

**ZONING BYLAW NO. 94-4 OF THE  
RURAL MUNICIPALITY OF MERVIN NO. 499**

Being Schedule "B" to Bylaw No. 94-4  
of the Rural Municipality of Mervin No. 499

Consolidated version including the following Amendments:

Bylaw #98-5  
Bylaw #2000-9  
Bylaw #2001-16  
Bylaw #2002-8  
Bylaw #2003-08  
Bylaw #2003-15  
Bylaw #2003-16  
Bylaw #2004-10  
Bylaw #2005-02  
Bylaw #2005-20  
Bylaw #2007-04  
Bylaw #2008-08  
Bylaw #2008-17  
Bylaw #2010-03  
Bylaw #2010-12  
Bylaw #2011-07  
Bylaw #2013-01  
Bylaw #2013-18 Repealed  
Bylaw #2014-04

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original bylaws should be consulted for all purposes of interpretation and application of the law.

DATE: April 21, 2014

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**SCHEDULE D: LD1 - LAKESHORE DEVELOPMENT DISTRICT**

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**A. PERMITTED USES**

The following uses are permitted in this district:

**1. Principal Uses:**

(a) Residential:

Single-detached dwellings including Ready-to-move (RTM) residential buildings but not including single and double wide modular homes or mobile homes.

(b) Institutional Uses:

(i) Places of worship, religious institutions; and

(ii) Public halls.

(c) Public utilities, excluding municipal solid and liquid waste disposal facilities.

(d) Historical and archaeological sites and uses.

**2. Accessory Uses:**

Buildings, structures or uses secondary to and located on the same site with the principal or discretionary use are permitted. (See Section B(3)(e))

**3. Discretionary Uses:**

The following principal uses and their accessory uses are discretionary in this district:

(a) Commercial Uses:

Resort and tourist related commercial uses including retail stores, hotels and motels, automotive service stations, rental cabins, restaurants, confectionaries and other places for the sale and consumption of food related items.

(b) Recreational Uses:

Sports fields, rinks, public beaches and parks, golf courses, hiking and cross country ski trails, seasonal campgrounds, institutional camps, picnic grounds, lodges, boat launches, riding stables, marinas and other similar uses usually associated with seasonal recreation residential areas.

(c) Home based businesses, subject to Part III Section 7 of this bylaw.

(d) Municipal solid and liquid waste disposal facilities, subject to Part III Section 7 of this bylaw.

(e) Mobile homes, subject to Part III Section 7 of this bylaw.

(f) Ancillary Uses:

Buildings and structures which are secondary to the principal or discretionary use and which will permit overnight accommodations but such structures shall not contain kitchen facilities.

The granting of a development permit to accommodate overnight accommodation shall not be construed, in any way, as consent or approval for a future subdivision for the use.

(g) Residential: single detached dwellings including, Move-in(MI) residential buildings and single and double wide modular homes.

**B. REGULATIONS**

**1. Site Area:**

- |                                |  |
|--------------------------------|--|
| (a) Commercial uses:           | Minimum - 450 sq. metres (4,844 sq. ft.)   |
| (b) Single detached dwellings: | Minimum - 750 sq. metres (8,073 sq. ft.)<br>Maximum – 1490 sq. metres (16,039 sq. ft.) |
| (c) All other uses:            | Minimum - 900 sq. metres (9,687.5 sq. ft.)   |

**2. Site Frontage:**

- (a) Commercial uses: Minimum - 7.5 metres (25 feet)
- (b) Single detached dwellings: Minimum - 18 metres (60 feet)
- (c) All other uses: Minimum - 15 metres (50 feet)

**3. Yard Requirements:**

- (a) Front Yard:
  - (i) Commercial uses: No requirement
  - (ii) All other uses: Minimum - 6 metres (20 feet) except for lakeshore sites where the minimum requirement shall be 3 metres (10 ft.)
- (b) Side Yard:
  - (i) Institutional uses: Minimum - A distance from each side of the main building of not less than one-half of the building or not less than 3 metres (10 feet)
  - (ii) All other uses: Minimum - 1.5 metre (5 ft. on each side)
- (c) Rear Yard:
  - (i) Commercial uses: Minimum - 6 metres (20 feet).
  - (ii) All other uses: Minimum - 3 metres (10 feet) except for lakeshore sites where the minimum shall be 6 metres (20 ft.)

(d) Decks:

Notwithstanding the foregoing, all decks will be required to be set back a minimum of 1.5 metres (5 ft.) from any site line.

(e) Accessory Buildings and Structures

Private garages, carports and accessory buildings that are attached by a roof to a residential building shall be considered a part of the building and subject to the yard requirements of the building. Open decks will not be considered a part of the principal building.

(i) Yard Requirements

- Front Yard: 6 metres (20 feet) from the building wall to the front site line except 1.5 metres (5 feet) for lakeshore sites.
- Side Yard: 1.5 metres (5 feet) from the building wall to the side lot line.
- Rear Yard: 1.5 metres (5 feet) from the building wall to the rear lot line, except 6 metres (20 feet) for lakeshore sites.

(ii) Floor Area

- All accessory buildings, except detached private garages - 25 square metres (269 square feet) maximum.
- Detached private garage - 110 square metres (1187 square feet) maximum.

**4. Floor Area Requirements**

Single detached dwellings Minimum - 55 sq. m. (592 sq. ft.) on the main floor

Rental cabins Minimum - 37 sq. m (398 sq. ft.) on the main floor

**5. Removal of Trees**

The removal of trees shall not be permitted except for purposes of construction of access ways, park development, buildings or the clearing of dead or diseased trees. Clearance of trees for access ways shall not be permitted greater than 3 m (9.8 feet) in width or further than 2 m (6.5 feet) from buildings.

**6. Projections into Yards**

A chimney, bay window or roof overhang may be constructed so that it is located no more than .9 metres (3 feet) from the main wall of a principal building.

**7. Fences**

Shall be a maximum height of 1 metre (3 feet) above grade in a required front yard and 2 metres (6 feet) above grade in any yard.

**8. Outdoor Storage:**

- (a) No outside storage shall be permitted in the front yard.
- (b) No shipping containers shall be permitted within this zoning district.

**9. Basements**

- (a) Notwithstanding anything contained herein, the Development Officer shall require a detailed Engineering Study of the soil and water conditions prepared to professional standards, by a registered Professional Engineer prior to the issuance of a Development Permit or the construction of any basements within Lakeshore Developments. The detailed Engineering Study shall include:
  - (i) Certification that the foundation proposed for the basement is designed with full knowledge of the soil and water conditions and the proposed siting of the basement on this site.
  - (ii) Basement drainage has been considered in the design of the building.
  - (iii) Site drainage for water, and impacts to adjacent and neighbouring properties.
- (b) Upon completion of all basements development must provide an engineering report and a landscape plan, by a registered Professional Engineer or Architect, ensuring adequate water-proofing measures are constructed. Adequate water proofing measures shall include:
  - (i) All basements are designed to prevent structural damage by water.
  - (ii) The first floor of all buildings is constructed above the Safe Building Elevation.
  - (iii) Basement drainage design.
  - (iv) Landscape drainage design that does not adversely affect neighbouring sites.

**PART V - DEFINITIONS**

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

**Accessory Building:** Shall mean a separate building or structure normally incidental to the principal building or structure on the same site.

**Accessory Use:** Shall mean a use customarily incidental and subordinate to the principal use or building and located on the same site with such principal use or building.

**Act:** Shall mean *The Planning and Development Act, 2007* as amended.

**Adjacent Residential or Commercial Development:** Any residential or commercial development that directly borders another residential or commercial development which is not separated by a road allowance or Municipal Highway.

**Agricultural Holding:** Shall mean the cumulation of all sites owned by an agricultural operator and does not include a hobby farm or country residence.

**Agricultural Operator:** Shall mean a household unit whose principal source of income is derived from the agricultural production of an agricultural holding.

**Agricultural Related Commercial Use:** See Use.

**Alteration:** Shall mean any structural change or addition made to any building or structure.

**Ancillary Use:** Shall mean 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 the site.

**Animal Unit:** Shall mean the kind and number of animals calculated in accordance with the following table:

Kind of Animal		Number of Animals = 1 Animal Unit
Poultry	Hens, cockerels, capons	100
	Chicks, broiler chickens	200
	Turkeys, geese, ducks	50
	Exotic birds	25
Hogs	Boars and sows	3
	Gilts	4
	Feeder pigs	6
	Weanling pigs	20
Sheep	Rams or ewes	7
	Lambs	14
Goats, etc.	all (including llamas, alpacas, etc.)	7
Cattle	Cows and bulls	1
	Feeder cattle	1 1/2
	Replacement heifers	2
	Calves	1
Horses	Colts and ponies	2
	other horses	1
Other	domesticated native ungulates (deer, elk, bison, etc.)	1

**Applicant:** Shall mean a developer or person applying for a development permit under this bylaw.

**All-Weather Road:** shall mean an unpaved road constructed of a material and design that provides for proper drainage in accordance with the Municipality’s designated road design specifications.

**Basement:** means that portion of a building between two floor levels which is partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below grade level. Does not include crawl spaces.

**Bed and Breakfast Home:** Shall mean a dwelling unit, licensed as a tourist home under The Tourist Accommodation Regulations, 1969, in which overnight accommodation within the dwelling unit, along with one

meal served before noon, is provided to the travelling public for a charge.

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**Building:** Shall mean a structure used for the shelter or accommodation of persons, animals or chattels.

**Building Accessory:** Shall mean a subordinate detached building appurtenant to a main building or main use and located in the same site, the purpose of which is to provide better and more convenient function of the main building or main use.

**Building Permit:** Shall mean a permit issued under a building bylaw of the municipality authorizing the construction of all or part of any building.

**Building Residential:** Shall mean a single detached, semi-detached, duplex or mobile home dwelling unit.

**Building Site:** Shall mean the specific area on which the principal building is to be erected.

**Campground, Seasonal:** Shall mean the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, recreational vehicles and campers, used by travellers and tourists.

**Council:** Shall mean the Council of the Rural Municipality of Mervin No. 499.

**Country Residence:** Shall mean a dwelling or site whose owner's principal source of household income is derived from a source other than the principal agricultural use of that site.

**Crawl Space:** an area of limited height under a floor, giving access to wiring and plumbing.

**Deck:** shall mean an open platform that is attached to a principal building and may have rails but not a roof.

**Developer:** Shall mean the person or corporation, responsible for carrying out development.

**Development:** Shall mean 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 of any building or land.

**Development Permit:** Shall mean a document authorizing a development issued pursuant to this bylaw.

**Discretionary Use:** Shall mean a use or development specified in this bylaw, which may be allowed following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this bylaw.

**Dwelling, Semi-Detached:** Shall mean two dwelling units side by side in one building unit with a common party wall which separates, without opening throughout the entire structure, the two dwelling units.

**Dwelling, Single Detached:** Shall mean a detached building consisting of one dwelling unit as herein defined; and occupied or intended to be occupied as a permanent home or residence, but shall not include a mobile home or trailer coach as herein defined.

**Dwelling Unit:** Shall mean one or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons.

**Estimated Peak Water Level (EPWL):** Shall mean the water level calculated by Saskatchewan Watershed Authority (SWA) to determine a flood hazard area. It is based on the 1:500 peak flow for rivers and the higher of the 1:500 peak calm level or the 1:100 peak calm level with a 1:5 wind from the most critical direction for most lakes.

**Farm Based Business:** Shall mean a supplementary use carried on as a business conducted for gain in whole or in part in a farm building or an accessory residential building.

**Farmer:** See Agricultural Operator.

**Farmstead:** Shall mean a site which includes the residence of the farm operator and those buildings or facilities which are related to the farm operation, and are normally surrounded by the farmstead shelterbelt.

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

**Flood Hazard Area:** Shall mean the land area below the EPWL plus a recommended freeboard.

**Flood Proofing:** Shall mean techniques or measures taken to permanently protect a structure or development from flood damage. These can include measures such as elevating buildings by building on fill or piers, constructing dykes, creating upstream storage, diversions and channelization.

**Floor Area:** Shall mean the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, porch, veranda, sun lounge, unfinished basement or attic.

**Hazard Land:** Shall mean land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within flood plain or watercourse.

**Household Unit:** Shall mean one or more persons occupying a dwelling and living as a single housekeeping unit.

**Home Based Business:** Shall mean an accessory use carried on as an occupation conducted for gain in a dwelling by the resident or residents.

**Highway Sign Corridor:** Shall mean a strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "The Erection of Signs Adjacent to Provincial Highway Regulations, 1986", as may be amended from time to time.

**Intensive Livestock Operation:** Shall mean the operation or facilities for rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle or horses, in such numbers that requires a permit under this bylaw and provides less than 370 square metres (4,000 square feet) of space for each animal unit contained therein.

**Mobile Home:** Shall mean a trailer coach:

- (a) that is used as a dwelling;
- (b) that has water faucets and shower, or other bathing facilities, that may be connected to a water distribution system; and,
- (c) that is equipped with facilities for washing and water closet, or other similar facility, that may be connected to a sewage system.

**Mobile Home Park:** Shall mean any tract or parcel of land on which two or more occupied mobile homes are harboured or are permitted, and includes any building or structure used or intended to be used as part of the equipment of such mobile home park.

**Modular Home:** Shall mean a factory built home that is manufactured as a whole or modular unit and is designed to be moved on removable chassis to be used as a one unit dwelling and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A 277 standard.

**Modular Unit:** Shall mean a factory built frame or shell which comprises supporting and non supporting walls, siding and other components of a prefabricated home representing only a section of a dwelling and has neither a chassis, running gear nor its own wheels.

**Move-in (MI) Residential Building:** Shall mean a single detached dwelling constructed off site which is being relocated to a new site in the municipality. A Move-in residential building has been used previously as a residential building.

**Municipality:** Shall mean the Rural Municipality of Mervin No. 499.

**Non-Conforming Building:** Shall mean a building:

- (a) that is lawfully constructed or lawfully under construction, or in respect of which all required permits have been issued, at the date a zoning bylaw or any amendment to this bylaw affecting the building or land on which the building is situated or will be situated becomes effective; and
- (b) that on the date this bylaw or any amendment to this bylaw becomes effective does not, or when constructed will not, comply with this bylaw.

**Non-Conforming Site:** Shall be a site, consisting of one or more contiguous parcels, to which all permits have been issued that, on the date that this bylaw or any amendment to this bylaw becomes effective, contains a use that conforms to this bylaw, but the site area or site dimensions do not conform to the standards of the bylaw for that use.

**Non-Conforming Use:** Shall mean any use of land, building, or structure lawfully existing at the time of the passing of this bylaw, the use of which does not comply with all the regulations of this bylaw governing the zoning district in which it is located.

**Permanent Foundation:** any concrete pads, pilings made of any material, pony walls or other support structures made of concrete, wood, steel or other metal, placed on or in the ground where a building will be constructed or installed.

**Permitted Uses:** Shall mean uses allowed as of right in zoning district, subject to the regulations contained in this bylaw.

**Petroleum Related Commercial Use:** See Use

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

**Principal Use:** Shall mean the main activities conducted on a site.

**Public Road:** Shall mean a road allowance or a legally surveyed road vested in the name of Department of Highways.



**Public Utility:** Shall mean a system, works, plant equipment or service whether owned or operated by or for the Municipality, or by a corporation under agreement with or under a franchise from the municipality or under a federal or provincial statute, which furnishes services and facilities including but not limited to:

- (a) communication by way of telephone or microwave;
- (b) public transportation;
- (c) production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
- (d) collection and disposal of sewage, garbage and other waste.

**Ready-to-move (RTM) Residential Building:** Shall mean a single detached dwelling which has been constructed off site from new building materials and has never been used previously as a residential building.

**Reeve:** Shall mean the Reeve of the Rural Municipality of Mervin No. 499.

**Retail Store:** Shall mean the use of a building or portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a confectionary or a retail food store.

**Rural Municipal Administrator:** Shall mean the official administrator for the municipality pursuant to The Rural Municipalities Act.

**Safe Building Elevation (SBE):** Shall mean a level as defined by the Ministry of Municipal Affairs at the time of subdivision to which flood proofing must be done for developments in the flood hazard area. The SBE is calculated as the EPWL plus a freeboard value to allow for uncertainties in calculations and other possible hazards such as ice push, ice jams and erosion. The SWA usually recommends a freeboard of 0.5 m for most situations but may be increased to 0.6 m where dykes are used for flood proofing or 1 m in lake or river areas with greater uncertainty in estimating hydrological response.

**School:** Shall mean a body of pupils that is organized as a unit for educational purposes, that comprises one or more instructional groups or classes, together with the principal and teaching staff and other employees assigned to such body of pupils, and includes the land, buildings or other premises and permanent improvements used by and in connection with that body of pupils.

**Shoreline:** Shall mean the land located between the edge of a water body or water course and the bank or high water mark. The legally surveyed bank demarks where the character of the vegetation and soil changes by natural means due to the water body as determined by a Saskatchewan Land Surveyor under the Land Titles Act.

**Seasonal Cabin:** shall mean a dwelling used for temporary accommodations sporadically throughout the year only, and not used as a permanent dwelling.

**Shipping Container:** means a durable metal container typically used for shipping goods long distances. It is commonly used as a storage container. Also known as a Sea Can.

**Sign:** Shall mean any writing (including letter or word), billboard, pictorial representation (including illustration or decoration), emblem (including devise, symbol or trademark), flag (including banner or pennant), or any other figure of similar character which:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any manner represented on a building;
- (b) is used to announce direct attention to, or advertised; and
- (c) is visible from outside the building.

**Site:** Shall mean an area of land with fixed boundaries and which has been registered in the Land Titles Office by Certificate of Title.

**Site, Irregular:** means unconventional subdivision in Lakeshore Development Districts, and site setbacks shall be as referenced in Figure 1 – Irregular Site Setbacks.

**Site, Lakeshore:** Shall mean a site which directly abuts the surveyed bank of a lake or is directly adjoining the bank across an intervening municipal, public or environmental reserve.

**Site Line, Front or Site Frontage:** Shall mean the boundary that divides the site from the street. 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.

**Site Line, Rear:** Shall mean the boundary at the rear of the site and opposite the front site line.

**Site Line, Side:** Shall mean a site boundary other than a front or rear site line.

**Street:** Shall mean a public road or thoroughfare registered by plan of survey which affords the principal means of access to abutting property, but shall not include an easement or lane.

**Structure:** Shall mean anything that is built, constructed or erected, located in, on, or over the ground, or attached to something located in or over the ground.

**Subdivision:** Shall mean a division of land, and includes a division of a quarter section into legal subdivisions as described in the Land Titles Act.

**Trailer Coach:** Shall mean any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public roads or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that this is jacked-up.

**Tree Nursery:** Shall mean the use of land for raising shrubs, trees and bedding plants for the express purpose of commercial sale.

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

**Use, Agricultural:** Means a system of tillage and/or animal husbandry through which one may gain livelihood from large areas of land by the raising of crops and/or the rearing of livestock.

**Use, Agricultural Related Commercial:** Shall mean a service to the agricultural community such as grain and seed cleaning and drying, fertilizer distribution, implement and machinery assemblage, sale and service, veterinary clinics, hatcheries, apiaries, bulk fuel sales, stock yards, auction marts, feed mills, oil seed processing plants, and other similar uses.

**Use, Intensive Agricultural:** Means an intensive system of tillage and/or operations for the concentrated rearing or keeping of livestock or poultry. Without restricting the generality of the above, intensive agricultural use includes:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| a) intensive livestock operations; | d) greenhouses;                      |
| b) sod farms;                      | e) mushroom farms;                   |
| c) market gardens;                 | f) nurseries and other similar uses. |

**Use, Petroleum Related Commercial:** Shall mean a service to the petroleum and natural gas extraction industry such as drilling and oil well servicing operations, hauling services and storage facilities and other similar uses.

**Warehouse:** Shall mean a building or part of a building used primarily for the operation of general merchandise warehousing, cold storage, and other storage facilities and also includes a centre for the distribution of wholesale goods and commodities for resale to retailers; to industrial, commercial or professional users; to other wholesalers.

**Vacation Farm:** Shall mean an operating farm which may, on a day basis or for overnight purposes, offer a farm life experience to groups, families, or individuals and which may provide either or both of the following:

- a) rental accommodation in the farm dwelling or adjacent private cabins comprising one or more rooms furnished in such a way as to enable the preparation of meals if full board is not provided;
- b) a tract of land on which one or more camping, tenting or parking sites is located, and the provision of electricity, potable water and toilet facilities to any of the person, families, groups occupying any of such sites.

**Waste Disposal Facility: Liquid:** Shall mean a facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a manure storage area for an intensive livestock operation.

**Waste Disposal Facility: Solid:** Shall mean 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.

**Yard:** Shall mean the open, unoccupied space on a lot between the property line and the front, rear, or side wall of a building.

**Yard, Front:** Shall mean that part of a site which extends across the full width of a site between the front site line and the nearest main wall of a building or structure.

**Yard, Rear:** Shall mean that part of a site which extends across the full width of a site between the rear site line and the nearest main wall of a building or structure.

**Yard, Side:** Shall mean the part of a site which extends from a front yard to the rear yard between the side line of a site and the nearest main wall of a building or structure.

FIGURE 1 – Irregular Site Setbacks

