

# Resort Village of Kivimaa-Moonlight Bay

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Zoning Bylaw No. 3/14

# Resort Village of Kivimaa-Moonlight Bay

## Bylaw No. 3/14

A bylaw to adopt a Zoning Bylaw for the Resort Village of Kivimaa-Moonlight Bay.

WHEREAS *the Planning and Development Act, 2007* (the Act) provides that a municipality may, by bylaw, adopt a Zoning Bylaw and has authorized the preparation of such a Zoning Bylaw in consultation with a professional community planner pursuant to section 46 of the Act.

WHEREAS, section 75 of the Act provides that a Zoning Bylaw must be adopted by bylaw, in accordance with the public participation requirements of Part X of the Act.

WHEREAS, and in accordance with Part X of the Act, the Council of the Resort Village of Kivimaa-Moonlight Bay held a public hearing on January 13, 2015 in regards to the proposed zoning bylaw, which was advertised in a weekly paper on December 5, 2014 and December 12, 2014 in accordance with the public participation requirements of the Act.

WHEREAS, in order to ensure the orderly development of the Resort Village of Kivimaa-Moonlight Bay the Council deems it necessary to adopt a Zoning Bylaw

WHEREAS, this bylaw repeals and replaces current Zoning Bylaw 4/90.

The Council of the Resort Village of Kivimaa-Moonlight Bay in the Province of Saskatchewan in open meeting enacts as follows:

1. Schedule "A" attached hereto is hereby adopted as the " Resort Village of Kivimaa-Moonlight Bay Zoning Bylaw"
2. Schedule "B" attached hereto is hereby adopted as the Official Zoning Map for the Resort Village of Kivimaa-Moonlight Bay.
3. This Bylaw shall come into force on the date of final approval by the Minister of Governmental Relations.

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**MAYOR – Steve Nasby**

**SEAL**

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**ADMINISTRATOR – Jackie Helgeton**

**Seal of Prof. Community Planner**

# Resort Village of Kivimaa-Moonlight Bay

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*Zoning Bylaw – Schedule “A” to Bylaw 3/14*

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## 1. INTRODUCTION

Under the authority of the *Planning and Development Act, 2007*, and in conjunction with Bylaw No. 2/14, the Official Community Plan, the Resort Village of Kivimaa-Moonlight Bay in the Province of Saskatchewan in open meeting hereby enacts as follows:

- 1.1. **Title** – This bylaw shall be known and may be cited as the Zoning Bylaw of the Resort Village of Kivimaa-Moonlight Bay.
- 1.2. **Scope** – This bylaw pertains to all lands within the Resort Village of Kivimaa-Moonlight Bay. Development shall be permitted within the limits of the Resort Village of Kivimaa-Moonlight Bay when it is in conformity with the provisions of this bylaw.
- 1.3. **Severability** – If any section, clause or provision of this Bylaw, including anything shown on the Official Zoning Map for the Resort Village of Kivimaa-Moonlight Bay 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 on the Official Zoning Map for the Resort Village of Kivimaa-Moonlight Bay, so declared to be invalid.

## 1. INTERPRETATION

- 2.1 **Accessory Use** – A use which is incidental and subordinate to, and is customarily associated with the principal use or building and is conducted on the same lot with the principal use or building.
- 1.1. **Act** - *The Planning and Development Act, 2007*
- 1.2. **Administrator** – as defined by the Municipalities Act
- 1.3. **Building** - A structure constructed or placed on, in or over land, but not including a highway.
- 1.4. **Building, Accessory** - A building, or portion of a building accessory to a principal building or principal use and located on the same lot. Typically includes garages, sheds, greenhouses etc. irrespective of being attached or detached to the principal use building.
- 1.5. **Building, Principal** – The building in which is conducted the main or primary use of the lot on which said building is situated.
- 1.6. **Completed Development** – Development is deemed complete when 95% of the development that was authorized has been completed.
- 1.7. **Construction trades** – Offices, shops and warehouses, with or without associated retail sales, of plumbing, heating, electrical, carpentry, masonry, and other trades associated the construction of buildings.
- 1.8. **Council** – The Council of the Resort Village of Kivimaa-Moonlight Bay.
- 1.9. **Deck** – A raised open platform, with or without rails, attached to an approved building or structure.
- 1.10. **Development**- The carrying out of the placement, removal, demolition, or construction of a building or structure. Development also includes excavation, landscaping, mining, or other operations in, on or over land, or the making of any material change in the intensity of use of any building or land.
- 1.11. **Development Permit** – A document authorizing a development issued pursuant to this bylaw.
- 1.12. **Development Standard Interest** – An interest registered on the title of a parcel that identifies a standard to which development on such parcel must adhere.

- 1.13. **Discretionary Use** – A use or form of development specified in the zoning district which may be allowed at Council’s discretion following application to, and approval by the Council and subject to specific development standards provided in this bylaw and prescribed by Council.
- 1.14. **Dwelling, single Detached** – A detached building consisting of one dwelling unit, but shall not include a mobile home as herein defined.
- 1.15. **Dwelling Unit** – One or more habitable rooms constituting a self-contained unit used as a residence, with each unit having provision for sleeping, cooking and toilet facilities.
- 1.16. **Fence**-An artificially constructed barrier erected to enclose or screen areas of land.
- 1.17. **Flood proofed** – means a measure, or combination of structural and nonstructural measures, incorporated into the design of a structure that reduces or eliminates the risk of flood damage to a defined elevation.
- 1.18. **Floor Area** – In the case of a dwelling, the total habitable area, on all floors, contained within the outside walls of a building, excluding; any attached garage, porch, verandah, sunroom, unfinished attic, or unfinished basement. In the case of a non-dwelling the total area on all floors contained within the outside walls of the building.
- 1.19. **Frontage** - the side of a lot abutting the street; however in the case of a corner lot the shorter of the sides shall be the frontage.
- 1.20. **Garage, Private** - A building, or part of a building used or intended to be used for the storage of motor vehicles for the dwelling unit to which the garage is accessory.
- 1.21. **Garage, Portable** - Any fabric covered frame structure.
- 1.22. **Hazard land** - is land that is contaminated, unstable, prone to flooding, or otherwise unsuited for development or occupation because of its inherent danger to public health, safety or property.
- 1.23. **Home Occupation** - An occupation, trade, profession, or craft customarily practiced from a residence and conducted entirely within a dwelling ,or accessory building to a dwelling, and entirely by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character of the residential building or lot.
- 1.24. **Lot**-an area of land with fixed boundaries and that is of record in the Land Titles Office by Certificate of Title.
- 1.25. **Lot Coverage**- the percentage of the area of a lot that is covered by all primary, accessory and ancillary use buildings or structures.
- 1.26. **Lot Line, Front**-the line that divides the lot from the street. In the case of a corner lot the front lot line shall be the line separating the narrowest street frontage of the lot from the street.
- 1.27. **Lot Line, Rear** - The line at the rear of the lot and opposite the front lot line.
- 1.28. **Lot line, Side**-A lot line other than a front or rear lot line.
- 1.29. **Mayor**-The Mayor of the Resort village of Kivimaa-Moonlight Bay.
- 1.30. **Mobile Home** Mobile Home is a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered a mobile home. See definition of travel trailer.
- 1.31. **Municipality** - The Resort Village of Kivimaa-Moonlight Bay.
- 1.32. **Non-Conforming Building** – A building:

- a) That is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued , on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective, and
  - b) That on the date this Bylaw or any amendment hereto became effective, does not, or when constructed will not, comply with this Bylaw.
- 1.33. **Non-conforming Use** - A lawful specific use being made of land or a building or intended to be made of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto affecting the building or land become effective, and that on the date the Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued, will not comply with the Bylaw.
- 1.34. **Non-conforming Site** – means a site consisting of one or more contiguous parcels that on the date a zoning bylaw, or an 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.
- 1.35. **Parking Space** – A space for the parking of one (1) vehicle within a building, or parking lot with unobstructed access to the adjacent road.
- 1.36. **Permanent Residence** – A single detached dwelling or mobile home permanently attached to the site.
- 1.37. **Permitted Use** – A use or form of development other than a discretionary use specifically permitted in the zoning district and subject to the regulations of the zoning district.
- 1.38. **Personal Service Shops** – Establishments engaged in the provision of personal services, which include: barber shops, hairstyle salons, laundries, dry cleaners, shore repair, photographic studios and other similar uses.
- 1.39. **Public Work** –
- a) Systems for the production or distribution of electricity.
  - b) Systems for the distribution of natural gas or oil.
  - c) Facilities for the storage, transmission, treatment, movement or disposal of water or sewage.
  - d) Telephone, power or light distribution lines.

That are owned or operated by a Utility, Crown or Municipality.

- 1.40. **Real Property Surveyor’s Report** – a report prepared by a certified Saskatchewan Land Surveyor, certifying both the accurate location of the foundation and that the proposed elevation of all floors, including basements, is above the Safe Building Elevation as defined herein.
- 1.41. **Safe Building Elevation** – the Safe Building Elevation (SBE) is the lowest permitted elevation of the top of any concrete pads, grade beams, piles or foundation walls. The SBE is determined from a site specific assessment conducted by a qualified professional engineer or the Water Security Agency.
- 1.42. **Shipping Container** – Shall mean a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck.
- 1.43. **Street** – a public thoroughfare which affords the principal means of access to the abutting property.

- 1.44. **Structural alteration** – the construction or reconstruction of supporting elements of a building or other structure.
- 1.45. **Travel Trailer** – 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.
- 1.46. **Yard** – any part of a lot unoccupied and unobstructed by any principal building.
- 1.47. **Yard, Front** – A yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.
- 1.48. **Yard, Rear** – A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.
- 1.49. **Yard, Required** – The minimum size of a front, side or rear yard required under this bylaw.
- 1.50. **Yard, Side** – A yard extending from the front yard to the rear yard between the side lot line and the nearest wall exclusive of the eaves of the principal building on the lot.
- 1.51. **Zoning District** – A specifically delineated area of the municipality within which certain uniform requirements and regulations, various combinations thereof, govern the use, placement, spacing and size of land or structures.

## 2. ADMINISTRATION

### 3.1 DEVELOPMENT OFFICER

The Administrator of the Resort Village of Kivimaa-Moonlight Bay or other person as may be appointed through resolution of Council shall be the Development Officer responsible for the administration of this Bylaw.

### 3.2 DEVELOPMENT PERMIT

- 3.2.1 Except as provided in Section 3.2.3 no person shall undertake a development or commence a use unless they obtain a development permit. No development permit is valid unless it conforms to the Zoning Bylaw.
- 3.2.2 An application for a development permit shall be made in Form A which is attached to and forms part of this Bylaw, or in such other form as may be adopted by Council by resolution from time to time.
- 3.2.3 A development permit is not required for the following, provided that all other provisions and regulations of the Bylaw are conformed to:
  - a) The maintenance of a public work;
  - b) The construction of a public work by the Resort Village of Kivimaa-Moonlight Bay;
  - c) The installation of a public work on any street or other public right-of-way;
  - d) Temporary signs;
  - e) Maintenance and repairs that do not include structural alterations;
  - f) Accessory buildings equal to or less than 100 ft<sup>2</sup>.
- 3.2.4 Development applications for new buildings and additions to buildings placed or constructed must adhere to the development standards interest registered on the land title and the safe building elevation as described in *section 4.4 Flood Prevention & Mitigation*



- 3.2.5 All proposed development shall be required to produce a Real Property Surveyor's report for all buildings or structures 18.6 square metres (200 square feet) in area or larger, on a permanent foundation , except those exempted in clause 3.2.3. The Real Property Surveyor's Report shall be undertaken after installation of the permanent foundation, but before installation or construction of the building or structure above the permanent foundation.
- 3.2.6 If the development authorized by a development permit is not commenced within 12 months from the date of its issue, and completed within 24 months of its issue, the permit is deemed to be void, unless an extension of this period shall first have been granted in writing by the Development Officer.
- 3.2.7 No new Development Application will be considered on lots or parcels of land where there is a pending Development Application or a Non Compliance Order that has yet to be ruled on by the Council or an Appeal Board.
- 3.2.8 The following development permit fees are applicable: Permitted Use - \$100, Discretionary Use \$200, Sign permits \$50.

### 3.3 DECISIONS REGARDING DEVELOPMENT APPLICATIONS

- 3.3.1 The decision made on all applications shall be given to the applicant in writing in form B, or in such other form as may be adopted by Council by resolution from time to time.
- 3.3.2 Upon completion of the review of an application for a permitted development, the Development Officer shall:
  - a) Where the application conforms to all the provisions of this Bylaw, issue a development permit; or
  - b) Where the class of development of use is subject to special regulations, performance standards or development standards specified in this Bylaw, issue a development permit which shall specify those regulation or standards to which the development is specially subject; or
  - c) Where the development officer is unsure of the proper interpretation of a provision, submit the application to Council for a ruling; or
  - d) Refuse the application where the provisions of this Bylaw are not met, indicating to the applicant the reasons for the refusal.
- 3.3.3 Where the application is for a discretionary use or form of development, the Development Officer shall submit the application to Council for review. Council shall adhere to sections 54-58 of the *Planning and Development Act- 2007*, to ensure lawful public notification and procedures. Council shall apply the Discretionary Use Regulation applicable to the zoning district to determine if the application is compliant. Upon completion of its review, Council shall pass a resolution instructing the Development Officer to either;
  - a) Refuse the application and indicate the reasons for the refusal; or
  - b) Issue a Development Permit incorporating special standards as set forth in Council's resolution and as outlined in the Bylaw.

### 3.4 DEVELOPMENT APPEALS

- 3.4.1 Development Appeals Board – A Development Appeals Board of the Resort Village of Kivimaa-Moonlight Bay shall be appointed in accordance with Section 26 of the *Planning and Development Act 2007*.
- 3.4.2 Where an application for a permitted use or form of development has been refused, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Resort Village of Kivimaa-Moonlight Bay.
- 3.4.3 Where an application for a discretionary use or form of development has been approved by Council with prescribed development standards pursuant to the Bylaw and the applicant is of the opinion that the development standards prescribed exceed those necessary to secure the objectives of the Bylaw, the applicant may within 30 days of the date of Council's approval appeal the development standards prescribed with the approval of the discretionary use or form of development to the Development Appeals Board of the Resort Village of Kivimaa-Moonlight Bay and from that Board, if necessary, to the Provincial Planning Appeals Board in accordance with the Act.
- 3.4.4 An application for a development permit shall be deemed to be refused when a decision thereof is not made with 40 days after the receipt of the application in its complete and final form by the Development Officer. An appeal may be made as provided in the *Planning and Development Act, 2007* as though the application had been refused at the end of the period specified in that Act.

### 3.5 AMENDMENT OF THE ZONING BYLAW

- 3.5.1 Fees – where an application for an amendment to this Bylaw is made to Council, the applicant shall pay the costs incurred for the administration and advertisement of the proposed amendment pursuant to section 51 of the *Planning and Development Act, 2007*.

### 3.6 OFFENSES AND PENALTIES

Any person who violates this Bylaw is guilty of an offence and is liable on summary conviction to the penalties set forth in the Act.

- 3.6.1 Council may register an interest against title to property when development is carried out in contravention of a development permit or this Bylaw. The interest will state the action required to bring the development into conformity with this Bylaw.

## 4 GENERAL REGULATIONS

### 4.1 LAND SUBDIVISION & SERVICING AGREEMENTS

- 4.1.1 Council will support the development of new subdivisions within the Resort Village subject to the provisions of the Official Community Plan. Such parcels of land may be considered for development in stages subject to the preparation of a concept plan for the entire parcel.
- 4.1.2 Infilling development on the existing subdivisions will be the priority of council. Council will not consider the rezoning of land for new subdivision until 85% of the existing subdivided lots in the Resort Village have taxable development.
- 4.1.3 Priority for new development will be focused on the districts zoned UR – Urban Residential.

- 4.1.4 This municipal bylaw limits the number of newly subdivided lots per application, to a maximum of 15.
- 4.1.5 Council will require a signed servicing agreement prior to supporting any subdivision application.

## **4.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION**

- 4.2.1 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other municipal, provincial or federal regulation and requirement of obtaining any license, permission, permit, authorization or approval required by such requirements or regulations.

## **4.3 USES, BUILDINGS AND STRUCTURES**

- 4.3.1 Only one principal use shall be permitted on a lot in any district.
- 4.3.2 The combined floor area of all accessory and ancillary buildings shall not exceed the floor area of the principal use building.
- 4.3.3 Accessory and ancillary buildings shall not be constructed or placed on any site prior to the construction of the principal building except as follows:
  - (a) Where a development permit has been issued for a principal building, Council may, at its discretion, allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed in the time period required, the accessory building is to be removed.
- 4.3.4 To foster increased fire protection, all buildings must be separated a minimum of 1.5 m at their outside walls and .5 m at their eaves, or greater if required by any Building bylaw adopted by the municipality.
- 4.3.5 The regulations for principal and accessory buildings and structures in Table 1 shall apply.
- 4.3.6 No building or structure shall exceed a height of 10 m from ground level.
- 4.3.7 Shipping containers are a prohibited use in the resort village.
- 4.3.8 All uses and forms of development within a district shall comply with the regulations contained in the district schedules in section 6.

#### 4.4 FLOOD PREVENTION AND MITIGATION

- 4.4.1 All development in the Resort Village must be built at or above the safe building elevation (SBE), which is the estimated peak water level plus ½ metre. The estimated peak water level is to be determined by the Water Security Agency. The current SBE<sup>1</sup> is determined to be 656.1 metres above sea level.
- 4.4.2 The developer may be required by the Resort Village to provide a report confirming the top of any concrete pads, grade beams, piles or foundation walls are located above the SBE.
- 4.4.3 Where the Safe Building Elevation (SBE) has not been registered as a development standards interest on the title, the process to acquire regulations regarding the SBE will be as follows:

<b>Lots or parcels without a development standards interest identifying the SBE</b>	<b>Safe Building Elevation Process</b>
Non Lake front Lots or parcels	The Municipal Development Officer can provide the current safe building elevation. Benchmark elevations are also established throughout the village for reference.
Lots or parcels abutting the lake shore or dedicated lands that abut the lakeshore	An assessment must be conducted by the Water Security Agency to determine the site specific safe building elevation. Contact the Municipal Development Officer who can assist you in requesting this service from the Water Security Agency.

- 4.4.4 Council will consider recommendations related to subdivision and development applications in designated hazard lands where site specific assessments have been conducted by the Water Security Agency or a qualified professional engineer; and where flood-prevention and, or mitigation initiatives are engineered into the design of the subdivision / development.

#### 4.5 ENCROACHMENTS INTO YARDS

- 4.5.1 Where minimum yards are required in any district, such minimum requirements shall not apply to the following:
- Fences, light standards, flag poles, A/C units, trees, shrubbery
  - Bay windows, chimneys, sills, cornices or roof overhangs may encroach to a maximum of 0.6 metres into the required yard.
  - Signs (see section 4.6)

#### 4.6 SIGNAGE

- 4.6.1 All signs shall be subject to the following requirements.
- 4.6.2 Signs in Commercial Districts
- No more than two signs are permitted on the premises.
  - An additional temporary sign not exceeding 1 m<sup>2</sup> bearing notice of sale or lease of the property or building relating to a temporary condition affecting the premises is permitted so long as the temporary condition exists;
  - No sign shall have a facial area exceeding 3.5 m<sup>2</sup>
  - Signs may be double-faced;

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<sup>1</sup> As of September 16,2014 – The Water Security Agency may revise this SBE as new data becomes available

- e) Illuminated signs shall have a steady light source which is suitably shielded;
- f) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public.
- g) Signs shall not project beyond any lot line.

#### 4.6.3 In All Other Districts

- a) No more than one permanent sign is permitted on the premises;
- b) An additional temporary sign bearing notice of sale or lease.
- c) The sale of produce, household items, or information relating to a temporary condition affecting the premises is permitted so long as the temporary condition exists.
- d) For residential uses, no sign shall have a facial area exceeding 0.4 m<sup>2</sup>;
- e) No sign shall be located in any manner that may obstruct or jeopardize the safety of the public;
- f) Signs shall not project beyond any lot line.

## 4.7 MUNICIPAL FACILITIES

4.7.1 Municipal offices, public works, facilities and buildings of the Resort Village of Kivimaa-Moonlight Bay are permitted in any zone subject to the site regulations for public works in that zone. Signs erected by the municipality are permitted in any location in the Resort Village and may be of any appropriate size as determined by Council.

## 5 ZONING DISTRICTS

### 5.1 CLASSIFICATION OF ZONING DISTRICTS

5.1.1 In order to carry out the purpose and provisions of this Bylaw, the municipality is divided into the following Zoning Districts and the boundaries of which are shown on the “Zoning District Map”. Such districts may be referred to by the appropriate symbols as hereinafter defined.

R – Residential

C – Commercial

UR – Urban Reserve

### 5.2 ZONING DISTRICT MAP

5.2.1 The map bearing the statement “Zoning District Map” adopted by the Resort Village of Kivimaa-Moonlight Bay and signed by the Mayor and the Administrator under the seal of the municipality, shall be known as the “Zoning District Map” and such map forms part of this Bylaw.

### 5.3 BOUNDARIES OF ZONING DISTRICTS

5.3.1 The boundaries of such districts referred to, together with the explanatory notation and reference are shown on the “Zoning District Map”. Unless otherwise shown, the boundaries of such districts are the lot lines, centre lines of streets, lanes, road allowances, 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.

## 6 DISTRICT SCHEDULES

### 6.1 R – RESIDENTIAL DISTRICT

The purpose of the residential district is to accommodate the development of land for residential use.

#### 6.1.1 Permitted Uses – the following are permitted uses in the R – Residential District:

- a) Single-detached dwellings
- b) Accessory buildings
- c) Municipal offices and facilities
- d) Public parks, playgrounds and sports fields
- e) Public works, shops, warehouses and storage yards
- f) Signs and fences

#### 6.1.2 Discretionary Uses – the following are discretionary uses in the R- Residential District:

- a) Home occupations
- b) Mobile homes
- c) Travel Trailers
- d) Accessory buildings built prior to principle building.

##### 6.1.2.1 Discretionary Use Regulations

6.1.2.2 All discretionary uses shall maintain the residential character of the area.

##### 6.1.2.3 Home Occupations

- a) The home occupation must not cause any apparent variation from the residential character of the district.
- b) Exterior storage of materials shall not be permitted in the operation of the home occupation.
- c) The home occupation will not create a conflict in terms of noise, glare, dust or odour.
- d) Home occupations shall be located in a dwelling unit, or accessory building.
- e) One business sign or notice is permitted.
- f) Other than as provided in clause (e), there shall be no exterior display, no exterior storage of materials, and no other variation from the residential character of the building in association with a home occupation.

##### 6.1.2.4 Mobile Homes

- a) All mobile homes located in an R district shall have a floor area of not less than 40 m<sup>2</sup>.
- b) All mobile homes shall be connected to a sewage holding tank approved for permanent cottage use.
- c) All mobile homes shall be securely attached to the ground and skirted.
- d) The lot regulations in Table 1 shall apply to the mobile home as the principal use building.

#### **6.1.2.5 Travel Trailers**

- a) Travel trailers are not permitted as principle use dwellings.
- b) One travel trailer less than 30 m<sup>2</sup> in area, that is not a mobile home and is used from time to time for a period not exceeding 30 consecutive days for the temporary sleeping accommodation of guests of the principal dwelling shall be permitted.
- c) The facilities and amenities of the principal dwelling must be available at all times for use of the occupants of the travel trailer.
- d) Travel trailers shall not be kept for hire.
- e) Where a development permit has been issued for the construction of a principal building, the temporary use of a travel trailer for accommodations will be allowed on the same lot, for the construction period as indicated by the permit.

**6.1.3 Accessory Uses** – uses and forms of development are permitted (excluding commercial and industrial use) on the same lot as a permitted or a discretionary use where secondary, subordinate and accessory to that permitted or discretionary use;

#### **6.1.3.1 Accessory Use Regulations**

##### **6.1.3.1.1 Accessory Buildings and Structures**

- a) The lot regulations in Table 1 shall apply
- b) The maximum total floor area of all accessory buildings shall not exceed the floor area of the principal building.
- c) One (1) portable garage per residential lot, of an area no greater than 30 m<sup>2</sup> and a maximum height of 3m is permitted.
- d) In any required rear yard abutting the banks of Turtle Lake or abutting a public reserve adjacent to the banks of Turtle Lake, fences shall not exceed a maximum height of 1m , and in all other yards, fences shall not exceed a maximum height of 2m.

**6.1.4 Lot Regulations** – The regulations in Table 1 shall apply

#### **6.1.5 Parking**

- a) A minimum of one parking space for each dwelling shall be provided and maintained on each lot.
- b) A parking space shall be a minimum of 2.5 m by 6 m. with unobstructed access to the adjacent road.
- c) Parking spaces may be enclosed and may be oriented side-by-side, or front to back.

#### **6.1.6 Storage**

- a) No junked vehicle shall be stored on any lot outside an enclosed building.

**6.1.7 Sewage** - Each lot used for a dwelling shall have a functioning holding tank sewage system as approved for residential use by the Provincial Health regulations in force at the time.

## **6.2 C-COMMERCIAL DISTRICT**

The purpose of the commercial district is to provide for commercial development, appropriate to serve the residential and recreational needs of the community.

**6.2.1 Permitted Uses** – The following are permitted uses in the C- Commercial District.

- a) Cafes and restaurants
- b) Commercial recreation establishments
- c) Hotels and motels
- d) Personal service shops

- e) Retail stores
- f) Service stations and gas bars
- g) Golf courses
- h) Parks, playgrounds , sports fields, and tennis courts
- i) Municipal offices and facilities
- j) Public works
- k) Signs, fences
- l) Accessory Buildings

**6.2.2 Discretionary Uses** – the following are discretionary uses in the C – Commercial District:

- a) Construction trades
- b) Seasonal campgrounds
- c) Residential Dwelling Units attached to, or forming part of the principal building or structure of a commercial establishment.

**6.2.2.1 Discretionary Uses Regulations –**

**6.2.2.1.1 Construction Trades**

- a) Construction trades shall be conducted entirely within an enclosed building.
- b) All materials used in conjunction with construction trades shall be stored within an enclosed building.

**6.2.2.1.2 Seasonal Campgrounds**

- a) Seasonal campgrounds shall comply with the Tourist Accommodation Regulations, enacted under the Public Health Act, as they apply to “Tourist Camp Grounds”.
- b) A site plan of all sites for tents and travel trailers shall be prepared and submitted. No tent or travel trailer shall be permitted on the property except within the sites so designated.
- c) The operator shall at all times maintain a register of all persons occupying a site with their permanent address and length of stay, which shall be open to inspection by the development officer.

**6.2.2.1.3 Residential Dwelling Units**

- a) The residential portion of a commercial development must be a minimum of 40 m<sup>2</sup> and may not exceed 100 m<sup>2</sup>.
- b) The developer shall provide a full set of blueprints to scale to the development officer.
- c) The development must meet with the requirements of the National Building code of Canada.
- d) Occupants of residential dwelling units shall be restricted to owners or operators of the commercial establishment.
- e) Only one residential dwelling unit shall be permitted in any commercial establishment

**6.2.2.1.4** Portable garages are prohibited in Commercial districts.

**6.2.3 Lot Regulations** – The regulations in Table 1 shall apply.

**6.2.4 Parking**

- a) A minimum of one parking space shall be provided and maintained on each lot for each 30 m<sup>2</sup> of building floor area used for a commercial purpose.
- b) A commercial district parking space shall be a minimum of 3m by 6m.
- c) All commercial district parking spaces shall have direct and unobstructed access to a street.



**6.2.5 Service Stations and Gas Bars**

- a) Fuel pumps and other accessory equipment for the delivery of motor fuels shall be located at least 6 m from any lot line.

**6.2.6 Sewage** - Each lot used for a commercial use shall have a functioning sewage holding tank system as required by the current provincial health regulations.

**6.3 UR- URBAN RESERVE DISTRICT**

The purpose of the Urban Reserve district is to manage the current development of land in a fashion that preserves options for future urban growth.

**6.3.1 Permitted Uses** – the following are permitted uses in the UR – Urban Reserve District:

- a) Recreational green space
- b) Parks, playgrounds , sports fields, and tennis courts
- c) Public works

**7 COMING INTO FORCE**

7.1 This Bylaw shall come into force and take effect on the date of approval by the Minister of Municipal Affairs.

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Mayor – Steve Nasby

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Administrator – Jackie Helgeton

## LOT REGULATIONS - TABLE 1

No building or structure in any zoning district shall exceed a height of 10 m from ground level	Max of Accessory Buildings	No.	Min Lot Area m <sup>2</sup>	Min Lot Line Front (m)	Min Yard front (m)	Min Yard side (m)	Min Yard rear (m)	Max Lot Coverage (See note 1)	Floor Area m <sup>2</sup>
<b>Principal Buildings Residential &amp; Commercial Districts</b>			560	18	1.5	1.5	1.5	50%	<b>Minimum 40 m<sup>2</sup></b>
<b>Accessory Buildings Residential &amp; Commercial Districts</b>									
On sites under 2500 m <sup>2</sup>	3				1.5	1.5	1.5	50%	See note 2
On sites with minimum area of 2500 m <sup>2</sup>	4				1.5	1.5	1.5	50%	See note 2
<b>Urban Reserve District-Principal &amp; Accessory Buildings</b>	4		1 ha	18	1.5	1.5	1.5	50%	See note 2

Note 1 - **Lot Coverage**-the percentage of the area of a lot that is covered by all principle and accessory use buildings or structures.

Note 2 – The combined floor area of all accessory and ancillary use buildings cannot exceed that of the principal use building. **Floor Area** – In the case of a dwelling, is the total habitable area, on all floors, contained within the outside walls of a building, excluding any attached garage, porch, verandah, sunroom, unfinished attic, or unfinished basement. In the case of a non-dwelling the total area on all floors contained within the outside walls of the building.

## FORMS

### FORM A - Bylaw No. 6/13

Application # \_\_\_\_\_

#### **RESORT VILLAGE OF KIVIMAA-MOONLIGHT BAY APPLICATION FOR DEVELOPMENT PERMIT**

Development permit applications will take approximately 1-2 months to process. This time may occasionally be less, but many factors will contribute to whether or not a permit can be handled promptly. Some permits will be required to go to the Municipal Council and others may be required to give notification to surrounding landowners or other parties.

#### **Application Fees:**

The following fees are applicable:

1. Permitted Use - \$100
2. Discretionary Use - \$200
3. Sign Permit - \$50

If you are unsure of whether your use is permitted or discretionary please contact the Development Officer and ask for clarification. The fees are based on an average cost to review and approve a permit.

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#### **Development Adjacent to Commercial or Residential Development**

Any proposed residential or commercial development that directly borders another residential or commercial development shall be required to produce a Real Property Surveyor's Report for all buildings, additions to buildings or structures 18.6 square metres (200 square feet) or larger in area, on a permanent foundation, except those exempted from requiring a development permit. The Real Property Surveyor's Report shall be undertaken after installation of the permanent foundation, but before installation or construction of the building above the permanent foundation. A permanent foundation shall be defined as any concrete pads, pilings made of any material, pony walls or other support structures made of concrete, wood, steel or other metal, placed on or in the ground where a building will be constructed or installed.

The municipality shall be provided with a copy of all required Real Property Surveyor's Reports within 90 days of the approval of a development permit unless a request for extension has been submitted to the municipality in writing and the extension has been granted by the development officer.

#### **Development requires a Real Property Surveyor's Report after the construction of the foundation which shall be shared with the municipality with 90 days of the permit approval:**

- YES**  If you are unsure of whether you are required to provide a Real Property Surveyor's Report please contact the municipality and they can assist you in determining your permit requirements.
- NO**

**Application Requirements:**

Your permit shall not be considered completed until you submit all of the following:

- 1) A completed copy of this application form; and
- 2) Submission of any required photos, floor plans, or information; and
- 3) The required development permit application fee; and
- 4) A site plan drawing and example of which has been attached to the back of this form showing the site of the proposed use and including the following:
  - a) North arrow, boundaries of the parcel including approximate dimensions
  - b) Location and dimensions of existing building and structures
  - c) Location of proposed activity on the property, including proposed buildings and structures and distances from all property boundaries
  - d) Location of all existing and proposed utilities
  - e) Location of all existing and proposed approaches, driveways, parking and outdoor storage areas as well as the road providing access; and
  - f) Location of distinguishing physical features located on or adjacent to the property including lakes, ponds, sloughs, streams, drainage ways, culverts wetlands, slopes, bluffs etc.; and
  - g) A floor plan of the new buildings and a description of how they shall be used.

**Development Information**

**1. Applicant**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**2. Registered Owner:**  as above or.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**3. Legal Land Description:**

LSD or ¼ \_\_\_\_\_ Sec. \_\_\_\_\_ Twp. \_\_\_\_\_ Sec. \_\_\_\_\_ Rge. \_\_\_\_\_ W \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Registered Plan No. \_\_\_\_\_ Hamlet \_\_\_\_\_

**4. Existing use of land and buildings:**

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**5. Proposed use of land and building**

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6. Proposed development involves:

New building \_\_\_\_\_ Addition \_\_\_\_\_

Move in building\* \_\_\_\_\_ Alteration \_\_\_\_\_

**\* Note: if you are moving in any building(s), pictures of the building(s) to be moved onto the site are required to be submitted with the application.**

7. Estimated dates of development:

Commencement: \_\_\_\_\_ Completion \_\_\_\_\_

8. Other Information (e.g. proposed sewage system)

\_\_\_\_\_

9. Are there other dwellings or commercial uses located on this property?

\_\_\_\_\_

10

**Site Plan:**

Floor plans often will be required. Please provide a sketch in the space on the following page showing:

1. Dimensions of parcel and buildings and location of existing and proposed buildings, including distances from all lot lines, as well as direction details. (i.e. North – South)
2. Indicate where the access road is as well as the lake, if it is a lake front lot;
3. Indicate where any decks might be located and whether or not they will have a roof;
4. Indicate whether accessory buildings will have residential accommodations.

**AN EXAMPLE SITE PLAN HAS BEEN INCLUDED WITH THIS FORM**

10 Declaration of Applicant:

I/we further agree to comply with all bylaws and regulations of the Resort Village of Kivimaa-Moonlight Bay respecting development and I/we acknowledge that it is my/our responsibility to ensure compliance with all Saskatchewan Regulations and Acts including the Uniform Building and Accessibility Standards Act, regardless of any review or inspection that may or may not occur by any official of the municipality. In the event that I/we, the Land Owner(s), fail to complete the Real Property Surveyor's Report at my/our expense as required, I agree that the municipality may complete the Real Property Surveyor's Report at my/our expense and invoice me/us for the cost along with any necessary administration fees. I/We agree that any expense incurred by the municipality to obtain a Real Property Surveyor's Report and administration or application fees not paid may be added by the municipality to the property tax roll of the Land and is deemed for all purposes to be a tax on the Land from the date it was added to the tax roll and forms a lien against the Land in favour of the municipality from the date it was added to the tax roll.

I/We, \_\_\_\_\_ and, \_\_\_\_\_  
solemnly declare that all the above statements contained within this application are true, and I/we make this solemn declaration conscientiously believing it to be true and knowing that is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act".

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

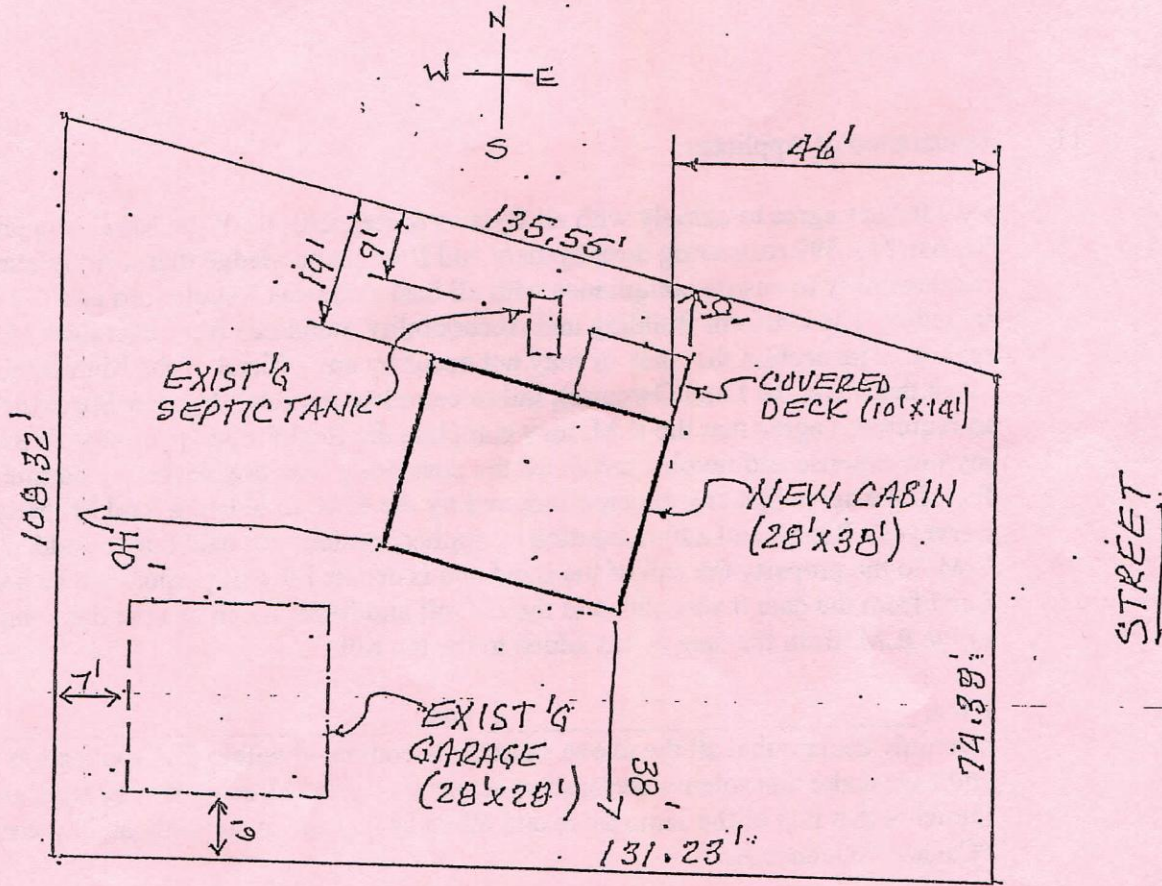
NOTE: Development Permits not filled in properly with all necessary information and application fees will result in the development permit being returned to the applicant. This will result in a delay in processing the application, so be sure to have as much information filled in as possible to ensure the municipality can issue a timely reply.

Application fee:

\$100 (Permitted Use)    \$200 (Discretionary Use)    \$50 Sign permit

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EXAMPLE OF CORRECT SITE PLAN



**FORM B**

**Bylaw No. 6/13**

Application No. \_\_\_\_\_

**RESORT VILLAGE OF KIVIMAA- MOONLIGHT BAY - NOTICE OF DECISION FOR A DEVELOPMENT PERMIT**

To \_\_\_\_\_

(applicant)

\_\_\_\_\_

(address)

THIS IS TO ADVISE YOU THAT YOUR APPLICATION FOR A:

PERMITTED USE OR FORM OF DEVELOPMENT, or

DISCRETIONARY USE OR FORM OF DEVELOPMENT

HAS BEEN

1.  APPROVED

2.  APPROVED SUBJECT TO CONDITIONS OR STANDARDS, as listed in the attached

``Schedule A``

3.  REFUSED for the following reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If your application has been approved with or without conditions, this form is considered to be the Development Permit referred to in the Zoning Bylaw.

Real Property Surveyor`s Report required after completion of foundation as outlined in the Zoning Bylaw.



**RIGHT OF APPEAL**

Please be advised that under Sections 59 and 219 of the *Planning and Development Act, 2007*:

You may appeal the refusal of your application for a permitted use or form of development (Section 219(1))

You may NOT appeal the refusal of your application for a use or form of development that is not permitted within the zoning district of the application. (Section 219 (2))

You may appeal those standards that you consider excessive in the approval of the discretionary use or form of development subjects to standards (Section 58 (1))

You may NOT appeal the refusal of your application for a discretionary use of form of development (Section 219 (5))

To the Development Appeals Board of the Resort Village of Kivimaa-Moonlight Bay.

In addition you may appeal if you feel the Development Officer has misapplied the Zoning Bylaw in the issuing of this permit. (Section 219 (1)). Your appeal must be in writing within 30 days of the date of this notice, to

**Secretary, Development Appeals Board, Resort Village of Kivimaa-Moonlight Bay**

**Box 120, Livelong, SK., SOM 1J0,**

**Phone 306-845-3336, Fax. 306-845-3686**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

This is a permit under the Zoning Bylaw only, it does not constitute approval of the building design under the Uniform Building and Accessibility Standards Act where required.