with the requirements and conditions of this Bylaw.

2. Issuance of a Development Permit to the landowner, where the said trailer is located, to be issued on an annual basis;
3. Compliance with any requirements of any federal or provincial government agencies respecting to water or waste connections and disposal concerns;
4. The intended occupier must be an immediate family member.

- c. Home Based Businesses

### **6.3 Regulations**

- a. Subdivision

- i. The subdivision of any land that does not meet the subdivision requirements within the Agricultural District will be required to be rezoned to this district and are subject to the policies contained in the Official Community Plan for Residential Lands.
- ii. All residential subdivisions shall be located adjacent to an existing transportation corridor
- iii. All residential subdivision shall be serviced to meet municipal standards.
- iv. A buffer strip or landscaping may be required in all residential subdivisions to separate residential uses and existing agricultural development.
- v. A maximum of 20 titled sites per quarter section are allowed. A residual of 80 acres on the quarter section must be left zoned Agricultural.

- b. Frontage

- i. Minimum site frontage shall be 30.4 m for all parcels
- ii. Exemptions from minimum frontage may be considered by Council for public utility uses and municipal facilities

- c. Site Size

- i. Minimum site size shall be 0.8 ha (2 ac)
- ii. Maximum site size shall be 4.04 ha (10 ac)
- iii. Exemptions from minimum and maximum area requirements may be considered by Council for public and/or municipal facilities or uses and community uses.
- iv. In the case of a parcel physically severed as a result of road right of way or railway plans, drainage ditch, pipelines or transmission line,

2. Outside storage located in a side or rear yard shall be screened by landscaping or vegetation so as not to be visible from a road.
- iii. No residence shall be located with less than a minimum separation distance to an operation, other than the residence of the operation, as follows:
1. The separation distance to an ILO.
  2. 457 m from a licensed public or private liquid waste disposal facility
  3. 457 m from a licensed public or private solid waste disposal facility
  4. 305 m from a honey processing facility
  5. 305 m to a non-refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan
  6. 600 m to a refrigerated anhydrous ammonia facility licensed by the Province of Saskatchewan.
  7. No dwelling or other building shall be located within the approach for any functional airport or airstrip.
- f. Keeping of animals
- i. The keeping of animals shall be permitted in accordance with the following schedule:

<b>Parcel Size</b>	<b>Maximum Number of Animal Units Permitted</b>
5-10 acres (4 ha)	One Animal Unit

- ii. 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 buildings or structures intended to contain birds or animals shall be located within 30 m of a dwelling or property line.
- iii. The use of vacant residential sites for the pasturing of animals is prohibited.

- iii. There shall be suitable utilities and sewage disposal system for the facility
- iv. There shall be appropriate levels of access to the site and off-street or road parking for the users of the facility.
- v. The development shall not be in conflict with adjacent uses or uses currently on site.
- h. Solid and liquid waste disposal facilities will only be permitted in the Residential District if there are no suitable sites within the Agricultural District.
- i. Other requirements of this bylaw specific to the proposed use are met.

- g. Abattoirs, skinning and tanning facilities and stockyards
- h. Outdoor storage yards for construction materials and extractive industries
- i. Agricultural implement and prefabricated building component manufacturing
- j. Commercial trucking establishments

### **7.3 Regulations**

- a. Subdivision
  - i. All subdivisions shall be serviced to meet municipal standards and provincial standards
- b. Frontage
  - i. Minimum site frontage shall be 30.4 m (100 ft.)
  - ii. Exemptions from minimum frontage may be considered by Council for public utility uses and municipal facilities.
- c. Site Size
  - i. Minimum site size shall be 0.11 ha (0.28 ac)
  - ii. Maximum site size shall be 4.04 ha (10 ac)
  - iii. Exemptions from minimum site size requirements may be considered by Council for public utility uses and municipal facilities.
- d. Access
  - i. All commercial uses must demonstrate adequate access and egress to the provincial or municipal road systems.
  - ii. Access may be required to be provided by a service road that meets provincial and municipal standards.
  - iii. A subdivision shall not be permitted unless the proposed parcel(s) and the remainder of the parcel being subdivided abuts, or has frontage or a



- ii. The proposed development shall be located on a parcel conforming to all requirements of this Zoning Bylaw, including site size, frontage, setbacks and access and to all provincial requirements.
- iii. No new or expanded discretionary uses shall be located in the 1:500 flood elevations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.
- iv. The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- v. Year round access to the site shall be available.
- vi. All commercial uses shall be separated from a residence not occupied by the operator of the use, by a distance of at least 300m unless the applicant can establish to the satisfaction of Council that the uses will not emit noxious odours, smoke, dust and noise limiting the enjoyment or use of the residence.

b. Outside Storage

- i. Uses that include or may include storage may require screening from roads or neighbouring properties by landscape features or fences or a combination of both.
- ii. Council may apply special standards as conditions of approval regarding screening, location of storage, location of vehicles on display, machinery and parts to avoid an unsightly premise.
- iii. The proximity and location of residential and tourist facilities shall be considered in making a discretionary use decision that involves outside storage of materials.
- iv. The storage of vehicles shall be subject to Section 3.7 of the Zoning Bylaw.

c. Setbacks

i. Front yard:

1. The minimum setback for buildings, trees, shrubs, stone piles, portable structures, or other objects on private property from the centreline of a provincial highway and will be in accordance with the requirements of the Ministry of Highways and Infrastructure.
2. The minimum setback for buildings, trees, shrubs, stone piles, portable structures, or other objectives on private property from the centreline of a municipal road allowance, municipal grid road and main farm access road shall be 45 m (150 ft).
3. The minimum setback for buildings on private property from the internal subdivision road shall be 10 m (33 ft).

ii. Rear yard:

1. The minimum setback for residence and commercial buildings on private property from any rear yard shall be 4 m (16.4 ft).

iii. Side yard:

1. The minimum setback for buildings on private property from any side yard shall be 4 m (16.4 ft).

**8.4 Criteria for Discretionary Use Applications**

a. All Discretionary Commercial Uses:

- i. A site plan and supporting documentation must be supplied to Council prior to making a decision on a discretionary use application
- ii. The proposed development shall be located on a parcel conforming to all requirements of this Zoning Bylaw, including site size, frontage, setbacks and access and to all provincial requirements.
- iii. No new or expanded discretionary uses shall be located in the 1:500 flood elevations or on hazard lands without appropriate studies completed by qualified professionals with accompanying mitigating measures.

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## Section 9 – ENVIRONMENTAL CONSTRAINT DISTRICT (EC)

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The objective of this district is to protect the Alameda Reservoir and to minimize the environmental disruption and pollution on lands adjacent to the Reservoir, most of which are owned by the Saskatchewan Water Security Agency.

### 9.1 Permitted Uses

- a. Wildlife and wildfowl habitat and conservation projects
- b. Water drainage and irrigation projects
- c. Effluent irrigation projects

### 9.2 Discretionary Uses

- a. Nature trails, lookout sites
- b. Open space passive recreation activities
- c. Existing agricultural uses which are compatible with the wildlife objectives

### 9.3 Accessory Uses

- a. Viewing platforms
- b. Shelters
- c. Related equipment storage structures
- d. Pumphouse

### 9.4 Regulations

- a. Site Area
  - i. To be determined at Council's discretion in consultation with Water Security Agency.

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## Section 10 – DEFINITIONS

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

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

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

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

**Agricultural Product Processing** - means the use of land, buildings and structures for the processing and storage of agricultural produce, such as a feed and grain mill.

**Agricultural Service and Contracting Establishment** – means an establishment that provides a service which supports the agricultural industry including but not restricted to contracting and trades related to the farm industry, structures and equipment, custom spraying, tillage, planting and harvesting services.

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

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

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

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

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

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

**Business Development –**

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

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

**Commercial Agricultural Operation** – the direct sale of agricultural products occurring on a ranch or farm directly related to the growing of crops, or raising of animals for the primary purpose of making a profit or for a livelihood.

**Commercial Use –**

**Council** – the Council of the Rural Municipality of Moose Creek No. 33

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

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

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

**Dwelling, Semi-detached** – shall mean two dwelling units side by side in one building unit with a common party wall which separates, without opening the two dwelling units throughout the entire structure.

**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.

**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.

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

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

**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 be amended or replaced from time to time.

**Industrial Development** – development including building and uses related to the industrial sector of the economy.

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

**Intensive Livestock Operation (ILO)** – the operation or facilities for the permanent rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, bison or domesticated game animals in such number that the facility and portion of a site used for the operation will contain 300 or more animal units which are confined to a space of one animal unit to less than 370 sq. m (4000 sq. ft).

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

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

**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.

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

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

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

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

**Principal Use** – the main activities conducted on a site.

**Principal Building** – the main building in which the principal use of the site is conducted.

**Public Road** – a road allowance or a legally surveyed road, street or lane vested in the name of Ministry of Highways and Infrastructure.

**Public Utility** – excluding wind energy, a government or private enterprise, which provides a service to the general public.

**Quarter Section** – a quarter Section as defined by the Township Plan of Survey in the Land Titles Office, exclusive of any registered road, road widening, or railway right of way, but including any partial quarter Section defined on the Township Plan of Survey.

**Tourist Campsite** – shall mean a site which provides for the location of tents and trailers used by travellers and tourists for overnight accommodations.

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

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

**Use, Agricultural Related Commercial** – a service to the agricultural community such as grain and seed cleaning and drying, fertilizer distribution, implement and machinery assemblage, sale and service, and other similar uses.

**Use, Petroleum Related Commercial** – a service to the petroleum and natural gas extraction industry such as drilling and oil well servicing operations, hauling services and storage facilities and other similar uses.

**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.

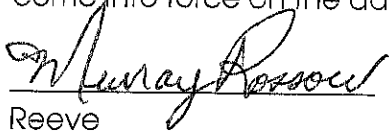
**Waste Disposal Facility, Liquid** – a facility to accommodate any liquid waste from residential, commercial, institutional and industrial sources, but does not include a



## Repeal and Adoption

Bylaw No.55/91, as amended, is hereby repealed.

This bylaw is adopted pursuant to *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Government Relations.

  
Reeve

SEAL

  
Administrator

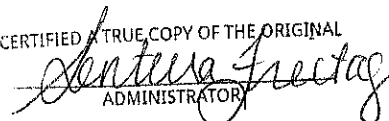
Read a First time this 14<sup>th</sup> day of October, 2015.

Read a Second time this 18<sup>th</sup> day of November, 2015.

Read a Third time this 18<sup>th</sup> day of November, 2015.



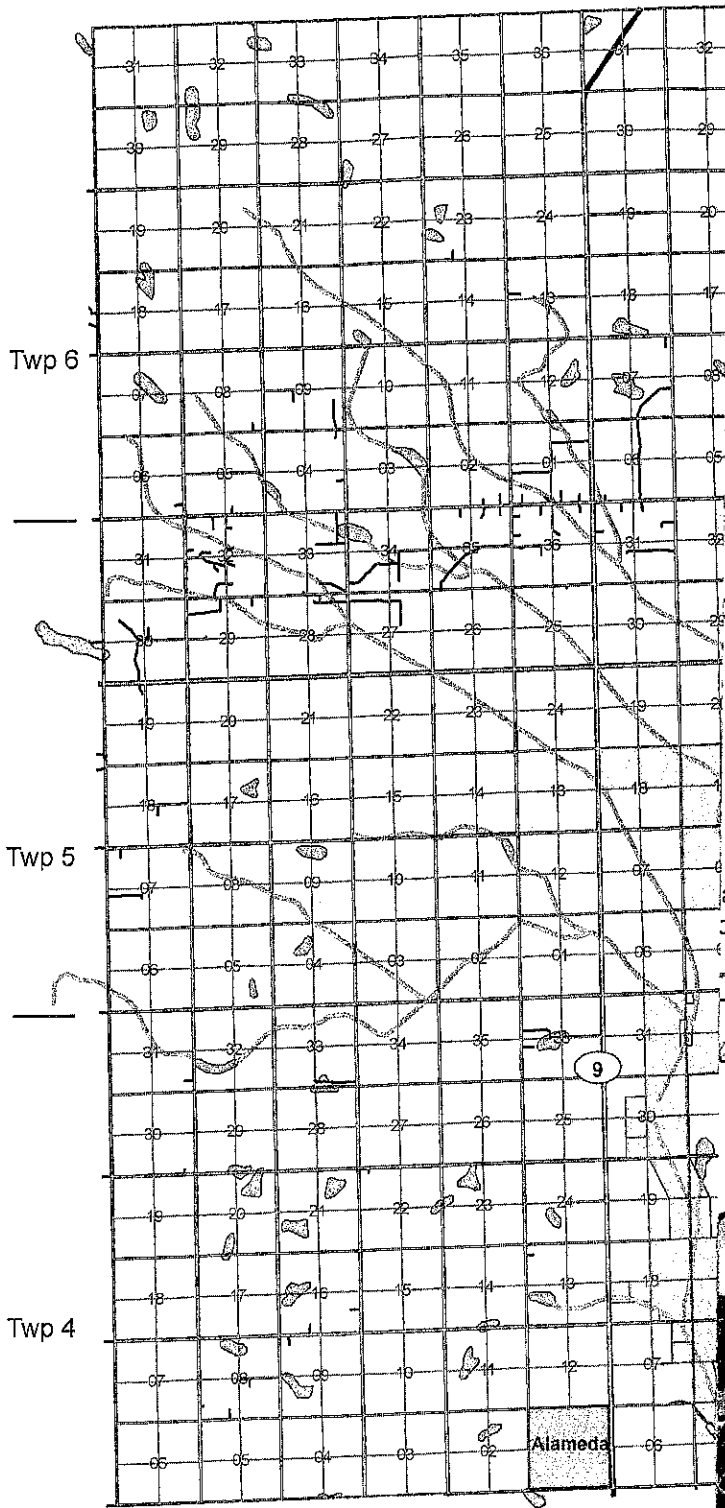
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ADMINISTRATOR



# Rural Mo. 33

## Law Map

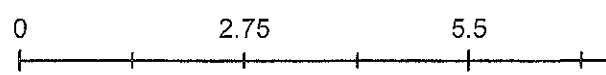
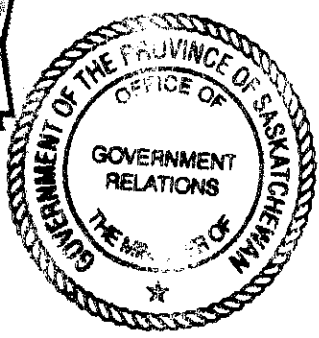
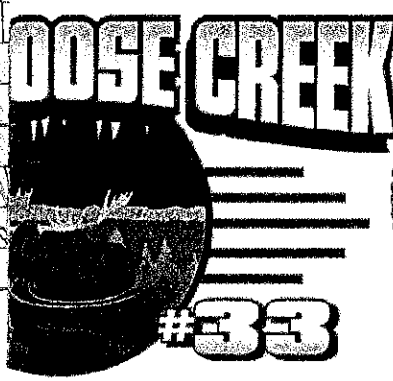


Initial District  
 and Commercial District  
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Law Number 3-2015  
 Moose Creek No. 33

*retag*

**APPROVED**  
**REGINA, SASK.**  
 MAR 24 2016  
*[Signature]*  
 Assistant Deputy Minister  
 Ministry of Government Relations



**MUNICIPAL FEES BYLAW**

**BYLAW NO. 5-2015**

**THE RURAL MUNICIPALITY OF MOOSE CREEK NO. 33**

**A BYLAW TO ESTABLISH FEES FOR PLANNING AND DEVELOPMENT SERVICES**

The Council of The Rural Municipality of Moose Creek No. 33, in the Province of Saskatchewan, enacts as follows:

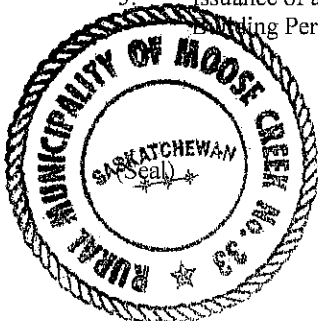
1. Pursuant to this Municipal Fees Bylaw, the fees for the following planning and development services shall apply:

<b>Development Permit</b>	
Permitted Uses	\$100
Discretionary Uses	\$200
Minor Variance	\$200
Appeal	\$100

<b>Amendment</b>	
Zoning Bylaw Amendment	\$300 + advertising
Official Community Plan Amendment	\$300 + advertising

<b>Copy of Planning Documents</b>	
Zoning Bylaw	\$25
Official Community Plan	\$25

2. Permit Fees are exempt from GST and advertising costs are included in established fee.
3. The RM of Moose Creek No. 33 recognizes that there is an administrative cost for the provision of specific services and that the user of these services should pay towards their cost. Accordingly, fees and charges are to be implemented and collected by way of cash or cheque, prior to delivery/receipt of the service requested.
4. Payment of the above fees shall not be presumed to constitute an approval by Council.
5. Issuance of a Development Permit does not exempt Applicant/Developer from any required Planning Permit Review and Inspection process.



*Murray Ross*  
Reeve

*Sentura Freitag*  
Administrator

First Reading: October 14<sup>th</sup>, 2015

Second Reading: November 18<sup>th</sup>, 2015

Read a Third Time and adopted

This 18<sup>th</sup> day of November, 2015

*Sentura Freitag*  
Administrator

CERTIFIED A TRUE COPY OF THE ORIGINAL

*Sentura Freitag*  
ADMINISTRATOR