

Zoning Bylaw 2014-06



District of Katepwa



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PART 1

SECTION 1 -INTRODUCTION

Under the authority granted by *The Planning and Development Act, 2007*, the Council of the District of Katepwa, in the Province of Saskatchewan, in open meeting hereby enacts as follows:

1.1 Title

This bylaw shall be known and may be cited as the "Zoning Bylaw" of the District of Katepwa.

1.2 Purpose

The purpose of this Bylaw is to implement the policies in the Calling Lakes District Plan and the District of Katepwa's Official Community Plan and to regulate land use.

1.3 Scope

Development shall hereafter be permitted within the limits of the District of Katepwa only when in conformity with the provisions of this bylaw.

1.4 Severability

If any section, clause, or provision of this bylaw, including anything shown on the Zoning Map, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the bylaw as a whole or any part thereof, other than the section, clause or provision, including anything shown on the Zoning Map, so declared to be invalid.

1.5 Interpretation

For the purpose of this Bylaw, words used in the present tense include the future, words used in the singular number include the plural, and words used in the plural include the singular number. The words shall, must or will identify a mandatory action or decision, as the case may be. The words should or may identify a voluntary action or decision, as the case may be. Whether actions or decisions are mandatory or voluntary, the Council may include prerequisites or conditions which must be fulfilled before that action or decision may be taken. The words used and occupied shall include the words intended, arranged or designed to be used or occupied.

For the purpose of this Bylaw, only the Metric System of measurement shall apply. No existing use or building shall be deemed to be non-conforming to the Bylaw regulations by reason only of the conversion of the measurements in this Bylaw from the Imperial System of measurement to the Metric System of measurement where such non-conformity results solely from the conversion and is reasonably equivalent to the Metric System of measurement.

SECTION 2 – DEFINITIONS

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

<u>Abut/Adjoin</u>	To physically touch or border, or share all or part of a common lot line.
<u>Accessory Building</u>	A separate building or structure normally incidental, subordinate & exclusively devoted to the principal use building or structure located on the same property and may include a guest house, boathouse, garage, storage garage.
<u>Accessory Use</u>	A use which is customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
<u>Act</u>	<i>The Planning and Development Act, 2007</i>
<u>Administrator</u>	The official Administrator for the Resort Village of the District of Katepwa.
<u>Alteration</u>	A change or extension to any matter or thing or use regulated by this bylaw.
<u>Ancillary Use</u>	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.
<u>Annexation</u>	The formal process as may occur under <i>The Municipalities Act</i> , by which land in one municipal jurisdiction is transferred to the jurisdiction of another municipality
<u>Aquifer</u>	A confined or unconfined, subterranean body of water.
<u>Attached</u>	Structurally attached to the principal use or building on a parcel of land.
<u>Bare Land Condominium Unit</u>	A single, bare-land condominium unit as defined in <i>The Condominium Property Act, 1993</i> .
<u>Bed and Breakfast Homes</u>	An owner occupied dwelling unit where short-term lodging rooms and breakfast is provided.
<u>Boathouse</u>	A building or part thereof normally located near the edge of the lake, intended exclusively for the storage or parking of boats, watercraft & other items associated with water recreation; see <i>Accessory Building</i> .
<u>Buffer</u>	Land, structure, development or a form of development that separates and reduces the impact of incompatible land uses and may include screening, berming or landscaping.
<u>Building</u>	Any structure used or intended for supporting or sheltering any use or occupancy.

<u>Building Area</u>	The greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
<u>Building Bylaw</u>	A bylaw adopted by the District of Katepwa to regulate the erection, alteration, repair, occupancy or maintenance of buildings and structures within the District of Katepwa pursuant to <i>The Uniform Building and Accessibility Standards Act</i> .
<u>Building Height</u>	The vertical distance of a building measured from the average finished grade level at the building perimeter to the top of the peak or highest point of the roof, whichever is the highest (excluding chimneys and features outlined in Section 4.10).
<u>Building Permit</u>	A permit issued under a building bylaw of the municipality by the Council of the District of Katepwa, or its designate, which authorizes the erection, placement, alteration, repair, construction, renovation or reconstruction for all or part of a building or structure, but does not include a development permit.
<u>Campground</u>	An area of land managed as a unit that provides short term accommodation for tents, tent trailers, recreational vehicles and campers used by travelers and tourists.
<u>Carport</u>	An open-sided vehicle shelter, accessory to the principal residence, that stands alone or by a roof extension forms part of the principal building on the same lot with less than 60% of the total perimeter enclosed by walls, doors or windows.
<u>Cemetery</u>	A piece of ground where people or animals are buried.
<u>Church</u>	A building used as assembly occupancy by adherents to a religious faith for meeting, study, worship, and recreation purposes, but does not include school facilities.
<u>Commercial</u>	A use of development connected with or engaged in commerce and business.
<u>Community Centre</u>	A facility owned and operated by the municipality or a non-profit organization for meetings, recreational activities and similar uses and open to the general public.
<u>Condominium</u>	As defined by <i>The Condominium Property Act, 1993</i> ; the land included in a condominium plan together with the buildings and the common property and common facilities belonging to them.
<u>Consolidation</u>	A formal process by which individual lots or parcels of land are joined together on same title at the Land Titles Office.
<u>Convenience Store</u>	A store offering primarily groceries for sale, but may include a fast food outlet as an accessory use, if approved under this Bylaw.

<u>Council</u>	The Council of the District of Katepwa.
<u>Day Care Centre</u>	A licensed stand-alone facility used to provide for the non-parental care of pre-school age children, and includes, but is not limited to, a child care centre or day care centre which is required to be licensed by the Province of Saskatchewan pursuant to <i>The Child Care Act</i> .
<u>Day Care Home</u>	A private residence where care, protection and supervision is provided: <ul style="list-style-type: none"> (a) on a regular basis of at least twice a week; and (b) to not more than 8 children including the children of the adult operator.
<u>Dedicated Lands</u>	Lands dedicated in the name of the District of Katepwa as Buffer Strips, Environmental Reserve, Municipal Reserve, Public Reserve, and Walkways, and which can only be used as described in <i>the Act</i> and <i>The Dedicated Lands Regulations</i> .
<u>Density</u>	The number of dwelling units permitted on a lot or parcel expressed in units per hectare.
<u>Design Flood Area</u>	The flood hazard lands along the shoreline of Katepwa Lake as identified by the Water Security Agency (WSA) in accordance with the specifications for a 1:500 flood event. Elevation will vary depending on location and topography along the lake shore and will be defined by Water Security Agency.
<u>Detached</u>	Structurally detached from the principal residence and any other accessory building.
<u>Development</u>	The carrying out of any building, engineering, mining or other operations, in, on, or over land, or the making of any material change in the use or intensity of the use of a building or land.
<u>Development Appeals Board</u>	A body appointed by Council in compliance with <i>the Act</i> that is responsible for hearing appeals as authorized by <i>the Act</i> .
<u>Development Officer</u>	The person and/or their alternate appointed by Council to administer this bylaw.
<u>Development Permit</u>	A permit, issued by the Development Officer which authorizes development pursuant to this Bylaw, but does not include a building permit.
<u>Discretionary Use</u>	A use of land or buildings or form of development that is prescribed as a discretionary use in this Bylaw and requires the approval of the Council, pursuant to Section 56 of <i>the Act</i> .
<u>District of Katepwa</u>	The area within the Corporate limits of the Municipality
<u>Dwelling Unit</u>	One or more habitable rooms that may be used as a residence with each unit having separate sleeping, cooking and toilet facilities.

<u>Dwelling, Group</u>	A group of three or more dwelling units located on a lot or parcel of land where all buildings, recreation areas, parking and loading areas, street access, landscaping and all other features have been planned as an integrated development.
<u>Dwelling, Modular</u>	A factory-built home that is manufactured off-site as a complete, modular unit designed to be moved on a removable chassis, which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard for use as a one unit dwelling and which may be delivered to the designated lot in the municipality and placed on the foundation, provided that a development permit has first been obtained.
<u>Dwelling, Multiple Unit</u>	A building or a portion thereof designed for or occupied as three or more dwelling units, but not including a motel, hotel or townhouse.
<u>Dwelling, Ready-to-Move</u>	A ready-to-move (RTM) 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 may be delivered to the designated lot in the municipality and placed on the foundation ready for finishing, providing that a development and building permit has first been obtained.
<u>Dwelling, Single Detached</u>	A detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as a place of residence.
<u>Dwelling, Townhouse</u>	A dwelling, designed as one cohesive building in terms of architectural design, which contains three or more similar attached dwelling units each of which fronts on a street and has direct access to the outside at grade.
<u>Dwelling, Duplex</u>	A building, comprising two dwelling units.
<u>Fence</u>	A structure serving as an enclosure, a barrier, or a boundary on the perimeter of the property, but does not include flower beds.
<u>Finished Grade</u>	An average of the finished surface of the ground adjacent to the exterior walls of the building or structure.
<u>Flood Fringe</u>	the portion of the flood plain where the waters in the 1:500 year flood are projected to be less than a depth of one metre or a velocity of one metre per second.
<u>Flood Proofing</u>	A measure, or combination of structural and non-structural measures, incorporated into the design of a structure that reduces or eliminates the risk of flood damage to a defined elevation.
<u>Flood Way</u>	the portion of the flood plain adjoining the channel where the waters in the 1:500 year flood are projected to meet or exceed a depth of one metre or a velocity of one metre per second.
<u>Frontage</u>	the boundary that divides the site from the street or road. In the case of a

corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site from the street. Site frontage for a non-rectangular site shall be defined as the mean of the measured front and rear site lines.

<u>Garage, Private</u>	A building or part of a building used or intended to be used for the storage of personal motor vehicles and having a capacity for not more than three motor vehicles for each dwelling unit to which the garage is accessory and may include a carport; see <i>Accessory Building</i> .
<u>Green Space</u>	Open space on a lot covered with some form of green plant matter for the purpose of aesthetic appeal.
<u>Guest House</u>	A separate building or structure located on the same lot as the principal use building or structure and used for sleeping purposes and does not include cooking facilities.
<u>Hazard Land</u>	Land that is contaminated, unstable, prone to flooding or otherwise unsuited for development or occupation because of its inherent danger to public health, safety or property including all slopes of 15 % or greater, unless suitably engineered and approved by the Municipality.
<u>Highway Trailer</u>	A trailer constructed and used for transporting material or goods by being towed or conveyed on a public highway or street, but does not include a self-propelled vehicle.
<u>Home Based Business</u>	An occupation, trade, profession or craft customarily conducted entirely within a dwelling or conforming accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the character thereof.
<u>Home Office</u>	Workspace inside the primary residence that is used to manage paperwork for business purposes.
<u>Hotel</u>	A building or structure or part of a building or structure in which sleeping accommodation with or without meals is provided for tourists and travelers, and where a guest register or record is kept.
<u>Landscaping</u>	The addition of lawns, trees, plants and other natural and man-made features that enhance or make a lot safe, functional, decorative, aesthetic or satisfying including the installation of a retaining wall a maximum of 3 ft in height, unless designed and approved by a professional engineer.
<u>Lane</u>	A secondary public thoroughfare which is registered in the name of the Crown but which is maintained by a Municipality, and which is intended primarily to give access to the rear or side of the abutting property.
<u>Legal Access</u>	Access to a lot or parcel of land by way of a public thoroughfare or by an access that have been granted through an easement.
<u>Lot</u>	An area of land with fixed boundaries, often referred to as a lot that is

	registered by a Certificate of Title by the Information Services Corporation.
<u>Lot Line, Front</u>	The boundary that divides the lot from the street, in the case of a corner lot, the front lot line shall mean the shorter line abutting a street
<u>Lot Line, Rear</u>	The boundary at the rear of the lot and opposite the front lot line.
<u>Lot Line, Side</u>	A lot boundary other than a front or rear lot line.
<u>Minister</u>	The member of the Executive Council to whom, for the time being, is assigned the administration of <i>The Planning and Development Act, 2007</i> .
<u>Mobile Home</u>	A trailer coach: <ul style="list-style-type: none"> (a) that is used as a residence. (b) that has water faucets and a shower head or bathtub to be connected to a water distribution system; (c) that has a wash basin, washing and toilet facilities to be connected to a sewage system; and (d) which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards.
<u>Mobile Home Park</u>	A designated area for long term parking of mobile homes that may be used as a dwelling all the year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closed or other similar facility that may be connected to a sewage system. Each mobile home installation shall comply with the latest issues of the CSA Series Z240 Standards.
<u>Motel</u>	A hotel for temporary use by automobile tourists or travelers.
<u>Municipality</u>	The District of Katepwa
<u>Non-Conforming Building</u>	As defined by <i>the Planning and Development Act, 2007</i> .
<u>Non-Conforming Lot</u>	As defined by <i>the Planning and Development Act, 2007</i> .
<u>Non-Conforming Use</u>	As defined by <i>the Planning and Development Act, 2007</i> .
<u>Office</u>	A room, set of rooms, or building used as a place for commercial, professional, or bureaucratic work.
<u>Parking Lot</u>	Open space other than a street for temporary vehicle parking and available for the public, clients, employees or customers.
<u>Parking Space</u>	A space, located in a building or parking lot of no less than 2.7 meters (9ft) in width, for the storage of one vehicle.
<u>Party Wall</u>	A wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate real estate entity.

<u>Personal Service Establishment</u>	A development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects including but not limited to barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops.
<u>Principal Building</u>	A building where the main or primary use of the lot is conducted.
<u>Prohibited Use</u>	A proposed development, which is either specifically listed in this Bylaw as a prohibited use or is not listed as a permitted or discretionary use in the zoning district in which it is being proposed.
<u>Public Utility</u>	A government enterprise, which provides a service to the general public. This does not include wind generation systems, nuclear power systems, or private internet towers.
<u>Recreational Facility</u>	A public facility for recreational use
<u>Recreational Vehicle</u>	A vehicle for short term use during casual travel and recreational camping, including a camper trailer, travel trailer and motor home, usually with fixed running gear and subject to licensing for normal highway travel. Tent trailers and truck campers are not considered a Recreational Vehicle. Units must be have CSA – A277 certification and be installed to conform to the CSA Z240 requirements with regards to support and anchoring.
<u>Recreational Vehicle Park</u>	An area of land managed as a unit that provides short or long term accommodation for recreational vehicles, campers, travel trailer and motor home.
<u>Residence</u>	A dwelling unit on a site.
<u>Retaining Walls</u>	A wall that supports the lateral weight or pressure of earth, water or any other material.
<u>Safe Building Elevation</u>	As defined by the Saskatchewan Water Security Agency.
<u>Service Station</u>	A building or part of building used for retail sale of lubricating oils and gasoline, automobile accessories, and the servicing and minor repairing of motor vehicles, which may include a restaurant, car wash, or car sales lot as accessory uses.
<u>Setback</u>	The distance between two points where certain types of structures or developments cannot occur.
<u>Shipping Container</u>	A large shipping container, usually constructed of metal which was used originally for shipping goods, chattels or equipment by air, rail, sea or road.
<u>Sign</u>	Any device, letter, figure, symbol, emblem or picture (either portable or freestanding), which is affixed to or represented directly or indirectly upon a building, structure or a piece of land and (except for the address of the

occupant), which identifies or advertises any object, product, place, activity, person, organization, or business in such a way as to be visible to the public on any street or thoroughfare.

Sign, Freestanding

A non-movable sign, not affixed to a building, and which is supported by a pole or similar structure.

Sign, Portable

A sign mounted on a trailer, stand or similar support structure (including a vehicle), which is designed in such a manner that the sign can be readily located to provide advertising at another location.

Street

A public road or thoroughfare registered in the name of the Crown by plan of survey which affords the principal means of access to abutting property, but shall not include an easement or lane.

Structure

Anything that is built, constructed or erected, located on or below the ground, or attached to something located on or in the ground including retaining walls and septic tanks but does not include sidewalks, pavement, curbs or open ground surface area.

Structure, Temporary

Anything that is built, constructed or erected, located on the ground or attached to something located on the ground but that may be relocated or moved and is not of a permanent nature.

Swimming Pool

an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water for the use of persons for swimming, diving, wading or other similar activity.

TransCanada Trail

A shared use recreational trail that offers walking, cycling, horseback riding, cross-country skiing and snowmobiling opportunities and will travel through each province and territory.

Tower

A structure (excluding wind turbines which are prohibited), used for transmission or reception of radio, television, telecommunications or the transmission of mechanical or electrical energy, commercial, private or public use .

Use

The purpose or activity for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, or for which these may be occupied or maintained.

Vacant Lot

A lot on which there are no permanent buildings, no stored items, no travel trailers, motor homes or campers.

Waste Disposal Facility; Liquid

A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

Waste Disposal Facility; Solid

A facility, not including a waste transfer station or a temporary storage facility, to accommodate discarded materials, substances or objects which

originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.

Water body

Any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent or occurs only during a flood, and includes but is not limited to, wetlands and aquifers.

Watercourse

A river, stream, creek, gully, ravine, spring, coulee, valley floor, drainage ditch or any other channel having a bed and sides or banks in which water flows either permanently or intermittently.

Watershed

The land area from which surface runoff drains into a stream, channel, lake, reservoir, or other body of water; also called a drainage basin.

Wetland

Land having the water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytes (“water loving”) vegetation, and various kinds of biological activity which are adapted to the wet environment.

Wind Generation Towers

A device that converts wind to energy.

Xeriscaping

A landscaping method using drought-tolerant plants, mulch and efficient irrigation in order to conserve water.

Yard

Any part of a lot unoccupied and unobstructed by any principal building or structure permitted in this bylaw.

Yard, Front

A yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Rear

A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Side

That part of a lot extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting member of a principal building or structure except where the wall or supporting member is supporting an uncovered patio or uncovered sundeck.

Zoning District

A geographical area that has a defined purpose where specific permitted and discretionary uses are allowed and subdivision standards and requirements are specified.

SECTION 3 - ADMINISTRATION

3.1 Development Officer

The Development Officer shall be the municipal administrator or a person delegated the authority by Council to be the Development Officer should the municipal administrator not be available.

3.2 Development Permit

- (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. No person shall continue a development or use for which a development permit has been suspended.
- (2) A development permit is not required for the following, but all other applicable provisions of this bylaw shall be followed in addition to obtaining a building permit where required:
 - (a) the maintenance of a public utility by the municipality or utility company;
 - (b) the construction of a public utility by the municipality or utility company;
 - (c) the installation of a public utility on any street or other public right-of-way by the municipality or utility company;
 - (d) maintenance and repairs that do not include structural alterations;
 - (e) the installation of fences a minimum of 0.9 meters (3 ft) in height and a maximum of 1.8 meters (6ft) in height, provided they meet the fence regulation set out in this bylaw.
 - (f) accessory buildings or structures which are 9.3 sq. m (100 sq. ft) or less in area and 2.5 meters (8 ft) or less in height.
 - (g) the construction/installation of signs and advertising signs for permitted businesses, which are less than 0.4 sq. m (4 sq. ft)
 - (h) landscaping which does not affect drainage on any adjoining land.
 - (i) home offices
- (3) A building permit shall not be issued unless a development permit, where required, has also been issued.
- (4) If the development or use authorized by a development permit is not commenced within six months from the date of its issue, and completed within twenty four months of its issue, the permit is deemed void unless an extension to the period has first been granted. The total time allowed for any or all such extensions shall be no more than one additional year.

3.3 Application for a Development Permit

- (1) The application for a development permit shall be made to the Development Officer, in a

form approved by a resolution of Council. The application shall be accompanied by two copies of a lot or building plan showing dimensions and a site plan showing the locations of existing and proposed buildings and structures as well as lot lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development (e.g. change of use, etc.) in place of such plans.

- (2) Where the application is for a Discretionary Use the applicant shall also provide a written description of the proposed development, describing the intended use and operations, structures to be located on the lot, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

3.4 Review of Applications and Required Notice

- (1) The Development Officer is responsible for reviewing all applications to ensure that the proposed development complies with all applicable regulations and provisions of this bylaw and the policies contained in the Calling Lakes District Plan and the Official Community Plan.
- (2) The Development Officer and/or Council may refer the application to any internal or external agencies for review and comment prior to making a decision on the application. This includes, but is not limited to, government departments, adjacent municipalities and other internal departments (ie. public works).
- (3) Prior to making a decision on a discretionary use application, Council shall provide notice to the public in the following manner:
 - (a) in the case of a discretionary use application in any residential district, by providing written notice to assessed owners of property within 75 meters of the boundary with the applicant's land that is the subject of the application; and
 - (b) in the case of a discretionary use application in any other zoning district, by providing written notice to assessed owners of property within 75 meters of the boundary with the applicant's land and also either by providing notice in one issue of a newspaper published or circulated in the municipality or by posting a sign on the Lot, in a form and manner which has been previously approved by the Development Officer.
- (4) Where the application is for a discretionary use, the Development Officer shall submit the application, along with all other relevant material to Council for a decision.

3.5 Decision

- (1) Where the application is for a Permitted Use the Development Officer shall, upon completion of the review:
 - (a) issue a development permit where the application conforms to all provisions of this bylaw; or
 - (b) issue the development permit specifying any special regulations or standards to which the development or use must comply, where the class of development or use is subject to special regulations, performance standards or development standards

that are specified in this bylaw; or

- (c) refuse the application where the provisions of this bylaw are not met, indicating to the applicant the reason for the refusal.
- (2) Where the application is for a Discretionary Use the Council shall pass a resolution instructing the Development Officer to either:
- (a) issue a development permit incorporating any special development standards or conditions prescribed by Council in accordance with the provisions of this bylaw; or
 - (b) refuse the application, indicating the reasons for the refusal. (See Section 8.2 of the OCP and 4.12 of this Bylaw for more details)
- (3) Notice of Decision:
- (a) The decision on all applications shall be made in writing to the applicant, in a form as approved by a resolution of Council, by the Development Officer.
 - (b) Every decision shall inform the applicant of any right to appeal the decision.

3.6 Revocation of Decision

Where an approved development is not being developed in accordance with the provisions of this bylaw, or with the standards and conditions specified in the development permit, Council or the Development Officer may revoke or suspend the development permit and may also use the provisions of Section 242 of *the Act* regarding the improper development. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.

3.7 Development Appeals

- (1) A Development Appeals Board of the District of Katepwa shall be appointed in accordance with Part XI, Division 1 of *The Planning and Development Act, 2007*.
- (2) *The Planning and Development Act, 2007* provides the right to appeal a decision made in accordance with the following:
 - (a) Where an application for a permitted use has been refused or deemed refused because a decision has not been made within 40 days after the receipt of the application in its complete and final form.
 - (b) Where an application for a discretionary use has been approved with conditions or standards – the conditions or standards may be appealed.
 - (c) Where an application for a minor variance has been approved with or without conditions or refused.
 - (d) Where an order has been issued to repair or correct contraventions under a Nuisance Bylaw, Property Maintenance Bylaw and/or Zoning Bylaw adopted under *The Municipalities Act* (Sections 364 and 365) or *The Planning and Development Act, 2007* (Section 242)

- (3) Subject to Section 220(1)(d) of *the Act*, a fee as set out in Section 3.8 below, shall be paid where an appeal is made to the Development Appeals Board.

3.8 Application Fees

The fees for the following shall be set by a separate Bylaw and shall apply to the costs for processing applications requesting:

- (1) Amendment of the Calling Lakes District Plan, Official Community Plan or Zoning Bylaw - Where a person requests Council to amend either the District Plan, the Official Community Plan and/or 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, administering the approval process, and regulating the development.
- (2) Discretionary Uses – As a condition of issuing a Permit for an approved Discretionary Use, the applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.
- (3) Development Permits - An applicant for the types of development permits listed below shall pay an application fee as approved by a separate Bylaw in accordance with Section 51 of the Act. Those fees shall include, but are not limited to the following:
 - (a) Permitted principal use
 - (b) Permitted accessory use
 - (c) Discretionary principal use
 - (d) Discretionary accessory use

The application fees for a Development Permit shall be in addition to any fees for providing notice to the public as required in clauses (1) and (2).

- (4) Minor Variance - the applicant shall pay to the municipality a fee equal to the costs associated with providing notice to the public, administering the approval process, and regulating the development.

3.9 Minor Variances to the Zoning Bylaw

- (1) Minor Variances are only possible under Section 60 of *the Act* to allow a 10% variance on setbacks for a building from a lot line or from another building on the same lot. Using the procedure outlined in Section 60 of *the Act*, Council hereby approves the use of Minor Variance authority as outlined below.
- (2) Pursuant to Section 60 of *the Act*, Council hereby delegates authority to the Development Officer to receive, process and make decisions on Minor Variance applications in accordance with Section 60 of *the Act*. An application in a form as approved by a resolution of Council may be made to the Development Officer for a minor variance to the zoning bylaw.
- (3) The Development Officer shall maintain a register of all approved minor variance

applications on a form which has been approved by resolution of Council.

3.10 Non –Conforming Buildings, Uses and Sites

- (1) Land uses or sites which existed prior to the approval of this Bylaw and which were allowed by Zoning Bylaw No. 2/06 but are not listed as Permitted or Discretionary Uses under this Bylaw, shall be considered non-conforming uses and sites. Such uses and sites shall be allowed to continue only in accordance with Sections 88 to 93 inclusive of *the Act*.
- (2) Where a Principal or Accessory building has been erected on or before the effective date of this bylaw on a lot having less than the minimum frontage or area, or having less than the minimum set-back or side yard or rear yard required by this bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard that does not conform to this bylaw;
 - (b) all other applicable provisions of this bylaw are satisfied; and
 - (c) such changes must be approved by the Development Officer responsible for the administration of this bylaw.
- (3) Those sections include details on what restrictions apply to legal non-conforming uses and when their status may end. In this Bylaw, certain other proposed uses or developments which do not currently exist, may also be specifically listed as Prohibited Uses in any or all Zoning Districts.

3.11 General Standards for Discretionary Uses – Residential, Minor Commercial and Institutional Uses

- (1) Council may prescribe specific development standards related to:
 - (a) site drainage of storm water
 - (b) control of noise, glare, dust and odor
 - (c) landscaping, screening, fencing and preservation of existing vegetation
 - (d) intensity of use
 - (e) access and parking locations
- (2) Council will use the following criteria to evaluate discretionary use applications:
 - (a) The proposal meets the policies in the Calling Lakes District Plan
 - (b) The proposal can be serviced by appropriate and necessary infrastructure and utilities
 - (c) The proposal is not detrimental to the health, safety or general welfare of neighbouring properties or the community in general

- (d) The use will not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use
 - (e) Appropriate access and parking is provided and can be maintained; vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and possible hazards.
 - (f) The site shall be landscaped to maintain the character and amenity of the neighbourhood.
 - (g) Parking, storage and other non-landscaped areas associated with the discretionary use shall be suitably screened from adjacent properties and streets.
 - (h) Adequate receptacles for refuse and litter associated with the discretionary use shall be supplied.
 - (i) No sound, light, glare, heat, dust, or other emission shall be transmitted beyond the lot lines, wherever possible.
- (3) Council may also apply standards and conditions related to: adequate site drainage of storm water; the location of buildings and structures with respect to buildings on adjacent properties.

3.12 Enforcement

- (1) No development shall be carried out in the District of Katepwa that is in contravention of this Bylaw or that has not received approvals where approvals are required.
- (2) Enforcement of this Bylaw shall be as per Section 242 to 245 of *The Planning and Development Act, 2007*.

SECTION 4 - GENERAL REGULATIONS

The following regulations shall apply to all zoning districts in this bylaw:

4.1 Licenses, Permits, and Compliance with Other Bylaws

- (1) Nothing in this bylaw shall exempt any person from complying with the requirements of a building bylaw or any other bylaw in force within the municipality or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the municipality. Where provisions in this bylaw conflict with those of any other municipal or provincial requirements, the higher or more stringent regulations shall prevail.
- (2) Permit Forms shall be as approved by a resolution of Council.

4.2 Building Lines

Where a front building line in any district has been established by existing buildings in a block, and is less than the specified front yard requirement, new construction may conform to the established building line provided that Council, by resolution or bylaw, permits conformation to the established building line.

4.3 Frontage for Irregular Lots

- (1) The minimum lot frontage on lots having a curved front lot line shall be measured by a line equal to the minimum lot frontage in that particular Zoning District but located back from and parallel to the midpoint of the chord of the front lot line. For the purpose of this paragraph, the chord of the front line is a straight line joining the two points where the side lot lines intersect the front lot line.
- (2) Non-rectangular lots in new subdivisions are permitted at Council's discretion.
- (3) Distances between lot lines measured at the minimum front yard setback for irregular lots in the applicable zoning district shall not be less than the minimum frontage for rectangular lots in that zoning district.

4.4 Sites Dissected by a Major Road

Where a parcel of land is physically severed as a result of a major road or highway Council may, at their discretion, allow for the separated site to be subdivided and for the subdivided site size to be less than the required minimum site size.

4.5 Number of Principal Buildings on a Lot

- (1) No more than one principal building shall be placed on a lot. Exceptions to this requirement are schools, hospitals, curling and skating rinks, recreation centres, nursing and senior citizen homes, recreation vehicle parks and multiple unit dwellings and condominiums.

4.6 Accessory Buildings

- (1) Unless specified otherwise in this Bylaw, a maximum of four detached accessory

buildings may be placed on a lot. This includes but is not limited to garages, boathouses and storage sheds (regardless of whether a permit is required for such building by this or any other Bylaw of the municipality).

- (2) The size of any accessory buildings shall be less than the principal residence and shall be limited to the following per titled lot:
 - 1 accessory building - Maximum of 100 sq m (1076 sq. ft) or the size of the principal residence, but not more than 100 sq m.
 - 3 additional accessory buildings - Each additional accessory building shall be limited to a maximum of 50% of the size of the principal residence
- (3) Unless specified otherwise in this Bylaw, the total combined floor area of all buildings shall make up less than 50% of the lot coverage.
- (4) Accessory buildings, other than garages, shall only be allowed in a side or rear yard.
- (5) The maximum height of accessory buildings shall be listed in each district; however at no time shall a detached garage exceed the height of the principal residence on the site.

4.7 Building to be Moved

No building, residential or otherwise, shall be moved within or into the District of Katepwa without a development permit to allow for the change in land use from the Development Officer and building permit (if applicable) from the building inspector.

4.8 Grading and Leveling of a Lot

- (1) Any lot proposed for development requires a Development Permit and shall be graded and leveled at the owner's expense to provide for adequate surface drainage, which does not adversely affect adjacent property.
- (2) Excavations leaving exposed vertical walls in excess of one metre (3.28 ft) high will require a development permit.
- (3) All excavations or filling shall be re-vegetated immediately after other construction activities permit, with a suitable ground cover as may be necessary to prevent erosion.
- (4) Where excavation or filling is proposed for any development, development may be restricted. Council may require the developer to provide an impact assessment report carried out by a qualified professional prior to making a decision on the Development Permit Application.
- (5) All vegetation and debris in the area to be re-graded must be removed from the site prior to site grading and leveling.
- (6) All topsoil from an area that is to be re-graded must be stripped, stockpiled, and replaced on the re-graded area, or re-located to a site approved by Council.

4.9 Engineering Analysis Required

If a proposed development is to be located on a lot or lots that are considered hazard lands due to flooding, earth movement or instability, or otherwise unsuitable for development or hazardous for the proposed use such as those located within the ES Overlay District, Council may require that, as a condition of the issuance of the development permit, a geotechnical or drainage assessment must be completed by a Registered Engineer in the Province of Saskatchewan. The assessment must outline the suitability of the lot or lots for development and specify any remedial measures that may be required to ensure that the natural environment and adjoining properties will not be negatively affected. Remedial measures may be specified as conditions to the issuance of a development permit.

4.10 Building Height

- (1) Unless otherwise specified in a Zoning District or as allowed elsewhere in this Bylaw, a dwelling shall not exceed 10 metres (32.88 ft) in height from the finished grade to the peak or highest point of the roof, whichever is the highest.
- (2) The height limitations of this Bylaw shall not apply to the following:
 - (a) Chimneys;
 - (b) Monuments;
 - (c) Mechanical penthouses and necessary mechanical structures to allow safe occupancy, 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.

4.11 Permitted Encroachments

The following projections in yards shall be permitted or are prohibited, as specified below:

- (1) **Front Yards**
The following features may project into a required front yard:
 - (a) Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, window sills, canopies, eaves, fire escapes to a maximum projection of 0.6 meters (2 ft);
 - (b) Unenclosed decks no higher than the main floor level, cantilevered balconies, porches and steps without roofs to a maximum projection of 2.4 m (8 ft);
 - (c) No portion of a dwelling, accessory use/building, tree/shrub or fence shall be permitted within a Sight Triangle as defined in this Bylaw.
- (2) **Rear Yards**
The following features may project into a required rear yard:
 - (a) Cantilevered construction for bay windows, bow windows, chimney chases, bookcases, built in cabinets, gutters, window sills, canopies, eaves, and fire escapes to a maximum projection of 0.6 meters (2 ft);

- (b) Unenclosed decks no higher than the building main floor, cantilevered balconies, porches, and steps to a maximum projection of 2.4 m (8 ft) without roofs.

(3) Side Yards

The following features may project into a required side yard or are prohibited, as specified below:

- (a) Bay windows, window boxes and sills, belt courses, cornices, eaves, and gutters to a maximum projection of 0.6 meters (2 ft);
- (b) Cantilevered construction of fire escapes, chimney chases, bow windows, bookcases, built in cabinets, balconies, and canopies to a maximum projection of 0.6 meters (2 ft) provided that the total area of all cantilevered features shall not exceed 2.5 square meters (26.9 sq. ft) per floor level; and shall not be closer than 0.3 m (1 ft) to the property line;
- (c) Unenclosed decks no higher than 0.6 meters (2 ft) above the finished grade may project to within 0.15 meters (0.5 ft) from the side property line;
- (d) No projections shall be permitted within a side yard required for vehicular access or parking where any portion of the said projection would be at an elevation lower than 2.4 meters (8 ft) above the finished grade elevation measured at the corresponding side wall of the building;
- (e) For two unit dwellings, townhouses or multiple unit dwellings, no side yard shall be required on the common wall side of any dwelling unit;
- (f) Driveways are permitted on the flankage side of corner lots. Garages so accessed must be placed a minimum of 3 meters (10 ft) back of the side lot line;
- (g) A satellite dish, radio tower or television antenna where attached to a principal dwelling having a maximum horizontal projection of 0.6 meters (2 ft);
- (h) No portion of a dwelling, accessory use/building, tree/shrub or fence shall be permitted within a Sight Triangle as defined in this Bylaw.

(4) Setback Variance

- (a) For existing lots less than 30 m (100 ft) in length the front yard setback is reduced to 3m (10 ft) from the front property line.
- (b) There shall be no new lots of this size.

4.12 Consideration of Rezoning and Discretionary Use Applications

In considering the possible approval of a request for Rezoning or Discretionary use, Council shall consider the following items and may prescribe specific development standards based on those items and any other consideration to minimize land use conflict related to:

- (1) the impact on the municipality's services and the neighbourhood surrounding the proposed

- lot;
- (2) the nature, size, shape, elevation and surface drainage of the lot;
- (3) the size, shape and arrangement of buildings;
- (4) access and traffic patterns for persons and vehicles;
- (5) type and volume of vehicle traffic;
- (6) off-street parking and loading;
- (7) safeguards to prevent noise, glare, dust and odour;
- (8) landscaping;
- (9) screening and fencing; and
- (10) lighting and signs.

4.13 Bed and Breakfast Homes

Bed and Breakfast Homes, where allowed in a specific zoning district, shall be subject to the following development standards:

- (1) Bed and Breakfast Homes shall be located in a single detached dwelling used as the operator's principal residence;
- (2) Bed and Breakfast Homes shall be licensed by the District of Katepwa and Health District (if required) and meet the requirements of the Fire Commissioner and National Building Code;
- (3) The maximum number of rooms allowed per dwelling shall be based on the provision of adequate parking spots as well as the location and size of the dwelling operating as Bed and Breakfast Home; the maximum number of rooms will be specified by Council as a condition of the development permit;
- (4) Off-street parking spaces shall be provided on site; and
- (5) The size of any sign for a Bed and Breakfast Home shall be specified as part of the conditions in the required Discretionary Use permit.

4.14 Home Based Businesses

Excluding home offices, home based businesses, where allowed in a specific zoning district as an approved Discretionary Use, shall be subject to the following development standards:

- (1) All home based businesses will require a development permit and a business license prior to commencing any business operations;

- (2) Home based businesses shall be located in or carried within the dwelling unit or accessory building on the same lot;
- (3) Home based businesses shall be clearly secondary to the Residential use and shall occupy no more than 25% of the lot;
- (4) The peace, quiet and dignity of the residential neighbourhood shall not be disturbed by dust, noise, by the home based business or accessory equipment;
- (5) Permitted home based businesses may display one (1) fascia sign, not exceeding 0.4 sq. m in area, identifying the name of the home based business. Such sign shall not be illuminated and shall be affixed to the principal building. **(Note:** On multiple unit residential buildings, owner may be required to display a home based business sign and no right to place such a sign in such situations is conveyed in this Bylaw.);
- (6) Other than one permitted business sign, there shall be no exterior display, storage of material, equipment, machinery, highway trailers, trailers, shipping containers or any other deviation from the residential character of the neighbourhood on the subject lot;
- (7) Other than the maximum of one business vehicle which may be stored on the subject lot, there shall be no on-site or street parking of business vehicles used by any non-resident employees; and
- (8) Hours of operation may be specified as a condition for any such approved Discretionary Use.

4.15 Parking and Loading Regulations

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

Parking Standards and Number of Spaces Required	
Building or Lot Use	Minimum Parking Spaces Required
Dwellings (all types)	2 spaces per dwelling unit
Community facilities, places of public assembly, intensive recreation uses	2 spaces per 10 seating places for the public or 2 spaces per 10 sq. me of gross floor area used by patrons, whichever is greater
Confectionary stores	1 space per 20 sq. m of gross floor area

4.16 Tower Provisions

- (1) Wind generation towers are prohibited within the District of Katepwa.
- (2) All allowable towers shall be located a minimum of 7.5 meters (25 ft) from the side lot line in the rear yard.
- (3) Towers without an anti-locking climbing device shall be enclosed with a 3.0 meter (10ft) fence.

- (4) No more than two antenna wires, whose height shall conform to the Maximum stated for the zone, shall be permitted.
- (5) Towers and similar structures shall not obstruct air navigation or communication. Council should consult the Canada Department of Communications, Transport Canada, the Saskatchewan Power Corporation or other agencies prior to installation approval.
- (6) Property owners within an area to be determined by Council shall be notified of the applicant's intent to construct a tower.
- (7) Certification of structural safety by a Saskatchewan Professional Engineer, proof of liability insurance and proof of an approved electrical permit (where required) shall accompany applications to erect a tower.
- (8) The maximum allowable height for a tower on residential property not to exceed 6 meters (20 ft).

4.17 Signs

All signs shall be subject to the following regulations:

4.17.1 General

- (1) In addition to signs set out below, temporary signs bearing notice of sale or lease, or other information relating to a temporary condition affecting the property, may also be considered.
- (2) 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.
- (3) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains.
- (4) Subject to the general provisions governing their location, directional signs providing on-site directions for the convenience and safety of persons using the site shall be permitted.

4.17.2 Application for Permits

- (1) A development permit application is required for a sign. The written application shall be accompanied by plans, specifications, construction details and other information sufficient to inform the Development Officer of the exact nature and location of the intended sign.
- (2) Prior to issuing a development permit for a free standing, projecting or roof sign, the Development Officer may require that the supplementary documentation described in (1) above, contain the professional stamp of a certified professional engineer qualified to certify that the sign design satisfies all relevant legislation, codes and Bylaws.

4.17.3 Portable Signs

- (1) Portable signs intended for rental or lease at more than one site during a one-year period, or located at more than one site during a one-year period must receive development permit

approval.

- (2) The development permit will be valid for a time permit of one year.
- (3) A development permit is not transferable from one portable sign to another or from one location to another.
- (4) No portable sign shall have a face greater than 6.0 m²
- (5) No portable sign shall have a height greater than 3.0 meters above grade.
- (6) No portable sign shall occupy any space required for off-street parking unless the site contains off-street parking in excess of that required under this bylaw.
- (7) No portable sign shall be located closer than 10 meters from another portable sign.

4.17.4 Signs in Residential Districts and Urban Holding Districts

- (1) No roof signs shall be permitted
- (2) No illuminated signs shall be permitted
- (3) Signs applying to community service uses must not display advertising of any commercial service or product
- (4) Sign Regulations

Uses	Max. # of Signs	Max Total Sign Face Area (m ²)	Max. # of Free Standing Signs	Max. Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted principal residential uses	1	0.4	0	n/a	n/a	n/a
All permitted community service uses	2	10	1	3	2.5	5

4.17.5 Signs in Commercial Districts

- (1) No roof signs shall be permitted
- (2) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign
- (3) Sign Regulations

Uses	Max. # of Signs	Max Total Sign Face Area (m ²)	Max. # of Free Standing Signs	Max. Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted	2	18	1	6	6	12

commercial uses						
All permitted community service uses	2	10	1	3	2.5	5

4.17.6 Denying or Revoking Permits

- (1) The Development Officer may deny or revoke a permit for any of the following reasons:
 - (a) erection of the sign has not commenced within three months from the date of issue of the permit;
 - (b) the sign does not conform to all relevant provisions of this Bylaw;
 - (c) the sign being constructed or erected does not conform to the approved drawings; and/or
 - (d) the sign is not in a proper state of repair.

4.18 Campgrounds

- (1) The operator of a campground shall provide the development officer with a plan of the campground, identifying any buildings, uses of land and the location of all roadways and trailer coach or tent campsites with dimensions. The addition or rearrangement of campsites, the construction or moving of buildings, the material change in use of portions of the land, or the filling or clearing of land shall require a development permit and the operator shall submit for approval an amended plan incorporating the development.
- (2) The gross densities shall not exceed 10 campsites per hectare (8 per acre)
- (3) Potable water supply and sewage disposal systems shall be provided and satisfy municipal and provincial standards including the Public Health Act.
- (4) Areas for common shoreline access and playgrounds shall be provided by the developer, where feasible.
- (5) Recreational service facilities shall be located at least 15 m (49 ft) from the lakeshore, according to provincial agencies.
- (6) Road access to campsite facilities shall be designed so as to not obstruct the safe flow of traffic along major roads or highways
- (7) A campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 meters which shall contain no buildings.
- (8) The operator of a campground shall designate a campsite for each trailer coach or tent party, which shall be less than 150 square meters in area with its corners clearly marked.
- (9) No portion of any campsite shall be located within a roadway or require buffer area.

- (10) Each trailer coach shall be located at least 4.5 meters from any other trailer coach and each campsite shall have dimensions sufficient to allow such location of trailer coaches.
- (11) The space provided for roadways within a campground shall be at least 7.5 meters in width. No portion of any campsite, other use or structure shall be located in any roadway.
- (12) No trailer coach shall be stored on any campsite when the campground is not open.
- (13) Each campsite shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- (14) A campground may include as ancillary uses such as a Laundromat or a confectionary designed to meet the needs of the occupants of the campsites, and one single detached dwelling for the accommodation of the operator.

4.19 Septic Tank

- (1) All septic tank installations will require a development permit and shall meet the following minimum setback requirements:

Boundary from:	Setback
Basement wall	1.0 m (3 ft)
Any large tree	3.0 m (10 ft)
Property boundary	3.0 m (10 ft)
Walk or driveway	1.5 m (5 ft)
Any cut or embankment	3.0 m (10 ft)
Water well	9.0 m (30 ft)
Water course	9.0 m (30 ft)

- (4) All septic tanks shall not be on a road allowance, municipal reserve land, or neighbouring property. Septic tanks must be on property owner's lot.

4.20 Swimming Pool

- (1) All development permit applications for a swimming pool shall be supplemented with a geotechnical report which indicates conditions for developments. These conditions may be used as conditions of the development permit approval.
- (2) All development permit applications for a swimming pool shall include the swimming pool size and location.
- (3) All swimming pools shall be fenced; a cross-section of the fence shall be included in the development permit application. Every owner shall ensure the fence meets the following requirements:
 - (a) it is erected prior to the swimming pool being filled with water;

- (b) it has a height of 1.8 meters (6 ft), including the gate.
- (c) the gate shall have a locking device
- (4) Every owner shall ensure the following equipment is present at the swimming pool at all times:
 - (a) a reaching pole that measure at least half the width of the pool in length
 - (b) a first aid kit
 - (c) a buoy and rope that measure at least the full width of the pool in length.
- (5) The drainage system for the swimming pool shall comply with the following:
 - (a) discharge systems shall meet municipal requirements
 - (b) all relevant legislation governing plumbing and drainage shall be adhered to
 - (c) no person shall drain the water from a swimming pool into any private or public property including a street, lane or walkway.

4.21 Landscaping

- (1) A minimum of 30% of a residential lot shall be green space or xeriscaped.
- (2) Developers and lot owners shall practice landscaping strategies that use native species to reduce irrigation needs.
- (3) Landscaping or structures of any kind shall not obstruct vehicular or pedestrian travel along the sidewalk or street.

4.22 Guest Cottage/Mobile Home/Travel Trailer

- (1) Shall only be allowed on a lot with an existing, habitable principal dwelling on it;
- (2) Shall be designed for the exclusive use of guests of the owner of the principal dwelling during week-ends or vacation periods and not for year-round or permanent occupation;
- (3) Shall be used for accessory sleeping purposes only;
- (4) May contain a toilet and shower facility which is separate from the principal dwelling on the same lot, but this facility may only be connected to the sewage disposal system of that dwelling when the proposed connection has first been approved by the Health District;
- (5) Shall not contain any cooking facilities (ie. stove, oven, etc.);
- (6) Shall have a minimum required floor area of 11 sq. m (118 sq. ft) and a maximum floor area of 65 sq. m (700 sq. ft); and
- (7) A guest house shall not be used as a rental suite.

SECTION 5 - ZONING DISTRICTS AND ZONING MAP

- (1) For the purposes of this Bylaw, the District of Katepwa is divided into the following Zoning Districts and Special Regulatory District which may be referred to by the appropriate symbol:

<u>Zoning District</u>	<u>Symbol</u>
Lakeshore Residential District	LS
Resort Recreational District	R/R
Country Residential District	CR
Resort Commercial District	RC
High Density Residential District	HDR
Urban Holding District	UH
Environmentally Sensitive Overlay District	ES

- (2) The locations and boundaries of the zoning districts are shown on the Zoning District Map.
- (3) The map bearing the statements “This is the Zoning District Map referred to in the Zoning Bylaw” shall be adopted by the District of Katepwa and signed by the Mayor and the Chief Administrative Officer under the Seal of the District of Katepwa and shall be known as the “Zoning District Map” and such map is hereby declared to be an integral part of this bylaw.

SECTION 5.1: LS – LAKESHORE RESIDENTIAL DISTRICT LOW DENSITY

5.1.1 INTENT:

To accommodate the development of low density residential uses at appropriate lakeshore locations in the District of Katepwa taking into consideration regard for flood and slump hazards, servicing, land use compatibility, and protection of the environment.

5.1.2 PERMITTED USES

Subject to regulations of this Bylaw, the following uses are permitted in this zoning district:

- (1) Principal Residential Uses:
 - (a) Single detached dwellings
 - (b) Modular dwellings
 - (c) Ready to Move (RTM) dwellings
- (2) Service, recreational and Institutional Principal uses including but not limited to:
 - (a) Municipal offices and facilities
 - (b) Public parks, playgrounds, and day use picnic areas
- (3) Accessory uses and buildings
 - (a) Single story accessory buildings to a maximum height of 5 m (16ft)
 - (b) Accessory structures (including, but not limited to a private swimming pool with the required safety fencing)
 - (c) Public Utilities excluding Service Utilities
 - (d) Septic Tank
 - (e) Guest Cottage
 - (f) One accessory use or building constructed of a fabric material

5.1.3 DISCRETIONARY USES

Subject to regulations of this Bylaw, the following uses are Discretionary in this zoning district:

- (1) Bare Land Condominium dwellings in a clustered style, with no more than 4 units per cluster
- (2) Bed-and-breakfast home
- (3) Day Care Home
- (4) Home based businesses
- (5) Vacation Trailers
- (6) Mobile Homes anchored on a permanent concrete foundation.
- (7) Shipping Containers which are aesthetically modified and used for storage only
- (8) Two story accessory buildings to a maximum height of 7 m (23ft)

5.1.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Wind Turbines
- (2) Grading and Leveling of sites independent of construction.

5.1.5 DISTRICT REGULATIONS

(1) Sites and uses in this zoning district shall comply with the following minimum setbacks:

Use	Minimum Site Size (m ²)	Minimum Site Frontage (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)*
Dwelling	900 (9688 ft)	20 (65 ft)	6 (20ft)	6 (20 ft)	2.4 (8ft)
Bare Land Condominium	464.5 (4999.8ft)	20 (65 ft)			
All other uses	464.5 (4999.8ft)	15 (49.2 ft)			
Sundeck (no roof)			6 (20ft)	1.5 (5ft)	2.4 (8 ft)
Enclosed Sundeck			6 (20 ft)	6 (20 ft)	2.4 (8 ft)
Garage	n/a	n/a	3 (10ft)	3 (10ft)	1 (3.28 ft); 3 (10 ft) if vehicle access is required from the side yard
Accessory Buildings	n/a	n/a	3 (10ft)	3 (10ft)	1.2 (4 ft)

* Setbacks may be reduced after consultation with the building inspector.

- (2) The required minimum floor area for all principal residences shall be 65 square meters (700 sq. ft)
- (3) Accessory buildings shall comply with Section 4.6 of this Bylaw.
- (4) The required minimum floor area for all principal residences shall be 65 square meters (700 sq. ft)

5.1.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

(1) Bare Land Condominium

- (a) The development shall be serviced by adequate transportation and utility services.
- (b) The design of the development shall take into consideration the provision of snow removal, school bus and emergency vehicle access and egress
- (c) There shall be at least one parking spot designated per unit.

(2) Vacation Trailers

- (a) Vacation Trailers shall only be kept on a lot if a principal residence has been established on the lot.
- (b) Only one Vacation Trailer, which is not a mobile home, which is used from time to time for a period not exceeding 30 consecutive days from April 1st to October 31st for temporary sleeping accommodation of guests of a dwelling shall be permitted on the same lot as the dwelling;
- (c) Vacation Trailer shall not be used as a rental suite.

- (d) The facilities and amenities of the dwelling on the lot shall be available at all times for the use of the occupants of the Vacation Trailer;
 - (e) No Vacation Trailer shall be used as temporary sleeping accommodation from November 1st to March 31st. This use is for summer, accessory sleeping purposes only;
 - (f) No Vacation Trailer shall be connected to any piped water supply or waste disposal system on any lot, whether or not that system serves the existing dwelling on the lot.
 - (g) The Vacation Trailer must be parked in a location that allows the entire unit to be situated within the boundaries of the property.
- (3) Day Care Centers and Homes
- (a) A home or center must meet the provincial requirements as established in *The Child Care Regulations, 2001*.
- (4) Access
- (a) All uses shall provide adequate on-site parking and safe access and egress to the site.
- (5) Two-story Accessory Buildings
- (a) The maximum height shall be measured from the average grade at the perimeter of the building to the ridge of the roof.
 - (b) Council shall consider whether the building will unduly block the view of the lake for neighbouring properties.
 - (c) There will be no consideration for any accessory building in excess of the maximum height requirement.

SECTION 5.2 - R/R - RESORT RECREATIONAL DISTRICT

5.2.1 INTENT

To accommodate the development of medium density resort residential uses at specific locations in the municipality. Slightly higher density is required to support the extra services and sustainable features that make the development possible, given suitable regard to the possible need for piped services, for land use compatibility, and for protection of the environment.

5.2.2 PERMITTED USES

Subject to regulations of this Bylaw, the following uses are permitted in this zoning district:

- (1) Principal Residential Uses
 - (a) Bare Land Condominium dwellings in a clustered style, with no more than 10 units per cluster
 - (b) Single detached dwellings
 - (c) Modular dwellings
 - (d) Ready to Move (RTM) Dwellings
- (2) Service, Recreational and Institutional Principal uses, including but not limited to:
 - (a) Municipal facilities
 - (b) Public parks, playgrounds, and day use picnic areas
 - (c) Community hall, clubhouse or fitness center
 - (d) Other community facilities including those that may not be owned and operated by a condominium corporation, including but not limited to, community beaches and community recreation facilities (ex. pools, hot tubs and amenities), picnic and barbeque areas, outdoor theatre, skating surfaces, beach volley ball court, community gardens, bird watching areas, ball diamonds, tennis courts and typical recreation facilities expected in a resort development
- (3) Accessory uses and buildings, to a maximum of 3, in any combination of the following:
 - (a) Single story accessory buildings to a maximum height of 5m (16ft)
 - (b) Accessory structures (including, but not limited to a private swimming pool with the required safety fencing)
 - (c) Public or private utilities
 - (d) Public Utilities excluding Service Utilities
 - (e) Guest Cottages
 - (f) One accessory use or building constructed of a fabric material

5.2.3 DISCRETIONARY USES

Subject to regulations of this Bylaw, the following uses are Discretionary in this zoning district:

- (1) Multi-Unit, Townhouse and Two-Unit Dwellings
- (2) Home Based Businesses
- (3) Bed and breakfast dwellings
- (4) Day care centers and homes
- (5) Vacation Trailers
- (6) Two story accessory buildings to a maximum height of 7 m (23ft).

5.2.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Mobile Homes
- (2) Wind Turbines
- (3) Shipping Containers
- (4) Grading and Leveling of sites independent of construction.

5.2.5 DISTRICT REGULATIONS

- (1) Sites and uses in this zoning district shall comply with the following:

Use	Minimum Site Size (m ²)	Minimum Site Frontage (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)*
Dwelling	464.5 (4999.8ft)	12m for rectangular shaped lots (39 ft)	6 (20 ft)	6 (20 ft)	2.4 (8 ft)
		10m for irregular shaped lots (33ft)			
Bare Land Condominium	464.5 (4999.8ft)	15 (49 ft)	6 (20 ft)	6 (20 ft)	1.5 (4.92ft)
All other uses	464.5(4999.8ft)	15 (49 ft)			
Sundeck (no roof)			6 (20 ft)	1 (3.28ft)	1(3.28ft)
Enclosed Sundeck			6 (20 ft)	1.5(4.92ft)	1.5(4.92ft)
Garage	n/a	n/a	3 (10 ft)	3 (10 ft)	1 (3.28 ft); 1.5 (5 ft) if vehicle access is required from the side yard
Accessory Buildings	n/a	n/a	3 (10 ft)	3 (10 ft)	1 (3.28)

* Setbacks may be reduced after consultation with the building inspector.

- (2) The required minimum floor area for all principal residences shall be 65 square meters (700 sq. ft)
- (3) Accessory buildings shall comply with Section 4.6 of this Bylaw.

5.2.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

- (1) Vacation Trailers
 - (a) Vacation Trailers shall only be kept on a lot if a principal residence has been established on the lot;
 - (b) Only one Vacation Trailer, which is not a mobile home, which is used from time to time for a period not exceeding 30 consecutive days from April 1st to October 31st for temporary sleeping accommodation of guests of a dwelling shall be permitted on the same lot as the dwelling;
 - (c) Vacation trailer shall not be used as a rental suite;
 - (d) The facilities and amenities of the dwelling on the lot shall be available at all times for the use of the occupants of the Vacation Trailer;
 - (e) No Vacation Trailer shall be used as temporary sleeping accommodation from November 1st to March 31st. This use is for summer, accessory sleeping purposes only;
 - (f) No Vacation Trailer shall be connected to any piped water supply or waste disposal system on any lot, whether or not that system serves the existing dwelling on the lot; and
 - (g) The Vacation Trailer must be parked in a location that allows the entire unit to be situated within the boundaries of the property.
- (3) Day Care Centers and Homes
 - (a) A home or center must meet the provincial requirements as established in *the Child Care Regulations, 2001*.
- (4) Access
 - (a) All uses shall provide adequate on-site parking and safe access and egress to the site.
- (5) Two-story Accessory Buildings
 - (a) The maximum height shall be measured from the average elevation at the perimeter of the building to the ridge or highest point of the roof.
 - (b) Council shall consider whether the building will unduly block the view of the lake for neighbouring properties.
 - (c) There will be no consideration for any accessory building in excess of the maximum height requirement.

SECTION 5.3 - CR –COUNTRY RESIDENTIAL DISTRICT

5.3.1 INTENT

To allow a limited variety of dispersed, large - lot residential uses on separate sites, which are larger than those sites allowed in the LS and RR Districts. These larger sites are intended to accommodate residential uses on the lower slopes and certain portions of the valley edge in the municipality. To implement the intent of this zoning district, Council shall ensure that new residences will only be allowed at a low density and on sites which avoid slump or flood-prone land and protect the natural environment, particularly the aesthetic view of the Qu'Appelle Valley. Such proposals must also not conflict with adjoining agricultural uses, or be prohibitively difficult or costly to service. Council shall refer to the OCP in assessing proposed subdivisions in this zoning district.

5.3.2 PERMITTED USES

Subject to regulations of this Bylaw, the following uses are permitted in this zoning district:

- (1) Principal Residential Uses
 - (a) Single Detached Dwelling
 - (b) Modular dwellings (single and double wide)
 - (c) Ready to Move (RTM) dwellings

- (2) Accessory Uses and Buildings
 - (a) Single story accessory buildings to a maximum height of 5 m (16ft)
 - (b) Accessory structures (including, but not limited to a private swimming pool with the required safety fencing)
 - (c) Public or Private Utilities, excluding solid and liquid waste disposal sites.
 - (d) Septic Tank
 - (e) Guest Cottages
 - (f) One accessory use or building constructed of a fabric material
 - (g) Mobile Homes anchored on a permanent concrete foundation
 - (h) Shipping Containers which are aesthetically modified and used for storage only

5.3.3 DISCRETIONARY USES

Subject to the regulations of this Bylaw, the following uses are discretionary in this zoning district:

- (1) Bed-and-breakfast homes
- (2) Home based businesses
- (3) Kennels with more than 4 dogs or cats
- (4) Special Care or Group Homes with a maximum of 12 residents, excluding staff
- (5) Outdoor Recreation Facilities
- (6) Two story accessory buildings to a maximum height of 7 m(23ft)

5.3.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Wind Turbines
- (2) Grading and Leveling of sites independent of construction.
- (3) Guest Cottage
- (4) Vacation Trailer

5.3.5 DISTRICT REGULATIONS

(1) Sites and uses in this zoning district shall comply with the following:

Use	Minimum Site Size (m ²)	Maximum Site Size	Minimum Site Frontage (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)*
Dwelling	5 acres	20 acres	20m (65 ft)	30m adjacent to municipal or Provincial Roads**	6 (20 ft)	6 (20 ft)
All other uses	464.5		15	30m adjacent to municipal or Provincial Roads**		
Garage	n/a		n/a	30m adjacent to municipal or Provincial Roads**	6 (20 ft)	6 (20 ft)
Accessory Buildings	n/a		n/a	30	6 (20 ft)	6 (20 ft)

* Council may reduce the minimum setback (to no less than 15 m – 50 ft), where in the opinion of Council, compliance with it would be impractical or too costly for the applicant and the reduction is in the public interest.

- (2) No further subdivision of the original residential site registered before this Bylaw comes into force or sites which are registered after this Bylaw comes into force, shall be permitted. Council may at its discretion permit minor lot line adjustments; however, such adjustments shall not create an additional lot.
- (3) The minimum required floor area for all single detached dwellings shall be 65 square meters (700square ft)
- (4) Total maximum site coverage, including principal and accessory uses, for all sites shall be no more than 20%.
- (5) Accessory buildings shall comply with Section 4.7 of this Bylaw.

5.3.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

- (1) Keeping of Animals
 - (a) No large animal (horses or cattle) will be allowed on any existing site which is less than 2 hectares (5 acres). Two (2) large animals (horses or cattle) will be permitted on a site of at least 2 hectares (5 acres). Four (4) large animals will be permitted on a site of at least 4 hectares (10 acres) site. For each additional 1.2 hectares (3 acres), one (1) additional large animal will be permitted. All other animals shall be limited to domestic pets of the residents of the site.

- (b) Animals shall not be pastured or kenneled within 15 meters (50 ft) of any dwelling not owned by the operator of the pasture or owner of the animals, and no buildings or structures intended to contain birds or animals shall be located within 30 meters (100 ft) of a property line.
- (2) Vacation Trailers
- (a) Vacation Trailers shall only be kept on a lot if a principal residence has been established on the lot;
 - (b) Only one Vacation Trailer, which is not a mobile home, which is used from time to time for a period not exceeding 30 consecutive days from April 1st to October 31st for temporary sleeping accommodation of guests of a dwelling shall be permitted on the same lot as the dwelling;
 - (c) No Vacation Trailer shall not be used as a rental suite;
 - (d) The facilities and amenities of the dwelling on the lot shall be available at all times for the use of the occupants of the Vacation Trailer;
 - (e) No Vacation Trailer shall be used as temporary sleeping accommodation from November 1st to March 31s. This use is for summer, accessory sleeping purposes only;
 - (f) No Vacation Trailer shall be connected to any piped water supply or waste disposal system on any lot, whether or not that system serves the existing dwelling on the lot; and
 - (g) The Vacation Trailer must be parked in a location that allows the entire unit to be situated within the boundaries of the property.
- (4) Care or Group Homes
- (a) A home or center must meet the applicable provincial requirements.
- (5) Access
- (a) All uses shall provide adequate on-site parking and safe access and egress to the site.
- (6) Two-story Accessory Buildings
- (a) The maximum height shall be measured from the average elevation at the perimeter of the building to the ridge of the roof.
 - (b) Council shall consider whether the building will unduly block the view of the lake for neighbouring properties.
 - (c) There will be no consideration for any accessory building in excess of the maximum height requirement.

SECTION 5.4: RC – RESORT COMMERCIAL

5.4.1 INTENT

To recognize the existing resort and recreation commercial uses in the District of Katepwa and to allow limited growth to these existing commercial uses and for new uses that serve the travelling public and the local community. All new uses proposed for this zoning district shall meet the regulations of this Zoning Bylaw and this zoning district.

5.4.2 PERMITTED USES

Subject to the provisions of this Bylaw, the following are permitted uses in this zoning district:

- (1) Passive Recreational Facilities (ie. beaches, picnic areas, play parks, baseball fields, tennis courts, and other similar uses)
- (2) Public Utilities
- (3) Accessory buildings (ie. storage sheds) if on the same lands as an established approved Commercial Use

5.4.3 DISCRETIONARY USES

Subject to the provisions of this Bylaw, the following uses are discretionary in this zoning district:

- (1) Hotels, motels
- (2) Cabin Rentals
- (3) Gas Bars
- (4) Eating and drinking establishments
- (5) Campgrounds
- (6) Active Recreational facilities (ie. Golf Course, waterparks, etc.)
- (7) Resort related retail store
- (8) Convenience store (less than 100 sq. m. in gross floor area)
- (9) Personal Services Shop (ie. hairdresser, manicurist, masseuse, etc.)
- (10) Offices

5.4.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Residence
- (2) Mobile Homes
- (3) Wind Turbines
- (4) Shipping Containers
- (5) Grading and Leveling of sites independent of construction.

5.4.5 DISTRICT REGULATIONS

- (1) All sites and uses, except those associated with public utilities, in this zoning district shall comply with the following:

- (a) Minimum Lot Area 325 sq.m. (3498 sq. ft)

(b)	Minimum Lot Frontage	12 m (40 ft)
(c)	Minimum Building Area	None
(d)	Minimum Front Yard*	6 m (20 ft)
	*Gas Bars	7.5 m (25 ft)
(e)	Minimum Rear Yard	6 m (20 ft)
(f)	Minimum Side Yard	3m (10 ft) where adjacent to other zoning district.

5.4.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

- (1) Access and Parking
 - (a) All uses shall provide adequate on-site parking and safe access and egress to the site.
- (2) The proposed discretionary use shall not negatively change the character of the immediate area or the use and enjoyment of adjacent lands for their existing use.
- (3) Council may require the screening of any outdoor storage of materials.
- (4) Council may specify conditions on the development permit to minimize noise and odour from the site.

SECTION 5.5 – HDR- HIGH DENSITY RESIDENTIAL DISTRICT

5.5.1 INTENT

To accommodate the development of high density residential uses at appropriate locations in the District of Katepwa.

5.5.2 PERMITTED USES

Subject to regulations of this Bylaw, the following uses are permitted in this Zoning District:

- (1) Principal Residential Uses:
 - (a) Multiple Unit Dwellings
 - (b) Condominiums
 - (c) Townhouse Dwellings

- (2) Service, Recreational and Institutional Principal uses, including but not limited to:
 - (a) Municipal facilities
 - (b) Public parks, playgrounds, and day use picnic areas
 - (c) Community hall, clubhouse or fitness center
 - (d) Other community facilities including those that may not be owned and operated by a condominium corporation, including but not limited to, community beaches and community recreation facilities (ex. pools, hot tubs and amenities), picnic and barbeque areas, outdoor theatre, skating surfaces, beach volley ball court, community gardens, bird watching areas, ball diamonds, tennis courts and typical recreation facilities expected in a resort development;

- (3) Accessory uses and buildings (excluding Recreation Vehicle Parks), to a maximum of 3, in any combination of the following:
 - (a) Single story accessory buildings to a maximum height of 5m (16ft)
 - (b) Accessory structures (including, but not limited to a private swimming pool with the required safety fencing)
 - (c) Public or private utilities
 - (d) Public Utilities excluding Service Utilities
 - (e) Guest Cottages
 - (f) One accessory use or building constructed of a fabric material

5.5.3 DISCRETIONARY USES

Subject to regulations of this Bylaw, the following uses are Discretionary in this zoning district:

- (1) Recreation Vehicle Parks
- (2) Home Based Businesses
- (3) Bed and breakfast dwellings
- (4) Day care centers and homes
- (5) Two story accessory buildings to a maximum height of 7m (23ft).

5.5.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Accessory use or building constructed of a fabric material
- (2) Mobile Homes
- (3) Wind Turbines

- (4) Shipping Containers
- (5) Grading and Leveling of sites independent of construction.

5.5.5 DISTRICT REGULATIONS

- (1) Sites and uses in this zoning district shall comply with the following:

Use	Minimum Site Size (m ²)	Minimum Site Frontage (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)*	Site Coverage (Maximum)
Multiple Unit Dwellings	550 (5920 sq.ft)	15 (49 ft)	6 (20ft)	6 (20 ft)	2.4 (8ft)	50%
Condominiums	464.5 (4999.8ft)	15 (49 ft)	6 (20 ft)	6 (20 ft)	1.5 (4.92ft)	50%
Townhouses	464.5 (4999.8ft)	15 (49 ft)	6 (20 ft)	6 (20 ft)	1.5 (4.92ft)	50%
RV Park	1 acre	<i>See RV Park regulations</i>				
All other uses	464.5(4999.8ft)	15 (49 ft)				N/A
Garage	n/a	n/a	3 (10 ft)	3 (10 ft)	1 (3.28 ft); 1.5 (5 ft) if vehicle access is required from the side yard	See Section 4.6
Accessory Buildings	n/a	n/a	3 (10 ft)	3 (10 ft)	1 (3.28)	See Section 4.6

* setbacks may be reduced after consultation with the building inspector.

- (2) Accessory buildings shall comply with Section 4.6 of this Bylaw.

5.5.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

- (1) Day Care Centers and Homes
 - (a) A home or center must meet the provincial requirements as established in *the Child Care Regulations, 2001*.
- (2) Access
 - (a) All uses shall provide adequate on-site parking and safe access and egress to the site.
- (3) Condominium

- (a) The development shall be serviced by adequate transportation and utility services.
 - (b) The design of the development shall take into consideration the provision of snow removal, school bus and emergency vehicle access and egress
 - (c) There shall be at least one parking spot designated per unit.
- (5) Two-story Accessory Buildings
- (a) The maximum height shall be measured from the average elevation at the perimeter of the building to the ridge of the roof.
 - (b) Council shall consider whether the building will unduly block the view of the lake for neighbouring properties.
 - (c) There will be no consideration for any accessory building in excess of the maximum height requirement.

SECTION 5.6 - UH - URBAN HOLDING

5.6.1 INTENT

To hold un-subdivided and or undeveloped land within the municipality for future development, while allowing certain uses which would not limit the potential expansion of residential development in the municipality. Rezoning land from UH to another zone shall only be considered when the change in land use allows for orderly land use or secures the municipality’s long term land use needs. Council shall also consider the conformity of all rezoning proposal to the Goals, Objectives and Policies of the Calling Lakes District Plan and District of Katepwa’s Official Community Plan.

5.6.2 PERMITTED USES

Subject to the provisions of this Bylaw, the following are permitted uses in this zoning district:

- (1) Existing Agricultural Uses
- (2) Public Utilities excluding Service Utilities
- (3) Accessory buildings used for storage of agricultural or recreational equipment or goods.
- (4) Uses accessory to agricultural land uses and recreational land uses at Council discretion.

5.6.3 DISCRETIONARY USES

Subject to the provisions of this Bylaw, the following uses are discretionary in this zoning district:

- (1) Cultural institutions, churches, religious institutions
- (2) Land for parking of vehicles associated with a permitted or discretionary use in this zoning district or land in an adjacent zoning district.
- (3) Towers
- (4) Market gardens and green houses
- (5) Recreational uses, but not limited to, sports fields, campgrounds, public parks, golf courses and rinks.
- (6) Any accessory use or building constructed of a fabric material
- (7) Shipping Containers

5.6.4 PROHIBITED USES

The following uses are specifically listed as prohibited in this zoning district:

- (1) Wind Turbines
- (2) Grading and Leveling of sites independent of construction.

5.6.5 DISTRICT REGULATIONS

- (1) Sites and uses in this zoning district shall comply with the following:

Use	Minimum Site Size (m ²)	Maximum Site Size	Minimum Site Frontage (m)	Front Yard Setback (m)	Rear Yard Setback (m)	Side Yard Setback (m)
Any Building or Structure	20 acres	160 acres or equivalent to a ¼ section.	15m	30m adjacent to municipal or Provincial Roads*	6	6

* Council may reduce the minimum setback (to no less than 15 m – 50 ft), where in the opinion of Council, compliance with it would be impractical or too costly for the applicant and the reduction is in the public interest.

- (2) No further subdivision shall be permitted unless the subdivision will, in the opinion of Council, not prejudice the future economical subdivision or servicing of land.

5.6.6 CRITERIA AND STANDARDS FOR DISCRETIONARY USES

- (1) Land Used for Parking
 - (a) Land used for parking shall not be paved or serviced.
- (2) Access
 - (a) All uses shall provide adequate on-site parking and safe access and egress to the site.

SECTION 5.7 - ES - ENVIRONMENTALLY SENSITIVE OVERLAY DISTRICT

5.7.1 INTENT

To protect environmentally sensitive land from unsuitable development. There are certain areas near wetlands, slump or flood prone areas, for example which should not be developed due to those natural hazards.

An overlay district is placed over an existing base zone and identifies special requirements in addition to those in the underlying zone. Where the conventional zoning district regulations applicable to a site appear to be in conflict with the overlay zone regulations applicable to a site, the overlay zone regulations shall take precedence. Council shall also use the Policies in the Calling Lakes District Plan and the District of Katepwa Official Community Plan when making decisions on, or establishing conditions to apply to, proposed new developments on or near environmentally sensitive land.

All areas shown with an ES designation on the Zoning Map shall be subject to the additional regulations of this zoning district.

5.7.2 PERMITTED USES

In addition to the uses allowed in the Zoning District, which underlies the ES Overlay District, the following are Permitted Uses:

- (1) Principal uses
 - (a) Institutional uses and facilities
 - (b) Public parks and public recreational facilities.
 - (c) Historical and archaeological sites, and wildlife and conservation management areas.
 - (d) Municipal facilities

5.7.3 DISCRETIONARY USES

There are no additional Discretionary uses allowed in this Overlay District, except for the Permitted and approved Discretionary uses allowed in the Zoning District which underlies the ES Overlay District.

5.7.4 PROHIBITED USES

- (1) Residences

PART 2 - ADOPTION

Section 1 Zoning Maps

The Maps labeled as Zoning Map 1 to 25 inclusive form part of this Bylaw.

Section 2 Repeal of Existing Zoning Bylaw and Adoption of the new Zoning Bylaw

This Bylaw repeals Bylaw No. 2/06 and is hereby adopted pursuant *The Planning and Development Act, 2007*, and shall come into force on the date of final approval by the Minister of Government Relations.

Read a First time this _____, day of _____, 2014

Read a Second time this _____, day of _____, 2016

Read a Third time this _____, day of _____, 2016

Mayor

(SEAL)

Administrator

Provincial Approval Date

(SEAL)