

RURAL MUNICIPALITY OF

BYLAW NO. 83-40

PART 1

INTRODUCTION

Under the authority granted by The Planning and Development Act, the Reeve and Council of the Rural Municipality of *Brook No. 64* in the Province of Saskatchewan, in open meeting hereby enact as follows:

Title

The Bylaw shall be known and may be cited as the "Zoning Bylaw" of the Rural Municipality of *Brook No. 64*

Purpose

The purpose of this Bylaw is to regulate development in the Rural Municipality of *Brook No. 64* so as to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality.

Scope

Development shall hereafter be permitted within the limits of the Rural Municipality of *Brook No. 64* only when in conformity with the provisions of this Bylaw.

Validity

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 as a whole or any part thereof, other than the section, clause, or provision, including anything shown on the Zoning Map, so declared to be invalid.

PART 2DEFINITIONS

Whenever in this bylaw the following words or terms are used they shall, unless the context otherwise provides, be held to have the following meaning:

Accessory use - shall mean a use customarily incidental and subordinate to the principal use or building and located on the same site with such principal use or building.

Agricultural holding - shall mean the total land holding within the Rural Municipality of *Brock No. 64* of a person(s) engaged in an agricultural operation.

Agricultural operator - shall mean a farmer or a person whose principal source of income is derived from the agricultural production of his agricultural holding.

Alteration - shall mean any structural change or addition made to any building.

Building - shall mean a structure used for the shelter or accommodation of persons, animals, goods or chattels.

Building, accessory - shall mean a subordinate detached building appurtenant to a main building or main use and located on the same site, the purpose of which is to provide better and more convenient function of the main building or main use.

Building, Residential - shall mean a single detached, semi-detached, duplex, mobile home or dormitory dwelling unit.

Building line, established - shall mean the average distance from the street line to the main wall of existing buildings of any side of any block where more than half the frontage has been built upon.

Council - shall mean the Council of the Rural Municipality of *Brock No. 64*

Development - shall mean 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 of any building or land.

Development Permit - shall mean a permit, issued by the Council of the Rural Municipality of *BROCK No. 64* that authorizes development, but does not include a building permit.

Discretionary use - shall mean any development permitted in a zoning district subject to the location and conditions specified by Council on the Development Permit.

Dwelling unit - shall mean 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, dormitory - shall mean a room or set of rooms used for the habitation of one or more persons but does not include eating quarters. This type of dwelling may be made of two or more apartments or sets of rooms, for the use of individuals working in an agricultural operation on the agricultural holding.

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.

Dwelling, single detached - shall mean a detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence but shall not include a mobile home as herein defined.

Floor area - shall mean the maximum habitable area contained within the outside walls of a building, excluding the case of a dwelling, any private garage, porch, verandah, sunroom, unfinished attic or unfinished basement.

Hotel - shall mean a building or structure or part of a building or structure used or advertised as a place where sleeping accommodation, with or without meals, is provided

for transient lodgers, and where a guest register or record is kept, but does not include a motel, boarding house, lodging house, rooming house or tourist home.

Intensive Live Stock Operation - shall mean an operation for the rearing, confinement, or feeding of poultry, hogs, sheep or cattle that meets the requirements and standards of The Pollution (By Live Stock) Control Act, Regulations thereunder.

Minister - shall mean the Minister of Rural Affairs for the Province of Saskatchewan.

Mobile Home - shall mean a trailer coach that is used as a dwelling for permanent or seasonal living, and that has water faucets and a shower head or bath tub that may be connected to a water distribution system, and that has a wash basin and water closet that may be connected to a sewerage system.

Mobile Home Site - shall mean a site, parcel or piece of land for the placement of a mobile home and for exclusive use of its occupants.

Mobile Home Court - shall mean any tract or parcel of land on which two or more occupied mobile homes are located, not including a temporary construction camp.

Motel - shall mean a series of dwelling units intended for use of automobile transients, each containing at least a bedroom and bathroom, and each having convenient access to a parking space for the use of the occupants of the units.

Municipality - shall mean the Rural Municipality of

BRock No. 64

Non-conforming use - shall mean any use of land, building, or structure lawfully existing at the time of the passing of this bylaw, the use of which does not comply with all the regulations of this bylaw governing the zoning district in which it is located.

Public utility - shall mean a government or private enterprise providing a service to the general public.

Reeve - shall mean the Reeve of the Rural Municipality of
BROCK No. 64

Secretary-Treasurer - shall mean the Secretary-Treasurer of
the Rural Municipality of *BROCK No. 64*

Site - shall mean an area of land with fixed boundaries and
which has been registered in the Land Titles Office by
Certificate of Title.

Site line, front - shall mean the boundary that divides the
site from the street. 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 line, rear - shall mean the boundary at the rear of the
site and opposite the front site line.

Site line, side - shall mean a site boundary other than a
front or rear site line.

Street - shall mean a public thoroughfare which affords the
principal means of access to abutting property but shall not
include an easement or lane.

Structure - shall mean anything that is built, constructed
or erected, located on the ground, or attached to something
located on the ground.

Tourist campsite - shall mean a site which provides for the
location of tents and trailers used by travellers and
tourists for overnight accommodation.

Trailer coach - shall mean any vehicle used or constructed
in such a way as to enable it to be used as a conveyance
upon public streets or highways and includes a self-propelled
or non-self-propelled vehicle designed, constructed or
reconstructed in such a manner as will permit the occupancy
thereof as a dwelling or sleeping place for one or more
persons notwithstanding that its running gear is removed or
that it is jacked up.

Yard - shall mean any part of a site unoccupied and
unobstructed by any main building.

Yard, front - shall mean a yard extending across the full width of a site between the front line of the site and the nearest main wall of the main building or structure on the site.

Yard, rear - shall mean a yard extending across the full width of the site between the rear line of the site and the nearest main wall of the main building or structure on the site.

Yard, side - shall mean a yard extending from the front yard to the rear yard between the side line of a site and the nearest main wall of the main building or structure on the site.

1. Administration

- (i) The Secretary-Treasurer of the Rural Municipality of *Brock No. 64* shall be the Development Officer who shall administer this bylaw.
- (ii) Every person, before commencing any development within the municipality, shall apply to the Council for a permit to carry out such development. If the proposed development conforms to all relevant provisions of this Bylaw, and except as otherwise indicated in this Bylaw, the Development Officer shall issue a Development Permit.
- (iii) The applicant shall be notified in writing of the decision on his application. In the event of a refusal, the applicant shall be advised of his right to appeal the decision to the Zoning Appeals Board, subject to the provisions of The Planning and Development Act.
- (iv) No development shall commence until a permit to carry out such development has been obtained from the development officer.
- (v) A building permit, where required, shall not be issued unless a development permit, where required, has been issued.
- (vi) The provisions of paragraphs (ii), (iii) and (iv) above shall not apply to non-residential buildings accessory to agricultural operations with the exception of intensive livestock operations.

2. Zoning Appeals Board

- (i) Council shall appoint a Zoning Appeals Board in conformity with the provisions of The Planning and Development Act.
- (ii) Appeals in writing may be made to the Zoning Appeals Board by any person who:
 - (a) alleges that the Council or any person acting for or on behalf of the Council has misapplied the bylaw in a particular case: or
 - (b) claims that there are practical difficulties or unnecessary hardships in the way of carrying out the bylaw by reason of the exceptional narrowness, shortness, shape, topographic features or any other unspecified unusual condition of a specified property.
- (iii) A person who appeals under clause (b) of subsection
 - (ii) shall not be entitled to have his appeal allowed if:
 - (a) the unusual condition is the result of his or the property owner's own actions;
 - (b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district; or
 - (c) a relaxation of the provisions of the bylaw would be contrary to its purposes and intent and would injuriously affect the neighbouring properties.
- (iv) In making an appeal to the Zoning Appeals Board, and hearing such appeal, the provisions of The Planning and Development Act, shall apply.

3. Fee for Zoning Amendment Application

When an application is made to the Council of the Rural Municipality of *BROCK No. 64* for an amendment to this bylaw; such application shall be accompanied by an application fee as specified by The Planning and Development Act.

4. Referral to Department of Public Health

A copy of all approved Development Permit applications involving the installation of water and sanitary services shall be supplied to the local office of the Department of Public Health.

5. Offences and Penalties

Prosecution for breach of this Bylaw shall be in accordance with The Planning and Development Act.

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

1. Licences, Permits and Compliance with Other Bylaws

Nothing in this bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the Rural Municipality of *BROCK No. 64* or from obtaining any licence, permission, permit, authority or approval required by this or any other bylaw of the Rural Municipality of *BROCK No. 64*. Where provisions in this bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.

2. Frontage on Road

No development permit shall be issued unless the site or parcel of land intended to be used, or upon which a building or structure is to be erected, abuts, or has frontage on an existing public road.

3. Principal Building or Use Permitted on a Site

Not more than one principal building or use shall be permitted on any one site.

4. Existing Buildings

Where a building has been erected on or before the effective date of this bylaw on a site having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side

yard or rear yard that does not conform to this bylaw; and

(b) all other applicable provisions of this bylaw are satisfied;

(c) such changes must be approved in accordance with this Bylaw

5. Building to be moved

No building, residential or otherwise, shall be moved within or into the area covered by this bylaw without obtaining a development permit from the municipal officer charged by Council with the administration of this bylaw or unless such building is exempt under Part 3.1. vi.

6. Waste Disposal

No liquid, solid or gaseous wastes shall be disposed of except in accordance with the Acts administered by the Departments of Agriculture, Environment and Health.

7. Non-conforming Uses

Non-conforming uses shall be subject to the regulations of The Planning and Development Act.

8. Non-Application

The regulations of this bylaw shall not apply to the carrying out of any operations for the purpose of inspecting, repairing or renewing sewers, mains, cables, pipes, wires, tracks, or other similar apparatus required by a public utility for any lawful use of buildings or land.

9. Signs and Billboards

All signs and billboards shall be subject to the requirements of the Department of Highways plus the following requirements:

Use

Commerical

- no more than two (2) signs are permitted on the premises;
- no sign shall have a facial area in excess of 3.5 square metres (36 square feet). Each sign may be double-faced;
- the maximum height of any sign shall be 6.09 metres (20 feet) above ground surface;
- all signs shall meet C.S.A. (Canadian Standards Association) requirements.

Other

- no more than one sign is permitted on the premises;
- only signs bearing names of occupants, notice of sale or lease, sale of produce, or other information relating to a temporary condition affecting the premises are permitted;
- no sign shall have a facial area exceeding 0.4 square metres (4 square feet). Larger signs are permitted only by resolution of Council.
- no sign shall be located in any manner that may, in the opinion of Council, visually obstruct or jeopardize the safety of others.

10. Areas Prohibited for Development

In addition to any other provision of this Bylaw:

- (a) Where land which is prone to slumping, subsidence, erosion or any other instability is proposed for development which includes a building or a non-agricultural structure, Council may require the proponent to pay for the inspection of the property by a qualified professional consultant. If such inspection is not done, or having been done, finds that excessive remedial measures are necessary to safely accommodate any of the above types of

development, Council shall not be required to issue a Development Permit.

- (b) Where land which is located in a watercourse or a flood plain is proposed for development with a residential, commercial, or industrial building or an agricultural structure for housing livestock, Council may require the proponent to pay for the inspection of the property by a qualified professional consultant. If such inspection is not done, or having been done, finds that excessive remedial measures are necessary to safely accommodate any of the above types of development, Council shall not be required to issue a Development Permit.
- (c) Where an all-weather access road would be, in the opinion of Council, prohibitively expensive to construct or maintain, Council shall not be required to issue a Development Permit for any residential, commercial, or industrial building, unless the proponent agrees to pay to the Municipality the full or such portion of the costs as Council may determine for the construction and maintenance of such access road in accordance with the Rural Municipality Act.

PART 5

ZONING DISTRICT AND ZONING MAPS1. ZONING DISTRICTS

For the purpose of this Bylaw, the Rural Municipality of BROCK No. 64 is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

<u>Districts</u>	<u>Symbols</u>
Agricultural District	A
Hamlet District	H

WJ
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2. The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 83-40" No. 246-4 and signed by the Reeve and Secretary-Treasurer under the seal of the Rural Municipality shall be known as the "Zoning District Map" and such map is hereby declared to be an integral part of this bylaw, as if embodied herein.

3. Boundaries of Zoning Districts

This refers to the boundaries of such districts referred to in Part 5.1 together with explanatory legend, notation and reference, as shown on the "Zoning District Map". Unless otherwise shown, the boundaries of the districts are lot lines, centre lines of streets, lanes, road allowances or such lines extended and the boundaries of the Municipality. In unsubdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

4. District Schedules

The following are the schedules of uses and regulations pertaining to the various zoning districts under this bylaw.

(1) Intent

The intent of the A - Agricultural District is to support the use of land in the Rural Municipality of *Brock No. 64* for agricultural purposes and related activities. Subdivision of land shall only be permitted where the future use will be for one of the permitted uses listed below.

(2) Permitted Uses

Subject to all other provisions of this bylaw, on any site, in any district defined, designated or described in this bylaw as an A - Agricultural District only the following uses shall be permitted:

A. Agricultural

Field crops, dairy farming, animal and poultry raising, beekeeping, ranching, grazing, tree nurseries, and other similar uses (excluding intensive live stock operations) customarily carried on in the field of general agriculture, including the sale, on the premises, of any produce grown or raised on the premises.

B. Recreational

Sports fields, golf courses, parks, tourist campsites and other similar uses.

C. Communications

Radio and television towers and buildings, micro-wave installations, and other similar uses.

D. Agricultural Related Commercial

Implement and machinery sales and service, small scale processing and sales of grain and seed, storage and mixing of agricultural chemicals and fertilizer.

E. Other

Places of worship, cemeteries, public utility uses, and public halls and buildings, grain elevators existing at the date of adoption of this bylaw, and oil and gas wells.

(3) Uses Permitted at Council's Discretion

The following uses shall be permitted but only by resolution of Council and only in locations specified in such resolution of Council.

- (i) Gravel pits
- (ii) Abattoirs
- (iii) Auction marts
- (iv) Historic and archaeological sites
- (v) Private airstrips
- (vi) Temporary construction camps
- (vii) Intensive Livestock Operations
- ~~(viii) OIL INDUSTRY RELATED COMMERCIAL USES~~ *AMENDED 2008-109*
- ~~(viii) Country residences as per Section 5A5I~~ *REPEALED 84-43*
- ~~(ix) Cottages and cabins as per Section 5A5J~~

(4) Accessory Uses

For the purpose of this bylaw, uses customarily incidental and subordinate to a principal permitted use, as listed in subsection (2) above, and located on the same site with such principal permitted use, shall be considered an accessory use. A residential building may be considered as an accessory use to an agricultural operation listed in 5.A(2) A. above but shall not be considered as accessory to other permitted uses.

(5) Regulations

A. Minimum Site Size Requirements

- (i) Agricultural Uses - quarter ($\frac{1}{4}$) section or equivalent. Equivalent shall mean 65 hectares (160 acres) or such lesser amount as remains in an agricultural holding as a result, of the registration of a road widening, road right-of-way, railway plan, pipeline or

natural features such as a body of water.

However, the minimum shall not be less than 57 hectares (140 acres), except as provided for in Section 5.F below.

- (ii) Site sizes less than required under Section 5.A(i) may be permitted for agricultural purposes, on the basis of a recommendation of Council.
- (iii) Recreational Uses - no minimum
- (iv) Communication Uses - no minimum
- (v) Agricultural Related Commercial Uses - minimum of one (1) hectare (2.5 acres) to a maximum of eight (8) hectares (20 acres).
- (vi) Other - no minimum
- (vii) Discretionary Uses - as recommended by Council. Consideration should be given to the provision of services on the site.

B. Only two residential buildings shall be permitted on any agricultural holding. Where additional buildings are required to accommodate full-time workers engaged in the agricultural operation carried out on the agricultural holding, they may be permitted at Council's discretion.

~~C. An agricultural holding may be subdivided or severed to provide a separate site for an existing residential building provided the following conditions are met:~~

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REPEALING
BYLAW

REPEALED
84-43

- (1) No other residential building exists on a separate site in the same quarter ($\frac{1}{4}$) section.
- (2) The site to be subdivided or severed has an area of not less than 0.8 hectares (2 acres) and not more than 8 hectares (20 acres).
- (3) The site shall not be located where, in the opinion of Council, an all-weather access road would be prohibitively expensive to construct or maintain.

- D. An agricultural operator may, on the basis of a recommendation of Council, be granted a subdivision for a farmstead site of not less than 0.8 hectares (2 acres) where the site is part of the operator's total agricultural holding even though it may be separate from the major portion of the total agricultural holding.
- ~~E~~ D. An agricultural operator whose agricultural holding within the Rural Municipality fails to meet the minimum site area requirement may use an agricultural holding in an adjacent rural municipality, at the discretion of Council, to meet the minimum site area requirement.
- ~~E~~ F. Any agricultural holding within the A-Agricultural District which does not conform with the minimum site area requirements, as set out in the regulations of that district, shall be deemed to be conforming with regard to site area, provided that a registered title for the site existed in the Land Titles Office prior to the coming into force of this bylaw.
- ~~G~~ F. A minimum separation distance of 305 metres (1000 feet) shall be between an Intensive Livestock Operation and any residential buildings on a separate agricultural or non-agricultural holding.
- ~~H~~ G. No building shall be constructed within 45 metres (150 feet) of the edge of a road allowance or within 90 metres (300 feet) of an intersection.

I. COUNTRY RESIDENTIAL

A. New

An agricultural holding may be subdivided to provide a separate site for a Country Residence provided that the following requirements are met.

- (1) No other residence exists on a separate site within the same quarter section

(2) The site size requirements are as follows:

Minimum site size	0.8 hectares (2 acres)
Maximum site size	4.0 hectares (10 acres)

(3) The site shall not be located where in the opinion of Council an all-weather access road would be prohibitively expensive to construct or maintain

(4) The site is not, in the opinion of Council, situated on good productive agricultural land

(5) The requirements of Part 4, Section 10 are met.

B. Existing

Country Residences existing at the date of the approval of this bylaw shall be deemed to be conforming.

J. COTTAGES, CABINS, CAMPS

Intent

The intent of this policy is to enable Council to manage cottages, cabins, camps and similar limited seasonal residential developments within the Rural Municipality particularly in the vicinity of Moose Mountain Provincial Park. Such uses are to be permitted on a limited basis subject to restrictive requirements. For these uses, Council's servicing policy is to place the responsibility for the construction and provision of services upon the developer not on Council.

1. Cottages, cabins, camps and similar limited seasonal residential uses may be permitted and Council may recommend subdivisions for approval subject to the following requirements.

(1) Only one limited seasonal residence shall be permitted per quarter section.

(2) No other residence shall exist on a separate site within the same quarter section.

- (3) The requirements of Part 4, Section 10 shall be met.
- (4) The site shall not in the opinion of Council, be situated on good agricultural land.
- (5a) The applicant shall be responsible for the provision of services according to the satisfaction of Council.
- (5b) Council may require the applicant to enter into servicing agreements.
- (6) Council may establish and apply additional requirements based upon the recommendations and advice of the Department of Tourism and Renewable Resources.


PART 6

EFFECTIVE DATE OF THE BYLAW

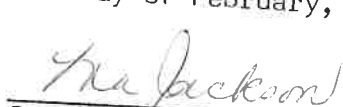
This bylaw shall come into force on the date of final approval by the Minister of Rural Affairs.


Reeve

SEAL


Secretary-Treasurer

Certified a true copy of Bylaw No. 83-40 adopted by resolution of the Council on the 9th day of February, 1983.


Secretary Treasurer


REEVE

