

**RESORT VILLAGE OF KANNATA VALLEY
ZONING BYLAW
Bylaw 72.3**

Under the authority of The Planning and Development Act, 1983 the Council of the Resort Village of Kannata Valley in the Province of Saskatchewan hereby enacts as follows:

PURPOSE

1. The purpose of this bylaw is to manage the use of land in the Municipality to achieve the stated goals and expectations expressed in the Planning Bylaw.

DEFINITION OF TERMS:

2. The following definitions and the definitions contained in the Act apply to this Bylaw

Act	the Planning and Development Act
Building	any structure constructed or placed on, in or over land
Accessory Building	a building subordinate to a principal building located on the same lot with a principal building
Building Height	the vertical distance of a building measured from the average grade at the front yard foundation of a building to the highest point of the building
Principal Building	a dwelling on a lot is the principal building in a residential zoned district.
Business	a commercial service or merchandising activity providing goods and services other than via a "Home Business"
Council	the mayor and four elected councillors of the Resort Village of Kannata Valley
Development Officer	the council or an official appointed by the council assigned to administer this bylaw
Discretionary Use	a use of land that may be permitted in a district at the discretion of the municipality subject to terms and conditions.
Dwelling:	a building used as a residence that is either an "on-site" fabricated structure or an "off-site" prefabricated structure relocated onto a lot
Dwelling unit	one or more rooms within a building used as a residence having separate sleeping, cooking and toilet facilities.
Existing	conditions of a property existing as of the date of adoption of this bylaw
Floor Area	the total floor area of a building measured between the exterior faces of the exterior walls of the building at the level of each storey at and above grade.
Fire Guard Zone	that portion of an environmental reserve that lies within 6 M (20 ft) parallel to private property
Home Business	an occupation, trade, profession or craft conducted for gain in a dwelling unit or a conforming accessory structure by the resident(s) in a manner that is incidental and secondary to the residence – also at times referred to as a "Home Occupation"
Lot	a parcel or contiguous parcels of land, under the same ownership, with fixed boundaries being on record by Certificate of Title of the Land Registry Office of the Minister.
Lot Line	the property line or boundaries of a lot
Lot Line, Front	the property line dividing the lot from the street
Lot Line, Rear	the property line dividing the lot from other property being opposite the front lot line
Lot Line, Side	the property lines on either side of the lot between the front and the rear property lines
Lots, Tied	two or more contiguous lots under one ownership considered as one property and being registered as such by the Minister of the Land Registry Office by Certificate
Minister	or member of the executive council of the Province of Saskatchewan assigned to administer the Act
Mobile Home	a dwelling unit normally manufactured on a steel frame in an offsite factory that is designed to be relocated to a "Mobile Home Park". For the purpose of this Bylaw, the designation of this unit does not change if it is placed onto a permanent foundation.
Mobile Home Park	a parcel of land within the municipality that is zoned to permit mobile homes and/or trailer coaches to be parked and used as residences
Modular Home	a dwelling unit, other than a mobile home and/or trailer coach, that is designed and constructed in an offsite factory (location) to be relocated onto an engineered foundation within a district zoned "Residential".
RTM (Ready to Move)	A term synonymous with the term 'Modular Home'
Trailer Coach	a vehicle designed to be used primarily as a temporary dwelling having wheels and suspension, being self propelled or capable of being towed on public roads. Removing the running gear and/or placing the vehicle on a permanent foundation do not change the designation of this unit as a trailer coach in the context of this bylaw.
Camping Trailer	a term synonymous with the term trailer coach
Municipality	the Resort Village of Kannata Valley

Nuisance	a condition of property, or a thing, or an activity, that adversely affects or may adversely affect: the safety, health or welfare of people in the neighbourhood; people's use and enjoyment of their property; or the amenity of a neighbourhood and includes: a building in a ruinous or dilapidated state of repair; an unoccupied building that is damaged and is an imminent danger to public safety; land that is overgrown with grass and weeds; untidy and unsightly property; junked vehicles; and open excavations on property;
Permit	a document issued by the municipality to authorize work that may proceed and be completed under the municipal Building Bylaw and/or the municipal Property Development Bylaw.
Parking Space	an open space on private property suitable for off-street parking of at least one vehicle with access to a public lane or street.
Rooming Unit	a room other than a dwelling unit with a minimum of 13.9 square meters of gross floor area used primarily for sleeping accommodation with a private toilet facility but no cooking facility.
Sign	any figures, numbers, pictures, devices, or designs, intended to be visible by the public for the purpose of advertisement, directing attention, or to make known any individual, association, business or service.
Street	the whole and entire width of a public road including the road allowance providing the primary means of access to the abutting properties
Utility Trailer	a trailer that is used primarily for the conveyance of supplies, materials and equipment being towed by another vehicle
Work	affecting changes to the grade of a lot by excavating or fill, demolishing, relocating, constructing or altering any building or structure on a lot.
Yard	the open, uncovered space on a lot unoccupied by buildings or structures
Yard, Front	that yard extending across the full width of a lot between the front lot line and the nearest wall or supporting member of a principal building
Yard, Rear	that yard extending across the full width of the lot between the rear lot line and the nearest wall or supporting member of a principal building
Yard, Side	that yard extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting member of a principal building

ESTABLISHMENT OF DISTRICT

3. The municipality is divided into districts, the boundaries of which are shown on the "District Zoning Map", attached to this bylaw as Appendix A as an integral part of this bylaw. A "Slump Hazard Zone" regulatory overlay is to provide for orderly development and safe construction on land that is subject to slope instability. All districts shown on the District Zoning Map are within this "*Slump Hazard Zone*". Special property development and building construction standards within this zone shall comply with site specific construction recommendations of a professional geotechnical engineer licensed to practice in the Province of Saskatchewan.
4. A district boundary between a lot, street or municipal reserve is at the boundary of the lot, street or municipal reserve.
5. A district boundary shown following approximately a shoreline follows the shore line and moves with any change in the shore line.
6. Where a district boundary falls along a lot line the map indicates the lot numbers between which the boundary falls, but the map need not show the exact lot boundary.

ADMINISTRATION

7. The council shall be responsible for the administration of this bylaw and to assist in the administration of this bylaw.
8. Applications for a Property Development permit, a Building Permit and or a Building Demolition or Relocation permit shall be made in writing to council in the form prescribed under the Building Bylaw and/or the Property Development Bylaw.
9. Where an application for a permit is made for a permitted use, and the work is in conformity with municipal bylaws, the council shall, by resolution, approve the application and issue a permit to the applicant.
10. Where an application for a permit is made for a discretionary use and council is in agreement that such use will affect the community in a positive way, council shall by resolution, approve the application and issue a permit to the applicant subject to special terms, conditions and/or standards deemed appropriate.
11. Where work is carried out in contravention of any conditions of a permit or any provision a municipal bylaw, the council or the development officer may issue an order to remedy a contravention in the form provided under the Building Bylaw or the Property Development Bylaw, notify the permit holder in

writing that the permit is no longer in force and the remedial action that must be taken for the permit to be reinstated.

12. When council is satisfied that development work, the permit for which has been suspended, will be carried out in conformity with the conditions of the permit, municipal bylaws and/or an order, council may reinstate the permit and notify the permit holder of the terms and conditions under which the permit is reinstated.
13. Council shall forward a copy of all approved development permit applications involving installation of water and sanitary services to the local office of the Department of Health.

RESIDENTIAL DISTRICT: (Zoned “R” with a Slump Hazard Zone (S) overlay)

14. The primary purpose of the district zoned Residential is for low density single family homes or cottages.
15. Subject to Regulations - **Permitted Uses are:**
 - a) One principal building (home or cottage) on each lot.
 - b) A maximum of three accessory buildings where a principal building exists on the same lot or on a tied lot.
16. Subject to Regulations - **Discretionary Uses are:**
 - a) One modular home
 - b) Home Business.
 - c) A rooming unit in an accessory building.
 - d) Temporary use of a trailer coach or motor home as a residence.
17. **Uses Prohibited are:**
 - a) Accessory buildings without a principal building on the same lot or a tied lot.
 - b) Storage of materials, vehicles and equipment where no principal building exists on the same property or on a tied lot.

Regulations Applying to Uses in a Residential District

18. **A Property Development Permit**, in compliance with the municipal Property Development Bylaw is required prior to any work on property that includes any of the following:
 - a) property excavation work,
 - b) fill material being placed on a lot
 - c) construction, demolition or relocation of earth retaining walls
 - d) construction of a fence in excess of 2 M (6.6ft)
 - e) destruction of mature trees and shrubs
19.
 - a) A **Building Permit**, compliant with the municipal **Building Bylaw**, is required prior to any work on property that includes construction or renovation of buildings (*principal, accessory buildings or rooming unit*) and/or structures (*deck, veranda, porch, gazebo etc.*) over 9.29 sq. m (100 sq. ft).
 - b) The principal building on a property shall be a minimum of 74.32 sq.m. (800 sq.ft.), subject to council allowing 55.74 sq.m. (600 sq.ft.) for circumstances requested. A permit is required for construction, erection, placement, alteration, repair, renovation, demolition, relocation or removal of a building.
20. A **Permit to Demolish or Relocate a Building**, compliant with the municipal **Building Bylaw**, is required prior to any work on property that includes the demolition or relocation of buildings (*principal, accessory buildings or rooming unit*) and/or structures (*deck, veranda, porch, gazebo etc.*)
21. Where the grade of a lot is changed, the lot must be graded in a manner that will assure surface drainage does not adversely affect adjacent property and that the natural water run-off courses are maintained and protected from erosion.
22. Properties shall be landscaped to be complementary to the character and amenity of the neighbourhood.
23. Each lot may contain only one principal building of not less than 74.32 sq m (800 sq ft) subject to council allowing a minimum of 55.74 sq m (600 sq ft) for circumstances required.
24. The total area of all buildings on a lot may not exceed 50 percent of the total area of the lot.
25. Each lot must have at least one on site (off street) parking space suitable for one vehicle being a minimum of 3 M wide by 6 M long. (*All measurements hereinafter are in Metric System of Measurements – i.e. 3 M means 3 meters*)
26. Unsightly storage of material, equipment, rubbish and/or garbage in a required front yard of any lot is not permitted and shall be deemed as a “**nuisance**” unless such products are visually screened from adjacent properties and the street.

27. The customary displays of goods and equipment to be sold may be displayed in any front yard on a periodic basis for continuous durations of less than 72 hours.
28. The transmission of sound, light, glare, heat, dust, or other emission beyond the lot lines may be considered a nuisance and the owner shall take remedial action to reduce or limit such transmissions.
29. Vehicle access and egress from a lot shall be located so as to minimize pedestrian and vehicular traffic congestion on the street.
30. Residential lots may not be subdivided so that a lot is less than 450 Sq. M in lot area and/or the front yard will be less than 15M wide.
31. A modular home may be used as a dwelling unit subject to the following conditions:
 - a. A geo-technical report bearing the professional seal of an engineer licensed to practice in the Province of Saskatchewan confirms that the soil condition of the property on which the modular home is to be located is unsuitable for a single detached dwelling but is suitable for a modular home.
 - b. The modular home is at least 74.32 sq m (800 sq ft) in floor area
 - c. The modular home structure is complementary to the neighbouring property improvements.
 - d. The modular home is compliant with the municipal sewage bylaw.
32. A trailer coach may be parked or stored on private property where a single detached dwelling exists subject to the provisions in the municipal **Trailer Bylaw**.
33. The use of one trailer coach on private property where a single detached dwelling does not exist is permitted subject to the provisions in the municipal **Trailer Bylaw**.
34. All buildings in a residential district must conform to and comply with the municipal **Building Bylaw**.
35. A principal building may be constructed to within 3 M of a front lot line, 1.5 M of a side lot line and 3 M of a rear lot line. The maximum height of a principal building is 4 M at the minimum front yard and to a point 4 M beyond the front lot line and a maximum height of 10.5 M from a point 4 M from front lot line and beyond.
36. Accessory buildings may be constructed to within 1M of a front lot line; 1.5M of a side lot line; 1M of a rear lot line. The maximum height of an accessory building is 4M at the minimum front yard to a point 4M beyond the front lot line and a maximum of 5.25M from a point 4M from front lot line and beyond.
37. Cornices, eaves, bay windows, chimney breasts and similar non-structural architectural features may project a maximum distance of 0.6 M into any required yard but not closer than 0.15 M to any lot line.
38. Uncovered balconies, open decks and terraces attached to a principal residence may project a maximum distance of 1.5 M into any required front or rear yard and 1.2 M into any side yard requirement.
39. Porches and verandas attached to a principal residence having a floor area not exceeding 3 sq. M may project 1.2 M into a required front yard.
40. Notwithstanding the minimum depth of the front or rear yard required by this bylaw, where a lot, situated between two lots each of which contains a principal building that projects beyond the standard requirement for front yard or a rear yard setback, the yard setback required on the said lot may be reduced to an average of the two established yard setbacks on the adjacent lots.
41. Home businesses that are located within the principal residence or in an accessory building are permitted provided such activities do not, in the opinion of the municipality, detract from the residential nature of the community, do not transmit excessive and unusual sound, light, glare, heat or dust beyond the lot lines and do not involve the storage and use of *"hazardous goods"*.
42. Only one permanent sign is permitted on each lot. Where an approved "home business" exists, one additional permanent sign with a facial area of less 0.5 Sq.M is permitted in a window of a dwelling or accessory building.
43. Temporary signs less than 1 Sq.M in area advertising the sale or lease or other information regarding the property are permitted for periods of 30 days. Temporary signs may not be located so as to jeopardize the public safety.

MUNICIPAL RESERVE DISTRICT: (Zoned "MR" with a Slump Hazard Zone "S" overlay)

44. The intent and purpose of a municipal reserve district is to reserve land for community activities, socialization and recreational.
45. Subject to Regulations, permitted uses are:
 - a) Parks, Beaches & Marinas
 - b) Watercraft docking & associated facilities
 - c) Picnic Sites, Playgrounds

- d) Monuments, Flags, Public Notice Boards
- 46. Uses Prohibited are:
 - a) Camping, tenting and/or trailer coach parking
 - b) Parking and/or storage of vehicles and equipment and materials

Regulations applying to uses in a Municipal Reserve District

- 47. Removal of trees and natural vegetation is permitted where approved by resolution of council.
- 48. Watercraft parking and associated facilities are permitted on municipal reserves zoned MR1, MR2, MR3 & MR4 where approved by resolution of council.
- 49. The placement of swimming buoys in the lake bordering a municipal reserve shall be compliant with the Canadian Coast Guard guidelines.
- 50. Playground and park equipment is permitted where approved by resolution of council subject to the equipment and installation being approved by the Canadian Standards Association.
- 51. The installation of public signs is permitted where approved by resolution of council.

COMMUNITY SERVICE DISTRICT: (Zoned “CS” with a Slump Hazard Zone “S” overlay)

The intent and purpose of a community service district is to reserve land for community services.

- 52. Subject to Regulations – Permitted Uses are:
 - a) Collection Area for recyclable waste products
 - b) Collection area for the disposal of household garbage
 - c) Collection area for the disposal of soil, sand and gravel.
 - d) Collection area for the disposal of trees & shrubs
 - e) Public Works Buildings and Facilities
- 53. Subject to Regulations - Discretionary Uses are:
 - a) Equipment Parking and Storage

Regulations applying to uses in a Community Service District

- 54. Use of the facility is regulated by the Refuse Management Bylaw.
- 55. Equipment parking and storage may be permitted subject to the terms and conditions of a Permit from the municipality.

ENVIRONMENTAL RESERVE DISTRICT: (Zoned “ER” with a Slump Hazard Zone “S” overlay)

- 56. The intent and purpose of an Environmental Reserve District is to preserve land in its natural state in perpetuity.
- 57. Subject to regulations, Permitted Uses are:
 - a) Walking, hiking & cross country skiing.
- 58. Uses Prohibited are:
 - a) Operation of any type of vehicle including but not limited to cars, trucks, tractors, excavators, bikes, all terrain vehicles, motorcycles, dirt bikes, snowmobiles etc
 - b) Placement of temporary or permanent buildings, supplies &/or equipment.
 - c) Placement of excavated materials, products of demolition, rubbish
 - d) Removal of trees, rocks and soil
 - e) Hunting and trapping of wildlife
 - f) Fireworks of any kind

Regulations applying to uses in an Environmental Reserve District

- 59. The owner of the property bordering a district zoned ER may cut and maintain the natural ground vegetation of wild grasses on the Environmental Reserve that lies within 6 M (20 ft) parallel to his/her property as a fire guard zone for protection from grass fires.
- 60. Where an owner maintains a fire guard zone, he/she may restrict camping/ tenting and camp fire activities within that zone to persons authorized by that owner. The camp fire must be supervised by the owner or a person designated by the owner, must be contained within a steel or concrete device with fireproof cover and a continuous flow water supply must be readily available to suppress the fire. Liability for damage to the Environmental Reserve and/or the property of others resulting from the camp fires rests with the owner of the property that borders the fire guard zone where the camp fire is located.

NON-CONFORMING USES

61. Within a Residential district the existing use of land, building or structure listed as a permitted or discretionary use within that district shall not, as a result of the passage of this bylaw be non-conforming, but shall be a permitted use at that location. Any change in use, renovation or alteration of such use shall conform to provisions in the Act and the bylaws of the municipality current as of the date of such change in use, renovation or alteration.
62. An existing use, building or structure will be deemed conforming if by the conversion of this bylaw from the Imperial to the Metric System of Measurement such existing use where shown to be non-conformity is solely as a result of such change.
63. The existing use of land zoned ER other than that provided for in this bylaw shall become non-conforming as of the date of adoption of this bylaw requiring the owner of the non-compliant building, structure, materials, campfire pit or other use to either bring such use into conformity with this bylaw or to apply to the municipality for an exemption or variance of having to comply with this bylaw.
64. Where a property owner fails or refuses to comply with article 63, the municipality shall take such action as required to bring such use into conformity at the expense of the property owner or owner of the non-conforming structures, materials or equipment.

REZONING OF LAND

65. Council may rezone all or part of the Environmental Reserve District where at least 75% of residents within the municipality approve an amendment of the Planning and Zoning Bylaws to include such proposed changes and where such amendment is made in compliance with the act and receives the approval of the Minister.
66. Council may rezone all or part of the Residential, Municipal Reserve and/or Community Service districts within the municipality by amending the Planning and Zoning Bylaws in compliance with the Act subject to the Minister's approval.
67. Each application for an amendment to this bylaw shall be accompanied by an application fee of \$50.00

APPEALS

68. The municipality shall establish a Development Appeals Board compliant with Section 214 the Act.
69. A person affected by this bylaw may, within 30 days after the date of the issuance of an order or refusal to issue a permit, appeal to the Development Appeals Board compliant with Section 220 of the Act by filing with the secretary of the board a written notice of the intention to appeal and the appeal fee of Fifty (\$50) Dollars.
70. An appeal of a decision of the Development Appeals Board may be made to the Saskatchewan Municipal Board within 20 days in accordance with Section 226 of the Act.

PENALTIES

71. A person or business who contravenes any of the provision of this bylaw shall be liable for payment of penalties as prescribed in the municipal Penalty Bylaw and/or the Act, whichever is the most severe.

LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

72. Nothing in this bylaw shall exempt any person from complying with the requirements of any other laws or regulation or from obtaining any licence, permission, permit, authority or approval required by a provincial administrative authority or the municipality. Where requirements in this bylaw conflict with those of any other requirements, the more stringent requirement shall prevail.

SEVERABILITY

73. A decision of a Court that one or more provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this bylaw.

REFERENCE BYLAWS

74. Bylaws 14, 32, 37, 43, 56, 59, 61, 62, 72.1 & 72.2 are hereby repealed

FORMS

- 75. The following forms included in Appendix A of this bylaw may be used in the administration of this bylaw:
 - a. FORM 1 - District Zoning Map

EFFECTIVE DATE

76. This bylaw comes into force and takes effect on the date of the Minister's approval and is binding on the municipality and on all other persons, associations or other organizations whatsoever and no development shall be carried out that is contrary to this zoning bylaw.

First Reading of Bylaw 72.3 at the Dec.9, 2015 regular council meeting
Second Reading of Bylaw 72.3 at the Jan.6, 2016 regular council meeting
Third Reading of Bylaw 72.3 at the May 16, 2016 regular council meeting

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Mayor: Ken MacDonald

Seal

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Administrator: Jack McHardy