

BYLAW No. 16-2024

A BYLAW OF THE RESORT VILLAGE OF AQUADEO TO AMEND BYLAW No. 19/89, KNOWN AS THE ZONING BYLAW

The Council of the Resort Village of Aquadeo, in the Province of Saskatchewan, enacts this bylaw to amend Bylaw No. 19/89 as follows:

1. **SECTION 2 – INTERPRETATION**, is amended by adding the following new definitions in the appropriate alphabetical sequence:

“
Certified Professional – A professional engineer or geoscientist licensed to practice in Saskatchewan.

Retaining Wall - A wall constructed of concrete, steel, treated wood, stone, masonry, soil or a combination thereof, designed to support, confine, retain, or keep in place earthen material. Landscaped steps which are built into a slope or the ground are considered a tiered form of retaining wall. The height of a retaining wall is determined by measuring the vertical distance between the finished grade at the base of the structure and the top of the wall. Alterations to slopes shall be considered a retaining wall where the slope exceeds 45 degrees from natural grade to peak or crest of any altered slope. Raised garden beds, planter boxes, and similar structures shall not be considered a retaining wall where all sidewalls of the structure do not retain earthen materials around its exterior walls. A retaining wall is an *accessory use* requiring discretionary approval of Council.”

2. **SECTION 4 – GENERAL REGULATIONS**, is amended by adding the following new subsection after subsection 4.6 *Hazard Lands*:

“
4.7 Retaining Walls

- 4.7.1 Retaining walls may be allowable in any District except for R2 and will be a discretionary matter of Council unless specified otherwise, and shall require development permitting.
- 4.7.2 Applications for retaining walls within five (5) metres of the high-water mark of any water course or water body shall be required to be accompanied by any necessary approval of a higher order of government, or written confirmation from said order of government that approval is not required (eg. shoreline alteration, aquatic habitat protection, etc.). Any approval requirement of the higher order of government shall be adhered to in the development of any retaining wall.
- 4.7.3 Retaining walls are exempt from any prescribed minimum side or rear yard requirement in any District, and shall not be placed within any required minimum front yard.
- 4.7.4 Retaining walls may be constructed on a property line where both affected landowners are co-applicant to any permit application. Otherwise, any retaining wall shall be located wholly within a landowner’s property boundary.
- 4.7.5 The height of a retaining wall in any District, including the height of any fence constructed thereon, shall not exceed a maximum fence height prescribed in this Bylaw and may vary dependent upon location within a site.
 - (1) Where a fence is constructed on the top of a retaining wall, notwithstanding 3.2.3 said fence is not permit exempt.

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- 4.7.6 The construction of a retaining wall shall not cause adverse effects for surface drainage, slope stability, or general risk to safety of people and property on adjacent and nearby properties.
- 4.7.7 Subject to any absolute height restriction in 4.7.5, any retaining wall or wall tier greater than 0.6 m (2 ft) in height where located within a required yard shall be extended upwards above the grade of the adjacent property a minimum of 0.6 m (2 ft), either by extension of the wall above said grade, or by a rigid fence placed thereon.
- 4.7.8 Notwithstanding any exemption provided in 3.2.6 and survey document types described therein, a pre-development Survey Sketch Plan and post-development Real Property Surveyor's Report shall be provided for any retaining wall for application completion and as condition of a permit.
- 4.7.9 If required by the Resort Village's Building Bylaw or by *National Building Code*, retaining walls may require building permitting.

Application Submission Requirements

- 4.7.10 In addition to a development permit application, in addition to said application every application for a retaining wall shall provide a detailed site plan and drawings showing:
- (1) The proposed location of the wall, including all property boundary and building setbacks.
 - (2) Drawings showing the cross-section for all portions of the wall illustrating height differential of lands to be retained.
 - (3) A plan showing the existing drainage in and through the site, and a second plan showing drainage post-development.
 - (4) A detailed description and/or technical drawings showing the elements and materials proposed for use as a retaining wall.
 - (5) A Survey Sketch Plan as indicated in 4.7.8.
- 4.7.11 The development and construction of any retaining wall shall require the written support of any certified professional as required by Council and/or the Development Officer with respect to geotechnical, hydrological, and/or structural matters in a determination of suitability.
- (1) All relevant site, development, and construction information shall be provided to the certified professional that they can adequately assess the suitability of the proposed retaining wall.
 - (2) At minimum, an assessment by a certified professional shall be provided by the applicant to determine whether a proposed retaining wall warrants further investigation for geotechnical, hydrological, and/or structural suitability. Upon initial assessment, where further investigation is recommended by the certified professional, or is requested by Council and/or the Development Officer, said information is required for application completion and consideration for approval.

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- (3) Any recommendation(s) or requirement(s) for development identified by the certified professional shall be adhered to in the development of any retaining wall and may form the basis for any permit condition to help ensure the protection of people and property.
- (4) Costs associated with any assessment or investigation are solely those of the applicant.

Evaluation Criteria

4.7.12 Council will evaluate completed discretionary use applications for a retaining wall in accordance with the following criteria, and as supplemented by the general discretionary use evaluation criteria in 3.2.5:

- (1) The degree to which the wall may alter the natural topography, natural habitat, and vegetation of surrounding land.
- (2) The potential impacts to municipal infrastructure, public works, and similar utility services.
- (3) The proposed plans for drainage to adequately manage surface water and erosion within and through the site, and potential impacts on neighboring properties or municipal infrastructure.
- (4) The potential for intrusion of privacy onto adjacent properties resulting from the elevating and retaining of land.
- (5) The degree to which the retaining wall or walls have been designed and engineered to ensure its integrity and the land it retains.
- (6) The findings of any assessment or investigation provided by a certified professional, including any specific risk mitigation measures or other recommendations or requirements for development.
- (7) Any other adverse effects it may have on surrounding land uses and public safety.
- (8) The need to issue development standards or permit conditions consistent with the relevant factors discussed in all of subsection 4.8 to ensure suitability of development.

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3. **CLAUSE 6.1.2 - DISTRICT SCHEDULES, R1 - Residential District, Discretionary Uses**, is amended by adding the following new subclauses after subclause (6) *Park Model Homes (>10 years from date of manufacture)*:

“
(7) Retaining walls, subject to 4.7”

4. **SUBCLAUSE 6.1.4.2 - DISTRICT SCHEDULES, R1 - Residential District, Regulations, Accessory Buildings and Structures**, is amended by deleting paragraph (5) and replacing it with the following:

“
(5) In any required side or rear yard abutting the banks of Jackfish Lake, provincially-defined dedicated lands or road right-of-way there in between, fences shall not exceed a maximum height of 1 metre, and in all other yards, fences shall not exceed a maximum height of 2 metres.”

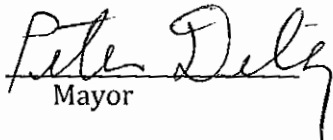
5. **CLAUSE 6.3.3 - DISTRICT SCHEDULES, C - Commercial District, Discretionary Uses**, is amended by adding the following new subclause after subclause (1) *Construction trades*:

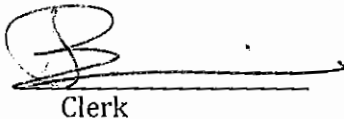
“
(2) Retaining walls, subject to 4.7”

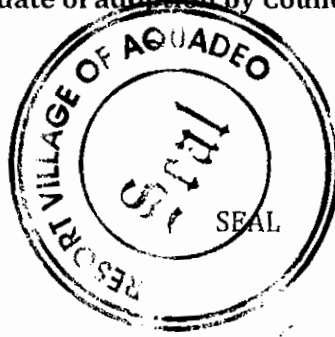
6. **CLAUSE 6.4.2 - DISTRICT SCHEDULES, UR - Urban Reserve District, Discretionary Uses**, is amended by adding the following new subclause after subclause (5) *Crop farms not including the raising of livestock*:

“
(6) Retaining walls, subject to 4.7”

his bylaw shall become effective on the date of adoption by Council.


Mayor


Clerk



Read a first time this 16th day of August, 2024.
Read a second time this 20th day of September, 2024.
Read a third time and adopted this 20th day of September, 2024