

THE HAMLET OF

HITCHCOCK BAY

ZONING BYLAW

INTRODUCTION

1.1 Title

This bylaw shall be known as the "Zoning Bylaw of the Hamlet of Hitchcock Bay."

1.2 Scope

All development within the limits of the hamlet shall be in conformity with the provisions of this bylaw.

1.3 Severability

If any part of this bylaw, including anything shown on the zoning district map, is declared to be invalid for any reason, by an authority of competent jurisdiction, that decision shall not affect the validity of the bylaw as a whole, or any other part, section or provision of this bylaw.

Section 2 ADMINISTRATION

1.4 Hamlet Council

The Hamlet Council shall be responsible for administration of this bylaw.

1.5 Application for a Development Permit

(1) No person shall:

- (a) construct or alter a building or structure within the Hitchcock Bay Town site;
- (b) move a building or structure into or within the Hitchcock Bay Town site,
- (c) employ a building, a structure or land within the Hitchcock Bay Town site for a purpose or;
- (d) demolish a building within the Hitchcock Bay Town site,

unless he obtains a Development Permit.

(2)

- (a) An application for a Development Permit shall be made to the Council.
- (b) Every Application for a Development Permit to demolish a building shall contain a proposal for the interim of a long-term use or re-development of the site

(3) Where the Council receives an application for a Development Permit it shall:

- (a) issue a Development Permit, where it is satisfied that the use for which the applicant proposes to employ the site in the respect of which the Permit is requested is a use permitted in this Bylaw for that site and not otherwise prohibited by law; or
- (b) refuse to issue a Development Permit

(4)

- (a) The Council may place any terms or conditions that it considers appropriate in a Development Permit.
- (b) No person to whom a Development Permit has been issued shall fail to comply with a term or condition in the Development Permit.

(5) The Council may cancel or amend any Development Permit where it is satisfied that

- (a) the Permit was obtained by fraud or misrepresentation or as the result of a clerical or administrative error; or

(b) the person to whom the Permit was issued has contravened or failed to comply with a term or condition in the Permit.

- (6) Where the Council refuses to issue a Development Permit;
- (a) it shall serve the applicant with notice of its decision; and
 - (b) the applicant may appeal from the Council's decision to the Zoning Appeals Board at any time within 30 days after being served.

(7) Where the Council issued a Development Permit authorizing the installation of water and sanitary services, it shall send a copy of the application for the Development Permit and the Development Permit to the closest office of the Saskatchewan Department of Health.

1.6 Development Not Requiring a Permit

- (1) Developments permits are not required for the following only:
- (a) Public Utilities: Any operation for the purposes of inspecting, repairing, or renewing sewers, mains, cables, pipes, wires, tracks or similar public works as required by a public utility, and the installation of service connections to property in the hamlet, (a permit is required for the installation of new transmission lines).
 - (b) Hamlet Facilities: Any facility installed and operated by the Hamlet.
 - (c) Signs: Subject to the provisions of Section 3 5.

(2) Development listed in clause (1) must be allowed in the district in which they are located and must comply with the regulations of this bylaw.

1.7 Referrals to Council

Council shall render a decision on the interpretation of the bylaw, or upon special conditions provided for in the bylaw, and shall inform the applicant of the date and time when council will consider the matter. Council may require the applicant to provide such further information as they require to make a decision.

1.8 Issue of Permits

- (1) Upon completion of the review of an application for development, the Council shall:
- (a) issue a development permit for a permitted use, where the application conforms this bylaw, incorporating any special regulations, performance standards or development standards authorized by this bylaw or,
 - (b) issue a refusal, where the application does not comply with a provision or regulation of this bylaw, stating the reason for the refusal.
 - (c) submit the application to Council for decision, where the application is for a discretionary use.
- (2) Council shall make a decision on a discretionary use, by resolution that instructs the development officer to:
- (a) issue a development permit incorporating any specific development standards set forth by Council, subject to the limitations of the Act and in accordance with the provisions of this bylaw; or
 - (b) issue a notice of refusal to the applicant, stating the reasons for the refusal.
- (3) The permit or notice shall be in "Form B" as adopted or amended by resolution of council.

1.9 Building Permits, Licenses, and Compliance with Other Bylaws

- (1) Nothing in this bylaw shall exempt any person from complying with a building bylaw, or any other bylaw in force within the municipality, or from obtaining any permission required by this, or any other bylaw of the municipality, the province or the federal government.

Section 3 GENERAL RESTRICTIONS

- (1) No person shall construct, alter or occupy a building or structure on a site that does not abut on an existing public road.
- (2) No person shall employ a site for more than one principal use.
- (3) No person shall construct, or allow to remain, more that one main building on a site.
- (4) Notwithstanding Subsections (8)(5), or (9)(3), where, before the coming into force of this Bylaw, a building was erected on a site that fails to meet the requirements of those Subsections, the building may be enlarged, reconstructed, repaired or renovated, provided that:
 - (a) the enlargement, reconstruction, repair or renovation does not increase the extent to which the site fails to meet the requirements of those Sections;
 - (b) all other provisions of this Bylaw are satisfied;
 - (c) a Development Permit is obtained for and the Council specifically approves the enlargement, re-construction, repair or renovation.
- (5) Every person to whom a Development Permit has been issued shall, prior to carrying out the development authorized by the Permit, grade and level the site that is the subject of the Permit in such a way that the adverse effects of the drainage of surface water from the site onto adjacent property are minimized. Residential development has further restrictions itemized in Section 8 Sub clause (2)(h).
- (6) The Council may exempt from the requirements of Subsection (8)(7) and (9)(5) and any person who pays or agrees to pay to the council an amount equal to an assessment of 10,000 times the general mill rate for the year in which the exemption is granted multiplied by the number of off-street parking spaces that would otherwise be required.

Section 4 RESTRICTIONS IN ZONING DISTRICTS

- (7) For the purpose of this Bylaw, the Hitchcock Bay Town site is divided into the following zoning districts, the boundaries of which are set out in the schedule:
 - (a) residential zoning districts;
 - (b) commercial zoning districts;
 - (c) public reserve zoning districts.
- (8) (1) In a residential zoning district, no person shall employ a site for any use other than:
 - (a) a single family dwelling;
 - (b) subject to Subsection (2), an accessory building, accessory structure of accessory use; or
 - (c) subject to Subsection (2), a home occupation, where Council by resolution approves the use and its location.
- (2) In a residential zoning district, no person shall:
Dispose of any sewage other than into a CSA approved holding tank, or a central sewage system which may be present in the Subdivision,

- (5) In a commercial zoning district, every person who owns or occupies a site on which is located:
 - (a) a restaurant or any other establishment for the sale and consumption of food shall provide at least one off-street parking space
 - (i) within 150 meters (500 feet) of, and
 - (ii) for every four seats in the restaurant or establishment;
 - (b) a dwelling unit shall provide at least one off-street parking space for each dwelling;
 - (c) any other main building shall provide at least one off-street parking space,
 - (i) within 150 meters (500 feet) of and
 - (ii) for every 25 square meters (270 ft²) of floor area in the main building.

(10) (1) In a public reserve zoning district, no person shall employ a site for any use other than a park, recreation ground, playing field or a playground for children.

- (2) In a public reserve zoning district, no person shall construct on any site
 - (a) more than one sign;
 - (b) a sign bearing any information other than information relating to a temporary condition affecting the site;
 - (c) a sign, any face of which has an area exceeding 0.4 square meters (1.3 ft²), unless otherwise approved by a resolution of the council, or
 - (d) a sign that is located in a manner that obstructs the vision of or jeopardizes the safety of any person.
 - (e) a sign bearing any information other than information relating to a temporary condition affecting the site;
 - (f) a sign, any face of which has an area exceeding 0.4 square meters (1.3 ft²), unless otherwise approved by a resolution of the council, or a sign that is located in a manner that obstructs the vision or jeopardizes the safety of any person.

Section 5 NON CONFORMING USES

(11) (1) Notwithstanding any other provisions of this Bylaw, where, on the date this Bylaw comes into force, any building, structure or land that is being employed for a purpose that is not a use authorized under this Bylaw, that use may be continued where it is one which was not prohibited by the law in effect immediately prior to the date this Bylaw came into force.

- (2) Where a use is continued pursuant to Subsection (1),
 - (a) the use is limited to all or any part of the building, structure or land being employed on the date this Bylaw comes into force,
 - (b) the use is limited to all or any part of the building, structure or being employed on the date this Bylaw comes into force;
 - (c) any building or structure that is part of the use is not to be altered;
 - (d) the use is to be discontinued where:
 - (i) the buildings or structures used are damaged by fire or by any occurrence other than fire to the extent of at least 50 per cent of their assessed value; or
 - (ii) all or any part of the buildings, structures or land have ceased to be employed for that use for a period of at least nine months.

Section 6 MISCELLANEOUS

(12)(1) Subject to Subsection (2), this Bylaw does not apply to the inspection, repairs or renew of sewers, water mains, cables, pipes, wires, tracks or others similar apparatus connected with a public utility.

(2) No person shall establish a new public utility unless he obtains the written approval of the Council.

- (a) Use plumbing in structures which does not meet or exceed all minimum requirements currently in force in the plumbing codes in the Province of Saskatchewan. Move-ins including modular homes require inspection reports signed by a duly Authorized Plumbing Inspector that these structures meet the plumbing codes. This inspection report must be attached to the Development Permit Application;
- (b) Construct or place holding tanks which are not accessible from within the lot, as no travel on public reserve will be allowed for sewage removal. Location of the holding tank must be shown on the site plan attached to the Development Permit Application;
- (c) Use electrical systems in structures which does not meet or exceed all minimum requirements currently in force in the electrical codes in the Province of Saskatchewan. Move-ins require inspection reports signed by a duly Authorized Electrical Inspector, that these structures meet the electrical codes. A copy of the Form J must then be submitted and will be attached to the Development Permit Application;
- (d) Construct or place a dwelling which has less than 550sq. ft. of floor area. Floor area defined in section 7.3.6 Sub clause (1);
- (e) Use foundations which are not currently accepted in the building clauses in force in the Province of Saskatchewan. All structures must be fixed to foundations (poured footing, concrete piles or driven piles) with skirting applied to prevent damage by wind,
- (f) Construct a fence exceeding 1.85 meters (6 ft.) in height. Fences must be constructed so as not to destroy property line markers (iron posts) and must be totally within the property lines unless approved differently by the Board. Materials of construction must be safe and complimentary to the Subdivision and must be approved by the Board;
- (g) Change the:
 - (i) Natural drainage of the property to the detriment of adjacent lots within the Subdivision;
 - (ii) Grade within the lot which has not been given written permission by the Board
 - (iii) Drainage patterns in place on any public reserve land without written permission by the board
 - (iv) Drainage patterns in place by the construction of property access approaches from the street to the lot boundary.

(3) In a residential zoning district, no person shall;

- (a) locate an accessory building that has a door that opens onto a lane, less than 4,6 meters (15 feet) from the lane;
- (b) locate an accessory building less than 6.0 meters (20 feet) from the street.

(4) In a residential zoning district, no person shall:

- (a) establish a home occupation other than in a single family dwelling in which he resides or in an accessory building on the same site as a single family dwelling in which he resides;
- (b) conduct any aspect of a home occupation outside of a building mentioned in Clause (a); or
- (c) store materials used in a home occupation outside of a building.

(5) In a residential zoning district, no person shall cause or allow a single family dwelling to be constructed on a site:

- (a) that has an area of less than 460 square meters (16244 ft²);
- (b) that has a frontage of less than 15 meters (50 feet);
- (c) subject to Subsection (5), in such a manner that any part of the dwelling is less than.
- (d)
 - (i) 6 meters (20 feet) from the front site line or 4.6m (15 feet) from the rear site line (lake side); or
 - (ii) 6 meters (20 feet) from the front site line or 1.5 meters (5 feet) from the rear site line (back lots);
 - (iii) 1.5 meters (5 feet) from any side site line.

- (6) For the purpose of:
- (a) Sub clause (5)(c)(i), a roofed terrace, open terrace, porch or veranda that has a projection of not more than 1.8 (6 feet) meters from the main wall of the dwelling; and
 - (b) Clause 5(c), a chimney or a roof overhang of not more than .6 meters (2 ft)
- Are deemed not to be part of the dwelling.
- (7) In a residential zoning district, no person shall construct on any site:
- (a) more than one sign,
 - (i) the names of the occupants of the site;
 - (ii) a notice of sale or lease of the site or sale of produce;
 - (iii) any other information relating to a temporary condition affecting the site; or
 - (b) a sign bearing any information other than:
 - (i) Information relating to a home occupation carried out on the site, provided that the facial area of the sign does not exceed 0.1 square meters (.32 ft²);
 - (c) a sign, any face of which has an area exceeding 0.4 square meters (1.3 ft²), unless otherwise approved by a resolution of the council; or
 - (d) a sign that is located in a manner that obstructs the vision of or jeopardizes the safety of any person.
- (8) In a residential zoning district, every person who owns a site shall provide one off-street parking space on the site.
- (9) (1) In a commercial zoning district, no person shall employ a site for any use other than;
- (a) a grocery, confectionary, restaurant or any other establishment for the sale or consumption of food or related items;
 - (b) a service station
 - (c) a retail store or
 - (d) an accessory building, accessory structure or accessory use, including not more than one dwelling unit on a site occupied by the caretaker or manager of a business permitted by Clause (a), provided that the dwelling unit has:
 - (i) an entrance other than an entrance to or from the business; and
 - (ii) a fire exit in addition to the entrance required by Sub clause (i)
- (2) No person who established or operates a service station in a commercial zoning district shall:
- (a) locate a fuel pump or accessory equipment less than 6 meters from the nearest boundary of the site; or
 - (b) store on the site unless they are kept within a building or screened in a manner approved by a resolution of the Council.
- (3) In a commercial zoning district, no person shall cause or allow a main building to be constructed on a site
- (a) that has an area of less then 460 square meters (16244 ft²);
 - (b) that has a frontage of less than 15 meters (50 feet);
 - (c) in such a manner that any part of the building is less than;
 - (i) 6 meters (20 feet) from the front site line;
 - (ii) 4.6 meters(15 feet) from the rear site line, where the rear of the site abuts a site in a residential zoning district or;
 - (iii) 1.5 meters (5 feet) from any side site line, where the side of the site abuts a site in a residential zoning district.
- (4) In a commercial zoning district, no person shall construct on any site:
- (a) more than two signs;
 - (b) a sign, any face of which had an area exceeding 3.5 sq. m. (32 ft²),
 - (c) a sign, the top of which stands more than 6.1 meters (20 feet) above the surface of the ground.

(13) No building Permit required for the construction or alteration of a building or structure shall be issued unless a Development Permit authorizing the construction or alteration of the building or structure has been issued.

(14)(1) Any document or order required by this Bylaw to be served is, unless otherwise provided for, to be served personally or mailed by registered mail to the last known address of the person being served.

(2) A document or order served by registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own., he did not receive the document or order or that he received it at a later date.

(3) Irregularity in the service of an order does not affect the validity of an otherwise valid order.

Section 7: HAMLET DISTRICT

7.1 PERMITTED USES

The following uses are permitted in this district:

- (1) Residential:
 - (a) Single detached dwelling.
 - (b) Modular home on a permanent foundation.
- (2) Recreational uses:
 - (a) Public sports fields and parks.
 - (b) Rinks.
- (3) Institutional uses:
 - (a) Community halls, public museums, and libraries.
 - (b) Non-residential schools and educational institutions.
 - (c) Places of worship.
- (4) Uses and buildings customarily accessory and subordinate to the principal use on the site.

7.2 DISCRETIONARY USES:

The following uses are discretionary in this district:

- (1) Commercial principal uses:
 - (a) All retail store, commercial retail service, restaurant, and public accommodation establishments.
 - (b) Veterinary clinics and hospitals
- (2) Industrial and agricultural service uses.
 - (a) Agricultural equipment, motor vehicle, or recreational equipment dealers and service establishments.
 - (b) Agricultural seed, fuel, and chemical supply establishments.
 - (c) Agricultural product storage, transshipment, service and contracting establishments, excluding facilities for the handling of large animals.
 - (d) Construction trades.
 - (e) Manufacturing or processing establishments.
 - (f) Welding, machine shops, and metal fabricating.
- (3) The following ancillary uses:
 - (a) Bed and breakfast homes, where ancillary to a residence on the same site.
 - (b) Home based businesses, where ancillary to a residence on the same site, including personal care homes.

7.3 REGULATIONS:

7.3.1 Site Area Requirements:

- (1) Service stations, gas bars, industrial and agricultural service uses Minimum - 1,000 m2 (10,764 square feet).
- (2) Public utilities and municipal facilities Minimum - none.
- (3) All other uses Minimum - 450 m2 (4845 square feet).

7.3.2 Site Frontage Requirements:

- (1) Service stations, gas bars, industrial and agricultural service uses- Minimum - 30 metres (100 feet).
- (2) Public utilities and municipal facilities Minimum - none.
- (3) All other uses Minimum - 15 metres (50 feet).

7.3.3 Yard Requirements:

- (1) Lake front residential lots:
 - (a) Front Yard (abutting street)
 - Principal buildings Minimum - 6 metres (20 feet)
 - Accessory buildings - Minimum - 1.5 metres (5 feet) subject to clause (d).
 - (b) Side yard - Minimum - 1.5 metres (5 feet)
 - (c) Rear Yard (lake side)
 - Principal buildings - Minimum - 4.5 metres (15 feet)
 - Accessory buildings - Minimum - 4.5 metres (15 feet)
 - (d) Accessory buildings shall not cover more than 30% of the required front yard for principal buildings.
- (2) All other residential lots:
 - (a) Front Yard (abutting street)
 - All buildings - Minimum - 6 metres (20 feet)
 - (b) Side yard - Minimum- 1.5 metres (5 feet)
 - (c) Rear Yard
 - Principal buildings - Minimum - 6 metres (20 feet)
 - Accessory buildings - Minimum - 1.5 metres (5 feet)

7.3.4 Yard Requirements - other uses:

- (1) A yard abutting a highway - As required by Sask. Highways and Transportation, but not less than 6 metres (20 feet)
- (2) A yard abutting a highway frontage road or municipal road allowance - Minimum - 6 metres (20 feet)
- (3) A front yard for service stations, gas bars, industrial and agricultural service uses- Minimum - 6 metres (20 feet),
- (4) A yard abutting a residential use without an intervening street - Minimum - 3 metres (10 feet)
- (5) Any yard abutting a railway - Minimum - nil
- (6) Any other yard Minimum - nil
- (7) The yard requirements shall not apply to any public utility, municipal facility, or public recreational use.

7.3.5 Site Coverage by Buildings:

- (1) Residential uses Maximum - 35%
- (2) All other uses except public utilities Maximum - 50%

7.3.6 Floor Area:

- (1) Principle residence-..... Maximum — 80.47m2 (850 ft2)
- (2) Detached buildings accessory to a residential use -
Maximum - 100 m2 (1,076 ft2)

7.3.7 Residential development:

- (1) Mobile Homes shall (single wide mobile homes prohibited):
 - (a) Bear CSA A277 certification (or replacement thereof) and
 - (b) Be securely attached to a permanent foundation prior to occupancy.
- (2) Reduced front yard - Where on a residential block, and the dwelling in an abutting lot is legally located less than the minimum front yard required by Section 7.3.3, the front yard may be reduced up to the lesser front yard of the abutting lot, but not less than 3 metres (10 feet).

7.3.8 Animals:

- (1) The keeping, handling, sale or transhipment of cattle, horses, pigs, goats or sheep is prohibited within this district.
- (2) Dogs must be leashed at all times when off the owner's property

7.3.9 Sign Size:

- (1) The maximum facial area of a sign on residential sites shall be 1,2 square metres (12.9 ft2.)
- (2) The maximum facial area of a sign on service stations, gas bar, industrial and agricultural service use sites shall be 6.5 square metres (70 ft2.)
- (3) The maximum facial area of a sign on all other sites shall be 3.5 square metres (37.7 ft2.)

7.4 DEVELOPMENT STANDARDS FOR DISCRETIONARY USES:

7.4.1 Commercial, industrial and agricultural service uses

- (1) Council will apply the criteria of the Basic Planning Statement, Section 5.3, in considering locations for commercial, industrial or agricultural service uses.
- (2) Council may apply special standards in the issuing a development permit for screening of storage areas, fencing, or required yards adjacent to residential uses.

7.4.2 Home based businesses:

- (1) Shall comply with Section 3.10
- (2) No home based business in this district shall include auto body repair or repainting operations.
- (3) No heavy construction or industrial equipment or supplies shall be stored on any site for a home based business in this district.

7.4.3 Bed-and breakfast homes:

- (1) Shall comply with Section 3.11
- (2) Council may apply special standards in the issuing a development permit limiting the number of rooms or buildings that may be permitted in conjunction with the operation

Section 8 ZONING APPEALS BOARD

- (1) A Zoning Appeals Board is hereby established consisting of not less than three and not more than nine Members appointed by Council.
- (2) No Member of Council shall serve as a member of the Zoning Appeals Board.
- (3) Unless he sooner resigns or dies or his appointment is terminated by Council, each Member of the Appeals Board holds office for a term of three years and until his successor is appointed and is eligible for re-appointment, but no Zoning Appeals Board Member shall hold office for more than six consecutive years.
- (4) A majority of Zoning Appeals Board Members constitutes a quorum.
- (5) Each Member of the Zoning Appeals Board shall receive reimbursement for traveling and other expenses incurred by him in the performance of his duties, that may be approved by the council.
- (6) The Zoning Appeals Board shall elect one of its Members as Chairman, and, in his absence, the Zoning Appeals Board shall choose another of its Members to be Acting Chairman.
- (7) The Zoning Appeals Board shall appoint a person as Secretary.
- (8) The Zoning Appeals Board may engage any consultants or other officers and employees that it considers necessary to exercise its functions, duties or powers.
- (9) Subject to the provisions of this Bylaw and to the approval of Council, the Zoning Appeals Board may make its own rules of procedure for the purpose of carrying out any of its functions, duties, or powers.
- (10) The Zoning Appeals Board shall keep a record of its proceedings and shall file that with the hamlet council.
- (11) The Zoning Appeals Board shall make any records kept pursuant to Subsection (10) available for public inspection.
- (2) (1) A person who
 - (a) alleges that the Council or any person acting for or on behalf of the Council has misapplied this Bylaw; or
 - (b) claims that he has a practical difficulty or an unnecessary hardship in carrying out this Bylaw because of the exceptional narrowness, shortness, shape or topographic features or an unusual condition of his property,

may appeal to the Zoning Appeals Board by filing with the Zoning Appeals Board Secretary a written notice of appeal and by paying to the Zoning Appeals Board Secretary any sum, not greater than \$250.00, that the Zoning Appeals Board may prescribe.

(2) The Zoning Appeals Board shall fix a day for the hearing of an appeal made pursuant to the subsection (1) which shall not be later than 30 days after the date of the filing of the notice to appeal.

(3) Not later than 14 days before the day fixed for the hearing of an appeal made pursuant to subsection (1), the Zoning Appeals Board shall give notice of the hearing

(a) by advertisement inserted at least once a week for two successive weeks in a newspaper published or circulated in the area in which the property in respect of which the appeal is made is situated; or

(b) by serving a copy of the notice on each assessed owner of property within a radius of 100 meters from the property in respect of which the appeal is made.

(4) Not later than 10 days before the day fixed for the hearing of the appeal, the appellant shall file with the Zoning Appeals Board Secretary any map, plan, drawing or written material that he intends to submit in support of his appeal.

(5) On the request of the Zoning Appeals Board Secretary, before the day fixed for the hearing of the appeal, the original or true copy of any map, plan, drawing, or written material in its possession relating to the subject matter of the appeal.

(6) The Zoning Appeals Board shall, with respect to the original or copy of any map, plan, drawing or other written material filed or transmitted pursuant to subsection (4) or (5)

(a) unless it orders otherwise, retain the written material as part of its permanent records; and

(b) pending the hearing of the appeal, make available all the written material for public inspection.

(7) An appeal hearing is required to be open to the public.

(8) The Zoning Appeals Board shall hear the appellant and any person who desires to be heard, and the Zoning Appeals Board may adjourn the hearing or reserve its decision

(9) Where a Zoning Appeals Board Member has an interest in the subject matter of an appeal before the Board, he shall not vote on that appeal.

(10) The Zoning Appeals Board shall not grant an appeal to a person who appeals under Clause (1)(b) where, in the opinion of the Zoning Appeals Board;

(a) the unusual condition that is the subject of his appeal is the result of his or the property owner's own actions;

(b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district, or

(c) A relaxation of the provisions of the Zoning Bylaw appealed from would be contrary to the purposes and intent of that Bylaw and would seriously affect the neighbouring properties

(11) The Board may attach any conditions to the granting of an appeal that will, in its opinion, preserve the purposes and intent of the Zoning Bylaw.

(12) A decision concurred in by a majority of Zoning Appeals Board Members who heard the appeal is deemed to be the decision of the Zoning Appeals Board.

(13) In the event of a tie, the Chairman or, in his absence, the Acting Chairman has a casting vote.

(14) A decision of the Zoning Appeals Board is required to be in writing and to be signed by the Chairman or Acting Chairman, as the case may be and the Zoning Appeals Board Secretary shall send a copy of the decision to Saskatchewan

Environmental and Resource Management, and the parties of the appeal within 10 days of the date on which the decision was rendered and to any interested person upon the request of that person.

(15) An appeal granted by the Zoning Appeals Board does not become effective until:

(a) the expiration of 35 days from the date on which the decision is made, or

(b) where the Zoning Appeals Board sets conditions pursuant to Subsection (11), until the time that the conditions have been complied with, whichever is the later.

DEFINITIONS

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 - or accessory structure means a subordinate detached building or structure appurtenant to, and located on the same site with, a main building or main use Accessory Use - a use customarily incidental, subordinate, and exclusively devoted to the principal use or building and is located on the same site with such principal use or building, Act - The Planning and Development Act, 1983, as amended.

Alteration - any structural change or addition made to any building or structure.

Animal Unit (A.U.) - the kind and number of animals calculated in accordance with the act. See chart contained in RM. Zoning Bylaw

Ancillary Use - 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.

Applicant - a developer or person applying for a development permit under this bylaw, for a subdivision approval to an approving authority under The Planning & Development Act, 1983.

Bed and Breakfast Home - a dwelling unit, licensed as a tourist home under The Public Accommodation Regulations, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the traveling public for a charge.

Billboard - a private free standing sign, including supporting structures, which advertises goods, products, services, organizations, or facilities that are available from, located on, or refer to, a site other than the site on which the sign is located, and which is greater than 2 sq m. in facial area.

Building - a structure used for the shelter or accommodation of persons, animals, or chattels.

Building, Accessory - 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 - a permit issued under a building bylaw of the municipality authorizing the construction of all or part of any building.

Campground - the seasonal operation of an area of land managed as a unit, providing temporary short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, used by travelers and tourists.

Council - the governing council of The Hamlet of Hitchcock Bay.

Development - 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 - a document authorizing a development issued pursuant to this bylaw.

Discretionary Use - a use or form of 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, Single Detached - 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 - 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. Farmstead - a single site, which includes the residence of the farm operator and those buildings, or facilities that are related to the farm operation, and may include cropland and pastures

Floor Area - 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 - land which may be prone to flooding, slumping, subsidence, landslides, erosion, any other instability, or is located within a flood plain or watercourse,

Home Based Business - a secondary occupation carried on by the occupants of a farmstead or residence ancillary to a permitted use.

Highway Sign Corridor - 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 Agricultural Operation - A principal use that produces a crop that is grown in buildings or under structures, using hydroponics techniques, or by use of intensive irrigation and fertilizer application, but not including an intensive livestock operation. Intensive Livestock Operation (I.L.O.) - the operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such numbers that the facility and portion of a site used for the operation:

- (a) will contain 100 or more animal units, and
- (b) provides less than 370 square meters (4000 ft2.) of space for each animal unit contained therein

Mobile Home - 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, which may be connected to a sewage system

Modular Home - a factory built home that is manufactured as a modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard.

Municipality - the Rural Municipality of "Coteau" No. #255.

Non-Conforming Building - 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 Use - 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 zone district in which it is located.

Pasture - a site that is used for the raising and feeding of livestock by grazing. **Permitted Use** - a use or form of development allowed as a right in a zoning district, subject to the regulations contained in this bylaw.

Personal Care Home - a facility licensed under The Personal Care Homes Act that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self care, and are unrelated to the operator or owner.

Principal Use - the main activities conducted on a site.

Principal Building - the main building in which the principal use of the site is conducted.

Public Road - a road allowance or a legally surveyed road vested in the name of Department of Highways.

Public Utility - a government or private enterprise, which provides a service to the general public.

Quarter Section - a quarter section as defined by the Township Plan of Survey of record in the Land Titles Office, exclusive of any registered road, road widening, or railway right of way, but including any partial quarter section defined on the Township Plan of Survey.

Reeve - the Reeve of the Rural Municipality of Coteau #255.

Residence - a single detached dwelling on a site which is not used as a farmstead.

Rural Municipal Administrator - the official administrator for the municipality pursuant to The Rural Municipality Act, 1989.

School - 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, with that body of pupils.

Sign - 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 - an area of land with fixed boundaries and which has been registered in the Land Titles Office by Certificate of Title, and for which all portions of the land are consolidated under a single title.

Site Line, Front or Site Frontage - 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 nonrectangular site shall be defined as the mean of the measured front and rear site lines.

Site Line, Rear - the boundary at the rear of the site and opposite the front site line. Site Line, Side - a site boundary other than a front or rear site line.

Street - 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** - 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 - a division of land, and includes a division of a quarter section into legal subdivisions as described in the Land Titles Act.

Trailer Coach - 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 it is jacked-up.

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

Vacation Farm - 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 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 persons, families, groups occupying any of such sites.

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.

Yard - the open, unoccupied space on a lot between the property line and the nearest wall of a building.

Yard, Front - that part of a site that 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 - 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, Required - the minimum yard required by a provision of this bylaw.

Yard, Side - the part of a site that 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.

HOLDING TANKS (Info provided by Curtiss Knight)

It is not a good installation practice to bury tanks in areas where a high water table exists as this increases the stress load on the tank (the deeper the burial in water and or saturated soil, the more stress). However, it is recognized that, in some situations, burial in the water table is necessary. In such cases, the contractor should:

- (1) advise the cottage/homeowner of the stress/pressure implications;
- (2) ensure that the water table does not rise above any openings to the tank; and
- (3) anchor the tank per manufacturer's instructions to prevent floatation and/or shifting.

Holding tanks should not be installed in flood plains, drainage ways or depressions unless flood protection is provided. It is also recommended that plastic piping within 1800 mm (6 feet) of a holding tank not be lighter than D.W.V.

Section 6.4.2 "Excavations for Septic Tanks" should be considered when installing a holding tank.

5.4.2 Setback Requirements

When locating a holding tank the minimum setback distance shall be:

- Basement lm (3ft)
- Large tree 3 m (10 ft)
- Property Boundary 3 m (10 ft)
- Walk/Driveway 1.5m (5ft)
- Cut or embankment 3 m (10 ft)
- Well 9 m (30 ft)
- Water Course 9 m (30 ft)

The holding tank should be located so as not to impact on the water table. If a contractor is in doubt as to what would be considered an appropriate separation, they are strongly urged to contact the local health region before installation.

Where a building has no basement walls, a holding tank may be installed beneath the floor of such a building provided that access to the tank for inspection and pumping purposes is from the exterior of the building and no unsealed access port is present in the building or beneath the building. The tank shall be properly vented to ensure fumes do not enter the building. A basement wall shall not be used as a wall of a holding tank.

5.43 Inspection

Before the tank is covered, the local health region shall be contacted to request an inspection. A Public Health Inspector with the local health region may inspect the tank installation or provide approval to proceed with backfilling.