RESORT VILLAGE OF BIRD'S POINT

ZONING BYLAW

Prepared for:

THE RESORT VILLAGE OF BIRD'S POINT

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THE RESORT VILLAGE OF BIRD'S POINT

ZONING BYLAW

A Bylaw of the Resort Village of Bird's Point to adopt a Zoning Bylaw.

The Council of the Resort Village of Bird's Point, 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 Bird's Point hereby adopts the Resort Village of Bird's Point Bylaw, identified as Schedule "A" to this Bylaw.

(2) Bylaw No. 27-89, the Resort Village of Bird's Point Zoning Bylaw, and all amendments thereto, are hereby repealed.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 BIRD'S POINT

ZONING BYLAW

Being Schedule "A" to 02/22
of the Resort Village of Bird's Point

_____
(Mayor)

SEAL

_____
(Administrator)

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1 INTRODUCTION

Under the authority of *The Planning and Development Act, 2007*, and Bylaw No. 04/20, the Official Community Plan of the Resort Village of Bird's Point, the Council of the Resort Village of Bird's Point 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 Bird's Point.

1.2 SCOPE

Development shall be permitted within the limits of the Resort Village of Bird's Point 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 Bird's Point.

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 used 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 Bird's Point.

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.

Barbeque Shelter: a three sided open structure with a lean-to roof no larger than 9.3 m^2 used for the purpose of an outdoor kitchen.

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 Bird's Point 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.

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 Bird's Point 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.

Bunk House: an accessory residential building intended for the purpose of providing temporary sleeping accommodation for guests or for seasonal staff employed in a business conducted on the site and may or may not include communal sanitary and kitchen facilities.

Campground, Long Term: the seasonal operation of an area of land managed as a single unit, which provides long term accommodation for recreational vehicles and park model trailers used by the same occupants on identified sites for the entire season, and which may be stored year round, and which may include sanitary and laundry facilities.

Campground, Public: is a campground owned by a government, including the municipality and is operated as a service to the community.

Campground, Private: is a campground owned and operated by a private individual or business for the purpose of generating revenue.

Campground, Short Term: the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travelers and tourists, and which are removed from the campground at the end of the season.

Campsite: a designated and delineated area within a campground or tourist camp that is intended to accommodate a single tent, tent party or recreational vehicle.

Carport: a roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

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 Bird's Point.

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, Garden Suite: a self-contained dwelling unit that is located in the front yard or side yard of a site in which the principal use is a single detached dwelling, and to which the suite is an accessory use.

Dwelling, Manufactured: a factory-built, one or two section dwelling, conforming to CSA Standard 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, Ready-to-Move (RTM): a ready-to-move one unit dwelling which is built to completion off-site using conventional lumber and building practices according to the current National Building Code of Canada, and which is transported to the site as a complete unit for placement on a fixed approved foundation which complies with the requirements of the National Building Code of Canada.

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 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 2-1.

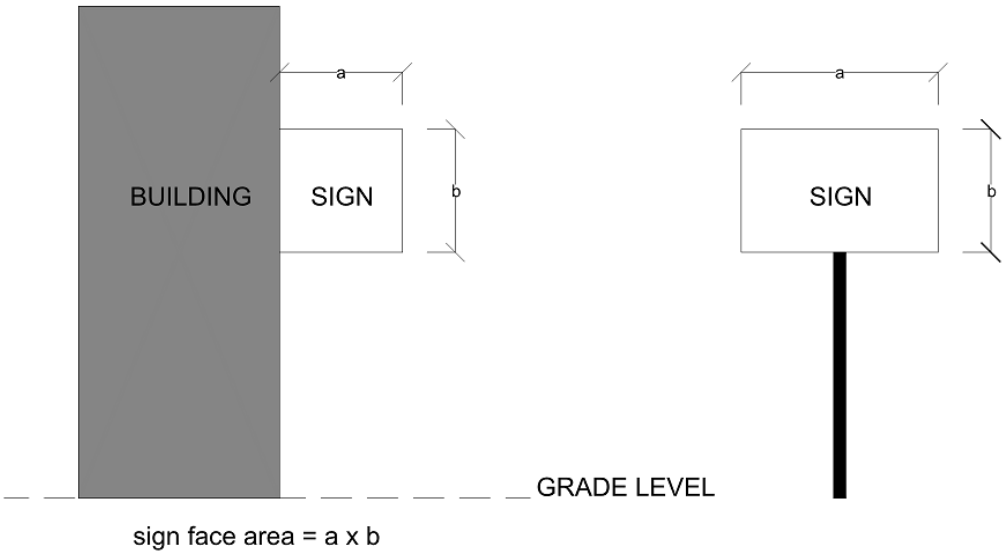


Figure 2-1: Calculation of Sign Face Area

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.

Flood Proofing: techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevating building (eg. building on fill or piers), constructing dykes, creating upstream storage, diversions, and channelization or wet or dry flood proofing (see definitions). Dry flood proofing measures shall always be designed on a case by case basis by a qualified professional (e.g. engineer or architect).

Flood Proofing, Dry: flood proofing that prohibits the entry of water into the enclosed areas of the structure.

Flood Proofing, Wet: flood proofing that may be permitted in flood prone areas that allows water to enter enclosed areas of a structure, for the purpose of reducing damages caused by hydraulic pressure. Wet flood proofing measures shall always be designed on a case by case basis by a qualified professional (e.g. engineer or architect).

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.

Garage, Private: a garage used for storage purposes only, where no business, occupation or service is conducted for gain, other than an approved home based business, and in which no space is rented to or by a non-resident of the premises.

Garage, Public: any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including major repairs.

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.

Lakeshore: the line denoting the ordinary high water mark for any lake.

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.

Marina: a building, structure or place, containing docking facilities and located on a waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

Membrane-Covered Structure: a structure consisting of a frame that is covered with plastic, fabric, canvass or similar non-permanent material, which typically is used to provide storage for vehicles, boats, recreational vehicles or other personal property, or on a larger scale, for storage of commercial goods and materials. The term shall also apply to structures known commonly as 'hoop houses', 'canopy-covered carports' and 'tent garages', and can be fully or partially covered. Gazebos are not membrane-covered structures.

Mayor: the Mayor of the Resort Village of Bird's Point.

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 Bird's Point.

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 Bird's Point.

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.

Passive Recreation Use: a recreational land use that does not require significant development upon the site and does not lessen the natural character of the area.

Patio: a level raised open platform, not covered by a roof abutting a principal building, within 0.4 meters of the finished grade.

Personal Service Shops: establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.

Place of Worship: a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

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.

Principal Building: the main building in which the principal use of the site is conducted.

Principal Use: the main activities conducted on a site.

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 and vacation 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.

Shipping Container: a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck and used for storage.

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 2-2). 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.

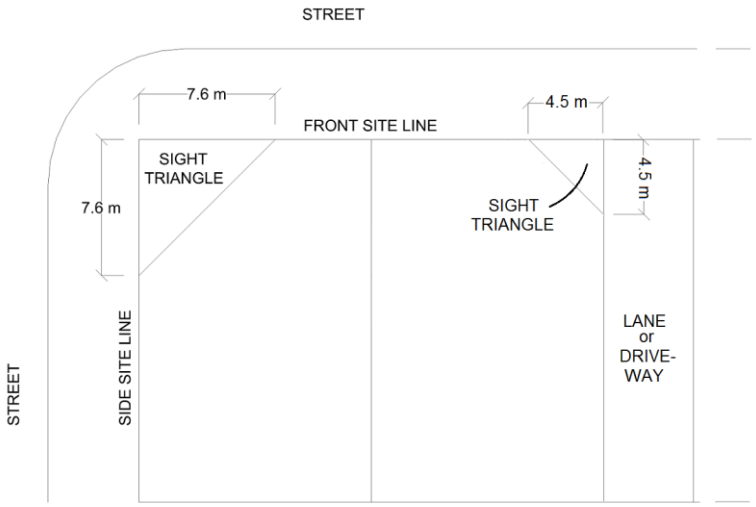


Figure 2-2: Sight Triangles

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 2-3).

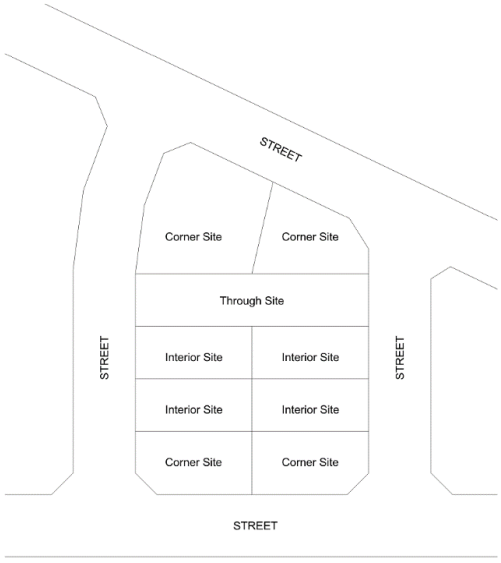


Figure 2-3: Illustration of Site Definition

Site, Interior: a site other than a corner site (refer to Figure 2-3).

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

Site Drainage Plan: a plan which shows the existing and proposed topography of a site, with contour intervals and drawn to scale, with appropriate dimensions and sufficient spot elevations to adequately demonstrate to the Development Officer that the proposed drainage pattern will not have an adverse effect on neighbouring properties and streets.

Site, Lakeshore: any residential site that abuts the bank of a lake, or that abuts municipal or environmental reserve land that abuts the bank of the lake, or abuts the foreshore.

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 2-4).

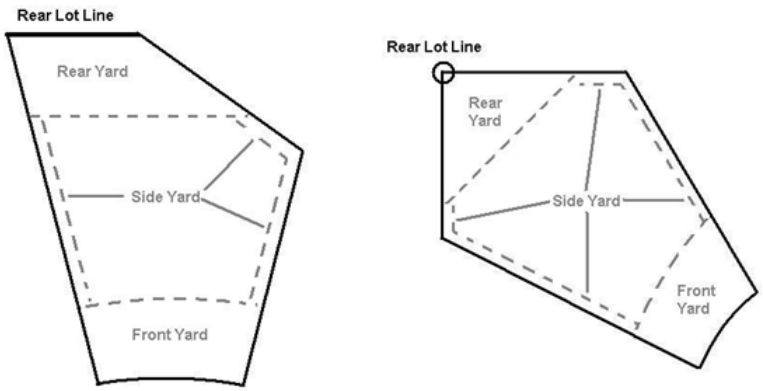


Figure 2-4: Illustration of Rear Site Lines

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 2-3).

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 2-5).

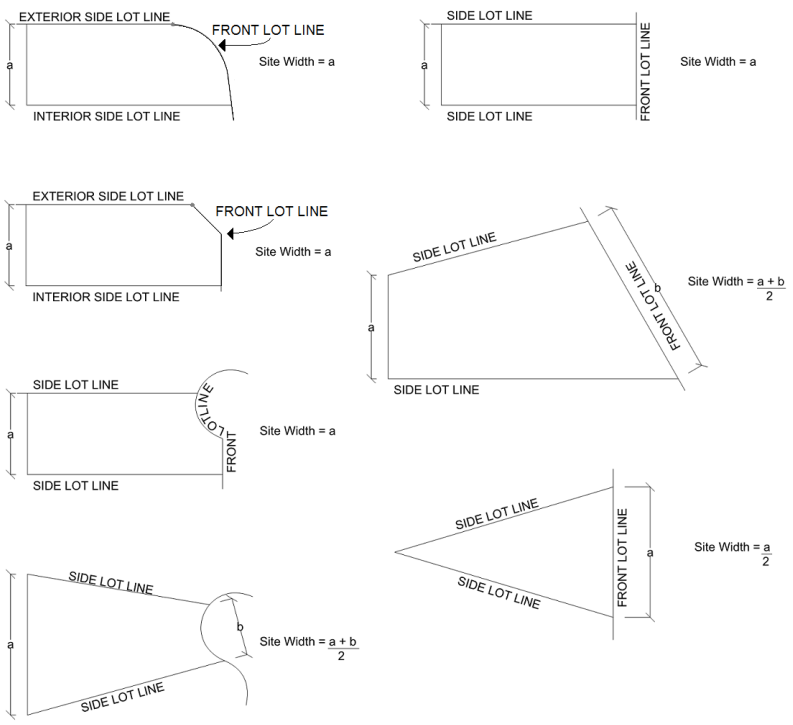


Figure 2-5: Illustrations of Site Width

Solar Energy System: any solar collector panel, shingle, or other solar energy device or ancillary equipment mounted on a building or a free-standing structure, whose primary purpose is to provide for the collection, storage, and distribution of solar energy.

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 Building: a building without a foundation or footing, and that is to be removed upon expiration of a designated time period.

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 Bird's Point 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

(6) signs.

3.2.3 The effective period for a development permit is 24 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 24 months from the permit issuance date, or

(2) if the proposed development is legally suspended or discontinued, for a period of 24 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.

(d) If located on potentially flood prone or slump prone lands, a site plan prepared by a professional Surveyor showing building location in relation to the elevations of the site. The Resort Village will use this information to determine what buildings would be potentially flood or slump prone and where buildings must be moved or flood proofed. The applicant will be responsible for the costs of determining safe building locations, or flood proofing measures by qualified professionals (e.g. engineers or architects).

(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.

(6) A site survey, created by a qualified professional, showing the site boundaries and grade elevations along the proposed development.

3.3.2 The Development Officer may require the submission of documentation relating to the requirements of Section 4.12 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 Bird's Point 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 Bird's Point.

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 of the right to appeal conditions of their approved application to the Development Appeals Board of the Resort Village of Bird's Point.

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) When the Development Officer identifies that an application for discretionary use would 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 would be refused on the grounds of zoning non-compliance but that the applicant has the right to appeal.

(ii) in any case, the applicant has the right to proceed with the discretionary use application, and this step is in place to give applicants a chance to modify their proposal so that it would meet the regulations of the zoning bylaw should the discretionary use be approved. This is just a "heads up" for applicants and is intended to resolve issues before the application is circulated to the public and brought formally before 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) If council has made a decision to reject an application for a discretionary use, the council or development officer shall provide written notice to the applicant of the decision based on the criteria established in the Zoning Bylaw, 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 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) *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.

(2) *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.

(3) *Single Detached Dwellings*

(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.

(4) *Campgrounds*

(a) Wherever possible and appropriate, any existing trees and mature landscaping shall be retained;

(b) Solid waste storage facilities (including adequate spaces for both recycling and general waste bins) shall be provided on-site, appropriately located, and screened or landscaped to avoid any adverse visual impact from the road and within the development.

(c) There shall be adequate maneuvering space on-site; and,

(d) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.

(5) *Hotels and motels:*

(a) The prevention of on-street congestion caused by the ingress and egress of vehicles shall be considered.

(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.

(6) *Restaurants, with or without associated lounges:*

(a) Restaurants, with or without associated lounges, where possible, should be located near similar community and support facilities; and,

(b) The character of adjacent residential districts, along the zone interface should, where possible, be protected and maintained through the provision of buffer areas, separation distances and/or screening.

(7) *Dwelling units attached to and in conjunction with any permitted use:*

(a) Dwelling units attached to commercial establishments shall have a main entrance separate from that of the commercial or establishment. An emergency exit must be provided in addition to the main entrance.

(b) The minimum floor area of each dwelling unit shall be 28 square metres.

3.11 FEES

3.11.1 Amendment of the Zoning Bylaw

(1) In addition to an application fee, 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.

3.11.2 Application fees

(1) An applicant for a development permit shall pay an application fee in accordance with the following:

(a)	Permitted use:	$100.00 with an additional $100.00 deposit to be returned at the completion of the development.
(b)	Discretionary use:	$200.00
(c)	Development Appeal Fee:	up to $300.00 as specified by the Development Appeals Board

These fees shall be in addition to any fee required by Section 3.12.1 above.

(2) Where a person applies to Council to amend the Zoning Bylaw, that person shall pay to the municipality the following application fees, where applicable:

(a) Text amendments: $400
(b) Map amendments (see table below):
Class 1 Districts: FLU, PR
Class 2 Districts: C1
Class 3 Districts: R1, R2, R3

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	$200	$400	$800
	Class 2	$200	$400	$800
	Class 3	$200	$400	$800

Where an application to amend the Zoning Bylaw involves amendment within two or more of the above categories the sum of the amendment fees shall apply for all categories. These fees shall be in addition to any fee required by Section 3.11.1 above

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 a 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 0.6 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 and Retaining Walls

4.7.1 On any lakeshore site in any Residential District, no wall or fence shall be erected to a height of more than 2.0 metres above grade in a required front yard or on any site line adjacent to a required front yard, or more than 1.0 metres above grade in a required rear yard or any site line adjacent to a required rear yard. On any non-lakeshore site in any Residential District, no wall or fence shall be erected to a height of more than 1.0 metres above grade in a required front yard, any site line adjacent to a required front yard, or more than 2.0 metres above grade in a required rear yard or any site line adjacent to a required rear yard. (Refer to Figure 4-1)

4.7.2 In any Backshore Residential District, no wall or fence shall be erected in a required side yard or on any site line adjacent to a required side yard to a height of more than 2.0 metres above grade. (Refer to Figure 4-1)

4.7.3 In any zoning district, the use of railroad ties in the construction of a retaining wall or for general landscaping purposes shall be prohibited.

4.7.4 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.

4.7.5 A development permit is required for the erection of all fences.

4.7.6 Any retaining wall over 1.2 metres in height shall require a development permit application, complete with sealed engineered drawings, be submitted and approved prior to the start of construction.

4.7.7 Any retaining wall over 0.6 metres in height shall be protected by railings, for the purpose of safety, on all open sides where the space at the top of the retaining wall is easily accessible.

4.7.8 The construction of a retaining wall shall be undertaken in a manner to eliminate damage or disturbance to adjoining private or public land, to minimize the removal of natural vegetation and to prevent soil erosion.

4.7.9 A retaining wall shall be allowed on a site provided that its construction provides landscaping and earthwork which completely covers the structure so that it is not intrusively visible from outside the site. However, this requirement may not apply, at the discretion of the Development Officer, where

warranted to satisfy engineering requirements for the proposed retaining wall due to topography of the site or other site conditions as demonstrated by the site development plan.

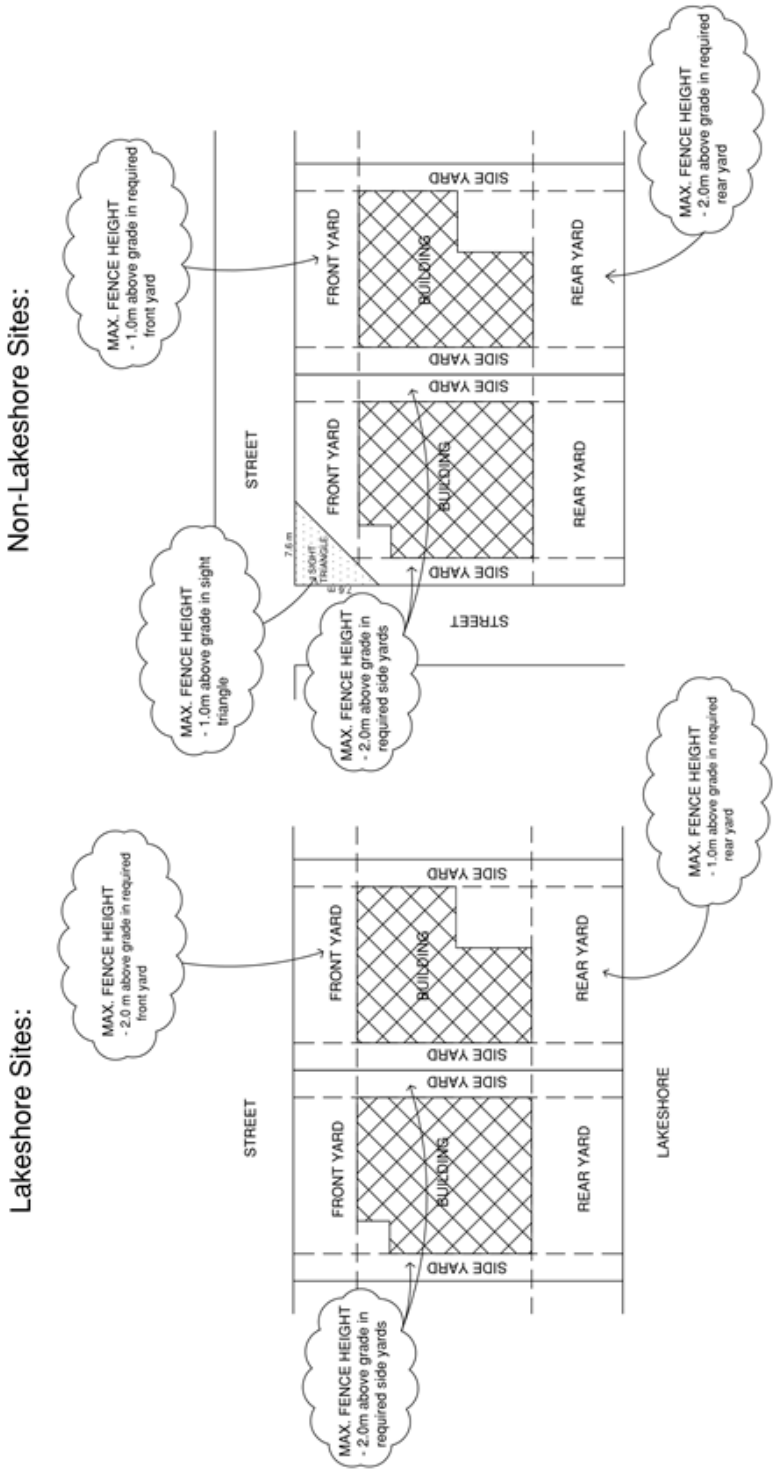


FIGURE 4-1: Fence Height

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 5 metres above the top surface of the fronting road when located in the required front yard, and in no cases shall any accessory buildings exceed 11 metres in height from grade level to the peak of the structure.

4.8.4 Number of Accessory Buildings

(1) A total of three (3) accessory buildings are permitted per site.

(2) In any Residential District, there shall be no more than one (1) accessory dwelling unit on a site.

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

(1) Detached accessory buildings in all **R1** districts are subject to the following regulations:

(a) Accessory buildings located in the required front yard shall not occupy more than forty (40) percent of the front yard, and shall not obstruct access to any lane.

(b) Accessory buildings with a frontward facing garage door shall be set back a minimum of 6 metres from the front site line faced by the door.

(c) Minimum setback requirements:

(i) *Front Yard:* minimum – 1.2 metres
(ii) *Rear Yard:* minimum – 6 metres
(iii) *Side Yard:* minimum – 0.6 metres

(2) Detached accessory buildings in any **R2, R2, C1, PR** zoning districts are subject to the following regulations:

(a) 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.

(b) Accessory buildings located in the required rear yard shall not occupy more than fifty (50) percent of the rear yard, and shall not obstruct access to any lane.

(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 3.0 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.

(e) Minimum setback requirements:

(i) *Front Yard:* minimum – 6.0 metres
(ii) *Rear Yard:* minimum – 1.5 metres
(iii) *Side Yard:* minimum – 0.6 metres

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 4.8.3 and 4.8.5 is permitted.

(3) 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 side site line shall be within 3 metres of the side site line faced by the door.

(5) Notwithstanding sections 4.8.2, where permitted, a private garage or carport may exist on a site without a single detached dwelling at the discretion of council.

4.8.7 RV's As an Accessory Dwelling

(1) Only one recreational vehicle accessory to a single detached dwelling, or a recreational vehicle permitted under section 5.3.1, shall be permitted, except for no accessory recreational vehicle shall be permitted on sites that are determined to be unsafe for permanent structures.

(2) No recreational vehicle shall be kept for hire.

(3) The facilities and amenities of the single detached dwelling on site shall be available at all times for the use of the occupants of the recreational vehicle.

4.8.8 Temporary Accommodation

(1) At councils discretion, recreational vehicles may be used for temporary sleeping accommodations during the period of construction activity in accordance with a valid development permit.

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 Swimming Pools

Private swimming pools, both above ground and in-ground, both open and covered, shall be permitted in any zone where residential uses are permitted, subject to the following conditions:

(a) Open Pools:

(i) Open pools shall be enclosed within a glass fence a minimum of 1.5 metres in height located not less than 1.2 metres from the pool.

(ii) Open pools shall not be constructed closer than 1.5 metres to any site line plus additional horizontal distance equal to the height of the top edge of the pool above finished grade at the site line(s). For the purpose of the foregoing, the distance to the site line shall be measured from the nearest inside edge of the pool.

(iii) No part of an open pool including an associated apron or platform shall be constructed closer to a street line than the front yard requirements for a principal building in the zoning district within which it is located.

(b) Covered pools shall conform with the accessory building requirements relevant to the zoning district in which they are located.

4.8.11 Membrane Covered Structures

(a) Membrane covered structures shall be prohibited in all Zoning Districts.

4.8.12 Garage Suites

(1) No more than one garage suite accessory to a single detached dwelling shall be allowed per site. No garage suite shall be permitted on a site which contains a secondary suite.

(2) The maximum floor area of a garage suite shall not exceed the area of the principal dwelling or 77 m2, whichever is less.

(3) Garage suites shall have a full bathroom, kitchen, and a maximum of two bedrooms.

(4) All habitable areas of a garage suite shall be above grade.

(5) The maximum height of a garage suite shall be 11 metres or 5 metres above the surface of the fronting road in any R1 District, whichever is less.

(6) The minimum side yard setback for a garage suite shall be 1.2 m., however, on a corner site, where a garden or garage suite abuts a flanking street other than a lane, the required side yard shall not be less than that required for the principal dwelling.

(7) No portion of a garage suite may be located on, under or over a registered easement.

(8) Windows and doors in a garage suite shall be of a size and in locations which will not result in the loss of privacy for residents of adjacent sites.

(9) Mechanical units such as air conditioners and vents shall be located so as not to constitute a nuisance to adjacent properties.

(10) The site plan submitted for a garage suite must include details regarding utility service connections. The site plan must be approved by the Resort Village and by all utility agencies which provide services to the site.

(11) Sites containing a garage suites shall be adequately drained. A site drainage plan shall be submitted to the Resort Village.

(12) A building permit is required for a garage suites which shall comply with all relevant building, plumbing and development codes.

(13) Garage suites shall be located in:
(a) The rear yard in any **R2**, **C1,** or **C2** District.
(b) The front yard in any **R1** District.

4.9 PARKING

4.9.1 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) Single Detached Dwelling: 2 spaces
(2) Garage Suite: 1 space
(3) Recreational Vehicle: 1 space

4.10 SIGNS

4.10.1 All signs shall be subject to the following regulations:

(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 m^2.

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

4.11.1 In any Residential district:

(1) No front yard shall be used for the storage of materials or goods of any type.

(2) No yard shall be used for storage or collection of hazardous material.

(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) Outside storage of partially dismantled or inoperative motor vehicles is not permitted.

(5) No unlicensed or uninsured motor vehicle may be stored outdoors on a residential site, with the exception of golf carts and ATV's.

(6) Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers.

(7) All machinery, building supplies, fridges and freezers, 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.

4.12 Development on Hazard Lands

4.12.1 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.

4.12.2 Before a development permit is considered on potentially hazardous land, the applicant **shall** submit a report prepared by a professional competent to assess the suitability of the site for the proposed development (e.g. an engineer or architect) that clearly shows that the proposed site and development is safe with respect to the following where relevant:

(a) the potential for flooding up to or above the Estimated Peak Water Level plus a 0.5 metre freeboard;

(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.

4.12.3 The development of new buildings and additions to buildings in the floodway of the 1:500 year flood elevation of any watercourse or waterbody shall be prohibited unless dry flood-proofed based on a report prepared by a qualified professional (i.e. a professional engineer).

4.12.4 The development of new buildings and additions to buildings to an elevation of 0.5 metres above the 1:500 year flood elevation of any watercourse or waterbody in the flood fringe shall be flood-proofed based on a report prepared by a qualified professional (i.e. a professional engineer).

4.12.5 Actions identified in an assessment prepared pursuant to Section 4.12.2 which prevent, change, mitigate or remedy hazards in lands deemed hazardous shall 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.

4.12.6 Where subdivision or development is proposed on what Council considers may be contaminated land, Council may request an environmental site assessment be done, and subsequent steps be taken, as outlined by the Saskatchewan Ministry of Environment. The costs associated with undertaking specified mitigation measures, and with providing the required documentation related to any specified mitigation measures will be borne by the applicant or proponent of the proposed development.

4.13 Buildings or Uses Occupying More than One Lot

4.13.1 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.

4.14 Existing Nonconforming Buildings and Sites

4.14.1 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.

4.14.2 On residential sites where the number of recreational vehicles exceeds two (2), on or before the effective date of this bylaw, the additional recreational vehicles shall be considered legally non-conforming. If a legally non-conforming recreational vehicle is removed from a site, for a period greater than 12 months, the recreational vehicle shall lose its legally non-conforming status.

4.14.3 If a non-conforming building is damaged to the extent where the cost to repair is more than 75% of the construction cost to replace the building above its foundation, the building is not to be repaired or rebuilt except in accordance with the zoning bylaw.

4.15 Frontage on Road

4.15.1 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.

4.16 Building to Be Moved

4.16.1 No building shall be moved within or into the Resort Village of Bird's Point without the issuance of a development permit unless such building is exempt under Section 3.2.2 of this Bylaw.

4.17 Demolition of Buildings

4.17.1 No building shall be demolished within the Resort Village of Bird's Point without the issuance of a demolition permit, unless it is exempt under Section 3.2.2.

4.18 Grading and Levelling of Sites

4.18.1 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.

4.18.2 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.

4.18.3 Grading and / or leveling greater than 0.6 metres requires a development permit.

4.19 Water

4.19.1 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.

4.20 Prohibited Uses

4.20.1 The following uses are prohibited in all districts:

(1) The breeding of rats and other rodents, crickets and other insects.

(2) The keeping of any livestock or poultry.

(3) Salvage or vehicle storage yards.

4.21 Maximum Building Height

4.21.1 All uses in all zoning districts shall not exceed 11.0 metres in height, from the finished grade to the peak or highest point of the roof.

4.22 Temporary food services

4.22.1 The establishment of a temporary food services business will require the following:

(1) A temporary permit from the Resort Village of Bird's Point outlining the establishment of the business and any requirements the Resort Village deems necessary, such as months, hours, health requirements and permits

(2) All required permits or approvals from the local Heath Region to operate the food services.

4.23 Walkout Basements

4.23.1 Where a dwelling has a walkout basement facing any yard other than a front yard or a flanking

street, building height shall be determined as follows:

(1) The maximum height of any building elevation facing a front yard or flanking street shall be a maximum of 11m above grade level.

(2) The height for the lowest floor of the building or walkout basement at the building elevation facing the rear yard shall not exceed 3.5m measured from approved building grade to the top of the finished floor above the slab.

(3) In addition, the total height of the building elevation facing the rear yard shall not exceed 14.0 m measured from approved building grade.

4.24 Parking Pads and Garage Pads

4.24.1 Council may require the completion of a geotechnical study for parking pads and garage pads that are elevated and require retaining walls, in order to ensure slope stability and public safety.

5 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.

5.1 PRIVATE CAMPGROUNDS

5.1.1 The applicant for a development permit for a campground or tourist camp shall provide the Development Officer with a plan of the site, identifying any buildings, uses of land and the location of all roadways and recreation vehicle or tent campsites with dimensions. The addition or rearrangement of sites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the applicant shall submit for approval an amended plan incorporating the proposed development.

5.1.2 A campground or tourist camp shall have, within its boundaries, a buffer area abutting the boundary of not less than 2 metres in width, which shall:

(1) have a minimum width of not less than 2 metres, which shall contain no buildings or structures, except for a fence to a maximum height of 2 metres, provided it is located on the exterior boundary of the buffer area; and

(2) not contain any roads, except those which connect a public roadway to the road system within the campground or tourist camp.

5.1.3 A site for each recreation vehicle and campsite permitted in the campground or tourist camp shall be designated and clearly marked on the ground.

5.1.4 Each site shall have a minimum area of 150 square metres and shall not exceed 300 square metres in area with its corners clearly marked.

5.1.5 No portion of any campsite shall be located within an internal roadway or required buffer area.

5.1.6 Each site shall have direct and convenient access to a developed internal roadway, which shall not be located in any required buffer area.

5.1.7 Each recreation vehicle shall be located at least 4.5 metres from any other recreation vehicle and each site shall have dimensions, location and orientation sufficient to allow for such location of recreation vehicles.

5.1.8 The space provided for roadways within a campground or tourist camp shall be at least 7.5 metres in width. No portion of any site, other use or structure shall be located in any roadway.

5.1.9 A campground or tourist camp may include, as an ancillary use, a laundromat or a confectionary designed to meet the needs of occupants of the sites and a one unit dwelling for the accommodation of the operator.

5.1.10 *The Public Health Act*, and regulations passed thereunder, shall be complied with in respect of all operations and development of campgrounds.

5.1.11 Privacy fences may be utilized in areas where natural vegetation does not provide privacy and shall be kept in good state of repair so as not be become unsafe, unsightly or a fire hazard. Tarps (canvas, poly, plastic) shall not be used as a privacy fence.

5.1.12 Parking of vehicles is prohibited on roadways. Campsites shall have adequate space to accommodate at least:

One (1) vehicle where the raised patio/deck is 100 square feet or less; or
Two (2) vehicles where the raised patio/deck is over 100 square feet.

5.1.13 Construction of verandahs, trailer hoods and pole structures on sites is prohibited.

5.1.14 The campground operator may designate sites for seasonal use for recreational vehicles. On such seasonal sites the following shall be permitted only if the designated site size will accommodate such structures and not impede campsite parking requirements:

(1) Raised patios, decks, sidewalks not more than 9.3m^2 in size, and 0.4 metres above grade level as measured at the outside edge of the patio, deck or sidewalk shall be permitted on a site and constructed in a fashion that does not prohibit the recreational vehicle from being hooked up and moved out without effort. Permits shall not be required from the municipality for decks that comply with the said regulations and shall be regulated by the campground operator.

(2) One accessory building no larger than 9.3 square metres, with walls not exceeding 2.5 metres and a roof peak not exceeding 3.67 metres shall be permitted where the site area will accommodate. An accessory building shall not abut the recreational vehicle, shall be located at least 4.5 metres from any accessory building or recreational vehicle located on the adjacent site and have a finished exterior. Where the accessory building is of metal or self-extinguishing vinyl construction the accessory building may be located at least 1.5 metres from any accessory building or recreational vehicle located on the adjacent site and shall be regulated by the campground operator.

(3) One barbeque shelter no larger than 9.3 square metres with walls not exceeding 2.5 metres and a roof peak not exceeding 3.67 metres.

5.2 Home Based Businesses

5.2.1 Home based businesses shall be subject to the following development standards:

(1) The use is clearly ancillary to the use of the dwelling unit as a private residence.

(2) The operator of the business is a resident of the dwelling unit. Any employee shall be directly under the hire and management of the operator of the business. Where the business is a building or service contractor, additional employees may be involved only at the client building site.

(3) No variation in the residential appearance of the dwelling, ancillary residential building, or land shall be permitted, except for permitted signs.

(4) The permitted use shall be valid only during the period of time the property is occupied as a residence of the applicant for such permitted use.

(5) All permits issued for home based businesses shall be subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the conditions under which the permit was originally issued are no longer met.

5.3 Recreational Vehicles

5.3.1 Recreation Vehicles are permitted as a principal dwelling only when:

(1) They are to be situated on a vacant site that was **not** previously occupied by a single detached dwelling or on a lot created after January 1st, 2020; or

(2) The site has been determined as unsafe to develop with permanent structures by a qualified professional (e.g. engineer or architect). Only one Recreation Vehicle shall be permitted per site in these situations and they shall not include accessory structures such as "hoods" or attached decks or canopies that would make the unit unable to be completely removed from the site on 24 hours' notice.

5.3.2 Where a recreational vehicle is permitted on a site, it shall be subject to the following regulations:

(1) The unit shall be well maintained and in good condition.

(2) The unit shall be attached to an approved septic system, securely anchored to the ground, and skirted prior to occupancy.

(3) The unit shall not be modified or made permanent through the removal of axels and/or wheels or placed on a permanent foundation.

(4) One parking spaces shall be provided on site, in addition to the parking space for the recreational vehicle.

(5) When a recreational vehicle is permitted under section 5.3.1, the unit shall not be located in any required yard.

5.4 Manufactured Dwellings

5.4.1 All manufactured dwellings shall bear the appropriate certification as herein defined, and shall be installed in accordance with the CSA National Standard for Manufactured Home construction.

5.4.2 Any accessory buildings, additions, porches, or garages added to a manufactured home shall be required to have a final appearance and quality that is equivalent to the existing structure.

5.4.3 The undercarriage of all manufactured homes shall be required to be completely screened by way of the foundation, skirting, or material which is consistent with the exterior of the unit, and shall allow for the circulation of air beneath the unit.

5.5 Staff Accommodation as an Accessory Use

5.5.1 Staff accommodation as an accessory use shall only be permitted to accommodate the staff of a hotel, motel, tourism base camp, outfitter base camp, tourist camp, golf course, institutional camp, or retail / service commercial use.

5.5.2 Council may apply conditions limiting the size of buildings and the total number of beds that will be provided in each building to ensure that the use remains sufficient only to accommodate staff of a use specified above.

5.6 Solar Collectors

5.6.1 The installation and operation of solar energy systems, and their supporting structures shall be permitted in all zoning districts subject to the following:

(1) In any Commercial, Community Service or Residential district, such structures shall not be located in any required front or side yard, and in the case of a corner site, in any portion of the rear yard which is within 3.0 metres of the side property line adjacent to a flanking street unless it is screened from the flanking street to the satisfaction of the Development Officer.

(2) In any Commercial, Community Service or Residential district, such structures, if freestanding, the minimum distance from the base of any structure, or tower, to any site line shall be equal to 1.2x the total height of the structure and in no case shall the structure exceed the height of the principal building.

(3) In any Commercial, Community Service or Residential district, such structures, if attached to or erected upon a building, shall not exceed the maximum permitted height of the building upon which such structure is attached or erected.

(4) A development permit is required for:
   (a) Any free standing solar energy system.
   (b) Any installation requiring structural alterations to an existing structure.

5.7 Shipping Containers

5.7.1 Shipping containers may be permitted in **R2** and **C1** districts at the discretion of council.

5.7.2 Shipping container, permitted under 5.7.1, shall only be used for shipping or storage purposes accessory to the principal use of the site and shall comply with the site requirements for accessory buildings for the applicable zoning district. Shipping containers, permitted under subsection 5.7.1, shall:

(1) be properly anchored and maintained in good repair;

(2) be sided or sandblasted and repainted to a neutral colour prior to their placement, above grade, on a site;

(3) be located a minimum of 3.0 metres from, and behind the rear wall of, the principal building;

(4) meet the requirements of *The National Building Code of Canada* as applicable.

5.7.3 Notwithstanding subsection 5.7.1, shipping containers may be temporarily placed on a site in any district:

(1) during active construction on a site when the shipping container is solely for the storage of supplies and equipment that are used for the site, provided that a valid building permit has been issued for construction on the site. The shipping container must be removed from the site upon completion of the construction; or

(2) for the purpose of loading and unloading of items associated with the principal use for a period of not more than 10 days in any six month period; and

(3) in any case, for a period of not more than 30 days unless an extension has been granted by the development officer to a maximum of 90 days.

5.7.4 When placed on a site pursuant to subsection 5.7.3, the shipping containers shall:

(1) be located so as not to create a safety hazard; and

(2) not be located within 1.2 metres of the interior edge of a sidewalk.

6 ZONING DISTRICTS

6.1 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.

Districts	Symbols
Lakefront Residential	**R1**
Backshore Residential	**R2**
Residential Recreation	**R3**
Parks and Recreation	**PR**
Commercial	**C1**
Future Urban Development	**FUD**

6.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 04/20 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.

6.3 BOUNDARIES OF ZONING DISTRICTS

6.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map".

6.3.2 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.

6.3.3 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, land 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.

6.3.4 On un-subdivided land, the zoning district boundary shall be determined by the scale shown on the Zoning District Map.

6.4 ZONING DISTRICTS

6.4.1 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 7.

6.5 Properties with More than One Zoning District

6.5.1 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.

7 DISTRICT SCHEDULES

7.1 R1 – LAKESHORE RESIDENTIAL DISTRICT

7.1.1 Purpose

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

7.1.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-1.

7.1.3 Accessory Uses

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

7.1.4 Standards and Regulations

(1) Site and building requirements are shown in Table 7-1.

7.1.5 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.

7.1.6 Exceptions to Development Standards

(1) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 7-1, shall be a fully conforming building site whether or not it contains a building.

7.1.7 Off-Street Parking and Loading

Off-street parking requirements are subject to Section 4.9.

Table 7-1: R1 – Lakeshore Residential District Development Standards for the Resort Village of Bird's Point										
Principal Use		**Designation**	**Development Standards**							
			Subject to Sections	**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)	Single detached dwelling	P	3.10.4(3)	450	12	6	1.2(1)	6	50	50
(2)	Recreational Vehicles	D	4.8.7 5.3	450	12	6	1.2(1)	6	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 7-1 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

7.2 R2 – Backshore Residential District

7.2.1 Purpose

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

7.2.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-2.

7.2.3 Accessory Uses

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

7.2.4 Standards and Regulations

(1) Site and building requirements are shown in Table 7-2.

7.2.5 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.

7.2.6 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 7-2, shall be a fully conforming building site whether or not it contains a building.

7.2.7 Off-Street Parking and Loading

Off-street parking requirements are subject to Section 4.9.

Table 6-2: R2 – Backshore Residential District Development Standards for the Resort Village of Bird's Point										
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)	Private Garage or Carport	D	4.8.6(5)	450	12	6	1.2(1)	6	50	50
(2)	Recreational Vehicles	D	4.8.7 5.3	450	12	6	1.2(1)	6	50	50
(3)	Single detached dwelling	P	- -	450	12	6	1.2(1)	6	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 7-2 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

7.3 R3 – Recreation Residential District

7.3.1 Purpose

The Purpose of the **R3** – Recreation Residential District is to provide for the continued use of Lot G, block B, Plan 69R00742 as a campsite.

7.3.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-3.

7.3.3 Accessory Uses

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

7.3.4 Standards and Regulations

(1) Site and building requirements are shown in Table 7-3.

7.3.5 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.

7.3.6 Exceptions to Development Standards

(1) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 7-3, shall be a fully conforming building site whether or not it contains a building.

7.3.7 Off-Street Parking and Loading

Off-street parking requirements are subject to Section 4.9.

Table 7-3: R3 – Recreation Residential District Development Standards for the Resort Village of Bird's Point										
Principal Use		**Development Standards**								
		Designation	**Subject to Sections**	**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)	Recreational Vehicles	D	- -	580	15	- -	- -	- -	- -	- -
Community Service, Municipal, Recreational, Institutional and Other Uses										
(1)	Parks and playgrounds	P	- -	- -	- -	- -	3	3	- -	- -
(2)	Public recreation facilities	D	- -	- -	- -	- -	- -	- -	- -	- -
(3)	Public works and municipal facilities excluding offices, warehouses, storage yards and sewage lagoons	P	- -	- -	- -	- -	- -	- -	- -	- -
(4)	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 7-3 and the R2 district:

(1) Council may permit a reduced setback in the case of existing, irregular shaped lots or difficult terrain

7.4 PR – Parks and Recreation District

7.4.1 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.

7.4.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-4.

7.4.3 Accessory Uses

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

7.4.4 Standards and Regulations

(1) Site and building requirements are shown in Table 7-4.

7.4.5 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.

7.4.6 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 7-4, shall be deemed to be compliant with the minimum site width requirements in this bylaw.

7.4.7 Off-Street Parking and Loading

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

Table 7-4: PR – Parks and Recreation District Development Standards for the Resort Village of Bird's Point

	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)	Nature interpretation trails and associated facilities	P	- -	- -	- -	- -	- -	- -	- -	- -
(2)	Public works and municipal facilities including offices, warehouses, storage yards and sewage lagoons	P	- -	- -	- -	- -	- -	- -	- -	- -
(3)	Public recreation facilities	D	3.10.4(1)	- -	- -	- -	- -	- -	- -	- -
(4)	Sports fields, parks, and playgrounds	P	- -	- -	- -	- -	- -	- -	- -	- -
(5)	Walking, hiking, and/or ski trails and associated facilities	P	- -	- -	- -	- -	- -	- -	- -	- -
(6)	Recreational vehicles	D	4.8.7 5.3	450	12	6	1.2(1)	6	50	50

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 7-4 and the PR district:

7.5 C1 – Commercial District

7.5.1 Intent

The objective of the **C1** – Commercial District is to provide for general commercial and other compatible development in specific areas, with standards for such development.

7.5.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-5.

7.5.3 Prohibited Uses

Uses prohibited in **C1** – Commercial District are as follows:

7.5.4 Accessory Buildings

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

7.5.5 Regulations

(1) *Site Requirements*

The minimum and maximum site size and yard requirements are shown in Table 7-5.

7.5.6 Standards for Discretionary Uses

Council will consider discretionary use applications in the **C1** – Commercial District with regard to Section 3.10.4 Discretionary use Evaluation Criteria and Section 3.10.2 Terms and Conditions for Discretionary Use Approvals as well as additional development standards noted as follows.

(1) All operations shall comply with all regulations of Saskatchewan Environment and Saskatchewan Labour which govern their operation and development.

7.5.7 Off-Street Parking and Loading

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

7.5.8 Outside Storage

Outside storage, including garbage storage, is subject to Section 4.11 of this Bylaw.

Table 7-4: C1 – Backshore Commercial District Development Standards for the Resort Village of Bird's Point

	Use	Development Standards						
		Permitted or Discretionar	**Subject to Sections**	**Minimum Site Area (m^2)**	**Minimum Site Width (m)**	**Minimum Front Yard (m)**	**Minimum Side Yard (m)**	**Minimum Rear Yard (m)**
Residential Uses								
(1)	Business dwellings	D	3.10.4 (7) 5.5	same as principal use				
Commercial Uses								
(1)	Bakeries	D	- -	1,100	30	7.5	(1)	6
(2)	Commercial recreational uses	D	3.10.4 (1)	1,100	30	7.5	(1)	6
(3)	Commercial service establishments	D	3.10.4	1,100	30	7.5	(1)	6
(4)	Convenience stores, with or without gas bars	D	3.10.4 (2)	1,100	30	7.5	(1)	6
(5)	Daycare centres	P	- -	1,100	30	7.5	(1)	6
(6)	Drive-in theatres	D	- -	1,100	30	7.5	(1)	6
(7)	Gas bars	D	- -	1,100	30	7.5	(1)	6
(8)	Hotels	D	3.10.4 (5)	1,100	30	15	(1)	6
(9)	Medical and dental offices	D		1,100	30	7.5	(1)	6
(10)	Motels	D	3.10.4 (5)	1,100	30	15	(1)	6
(11)	Nurseries, greenhouses and garden centres	P	- -	1,100	30	7.5	(1)	6
(12)	Offices and office buildings	P	- -	1,100	30	7.5	(1)	6
(13)	Parking lots	D	- -	1,100	30	7.5	(1)	6
(14)	Personal service establishments	D	- -	1,100	30	7.5	(1)	6
(15)	Private Campgrounds	D	3.10.4 (4) 5.1	45,400	30	7.5	(1)	6
(16)	Restaurants	D	3.10.4 (6)	1,100	30	7.5	(1)	6
(17)	Retail food outlets	D	- -	1,100	30	7.5	(1)	6
(18)	Retail stores, but not including auction markets	D	- -	1,100	30	7.5	(1)	6
(19)	Service stations	D	- -	1,100	30	7.5	(1)	6
(20)	Tourist camps	D	3.10.4 (4) 5.1	1,100	30	7.5	(1)	6
Municipal, Recreational, Institutional and Other Uses								

(21)	Community halls	P	- -	1,100	30	7.5	(1)	6
(22)	Historical and archaeological sites	P	- -	- -	- -	- -	- -	- -
(23)	Municipal facilities	P	- -	- -	- -	- -	- -	- -
(24)	Parks and playgrounds	P	- -	- -	- -	- -	- -	- -
(25)	Places of worship	P	- -	1,100	30	7.5	(1)	6
(26)	Public works, excluding solid and liquid waste disposal sites	P	- -	- -	- -	- -	- -	- -
(27)	Recreation facilities	P	- -	1,100	30	7.5	(1)	6

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 limitation and standards regarding Table 7-5 and the C1 – Commercial District:

(1) 10% of the depth of the site

7.6 FUD – Future Urban Development District

7.6.1 Purpose

The objective of the **FUD** – **Future Urban Development District** is to provide for interim land uses where the future use of the land or the timing of development is uncertain due to issues of servicing, transitional use or market demand.

7.6.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-6.

7.6.3 Accessory Uses

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

7.6.4 Standards and Regulations

(1) Site and building requirements are shown in Table 7-6.

7.6.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **FUD** 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.

7.6.6 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 7-2, shall be a fully conforming building site whether or not it contains a building.

7.6.7 Off-Street Parking and Loading

Off-street parking requirements are subject to Section 4.9.

Table 7-6: FUD – Future Urban Development District Development Standards for the Resort Village of Bird's Point										
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)	Recreational vehicles as single detached dwelling	D	4.8.7 5.3	450	12	6	1.2(1)	6	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.

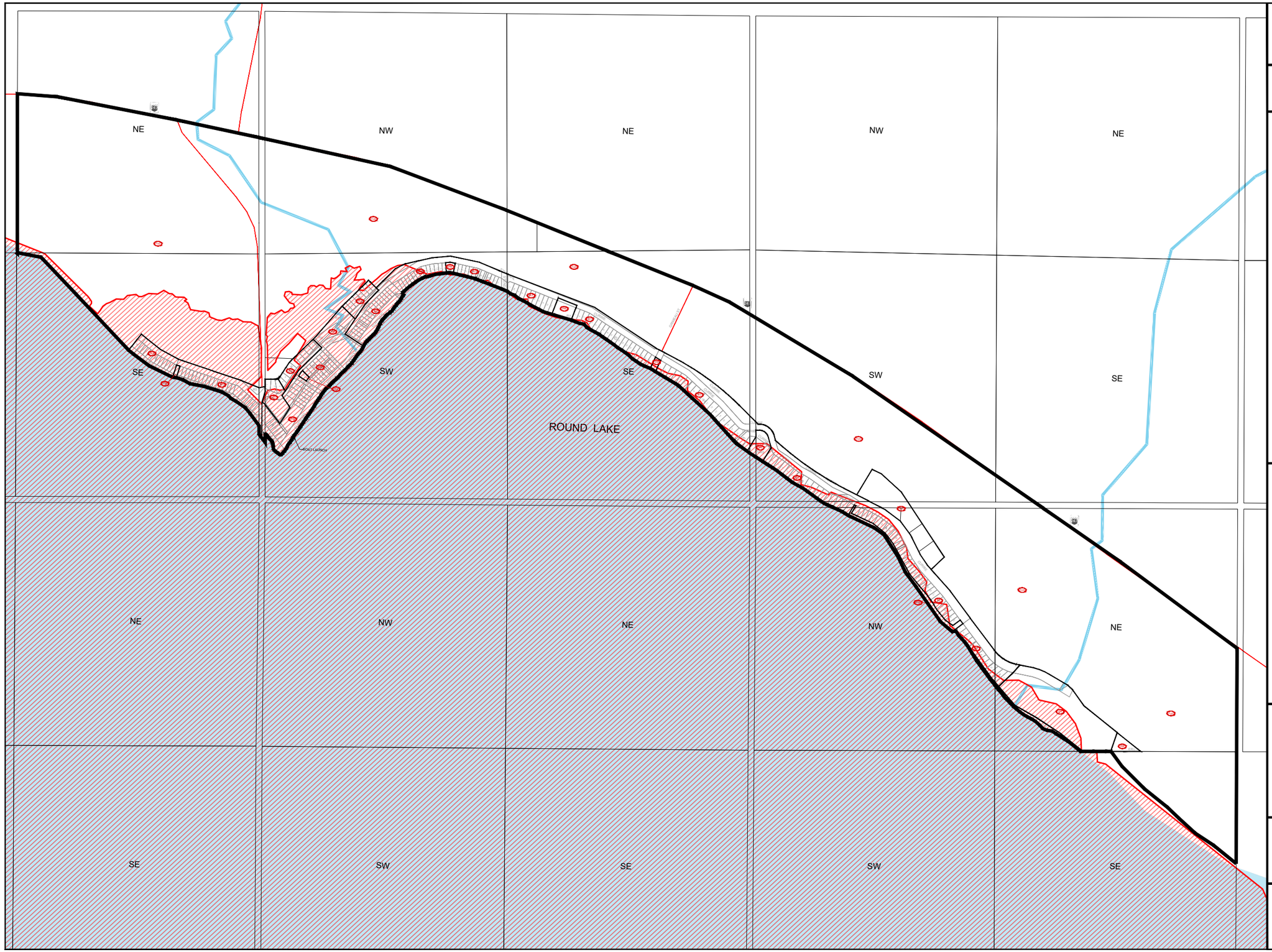
(D) - Discretionary Use
A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitations and standards regarding Table 7-6 and the FUD 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

8 MAPS



Resort Village of Bird's Point
SASKATCHEWAN

ZONING DISTRICT MAP

ZONING DISTRICTS

- R1 LAKEFRONT RESIDENTIAL
- R2 BACKSHORE RESIDENTIAL
- R3 RESIDENTIAL RECREATION
- C1 COMMERCIAL
- PR PARKS AND RECREATION
- FUD FUTURE URBAN DEVELOPMENT
- ROAD
- RESORT VILLAGE BOUNDARY
- 447m POTENTIAL FLOOD PRONE AREA
  - Potential flood prone areas are identified for general information only. Subdivision and development proposals should be evaluated by a professional Engineer or Hydrologist to determine peak water levels and safe building elevations.
  - Areas around existing water bodies and other low areas in the municipality that are not identified as potential flood prone areas have no historical data available and may be flood prone.

- This is the Zoning District Map which accompanies Bylaw Number _____ adopted by the Resort Village of Bird's Point.

_____
Reeve

_____
Administrator

- Approved on the _____ day of _____ _____ .

CROSBY HANNA & ASSOCIATES
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DATE
2021-04-26

PROJECT NO.
CHA 20023

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SASKATCHEWAN

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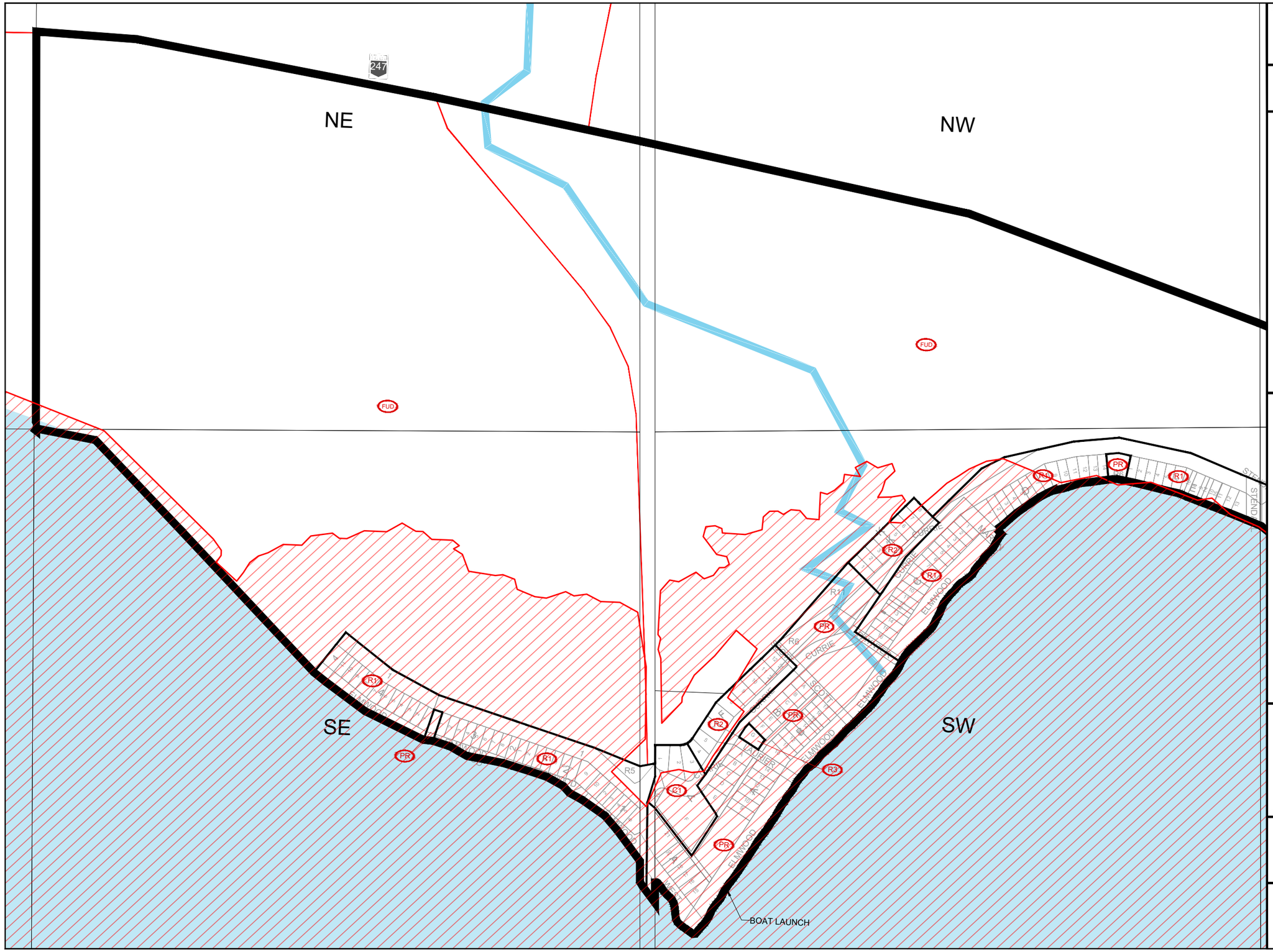

Resort Village of Bird's Point
SASKATCHEWAN

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Resort Village of Bird's Point
SASKATCHEWAN

ZONING DISTRICT MAP

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