

**RURAL MUNICIPALITY OF SHERWOOD No. 159**

**BYLAW NO. 01/23**

A Bylaw to amend the RM of Sherwood Zoning Bylaw No. 18/17

The Council of the Rural Municipality of Sherwood No. 159, in the Province of Saskatchewan enacts:

**To amend Bylaw No. 18/17 as follows:**

**1) Delete Section 2.6.2 Discretionary Use Applications and replace as follows:**

**2.6.2 Discretionary Use Applications**

**2.6.2.1 Discretionary Use Procedures**

Discretionary uses means the use of land or buildings or form of development in each zone which are allowed to proceed subject to the approval of Council. This approval may contain conditions which must be met before a development permit will be issued. The following procedure will take place for a Discretionary Use application:

- a) Applicants must file with the Development Officer the prescribed application form, a Site Plan, any other plans and additional information as required by the Development Officer and pay the required application fees.
- b) The Development Officer shall examine the application for general conformance with the Official Community Plan, this Bylaw, and any other applicable policies and regulations.
- c) The development officer may refer the application to government agencies and/ or interested groups that the Development Officer may consider appropriate. Discretionary uses within the Joint Planning Area require circulation to the City of Regina for review and comment with a minimum 30-day review period.
- d) The Development Officer may require engineering, legal or other professional review that the Development Officer may consider appropriate, with the cost of this review to be the responsibility of the applicant.
- e) Before Council may decide on a discretionary use, the development officer shall provide notice at least seven (7) days before the application is to be considered by Council, within a letter sent by regular mail to:
  - (i) the assessed owners of property within 75 metres of the boundary with the applicants land; and
  - (ii) other owners of property that may be affected by the discretionary use that the Development Officer considers appropriate.
- f) The development officer prepares a report and recommendations for Council.
- g) Council shall consider the application together with the reports of the development officer and any written or verbal submissions received.
- h) Council may require the applicant to provide further information regarding the proposed development; or may make a decision on the application in accordance with Section 2.6.2.2.

**2.6.2.2 Discretionary Use Decision**

- a) Council shall exercise its discretion respecting an application for a discretionary use by resolution to:
  - (i) Reject the application;
  - (ii) Approve the discretionary use in accordance with the provisions of the zoning bylaw;

- (iii) Approve the discretionary use subject to development standards or conditions in accordance with the zoning bylaw; or
  - (iv) Approve the discretionary use for a limited time period where it is considered important to monitor and re-evaluate the proposal and conformance with the provisions of this bylaw.
- b) Council may approve a discretionary use if the facts presented establish that the proposed discretionary use will:
- (i) comply with provisions of the zoning bylaw respecting the use and intensity of use of land for the discretionary use;
  - (ii) be consistent with the criteria in the zoning bylaw for approval of particular discretionary uses;
  - (iii) in the opinion of the council, be compatible with development in the district in the immediate area of the proposal; and
  - (iv) be consistent with provincial land use policies and statements of provincial interest.
- c) In approving a discretionary use, the council may prescribe specific development standards or conditions with respect to that use, but only if those standards or conditions:
- (i) are based on and are consistent with general development standards or conditions made applicable to discretionary uses by the zoning bylaw; and
  - (ii) are, in the opinion of the council, necessary to secure the objectives of the zoning bylaw with respect to Section 3.2 General Development Standards Applicable to all Discretionary Uses.

### **Notice of Decision**

- d) If a council has approved an application for a discretionary use, with or without terms, conditions or time limits being imposed, the development officer shall provide written notice of decision to the applicant that:
- (i) documents the decision and any development standards and conditions or time limits as authorized by the bylaw;
  - (ii) provides the effective date of the decision; and
  - (iii) states the applicant's right to appeal pursuant to section 58 of the *Act*.
- e) If council has made a decision to reject an application for a discretionary use, the development officer shall provide written notice of decision to the applicant of the decision based on the criteria established in the zoning bylaw.
- f) If approved, the applicant may be asked to submit a letter of commitment agreeing to any conditions of the approval and may be required to submit a security deposit to ensure the conditions are complied with.
- g) When the letter of commitment and any applicable security deposit is received, a development permit and/or a building permit can be issued by the development officer.

## **2) Delete Section 2.6.5 Expiration and replace with the following:**

### **2.6.5 Cancellation and Expiration of a Development Permit**

#### **2.6.5.1 Development Permit Expiration**

- a) All permits are valid for two (2) years from the date of issuance. The expiration of a permit would be deemed in cases where no site development has taken place.
- b) A Development Permit shall be automatically invalid, and development shall cease, in all of the following cases: a) If the proposed development has not commenced within the period for which the Permit is valid;

- c) If the proposed development had commenced at one time, but has been legally suspended, or discontinued, for a period of six (6) or more months, unless otherwise indicated by Council or the Development Officer;

### **2.6.5.2 Development Permit Cancellation**

The Development Officer may cancel a Development Permit:

- a) Where the approving authority is satisfied that a Development Permit was issued based on false or mistaken information;
- b) Where new information is identified pertaining to the suitability of the site for that specific type of development; and/or
- c) When a developer requests a Development Permit modification or withdrawal.
- d) In the event of cancellation, once the issue or issues impeding the development have been resolved to the satisfaction of the Development Officer, a new Development Permit application for the proposed development must be submitted to the municipality and a new Development Permit application may be considered.

### **3) Delete Section 3.13 Building Setback Requirements and replace as follows:**

The minimum setback requirements for all buildings from a developed road right-of-way or municipal road allowance property line shall be as stated in the applicable zoning district.

### **4) Delete the following from Section 4.2.1 b)**

Accessory Buildings and Structures

### **5) Amend Section 4.3 with the addition of the following:**

#### 4.3.2 Salvage Yard Regulations

- a) a salvage yard and salvage operators shall meet the best practices and applicable requirements of the Canadian Auto Recyclers' Environmental Code (CAREC).
- b) salvage operators shall maintain membership with the Saskatchewan Auto Recyclers Association (SARA).

### **6) Delete and Replace Section 4.19 Development Next to Railways as follows:**

All development in proximity to a railway shall be pursuant and reviewed in accordance with the applicable Transport Canada regulations, Acts and best practice and guidance documents relating to development in proximity to railways.

### **7) Addition of Section 4.23 Snow Management Facilities as follows:**

A Snow Management Facility shall be reviewed in accordance with the Saskatchewan Snow Dump Management Guidelines document and other applicable environmental regulations.

### **8) Addition of Section 4.24 Animal Kennel/ Shelter as follows:**

#### 4.24.1 Application Requirements

The applicant shall provide the following information:

- a) Number and type of animals proposed;
- b) Waste generation and disposal methods; and
- c) Site Plan showing all indoor and outdoor animal holding facilities.

#### 4.24.2 Development Standards

- a) Animal Kennel/ Shelter applications shall be reviewed in accordance with best industry practices and the Code of Practice for Canadian Kennel Operations.
- b) All exterior exercise areas shall be sited behind the principal building unless otherwise approved by Council.
- c) No building or exterior exercise area(s) to be used to accommodate the animals shall be allowed within 300 meters of any dwelling located on adjacent lots.

#### 4.24.3 Conditions of Approval

- a) The maximum number of animals to be kept on-site shall be determined by Council.
- b) Soundproofing of pens, rooms, exercise runs and holding stalls may be required.
- c) The visual screening of all animal facilities from existing dwellings on adjoining lots may be required.
- d) No animals shall be allowed outdoors unattended between the hours of 10:00 p.m. to 6:00 a.m. daily. During this time period, all animals shall be kept indoors.
- e) Animal Kennel/ Shelters shall be subject to relevant bylaws and legislation governing noise and public health.

**9) Amend Section 5.1.1 Intent with the addition of the following:**

and other commercial and industrial activities related to or compatible with the agricultural industry in order to diversify and enhance the RM's agricultural economy.

**10) Delete and Replace Section 5.1.3 Subdivision and Site Requirements Minimum Building Setbacks as follows:**

- a) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:
  - Regional Road 45 m;
  - Local Road 20 m.
- b) Minimum side yard – 10 m from property line
- c) Minimum rear yard – 30 m from property line
- d) The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.
- e) Setbacks from easements shall be determined by the utility provider at the time of application.

**11) Delete the following from Section 6.2.2 Uses Table 7 Permitted Use:**

- Agricultural operations (small scale)
  - o Pastures
  - o Agricultural support buildings or structures
  - o Orchards and vegetable, horticultural or fruit gardens
  - o Direct sale to the consumer

**12) Delete and Replace Section 6.2.3.1 Subdivision and Site Requirements as follows:**

- (iv) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:
  - Regional Road 45 m;
  - Local Road 15 m.
- b) Minimum side yard – 10 m from property line
- c) Minimum rear yard – 10 m from property line
- d) The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.
- e) Setbacks from easements shall be determined by the utility provider at the time of application.

**13) Delete and Replace Section 7.1.3.1 Subdivision and Site Requirements as follows:**

- (iii) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:
  - Regional Road 20 m;
  - Local Road 15 m.

The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.

viii) Setbacks from easements shall be determined by the utility provider at the time of application.

**14) Delete and Replace Section 7.2.3.1 Subdivision and Site Requirements as follows:**

(iii) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:

i. Regional Road            20 m;

ii. Local Road                15 m.

iii. The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.

vi) Setbacks from easements shall be determined by the utility provider at the time of application.

**15) Delete and Replace Section 8.1.3.1 Subdivision and Site Requirements as follows:**

(iii) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:

i. Regional Road            20 m;

ii. Local Road                15 m.

iii. The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.

viii) Setbacks from easements shall be determined by the utility provider at the time of application.

**16) Delete and Replace Section 8.2.3.1 Subdivision and Site Requirements as follows:**

(iii) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:

i. Regional Road            20 m;

ii. Local Road                15 m.

iii. The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.

vi) Setbacks from easements shall be determined by the utility provider at the time of application.

**Delete and Replace Section 8.3.3.1 Subdivision and Site Requirements as follows:**

(iii) The minimum setback for buildings from a developed road right-of-way or municipal road allowance property line shall be as follows:

i. Regional Road            20 m;

ii. Local Road                15 m.

iii. The minimum setback for all buildings from a Provincial Highway shall be determined by the Ministry of Highways and the RM at the time of application.

viii) Setbacks from easements shall be determined by the utility provider at the time of application.

**Amend Section 11.0 Definitions with the addition of the following:**

**Local Road:** a road providing direct access to abutting properties along its length at lower speeds and not intended to carry through traffic, other than to adjoining streets with speed limits below 70km/hr.

**Regional Road:** a road intended to carry through traffic at higher speeds and may include a township and / or range road or other roads with speed limits at 70km/ hr or greater.

**Delete Section 11.0 Definitions - Bare land Condominium definition and replace as follows:**

**Bare Land Condominium:** refers to a condominium with bare land units as defined by The Condominium Property Act, 1993 or any successor thereto. A Bare Land Condominium plan shall be considered as a single lot and the subdivision and site requirements of the applicable Zoning District shall apply to the boundaries of the condominium plan and not the individual bare land condominium units.

**Bare Land Condominium Unit** – a bare land unit as defined by The Condominium Property Act, 1993, or any successor thereto.

**Addition of ‘Retail Store’ and ‘Warehouse Sales’ as Discretionary Uses in the following Zoning Districts:**

7.1 Business/ Office Commercial (BC)

8.1 Light Industrial (L1)

**Addition of ‘Warehouse Sales’ as a Permitted Use in the Highway Commercial (HC) Zoning District**

Read a first time on the 8<sup>th</sup> day of February, 2023.

Read a second time on the \_\_\_ day of \_\_\_\_\_, 2023.

Read a third time and adopted the \_\_\_ day of \_\_\_\_\_, 2023.

(Seal)

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator