

## Rural Municipality of Hillsdale No. 440

### BYLAW 4/2019

A BYLAW TO AMEND BYLAW NO. 2, 2013 KNOWN AS THE ZONING BYLAW OF THE RURAL MUNICIPALITY OF HILLSDALE NO. 440.

The Council of the RM of Hillsdale No. 440 in the Province of Saskatchewan enacts to amend Bylaw No. 2, 2013 as follows:

1. **Section 2 Interpretation** is amended by adding the following new definitions immediately after the definition for "Campsite":

**"Cannabis Production Facility:** a facility, approved under federal and provincial regulations, that is used in whole or in part for the planting, cultivation, testing, harvesting, processing and distribution of the cannabis plant and any of its derivatives.

**Cannabis Retail Store:** a retail store, approved under federal and provincial regulations that sells cannabis and any of its derivatives."

2. **Section 2 Interpretation** is amended by adding the following new definition immediately after the definition for "Club":

**"Communal Farm Settlement:** a multi-use development located on a single site that typically is associated with a farm operation or intensive livestock operation carried out on the same site or on an adjacent site by a religious colony or other association by or on behalf of the occupants of the communal farm settlement and may include the following:

- (a) single detached dwellings and communal dwellings;
- (b) cooking and eating facilities;
- (c) living areas and sleeping facilities;
- (d) sanitary facilities;
- (e) places of worship;
- (f) educational and child care facilities;
- (g) recreation facilities;
- (h) cemeteries;
- (i) workshops;
- (j) accessory buildings and uses; and
- (j) other similar uses."

3. **Section 2 Interpretation** is amended by adding the following new definition immediately after the definition for "Discretionary Use":

**"Dwelling, Communal:** a detached building consisting of two or more dwelling units as defined herein."

4. **Section 2 Interpretation** is amended by adding the following new definition immediately after the definition for "Reeve":

**"Recreational Vehicle, Park Model:** a recreational vehicle that conforms to Canadian Standards Association, Construction Standard No Z241 Series, Park Model Trailers."

5. **Section 3.7.1 Administration (1)(e)** is amended by deleting "The Development Officer will prepare on-site notification posters which must be placed on the site by the Development Officer and must remain on the site until the application is considered by Council."

6. **Section 3.7.4** is amended by deleting subsection (21) in its entirety and replacing it with the following new subsection:

“(21) **Cannabis Production Facilities**

- (a) The location of cannabis production facilities will only favourably be considered where it can be demonstrated that the use and intensity of use is appropriate to the site and that it will have minimal impact on the surrounding, adjacent areas of the Municipality. Consideration may be given, but is not limited to, the following effects:
- (i) municipal servicing capacity;
  - (ii) anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation;
  - (iii) anticipated increased levels or types of vehicle traffic, unsafe conditions or situations for vehicles, cyclists or pedestrians; and
  - (iv) utilization of hazardous substances.”

7. **Section 3.7.4** is amended by adding the following new subsection:

“(22) **Cannabis Retail Stores**

- (a) The location of cannabis retail stores will only favourably be considered where it can be demonstrated that the use and intensity is appropriate to the site and that it will have a minimal impact on the surrounding, adjacent areas, particularly residential areas.

8. **Section 4.7** is amended by adding the following new subsection to Section 4.7.1:

“(10) communal farm settlements

9. **Section 4.9** is amended by replacing Section 4.9 in its entirety and replacing it with the following new section:

“4.9 **Manufactured Dwellings**

4.9.1 Wherever a single detached dwelling, farm dwelling or accessory dwelling is permitted in the A – Agricultural District, it may be in the form of a manufactured dwelling subject to Section 4.9.2.

4.9.2 Every manufactured dwelling shall bear CSA A277 certification, or a replacement thereof, and shall be attached to a permanent foundation or anchored to the ground and skirted prior to occupancy.

4.9.3 Wherever a discretionary accessory dwelling unit is approved as part of an agricultural operation in the A – Agricultural District it also may be in the form of a park model trailer subject to Section 4.9.4.

4.9.4 Every park model recreational vehicle shall bear CSA Z241 certification (or a replacement thereof) and shall be skirted and attached either to a permanent foundation or in conformance with CAN CSA Z240 site preparation for foundations and anchorage of manufactured homes.

10. **Section 4.14** is amended by adding the following new subsections:

“4.14.19 **Cannabis Production Facilities**

- (1) No outside storage is permitted.

4.14.20 **Cannabis Retail Stores**

- (1) Cannabis retail stores shall maintain a minimum setback of 150 metres from schools, licensed daycares and playgrounds.

4.14.21 **Communal Farm Settlements**

- (1) Council may consider discretionary use applications for communal farm settlements including the multiple uses outlined in the definition for Communal Farm Settlements as one single discretionary use application. Buildings and uses must comply with the setbacks contained within this bylaw and the R.M.'s Building Bylaw. Development permits and building permits will be required for each use and building.
- (2) Communal farm settlements may include more than one dwelling on a single site and these dwellings may be in the form of single detached dwellings and communal dwellings. Council may specify the maximum number of dwelling units permitted for a Communal Farm Settlement.
- (3) An expansion to a communal farm settlement shall require discretionary use approval.
- (4) There shall be a water supply adequate for the proposed communal farm settlement and the development shall not contaminate any water source.
- (5) Provision of potable water and treatment and disposal of wastewater is subject to provincial regulations and approval.
- (6) Road access to the communal farm settlement shall be to the satisfaction of Council. If off-site road upgrades or new road construction is required, Council may require the applicant to pay for the road upgrades or new construction pursuant to Section 16 of The Municipalities Act.
- (7) Council may require the applicant to demonstrate that traffic generated by the communal farm settlement can be handled safely and appropriately by the municipalities road network. This can be determined by the applicant retaining a professional engineer to undertake a Traffic Impact Assessment (TIA).
- (8) Access to individual dwellings and other uses and building shall be from a road internal to the communal farm settlement site.
- (9) All buildings on a communal farm settlement site shall maintain the required setbacks."

4.14.22 **Oil and Gas Exploration and Development**

- (1) Exploration and development of oil and gas shall be subject to all federal and provincial requirements, and such activity must comply with the objectives and policies outlined in the RM of Hillsdale's Official Community Plan.
- (2) Oil and gas exploration, extraction and development within the RM shall occur in accordance with *The Oil and Gas Conservation Regulations, 2012*.

- (2) Transloading facilities for oil and gas resources shall not be located within 90 metres of a residence or on hazard lands.
- (3) The applicant shall suitably screen and landscape the facility from neighbouring properties to the satisfaction of Council.
- (4) Council may require the developer to undertake specific safeguards to address safety issues related to material kept on the site and nuisance issues related to dust, noise, odour, smoke, or similar conditions.
- (5) Transloading facilities shall be developed and shall operate in compliance with all relevant federal and provincial requirements.

4.14.24 **Solar Farms**

- (1) In addition to any other information required by Council, the applicant shall submit, as part of their development permit application, information regarding site grading along with a drainage plan for the site.
- (2) Council may require that it be demonstrated how any adverse effects on neighbouring properties will be mitigated including ensuring that sight lines will be maintained.”

11. **Section 4 General Regulations** is amended by adding the following new subsections:

“4.22 Shipping Containers

4.22.1 Shipping containers, permitted under subsection (2), shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings for the applicable zoning district.

4.22.2 Shipping containers shall be a discretionary use in the Hamlet District and a permitted use in the Agriculture, Commercial and Industrial Districts. Council shall consider the size of the site when considering an application for a shipping container(s) as a discretionary use in the Hamlet District.

4.22.3 Shipping containers permitted under subsection (1), shall:

- (a) be properly anchored and maintained in good repair;
- (b) be located a minimum of 3.0 metres from, and behind the rear wall of, the principal building; and
- (c) meet the requirements of *The National Building Code of Canada* as applicable.

4.22.4 Notwithstanding subsections 4.22.1 and 4.22.2, shipping containers may be placed temporarily on a site in any district:

- (a) during active construction on a site when the shipping container is solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site. The shipping container must be removed from the site upon completion of the construction; or

- (b) for the purpose of loading and unloading of items associated with the principal use for a period of not more than 10 days in any six-month period; and
- (c) in any case, for a period of not more than 30 days unless an extension has been granted by the development officer to a maximum of 120 days.

4.22.5 When placed on a site pursuant to Section 4.22.4, the shipping container shall:

- (a) be located so as not to create a safety hazard; and,
- (b) not be located within 1.2 metres of the interior edge of a sidewalk.

#### 4.23 Temporary Uses

4.23.1 Temporary uses will be permitted where appropriate in individual zoning districts at the discretion of Council.

4.23.2 All temporary uses must be located on an existing site; no subdivision will be permitted for temporary uses.

4.23.3 Any buildings placed on sites where a temporary use is permitted must be removed on or before the expiry period allowed for the use, unless the construction of a permanent building is specifically permitted by Council.

4.23.4 The site must be restored to the same condition as it was prior to the beginning of the temporary use once the temporary use has ceased.

4.23.5 Council may require a performance bond from the applicant to ensure acceptable remediation of the site.

#### 4.24 Membrane Covered Structures

4.24.1 Membrane covered structures shall be permitted as an accessory use in all zoning districts and shall be installed securely anchored to the ground, when applicable.

4.24.2 Membrane covered structures, permitted under subsection (1), shall comply with the site requirements for accessory buildings for the applicable zoning district."

12. Table 6-1 Agricultural District Development Standards is amended by adding the following new uses and notes (Special limitations and standards regarding Table 6-1 and the A- Agriculture District):

TABLE 6-1: A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale No. 440									
Use	Development Standards								
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Agricultural Uses</b>									
(6)	Communal farm settlement	D	4.7.1 (10)	16	--	30	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
(7)	Solar farms	D	4.14.24	0.8	--	30	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
<b>Resource Based Uses</b>									
(3)	Petroleum exploration, extraction and related facilities, including oil & gas wells	P	4.14.22	--	--	--	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
(4)	Petroleum related commercial uses	D	4.14.22	--	--	--	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
(5)	Transloading facilities for oil & gas resource, other natural resources, and agricultural products	P	4.14.23	--	--	--	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
<b>Residential Uses</b>									
(4)	Dwelling units as an accessory use, except the first two farm dwellings <sup>(11)(12)</sup>	D	4.14.10 (6)	<sup>(10)</sup>	--	30	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10
<b>Commercial Uses</b>									
(17)	Cannabis production facilities	D	3.7.4 (21) 4.14.19						

**Special limitation and standards regarding Table 6-1 and the A - Agriculture District:**

- (11) accessory dwelling units includes: farm dwellings, business dwellings, garden suites  
 (12) accessory dwelling units attached to a principal use, such as business dwellings, shall meet the development standards of the principal use to which they are attached

13. Table 6-1 Agricultural District Development Standards is amended by replacing (1) Farm dwellings with the following new use:

TABLE 6-1: A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale No. 440									
Use	Development Standards								
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Residential Uses</b>									
(1)	Farm dwellings subject to 3.5.2.2 (c) in the Official Community Plan	P	4.14.10	<sup>(10)</sup>	--	30	15 <sup>(5)</sup>	10 <sup>(6)</sup>	10

14. Table 6-1 Agricultural District Development Standards is amended by replacing (15) Telecommunications facilities and replacing it with the following new use:

TABLE 6-1: A - AGRICULTURE DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale No. 440									
Use	Development Standards								
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Maximum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Municipal, Recreational, Institutional and Other Uses</b>									
(15)	Telecommunications facilities	P		--	--	--	10	10	10

15. Table 7-1 Hamlet Residential District Development Standards is amended by adding the following new uses:

TABLE 12-1: H - HAMLET DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale No. 440								
Use	Development Standards							Minimum
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Commercial Uses</b>								
(12)	Cannabis retail stores	D	3.7.4 (22) 4.14.20					

16. Table 12-1 Commercial District Development Standards is amended by adding the following new use:

TABLE 12-1: C - COMMERCIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale No. 440								
Use	Development Standards							Minimum
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Commercial Uses</b>								
(27)	Cannabis retail stores	D	3.7.4 (22) 4.14.20					
<b>Industrial Uses</b>								
(8)	Cannabis production facilities	D	3.7.4 (21) 4.14.19					

17. Table 13-1 Industrial District Development Standards is amended by adding the following new uses:

TABLE 13-1: M - INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS for the Rural Municipality of Hillsdale, No. 440								
Use	Development Standards							Minimum
	Permitted or Discretionary	Subject to Sections	Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum	
<b>Commercial Uses</b>								
(10)	Cannabis production facilities	D	3.7.4 (21) 4.10.4 4.14.19	4000	30	7.5	3	(1)
<b>Industrial Uses</b>								
(24)	Petroleum exploration, extraction and related facilities, including oil & gas wells	P	4.14.22	4000	30	7.5	3	(1)
(25)	Processing facilities for petroleum and petroleum derivatives	D	4.14.22	4000	30	7.5	3	(1)
(26)	Petroleum related commercial uses	P	4.14.22	4000	30	7.5	3	(1)
(27)	Transloading facilities for oil & gas resource, other natural resources, and agricultural products	P	4.14.23	4000	30	7.5	3	(1)

18. This Bylaw shall come into force and take effect when approved by the Minister of Government Relations.

Read a first time this 8<sup>th</sup> day of August, 2019.

Read a second time 7<sup>th</sup> day of November, 2019.

Read a third time this 7<sup>th</sup> day of November, 2019.



*Glen Goodfellow*  
Reeve

*Janet Hollingshead*  
Administrator

I certify this to be a true copy  
of the original document  
Bylaw 4, 2019  
Date November 7, 2019  
Janet Hollingshead Administrator  
Name Position  
*Janet Hollingshead*  
Signature