

Exhibit "B"

R.M. OF BRATT'S LAKE No. 129

BYLAW NO. 2/93

ZONING BYLAW

Part I - INTRODUCTION

1. Authority

Pursuant to Sections 45 and 67 of *The Planning and Development Act, 1983*, the Rural Municipality of Bratt's Lake No. 129, hereby enacts the Zoning Bylaw.

2. Title

This bylaw shall be known as the "Zoning Bylaw" of the R.M. of Bratt's Lake No. 129.

3. Scope

This zoning bylaw shall apply to the whole of the Rural Municipality.

4. Purpose

The purpose of this bylaw shall be to enable council to better regulate land use, development, subdivision, municipal services, public utilities and natural resources for the amenity, health, safety and general welfare of the R.M. residents.

Part II - ADMINISTRATION

1. Development Officer

The Administrator of the R.M. of Bratt's Lake No. 129 shall be responsible for the administration of this bylaw and is hereby designated the development officer.

The duties of the development officer shall be:

- (1) to receive all applications for development permits, subdivisions, and building permits;
- (2) to maintain a record of all applications for development permits, subdivisions, and building permits, for public inspection;
- (3) to prepare a monthly report for Council;
- (4) other as determined by Council.

2. Development Appeals Board

Pursuant to Section 92(2) of *The Planning and Development Act, 1983*, Council shall appoint a Development Appeals Board within three months of the effective date of this zoning bylaw.

The duties of the Development Appeals Board shall be:

- (1) to hear appeals from applicants where a development officer:
 - (a) is alleged to have misapplied a zoning bylaw in issuing a development permit; or
 - (b) refuses to issue a development permit because it would contravene the zoning bylaw.
- (2) to hear appeals from applicants of a discretionary use where the applicant is of the opinion that any Council prescribed development standards exceed those necessary to obtain the objectives of the zoning bylaw.
- (3) all other duties as set out under *The Planning and Development Act, 1983*.

3. Classification of Zoning Districts

The entire municipality shall be considered as a single zone which shall be designated as A-Agricultural Zone.

Council may make specific regulations for residential and commercial development in the Hamlets of Corinne and Estlin, and for industrial and commercial development along highway No. 6 and Highway No. 39.

4. Zoning Map

The zones and districts of the zoning bylaw may be attached to and form part of the zoning bylaw. The zoning map is required to bear a statement that it accompanies the zoning bylaw. The zoning map must be under the seal of the municipality, and it must be signed by the Reeve and the Administrator. The Zoning Map, attached hereto and marked as Schedule "A" to this Bylaw, is hereby adopted as part of the Zoning Bylaw.

5. Bylaw Interpretation

Subject to a Court of competent jurisdiction adjudicating upon this Bylaw, Council shall make the final interpretation on any provision of this Bylaw that appears ambiguous or unclear.

6. Bylaw Amendments

The Council may authorize an amendment to this zoning bylaw and the amendment must be adopted by council within six months of the date of the resolution.

All amendments to this zoning bylaw must be made in accordance with the provisions of Part IX of *the Planning and Development Act, 1983*, regarding public participation.

7. Review of Zoning Bylaw

This zoning bylaw, along with the basic planning statement bylaw, may be reviewed within five years of the effective date of this bylaw. Periodic review will ensure that the bylaws remain consistent with council policy.

Part III - DEVELOPMENT PERMITS

1. Development Permits Required

(1) **Buildings**

Every proposal to construct, reconstruct, renovate, demolish, or move a building shall require a development permit, unless otherwise stated in this bylaw.

(2) **Signs**

All signs with a surface area of greater than 32 sq. ft.. shall require a development permit.

2. Exemptions

The following buildings and uses are exempt from obtaining a development permit as long as they conform to the development standards of the municipality:

- (1) Grain farming or extensive agriculture uses;
- (2) Buildings that are accessory to the principal agricultural operation excluding buildings used for dwellings and intensive livestock operations.
- (3) *Existing Conforming Uses:* The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building. Therefore, no development permit shall be required in these situations.
- (4) *Existing Non-conforming Uses:* Any non-conforming building may continue to be used without obtaining a development permit. However, any structural alterations and additions to a non-conforming building requires the issuance of a development permit.

3. **Validity**

A development permit shall be automatically invalid and development shall cease:

- (1) If the proposed development is not commenced within six months from the permit issuance date, or if the development is suspended or discontinued for a period of six or more months;
- (2) When development is undertaken in contravention of this bylaw, the Development Permit and specified development standards;
- (3) When a written appeal notice is received by the secretary of the Development Appeals Board regarding the Development Permit; or
- (4) If the Development Officer issues a stop work order respecting the said development.

4. Development Permit Application Requirements

- (1) All applications for a development permit shall include the following:

(i) **Permitted Uses**

Every application for a permitted use shall, at minimum, include:

- (a) A completed application form,
- (b) A site plan showing the location and setbacks of all existing and proposed buildings, vegetation, municipal and provincial roads,
- (c) A description of the proposed development or use,
- (d) Other information as specified by Council or the development officer.

(ii) **Discretionary Uses**

Every application for a discretionary use shall, at minimum, include:

- (a) A completed application form;
- (b) A site plan showing the location of all existing and proposed buildings, vegetation, municipal and provincial roads;
- (c) A description of the proposed use or development;
- (d) Notification of all adjacent landowners and, at the discretion of council, notification of all landowners within 1000 metres of the proposed discretionary use;
- (e) Other information as specified by Council or the development officer.

5. Application Review

(1) **General**

- (i) All required information must be submitted prior to a decision being made.

(2) **Additional Information**

- (i) The development officer may refer the application to various government agencies or departments for comments or recommendations to assist in the decision making process;
- (ii) In the case of both permitted and discretionary use applications, the developer or applicant shall prepare additional information, as requested by council or the development officer, including:
 - (a) Wildlife habitat studies
 - (b) Mineral extraction studies

- (c) Heritage resource studies
- (d) Studies to determine the affect on adjacent properties and uses
- (e) Cost/Benefit analysis
- (f) Other technical and professional reports as determined by Council.

6. Application Decision

The applicant shall be notified in writing regarding the decision on the Development Permit Application.

7. Approval

- (1) Where an application is made for a permitted use, and the proposal conforms to the provisions of the zoning bylaw, the development officer shall issue a Development Permit.

8. Refusal

- (1) An application for a Development Permit shall be refused if it does not conform to the requirements of the zoning bylaw, and the reasons for refusal shall be stated in writing.

9. Health Referral

A copy of all approved development permit applications, involving the installation of water and sanitary services, shall be sent to the local office of the Department of Health.

10. Appeal Notice

The applicant shall be notified in writing of the right to appeal an application decision to the local Development Appeals Board.

11. Stop-Work Order

Council may issue a stop-work order to stop any development which does not have a Development Permit or conform to the Zoning Bylaw.

12. Permit Re-issuance

A Development Permit may be re-issued in the original or modified form, where a new Development Permit application conforms to the provisions of this bylaw.

13. Other Permits

Issuance of a Development Permit does not exempt the developer from obtaining all the necessary permits and approvals from the Government of Saskatchewan or the Government of Canada, or their departments or agencies.

14. Fees

The Development Permit application fee that shall accompany each application is as follows:

USE	FEE
Dwellings on farms	Exempt
Dwellings on acreages	\$25.00
Agricultural uses	Exempt
Signs > 32 Sq. ft..	\$25.00
All other uses	\$25.00

Part IV - GENERAL DEVELOPMENT REGULATIONS

1. One Principal Use or Building

Only one principal use or building per site shall be permitted except for:

- (1) Agricultural uses
- (2) Public utility uses

2. Prohibited Development

Development which is not specified in this bylaw as a permitted or discretionary use, shall be prohibited.

3. Commercial and Industrial Development

- (1) The following regulations apply to all commercial and industrial development in the Agricultural Zone:
 - (i) Generally, subdivision for commercial or industrial development shall be prohibited, except where the proposed development abuts a road with a provincial highways designation.
 - (ii) Commercial and industrial developments are required to have either frontage on provincial designated highways, or to be located within the boundaries of the Hamlets of Corinne or Estlin.
 - (iii) The final location of the development, on the site, shall be determined in consultation with Council.
- (2) A home occupation shall not be considered to be a commercial or industrial development for the purposes of this bylaw or the basic planning statement.

4. Development on Farms

(1) Residences on farms

All dwellings situated on a farm, or agricultural holding, shall be considered to be accessory to the main agricultural operation.

5. Discretionary Use Development Standards

(1) General

- (i) Council or the development officer may specify development standards for any new use or development applications, in order to achieve conformity with the Zoning Bylaw and the Basic Planning Statement.

(2) Specific

- (i) In particular, Council may specify standards to:
 - (a) reduce visibility for potential unsightliness (fences, berms, vegetation, etc);
 - (b) reduce the potential for noise, odour, and pollution (i.e. hours of operation, fencing, regular cleanup, etc).

6. Development on Acreages

(1) Residences on Acreages

Where a dwelling is situated on an acreage which is less than 16 acres in size, the principal use of that land is considered to be residential.

(2) Animals on Acreages

- (i) The rearing and confinement of livestock on residential sites outside the Hamlets of Corinne and Estlin shall be limited to the following: horses, cows, mules, goats, sheep, pigs, chickens, and similar animals.
- (ii) There shall be a maximum of one animal per acre allowed on residential sites outside the Hamlets of Corinne and Estlin.

(3) Derelict Vehicles

The maximum number of derelict vehicles permitted on a single acreage at any one time shall be limited to three, unless the vehicles are:

- (i) stored inside an appropriate enclosed structure; and/or,
- (ii) hidden from view by a fence of sufficient size and strength to be determined in consultation with Council.

7. Accessory Uses

- (1) Accessory uses may occur in conjunction with a permitted or discretionary use

- (2) Unless otherwise specified in this bylaw, a residential use shall not be defined as an accessory use.

8. Yards

(1) General

The minimum specified front, side and rear yards shall be provided for each site, unless otherwise authorized in this bylaw.

(2) Principal Buildings

No principal building, structure or use shall be located in any front, side or rear yard, unless otherwise authorized in this bylaw.

(3) Accessory Buildings

Accessory buildings and structures which are attached to a principal building, or structure, shall be regarded as part of the principal building and shall be sited accordingly, unless otherwise authorized in this bylaw.

(4) Separate accessory buildings and structures, unless otherwise authorized in this bylaw:

- (i) shall not locate in the front yard or a side yard which abuts a road;
- (ii) may be located, at council's discretion, within 1 metre (3 feet) of a side or rear site line, or the bank of a water course, subject to other bylaw requirements.

9. Home Occupations

Home occupations shall be a permitted use in all zones which permit dwelling units and shall be subject to the following development standards:

- (1) The home occupation shall be service oriented and shall not include a store or any retail sales;
- (2) The use shall be restricted to a dwelling unit or an accessory building;
- (3) There shall be no outside storage of material or equipment;
- (4) Accessory mechanical equipment shall be compatible with the residential use and shall not generate a nuisance, noise, odor, vibration or glare;
- (5) There may be one advertising sign, which shall be within the building on the site;

10. Trees and Vegetation

The planting and location of all new trees and vegetation shall conform to the same yard restrictions of the agricultural zone and the hamlets.

11. Dugouts

The construction and location of all new dugouts shall conform to the same yard restrictions of the agricultural zone.

12. Water

No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies.

Development of land shall not occur if a sufficient potable water source cannot be supplied by means of a well, a cistern, a dugout, or any combination of these water sources.

All water sources to be used in conjunction with any development must meet the standards of the Department of Health and/or Saskatchewan Water Corporation.

13. Public Utilities

- (1) Public utilities shall be permitted throughout the municipality except that sewage treatment facilities, landfills, and/or facilities for the disposal or treatment of garbage and refuse shall be discretionary uses.
- (2) Yards
 - (i) Public utilities, including all buildings and uses, shall meet all the minimum yard criteria and setback requirements of the Zoning Bylaw, unless otherwise specified in this bylaw.
 - (ii) Exemptions: Linear public utilities such as roads, highways, railways, power lines, oil and gas pipelines, telephone lines, and other buried or overhead transmission lines shall be exempt from all yard criteria including site size and setbacks. However, all buildings associated with the linear public utility shall meet the minimum yard and setback criteria of the Agricultural Zone.

Part V - AGRICULTURAL ZONE

1. Purpose

The purpose of the A-Agricultural Zone is to accommodate agricultural development and commercial and industrial development that is related to the agricultural industry.

2. Development

Subject to all other bylaw requirements, only the following developments shall occur:

3. Permitted Uses

- (a) Extensive Grain Farming Operations
- (b) Single Detached Dwellings, including mobile homes, provided that they are placed on a permanent raised foundation, the wheels and chassis are removed, and the mobile home meets the provisions of the National Building Code of Canada (N.B.C.).
- (c) Buildings Accessory to the principal farming use
- (d) Permitted Public Works and Utilities.

4. Discretionary Uses

- (a) Intensive agricultural operations including:
 - hog, dairy, and poultry farming
 - ranching
 - P.M.U. operations
- (b) All commercial and industrial development, as specified by council, and provided they comply with the provisions of the Basic Planning Statement.
- (c) Tree nurseries
- (d) Recreational
- (e) Cemeteries
- (f) Homes for the aged
- (g) Gas and oil wells and related activities
- (h) Auto wrecking
- (i) Commercial topsoil stripping uses
- (j) Other smaller viable agricultural operations and home occupations including: greenhouse; market gardens; riding stables;
- (k) Sewage treatment plants and accessory uses;
- (l) Landfills, and facilities for the collection and disposal of refuse.

- (e) Rear Yard
 - (i) Basic minimum 25 ft..
- (f) Height
 - (i) Maximum 33 ft..

- (3) Side Yards
 - (a) Basic Minimum From Side Site Line 15.25 m (50 ft.)
- (4) Rear Yards
 - (a) Basic Minimum From Rear Site Line 15.25 m (50 ft.)
- (5) From all intersections (See Figure 1)
 - (a) Basic Minimum 91.5 m (300 ft.)

8. Hamlet Development and Regulations: Corinne and Estlin

Only the following uses may occur within the boundaries of the Hamlets of Corinne and Estlin:

- (1) Development
 - (a) Permitted Uses
 - (i) Single Detached dwellings and accessory buildings
 - (ii) Home Occupation uses.
 - (b) Discretionary Uses
 - (i) Service oriented uses related to agricultural
 - (ii) Recreational uses
 - (c) Prohibited Uses
 - (i) Mobile Homes
- (2) Yard Sizes and Regulations

Development within the boundaries of Corinne and Estlin may occur in the Agricultural Zone according to the following yard restrictions.

- (a) Site Size
 - (i) Basic minimum 5,000 sq. ft..
 - (ii) Existing sites As registered
- (b) Frontage
 - (i) Minimum
 - sites served by a lane 50 ft..
 - not served by a lane 65 ft..
- (c) Front Yard
 - (i) Basic minimum 25 ft..
- (d) Side Yard
 - (i) Basic minimum 5 ft..

5. Accessory Uses

(1) Second Farm Dwelling

At Council's discretion, a second farm dwelling may be permitted as an accessory to an agricultural holding, subject to the following development standards:

- (a) Only one dwelling shall be permitted in each yard site;
- (b) All farm dwellings shall be used to accommodate people who are required to assist the agricultural operation on a regular active basis;
- (c) The second farm dwelling cannot be used for rental purposes, or to derive rental income.
- (d) Approval for development of a second residence does not constitute approval for subdivision.

6. Minimum Site Size Criteria

(1) Agricultural Uses

- (a) Basic Minimum 64.7 hectares (160 acres)
- (b) Reduced Agricultural Sites 58.68 hectares (145 acres)

(2) Residential Uses

- (a) Basic Minimum 1 hectare (2.5 acres)
- (b) Basic Maximum 6 hectares (15 acres)

(3) Commercial/Industrial Uses

- (a) Basic Minimum 1 hectare (2.5 acres)
- (b) Basic Maximum 6 hectares (15 acres)

(4) Public Utility Uses including Sewage Lagoons and Landfills

- (a) Basic Minimum 2 hectares (5 acres)
- (b) Basic Maximum 4 hectares (10 acres)

(5) All Other Uses

- (a) Basic Minimum 1 hectares (2.5 acres)
- (b) Existing Registered Sites As registered

7. Yard Criteria For All Uses (excluding Hamlet development)

- (1) Minimum frontage for all uses:** 45.7 m (150 ft.)

(2) Front Yards

- (a) From Municipal Road Centre line 45.7 m (150 ft.)
- (b) From Highway Centre line 91.5 m (300 ft.)

Part VI - CONTRAVENTION AND PENALTIES

1. Contraventions & Penalties

Contraventions of, and prosecution under this bylaw and penalties shall be in accordance with *The Planning and Development Act, 1983*, and amendments thereto, which currently provides for the following penalty:

221 (1) Every Person who:

- (a) contravenes or refuses or neglects to comply with, fails to do any act or thing required to be done or suffers or permits any act or thing to be done in contravention of:
 - (i) any provision of this Act or the regulations or any provision of any other Act, that by this Act, is made applicable to proceedings under this Act; or
 - (ii) any provision of any development plan, basic planning statement or zoning bylaw or any other bylaw, permit or regulation, enacted or made by the council, any approving authority or the minister, pursuant to this Act or pursuant to powers delegated by the minister; or
- (b) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act or under any order, regulation or bylaw in force pursuant to this Act;

is guilty of an offence and liable on summary conviction;

- (c) in the case of an individual, to a fine of not more than \$2,000.00 and, in the case of a continuing offence, to an additional fine of not more than \$500.00 for each day during which the offence continues;
 - (d) in the case of a corporation, to a fine of not more than \$5,000.00 and, in the case of a continuing offence, to an additional fine of not more than \$1000.00 for each day during which the offence continues;
- (2) Where a corporation fails to promptly pay any fine imposed on it pursuant to this Act, the prosecutor may, by filing the conviction, enter as a judgment the amounts of the fine and costs, if any, in Her Majesty's Court of Queen's Bench for Saskatchewan, whether or not the trial was held in that court, and that judgment is enforceable against the corporation in the same manner as if it were a judgment rendered against the corporation in that court in civil proceedings.
 - (3) A court imposing a penalty on any person under subsection (1) may, in addition to imposing the penalty, order the person to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.

Part VII - DEFINITIONS

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.

Alteration or Altered: shall mean a building or structure to which an addition is made or in which any structural change is made.

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

Building, Accessory: shall mean a subordinated 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 enjoyment of the main building or main use.

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

Council: shall mean the Council of the Rural Municipality of Bratt's Lake No. 129.

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, 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 of one family.

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, sun room, unfinished attic or unfinished basement.

Garage, Private: shall mean a building or part of a building used or intended to be used for the storage of motor vehicles and having a capacity for not more than four (4) motor vehicles for each dwelling unit to which the garage is accessory.

Hamlet: Shall refer to the boundaries of the Hamlets of Corinne and Estlin.

Home Occupations: Shall mean a small-scale, accessory use to a residential use, conducted by a resident from his/her residential site, which provides a personal, domestic, professional or commercial service, activity or operation, for profit or gain, but shall not include a store. In general, a home occupation shall not be regarded as a commercial or industrial development.

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.

Minister: shall mean the Minister of Rural Development for the Province of Saskatchewan.

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

Municipality: shall mean the Rural Municipality of Bratt's Lake No. 129.

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.

Parking Lot: shall mean an open area, other than a street, used for temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients and customers.

Parking Space, Automobile: shall mean a space within a building or parking lot for the parking of one (1) automobile.

Public Utility: shall mean a development, building, structure or use which is owned or operated by:

- (i) a government
- (ii) a crown corporation
- (iii) a public or private company, corporation, institution, agency or person.

which by law, is authorized, regulated, franchised or licensed to provide essential and general public facilities, systems, and services; and shall include public works as defined below:

Public Works: shall mean

- (i) systems for the production or distribution of electricity;
- (ii) systems for the distribution of natural gas or oil;
- (iii) facilities for the storage, transmission, treatment, distribution or supply of water;
- (iv) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (v) telephone or light distribution lines; or,
- (vi) Public transportation systems.

Reeve: shall mean the Reeve of the Rural Municipality of Bratt's Lake No. 129.

R.M. Administrator: shall mean the R.M. Administrator of the R.M. of Bratt's Lake No. 129.

Site: shall mean an area of land with fixed boundaries and which has been registered in the Land Tittles 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 location, the site boundary that abuts the street to the front of the main building shall be deemed to be the front site line.

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 Line: shall mean the boundary line between a site and a street.

Structure: shall mean anything that is built, constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground.

Trailer Court: shall mean any land occupied or designed to be occupied by two or more trailer coaches; and shall include any building, structure or enclosure used or intended to be used as part of the operation of a trailer court.

Trailer Coach: shall mean any vehicle having no motive power of its own but drawn on any public road by a motor vehicle and used or designed to be used as a dwelling or sleeping place for one or more persons. Such a conveyance shall be deemed to be a trailer coach, whether mounted on wheels or dismounted from wheels and detached from its conveying vehicle.

Yard: shall mean any part of a site unoccupied and unobstructed from the ground to the sky.

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, exclusive of any chimney breast.

BYLAW NO. 1/2000
A BYLAW TO AMEND BYLAW NO 2/93,
KNOWN AS THE R.M. ZONING BYLAW

6. This bylaw shall come into force on the date of final approval by the Minister of Municipal Affairs, Culture and Housing.

(SEAL)


Reeve


Administrator

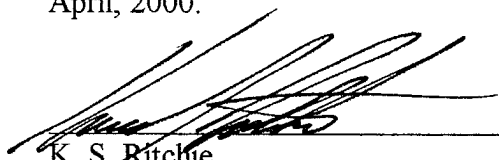
Read a first time on March 14, 2000

Read a second time on March 14, 2000

Read a third time and adopted on April 11, 2000



Certified a true copy of the bylaw adopted by resolution of Council on the 11th day of April, 2000.


K. S. Ritchie,
Administrator.