

Resort Village of Kivimaa-Moonlight Bay

Zoning Bylaw No. 3/14

Consolidated version including the following Amendments:

- BYLAW No. 03/15
- BYLAW No. 02/16
- BYLAW No. 03/17
- BYLAW No. 0/18
- BYLAW No. 02/18
- BYLAW No. 3/18
- BYLAW No. 5/20
- BYLAW No. 01/22

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original bylaws should be consulted for all purposes of interpretation and application of the law.

DATE: March 21, 2022

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.

MAYOR – Steve Nasby

SEAL

ADMINISTRATOR – Jackie Helgeton

Seal of Prof. Community Planner

Resort Village of Kivimaa-Moonlight Bay

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

Table of Contents

1. INTRODUCTION	6
2. INTERPRETATION	7
3. ADMINISTRATION	13
3.1 Development Officer	13
3.2 Development Permit	13
3.3 Decisions Regarding Development Applications	16
3.4 Development Appeals	21
3.5 Amendment of the Zoning Bylaw	21
3.6 Minor Variances to the Zoning bylaw	21
3.7 Enforcement, Offences and Penalties.....	23
4 GENERAL REGULATIONS	24
4.1 Land Subdivision & Servicing Agreements	24
4.2 Licenses, Permits and Compliance with other Bylaws and Legislation.....	24
4.3 Uses, Buildings and Structures.....	24
4.4 Flood prevention and mitigation	27
4.5 Encroachments into Yards	29
4.6 Signage	30
4.7 Municipal Facilities.....	31
4.8 Grading and Levelling of a Site.....	31
4.9 Home Occupations.....	32
4.10 Modular and Mobile Homes	33
4.11 Seasonal Campgrounds.....	34
4.12 Storage	36
4.13 Mixed Use Development.....	37
5 ZONING DISTRICTS	37
5.1 Classification of Zoning Districts	37
5.2 Zoning District Map.....	37
5.3 Boundaries of Zoning Districts	38
6 DISTRICT SCHEDULES	39
6.1 R – Residential District	39
6.2 C-Commercial District	45

6.3 UR- Urban reserve District 49

7 COMING INTO FORCE 49

8 DISTRICT REGULATIONS..... 50

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.

2. INTERPRETATION

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.

Act - *The Planning and Development Act, 2007*

Adjacent Residential or Commercial Development – any residential or commercial development that directly borders another residential or commercial development which is not separated by a road allowance or Municipal Highway.

Administrator – as defined by the Municipalities Act

Adjacent Residential or Commercial Development – any residential or commercial development that directly borders another residential or commercial development which is not separated by a road allowance or Municipal Highway.

All-Weather Road – an unpaved road constructed of a material and design that provides for proper drainage in accordance with the Municipality’s designated road design specifications.

Building - A structure constructed or placed on, in or over land, but not including a highway.

Building Permit – a permit issued under a building bylaw of the municipality authorizing the construction of all or part of any building.

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.

Building, Principal – The building in which is conducted the main or primary use of the lot on which said building is situated.

Campground Operator – the owner or manager of a Seasonal Campground, as permitted to operate a Seasonal Campground within the Resort Village.

Campground, Seasonal – the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travelers and tourists.

Completed Development – Development is deemed complete when 95% of the development that was authorized has been completed

Bylaw No. 01/22

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

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.

Council – The Council of the Resort Village of Kivimaa-Moonlight Bay.

Deck – A raised open platform, with or without rails, attached to an approved building or structure.

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.

Development Permit – A document authorizing a development issued pursuant to this bylaw.

Development Standard Interest – An interest registered on the title of a parcel that identifies a standard to which development on such parcel must adhere.

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.

Dwelling, Semi-Detached – two (2) dwelling units side by side in one building unit with a common party wall which separates, without opening throughout the entire structure, the two (2) dwelling units.

Bylaw No. 2/16

Dwelling, single Detached – A detached building consisting of one dwelling unit, but shall not include a mobile home as herein defined.

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.

Estimated Peak Water Level (EPWL) – the water level calculated by Water Security Agency (WSA) 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.

Bylaw No. 2/16

Fence-An artificially constructed barrier erected to enclose or screen areas of land.

Flood Hazard Area – the land area below the EPWL plus a recommended freeboard.

Bylaw No. 2/16

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.

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.

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.

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.

Garage, Portable - Any fabric covered frame structure.

Garden Structure – an accessory use and structure intended to provide amenity to the owner(s), user(s), or patrons of a property. Typical uses and structures are considered to be trellises, arbors, pergolas, (as commonly defined) and similar developments based which are based on post and beam open air construction, which provide structure to which foliage can attach for the purpose of screening or aesthetics, or to mediate environmental conditions. It does not include gazebos, detached covered decks, or similar uses with platforms or walls. 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.

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.

Lot-an area of land with fixed boundaries and that is of record in the Land Titles Office by Certificate of Title.

Lot Coverage- the percentage of the area of a lot that is covered by all primary, accessory and ancillary use buildings or structures.

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.

Lot Line, Rear - The line at the rear of the lot and opposite the front lot line.

Lot line, Side-A lot line other than a front or rear lot line.

Mayor-The Mayor of the Resort village of Kivimaa-Moonlight Bay.

Bylaw 01/22

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.

Municipality - The Resort Village of Kivimaa-Moonlight Bay.

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.

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.

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.

Parking Space – A space for the parking of one (1) vehicle within a building, or parking lot with unobstructed access to the adjacent road.

Party Wall – means a vertical wall without an opening, separating two dwelling units between the top of the footings to the underside of the roof deck, and shall be common to both dwelling units over at least 40% of the length of each dwelling unit.

Permanent Residence – A single detached dwelling or mobile home permanently attached to the site.

Bylaw No. 2/16

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.

Personal Service Shops -means a development used for the provision of personal services to an individual, which are related to the care and appearance of the body , or the cleaning and repair of personal effects, including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, laundromats, shoe repair shops, photographers, but excluding any adult or sexually explicit services.

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.

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.

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.

Shipping Container – Shall mean a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck.

Site – means one (1) or more contiguous surface parcels as defined under *The Land Titles Act, 2000*, and used as a unit for the purpose of regulations under this Bylaw, as well as the following:

- (a) Shall be of the same title ownership to be considered as a unit; and,
- (b) Shall not exceed two (2) adjacent lots.

Site, Lakeshore – means a site that has a rear site line that directly abuts the surveyed bank of Turtle Lake, or whose rear site line is directly adjoining the bank across an intervening municipal, public or environmental reserve.

Street – a public thoroughfare which affords the principal means of access to the abutting property.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Structure – means anything that is build, constructed or erected, located in, on, or over the ground, or attached to something located in or over the ground.

Bylaw No. 2/16

Structural alteration – the construction or reconstruction of supporting elements of a building or other structure.

Subdivision – means a division of land, and includes a division of a quarter section into legal subdivisions as described in the Land Titles Act.

Bylaw No. 2/16

Transportation System – as defined in the *Highways and Transportation Act, 2007*.

Bylaw No. 2/16

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 a sleeping place for one (1) or more persons notwithstanding that is running gear is removed or that is jacked up.

Bylaw No. 2/16

Yard – any part of a lot unoccupied and unobstructed by any principal building.

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.

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.

Yard, Required – The minimum size of a front, side or rear yard required under this bylaw.

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.

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.

3. 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.

3.1.1 Referrals:

- a) The development officer may submit any application to Council for a decision on the interpretation of the bylaw, or on special conditions provided for in the bylaw, and shall inform the applicant of this action.

Bylaw No. 2/16

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 ft².
- g) Open decks equal to or under 9.3 sq. metres (100 sq. ft.).
- h) Fences, but are subject to general regulations herein and all height restrictions in zoning districts.
- i) Swimming pools and other yard recreation equipment.”

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

3.2.4 Removed.

3.2.5 Real Property Surveyor's Reports (RPSR):

Bylaw No. 2/16

- a) Any proposed residential or commercial development that directly borders another residential or commercial development may be required to produce a RPSR for all buildings or structures 18.6 square metres (200 square feet) in area or larger on a permanent foundation, except those exempted by clause 3.2.2, from requiring a development permit. The RPSR shall be undertaken by a Saskatchewan Land Surveyor after installation of the permanent foundation, but before installation or construction of the building above the permanent foundation.
- b) A development permit application for a proposed residence on potentially hazardous land as defined in this Bylaw and the OCP or lands that have an interest registered on the title pursuant to Section 130 of the Act, may be required to submit an RPSR prepared by a Saskatchewan Land Surveyor, which illustrates that the proposed elevation of the finished main floor is above the Safe Building Elevation (SBE) as defined herein.”

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.

Bylaw No. 2/16

3.2.9 The Development Officer shall review all applications for completeness and shall inform an applicant whose application is not complete, of the information or documentation required to complete the application, and that the application will not be considered until it is complete.

3.2.10 The Development Officer retains the right to ask for any studies or research they believe is necessary for making a decision on a development permit, at the cost of the applicant, before rendering a decision. Such inclusion may contain:

Bylaw No. 2/16

- a) Major drainage paths for water travelling over the lot.
- b) Easements on the site.
- c) Fencing, screening and garbage storage areas.
- d) The proposed location, size and elevation of the sewer and water connections.
- e) A site plan done by a Saskatchewan Land Surveyor (SLS).

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

- f) Reclamation plans, emergency measure plans, etc.
- g) Any and all photos or pictures required by this zoning bylaw as listed in *section 3.2 – Development Permit*.

3.2.11 Council may require the submission of a letter of credit, performance bond, servicing agreement, or any other form of assurance to ensure that the development is constructed and completed in accordance with the development standards and regulations set forth within this Bylaw.

- a) All agreements for letter of credits, performance bonds, and servicing agreements shall individually stipulate procedures for the release or completion of the agreement that will be mutually agreed upon between the municipality and the developer(s)."

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.

Bylaw No. 2/16

Bylaw No. 2/16

3.3.2 Upon completion of the review of an application for a permitted development, the Development Officer shall:

Bylaw No. 2/16

- 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.

Bylaw No. 2/16

3.3.3 Discretionary Uses

- a) This section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of any zoning district.
- b) Where the application is for a discretionary use the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

Bylaw No. 2/16

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|--|-----------------------|
| <p>c) Council may approve the application, reject the application, or approve the application with conditions, including a condition limiting the length of time that the use may be conducted on the site in order to secure the objectives of the OCP, or Zoning Bylaw, with respect to:</p> | <p>Bylaw No. 2/16</p> |
| <p>1. The nature of the proposed site, including its size, shape, and intensity and the proposed size, shape and arrangement of buildings in relation to the intent of the zoning district within which it is proposed.</p> | <p>Bylaw No. 2/16</p> |
| <p>2. The accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading.</p> | <p>Bylaw No. 2/16</p> |
| <p>3. The safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust and odour.</p> | <p>Bylaw No. 2/16</p> |
| <p>4. Any treatment given, as determined by the Council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs but not including the colour, texture or type of materials and any architectural detail.</p> | <p>Bylaw No. 2/16</p> |
| <p>d) Where a discretionary use is deemed by the Development Officer to have a potentially significant effect upon assessed landowners along a transportation system, the area of notification may be extended to include a larger area as Council deems necessary to affected landowners along this system.</p> | <p>Bylaw No. 2/16</p> |
| <p>e) Council has designated discretionary uses as identified within each zoning district where, in Council's opinion, the type of development may have one (1) or more features or potential effects that warrant proposal-specific review in terms of this Bylaw, such as:</p> | <p>Bylaw No. 2/16</p> |
| <p>1. The proposed development is suitable in the individual zoning district as proposed.</p> | <p>Bylaw No. 2/16</p> |
| <p>2. Specific development standards should be applied by means of a development agreement.</p> | <p>Bylaw No. 2/16</p> |
| <p>f) The subdivision, development or implementation of any plan or proposal within Kivimaa-Moonlight Bay is subject to the policies contained in the OCP, Zoning Bylaw and all development review criteria.</p> | <p>Bylaw No. 2/16</p> |

1. Applications shall also be evaluated based on additional criteria for specific discretionary uses listed within individual zoning districts.

Bylaw No. 2/16

g) The Development Officer shall prepare a report for Council concerning the application or proposal which may contain recommendations, including conditions of approval to be applied in accordance with the Act, the OCP or this Bylaw.

Bylaw No. 2/16

h) Where, in Council's opinion, there is a need to consider the effects of a discretionary development further in the future with the benefit of direct observation of its features and effects in the approved location and setting, or where Council believes there is potential for changes in the vicinity of the development that may alter its fit, Council may approve the development for a specified length of time.

Bylaw No. 2/16

i) Where, in Council's opinion, the proposed development has one (1) or more features or effects that warrant the application of specific development standards to achieve the fit Council desires, these standards shall be identified as conditions of approval and may include a development agreement.

Bylaw No. 2/16

3.3.3.1 Discretionary Use Evaluation Criteria

Bylaw No. 2/16

a) Council may approve the application, reject the application, or approve the application with conditions, including a condition limiting the length of time that the use may be conducted on the site in order to secure the objectives of the OCP or Zoning Bylaw, with respect to:

1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of buildings.

Bylaw No. 2/16

2. The accessibility and traffic patterns for persons and vehicles, the type and volume of that traffic and the adequacy of proposed off-street parking and loading.

Bylaw No. 2/16

3. The safeguards afforded to minimize noxious or offensive emissions including noise, glare, dust, and odour.

Bylaw No. 2/16

4. Any treatment given, as determined by the Council, to aspects including landscaping, screening, open spaces, parking and loading areas, lighting and signs, but not including the colour, texture or type of materials, and any architectural detail.

Bylaw No. 2/16

Exhibit 1: Discretionary Use Evaluation Criteria

Bylaw No. 2/16

EVALUATION CRITERIA	SUMMARY STATEMENT
1. Roadways	Council will assess and consider the capacity of existing roadway infrastructure to accommodate the proposed use.
2. Air Resources	Council will assess and consider the potential effects of the proposed discretionary use on air resources.
3. Soil Resources	Council will assess and consider the potential effects of the proposed discretionary use on soil resources.
4. Water Resources	Council will assess and consider the potential effects of the proposed discretionary use on water resources.
5. Waste Management	Council will assess and consider the generation of waste resulting from the proposed use and the capacity of existing waste management services to accommodate the proposed use.
6. Natural and Heritage Resources	Council will assess and consider the potential effects of the proposed discretionary use on natural and heritage resources.
7. Sustainability	Council will assess and consider the potential effects of the proposed discretionary use as it contributes to social, economic and physical sustainability for the Municipality.

b) In exercising its discretion Council will consider the evaluation criteria identified in Exhibit 1 above. Council will determine the extent and nature of the information and analysis required to render a decision and may, upon initial review of an application, request specific additional information and analysis from the applicant.

Bylaw No. 2/16

3.3.3.2 Advertising Discretionary Use Applications

Bylaw No. 2/16

a) The Development Officer shall advise the applicant for a discretionary use that advertisement for the proposed use will be required by mailing a copy of the notice to the assessed owner of each property within 75 metres (246 feet) of the land affected.

b) In addition to the requirements specified in Clause (1) the Development Officer shall publish a notice in a newspaper that is circulated in the Municipality at the cost of the applicant.

Bylaw No. 2/16

c) The notice shall:

1. Describe the use applied for.
2. Describe the location of the use.
3. Specify the date, time, and location of the Council meeting at which the application will be considered.

Bylaw No. 2/16

d) The notice shall be posted, delivered, and published at least seven (7) days, and mailed at least twelve (12) days, prior to the date of the meeting.

Bylaw No. 2/16

e) The applicant shall pay a fee equal to the costs to the Municipality associated with the public advertisement.

Bylaw No. 2/16

3.3.3.3 Validity of Discretionary Use Approvals

Bylaw No. 2/16

a) A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use, and:

1. The use ceased and was replaced by another use.
2. The use ceases for a 12 month period.
3. A building required for the approved use is not started within six (6) months or completed within twelve (12) months.
4. The use is not started within six (6) months of completion of the building.
5. A use not requiring construction of a building is not started within six (6) months.
6. The applicant applies to increase the specifically approved intensity of use.

3.3.3.4 Time Limited Discretionary Uses

a) Where Council has approved a discretionary use for a limited time, as specified on Form B, and that time has expired, that use of land or structure on that property shall cease until such time as a new discretionary use application is submitted and Council approval is provided.

Bylaw No. 2/16

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 MINOR VARIANCES TO THE ZONING BYLAW

- 3.6.1 An application for a minor variance to the Zoning Bylaw shall be made to the Development Officer in a form as prescribed by the Development Officer.
- 3.6.2 The Development Officer shall maintain a register of all minor variance applications.
- 3.6.3 The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:
 - a) A minor variance may be granted for variation only of:
 - 1. The minimum required distance of a building from the site line.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

<p>2. The minimum required distance of a building to any other building on the site.</p>	<p>Bylaw No. 2/16</p>
<p>b) The maximum amount of minor variance shall not exceed a 10% variation of the requirements of the zoning district where the development permit is applied.</p>	<p>Bylaw No. 2/16</p>
<p>c) The development shall conform to the Zoning Bylaw with respect to the use of land.</p>	<p>Bylaw No. 2/16</p>
<p>d) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.</p>	<p>Bylaw No. 2/16</p>
<p>3.6.4 No minor variance is allowed in connection with an agreement on rezoning and/or on the cost of any fees as listed in this bylaw.</p>	<p>Bylaw No. 2/16</p>
<p>3.6.5 A minor variance must conform to any applicable provincial land use policies or Statements of Provincial Interest, adopted pursuant to the PDA.</p>	<p>Bylaw No. 2/16</p>
<p>3.6.6 On receipt of an application for a minor variance, the Development Officer may:</p>	<p>Bylaw No. 2/16</p>
<p>a) Approve the minor variance.</p>	<p>Bylaw No. 2/16</p>
<p>b) Approve the minor variance and impose terms and conditions on the approval.</p>	<p>Bylaw No. 2/16</p>
<p>c) Refuse the minor variance.</p>	<p>Bylaw No. 2/16</p>
<p>3.6.7 Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the land that is the subject of the application.</p>	<p>Bylaw No. 2/16</p>
<p>3.6.8 Where the Development Officer imposes terms and conditions on an approval pursuant to this section, the terms and conditions shall be consistent with:</p>	<p>Bylaw No. 2/16</p>
<p>a) Minimizing adverse impacts on neighbouring properties, including any potential change in fire rating requirements, or the obstruction of sight lines.</p>	
<p>b) Providing adequate separation between buildings for safety reasons.</p>	
<p>c) Avoiding encroachment into adjoining property, by reduction of allowable projects or other potential encroachments.</p>	
<p>3.6.9 Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal. This refusal shall contain:</p>	<p>Bylaw No. 2/16</p>
<p>a) Contain a summary of the application for minor variance.</p>	<p>Bylaw No. 2/16</p>

b) Provide a reason for and an effective date of the decision.	Bylaw No. 2/16
c) Indicate that the adjoining assessed owner may within 30 days submit a written objection with the Development Officer to appeal the refusal to the Development Appeal Board.	Bylaw No. 2/16
d) Where there is an objection described in clause (c), advise the public that the applicant will be notified of the right of appeal to the Development Appeal Board.	Bylaw No. 2/16
3.6.10 Where the applicant appeals the Council's decision regarding the minor variance Development Officer shall follow sections 219 to 227 of the PDA.	Bylaw No. 2/16
3.7 ENFORCEMENT, OFFENCES AND PENALTIES	Bylaw No. 2/16
3.7.1 Where the Development Officer has reasonable grounds to believe that development of property contravenes any provision of the zoning bylaw, they may at a reasonable time, and with the consent of the owner, operator, or occupant, or having been refused consent with a warrant, enter any land, building, or premises for the purposes of inspection.	Bylaw No. 2/16
3.7.2 Order by the Development Officer:	Bylaw No. 2/16
a) Where the Development Officer has determined that a violation of this zoning bylaw has occurred, the Development Officer may issue an order to correct the violation pursuant to section 242 of The Act, 2007.	Bylaw No. 2/16
b) The order shall specify the contravention, and may require the owner, operator, or occupant to do any or all of the following: discontinue the development, alter the development so as to remove the contravention, restore the land, building or premises to its condition immediately prior to the development or form of development, and complete the work necessary to comply fully with the zoning bylaw.	Bylaw No. 2/16
c) The order shall specify the time when the actions required by clause (b) are to be complete and shall advise of the rights of appeal.	Bylaw No. 2/16
d) The Development Officer may register an interest against the title to the property, based on the order, and shall discharge the interest once the order is complied with.	Bylaw No. 2/16
e) The Development Officer may apply to the Court of Queen's Bench to enforce the order, or the order as amended by the Development Appeal Board or the Saskatchewan Municipal Board on an appeal.	Bylaw No. 2/16
3.7.3 Any person who violates this zoning bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in The Act, 2007.	Bylaw No. 2/16

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.
- 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.
- 4.1.5 Council will require a signed servicing agreement prior to supporting any subdivision application.

Bylaw No. 3/17

Bylaw No.3/17

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.

4.3.9 Gazebos, pergolas and similar structures shall be considered a structure as defined under this bylaw, and shall be included within the maximum number of accessory buildings allowed per lot or parcel, and shall be incorporated into lot coverage percentage calculations.

Bylaw No. 2/16

4.3.10 The combined total lot coverage of principal and accessory buildings shall not exceed 50 percent (50%) of the total area of the lot or parcel.

Bylaw No. 2/16

4.3.11 The movement of any new or existing accessory building onto or within a lot or parcel shall require a development permit and building permit application.

Bylaw No. 2/16

4.3.12 Uncovered outdoor swimming pools and other yard recreation equipment shall abide by accessory building structure setback regulations, but shall not require the submission of a Development Permit or Building Permit Application.

Bylaw No. 2/16

4.3.13 The combined main floor area of all accessory buildings and structures shall not exceed the main floor area of the principal building on site, except where applications pertaining to section 4.3.3 have been received.

Bylaw No. 2/16

4.3.14 **Attached Structures:**

Bylaw No. 2/16

- a) Private garages, carports, sunrooms and similar structures attached to the principal or accessory building or structure shall be considered part of said structure and subject to the regulations for the principal building or structure.

4.3.15 **Decks and Balconies:**

Bylaw No. 2/16

- a) Open decks shall be required to be a minimum of 1.5 metres (5.0 feet) from any site line.
- b) Any covered deck that is attached to the roof of any principal or accessory building shall be considered a part of said building footprint, and subject to the yard requirements of that structure.
- c) Any balcony that is attached to any principal or accessory building shall be considered a part of said building footprint, and subject to the yard requirements of that structure.
- d) Open decks under 9.3 sq. metres (100 sq. ft.) shall not require the submission of a Development Permit Application.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

4.3.16 Fences:

- a) In this section “height” means the vertical distance of the wall or fence measured from the ground level immediately adjacent to the structure to the highest point of the structure.
- b) Subject to all height restrictions specified in zoning districts.
- c) Electrical wire and other forms of electrified fences are prohibited in every district.
- d) This section nor any regulations herein shall apply to hedges, plants, or trees.
- e) In the case of a corner lot, no wall or fence shall be placed as to create a visual obstruction in a sight triangle.
- f) Commercial District:
 - 1. Where the development abuts a Residential District, approval conditions may require a fence to be designed to attenuate noise and sight.
 - 2. The maximum height along any lot line shall be no greater than 2.4 metres (8.0 feet).
 - 3. Barbed wire shall be permitted to line the top 25% of the fence.
- g) Fences for public utilities, public works and municipal facilities shall be permitted in every District, with no limitations.
- h) No height limitations apply to the following:
 - 1. Temporary construction fences.
 - 2. Fences associated with essential public services and utilities, public parks, playgrounds, or public buildings.
 - 3. Notwithstanding the regulations set out above, all fences are subject to federal and provincial safety regulations.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

4.3.17 Portable Garage and Shelters

- a) All portable garages and shelters will be considered an Accessory Use in Residential and Commercial Districts for the purposes within this Zoning Bylaw and require a Development Permit prior to construction or placement, unless otherwise exempt as stipulated in *Section 3.2.3 – Development Permit*.

Bylaw No. 2/16

- b) All portable garages and shelters must also conform to the following:
 - 1. Portable garages shall not be located in the front yards.
 - 2. The approval shall cause adverse effects to surrounding and existing land uses.
 - 3. Portable garages and shelters shall be adequately anchored.
 - 4. The portable garage and shelter will not be electrically wired or heated.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

4.3.18 Garden Structures

- a) All garden structures shall have a maximum height of 2.74 metres (9.0 feet) above grade and a maximum length and/or width of 8.54 metres (28.0 feet).
- b) Garden structures shall be designed as to not impede access within a site in the case of an emergency or for servicing, or shall otherwise be considered (re)movable.
- c) Garden structures must be contained entirely within the site to which they are accessory to an allowable principal use.

Bylaw No. 01/22

Bylaw No. 01/22

Bylaw No. 01/22

4.4 FLOOD PREVENTION AND MITIGATION

Bylaw No. 2/16

4.4.1 Where a proposed development of a building is to be located on land considered by Council to be potentially hazardous, the land shall be deemed "hazard lands". Council may require the applicant to submit sufficient topographic and other relevant information to determine if the development will be within:

- a) The 1:500 flood hazard elevation.
- b) Within 50.0 metres (164.0 feet) of any slope that may be unstable.

Bylaw No. 2/16

Bylaw No. 2/16

4.4.2 The Safe Building Elevation (SBE) for each lot within the Resort Village has been identified by the Water Security Agency and is titled "Kivimaa-Moonlight Bay: Safe Building Elevation (SBE)" map, which forms part of the Official Community Plan Bylaw No. 02/14.

- a) All proposed development may have a surface drainage plan signed by a Professional Engineer, and shall be directly entirely on the proposed lot with no adverse effects or drainage onto adjacent lots or parcels.

Bylaw No. 2/16

b) All parcels may be required to provide a Real Property Surveyor's Report as stated in section 3.2.5 (b). Bylaw No. 2/16

c) Development below the SBE may be considered only when sufficient flood-proofing measures are undertaken by a Professional Engineer and submitted at time of application. Flood-proofing may include, but is not limited to all foundations and utilities located below the SBE are to be constructed to withstand flooding and floating ice, and shall not have openings that might allow flood water to enter. Bylaw No. 2/16

4.4.3 Council may require that before a Development Permit is issued on hazard lands as identified in section 4.4.1, the applicant may be required to submit a report prepared by a professional competent to assess the suitability of the site for development, and which in the opinion of Council, shows that the proposed site and development is suitable with respect to the following where relevant: Bylaw No. 2/16

a) The potential for flooding up to the SBE, to be determined from specific site investigations, or where not involving any building, such lower elevation as may be suitable for the proposed use. Bylaw No. 2/16

b) The potential for slope instability. Bylaw No. 2/16

c) The required mitigation measures for construction on areas of high water tables, in slopes or on contaminated sites if any. Bylaw No. 2/16

4.4.4 Council may require that before a permit be issued on hazard lands, in flood risk areas, as identified in this section, the applicant may be required to supply the following: Bylaw No. 2/16

a) All development, redevelopment or major alterations and additions shall be adequately flood proofed to at least the elevation of the registered or identified SBE level. Bylaw No. 2/16

b) The bottom of the joists on the first floor, or the bottom surface of the slab on grade, of the building or structure shall be at least the elevation of the registered or identified SBE level. Bylaw No. 2/16

c) Basements shall have adequate flood proofing, and shall be designed to withstand any forces generated by flood water up to and including the elevation of the registered or identified SBE level. Bylaw No. 2/16

d) Plumbing outlets may be permitted in basements below the registered SBE provided they contain an automatic shut-off valve approved by a certified Inspector. Bylaw No. 2/16

e) Electrical outlets may be permitted in basements below the registered SBE provided they contain an independent switch for each outlet. The Bylaw No. 2/16

f) main switch box, heating and air conditioning units shall be located above the registered SBE level.

Bylaw No. 2/16

g) Foundations and walls of any building or structure may be required to be adequately flood proofed to at least the elevation of the registered or identified SBE level. All plans for development shall be certified by a Professional Engineer or Architect.

Bylaw No. 2/16

4.4.5 Actions identified in an assessment prepared pursuant to preceding sections which prevent, change, mitigate or remedy hazards in lands deemed hazardous may be incorporated as conditions to issuance of any development permit.

Bylaw No. 2/16

4.4.6 Council may refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the adverse effects to will result in excessive municipal costs due to the hazard lands.

Bylaw No. 2/16

4.4.7 **Riparian Areas Protection Regulations:**

a) Any area that fits the definition of a riparian area as defined in this Zoning Bylaw, Council shall prohibit all removal of trees and vegetation as of the passing of the date of this Bylaw, except for 4.4.7(c).

Bylaw No. 2/16

b) Should any vegetation is removed it shall be replaced at the cost of the offending party, or the municipality shall then charge the offending party for the full cost of replacing the vegetation in the altered area and restore the land, building or premises to its condition immediately before the undertaking of the development or form of development.

Bylaw No. 2/16

c) Council may allow for the removal of vegetation in a riparian area if they believe the vegetation will provide a health or safety risk to property or the public.

Bylaw No. 2/16

d) No dwelling units shall be permitted within riparian areas."

Bylaw No. 2/16

Bylaw No. 2/16

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:

a) Fences, light standards, flag poles, A/C units, trees, shrubbery, garden structures

b) Bay windows, chimneys, sills, cornices or roof overhangs may encroach to a maximum of 0.6 metres into the required yard.

c) Signs (see section 4.6)

4.5.2 **Sight Triangles:**

Bylaw No. 2/16

- a) The following uses are prohibited in a sight triangle:
 - 1. A building, structure, wall, fence, sign, hedge or shrub, or use which would obstruct the vision of drivers of motor vehicles.
 - 2. Parking.
 - 3. A fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres (3.3 feet) in height above the elevation of the centre lines of abutting streets.
- b) The following are allowed in any sight triangle:
 - 1. Government signage and government sign posts.
 - 2. Fire hydrants, benches and traffic control devices.
 - 3. Utility poles, and one utility transmission or control device.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

4.6 SIGNAGE

4.6.1 All signs shall be subject to the following requirements.

4.6.2 Signs in Commercial Districts

- a) No more than two signs are permitted on the premises.
- b) An additional temporary sign not exceeding 1 m² 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;
- c) No sign shall have a facial area exceeding 3.5 m²
- d) Signs may be double-faced;
- 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 m²;

- 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 Public works and municipal facilities, except solid and liquid waste disposal sites, shall be permitted uses in every zoning district, and unless otherwise specified by this Bylaw, and no minimum site or yard requirements shall apply.

Bylaw No. 2/16

4.7.2 **Water Supply and Waste Disposal:**

a) Subject to the Provincial Regulations administered by the Ministries responsible for Health and Environment, no liquid, solid or gaseous wastes shall be allowed to be discharged into any stream, creek, river, lake, pond, slough, intermittent drainage channel or other body of water, onto any land or into the air.

Bylaw No. 2/16

Bylaw No. 2/16

b) 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 Prairie North Health Region. It is the responsibility of the applicant to secure permits for installation of water and sanitary sewer services.

Bylaw No. 2/16

c) There a pipeline or other utility or transportation facility will cross a municipal road, Council may apply such special design standards as it considers necessary (i.e., designation of Municipal or Environmental Reserve) to protect the municipal interest in the existing and future improvements to the road.

Bylaw No. 2/16

4.8 GRADING AND LEVELLING OF A SITE

4.8.1 Any site proposed for development shall be graded and levelled at the developers or owner's expense as is necessary to provide for adequate surface drainage.

Bylaw No. 2/16

Bylaw No. 2/16

4.8.2 Grading, leveling or placement of fill shall be located entirely within the boundaries of the site.

Bylaw No. 2/16

4.8.3 Fill must be placed so that natural drainage courses, ditches, and culverts within and surrounding the site are not blocked or diverted, and does not cause off-site adverse effects to neighbouring properties.

Bylaw No. 2/16

4.8.4 Fill placed on a site must be compacted sufficiently to ensure that the finished grade level does not sink below specified Safe Building Elevations.

Bylaw No. 2/16

<p>4.8.5 Failure to perform reasonable measures to prevent erosion of fill material into water bodies or water courses is in violation of this bylaw and is subject to <i>Section 3.6 –Offences and Penalties</i>. Persons found in violation will be subject to a penalty that reflects the recovery cost of the municipality to perform site remediation and treatment.</p>	<p>Bylaw No. 2/16</p>
<p>4.9 HOME OCCUPATIONS</p>	<p>Bylaw No. 2/16</p>
<p>4.9.1 Where allowed in specific zoning districts, home occupations are subject to the regulations within this section and the regulations within the zoning district that it is located.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.2 Shall clearly be secondary and accessory to the use of a dwelling unit as a private residence.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.3 Shall not cause a variation in the residential character and appearance of the dwelling, accessory residential building, or property; except for permitted signs.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.4 Shall be conducted entirely within the dwelling or accessory building. Applications shall identify which structure the building will entirely operate from.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.5 Shall not require the parking of more than two (2) client vehicles at any time. Off-street parking shall be provided on site for any resident vehicles.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.6 Shall not have any exterior display, outdoor storage of materials, or exterior variation from the residential character of the residence or its accessory building.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.7 Persons employed in the home occupation shall be full time residents of the dwelling. Council may, in its approval, provide for up to two (2) other persons employed by the home occupation where such persons are employed to work off-site.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.8 The discretionary use approval for a home occupation shall cease to be valid when the operation ceases in accordance with <i>Section 3.3.3.3 – Validity of Discretionary Use Approvals</i>, or where the operator relocates to another site. A new discretionary use approval is required before the home occupation may restart operation.</p>	<p>Bylaw No. 2/16</p>
<p>4.9.9 The following uses shall not be allowed as home occupations, regardless of whether applications for such uses would otherwise comply with the applicable standards of this Bylaw:</p>	<p>Bylaw No. 2/16</p>

- a) Businesses utilizing large power tools and machinery, or businesses involved in the mass production of similar items or products. Bylaw No. 2/16
- b) Restaurants. Bylaw No. 2/16
- c) Health or fitness clubs. Bylaw No. 2/16
- d) Headquarters of base of operations of a trucking, delivery, or towing operation. Bylaw No. 2/16
- e) Hotels and hospitals. Bylaw No. 2/16
- f) Laundry services. Bylaw No. 2/16
- g) Motion picture or recording studios. Bylaw No. 2/16
- h) The painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery. Bylaw No. 2/16
- i) Rental services. Bylaw No. 2/16
- j) Upholstery services. Bylaw No. 2/16
- k) Veterinary services, boarding, grooming or care of animals. Bylaw No. 2/16
- l) Welding or metal works. Bylaw No. 2/16

4.9.10 Home occupations shall not create any conflict in terms of emission of noise, glare, dust, odour, radio interference, traffic congestion (vehicular or pedestrian) or disturbance between the hours of 10 p.m. and 7 a.m. that would be disruptive to the surrounding residential uses. Bylaw No. 2/16

4.9.11 Council may apply special standards in the issuing of a development permit limiting the size of the operation, and buildings used for the operation, as well as any other size, height or safety restrictions necessary to protect the area from the possible risks posed by a home occupation. Any increase in the operation or major change to the operation will require a new development permit. Bylaw No. 2/16

4.9.12 Council may apply special standards in the issuing of a development permit such as screening storage areas, fencing in yards, landscaping to hide from certain features or regarding the placement of signs in order to ensure the aesthetic quality of the residential neighbourhood. Bylaw No. 2/16

4.10 MODULAR AND MOBILE HOMES

4.10.1 All manufactured homes are subject to the following development standards: Bylaw No. 2/16

- a) All Applicants shall be required to provide certification number, or a bill of sale, or insurance registration at time of application. Bylaw No. 2/16
- b) Every modular home shall: Bylaw No. 2/16
 - 1. Foundations shall attain the National Building Code requirements. Bylaw No. 2/16

2. Include engineered floor trusses, two (2) inch by six (6) inch exterior walls, eight (8) foot ceilings and primed and painted drywall.

Bylaw No. 2/16

3. Ensure that basement wall and grade beam support shall be attached to the perimeter of the building.

Bylaw No. 2/16

4. Ensure that structural additions to a modular home shall have a permanent foundation and shall have exterior siding and skirting installed which matches that of the modular home.

Bylaw No. 2/16

c) Every mobile home shall:

Bylaw No. 2/16

1. Either be attached to a permanent foundation or be anchored to the ground and skirted, prior to occupancy.

Bylaw No. 2/16

2. Include two (2) inch by eight (8) floor joists on a steel frame, two (2) by six (6) exterior walls, 7.5 foot ceilings.

Bylaw No. 2/16

3. Ensure that pre-finished metal, plastic or other similar pre-finished skirting which matches the mobile home siding shall be vertically installed between the underside of the mobile home and the ground.

Bylaw No. 2/16

4.10.2 In Residential Districts:

Bylaw No. 2/16

a) All modular homes shall be place on a permanent foundation at a standard comparable to a single-detached dwelling.

Bylaw No. 2/16

b) Modular homes shall be permanently connected to potable water and sewer services and permanently connected to other public utilities, where applicable.

Bylaw No. 2/16

4.11 SEASONAL CAMPGROUNDS

4.11.1 The applicant for a Development Permit for a seasonal campground shall provide the Development Officer with a site plan, identifying any buildings, uses of land and the location of all roadways and recreation vehicle or tent campsites with dimensions.

Bylaw No. 2/16

a) All applications for a development permit shall provide the Development Officer with a site plan completed by a Saskatchewan Land Surveyor of the proposed seasonal campground.

Bylaw No. 2/16

<p>4.11.2 A Development Permit for seasonal campgrounds shall be required for the:</p> <ul style="list-style-type: none"> a) Addition or rearrangement of sites. b) Construction or moving of buildings. c) Change in use of portions of land. d) Filling or clearing of land. 	<p>Bylaw No. 2/16 Bylaw No. 2/16 Bylaw No. 2/16</p>
<p>4.11.3 A seasonal campground shall have, within its boundaries, a buffer area abutting the boundary of not less than 4.5 metres (14.8 feet) in width, which shall contain no buildings.</p>	<p>Bylaw No. 2/16 Bylaw No. 2/16</p>
<p>4.11.4 A site for each recreation vehicle (RV) and campsite permitted in the seasonal campground shall be designated and clearly marked on the ground.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.5 Each RV site shall have a minimum area of 100.0 sq. metres (1,076.4 sq. feet).</p>	<p>Bylaw No. 2/16</p>
<p>4.11.6 No portion of any campsite shall be located within an internal roadway or required buffer area.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.7 Each campsite shall have a direct and convenient access to a developed internal roadway, which shall not be located in any required buffer area.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.8 Each RV shall be located at least 4.5 metres (14.8 feet) from any other RV and each campsite shall have dimensions, location and orientation sufficient to allow for such location of RVs.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.9 The space provided for roadways within a seasonal campground shall be at least 7.5 metres (24.6 feet) in width. No portion of any campsite, other use or structure shall be located in any roadway.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.10 A seasonal campground may include, as an accessory use, laundry facilities or convenience store designed to meet the needs of occupants of the sites and a single caretaker's unit.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.11 No RV shall be stored on any campsite when the campground is not open.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.12 The Public Health Act and regulations passed there under shall be complied with in respect of all operations and development of seasonal campgrounds.</p>	<p>Bylaw No. 2/16</p>
<p>4.11.13 Wherever possible, and appropriate, any existing trees and mature landscaping shall be retained.</p>	<p>Bylaw No. 2/16</p>

4.11.13 Solid waste storage facilities (including adequate space for both recycling and general waste bins) shall be provided on-site, included on the site plan drafted by the Saskatchewan Land Surveyor, and appropriately located and screened or landscaped to avoid any adverse visual impact from the road and within the development.

Bylaw No. 2/16

4.12 STORAGE

4.12.1 In Residential Districts:

Bylaw No. 2/16

- a) Outdoor storage of one (1) or more partially dismantled, or inoperative motor vehicles is prohibited.
- b) No septic haul trucks, or hazardous material transport trucks, highway or semi-truck traffic shall be parked or stored on site, or in the driveway.
- c) A maximum of one (1) RV may be stored on a site in the driveway with an existing, permanent dwelling. The RV may be occupied subject to:
 - 1. It being for the exclusive use of non-paying guests of the occupant of the principal dwelling located on the same site.
 - 2. It only being occupied when the principal dwelling is occupied.
 - 3. If the RV has a sink, shower, or water closet, it must have a self-contained septic holding tank or be connected to the septic system on the residential site.
- d) The storage of non-residential materials may be permitted at the discretion of Council, and approval conditions may be required to ensure adequate screening and buffering from surrounding residential development.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

4.12.2 In Commercial Districts:

Bylaw No. 2/16

- a) Storage shall not be allowed in the yards of any commercial or industrial site unless it is screened in a way that it is not visible from any of the following:
 - 1. Any adjacent residential lot.
 - 2. Any park or area frequented by children where, in Council's opinion, the items being stored could pose a potential threat to children either directly or indirectly.

Bylaw No. 2/16

Bylaw No. 2/16

Bylaw No. 2/16

b) Outside storage may be limited as outlined in these districts for a specific use, or it may be regulated if Council believes it will have a negative effect on the aesthetics of the Resort Village.

Bylaw No. 2/16

c) A maximum of one (1) commercial vehicle, excluding septic haul trucks, and hazardous material transport trucks not exceeding 20 tonne gross vehicle weight.

Bylaw No. 2/16

4.13 MIXED USE DEVELOPMENT

Bylaw No. 2/16

4.13.1 All mixed-use development shall ensure the front, at grade, development remains a commercial use.

4.13.2 Dwelling units attached to the principal commercial unit shall have a separate entrance from that of the commercial operation.

Bylaw No. 2/16

4.13.3 Dwelling unit emergency and building code regulations shall be adhered to.

Bylaw No. 2/16

4.13.4 One (1) on-site parking stall must be located for each dwelling unit.

Bylaw No. 2/16

4.13.5 The floor area for each dwelling unit shall be a minimum of 40 sq. metres (430.6 sq. feet)."

Bylaw No. 2/16

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.

Rezoning from UH – URBAN HOLDINGS DISTRICT TO R1- RESIDENTIAL 1 DISTRICT the lands proposed Lots 8 to 13, Block 15, and Lots 22 to 39, Block 9 which are lying within the Resort Village of Kivimaa-Moonlight Bay boundaries

- a) are shown within the bold lines in the attached reference map below labelled as Schedule A.

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.
- e) Duplex

6.1.2.1 Discretionary Use Evaluation Criteria:

- a) The size, shape and arrangement of buildings, trailers, and the placement and arrangement of lighting and signs will be compatible, as Council deems appropriate, with the height, scale, setbacks and design of buildings and trailers in the surrounding area, and with land uses in the district.
- b) Road standards shall be appropriate for increased frequency and weights associated with the development, and the developer may be required to enter into a servicing agreement to upgrade the road and/or enter into a heavy haul agreement.
 - 1. Adequate access from major streets and transportation routes, and impact of increased vehicular frequency shall be evaluated at the discretion of Council.

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

- c) Shall be required to prove, in a manner acceptable to council, that they will not unreasonably negatively affect the surrounding residential properties in the area.
- d) Appropriate site locations (i.e., corner lots) shall be determined by Council.
- e) Site design should, in Council’s opinion, mitigate adverse effects (i.e., noise).
- f) The proposal shall provide what, in the opinion of Council, is sufficient evidence that the operation will not cause noise, dust, air or other pollution for surrounding developments. Council may attach approval conditions to mitigate potential concerns.
- g) Applications shall be required to demonstrate that the proposed use shall not cause adverse effects in regards to:
 - 1. Safety;
 - 2. Surrounding existing development;
 - 3. Noise;

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

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;

6.1.4 REGULATIONS

6.1.4.1 Site and yard requirements: Table 1 shall apply.

6.1.4.2 Accessory Buildings:

- a) The maximum total main floor area of all accessory buildings shall not exceed the main floor area of the principal building.
- b) Maximum one (1) portable garage or shelter permitted per lot or parcel, of an area no greater than 30 m² and shall not exceed a maximum height of 3.0 metres.

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

6.1.4.3 Fences:

a) Lakeshore sites:

1. Walls or fences shall be a maximum height of 1.0 metres (3.28 feet) above grade in any required rear yard, and 2.0 metres (6.6 feet) above grade in any other yard.

b) Non-lakeshore sites:

1. The maximum height along any lot line, except a lot line in a required front yard, shall be no greater than 2.0 metres (6.6 feet).
2. Walls or fences shall be a maximum height of 1.0 metres (3.28 feet) above grade in any required front yard.

c) Barbed wire fences are prohibited.

6.1.4.4 Parking:

- a) A minimum of one (1) parking space for each dwelling shall be provided and maintained on each lot.
- b) Each parking space shall be a minimum of 2.5 metres by 6.0 metres with unobstructed access to the adjacent municipal road allowance.
- c) Parking spaces may be enclosed and may be oriented side-by-side, or front to back.

6.1.4.5 Basements:

- a) Notwithstanding anything contained herein, the Development Officer shall require a detailed Engineering Study of the soil and water conditions prepared to professional standards, by a registered Professional Engineer prior to the issuance of a Development Permit or the construction of any basements within the Resort Village. The detailed Engineering Study shall include:
 1. Certification that the foundation proposed for the basement is designed with full knowledge of the soil and water conditions and the proposed sitting of the basement on the site.

Bylaw No. 02/16

Bylaw No. 01/22

Bylaw No. 01/22

Bylaw No. 01/22

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

2. Basement drainage has been considered in the design of the building.

Bylaw No. 02/16

3. Site drainage for water, and impacts to adjacent and neighbouring properties.

Bylaw No. 02/16

b) Upon completion all basements development must provide an engineering report and a landscape plan, by a registered Professional Engineer or Architect, ensuring adequate water-proofing measures are constructed. Adequate water proofing measures shall include:

Bylaw No. 02/16

1. All basements are designed to prevent structural damage by water.

Bylaw No. 02/16

2. The first floor of all buildings is constructed above the Safe Building Elevation as identified within the Official Community Plan.

Bylaw No. 02/16

3. Basement drainage design.

Bylaw No. 02/16

4. Landscape drainage design that does not adversely affect neighbouring sites.

Bylaw No. 02/16

6.1.4.6 SPECIFIC DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

Bylaw No. 02/16

6.1.4.6.1 Home Occupations:

a) Subject to *Subsection 4.9 – Home Occupation*.

Bylaw No. 02/16

b) Maximum one (1) exterior business sign or notice is permitted.

Bylaw No. 02/16

c) Applications shall include concept image of business sign.

Bylaw No. 02/16

d) Site plan shall demonstrate intended location of exterior sign.

Bylaw No. 02/16

6.1.4.6.2 Mobile Homes:

a) Subject to *Section 4.10 – Modular and Mobile Homes*.

Bylaw No. 02/16

b) Development permit applications shall include current photographs of all four (4) sides of the structure as is at the time of application.

Bylaw No. 02/16

c) Only one (1) mobile home will be permitted on any single lot or parcel at any time.

Bylaw No. 02/16

d) Site plans may be required to demonstrate the placement of the mobile home aligns with the existing streetscape of existing houses.

Bylaw No. 02/16

6.1.4.6.4 Travel Trailers:

- a) Shall not be considered a principal use dwelling on site.

- b) A travel trailer under 30 sq. metres may be used from time to time, for a period not exceeding 30 consecutive days within a calendar year, for sleeping accommodation of family or guests of the occupants of a single detached dwelling, where:
 - 1. the travel trailer is not kept for rent or hire;
 - 2. the facilities and amenities of the single detached dwelling are available for the use of the occupants of the travel trailer at all times; and,
 - 3. the travel trailer is not a mobile home or park model.

- c) Where a Development Permit has been issued for a principal building the placement of a travel trailer may be allowed on the same lot as a temporary use for additional accommodations for the duration of the construction period included on the development permit application.
 - 1. The applicant shall sign a memorandum of understanding to acknowledge that the use of the travel trailer shall be considered temporary for the duration of the construction period of the principal building.
 - 2. Temporary use shall only be permitted within the duration of the validity of the development permit application, as outlined in subsection 3.2.6.
 - 3. Permit renewals or extensions may be denied should the Development Officer, or Council, feel as though minor construction has occurred within the permit validity period. Should the permit not be renewed or extended, the applicant shall be required to remove the travel trailer within seven (7) days of written notification of the municipality.

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

6.1.4.6.5 Accessory buildings built prior to principle building:

- a) Accessory and ancillary buildings shall not be constructed or placed on any site prior of the construction of the principal building except as follows:

Bylaw No. 02/16

1. Where a Development Permit has been issued for a principal building, Council may, at its discretion, allow prior development of an accessory or ancillary 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 or ancillary building is to be removed.

Bylaw No. 02/16

6.1.4.6.5 Duplex:

Bylaw No. 02/16

- a) The services available to the sites and adjacent areas will have sufficient capacity to handle the higher density residential development.
- b) Where compliant with site standards, a duplex site may be subdivided along the party walls to create a separate site for each dwelling, subject to compliance with building bylaw requirements.
- c) The minimum floor area listed in Table 1 shall be applicable to each individual dwelling unit included within the duplex.
- d) Where the lot is subdivided under the party walls of the unit no side yard setback shall be required, but for end units the side yard setback shall apply.
- e) Each dwelling unit shall have a minimum of one (1) on-site parking spot fully contained within the property boundaries.
- f) The granting of a development permit to accommodate a duplex shall not be construed, in any way, as consent or approval for future subdivisions.

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

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) Mixed Use Development

Bylaw No. 02/16

6.2.2.1 Discretionary Use Evaluation Criteria:

- a) The size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs will be compatible, as Council deems appropriate, with the height, scale, setbacks and design of buildings and trailers in the surrounding area, and with land uses in the district.
- b) Road standards shall be appropriate for increased frequency and weights associated with the development, and the developer may be required to enter into a servicing agreement to upgrade the road and/or enter into a heavy haul agreement.
 - 1. Adequate access from major streets and transportation routes, and impact of increased vehicular frequency shall be evaluated at the discretion of Council.

Bylaw No. 02/16

Bylaw No. 02/16

- c) Shall be required to prove, in a manner acceptable to Council, that they will not unreasonably negatively affect the surrounding residential properties in the area. **Bylaw No. 02/16**
- d) Appropriate site locations (i.e., corner lots) shall be determined by Council. **Bylaw No. 02/16**
- e) Site design should, in Council’s opinion, mitigate adverse effects (i.e., noise). **Bylaw No. 02/16**
- f) The proposal shall provide what, in the opinion of Council, is sufficient evidence that the operation will not cause noise, dust, air or other pollution for surrounding developments. Council may attach approval conditions to mitigate potential concerns. **Bylaw No. 02/16**
- g) Seasonal Campgrounds:
 - 1. Proposals shall be evaluated based on:
 - i) Site location proximity to Turtle Lake; **Bylaw No. 02/16**
 - ii) Includes a private beach within the site plan; **Bylaw No. 02/16**
 - iii) Includes a boat launch within the site plan for campground guests and adequate on-site parking; **Bylaw No. 02/16**
- h) Mixed Use Development:
 - 1. In Council’s opinion, applications shall have appropriate access from major streets to the development, and shall not cause adverse effects to local traffic. **Bylaw No. 02/16**
 - 2. The development shall be of a size and operation intended to service the neighbourhood, and not cause adverse effects to existing developments. **Bylaw No. 02/16**
 - 3. Residential development may be attached to confectionaries, drug stores, and personal service shops, as long as the commercial development will not, in the opinion of Council, negatively affect the residential development. **Bylaw No. 02/16**

6.2.3 REGULATIONS

6.2.3.1 Site and yard requirements: Table 1 shall apply. **Bylaw No. 02/16**

6.2.3.2 Accessory Buildings:

- a) Portable garages are prohibited.

Bylaw No. 02/16

6.2.3.3 Fences:

- a) Shall be required when the area abuts any Residential District without an intervening street or land and the screening shall be a solid fence or hedge at least a minimum of 1.8 metres (6.0 feet) in height.

Bylaw No. 02/16

6.2.3.4 Parking:

- a) A minimum of one (1) parking space shall be provided and maintained on-site for each 30 sq. metre of building floor area used for a commercial purpose, and one (1) parking space for each employee on site.
- b) Commercial district parking stalls shall be a minimum of 3.0 metre width and 6.0 metre depth.
- c) All commercial district parking spaces shall have direct and unobstructed access to a street.
- d) Council, through resolution, may require additional parking spaces for uses permitted in the Commercial District depending on the following criteria:
 - 1. Nature, type and location of the proposed use;
 - 2. Adjacent roadways and accessibility;
 - 3. Mitigate adverse effects of unloading within high-traffic transportation routes.

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

6.2.3.5 Outdoor Storage:

- a) No outdoor storage shall be permitted in the front yard except for the display of items for sale, which shall be neatly arranged.
- b) If an outside storage area is located in the side or rear yard, that yard shall be fenced or suitably screened to the satisfaction of Council.

Bylaw No. 02/16

Bylaw No. 02/16

6.2.3.6 Service Stations and Gas Bars:

- a) Fuel pump and associated parking for fueling shall be located a minimum of 6.0 metres (19.7 feet) from any street or property line.

Bylaw No. 02/16

- b) Access and egress approaches shall not be located so as to create congestion on the adjacent streets.

Bylaw No. 02/16

6.2.4 SPECIFIC DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

Bylaw No. 02/16

6.2.4.1 Construction Trades:

Bylaw No. 02/16

- a) Construction trade operations shall be conducted entirely within an enclosed building located on site.
- b) All materials used in conjunction with the approved construction trade shall be stored entirely within an enclosed building located on site.

Bylaw No. 02/16

Bylaw No. 02/16

6.2.4.2 Seasonal Campgrounds:

- a) Subject to *Section 4.11 – Seasonal Campgrounds*.
- b) The campground 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 upon request.

Bylaw No. 02/16

Bylaw No. 02/16

6.2.4.3 Mixed Use Development:

Bylaw No. 02/16

- a) Subject to *Section 4.14 – Mixed Use Development*.
- b) Additional fencing or screening may be required as a condition of approval to mitigate adverse effects from adjacent developments.
- c) Applications shall include mitigation specifications for odor, noise, vibrations, and adverse effects of heavy traffic from the primary commercial operation onto the attached residential dwelling unit.
- d) Council may attach approval conditions for additional mitigation measures regarding odor, noise, vibrations and other similar effects.
- e) Dwelling units shall not exceed 100 sq. metres (1,076.4 sq. feet).
- f) One (1) dwelling unit shall be permitted per site.”

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

Bylaw No. 02/16

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.

Mayor – Steve Nasby

Administrator – Jackie Helgeton

8 DISTRICT REGULATIONS

TABLE 1: LOT REGULATIONS								
No building or structure in any zoning district shall exceed a height of 10 m from ground level	Max No. of Accessory Buildings	Min Lot Area (m ²)	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 ²) (on the main floor)
PRINCIPAL BUILDINGS Residential and Commercial Districts	-	560	18	1.5	1.5	1.5	50%	Minimum 40 m ²
ACCESSORY BUILDINGS - Residential and Commercial Districts								
On sites under 2500 m ²	3	-	-	1.5	1.5	1.5	50%	See Note 2
On sites with minimum area of 2500 m ²	4	-	-	1.5	1.5	1.5	50%	See Note 2
PRINCIPAL AND ACCESSORY BUILDINGS Urban Reserve District	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 main floor area of all accessory buildings and structures shall not exceed the main floor area of the principal building on site, except where applications pertaining to section 4.3.3 have been received.

Bylaw No. 02/16