

ZONING BYLAW

FOR THE

RESORT VILLAGE OF COTEAU BEACH

*See Bylaw
2-1998*

Certified true copy of Zoning Bylaw No. 17
passed by the Council of the Resort Village
of Coteau Beach on *24 July*, 1984.

D. N. McEay
Secretary Treasurer

Development Permit
Obtain from Logan the se

SHORT TITLE

① Titles to be obtained from
Registrar; Land Titles Office
Box 397 - Moose Jaw SK S6H 4P1
use for Transfer of Corporation (Consent) (Bentley)
Form 43. Register

1. This bylaw may be cited as The Resort Village of Coteau Beach Zoning Bylaw.

② Electric & Plumbing Permits (Sept 2016)

INTERPRETATION

Contact
Plumbing Permits & Regulations
409 Hwy 4, Rosthern SK
Phone 882-2633
(or Outback)

2. In this bylaw:

- (a) "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;
- (b) "accessory use" means a use that is customarily incidental and subordinate to, and located on the same site with, a main building or main use;
- (c) "alter" means to structurally change a building or structure;
- (d) "applicant" means a person who applies for a development permit pursuant to section 4;
- (e) "building" means a structure used for the shelter or accommodation of persons, animals, goods or chattels;
- (f) "construct" means to build, erect or place a building or structure;
- (g) "council" means the council of the Resort Village of Coteau Beach;
- (h) "development permit" means a development permit issued pursuant to section 5;
- (i) "dwelling unit" means 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;
- (j) "floor area" means the maximum habitable area contained within the outside walls of a building, but, in the case of a dwelling unit, does not include any private garage, porch, verandah, sunroom, unfinished attic or unfinished basement;
- (k) "front site line" means the boundary that divides a site from a street and, in case of a corner lot, means the shorter boundary that divides the site from the street;
- (l) "frontage" means the length of a line parallel to the front site line and located 10 metres inside the site.
- (m) "home occupation" means an occupation, trade, profession or craft that is:
- (i) customarily conducted entirely within a residential building or an accessory building;
 - (ii) conducted by an occupant of the residential building in which it is conducted;
 - (iii) subordinate to the use of the residential building as a residence; and
 - (iv) conducted in a manner that does not significantly alter the residential character of the residential building;
- (n) "main building" means a building in which the main or primary use of the site on which the building is located is conducted, and includes a private garage that is attached to a main building by a substantial roof structure;
- (o) "off-street parking space" means a space within a building or parking lot for the parking of one automobile;

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- (p) "principal use" means a use described in clause 19(1)(a);
- (q) "private garage" means an accessory building, or part of a main building, that is used for storage of not more than two motor vehicles;
- (r) "rear site line" means the boundary of a site that is opposite the front site line;
- (s) "service station" means an establishment, other than a private garage, used for the sale of fuel for motor vehicles, for the storage, care, repair, servicing or equipping of motor vehicles, or where vehicles are kept for remuneration, hire, sale or display;
- (t) "side site line" means a boundary of a site that is not a front site line nor a rear site line;
- (u) "sign" includes a billboard;
- (v) "single family dwelling" means a detached building consisting of one dwelling unit;
- (w) "site" means an area of land considered as a unit and devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and includes the customary accessories and open spaces belonging to the unit;
- (x) "street" or "road" means a public thoroughfare; shown on a plan registered under an Act, which affords the principal means of access to abutting property;
- (y) "structure" means anything that is constructed the employment of which requires that it be located on the ground or attached to something located on the ground;
- (z) "use" means the purpose for which or the manner in which a site is employed;
- (aa) "zoning appeals boards" means the zoning appeals board established pursuant to section 10.

DEVELOPMENT PERMIT

- 3. No person shall:
 - (a) construct or alter a building or structure within the Resort Village of Coteau Beach;
 - (b) move a building or structure into or within the Resort Village of Coteau Beach;
 - (c) employ a building, a structure or land within the Resort Village of Coteau Beach for any purpose; or
 - (d) demolish a building within the Resort Village of Coteau Beach;

unless he obtains a development permit.
- 4. (1) An application for a development permit shall be made to the council.
- (2) Every application for a development permit to demolish a building shall contain a proposal for the interim or long-term use or redevelopment of the site.

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5. 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 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.
6.
 - (1) The council may place any terms or conditions that it considers appropriate in a development permit.
 - (2) No person to whom a development permit has been issued shall fail to comply with a term or condition in the development permit.
7. 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.
8. 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.
9. Where the council issues 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.

ZONING APPEALS BOARD

10.
 - (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 reappointment, 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:
 - (a) any salary or remuneration; and
 - (b) any reimbursement for travelling and other expenses incurred by him in the performance of his duties;

that may be approved by 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 record in its office.
 - (11) The zoning appeals board shall make any records kept pursuant to subsection (10) available for public inspection.
11. (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 \$50, 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 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 metres 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, the council shall transmit to the zoning appeals board secretary, before the day fixed for the hearing of the appeal, the original or a 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 appeal 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 injuriously 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 the Department of the Environment, and the parties to 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.

GENERAL RESTRICTIONS

12. No person shall construct, alter or occupy a building or structure on a site that does not abut on an existing public road.
13. No person shall employ a site for more than one principal use.
14. No person shall construct, or allow to remain, more than one main building on a site.
15. Notwithstanding subsections 19(4), or 21(2), 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, reconstruction, repair or renovation.
16. 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.
17. The council may exempt from the requirements of subsection 19(7) 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.

RESTRICTIONS IN ZONING DISTRICTS

18. For the purposes of this bylaw the Resort Village of Coteau Beach is divided into the following zoning districts, the boundaries of which are set out in the schedule:
 - (a) residential zoning districts;
 - (b) public reserve zoning districts;
 - (c) boat house zoning districts;
19. (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 or accessory use; or
 - (c) subject to subsection (3), a home occupation, where council by resolution approves the use and its location.

- (2) In a residential zoning district, no person shall:
- (a) locate an accessory building that has a door that opens onto a lane, less than 1.2 metres from the lane;
 - (b) locate an accessory building closer than the main building to the front site line; or
 - (c) locate an accessory building less than 1.2 metres from a street.
- (3) 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 the buildings mentioned in clause (a); or
 - (c) store materials used in a home occupation outside of a building.
- (4) 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 metres;
 - (b) that has a frontage of less than 15 metres;
 - (c) subject to subsection (5), in such a manner that any part of the dwelling is less than:
 - (i) *19.5 feet* 6 metres from the front site line or the rear site line; or
 - (ii) *1.5* 1.5 metres from any side site line.
- (5) For the purpose of:
- (a) subclause (4)(c)(i), a roofed terrace, open terrace, porch or verandah that has a projection of not more than 1.8 metres from the main wall of the dwelling; and
 - (b) clause 4(c), a chimney or a roof overhang of not more than 0.6 metres;
- are deemed not to be part of the dwelling.
- 5 feet deck*
- (6) In a residential zoning district, no person shall erect or place on any site:
- (a) more than one sign;
 - (b) a sign bearing any information other than:
 - (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

- (iv) 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 metres;
 - (c) a sign, any face of which has an area exceeding 0.4 square metres, 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.
- (7) In a residential zoning district, every person who owns a site shall provide one off-street parking space on the site.
20. (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 erect or place 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 metres, 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.
21. (1) In a boat house zoning district, no person shall employ a site for any use other than:
- (a) a boat house, pier, boat launching ramp or beach structure; or
 - (b) an accessory building, accessory structure or accessory use that is specifically approved by the council.
- (2) In a boat house zoning district, no person shall cause or allow a main building to be constructed on a site:
- (a) that has an area of less than 93 square metres;
 - (b) that has a frontage of less than 6 metres, at least 3 metres of which front on a lake;
 - (c) in such a manner that any part of the building is less than:
 - (i) 3 metres from the rear site line; or
 - (ii) 0.6 metres from any side site line.
- (3) In a boat house zoning district, no person shall erect or place on any site:
- (a) more than one sign;
 - (b) a sign bearing any information other than:

- (i) the names of the occupants of the site; or
 - (ii) a notice of sale or lease of the site;
 - (iii) any other information relating to a temporary condition affecting the site.
- (c) a sign, any face of which has an area exceeding 0.4 square metres, 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.

NON-CONFORMING USES

22. (1) Notwithstanding any other provision of this bylaw, where, on the date this bylaw comes into force, any building, structure or land 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 the use being exercised on the date this bylaw comes into force;
 - (b) 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;
 - (c) any building or structure that is part of the use is not to be altered; and
 - (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 building, structures or land have ceased to be employed for that use for a period of at least nine months.

MISCELLANEOUS

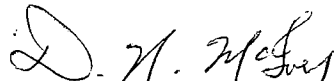
23. (1) Subject to subsection (2), this bylaw does not apply to the inspection, repair, or renewal of sewers, water mains, cables, pipes, wires, tracks or other similar apparatus connected with a public utility.
- (2) No person shall establish a new public utility unless he obtains the written approval of the council.
24. 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.


25. (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.
26. This bylaw comes into force on the day it is approved in writing by the Minister of the Environment.


Mayor

SEAL




Secretary-Treasurer

Approved.
Regina, April 21/85

Dep. Min. Environment.