

Zoning Bylaw

Bylaw No. 1-81

Office Consolidation

3/6/2024

For Reference Purposes Only

This reference copy of the RM of Val Marie No. 17 Zoning Bylaw includes all text changes made up to June 2010. The following bylaws have amended the original bylaw:

Bylaw 1-99, April 13, 1999

Bylaw 1-10, April 13, 2010

Bylaw 6-16, January 10, 2017

Bylaw 2022-07, January 4, 2023

Bylaw 2023-03, November 22, 2023

Bylaw 2024-02, March 06, 2024

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THE RURAL MUNICIPALITY OF VAL MARIE NO. 17

BYLAW NO. 1/81

PART 1 INTRODUCTION

Under the authority granted by the Planning and Development Act, the Reeve and Council of the Rural Municipality of Val Marie No. 17 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 Val Marie No. 17.

Purpose

The purpose of the Bylaw is to regulate development in the Rural Municipality of Val Marie No. 17 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 Val Marie No. 17 only when in conformity with the provisions of this Bylaw.

Validity

If any section, clause, or provision of the 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 2 DEFINITIONS

Whenever in the 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 Val Marie No. 17 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 use.

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

Council – shall mean the Council of the Rural Municipality of Val Marie No. 17.

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 Val Marie No. 17 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 building 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.

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.

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.

Parcel of Land – shall mean the aggregate of one or more areas of land described in a certificate of title held with Information Services Corporation, including any tied parcels to that title.

Public Utility – shall mean a public corporation or agency of a government to provide a service to the general public.

Reeve – shall mean the Reeve of the Rural Municipality of Val Marie No. 17.

Secretary-Treasurer – shall mean the Secretary-Treasurer of the Rural Municipality of Val Marie No. 17.

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

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 travelers 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.

PART 3 **ADMINISTRATION**

1. Administration

- i. The Secretary-Treasurer of the Rural Municipality of Val Marie No. 17 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 the 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. A Development Permit is not required and the provisions of paragraphs (ii), (iii), (iv) and (v) above shall not apply to:
 - a. Residential buildings on agricultural holdings, subject to the restrictions established in Part 5.A-B;
 - b. Non-residential buildings accessory to agricultural operations;
 - c. The carrying out of any operation for the maintenance or improvement of a public work by the municipality or any person(s) contracted, by the municipality.
 - d. Intensive live stock operations, subject to Part 5.A-G.

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 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 there are practical difficulties or unnecessary hardships in the way of carrying out of 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 neighboring 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 neighboring 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 Val Marie No. 17 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.

PART 4 GENERAL REGULATIONS

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 any other bylaw in force within the Rural Municipality of Val Marie No. 17 or from obtaining any licence, permission, permit, authority or approval required by this or any other bylaw of the Municipality. 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 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 existing setback or area that does not conform to this bylaw;
- b. All other applicable provisions of this bylaw are satisfied; and
- 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 Development Officer charged with administering this bylaw or unless such building is exempt under Part 3.1.vi.

6. Waste Disposal

Subject to the 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 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 | <ul style="list-style-type: none"> -no more than two (2) signs are permitted on the premises; -no sign shall have a facial area in excess of 36 square feet (3.5 square metres). Each sign may be double-faced. -the maximum height of any sign shall be twenty feet (6.09metres) above ground surface; -all signs must meet Canadian standards Association (CSA) requirements. |
| Other | <ul style="list-style-type: none"> -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 4 square feet (0.4 square metres). 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 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 measure are necessary to safely accommodate 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, 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 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 MAPS

1. Zoning Districts

For the purpose of the Bylaw, the Rural Municipality of Val Marie No. 17 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	H

2. The Zoning District Map

The map, bearing the statement “This is the Zoning District Map referred to in Bylaw No. 1/81” adopted by the Rural Municipality of Val Marie NO. 17 and signed by the Reeve and the Secretary-Treasurer under the seal of the 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

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 subdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

District Schedules

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

PART 5A A- AGRICULTURAL DISTRICT

1. Intent

The intent of the A – Agricultural District is to support the use of land in the Municipality 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 hereinafter.

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 including Intensive Live Stock Operations, ranching, grazing bee keeping, 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. Communications
Radio and television towers and buildings, micro-wave installations, and other similar uses; provided the site is situated on and abutting on an existing all-weather road.
- C. Other
Places of worship, cemeteries, public halls and buildings, grain elevators existing at the adoption of this bylaw.
- D. Resource based uses – including accessory buildings and uses:
 - i. Petroleum exploration or extraction wells and related facilities.
 - ii. Petroleum pipelines and related facilities.
 - iii. Metallic or non-metallic mineral mines or extraction facilities.

3. Uses Permitted at Council's Discretion

The following uses shall be permitted but only by resolution of Council:

- i. Public utility uses including sanitary landfills and sewage lagoons.
- ii. Gravel pits.
- iii. Abattoirs
- iv. Auction marts
- v. Historic and archaeological sites
- vi. Private airstrips
- vii. Temporary construction camps and temporary construction materials storage sites.

- viii. Recreational – including sports fields, golf courses, parks, tourist campsites and other similar uses.
- ix. Agricultural related commercial – including implement and machinery sales and service, small scale processing and sales of grain and seed, storage and mixing of agricultural chemicals and fertilizer.
- x. Sites less than 160 acres for agricultural purposes: provided there are extenuating circumstances, which in the opinion of Council are valid.
- xi. Petroleum or mineral processing facilities.

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 (1/4) section or equivalent. Equivalent shall mean 160 acres (65 hectares) 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, or a subdivision as permitted by this bylaw.
- ii. Communication Uses – no minimum
- iii. Other – no minimum.
- iv. Discretionary Uses – as determined by Council. Consideration should be given to the provision of services on the site.
- v. Resource based uses – as determined by Council. Consideration should be given to sufficient area to efficiently and safely operate and meet provincial requirements.

B. Two residential buildings shall be permitted on any parcel of land. Applications for more than two residential buildings on one parcel of land will be considered a discretionary use and permitted at Council's discretion.

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

- ~~1. The site to be subdivided or severed has an area of not less than 20 acres.~~
- ~~2. The costs of an all weather access road to the subdivided site are assumed by the party requesting the subdivision. (repealed Bylaw 2022-07)~~

~~D. An agricultural operator may, at the discretion of Council, use a site of not less than 2 acres (0.8 hectares) for a farmstead site 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. (repealed Bylaw 2022-07)~~

~~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. (repealed Bylaw 2022-07)~~

- 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. A minimum separation distance of 1000 feet (305 meters) shall be required between an Intensive Livestock Operation and any residential buildings on a separate agricultural holding.
- H. Existing development, buildings, and sites within the following Registered Plans, comprising the town sites of Masefield and Orkney, are hereby considered to be conforming in terms of the use and regulations of this bylaw. This exemption involves only those sites located within Registered Plans BK 5729 and DD 1468 both in the SW ¼ 27-2-14-3; and Registered Plans BM 2409, BZ 5066, CB 4482 and DU 2816 all in the NW ¼ 23-2-15-3. Those sites within the above Registered Plans which are not built upon as of the date of approval of this Bylaw by the Minister shall be permitted to be developed for a one or two family dwelling only, subject to the conditions specified in the Development Permit which shall be issued by Council.
- I. Set Back Requirements
 - (1) No person shall hereafter erect any building or structure of a residential nature; on private property within 91.44 meters (300 feet) of the center line or intersection of any road.
 - (2) No person shall hereafter erect any buildings or structures that is non-residential in nature; on private property within 45.72 meters (150 feet) of the center line or intersection of any road.
 - (3) No person shall plant any trees or shrubs; place any stone, earth or gravel piles, dugouts, portable structures, machinery or other objects within 45.72 meters (150 feet) of the center line or intersection of any road.
 - (4) Where the size of a parcel of land makes it impossible to meet the setback requirements outlined in Part 5A, Subsection 5. I (1), (2), or (3) alternate setback distances may be approved at the discretion of Council.
 - (5) The registered plans named in 5A.(5).H are exempted from this provision.

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.

Stamped "Approved" on May 5, 1981.