

## **BYLAW No. 05-18**

### **A BYLAW OF THE R.M. OF BEAVER RIVER No. 622 TO AMEND BYLAW No. 57 KNOWN AS THE ZONING BYLAW**

The Council of the Rural Municipality of Beaver River No. 622, in the Province of Saskatchewan, enacts this bylaw to amend Bylaw No. 57 as follows:

- 1. PART II – ADMINISTRATION, section (7) Development Appeals Board**, clause (f) is deleted and replaced with:

(f) A person who wishes to appeal to the board shall file written notice of intention to appeal with the board, together with any fee prescribed by provincial legislation, to be applied to the expense of the appeal.

- 2. PART III – GENERAL REGULATIONS, section (12) Retaining Walls** is amended adding the following section after section (11):

#### **“12. Retaining Walls**

- (a) Notwithstanding anything contained herein, the Development Officer shall require a detailed geotechnical investigation prepared and endorsed by a qualified engineer and is required prior to the issuance of a Development Permit, or the construction of any retaining wall. Costs associated with any investigation are solely those of the applicant. The detailed investigation shall include, but is not limited to:
- Construction plans for the retaining wall and any engineering specifications that must be adhered to with respect to its construction and any fill to be retained;
  - Detailed plans for suitable management of on and off-site surface drainage. Post-development outflows must not increase pre-development levels unless properly directed to a municipally controlled drainage network with excess capacity, or a suitable natural retention body;
  - A site surface drainage plan demonstrating appropriate passage of surface waters and mitigation of drainage impacts to adjacent and neighbouring properties; and
  - The endorsement of the assessment or investigation by a qualified professional that the retaining wall is designed with full knowledge of topographical, geotechnical, and hydrological conditions on site. The level of investigation required is to be determined by the professional such that they are willing to endorse and assume liability for their conclusions.
- (b) Retaining walls shall be required to abide by all setback distances for accessory structures specified in individual zoning districts.

- i. Council may consider a lesser setback for the placement of retaining walls where a registered hazard land geotechnical interest is registered on title; or where, to the satisfaction of Council, that a site has been demonstrated to have development constraints outlined in Part III General Regulations, Section 2 – *Areas Prohibited for Development*, and where in Council’s opinion the additional developable land created by retention is required.
- (c) Retaining walls within five (5) metres of the high-water mark of any water course or water body shall be required to submit to the Development Officer provincial ministry or agency approval with respect to alteration of a shoreline.
- (d) The Development Officer may require the submission of a Real Property Surveyor’s Report completed by a Saskatchewan Land Surveyor to ensure construction of the retaining wall within property boundaries. This may be requested as an approval condition, or prior to the approval of future development of the site.
- (e) Where a retaining wall or walls require the issuance of a development permit prescribed by this bylaw, the applicant may be required to provide to the Development Officer, evidence prepared by a qualified professional detailing any considerations or development standards required to ensure the integrity of the wall(s) and the land which it is retaining (for example, a letter of assurance).
- (f) The construction of a retaining wall shall not cause adverse effects for surface drainage onto adjacent and nearby property boundaries.

**12.1 Retaining Wall Evaluation Criteria**

- (a) Where a development permit is required for a retaining wall as a discretionary form of development, Council will apply the following evaluation criteria in its assessment of the suitability of a retaining wall or series of walls:
  - i. The degree to which the wall may alter the natural topography, natural habitat, and vegetation of surrounding land;
  - ii. The degree to which the retaining wall or walls have been designed and engineered to ensure its integrity and the land it retains;
  - iii. Restrictions for the total retaining wall height shall be considered in relation to the proximity to property lines, and surrounding land uses; and
  - iv. Any other adverse affects it may have on surrounding land uses and public safety.

**3. PART IV – ZONING DISTRICTS, SCHEDULE D: LD1 – LAKESHORE DEVELOPMENT 1 DISTRICT** is amended as follows:

- a. By inserting the following new clause after A.3(e):

- (f) Accessory Uses:

- i. Retaining walls subject to Part II 2(e) and Part III section 12 and subsection 12.1.

b. By deleting clause B.6(b) and replacing it with:

(b) Exceptions to Yard Requirements

Notwithstanding clause (a), the minimum yard requirements shall not apply to:

- i. erecting or placing a temporary dock or boat lift; or
- ii. landscaping, providing that it is contained entirely within the site and there no encroachment on neighbouring lands.

**4. PART IV – ZONING DISTRICTS, SCHEDULE E: LD2 – LAKESHORE DEVELOPMENT 2 DISTRICT** is amended by deleting all of Section A, Permitted Uses and replacing it with:

**A. PERMITTED USES**

The permitted and discretionary uses of the LD1 – Lakeshore Development 1 District shall apply to this zoning district. In addition, the following uses will be considered as permitted in this district:

- (a) Motor Homes or Trailer Homes subject to the standards set out in Section C: Special Standards.

**5. PART IV – ZONING DISTRICTS, SCHEDULE I: LD3 – LAKESHORE DEVELOPMENT 3 DISTRICT** is amended as follows:

a. By inserting the following section after Section A.4.:

**“4.1 Discretionary Accessory Uses:**

- i. Retaining walls subject to Part III section 12 and subsection 12.1.

b. By deleting clause B.5(b) and replacing it with:

(b) Exceptions to Yard Requirements

Notwithstanding clause (a), the minimum yard requirements shall not apply to:

- i. landscaping, providing that it is contained entirely within the site and there no encroachment on neighbouring lands.

**6. PART IV – ZONING DISTRICTS, SCHEDULE J: LD4 – LAKESHORE DEVELOPMENT 4 – MOTOR HOME DISTRICT** is amended as follows:

a. By inserting the following new clause after A.4(a):

(b) Accessory Uses:

i. Retaining walls subject to Part III section 12 and subsection 12.1.

b. By deleting clause B.4(b) and replacing it with:

(b) Exceptions to Yard Requirements

Notwithstanding clause (a), the minimum yard requirements shall not apply to:

ii. landscaping, providing that it is contained entirely within the site and there no encroachment on neighbouring lands.

7. **PART V – DEFINITIONS**, is amended by adding the following definition in alphabetical order:

“Retaining Wall - means a wall constructed of concrete, steel, treated wood, stone, masonry or a combination thereof, designed to support, confine, retain, or keep in place earth material. The height of a retaining wall is determined by measuring the vertical distance between undisturbed soil and the top of the retaining wall. Slope alterations shall be considered a retaining wall where the slope exceeds 45 degrees.”

8. This bylaw shall become effective on the date of approval of the Minister of Government Relations.

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Reeve

SEAL

\_\_\_\_\_  
Municipal Administrator

Certified a true copy of  
Bylaw No. 05-18 adopted by  
resolution of Council this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Reeve

SEAL

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Municipal Administrator