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ZONING BYLAW NO. 2/82
FOR
RURAL MUNICIPALITY OF GULL LAKE NO. 139

CONTENTS

PAGE ONE

PART ONE	INTRODUCTION
PART TWO	DEFINITIONS
PART THREE	ADMINISTRATION
PART FOUR	GENERAL REGULATIONS
PART FIVE	ZONING DISTRICTS AND MAPS
PART SIX	EFFECTIVE DATE OF BYLAW

PART ONE

INTRODUCTION

Under the authority granted by The Planning and Development Act, the Reeve and Council of The Rural Municipality of Gull Lake No. 139, 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 Gull Lake No. 139.

Purpose

The purpose of this Bylaw is to regulate development in the Rural Municipality of Gull Lake No. 139 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 Gull Lake No. 139 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.

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 Gull Lake No. 139 of a person(s), group or corporations 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 accomodation 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.

Building permit - shall mean a permit, issued by the Council of the Rural Municipality of Gull Lake No. 139 that authorizes the building of a structure used for the shelter or accomodation of persons, animals, goods or chattels.

Commercial enterprise - shall mean an enterprise providing a service to the public for which there is a charge, a fee, rate or commission.

Council - shall mean the Council of the Rural Municipality of Gull Lake No. 139.

Development - shall mean the carrying out of any building, engineering, mining, or other operation 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 Gull Lake No. 139 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 hereing defined, and occupied or intended to be occupied as the permanent home or residence of one family 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 in 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 accomodation, 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 livestock 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 Gull Lake No. 139

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 a private enterprise providing a service to the general public.

Reeve - shall mean the Reeve of the Rural Municipality of Gull Lake No. 139

Secretary-Treasurer - shall mean the Secretary-Treasurer of the Rural Municipality of Gull Lake No. 139.

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 line site 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 line site.

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 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 accomodation.

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 Gull Lake 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, the Council shall direct the Development Officer to issue a Development permit subject to such terms and conditions as Council consider necessary.
- (iii) The applicant shall be notified in writing of the decision on his application. 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) No development permits will be issued by council for development that involves an individual, individuals or groups who must have permission from either Provincial or Federal Government Agencies, boards or departments until such permission has been received for same.
- (vii) The provisions of paragraphs (ii), (iii) and (iv) above shall not apply to non-residential buildings accessory to agricultural operations and to renovations to existing agricultural residential buildings, 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) The Zoning Appeals Board shall consist of three members of the council of the Rural Municipality of Gull Lake No. 139, and one resident ratepayer from each division of the Rural Municipality of Gull Lake No. 139
- (iv) 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 action:- or
 - (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.
- (v) 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 Gull Lake No. 139 for an amendment to this bylaw, such application shall be accompanied by an application fee of \$50.00

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, persons, organizations or corporations from complying with the requirements of a building bylaw or any other bylaw in force within the Rural Municipality of Gull Lake No. 139 or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw on the Rural Municipality of Gull Lake No. 139. 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

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~~Subject to Councils discretion~~ 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 by Council.

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 unless such building is exempt under Part 3.1 vii

6. Waste disposal

Subject to Acts and Regulations administered by the Departments of Health and Environment no liquid, solid or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto any land or into the air.

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. Any new development by a public utility shall be permitted only with the written approval of the Council.

9. Signs and billboards

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

Use

- Commercial - no more than two (2) signs are permitted on the premises.
- no sign shall have a facial area in excess of 3.5 square meters (36 square feet). Each sign may be double faced;
 - all signs shall meet C.S.A. (Canadian Standards Association) standards;

- Other
- no more than one sign is permitted on the premises;
 - only signs bearing names of occupants, notice of sale or lease, sale of products or other information relating to a temporary condition affecting the premises are permitted.
 - no sign shall have a facial area exceeding 0.4 square meters (4.0 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 subject to slumping, subsidence, erosion or any other instability is proposed for development which includes a building or non-agricultural structure, Council shall 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 accomodate any of the above types of development, Council shall not be required to issue a Development Permit:-
and
- (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 shall require the proponent to pay for the inspection of the property by a qualified consultant. If such inspection is not done, or having been done, finds that excessive remedial measures are necessary to safely accomodate 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 cost as Council may determine for the construction and maintenance of such access road in accordance with the Rural Municipality Act.

PART FIVE

ZONING DISTRICT AND ZONING MAPS

1. Zoning Districts

For the purpose of this Bylaw, the Rural Municipality of Gull Lake No. 139 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.

DISTRICTS

SYMBOLS

Agricultural District

A

2. The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2/82 adopted by the Rural Municipality of Gull Lake No. 139 and signed by the Reeve and Secretary-Treasurer under the seal of the Rural Municipality of Gull Lake No. 139 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

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.

PART FIVE A

A - AGRICULTURAL DISTRICT

(1) Intent

The intent of the A - Agricultural District is to support the use of land in the Rural Municipality of Gull Lake No. 139 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 (excepting intensive live stock operations) beekeeping, ranching, grazing, tree nurseries, and any other similar use 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 halls, public utility uses, buildings and grain elevators existing at the date of this bylaw

(3) Uses permitted at Councils discretion

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

~~(i) Public utility uses including sanitary landfills and sewer lagoons.~~

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(ii) Gravel pits.

(iii) Abattoirs.

(iv) Auction marts.

(v) Historic and archaeological sites.

(vi) Private airstrips.

(vii) Temporary construction camps.

(viii) Intensive live stock operations.

(ix) Residences accessory to non-agricultural development.

(x) Non-agricultural residential buildings.

(xi) Storage and mixing of agricultural chemicals and fertilizer.

(xii) ~~Churches, schools~~ and commercial enterprises.

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(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 5A. (2).A. above but shall not be considered as accessory to other permitted uses.

(5) RegulationsA. 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, ~~at Councils discretion.~~

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(iii) Recreational uses - no minimum.

(iv) Communication uses - no minimum.

(v) Agricultural related uses - No minimum to a maximum of (8) hectares (20 acres)

(vi) Other - no minimum

(vii) Discretionary uses - as determined by Council. Consideration should be given to the provision of services on the site.

B. Only two single detached dwellings or mobile homes shall be permitted on any agricultural holding. Other types of residential buildings may be allowed at Council's discretion. Where additional buildings are required to accomodate hired employees engaged in the agricultural operation carried out on the agricultural holding, they may be permitted at Councils discretion.

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

(1) 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)

(2) 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, at the discretion of Council, use a site of not less than 0.8 hectares (2 acres) for a farmstead site where the site is part of the operators total agricultural holding even though it may be separate from the major portion of the total agricultural holding.
- E. 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
- F. Any agricultural holding within the A - agricultural district which does not conform with the minimum site requirements, as set out in the regulations of that district, shall be deemed to be conforming with regard to the 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. A Minimum separation distance of 610 meters (2000 feet) shall be between an intensive live stock operation and any residential building of a separate holding, subject to approval of the Department of Agriculture.
- ~~H. Sites smaller than 65 hectares (160 acres) may be allowed and be deemed to be conforming for agricultural purposes at the discretion of Council.~~
- I. No building is permitted within 60 meters (200 feet) of the centre line of a road allowance or within 90 meters (300 feet) of an intersection.

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PART SIX.

EFFECTIVE DATE OF BYLAW

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

Certified a true copy of Bylaw No. 2/82 adopted by resolution of council on the 1st. day of June 1982.

[Signature]
Reeve

Reeve

[Signature]
Administrator

SEAL

[Signature]
Secretary-Treasurer

