

## **BYLAW No. 2024-09**

### **A BYLAW OF THE R.M. OF SHELLBROOK No. 493 TO AMEND BYLAW No. 08-1981 KNOWN AS THE ZONING BYLAW**

The Council of the Rural Municipality of Shellbrook No. 493, in the Province of Saskatchewan, enacts this bylaw to amend Bylaw 08-1981 as follows:

- 1. PART III – GENERAL REGULATIONS**, is amended by adding the following new section after section 5. *Municipal Facilities and Public Utilities*:

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6. Non-conforming Uses, Buildings, Structures, and Sites
- (a) Non-conforming uses, non-conforming buildings and non-conforming sites shall be subject to Sections 88 - 93 inclusive of the Act.
  - (b) Any parcel, lot, or site which does not conform to the minimum or maximum site area requirement but existed in the Land Titles system prior to the coming into force of this Bylaw shall be deemed conforming with regard to site area; further exemptions may be specified in a Zoning District. Buildings and structures housing the established principal use may be modified and intensified subject to adherence to the applicable regulation(s) of the Zoning District in which they are located, where there is no increase to the degree of non-conformity, and where there is no change in principal use.
  - (c) All bylaw requirements shall be based on the stated metric units. The imperial units shown in this Bylaw shall be approximate guidelines only.
  - (d) Existing development or sites shall not be deemed non-conforming due to non-compliance with the metric units used in this Bylaw where such non-conformity results solely from the conversion of imperial units to metric units.
  - (e) Where a final plan of survey, as registered in the Land Titles system and where approved by way of an approved plan of proposed subdivision, is non-compliant solely with respect to an accepted +/- margin of error, it shall be deemed as compliant and legitimate.
  - (f) Beyond the provision of accessible municipal records, the burden of establishing that a use, building or structure was lawfully established and remains as a legal non-conforming use, building or, structure shall be upon the owner of the use, building, or structure.
  - (g) No lawfully existing use or building shall be rendered to be non-conforming as a result of the new construction or widening of a registered road or rail right-of-way.

(h) Notwithstanding the provisions in subsection (a) above, where a non-conforming occupied dwelling was destroyed by fire or isolated climatic event, beyond the percentage threshold specified in the Act, and was non-conforming solely with respect to minimum yard setbacks, the dwelling may be replaced at the previously established non-conforming setback(s) where all of the following apply to the satisfaction of the Development Officer:

- (i) the principal land use is unchanged;
- (ii) the degree of non-conformity with respect to minimum setbacks is not increased;
- (iii) redevelopment is not on lands known or deemed to be potentially hazardous, and the reduced setback is not a known or anticipated threat to the safety of people and property;
- (iv) the development would not interfere with sight lines corresponding to the prescribed speed limits on the adjacent roadway(s);
- (v) the reduced setback is not a known hinderance to the maintenance and operations of municipal infrastructure and services;
- (vi) a development permit application for replacement has been received by the RM within twelve months of the loss of the previous structure; and
- (vii) the proposed replacement development conforms with all other relevant provisions of the Zoning Bylaw.”

2. **PART VI – DEFINITIONS**, is amended by deleting the existing definition of “Non-Conforming Use” and replacing it with the following new definitions:

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Non-Conforming Building - A building:

- a) That is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
- b) That on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective does not, or when constructed will not, comply with the Zoning Bylaw.

Non-Conforming Site – A site, consisting of one or more contiguous parcels, that, on the date a Zoning Bylaw or any amendment to a Zoning Bylaw becomes effective, contains a use that conforms to the Bylaw, but the site area or site dimensions do not conform to the standards of the Bylaw for that use.

Non-Conforming Use - A lawful specific use:

- a) Being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date the Zoning Bylaw or any amendment to the Zoning Bylaw affecting the land or building becomes effective; and
- b) That on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the Zoning Bylaw.”

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

(SEAL)

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Reeve

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Administrator