

## BYLAW No. 04-16

### A BYLAW OF THE R.M. OF BEAVER RIVER No. 622 TO AMEND BYLAW No. 57 KNOWN AS THE ZONING BYLAW

A bylaw to amend Bylaw No. 57 known as the Zoning Bylaw of the Rural Municipality of Beaver River No. 622.

The Council of the Rural Municipality of Beaver River No. 622, in the Province of Saskatchewan, enacts this bylaw to amend Bylaw No. 57 as follows:

1. PART II – ADMINISTRATION, section (2) **APPLICATION FOR A DEVELOPMENT PERMIT** is amended by adding the following clauses after clause (b):

“(c) **Sheds and storage structures:** Any shed or storage structure that is 9.29 square metres (100.0 square feet) in area or less with a height of less than 4.0 metres (13.0 feet).

(d) **Fencing:** subject to all height restrictions of the zoning district.”

2. PART III – GENERAL REGULATIONS is amended by:

- a. Section (2) **AREAS PROHIBITED FOR DEVELOPMENT** is amended by adding the following subsection:

“(a) **Residences proposed on potentially hazardous land:**

A development permit application for a proposed residence on potentially hazardous land as defined in this bylaw and the Basic Planning Statement or lands that have an interest registered on the title pursuant to section 130 of the Act, must be accompanied by a Real Property Surveyors Report prepared by a Saskatchewan Land Surveyor, which illustrates that the proposed elevation of the finished main floor is above the Safe Building Elevation as defined herein.

- b. Section (9) **ATTACHED GARAGES AND CARPORTS** is removed and replaced as follows:

“9. **Attached Garages, Carports, and Extended Rooflines**

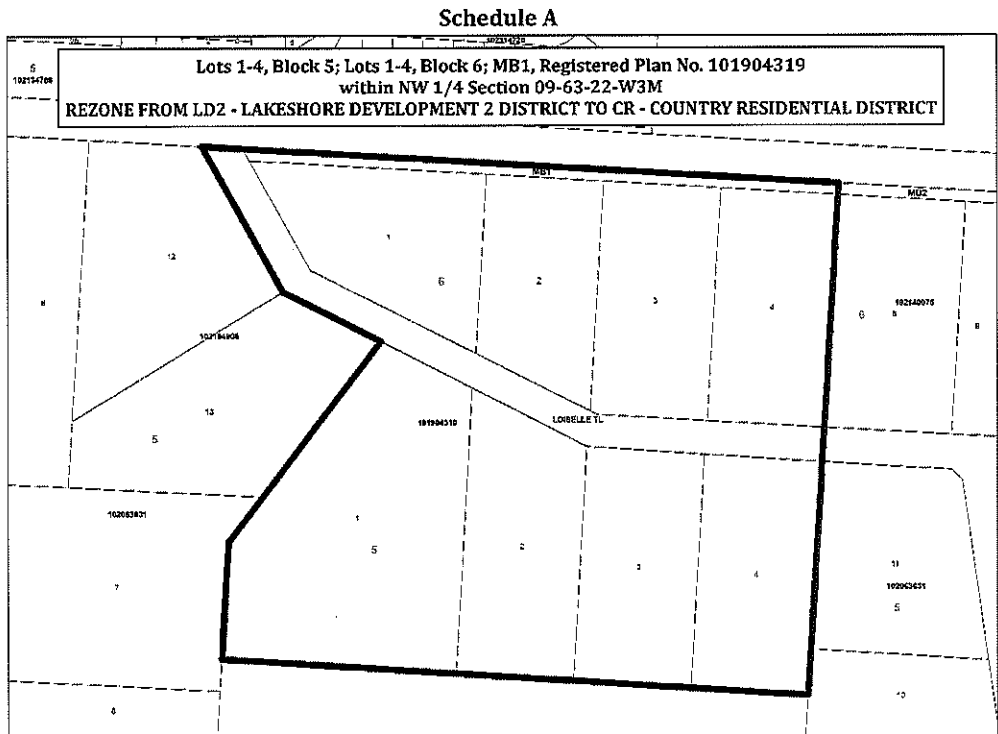
(a) Private garages and carports attached to the principal building or structure shall be considered part of the principal building or structure and subject to the regulations for the principal building or structure.

(b) The total area underneath an extended roofline (i.e., covered deck, porch, veranda, etc.) of a structure shall be considered within total area of the Residential Building Footprint.

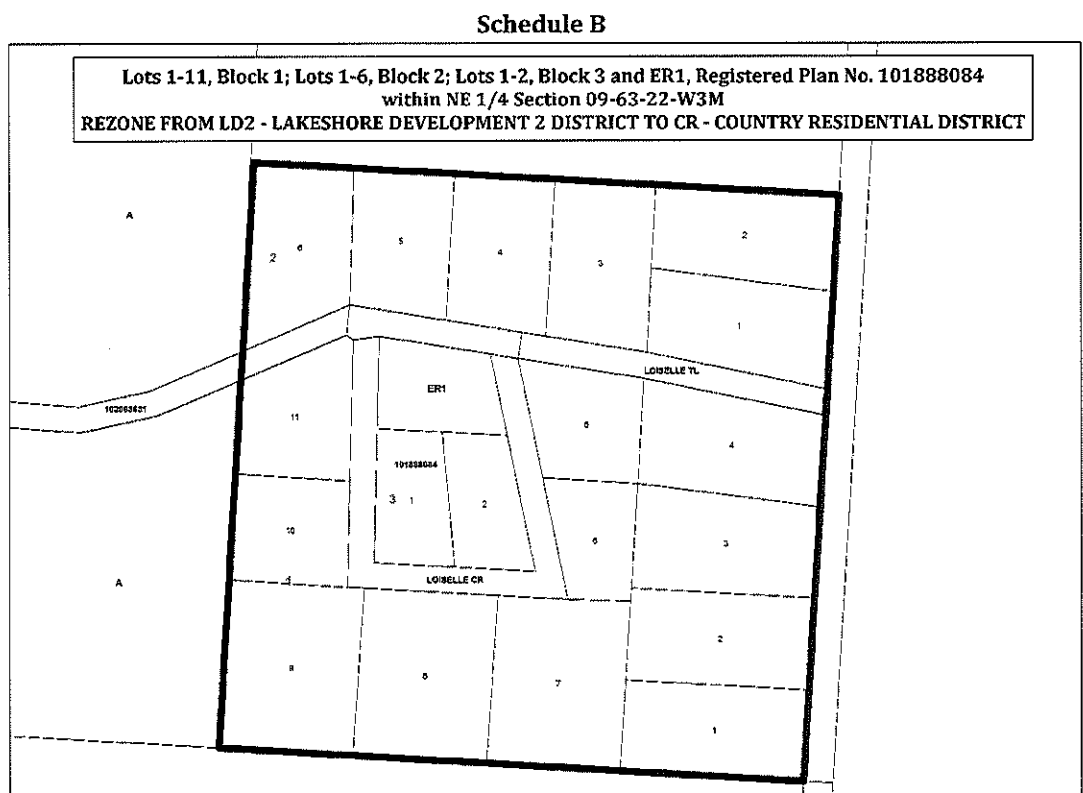
- c. Section (10) **PROJECTIONS INTO YARDS** is amended by removing clause (a).

3. PART IV – ZONING DISTRICTS, the “Zoning District Map” which forms part of Bylaw No. 57, is amended by:

- a. Rezoning from LD2 – LAKESHORE DEVELOPMENT 2 DISTRICT to CR – COUNTRY RESIDENTIAL DISTRICT, **Lots 1-4, Block 5**, and **Lots 1-4, Block 6**, and **MB1, Registered Plan No. 101904319** within **NW ¼ Section 09-63-22-W3M**. These lands, which are lying within the Rural Municipality of Beaver River No. 622 boundaries are shown within the bold lines in the attached reference map labelled “Schedule A”.



- b. Rezoning from LD2 – LAKESHORE DEVELOPMENT 2 DISTRICT to CR – COUNTRY RESIDENTIAL DISTRICT, **Lots 1-11, Block 1** and **Lots 1-6, Block 2**, and **Lots 1-2, Block 3**, and **ER1, Registered Plan No. 101888084** within **NE ¼ Section 09-63-22-W3M**. These lands, which are lying within the Rural Municipality of Beaver River No. 622 boundaries are shown within the bold lines in the attached reference map labelled “Schedule B”.



4. PART IV – ZONING DISTRICTS, SCHEDULE A: A – AGRICULTURAL DISTRICT is amended by:

- a. Section (C) **REGULATIONS**, subsection (1) *Site Area Requirements*, clause (b) is removed and replaced with the following:

“(b) Single parcel country residential: Minimum – 0.81 ha (2.0 acres)  
Maximum – Four (4) residential sites, where the total land area per quarter section for all Single Parcel Country Residential lots shall be limited to a maximum of 16.2 ha (40.0 acres).”

5. PART IV – ZONING DISTRICTS, SCHEDULE C: CR – COUNTRY RESIDENTIAL DISTRICT is amended by:

- a. Section (B) **REGULATIONS**, subsection (1) *Site Area*, clause (a) is amended by removing the minimum site area “0.8 hectares (2 acres)” and replacing it with “0.4 hectares (1.0 acres)”.

- b. Section (B) **REGULATIONS**, subsection (3) *Yard Requirements* is amended by adding the following clause after clause (b):

“(c) Decks:

- (i) Open decks shall be required to be a minimum of 1.5 metres (5.0 feet) from any site line.  
(ii) Any covered deck that is attached to the roof of either an accessory or principal building shall be considered a part of said building footprint, and subject to the yard requirements of that structure.”

- c. Section (B) **REGULATIONS**, subsection (4) *Floor Area* is amended by removing the maximum floor area of detached accessory buildings “100 m<sup>2</sup> (1,076 ft<sup>2</sup>)” and replacing it with “111.5 m<sup>2</sup> (1,200 ft<sup>2</sup>)”.

- d. Section (C) **SPECIAL STANDARDS**, subsection (1) *Motor homes are subject to the following conditions*, clause (g) is removed and replaced with the following:

“(g) Sites may contain a maximum of 250 gallons of propane total, and any tank size over 100 pounds shall require the landowner to complete appropriate gas-fitting permits and have the tank inspected by a licensed gas-fitter. Within the 250 gallons, only a maximum of two (2) 100 pound bottles shall be used at one time.”

6. PART IV – ZONING DISTRICTS, SCHEDULE D: LD1 – LAKESHORE DEVELOPMENT 1 DISTRICT is amended by:

- a. Section (B) **REGULATIONS**, subsection (6) *Accessory Buildings and Structures* is amended by adding the following clause after clause (c):

“(d) Decks

- (i) Open decks shall be required to be a minimum of 1.5 metres (5.0 feet) from any site line.  
(ii) Any covered deck that is attached to the roof of either an accessory or principal building shall be considered a part of said building footprint, and subject to the yard requirements of that structure.

(e) There shall be a maximum of three (3) accessory buildings or structures per lot, excluding uncovered decks.”

7. PART IV – ZONING DISTRICTS, SCHEDULE E: LD2 – LAKESHORE DEVELOPMENT 2 DISTRICT, section (C) **SPECIAL STANDARDS**, clause (g) is removed and replaced with the following:

“(g) Sites may contain a maximum of 250 gallons of propane total, and any tank size over 100 pounds shall require the landowner to complete appropriate gas-fitting permits and have the



c. Section (C) **SPECIAL STANDARDS** is amended by removing clause (c) and replacing it with the following:

“(c) Sites may contain a maximum of 250 gallons of propane total, and any tank size over 100 pounds shall require the landowner to complete appropriate gas-fitting permits and have the tank inspected by a licensed gas-fitter. Within the 250 gallons, only a maximum of two (2) 100 pound bottles shall be used at one time.”

10. PART V – DEFINITIONS is amended by removing the definition “Building Footprint, Residential”.

11. PART V – DEFINITIONS, is amended by adding the following definitions in alphabetical order:

**“Building Footprint, Residential:** Shall mean the sum of the total area of the main floor of the residential structure, and including, but not limited to, any private garage, porch, veranda, sun lounge, and covered deck.

**Building Height:** Shall mean the vertical distance of a building measured from grade level to the highest point of the structures roof peak.

**Estimated Peak Water Levels (EPWL):** Shall mean the water level calculated by Water Security Agency to determine a flood hazard area. It is based on the 1:500 peak flow for rivers and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.


**Flood Proofing:** Shall mean techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevating buildings by building on fill or piers, constructing dykes, creating upstream storage, diversions and channelization.

**Safe Building Elevation (SBE):** Shall mean a level as defined by the Ministry of Government Relations at the time of subdivision to which flood proofing must be done for developments in the flood hazard area. The SBE is calculated as the EPWL plus a freeboard value to allow for uncertainties in calculations and other possible hazards such as ice push, ice jams, and erosion. The Water Security Agency usually recommends a freeboard of 0.5 metres for most situations by may be increased to 0.6 metres where dykes are used for flood proofing or 1.0 metre in lake or river areas with greater uncertainty in estimating hydrological response.”

12. This bylaw shall become effective on the date of approval of the Minister of Government Relations.



  
Reeve

  
Municipal Administrator

Certified a true copy of  
Bylaw No. 4-16 adopted by  
resolution of Council this  
18 day of March 2016

  
Reeve

  
Municipal Administrator



**STATUTORY DECLARATION**

DOMINION OF CANADA  
PROVINCE OF SASKATCHEWAN  
TO WIT:

In the matter of *The Planning and Development Act, 2007*,  
Being Chapter P.13.2 of the Statute of Saskatchewan and a  
Bylaw adopted by the Rural Municipality of Beaver River No.  
622 to amend Bylaw No. 57, known as the Zoning Bylaw.

I, Morgan Kennedy, of the Rural Municipality of Beaver River No. 622 in the Province of Saskatchewan, do solemnly declare:

1. That I am the Acting Administrator for the RM of Beaver River No. 622 and as such have personal knowledge of the matters herein.
2. That attached hereto as Exhibit "A" are two certified copies of **Bylaw No. 04-16** passed by Council of the RM of Beaver River at an open meeting duly convened and held on **March 18, 2016**, there having been a quorum present.
3. That attached hereto as Exhibit "B" is a copy of the newspaper ads that was used to give the public notice of the proposed bylaw which appeared in *The Beaver River Banner* that circulated in the municipality in excess for four (4) successive weeks on **February 24, 2016, March 2, 2016, March 9, 2016 and March 16, 2016**.
4. That attached hereto as Exhibit "C" is a list of all the ratepayers within the LD1, LD2, LD3, LD4 and CR Districts that were provided written notification of the proposed Zoning Bylaw Amendment.
5. That attached hereto as Exhibit "D" is a copy of the notification letters to specific districts that were provided within the written letter referenced in item (4) above, which included a cover letter, the public notice, and the existing Zoning Bylaw regulations from the RM's Consolidated Zoning Bylaw. That Council held a public meeting on the **18<sup>th</sup> day of March, 2016 at 10:30 AM to 5:00 PM** to receive or hear representations about the amendment.
6. That attached hereto as Exhibit "E" are the hearing minutes of the representation that were received concerning this amendment. This exhibit also includes the meeting minutes from Readings 1, 2 and 3.
7. That attached hereto as Exhibit "F" summarizing the concerns of the written submissions and analysis to present to Council.
8. Upon consideration of the concerns, comments and feedback provided about the proposed amendment, attached hereto as Exhibit "G" is a submission of the originally adopted Zoning Bylaw Amendment showing which items were requested by Council to be removed for second and third reading, and a description of the reasoning for the removal of the items.

And I make this solemn declaration conscientiously believing it to be true knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at the  
RM office

In the Province of  
Saskatchewan, this 11  
Day of May, 2016

  
MUNICIPAL ADMINISTRATOR



A Commissioner for Oaths and  
For the Province of Saskatchewan.  
My Commission Expires March 31/2018



June 2, 2016

File: RM of Beaver River 622

Ms. Coral Dale, Administrator  
RM of Beaver River No. 622  
Box 120  
PIERCELAND SK S0M 2K0

Dear Ms. Dale:

**Re: RM of Beaver River No. 622  
Bylaw No. 04-16 to amend the Zoning Bylaw**

Enclosed for your records is one certified true copy of the bylaw, endorsed by the Assistant Deputy Minister of Government Relations on May 25, 2016.

Section 6.7 of *The Statements of Provincial Interest Regulations (SPI)* requires flood-proofing measures for new buildings and additions to buildings to the safe building elevation (SBE), which is an elevation of 0.5 metres above the 1:500 year flood elevation (estimated peak water level) of any watercourse or waterbody in the flood fringe.

Flood proofing measures are required for all developments on potentially flood prone lands, and not just those that are subject to subdivision review. The definition for the SBE must clarify this, and clearly indicate it is 0.5 metres above the 1:500 year flood elevation.

Pursuant to clause 37(1)(d) of *The Planning and Development Act, 2014*, Bylaw No. 04-16 is hereby approved on the condition that the council effect a further amendment to the definition for "Safe Building Elevation", such that it includes an appropriate reference to the 1:500 year flood event. The matter of conditional approval has been discussed with your planner, Yvonne Prusak.

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Ms. Coral Dale, Admin. Director

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To ensure that all development on potentially flood prone lands in the RM is reviewed in accordance with provincial interests, this change must be adopted by bylaw amendment within one year of the date of the bylaw approval.

I thank the RM for its efforts and understanding in addressing the above matter. If you have any questions, feel free to call me.

Sincerely,



Beatrice Regnier  
Community Planning Branch

Enclosure: (1)