

RESORT VILLAGE OF LUMSDEN BEACH

ZONING BYLAW

Prepared for:

THE RESORT VILLAGE OF LUMSDEN BEACH

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THE RESORT VILLAGE OF LUMSDEN BEACH

ZONING BYLAW

A Bylaw of the Resort Village of Lumsden Beach to adopt a Zoning Bylaw.

The Council of the Resort Village of Lumsden Beach, in the Province of Saskatchewan, in open meeting assembled enacts as follows:

- (1) Pursuant to Section 34(1) of *The Planning and Development Act, 2007* the Council of the Resort Village of Lumsden Beach hereby adopts the Resort Village of Lumsden Beach Bylaw, identified as Schedule "A" to this Bylaw.
- (2) Bylaw No. _____, the Resort Village of Lumsden Beach Zoning Bylaw, and all amendments thereto, are hereby repealed.
- (3) The Mayor and Resort Village Administrator are hereby authorized to sign and seal Schedule "A" which is attached to and forms part of this Bylaw.
- (4) This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the _____ day of _____, _____
Read a Second Time the _____ day of _____, _____
Read a Third Time the _____ day of _____, _____
Adoption of the Bylaw this _____ day of _____, _____

(Mayor)

SEAL

(Administrator)

Certified a True Copy of the Bylaw adopted by Resolution of Council
On the _____ day of _____, _____ of the year _____

THE RESORT VILLAGE OF LUMSDEN BEACH
ZONING BYLAW

Being Schedule “A” to Bylaw No. _____
of the Resort Village of Lumsden Beach

(Mayor)

SEAL

(Administrator)

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1 INTRODUCTION

Under the authority of *The Planning and Development Act, 2007*, and Bylaw No. _____, the Official Community Plan of the Resort Village of Lumsden Beach, the Council of the Resort Village of Lumsden Beach in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and may be cited as the *Zoning Bylaw* of the Resort Village of Lumsden Beach.

1.2 SCOPE

Development shall be permitted within the limits of the Resort Village of Lumsden Beach only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of *the Act*.

1.3 PURPOSE

This is a Bylaw to control the use and development of the land in the municipality and assist in implementing the Official Community Plan for the Resort Village of Lumsden Beach.

1.4 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the *Zoning District Map*, is for any reason declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or in part, other than the section, clause, provision or anything shown on the *Zoning District Map*, declared to be invalid.

2 INTERPRETATION

Whenever in this Bylaw the following words or terms are used, they shall, unless the context otherwise provides, be held to have the following meaning:

Accessory Building or Use: a building or use which:

- (a) is subordinate to and serves the principal building or principal use;
- (b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and,
- (d) is located on the same site as the principal building or principal use served.

Act: *The Planning and Development Act, 2007.*

Administrator: the Administrator of the Resort Village of Lumsden Beach.

Alteration: any structural change in, or addition to, a building or structure, and shall include a change from one type of use to another.

Ancillary Use: a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Boathouse: a detached accessory building or structure designed or used for the berthing or sheltering of a boat and / or other watercraft and marine equipment, and may include storage of accessory equipment incidental to the residential use permitted on a lot, but shall not include any areas for human habitation.

Building: a structure constructed or placed on, in or over land but does not include a public highway.

Building Bylaw: any Bylaw of the Resort Village of Lumsden Beach regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

Building Front Line: the line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which faces the front site line.

Building Height: the vertical distance of a building measured from grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof (refer to Figure 2-1).

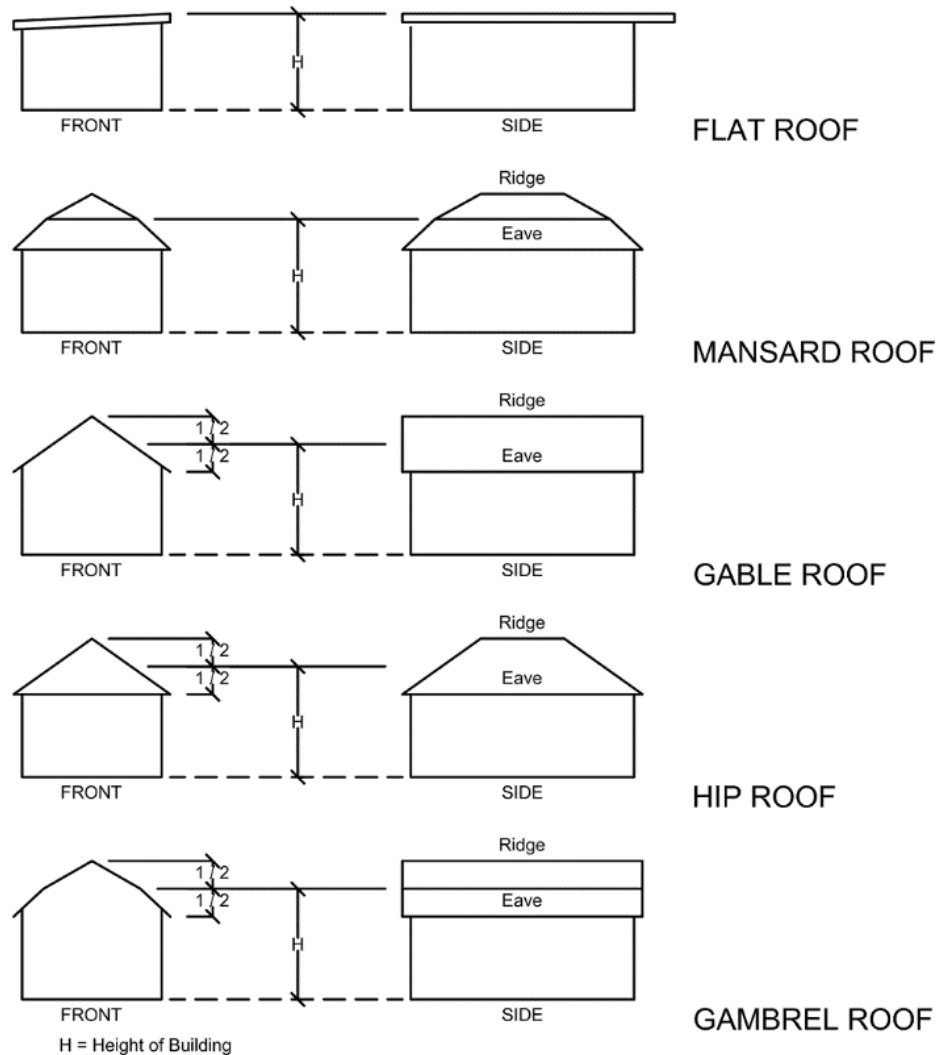


Figure 2-1: Interpretation of Building Height Measurement

Building Line, Established: a line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half the lots have been built on.

Building Permit: a permit issued under a Building Bylaw of the Resort Village of Lumsden Beach authorizing the construction of all or part of a building or structure.

Building, Principal: the building in which is conducted the main or primary use of the site on which said building is situated.

Building Rear Line: the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

Building Side Line: the line of the wall of the building, or any projecting portion of the building and

production thereof excluding permitted obstructions, which faces the side site line.

Community Centre: a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

Convenience Store: a store offering for sale primarily food products, beverages, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Corner Site: a site at the intersection or junction of two or more streets.

Council: the Council of the Resort Village of Lumsden Beach.

Deck: a raised open platform, with or without rails, attached to a principal building.

Development: the carrying out of any building, engineering or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

Development Permit: a document authorizing a development, issued pursuant to this *Zoning Bylaw*.

Dwelling: a building used or intended for residential occupancy excluding a manufactured home, but may include a Modular Home or a Ready-to-Move Home, as herein defined.

Dwelling, Manufactured: a factory-built, one or two section dwelling, conforming to CSA Standard CAN/CSA-Z240 and A277, and which is transported to the site for placement on a fixed approved foundation which complies with the requirements of the National Building Code.

Dwelling, Single Detached: a detached building consisting of one dwelling unit, as herein defined, but shall not include a manufactured home as herein defined.

Dwelling, Single Detached Type I: a single detached dwelling, less than 4.5 metres in height, as herein defined.

Dwelling, Single Detached Type II: a single detached dwelling between 4.5 metres and 7.0 metres in height, as herein defined.

Dwelling Unit: a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances and kitchen tables and chairs.

Face Area, Sign: the area of the single face of any sign and is calculated using the illustration in Figure 2-2.

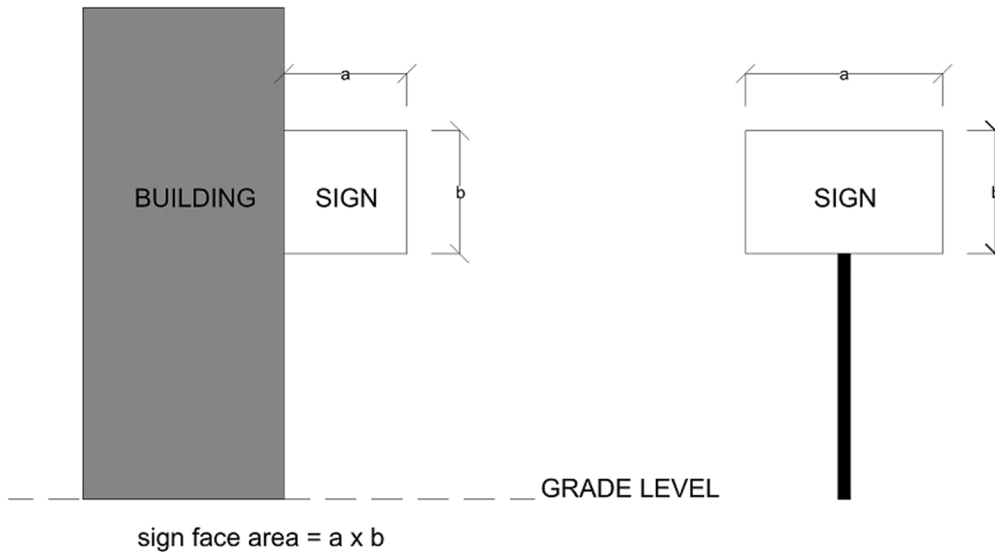


Figure 2-2: Calculation of Sign Face Area

Face Area, Total Sign: the total amount of sign face area on a sign including all sides.

Fence: an artificially constructed barrier erected to enclose or screen areas of land.

Flankage: the side site line of a corner site which abuts the street.

Floor Area: the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, porch, sunroom, unfinished attic or unfinished basement.

Foreshore: The Crown land lying between the lakeshore and registered surface parcels.

Frontage: the side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.

Grade Level: the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of one-unit dwellings with a walk-out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the side walls of the building.

Guesthouse: A detached accessory building of a permanent type construction designed to house guests of the principal dwelling and which includes living area with no provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to, refrigeration, dishwashers or cooking facilities. Living area may include a full or half bath. A guesthouse shall not be leased, subleased, rented or sub-rented separately from the main dwelling.

Hazard Land: land which is subject to flooding, ponding, subsidence, landslides or erosion.

Hazardous Material: any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (e) Gases, compressed, deeply refrigerated, liquefied or dissolved under pressure;
- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) or infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and/or,
- (j) Any other environmentally hazardous substance.

Holding Tank: a structure placed beneath ground level to store sewage waste until such time as it is pumped out.

Intersection: an area where two or more streets or lanes meet or cross at grade.

Landscaping: the changing, rearranging, or adding to the original vegetation of a site, including site grading, addition of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.

Lane: a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Loading Space: a space, measuring at least 3.0 metres in width and 7.5 metres in depth, located on a site, and having access to a street or lane, in which a vehicle may park to load or unload goods.

Lot: an area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

Mayor: the Mayor of the Resort Village of Lumsden Beach.

Minister: the member of the Executive Council who, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

Municipal Facility: land and/or structures owned by the Municipality including, but not limited to, land and/or structures used for the following:

- (a) Office and/or meeting space;
- (b) Storage of municipal equipment and/or supplies; and/or
- (c) Other institutional purposes.

Municipality: the Resort Village of Lumsden Beach.

Nonconforming 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 becomes effective does not or when constructed will not comply with this Bylaw.

Nonconforming Site: a site, consisting of one or more contiguous parcels, to which all required permits

have been issued on the date that this Bylaw or any amendment to the 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.

Nonconforming Use: a lawful specific use:

- (a) being made of land or a building or intended to be made of a land or 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 becomes effective; and,
- (b) that on the date this 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 this Bylaw.

Office and Office Building: a building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transhipped, sold or processed.

Official Community Plan: the *Official Community Plan* for the Resort Village of Lumsden Beach.

Parking Lot: an open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

Parking, Off-street: accommodation for the parking of vehicles off a public street or lane.

Parking Space, Vehicle: a space within a building or parking lot for the parking of one vehicle and which has access to a developed street or lane, having minimum dimensions of 2.7 metres wide by 6.7 metres deep with direct lane access; 3.0 metres wide by 6.7 metres deep for a parallel space; and 2.7 metres wide by 6.0 metres deep for all other.

Public Utility: a government, municipality or corporation under Federal or Provincial statute which operates a public work.

Public Work: includes:

- (a) systems for the production, distribution or transmission of electricity;
- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water; and/or,
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage.
- (e) telephone, internet, cable television or light distribution or transmission lines; and,
- (f) facilities for the collection, storage, movement and disposal of storm drainage.

Recreational Facility, Public: a recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public.

Recreational Vehicle: a unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers, fifth wheels, travel trailers, vacation trailers and park model trailers.

Recreational Vehicle, Park Model: A recreational vehicle that conforms to the Canadian Standards Association, Construction Standard No Z241 Series, Park Model Trailer.

Screening: a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Sight Triangle: the triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection, or the intersection of a street and a lane or driveway, and the straight line joining said site lines at points which are a measured distance along said site lines (refer to Figure 2-3). In the case of a street intersecting a street, the measured distance shall be 7.6 metres. In the case of a street intersecting a lane or driveway, the measured distance shall be 4.5 metres.

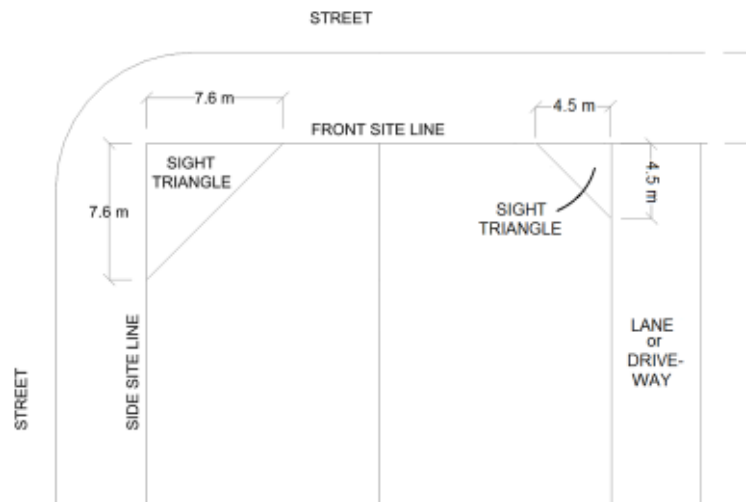


Figure 2-3: Sight Triangles

Sign: any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business; and which is visible on a street or public thoroughfare.

Sign, Temporary: a removable sign erected for a period of time not exceeding six months.

Site: one or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or principal building.

Site, Corner: a site at the intersection of two or more streets (refer to Figure 2-4).



Figure 2-4: Illustration of Site Definition

Site, Interior: a site other than a corner site (refer to Figure 2-4).

Site Coverage: that portion of the site that is covered by principal and accessory buildings.

Site Line, Front: the line that divides the site from the street. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street.

Site Line, Rear: the line (or point) at the rear of the site and opposite the front site line (refer to Figure 2-5).

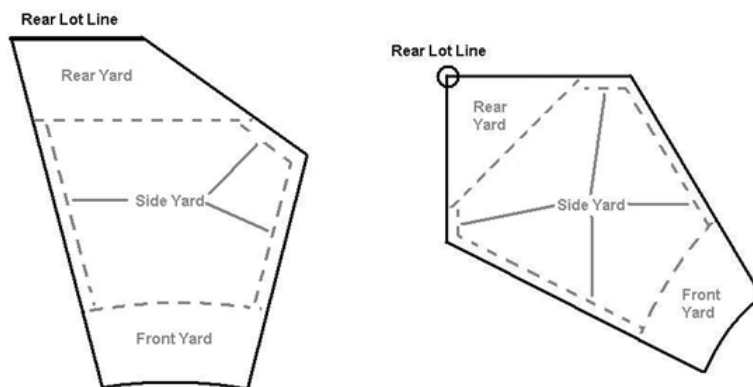


Figure 2-5: Illustration of Rear Site Lines

Site Line, Side: a site line other than a front or rear site line.

Site, Through: a site not more than one lot in depth, having a frontage on two streets more or less parallel (refer to Figure 2-4).

Site Width: for rectangular sites, the horizontal distance between the side boundaries of the site measured along the front site line. For non-rectangular sites, the average of the horizontal distances between the side boundaries of the site measured along the front and rear site lines (refer to Figure 2-6).

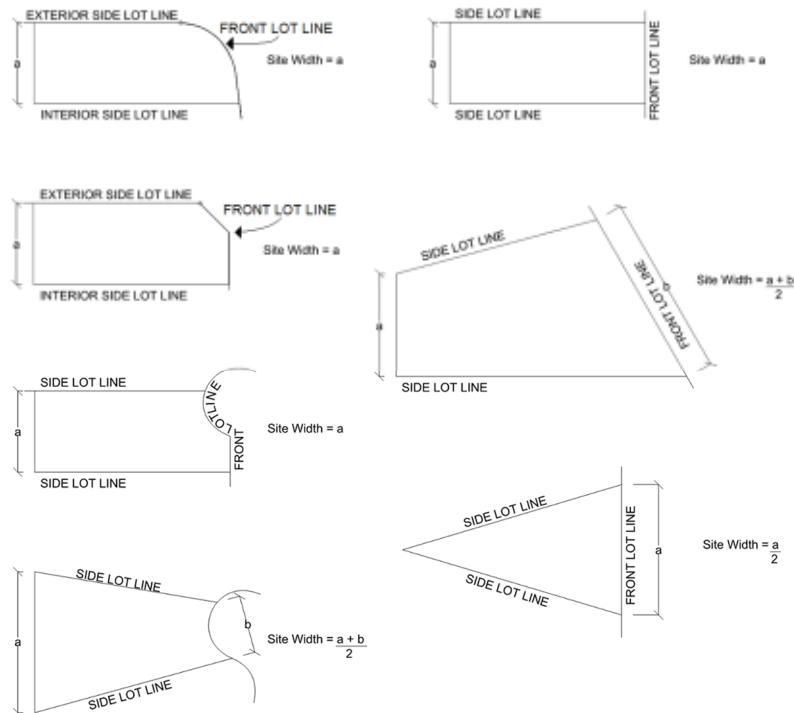


Figure 2-6: Illustrations of Site Width

Street: a public space, commonly used as a thoroughfare, which affords the principal means of access to abutting properties and serves as the principal outdoor separation space between buildings and sites.

Streetscape: the physical elements of the street, as seen from a human perspective, that help define the character, perception, scale, and overall “feel” of the street or neighbourhood, including:

- (a) trees and other vegetation;
- (b) sidewalks, medians, and boulevards, including textural elements;
- (c) street furniture and decoration;
- (d) frontages, façades, massing, scale, and architectural aesthetic of buildings;
- (e) pedestrians and bicyclists;
- (f) moving and parked vehicles;
- (g) roadways and lanes;
- (h) signage; and
- (i) utility elements.

Structural Alteration: the construction or reconstruction of supporting elements of a building or other structure.

Structure: anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not

including pavements, curbs, walks or open air surfaced areas.

Temporary Use: a use established for a fixed period of time and that is to be discontinued upon the expiration of the time period specified for that use.

Terrace: a level, artificially surfaced area adjacent to a principal building, not covered by a roof, at or within 0.6 metres of the finished grade; including patios.

Use: the purpose or activity for which a piece of land, or its building is designed, arranged, intended, occupied or maintained.

Use, Discretionary: a use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this Bylaw.

Use, Permitted: any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

Use, Principal: the main purpose for which a building, structure, or site is used.

Use, Prohibited: any use or form of development that is not allowed because it is not listed as a Permitted or Discretionary Use within a given zoning district, or because it is specifically prohibited elsewhere in this Bylaw.

Wall Height: the vertical distance of a building measured at the outermost building face, from grade level to the top of the wall, not including the roof.

Yard: an unoccupied space open to the sky on the same site with a building or structure.

Yard, Front: the area between the side site lines and the front site line to the front building line.

Yard, Rear: the area between the side site lines, and the rear site line to the rear building line.

Yard, Required: a yard or yards required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: the area between the front and rear yards and between the side site line and the side building line.

Zoning District: a specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

3 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

3.1.1 The Development Officer shall administer this Bylaw.

3.1.2 The Development Officer shall be the Administrator of the Resort Village of Lumsden Beach or any other person authorized, in writing, by Council to act as a Development Officer for the purposes of this Bylaw and *The Act*.

3.2 DEVELOPMENT PERMITS

3.2.1 Except as provided in Section 3.2.2 no person shall undertake a development or commence a use unless a development permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 213 to 232 of *The Act*.

3.2.2 A development permit is not required for the following, but all other applicable provisions of this Bylaw are to be followed for:

- (1) the maintenance of a public work by the municipality or a public utility;
- (2) the construction of a public work by the municipality;
- (3) the installation of a public work on any street or other public right-of-way by the municipality;
- (4) maintenance and repairs that do not include structural alterations
- (5) accessory buildings under 9.3 square metres in area; and
- (6) signs.

3.2.3 The effective period for a development permit is 18 months. This period may be extended by the Development Officer for an additional 12 months if requested in writing by the permit holder. A development permit shall be automatically invalid:

- (1) if the proposed development is not commenced within 18 months from the permit issuance date, or
- (2) if the proposed development is legally suspended or discontinued, for a period of 18 or more months, unless otherwise indicated by Council or the development officer.

3.2.4 A building permit shall not be issued unless a development permit, where required, has been granted. If a development permit is deemed void, a new building permit is required in conjunction with the issuance of a replacement development permit.

3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.3.1 Every application for a development permit shall be accompanied by the following:

- (1) the names, addresses and telephone numbers of the applicant, property owner and person or consultant who prepared the plans being submitted, including a local contact person.
- (2) the proposed use of the site or building to be constructed, or the proposed use of the existing building floor area to be altered or occupied, including the area of the proposed building or renovations.
- (3) the complete legal description and civic address of the subject property.
- (4) two copies of a site plan, drawn to scale with appropriate dimensions, showing the following information:
 - (a) north arrow, streets and lanes adjacent to the site, key plan showing nearby lot patterns, all property boundaries, identified frontage of site, site area, site elevations and the location of any existing buildings, structures, utility poles and wires, fire hydrants, underground utilities, easements, building encroachments, and the type and location of existing trees;
 - (b) the location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions and the location of all doorways, walkways and pedestrian circulation areas; and,
 - (c) the location and size of all proposed parking spaces, aisles and vehicle circulation areas, loading spaces, and entrances and exits to the site.
- (5) two copies of scaled plans, showing the dimensioned floor plans and elevations, including both interior and exterior wall and floor dimensions and room areas and dimensions.

3.3.2 The Development Officer may require the submission of documentation relating to the requirements of Section 4.15 of this Bylaw, where relevant.

3.4 DEVELOPMENT PERMIT APPLICATION PROCESS

- 3.4.1 Applications for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.
- 3.4.2 The Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Bylaw, the *Official Community Plan* and *The Act*.
- 3.4.3 Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56(1)(c) and (d) of *The Act*.
- 3.4.4 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
- 3.4.5 The Development Officer may revoke a development permit where:

- (1) the development permit has been issued in error;
- (2) an approved development for a permitted use is not being developed in accordance with the provisions of this Bylaw, or in accordance with the standards and conditions specified in the development permit;
- (3) the approval of a proposed development for a discretionary use is deemed to be invalid; or,
- (4) a development is subject to an agreement which has been cancelled by Council pursuant to Sections 65 or 69 of *The Act*.

3.4.6 The Development Officer shall give the reasons for denying or revoking a development permit.

3.5 DEVELOPMENT PERMIT APPLICATION FEES

3.5.1 There shall be no application fee for signs.

3.6 DEVELOPMENT APPEALS BOARD

3.6.1 A Development Appeals Board of the Resort Village of Lumsden Beach shall be appointed in accordance with Sections 213 to 227 of *The Act*.

3.7 RIGHT OF APPEAL

3.7.1 Where an application for a PERMITTED USE has been REFUSED, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Resort Village of Lumsden Beach.

3.7.2 Where an application for a DISCRETIONARY USE has been APPROVED by Council, WITH PRESCRIBED SPECIAL DEVELOPMENT STANDARDS pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the Resort Village of Lumsden Beach.

3.7.3 Where an application for a DISCRETIONARY USE has been REFUSED by Council, the applicant shall be advised that there is no appeal pursuant to Section 219(2) of *The Act*.

3.7.4 An application for a Development Permit for a PERMITTED USE shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.7.1 as though the application had been refused at the end of the period specified in this subsection.

3.7.5 Where a person wishes to appeal to the Board, he/she shall file written notice of his/her intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specify to be applied to the expenses of the appeal.

3.8 MINOR VARIANCES

3.8.1 The Development Officer may grant a variance of up to ten percent (10%) of any yard requirement or minimum required distances between buildings for a use that is a permitted or discretionary use

as specified in this Bylaw. All such variances shall be subject to the conditions and granted in accordance with the procedures contained in Section 60 of *The Act*.

3.8.2 The Development Officer shall maintain a registry of the location and all relevant details of the granting of such variances.

3.8.3 An application for a minor variance shall be in a form prescribed by the Development Officer.

3.9 NONCONFORMING USES, BUILDINGS AND SITES

3.9.1 Non-conforming uses, non-conforming buildings and non-conforming sites shall be subject to Sections 88 - 93 inclusive of *The Act*.

3.9.2 No existing building, site or use shall be deemed to be non-conforming by reason only of the conversion from the Imperial System of Measurement to the International System of Units (S.I.) where such nonconformity results solely from such conversion and is reasonably equivalent to the S.I. standard herein established.

3.10 DISCRETIONARY USE APPLICATIONS

3.10.1 *Discretionary Use Application Process*

- (1) The following procedures shall apply to discretionary use applications:
 - (a) Applicants must file with the Development Officer a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application and public hearing fees;
 - (b) The application will be examined by the Development Officer for conformance with the *Official Community Plan*, this Bylaw, and any other applicable policies and regulations;
 - (c) The Development Officer may request comments from other government agencies where applicable;
 - (d) The Development Officer will prepare a report concerning the application including recommendations that conditions be applied to an approval;
 - (e) The Development Officer will set a date for the meeting at which the application will be considered by Council and will give notice by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land;
 - (f) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council;
 - (g) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site; and,
 - (h) The Development Officer shall notify the applicant of Council's decision by

ordinary mail addressed to the applicant at the address shown on the application form.

- (i) Where an application for a discretionary use is approved by resolution of Council, the Development Officer shall issue a development permit subject to any specified development standards prescribed by Council pursuant to Section 3.10.4.
- (j) Where an application for a discretionary use does not meet the zoning regulations for the applicable zoning district, the Development Officer shall:
 - (i) advise the applicant that before the discretionary use can be considered by Council, the development permit application must be refused on the grounds of zoning non-compliance but that the applicant has the right to appeal.
 - (ii) advise the applicant that if the appeal is granted, the discretionary use can then be considered by Council.
- (k) The Development Officer shall maintain a registry of the location and all the relevant details respecting the granting of the discretionary use approval.

3.10.2 *Terms and Conditions for Discretionary Use Approvals*

- (1) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use, to minimize land use conflict, Council may prescribe specific development standards related to:
 - (a) site drainage of storm water;
 - (b) the location of buildings with respect to buildings on adjacent property;
 - (c) control of noise, glare, dust and odour;
 - (d) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;
 - (e) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
 - (f) prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development; and/or,
 - (g) intensity of use.
- (2) Council may approve discretionary use applications for a limited period of time where it is considered important to monitor and re-evaluate the proposal and its conformance with the objectives of this Bylaw.
- (3) Council's approval of a discretionary use application is valid for a period of 12 months from the date of the approval. An approval shall be deemed to be invalid if the proposed use or proposed

form of development has not commenced within that time or if the Council determines, within the 12 month period, that the proposed development is not proceeding in accordance with the terms and conditions of its approval. The Development Officer shall advise the applicant and Council when a prior approval is no longer valid.

- (4) Council may direct that a discretionary use permit extension be granted for an additional 12 month period by the Development Officer, upon request of the applicant.
- (5) If an approved discretionary use or form of development ceases to operate for a period of twelve (12) months or more, the discretionary use approval shall no longer be valid. The Development Officer shall advise the owner and Council when a prior approval is no longer valid.
- (6) Council may instruct the Development Officer to issue a notice of refusal to the applicant, where the applicant has been given adequate opportunity to alter the proposal to comply with the Bylaw. The notice shall state the reason for refusal.

3.10.3 *General Discretionary Use Evaluation Criteria*

Council will apply the following general criteria, and, where applicable, the use specific criteria in Section 3.10.4, in the assessment of the suitability of an application for a discretionary use or discretionary form of development.

- (1) The proposal must be in conformance with all relevant sections of the *Official Community Plan* and must demonstrate that it will maintain the character, density and purpose of the zoning district, where necessary through the provision of buffer areas, separation and screening.
- (2) The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, schools, and other utilities and community facilities.
- (3) The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- (4) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- (5) The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.
- (6) Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise, etc. not in keeping with the character of the adjacent area.
- (7) Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.
- (8) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

- (9) Proposals for discretionary uses which may result in heavy truck traffic, particularly in commercial and industrial districts, should be located to ensure that such traffic takes access to or from major streets or designated truck routes.

3.10.4 *Use-Specific Discretionary Use Evaluation Criteria*

The Council will apply the following use specific criteria to the assessment of the suitability of an application for a particular discretionary use or discretionary form of development:

(1) *Boathouses*

- (a) The location of the boathouse will only be favourably considered where it can be demonstrated that:
 - (i) the boathouse existed as of the date of the passing of this bylaw;
 - (ii) the boathouse will not impact lake views for adjacent property owners; and
 - (iii) the boathouse is temporary in nature and can be moved.
- (b) No new boathouses shall be allowed.

(2) *Community Halls & Centres, Recreation Facilities*

- (a) Community halls & centres and recreation facilities should, where possible, be located on corner sites to facilitate access;
- (b) The site should be accessible from a major road network to avoid heavy traffic volumes on residential access roads;
- (c) Consideration should be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units; and
- (d) Vehicle parking and access areas should not form a dominant element in the streetscape.

(3) *Convenience Stores*

- (a) Convenience stores should, where possible, be located on corner sites to facilitate access;
- (b) The location of the convenience store will only be favourably considered where it can be demonstrated that residential amenity will not be reasonably compromised;
- (c) Vehicle car parking and access areas should not form a dominant element in the streetscape; and
- (d) Any new parking and loading areas should be landscaped to improve the visual appearance of the site.

(4) *Guesthouses*

- (a) The residential character and amenity of the principal dwelling shall be retained and fostered to further entrench the historic residential atmosphere of the area.

(5) *Single Detached Dwellings – Type II*

- (a) The height of the dwelling will only be favourably considered where it can be demonstrated that sightlines of lake views and scenic vistas for neighbouring properties will not be impacted.

3.11 FEES**3.11.1 *Amendment of the Zoning Bylaw***

- (1) In addition to the fees outlined in Section 3.11.2(3), where a person requests Council to amend the Zoning Bylaw, that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment and the costs associated with providing direct written notice to owners of land that is the subject of the proposed amendment. Council may choose not to proceed with the advertising if it concludes that the proposed amendment is unsuitable or unnecessary.
- (2) Council shall give notice of its intention to consider a Zoning Bylaw amendment pursuant to the provisions of Sections 207 to 211 of *The Act*.

3.11.2 *Application Fees*

- (1) An applicant for a development permit shall pay an application fee in accordance with the Resort Village of Lumsden Beach Schedule of Fees Bylaw.
- (2) Detailed review costs:
 - (a) General: Where a development or subdivision proposal involves a detailed review, a plan or Zoning Bylaw Amendment, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or legal and professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.
 - (b) Items: Such costs may include Council meetings, legal and professional planning costs, municipal administration fees and site inspection fees, as determined by Council.
 - (c) Documentation: Such costs may be addressed and clarified in Council specified documents, including development and servicing agreements.
- (3) An applicant seeking amendment to the Zoning Bylaw shall pay an application fee in accordance with the Resort Village of Lumsden Beach Schedule of Fees Bylaw. These fees shall be in addition to any fee required in Section 3.11.1.

3.11.3 *Special Provisions for Contract Zoning Agreements*

- (1) A zoning designation which is subject to an agreement entered into pursuant to the provisions of Section 69 of *The Act* shall be indicated on the *Zoning District Map* by the addition of the Bylaw number authorizing agreement after the zoning district designation.

3.12 ZONING COMPLIANCE, OFFENCES AND PENALTIES

- (1) Pursuant to Section 242(2) of *The Act*, the Development Officer may issue a zoning compliance order for development that contravenes this bylaw in order to achieve bylaw compliance.
- (2) Any person who violates this bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of *The Act*.

4 GENERAL REGULATIONS

4.1 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

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

4.2 BUILDING LINES

Where a building line in a residential district has been established by existing buildings in a block having at least one half the lots built upon, the front yard requirement for the applicable zoning district will be considered to be the existing building line.

4.3 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A SITE

Only one principal building shall be placed on a site with the exception of recreation facilities and public works.

4.4 HEIGHT RESTRICTIONS

Any height limitations or regulations shall not apply to the following:

- (1) Spires, cupolas, television antennas, solar collectors, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.
- (2) Mechanical penthouses, provided they are erected only to such heights as is necessary, and provided they do not cover more than 10% of the gross roof area upon which they are located.

4.5 VISIBILITY CLEARANCE AT INTERSECTIONS

On a corner lot, in any residential district, nothing shall be erected, placed, planted, or allowed to grow so as to obscure vision at a height of 1 metre or greater above the elevation of the centre of the abutting street within a triangular area formed by the intersecting lot lines abutting the streets and a straight line joining said lot lines at points 4.5 metres distant from the intersection of the lot lines.

4.6 REQUIRED YARDS AND OPEN SPACE

4.6.1 *Minimum Yards Required*

No portion of any yard or open space required about any principal building or use shall provide any portion of a yard or open space for any other principal building or use.

4.6.2 Permitted Obstructions in Required Yard

The following shall not be considered to be obstructions and shall not be considered in the determination of yard dimensions or site coverage:

- (1) *In all yards:*
 - (a) steps or ramps of 1.6 metres or less above grade level which are necessary for access to a permitted building or for access to a site from a street or lane; trees; shrubs; walks; uncovered driveways; fences; trellises; flag poles and wheelchair ramps.
- (2) *In front yards:*
 - (a) overhanging eaves and gutters projecting not more than 1.0 metres into the required front yard;
 - (b) lighting fixtures and lamp posts;
 - (c) raised patios and decks not more than 0.4 metres above grade;
 - (d) raised patios and decks more than 0.4 metres above grade, projecting not more than 1.8 metres into the required front yard;
 - (e) canopies or balconies projecting not more than 1.8 metres into the required front yard; and,
 - (d) architectural features, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 0.6 metres into the required front yard.
- (3) *In rear yards:*
 - (a) raised patios and decks measuring 0.4 metres in height above grade or less provided they are located at least 3.0 metres from the rear site line;
 - (b) raised patios and decks measuring more than 0.4 metres in height above grade, projecting not more than 3.0 metres into the required rear yard;
 - (c) canopies or balconies projecting not more than 3.0 metres into the required rear yard;
 - (d) overhanging eaves and gutters, architectural features, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 1.0 metre into the required rear yard; and
 - (e) laundry drying equipment, recreational equipment, garbage stands and private swimming pools and tennis courts when open to the sky.
- (4) *In side yards:*
 - (a) raised patios and decks measuring 0.4 metres or less in height above grade;

- (b) raised patios and decks measuring more than 0.4 metres in height above grade provided they are located at least 0.6 metres from the side site line;
- (c) Architectural features, eaves, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 0.6 metres into the required side yard; and,
- (d) Laundry drying equipment, recreational equipment, garbage stands and private swimming pools and tennis courts when open to the sky.

4.7 FENCES

- 4.7.1 No wall, fence or other structure not otherwise permitted shall be erected in a required front yard or on a site line adjacent to a required front yard to a height of more than 1.0 metres above grade level.
- 4.7.2 No wall, fence, screen or similar structure, excepting permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height of more than 2.0 metres above grade level as illustrated in Figure 4-1.
- 4.7.3 On a corner lot in any district, no hedge planting, tree, wall, fence, or similar structure, not being a building, shall be erected, placed, planted, or maintained within the triangular area formed by the intersecting property lines and the straight line joining said property lines at points which are 6.0 metres distant from the point of intersection, measured along said property lines, to a height greater than 1.0 metre as illustrated in Figure 4-1.
- 4.7.4 A development permit is required for the erection of all fences.

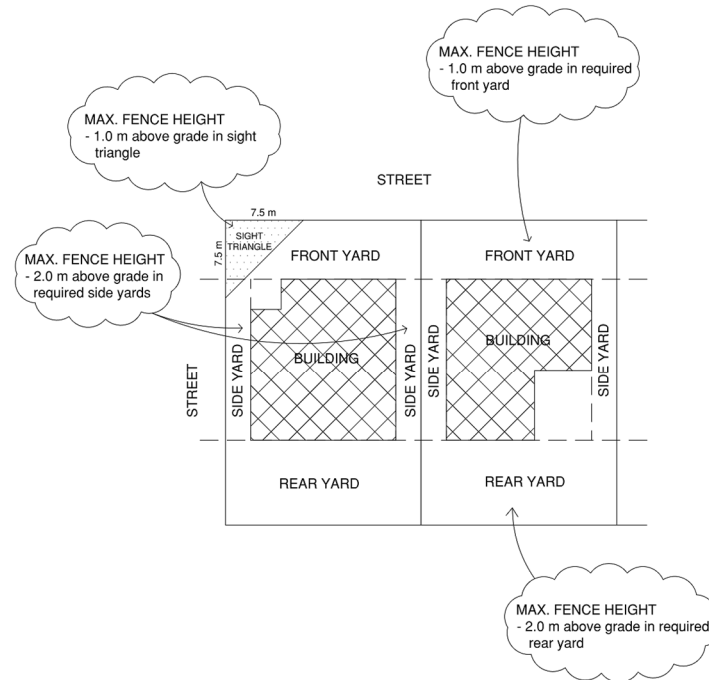


Figure 4-7: Fence Requirements

Figure 4-1: Fence Requirements in Residential Districts

4.8 ACCESSORY BUILDINGS AND STRUCTURES

4.8.1 Accessory buildings and structures shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.

4.8.2 *Time of Construction*

Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except in the following cases:

- (1) Where a Development Permit has been issued for a principal building, Council shall 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 within the effective time period of the development permit for the associated principal building, the accessory building shall be removed.

4.8.3 *Height of Accessory Buildings*

- (1) Accessory buildings are not to exceed the height of the principal building and in no cases shall accessory buildings exceed 6.0 metres in height from grade level to the peak of the structure.

4.8.4 *Number of Accessory Buildings*

- (1) In any **R** district, there shall be no more than three (3) accessory buildings on site.

4.8.5 *Location and Size of Accessory Buildings (including private garages, carports and guesthouses)*

- (1) Detached accessory buildings in all **R** districts are subject to the following regulations:
 - (a) Accessory buildings located in the required rear yard shall not occupy more than forty (40) per cent of the rear yard, and shall not obstruct access to any lane.
- (2) Detached accessory buildings in all zoning districts are subject to the following regulations:
 - (a) Detached accessory buildings are not to be located in any required front yard.
 - (b) Accessory building shall have a minimum rear yard setback of at least 1.5 metres from the rear site line, however, in no case shall any door, when opened or being opened, extend beyond the rear property line.
 - (c) Accessory building shall have a minimum side yard setback of at least 1.5 metres from the side site line, however, wherever a side site line abuts a street, a minimum setback shall be provided of at least 6.0 metres from that side site line adjacent to the flanking street.
 - (d) Detached accessory buildings shall be located at least 1.0 metre from the principal building.

4.8.6 *Private Garages and Carports*

- (1) Private garages and carports, attached to the principal building by a substantial roof structure, are considered as part of the principal building and subject to the regulations governing the principal building.
- (2) On any site in any residential district only one detached garage, not exceeding 90 square meters in area, subject to Sections 4.8.4 and 4.8.5 is permitted.
- (3) Except when conforming with established building lines, no main door of a garage which faces a road shall be within 6 metres of the front site line faced by the door.
- (4) Except when conforming with established building lines, no main door of a garage which faces a road shall be within 3 metres of the side site line faced by the door.

4.8.7 *Temporary Accommodation*

- (1) Only one recreational vehicle which is used from time to time for temporary sleeping accommodation of guests of a single detached dwelling shall be permitted on the same site as the dwelling;
- (2) No recreational vehicle shall be kept for hire;
- (3) The facilities and amenities of the dwelling on site shall be available at all times for the use of the occupants of the vacation trailer;
- (4) No recreational vehicle shall be connected to any piped water supply or waste disposal system on any site, whether or not that system serves the existing dwelling on site;

- (5) Notwithstanding 4.8.7(1) and 4.8.7(3), recreational vehicles may be used for temporary sleeping accommodations during while the period of construction activity is taking place in accordance with a valid development permit.
- (6) On any site in any residential district, only one temporary recreational vehicle, subject to Sections 4.8.4 and 4.8.5 is permitted.

4.8.8 *Guesthouses*

- (1) A guesthouse may be allowed as a discretionary use to a permitted singled detached dwelling, subject to the Discretionary Use Evaluation Criteria contained in Section 3.10.4 herein. All guesthouses are subject to the following general regulations:
 - (a) No more than one guesthouse shall be allowed per residential site;
 - (b) No below grade guesthouses shall be permitted;
 - (c) Kitchens and cooking facilities shall be prohibited; and
 - (d) Windows contained within a guesthouse shall be placed and sized such that they minimize overlook into yards and windows of abutting properties by:
 - (i) off-setting window placement to limit direct views of abutting rear or side yard amenity areas or direct views into a bunkhouse on an abutting site;
 - (ii) placing larger windows to face a lane, flanking street or towards the interior of the lot.

4.8.9 *Holding Tanks*

- (1) Underground structures such as holding tanks, septic tanks and cisterns are subject to the following regulations:
 - (a) a minimum setback from all site lines of 3.0 metres;
 - (b) a minimum setback of 1.0 metres from the basement walls of the principal dwelling located on the site; and
 - (c) a minimum setback of 1.5 metres from driveways.

4.8.10 *Boathouses*

- (1) A boathouse may be allowed as a temporary discretionary use in the **RD** District as an accessory use to a permitted dwelling located in the Resort Village of Lumsden Beach, subject to the Discretionary Use Evaluation Criteria contained in Section 3.10.4 herein. All boathouses are subject to the following general regulations:
 - (a) The maximum height of a boathouse shall be 5.0 metres (one storey), which shall be measured from the grade adjacent to the building elevation which is facing the water to the average point between the eaves and the peak.

- (b) A maximum of one (1) boathouse may be permitted per residential site.
- (c) A boathouse shall not have any facilities for the preparation of meals on the premises, nor shall it have any sleeping or sanitary facilities.
- (d) The total area of the boathouse shall not exceed 85 square metres; nor shall the width of the structure parallel to the shore exceed 10.0 metres
- (e) There shall be no decks, patios, balconies or similar components attached to or appurtenant to the boathouse.
- (f) The boathouse is considered a temporary use and shall be a moveable structure.

4.9 PARKING

4.9.1 *Parking Standards and Number of Spaces Required*

When a new development is commenced or when an existing development is enlarged, or use changed, provision shall be made for off street parking spaces in accordance with the following:

- (1) Dwellings - 1 space per dwelling.

4.10 SIGNS

All signs shall be subject to the following regulations:

4.10.1 *General*

- (1) In addition to signs permitted as set out below, temporary election signs, and temporary signs bearing notice of sale or lease or other information relating to a temporary condition affecting the property, are permitted as long as the temporary condition exists for the property. Election signs shall be removed within five days following the official end of the relevant election period.
- (2) Except for government signs, memorial signs, signs advertising residential occupants or addresses and directional signs that bear no advertising, signs may only advertise the principal use of the site.
- (3) Signs shall not be located in sight triangles for intersections or driveways or in such a manner that they visually obstruct sight triangles or otherwise jeopardize public safety.
- (4) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains.
- (5) One permanent sign is permitted per site with a facial area not exceeding 2.0 m².
- (6) Each property owner shall display the civic address number in a way that is visible from the adjacent roadway that provides access to the site.

4.11 SPECIAL REGULATIONS AND STANDARDS

This section addresses special provisions and specific development standards that apply to the following developments. These standards apply in addition to any standards of the district.

4.12 STORAGE OF OUTSIDE MATERIALS, WASTE AND UNLICENSED OR INOPERATIVE MOTOR VEHICLES

In any Residential district:

- 4.12.1 No front yard shall be used for the storage of materials or goods of any type.
- 4.12.2 No yard shall be used for storage or collection of hazardous material.
- 4.12.3 No yard or portion thereof shall be used for the storage of machinery not normally used for the maintenance of the residential property.
- 4.12.4 Outside storage of partially dismantled or inoperative motor vehicles is not permitted.
- 4.12.5 No unlicensed or uninsured motor vehicle may be stored outdoors on a residential site, with the exception of golf carts and ATV's.
- 4.12.6 Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers.
- 4.12.7 All machinery, building supplies, automobile parts, dismantled vehicles and similar articles shall be stored within a structure or screened so as not to be visible from the street or adjacent site.

4.13 DEVELOPMENT ON HAZARD LANDS

- 4.13.1 Where a proposed development of a building is to be located on land considered by Council to be potentially hazardous, including but not limited to a wetland, water body or watercourse where flooding may occur, the lands shall be deemed "hazardous" and Council shall require the applicant to submit sufficient topographic information to determine if the development will be within 50 metres of:
 - (a) any slope(s) that may be unstable;
 - (b) any stream flood plain; and/or,
 - (c) any other land that may be subject to flooding.
- 4.13.2 Council may require that before a permit may be issued, the applicant shall submit a report prepared by a professional competent to assess the suitability of the site for a development described in Section 4.11.1, and which in the opinion of Council, shows that the proposed site and development is suitable with respect to the following where relevant:
 - (a) the potential for flooding up to the Safe Building Elevation, to be determined from specific

site investigations, or where not involving any building, such lower elevation as may be suitable for the proposed use;

- (b) the potential for slope instability; and/or
- (c) the required mitigation measures for construction on areas of high water tables, in slopes or on contaminated sites if any.

4.13.3 Actions identified in an assessment prepared pursuant to Section 4.13.2 which prevent, change, mitigate or remedy hazards in lands deemed hazardous may be incorporated as conditions to issuance of any development permit that may be issued. Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the adverse effects or will result in excessive municipal costs.

4.14 BUILDINGS OR USES OCCUPYING MORE THAN ONE LOT

4.14.1 Where an application is made for development of a building or use that will occupy more than one lot as herein defined, the parcel of land comprised of said lots shall be considered a site for the purposes of administering this Bylaw.

4.15 EXISTING NONCONFORMING BUILDINGS AND SITES

4.15.1 Where a building has been erected on or before the effective date of this Zoning Bylaw on a site having less than the minimum site width or area, or having less than the minimum front yard, side yard or rear yard required or more than the maximum site coverage permitted in this Zoning Bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (1) the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, or rear yard, nor further increase the site coverage that does not conform to this Zoning Bylaw; and
- (2) all other applicable provisions of this Zoning Bylaw are satisfied.

4.16 FRONTAGE ON ROAD

4.16.1 No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on and access to an existing public road.

4.17 BUILDING TO BE MOVED

4.17.1 No building shall be moved within or into the Resort Village of Lumsden Beach without the issuance of a development permit unless such building is exempt under Section 3.2.2 of this Bylaw.

4.18 DEMOLITION OF BUILDINGS

4.18.1 No building shall be demolished within the Resort Village of Lumsden Beach without the issuance of a demolition permit, unless it is exempt under Section 3.2.2.

4.19 GRADING AND LEVELLING OF SITES

- 4.19.1 Any site for which a development permit has been issued shall be graded and levelled at the applicant's expense to provide for surface drainage which does not adversely affect adjacent property.
- 4.19.2 Any site for which a development permit has been issued involving excavation or filling shall be re-vegetated with a suitable ground cover as may be necessary to prevent erosion.
- 4.19.3 Grading and / or leveling greater than 0.6 metres requires a development permit.

4.20 WATER

- 4.20.1 No development or use of land shall be permitted where the proposal will adversely affect domestic and municipal water supplies, or where a suitable, potable water supply cannot be furnished to the requirements of the Regional Health Authority and the Saskatchewan Water Security Agency.

4.21 PROHIBITED USES

- 4.21.1 The following uses are prohibited in all districts:
 - (1) The breeding of rats and other rodents, crickets and other insects.
 - (2) Manufactured homes.
 - (3) Park model trailers.

4.22 MAXIMUM BUILDING HEIGHT

- 4.22 All uses in all zoning districts shall not exceed 7.0 metres in height, from the finished grade to the peak or highest point of the roof.

5 ZONING DISTRICTS

5.1 CLASSIFICATION OF ZONING DISTRICTS

In order to carry out the purpose and provisions of this Bylaw, the Resort Village is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

<u>Districts</u>	<u>Symbols</u>
Low Density Residential	R1
Low Density Residential	R2
Low Density Residential	R3
Community Service	CS
Parks and Recreation	PR
Restricted Development	RD

5.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. _____ adopted by the Council and signed by the Mayor and Administrator, and under the seal of the Resort Village shall be known as the "Zoning District Map" and such map is declared to be an integral part of this Bylaw.

5.3 BOUNDARIES OF ZONING DISTRICTS

- 5.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map".
- 5.3.2 All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 5.3.3 Streets, lanes, and road allowances which are shown on the Zoning District Map and which have been permanently closed pursuant to Section 13 of The Municipalities Act, shall be in the same district as the land abutting both sides of the permanently closed street, lane or road allowance. If the land abutting each side of the permanently closed street, lane or road allowance was located in different zoning districts before the said street, lane or road allowance was permanently closed, the centre line of such permanently closed street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 5.3.4 On un-subdivided land, the zoning district boundary shall be determined by the scale shown on the Zoning District Map.

5.4 ZONING DISTRICTS

- 5.4.1 The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in the District Schedules in Section 6.

5.5 PROPERTIES WITH MORE THAN ONE ZONING DISTRICT

- 5.5.1 Where a site or lot is divided into more than one zoning district, the development and use of any portion of the site shall be in accordance with the requirements of the applicable zoning district and subject to Section 4.3 herein.

6 DISTRICT SCHEDULES

6.1 R1 – ONE UNIT RESIDENTIAL DISTRICT

6.1.1 *Purpose*

The objective of the **R1** – Low Density Residential district is to provide for residential development in the form of single detached dwellings as well as other community uses.

6.1.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-1.

6.1.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.1.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-1.

6.1.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R1** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

6.1.6 *Exceptions to Development Standards*

- (1) Where on a corner site, a side yard of at least 4.5 metres is provided along the flanking street for a single detached dwelling, the minimum rear yard requirement is reduced to 3 metres.
- (2) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-1, shall be a fully conforming building site whether or not it contains a building.

6.1.7 *Off-Street Parking and Loading*

Off-street parking requirements are subject to Section 4.9.

**Table 6-1: R1 – Low Density Residential District Development Standards
for the Resort Village of Lumsden Beach**

<u>Principal Use</u>		Designation	Subject to Sections	<u>Development Standards</u>						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
<i>Residential Uses</i>										
(1)	Guesthouses	D	3.10.4(4) 4.8.7	refer to Section 4.8						
(2)	Single detached dwelling type I ⁽²⁾	P		890	15	4.5	1.5 ⁽¹⁾	4.5	50	50
(3)	Single detached dwelling type II ⁽²⁾	D	3.10.4(5)	890	15	4.5	1.5 ⁽¹⁾	4.5	50	50
<i>Community Service, Municipal, Recreational, Institutional and Other Uses</i>										
(1)	Parks and playgrounds	P		--	--	--	3	3	--	--
(2)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P		--	--	--	--	--	--	--

Use Designations:(P) - Permitted Use

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-1 and the R1 district:

- (1) except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street
- (2) Council may permit a reduced setback in the case of existing, irregular shaped lots or difficult terrain

6.2 R2 – ONE UNIT RESIDENTIAL DISTRICT

6.2.1 *Purpose*

The objective of the **R2** – Low Density Residential district is to provide for residential development in the form of single detached dwellings as well as other community uses.

6.2.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-2.

6.2.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.2.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-2.

6.2.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R2** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

6.2.6 *Exceptions to Development Standards*

- (1) Where on a corner site, a side yard of at least 4.5 metres is provided along the flanking street for a single detached dwelling, the minimum rear yard requirement is reduced to 3 metres.
- (2) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-2, shall be a fully conforming building site whether or not it contains a building.

6.2.7 *Off-Street Parking and Loading*

Off-street parking requirements are subject to Section 4.9.

Table 6-2: R2 – Low Density Residential District Development Standards for the Resort Village of Lumsden Beach										
Principal Use		Designation	Subject to Sections	Development Standards						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
Residential Uses										
(1)	Guesthouses	D	3.10.4(4) 4.8.7	refer to Section 4.8						
(2)	Single detached dwelling type I ⁽²⁾	P		450	12	4.5	1.5 ⁽¹⁾	4.5	50	50
(3)	Single detached dwelling type II ⁽²⁾	D	3.10.4(5)	450	12	4.5	1.5 ⁽¹⁾	4.5	50	50
Community Service, Municipal, Recreational, Institutional and Other Uses										
(1)	Parks and playgrounds	P		--	--	--	3	3	--	--
(2)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P		--	--	--	--	--	--	--

Use Designations:(P) - Permitted Use

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-2 and the R2 district:

- (1) except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street
- (2) Council may permit a reduced setback in the case of existing, irregular shaped lots or difficult terrain

6.3 R3 – ONE UNIT RESIDENTIAL DISTRICT

6.3.1 *Purpose*

The objective of the **R3** – Low Density Residential district is to provide for residential development in the form of single detached dwellings as well as other community uses.

6.3.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-3.

6.3.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.3.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-3.

6.3.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **R3** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

6.3.6 *Exceptions to Development Standards*

- (1) Where on a corner site, a side yard of at least 4.5 metres is provided along the flanking street for a single detached dwelling, the minimum rear yard requirement is reduced to 3 metres.
- (2) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-3, shall be a fully conforming building site whether or not it contains a building.

6.3.7 *Off-Street Parking and Loading*

Off-street parking requirements are subject to Section 4.9.

**Table 6-3: R3 – Low Density Residential District Development Standards
for the Resort Village of Lumsden Beach**

<u>Principal Use</u>		Designation	Subject to Sections	<u>Development Standards</u>						
				Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
<i>Residential Uses</i>										
(1)	Guesthouses	D	3.10.4(4) 4.8.7	refer to Section 4.8						
(2)	Single detached dwelling type I ⁽²⁾	P		230	7.5	4.5	1.5 ⁽¹⁾	4.5	50	50
(3)	Single detached dwelling type II ⁽²⁾	D	3.10.4(5)	230	7.5	4.5	1.5 ⁽¹⁾	4.5	50	50
<i>Community Service, Municipal, Recreational, Institutional and Other Uses</i>										
(1)	Parks and playgrounds	P		--	--	--	3	3	--	--
(2)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P		--	--	--	--	--	--	--

Use Designations:(P) - Permitted Use

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-3 and the R3 district:

- (1) except for corner sites, where the minimum side yard shall be 3.0 metres adjacent to the flanking street
- (2) Council may permit a reduced setback in the case of existing, irregular shaped lots or difficult terrain

6.4 CS – COMMUNITY SERVICE DISTRICT

6.3.1 *Purpose*

The purpose of the **CS** – Community Service district is to provide for development in the form of a range of community services and other compatible uses.

6.4.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-4.

6.4.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.4.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-4.

6.4.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **CS** district with respect to Section 3.10.3 General Discretionary Use Evaluation Criteria, Section 3.10.4 Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

6.4.6 *Exceptions to Development Standards*

- (1) Sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-4, shall be deemed to be compliant with the minimum site width requirements in this bylaw.

6.4.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.9.

Table 6-4: CS – Community Service District Development Standards for the Resort Village of Lumsden Beach											
Principal Use		Designation	Subject to Sections	Development Standards							
				Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)	
Commercial Uses											
(1)	Convenience stores	D	3.10.4(3)	230	7.5	4.5	3 ⁽¹⁾	4.5	--	--	
Community Service, Municipal, Recreational, Institutional and Other Uses											
(1)	Community centres and halls	D	3.10.4(2)	230	7.5	4.5	3 ⁽¹⁾	4.5	--	--	
(2)	Parks and playgrounds	P		--	--	--	3	3	--	--	
(3)	Public and private recreation facilities	D	3.10.4(2)	230	7.5	4.5	3 ⁽¹⁾	4.5	--	--	
(4)	Public works and municipal facilities excluding sewage lagoons	P		--	--	--	--	--	--	--	

Use Designations:**(P) - Permitted Use**

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-4 and the CS district:

- (1) or ½ the average building height, whichever is greater

6.5 PR – PARKS AND RECREATION DISTRICT

6.4.1 *Purpose*

The purpose of the **PR** – Parks and Recreation district is to provide for parks, open space, and recreational development and compatible uses in specific areas, with standards for such development.

6.5.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-5.

6.5.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.4.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-5.

6.5.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **PR** district with respect to Section 3.10.3 Discretionary Use - General Evaluation Criteria and to Section 3.10.4 Discretionary Use - Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

- (1) Discretionary uses in the **PR** district will only be permitted where Council is assured that such development will be compatible with the future use of the area, as indicated in the Official Community Plan Bylaw.

6.5.6 *Exceptions to Development Standards*

- (1) Sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-5, shall be deemed to be compliant with the minimum site width requirements in this bylaw.

6.5.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.9.

**Table 6-5: PR – Parks and Recreation District Development Standards
for the Resort Village of Lumsden Beach**

<u>Principal Use</u>		Designation	Subject to Sections	<u>Development Standards</u>						
				Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m²)	Maximum Site Coverage (%)
<i>Community Service, Municipal, Recreational, Institutional and Other Uses</i>										
(1)	Nature interpretation trails and associated facilities	P		--	--	--	--	--	--	--
(2)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P		--	--	--	--	--	--	--
(3)	Public recreation facilities	D	3.10.4(2)	--	--	--	--	--	--	--
(4)	Sports fields, parks and playgrounds	P		--	--	--	--	--	--	--
(5)	Walking, hiking, and/or ski trails and associated facilities	P		--	--	--	--	--	--	--

Use Designations:

(P) - Permitted Use

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-5 and the PR district:

6.6 RD – RESTRICTED DEVELOPMENT DISTRICT

6.6.1 *Purpose*

The purpose of the **RD** – Restricted Development district is to provide for appropriate development standards in order to prevent injury and minimize property damage within hazard areas of the Resort Village of Lumsden Beach and protect municipal roads in areas not originally surveyed for roadways.

6.6.2 *Permitted and Discretionary Uses*

Uses are listed and designated in Table 6-6.

6.6.3 *Accessory Uses*

- (1) Accessory buildings and uses shall be permitted subject to Section 4.8.

6.6.4 *Standards and Regulations*

- (1) Site and building requirements are shown in Table 6-6.

6.6.5 *Standards for Discretionary Uses*

Council will consider discretionary use applications in the **RD** district with respect to Section 3.10.3 Discretionary Use - General Evaluation Criteria and to Section 3.10.4 Discretionary Use - Specific Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

6.6.6 *Exceptions to Development Standards*

- (1) Sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 6-6, shall be deemed to be compliant with the minimum site width requirements in this bylaw.

6.6.7 *Off-Street Parking and Loading*

Off-street parking and loading requirements are subject to Section 4.9.

Table 6-6 RD – Restricted Development District Development Standards for the Resort Village of Lumsden Beach										
Principal Use		Designation	Subject to Sections	Development Standards						
				Minimum Site Area (ha)	Minimum Site Width (m)	Minimum Front (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Site Coverage (%)
Community Service, Municipal, Recreational, Institutional and Other Uses										
(1)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P		--	--	--	--	--	--	--
(2)	Sports fields, parks and playgrounds not including any principal or accessory buildings	P		--	--	--	3	3	--	--
Temporary Uses										
(1)	Boathouses	D	3.10.4 4.8	refer to Section 4.8.10						

Use Designations:**(P) - Permitted Use**

means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 6-6 and the RD district:

7 MAPS

Village of
Buena Vista

Resort Village of Lumsden Beach
SASKATCHEWAN

ZONING DISTRICT MAP

ZONING DISTRICTS

- (R1)** LOW DENSITY RESIDENTIAL
- (R2)** MEDIUM DENSITY RESIDENTIAL
- (R3)** HIGH DENSITY RESIDENTIAL
- (CS)** COMMUNITY SERVICE
- (PR)** PARKS & RECREATION
- (RD)** RESTRICTED DEVELOPMENT

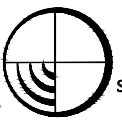
- This is the Zoning District Map which accompanies Bylaw Number _____ adopted by the Resort Village.

Mayor _____

Administrator _____

- Approved on the _____ day of _____.

Minister
Saskatchewan Government Relations

CROSBY HANNA & ASSOCIATES  407C 1st Ave. North
Saskatoon, SK S7K 1X5
www.crosbyhanna.ca

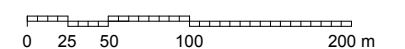
LANDSCAPE ARCHITECTURE T (306) 665-3441
COMMUNITY PLANNING F (306) 652-9613

Overview Map (1/2)



DATE
2015-08-20

PROJECT NO.
CHA 15017



Last
Mountain
Lake

These contour lines have been
extrapolated from the 1:50,000
National Topographic System
Map (<http://geogratis.gc.ca/>) and
are shown for illustration
purposes only and should not be
considered accurate for
development or infrastructure
projects. Consult with a S.L.S. to
obtain or generate accurate
contour information.

493.5 m.a.s.l. is the established
1500 year flood elevation (flood
fringe).

493.2 m.a.s.l. is the established
floodway.

CHOWNST

CHOWNST

1

9

ZONING DISTRICT MAP

ZONING DISTRICTS

- (R1)** LOW DENSITY RESIDENTIAL
- (R2)** MEDIUM DENSITY RESIDENTIAL
- (R3)** HIGH DENSITY RESIDENTIAL
- (CS)** COMMUNITY SERVICE
- (PR)** PARKS & RECREATION
- (RD)** RESTRICTED DEVELOPMENT

• This is the Zoning District Map which accompanies Bylaw Number _____ adopted by the Resort Village.

Mayor _____

Administrator _____

• Approved on the _____ day of _____.

Minister
Saskatchewan Government Relations



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LANDSCAPE ARCHITECTURE
COMMUNITY PLANNING

T (306) 665-3441
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Detail Map (2/2)

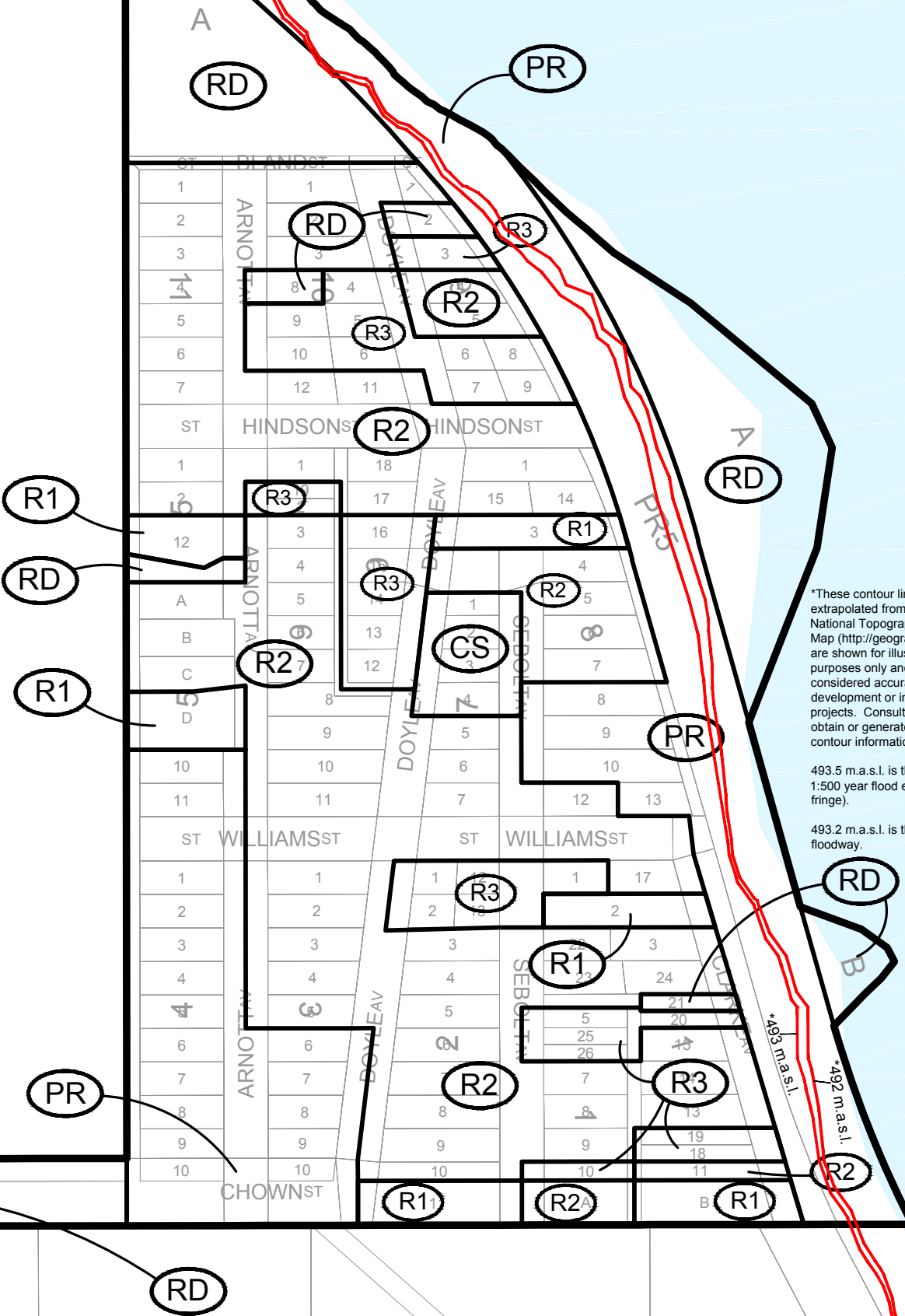


DATE
2015-08-20

PROJECT NO.
CHA 15017

0 25 50 100 m

Last
Mountain
Lake



*These contour lines have been extrapolated from the 1:50,000 National Topographic System Map (<http://geogratis.gc.ca/>) and are shown for illustration purposes only and should not be considered accurate for development or infrastructure projects. Consult with a S.L.S. to obtain or generate accurate contour information.

493.5 m.a.s.l. is the established 1:500 year flood elevation (flood fringe).

493.2 m.a.s.l. is the established floodway.