

BIG SHELL

ZONING BYLAW

BYLAW NO. 3/85

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FORMS - FORM A

## SECTION 1 - INTRODUCTION

Under the authority of The Planning and Development Act, 1983, and in conjunction with Bylaw No. 2/85, the Basic Planning Statement of the Resort Village of Big Shell, the Council of the Resort Village of Big Shell in the Province of Saskatchewan, in open meeting, hereby enacts as follows:

- 1.1 Title - This bylaw shall be known and may be cited as the "Big Shell Zoning Bylaw".
- 1.2 Scope - Development shall be permitted within the limits of the Resort Village of Big Shell only when in conformity with the provisions of this Bylaw.
- 1.3 Severability - The provisions of this Bylaw are deemed to be severable and, where any provision is adjudged to be invalid or in operative, it does not render the remaining provisions invalid or inoperative.

## SECTION 2 - INTREPRETATION

- 2.1 Act - The Planning and Development Act, 1983.
- 2.2 Accessory Use - A use incidental and subordinate to the principal use or building customarily associated with that use or building, and located on the same lot with such principal use or building.
- 2.3 Building - Any structure constructed or placed on, in or over land, but does not include a public highway.
- 2.4 Building Principal - The building which is used for the principal use of the lot on which the building is situated.
- 2.5 Clerk - The Village Clerk of the Resort Village of Big Shell.
- 2.6 Council - The Council of the Resort Village of Big Shell.
- 2.7 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 or intensity of the use of any building or land.
- 2.8 Development Permit - A document authorizing a development issued pursuant to this Bylaw.
- 2.9 Discretionary Use or Development - 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.
- 2.10 Dwelling, Single Detached - A detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as the permanent home or residence, but shall not include a mobile home as herein defined.
- 2.11 Dwelling Unit - One or more rooms constituting a self-contained unit that may be used as a residence, each unit having provision for sleeping, cooking, bathing and toilet facilities.

- 2.12 Garage, Private - A building or part of a building used or intended to be used for the storage of motor vehicles for the dwelling unit to which the garage is accessory.
- 2.13 Home Occupation - An occupation, trade, profession or craft conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character of the dwelling unit.
- 2.14 Lot - An area of land with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.
- 2.15 Lot Line, Front - The line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.
- 2.16 Lot Line, Rear - The line at the rear of the lot and opposite the front lot line.
- 2.17 Lot Line, Side - A lot line other than a front or rear lot line.
- 2.18 Mayor - The Mayor of the Resort Village of Big Shell.
- 2.19 Minister - The member of the Executive Council to whom, for the time being, the administration of the Act is assigned.
- 2.20 Mobile Home - A trailer coach that contains a complete dwelling unit.
- 2.21 Non-Conforming Building - A building:  
a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date this 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.
- 2.22 Non-Conforming Use - A lawfully specific use:  
a) being made of land or a building or intended to be made of a building lawfully under construction, or in respect to which all required permits have been issued, at the date this Bylaw or any amendments to this Bylaw affecting the land or building becomes effective; and  
b) that on the date this Bylaw or any amendment to this Bylaw becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued will not comply with this Bylaw.

2.23 Permitted Use or Development - A use allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

2.24 Public Work

- i) systems for the production or distribution of electricity;
- ii) systems for the distribution of natural gas or oil;
- iii) facilities for the storage, transmission, treatment, distribution or supply of water;
- iv) facilities for the collection, treatment, movement or disposal of sanitary sewage; or
- v) telephone or light distribution lines;

that are owned or operated by the Crown or a municipality.

2.25 Sign - Any device, letter, figure, symbol, emblem or picture, which is affixed to, or represented directly or indirectly upon a building, structure or a piece of land, and which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

2.26 Street - A public thoroughfare which affords the primary means of access to the abutting property.

2.27 Structural Alteration - The alteration of the size or the construction or reconstruction of supporting elements of a building.

2.28 Trailer Coach - Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

2.29 Village - The Resort Village of Big Shell.

Yard - Any part of a lot unoccupied and unobstructed by any building.

2.30 Yard, Front - A yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building.

2.31 Yard, Rear - A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building.

2.32 Yard, Required - The minimum yard or yards required by this Bylaw in a part of a lot within which, unless specifically allowed, no building or part of a building shall be located.

2.33 Yard, Side - A yard extending from the front yard to the rear yard between the side lot line and the nearest main wall of a building.

SECTION 3 - ADMINISTRATION

3.1 Development Officer - The Clerk of the Resort Village of Big Shell shall be the Development Officer responsible for the administration of this Bylaw.

3.2 Development Permit

- (1) Except as provided for in Section 3.2(3), no person, shall undertake a development or commence a use unless he obtains a Development Permit for that development or use. A Development Permit is not valid unless it conforms with this Bylaw and the Act.
- (2) An application for a Development Permit shall be made in Form A as attached to and forming part of this Bylaw.
- (3) A Development Permit is not required for the following uses, provided all other provisions and regulations of this Bylaw are complied with.
  - a) the maintenance of a public work;
  - b) the construction of a public work by the Village;
  - c) the installation of public works on any street or other public right-of-way;
  - d) the construction of fences;
  - e) maintenance and repairs that do not include structural alterations;
  - f) accessory buildings under 9 square metres.
- (4) If the development authorized by a Development Permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of its issue, the permit is deemed to be void, unless an extension to this period shall first have been granted.
- (5) Decision
  - a) Every decision of Council or the Development Officer on an application for a development permit shall be in writing, and a copy shall be sent to the applicant.
  - b) Upon completion of the review of an application for a permitted use or development, the Development Officer shall:
    - i) where the application conforms to all provisions and regulations of this Bylaw, issue a development permit, or;
    - ii) where the application complies with this bylaw and is subject to special regulations, performance standards or development standards specified in this Bylaw; issue a development permit incorporating the special regulations, performance standards or development standards, or;
    - iii) where the application does not comply with a provision or regulation of this Bylaw, issue a refusal stating the reason for the refusal.

SECTION 3 - ADMINISTRATION - Cont'd

- c) Where an application is made for a discretionary use or development, the Development Officer shall submit the application to Council for review. Upon completion of its review, Council shall pass a resolution directing the Development Officer to:
- i) issue a development permit incorporating any development standards set forth by Council in accordance with the provisions of this Bylaw; or
  - ii) issue a notice of refusal to the applicant, stating the reasons for the refusal.

3.3 Development Appeals

- (1) Development Appeals Board - A Development Appeals Board of the Resort Village of Big Shell is appointed in accordance with Sections 71 and 91 to 104 of the Act.
- (2) Where an application for a permitted use or development has been refused, the notice of refusal shall advise the applicant of his right to appeal the refusal to the Development Appeals Board.
- (3) Where an application for a discretionary use or development has been approved with prescribed development standards, the applicant shall be advised of his right to appeal any development standards considered excessive to the Development Appeals Board.
- (4) An application for a Development Permit shall be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made, as provided in Section 3.3(2), as though the application had been refused.

3.4 Amendment of the Zoning Bylaw

- (1) Fees - Where an application for an amendment to this Bylaw is made to Council, the applicant shall pay all costs associated with advertisement of the proposed amendment.
- 3.5 Offences and Penalties - Any person who violates this Bylaw is guilty of an offence and liable, on summary conviction, to the penalties set forth in the Act.

SECTION 4 - GENERAL REGULATIONS

4.1

Licences, Permits and Compliance with Other Bylaws and Legislation - Nothing in this Bylaw shall exempt any person from complying with the requirements of any other municipal or provincial regulations or legislation or from obtaining any licence, permission permit, authorization or approval required by such requirements or regulations.

4.2 Projections in Yards - Where minimum front or rear yards are required in any district, such minimum requirement shall not apply to prevent the construction or location of an open deck or terrace having a maximum projection of 2 metres into the required front or rear yard. Where minimum yards are required in any district, such requirement shall not apply to prevent the construction or location of a chimney or a roof overhang of .5 metres or less into the required yard.

4.3 Non-Conforming Buildings and Uses - Non-conforming uses shall be subject to Section 113 - 118 inclusive of the Act.

4.4 Signs and Billboards - All signs and billboards shall be subject to the following requirements:

- 1) no more than one permanent sign is permitted on the lot;
- 2) additional temporary signs bearing notice of sale or lease, sale of produce, or other information relating to a temporary condition affecting the lot are permitted as long as that condition exists on the lot;
- 3) no sign shall have a facial area exceeding 0.4 square metres;
- 4) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

#### SECTION 5 - ZONING DISTRICTS AND ZONING MAPS

5.1 Zoning Districts - For the purpose of this Bylaw, the Resort Village of Big Shell is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

<u>Districts</u>	<u>Symbols</u>
Residential	R
Park and Community Facility	P
Urban Reserve	UR

5.2 The Zoning District Map - The map, bearing the statement, "This is the Zoning District Map referred to in Bylaw No. 3/85", adopted by the Resort Village of Big Shell signed by the Mayor and the Clerk under the seal of the Resort Village, shall be known as the "Zoning District Map" and such map is hereby declared to be an integral part of this Bylaw.

5.3 District Schedules - The following are the schedules of uses and regulations pertaining to the various zoning districts under this Bylaw:



5.3.1 R-Residential District

- (1) Permitted Uses - The following are permitted uses in the R-Residential District:
- a) single detached dwellings
  - b) municipal offices
  - c) public parks
  - d) public works (excluding offices, warehouses, and storage yards).
- (2) Discretionary Uses - The following are discretionary uses in the R-Residential District:
- a) home occupations
  - b) mobile homes
- (3) Accessory Uses - Buildings, structures or uses secondary and subordinate to, and located on the same lot with the permitted or discretionary use, shall be considered accessory uses and permitted (excluding industrial and commercial use).
- (4) Regulations - Development shall conform to the following requirements:
- a) Lot Regulations - The regulations in Table 1 shall apply.
  - b) Accessory Buildings and Structures
    - i) The site regulations in Table 1 shall apply.
    - ii) The total area of all accessory buildings shall not exceed the area of the principal building.
    - iii) Pit privies are prohibited.
    - iv) Fences are permitted on any lot line or in any yard provided they are not more than 2 metres in height.
  - c) Parking
    - i) A minimum of 1 parking space shall be provided and maintained on each lot.
    - ii) A parking space shall be a minimum of 2.5 metres by 6 metres.
    - iii) Parking spaces may be enclosed and may be in tandem.
  - d) Trailer Coaches
    - i) One trailer coach that is not a mobile home and is used from time to time for a period not exceeding 30 consecutive days for temporary sleeping accommodation of guests of a single detached dwelling shall be permitted on the same lot.
    - ii) Trailer coaches shall not be kept for hire.

d) Trailer Coaches - Cont'd

iii) The facilities and amenities of the dwelling on the lot shall be available at all times for the use of the occupants of the trailer coach.

e) Storage

- i) No junked vehicle shall be stored on any lot, outside an enclosed building.
- ii) The storage of any combustible material is prohibited in a required yard for accessory buildings. (Table 1 Line b).

f) Principal Use

- i) Only one principal use is permitted on a lot.

(5) Discretionary Use Standards

a) All discretionary uses shall maintain the residential character of the area as much as possible.

b) Home Occupations

- i) Home occupations shall be located in a dwelling unit.
- ii) One business sign or notice is permitted.
- iii) Other than as provided for in (ii) above, there shall be no exterior display, no exterior storage of material, and no other variation from the residential character of the building.

c) Mobile Homes

- i) All mobile homes shall bear C.S.A. standard Z240 approval for mobile home construction.
- ii) All mobile homes shall be connected to a septic pumpout tank approved for permanent cottage use.
- iii) All mobile homes shall be securely anchored to the ground.
- iv) The regulations in Clause (4) shall apply.

TABLE 1

Use	Min Lot Area (sq m)	Min Lot Frontage (m)	Min Yard Front (m)	Min Yard Rear	Min Yard Side	Max Lot Coverage	Floor Area (sq m)
a) Single Detached & Mobile Homes	450	15	7.5	4.5	1.5	35%	60 min
b) Accessory Building (Single Detached)	-	-	1.5	4.5	1.5	-	60 max
			4.7'	13.10'	4.7'		
c) Parks, Playgrounds, Community Centres, Public Works and Municipal Buildings and Facilities							

NO REQUIREMENTS

5.3.2 P-Park and Community Facility District

(1) Permitted Uses - The following are permitted uses in the Park and Community Facility District:

- a) community halls and municipal offices
- b) parks and playgrounds, day use picnic areas, and sports fields
- c) public works (excluding warehouses and storage yards)

(2) Discretionary Uses - The following are discretionary uses in the CP-Community Park District:

- a) docks, boat launch facilities and marinas.

(3) Accessory Uses:

- a) buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal building, are permitted

(4) Regulations:

- a) the regulations in Table 1 shall apply.

5.3.3 UR-Urban Reserve District

(1) Permitted Uses - The following are permitted uses in the UR-Urban Reserve District:

- a) recreation trails
- b) natural parks
- c) public works

(2) Discretionary Uses - The following uses are discretionary uses in the UR-Urban Reserve District:

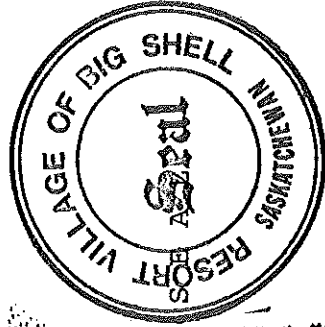
- a) sewage lagoons and land fills
- b) sports fields and golf courses

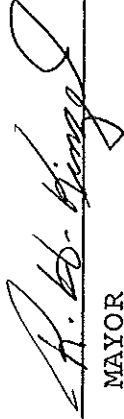
5.3.3 UR-Urban Reserve District - Cont'd

- (3) Regulations - Development shall conform to the following requirements:
- a) recreational trails, sewage lagoons and land fills shall be screened from public roadways and residential lots except as is necessary for access to the facility
  - b) no minimum lot requirements

SECTION 6 - EFFECTIVE DATE OF THE BYLAW

6.1 This Bylaw shall come into force on the date of final approval by the Minister of Urban Affairs.





MAYOR



CLERK

RESORT VILLAGE OF BIG-SHELL  
APPLICATION FOR DEVELOPMENT PERMIT

1. APPLICANT:

a) Name \_\_\_\_\_  
b) Address \_\_\_\_\_ Postal Code \_\_\_\_\_  
c) Telephone Number \_\_\_\_\_

2. REGISTERED OWNER: as above ( ) OR ^

a) Name \_\_\_\_\_  
b) Address \_\_\_\_\_ Postal Code \_\_\_\_\_  
c) Telephone Number \_\_\_\_\_

3. PROPERTY - LEGAL DESCRIPTION:

LSD \_\_\_\_\_ & Section \_\_\_\_\_; Township \_\_\_\_\_ Range \_\_\_\_\_  
Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Registered Plan No. \_\_\_\_\_  
Certificate of Title No. \_\_\_\_\_ Date \_\_\_\_\_

4. LOT SIZE:

Dimensions \_\_\_\_\_ (m)  
Area \_\_\_\_\_ (m<sup>2</sup>, ha)

5. EXISTING LAND USE:

6. PROPOSED LAND USE / DESCRIPTION OF PROPOSED DEVELOPMENT:

7. a) PROPOSED DATE OF COMMENCEMENT: \_\_\_\_\_  
b) PROPOSED DATE OF COMPLETION: \_\_\_\_\_

8. OTHER INFORMATION:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. FOR NEW CONSTRUCTION A SITE PLAN ON A SEPARATE SHEET SHOWING WHERE APPLICABLE:

- a) Dimensions of the lot.
- b) Location and size of all existing and proposed buildings and structures.
- c) Utility lines, easements, topographic features.
- d) Proposed site drainage and finished lot grades.
- e) Location of septic disposal systems and water supply.
- f) Landscaping (loading and parking areas, entrance and exits point to sites, fences, screening, trees, hedges).

10. MOBILE HOMES + C.S.A. Z240 approval number (from Black and Silver sticker). \_\_\_\_\_

11. DECLARATION OF APPLICANT:

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan do solemnly declare that the above statements contained within the application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act".

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

