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Frequently Asked Questions: 2023 Recreational Vehicle (RV) Bylaw Amendment No. 2023-23

October, 2023 (Updated)

Initial Information:

- The information contained in this FAQ is based on the current iteration of the amendment.
- The amendment applies to the A, CR1, CR2, LD1-3, and CON districts.
- Council adopted the amendment on July 25, 2023, and was approved by Community Planning in the Fall
- Council adopted a complementary Basic Planning Statement amendment (policy) stating the RM's intent to encourage conversion to permanent principal uses and the use of regulation to achieve this objective.

Why is the RM considering amending the regulations for Recreational Vehicles as a principal use?

- There have been several major challenges for ratepayers looking to build in the last few years, including COVID-19 and a significant increase in building material costs.
- The RM still requires transition from non-permanent residential options in the applicable Districts, but wishes to allow ratepayers a reasonable amount of time to complete a permanent allowable principal development.
- The new provisions for a temporary allowance of a RV are intended to encourage the transition of a temporary use of a site to a permanent allowable use by following an

applicant-provided narrative and plan to convert the land use over a defined period.

Will I have to build a dwelling by a certain date?

- No, the RM will not require you to build a permanent residential use (dwelling) on your property. It may remain vacant indefinitely if you choose not to build.
- However you will not be able to place a RV on a lot or site in these Districts unless you have a dwelling or a temporary RV permit.

I have an existing RV permit, do I need a new one?

- Under the current and future regulations, RV permits issued prior to September 1, 2023 will expire on January 1, 2024.
- Should you wish to continue using an RV on those lots, you MUST submit a new permit for this use.
- If the permit is not approved prior to January 1, 2024 the RV and any accessory structures must be removed until a new temporary RV permit is approved or a dwelling is completed.

I want to submit a permit under the new regulations, what do I need to send in?

- Permits under the new regulations will be accepted starting September 1, 2023.
- The RM will provide sample application(s) for RV permits on their website to make the process simpler and more efficient.
- You will need to submit the RV permit application with a site plan (see application form for more detail), as well as

the initial permit fee for this use, a bill of sale and a photo of the RV.

- If there are any new accessory buildings or structures a Building Permit Application may also be required.
- The RV permit application must include a narrative of how you will transition from the RV use to a permanent dwelling in five years or less, including clear milestones that you will accomplish each year.
- Greater detail in the narrative/conversion plan will result in a smoother permit review and will make it easier for the RM to make an informed decision.

How does the new system work?

- The initial RV permit is a discretionary use. This means that notification will be provided to landowners within 75m of your property, who will be given a chance to comment. Council will consider the application at a public meeting, consider any comments received, and consider the proposal with respect to the prescribed evaluation criteria in the Zoning Bylaw.
- These criteria include an evaluation of the transition plan, conformance with the Zoning Bylaw, the impact of the development on the area, as well as any other criteria listed in the Bylaw or that the RM deems necessary.
- Should Council approve the discretionary use, a permit will be issued for a one (1) year period.
- Before the 1-year expiry date arrives, you must apply for a renewal, should you wish to continue the RV use. The RM will provide templates for this renewal on their website to make it easier. A renewal fee will be charged to cover administrative costs.
- It is recommended that any renewal application be made at least two (2) months in advance of permit expiry to allow for re-evaluation and processing.

- The renewal application must include the milestones you have accomplished and any revisions you wish to make to the transition plan.
- The RM will review the renewal application and determine whether the use may be extended for an additional year based on your adherence to the original narrative and transition plan, clear progress towards a permanent allowable use, history of non-compliance or nuisance to adjacent landowners, or other matters the RM deems appropriate.
- This extension process may be applied for four (4) times, resulting in a maximum of a five (5) year transition process, should the initial permit be approved and four extensions granted.
- The RM is has proposed in the amendment to remove the Survey Sketch Plan requirement for RV-only principal uses, although the requirement would still be required for accessory structures as normal.

What are good milestones to use in the transition plan?

- Any clear step towards obtaining/building a permanent dwelling.
- Utility installation at the future location of the dwelling.
- Landscaping designed to accommodate the dwelling.
- Preliminary dwelling design plans, costs from contractors and site plan submission.
- Any other milestone you feel shows clear progress towards a permanent dwelling.

What does a building need to contain to constitute a dwelling?

- The definition of dwelling unit is:
“Shall mean one or more habitable rooms constituting a self-contained unit on a permanent foundation used as a residence, each unit having provision for indoor sleeping,

cooking, bathing and sanitary facilities commonly acceptable for a permanent dwelling and the guidelines or regulation of any provincial regulatory authority. Recreational Vehicles, travel trailers, and similar vehicles or structures shall not be considered a “dwelling unit”.

- It must also be assessed as a dwelling by the Saskatchewan Assessment Management Agency (SAMA)
- In practice, the dwelling must contain a full kitchen (stove/range, full fridge, sink), bathroom and bedroom.
- It must also conform to National Building Code, although this will be covered under the Building Permit.

What about my accessory buildings (sheds, decks, etc.)?

- Under current regulations, all accessory structures permitted under a RV use must be removed with the RV on January 1, 2024.
- Accessory structures will be allowed at Council’s discretion under a new temporary principal RV permit, but may be subject to removal if the permit expires or renewal is refused.
- Existing accessory structures may remain if permitted under a new RV permit, so long as this is done prior to the expiry on January 1, 2024, and a new temporary principal RV permit is approved and is active.

Can I build my dwelling while my RV permit is active?

- Yes! You may submit a dwelling permit at any time. Upon permit approval you may build.

What happens if I can’t complete my dwelling in the 5 year transition period or if my RV permit is denied or not renewed?

- You may still submit a dwelling use permit or leave the land vacant.

- Your RV and any accessory structures thereto it must be removed and may not be placed on the property until a new permit is obtained.
- The RM may not grant a permit for a RV permit for two (2) calendar years from when the previous permit expired or renewal was denied. The RM will consider the previous permit circumstances if a new permit is applied for after two years.

If I have a dwelling on one lot adjacent to a second, can I place an RV on the adjacent lot as an accessory to the dwelling?

- The “site” definition of the Zoning Bylaw allows up to two adjacent lots under the same title ownership to be treated as a site.
- This means that if a permitted dwelling has been completed on one lot, accessory structures including a single RV may be placed on the adjacent lot.
- These accessory developments must still comply with all Bylaw regulations including setbacks, and only a single RV may be placed on one of the two lots (not both).
- If the adjacent lot is being treated in this manner, it cannot be sold separately, must remain bylaw-compliant, and any development permits will be reviewed using both lots as a site (eg. a second RV could not be permitted as a temporary use under the new amendment, and only a single second RV could be present on the combined lots under the “visitor” regulations below).

How do these regulations impact the storage of RVs?

- RVs that are being stored will be treated the same as RVs being actively occupied.
- A permit will be required if there is no dwelling present, and the same requirements must be met (see “How does the new system work?” above).

What if I sell the land or purchase a lot? Can I change RVs mid-permit?

- A new RV permit will be required if the specific RV previously permitted is replaced. If the permitted RV remains during a sale and is not relocated within the lot or site, a new permit will not be required.
- The two (2) year) time period after a permit expires runs with the land, however the RM will consider the site-specific circumstances before making a decision on a new permit application.

We have used this lot for an RV for a long time, why is this use not grandfathered?

- “Grandfathering” (or its iterations) is not a term employed by the applicable provincial legislation. The concept of “grandfathering” is addressed and is subject to the provisions in *The Planning and Development Act, 2007* (PDA), in sections 88 – 93. The language used in legislation is “existing non-conforming” and is defined therein.
- Determining whether a use is or existing non-conforming under the PDA may not be simple process and must meet the legislated definitions.
- It applies to buildings and uses that *legally* existed prior to the establishment or modification of a Zoning Bylaw. As the RM of Mervin has never had a bylaw which allowed RVs as a permanent principal use, only RVs continually located and used on a lot or site prior to the RM’s first Zoning Bylaw (in 1985) could be considered. Even then, loss of existing non-conforming status may have occurred for numerous reasons.

- At a minimum, the use (RV) must not have moved on the site since that time, must have been used continuously (no period of 12 months or more of not being used), and must be the original RV from that time (eg. no replacement or upgrading, or increase to any degree of non-conformity).
- If all those apply, evidence of the above items must be provided to the RM’s satisfaction.
- As RVs are a mobile structure this may also impact the applicability of the existing non-conforming sections of the Act.

What other changes are happening to the Zoning Bylaw?

- The RM is reducing the minimum dwelling size to 220 square feet to allow smaller (and less expensive) permanent residential options. Allowable types of structures are not changing.
- The permit renewal option for non-RV permits (eg. if a ratepayer needs an extra year to complete their dwelling or other allowable use) has also been expanded to provide a clearer process and the criteria the RM will use to approve/deny a renewal of a permit.
- A second RV may be placed in certain circumstances (see below).
- The definition of a dwelling unit (eg. dwelling) has been updated to better define what the RM would consider a *habitable* dwelling.

Can I have friends/family visit me with a second RV?

- Currently, a single RV is allowed as an accessory use on any lot with a permanent residence.

- The RM will now allow a second RV on lots with a dwelling and lots with an approved and active RV permit on a temporary and limited basis.
- Said second RV (regardless of specific RV, ownership or length of stay) may be present for a total of 30 days per year.
- In NO circumstance will three (3) RVs be allowed on a lot.
- The kitchen and bathroom of the dwelling must be available to the occupants of the second RV at all times.
- The second RV is intended for the personal guests of the landowner only and may not be rented out.
- Prior to the RV arriving on site, the RM must be provided a written notice of the dates it will be present (an email to the RM Planner will suffice).
- The second RV must meet all other relevant regulations and conditions of the Bylaw.

I want to give feedback and/or have questions.

- You may call or email the RM at any time to ask questions. Ask for the RM Planner!
- The full amendment is available at the RM Office or by contacting the RM Planner.

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