

Resort Village of Tobin Lake

Zoning Bylaw

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Table of Contents

Table of Contents	i		
List of Tables	ii		
1 Introduction	1		
1.1 Authority	1		
1.2 Title	1		
1.3 Purpose	1		
1.4 Scope	1		
1.5 Severability	1		
2 Definitions	2		
3 Administration	7		
3.1 Development Officer	7		
3.2 Development Permit	7		
3.3 Referral to Council	7		
3.5 Issue of Permits	8		
3.6 Limitations on Discretionary Use Approvals	9		
3.7 Development Appeals	10		
3.8 Fees for Applications	10		
3.9 Referral under the Public Health Act	11		
3.10 Minor Variances	11		
3.11 Offences and Penalties	12		
3.12 Public Works and Infrastructure Services	12		
3.13 Financial Assurances	12		
3.14 Liability Insurance	12		
4 General Regulations	13		
4.1 Licenses, Permits, and Compliance with Other Bylaws and Legislation	13		
4.2 Non-Conforming Buildings, Sites and Uses	13		
4.3 Frontage on Road	13		
4.4 Number of Principal Buildings Permitted on a Lot	14		
4.5 Building to be Moved	14		
4.6 Grading and Levelling of Lots	14		
4.7 Geotechnical Analysis Required	14		
4.8 Required Yards and Open Space	14		
4.10 Discretionary Uses	15		
4.11 Protection of Trees and Vegetation	16		
4.12 Signs and Billboards	16		
5 Zoning Districts	18		
5.1 Zoning District Map	18		
5.2 Boundaries of the Zoning Districts	18		
5.3 UH – Urban Holding District	18		
5.4 R – Residential District	20		
5.5 C – Commercial District	23		
6 Effective Date of the Bylaw	40		
6.1 Repeal	40		
6.2 Coming into force	40		
Appendix A – Zoning Map	A		
List of Tables			
5-1 Zoning District Map Symbols	18		
5-2 Residential District Site Development Regulations	22		
5-3 Commercial District Site Development Regulations	24		

1 Introduction

1.1 AUTHORITY

Under the Authority of The Planning and Development Act, 2007, the Mayor and Council of the Resort Village of Tobin Lake in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.2 TITLE

The Bylaw shall be known and may be cited as the “Zoning Bylaw” of the Resort Village of Tobin Lake.

1.3 PURPOSE

1.3.1 The purpose of this Bylaw is to regulate development and to control the use of land in the Resort Village of Tobin Lake.

1.3.2 The intent of this Bylaw is to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the village:

- a. to minimize land use conflicts
- b. to establish minimum standards to maintain the amenity of the village
- c. to ensure development is consistent with the physical limitations of the land
- d. to restrict development that places undue demand on the village's infrastructure.

1.4 SCOPE

Development shall hereafter be permitted within the limits of the Resort Village of Tobin Lake only when in conformity with the provisions of this Bylaw.

1.5 SEVERABILITY

If any section, clause or provision of this Bylaw, including anything shown on the Zoning Map, is for any reason declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Bylaw as a whole or in part, other than the section, clause or provision, including anything shown on the Zoning Map, declared to be invalid.

2 Definitions

Whenever in this Bylaw the following words or terms are used, unless the context provides otherwise, they shall have the following meaning:

Accessory Use - a use customarily associated with, incidental to, and subordinate to, the principal use or building, and located on the same lot with such principal use or building.

Act - *The Planning and Development Act, 2007*, Province of Saskatchewan, as amended from time to time.

Administrator - the Administrative Officer of the Resort Village of Tobin Lake.

Alteration - any structural change or addition to a building or structure, and includes a change from one type of use to another.

Ancillary Use - a secondary and subordinate use to the principal use, which is specifically allowed, and may include an associated building that is specifically allowed pursuant to this Bylaw.

Building - a structure constructed or placed on, in or over land but does not include a public highway.

Building, Accessory - a subordinate building detached from a principal building, located on the same lot, the purpose of which is to enclose a use accessory to or part of the principal use.

Building Height - the vertical distance measured from grade level to the highest point on the roof, exclusive of any chimney.

Building Line, Established - the average distance from the street line to the main wall of existing buildings on any side of any block where more than half the frontage of the block has been built on.

Building, Principal - a building within which the principal use of the lot is housed or conducted.

Council - the Council of the Resort Village of Tobin Lake.

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 the intensity of the use of any building or land.

Development Permit - a document issued by the Development Officer of the Resort Village of Tobin Lake that authorizes development pursuant to this Bylaw.

Discretionary Use - a use or form of development that may be allowed in a zoning district following application to, and approval of the Council; and which complies with the development standards, as required by Council, as contained in this Bylaw.

District Plan - the Twin Lakes District Plan.

District Planning Commission – the Twin Lakes District Planning Commission established under the Twin Lakes Planning Agreement.

Dwelling - a building or part of a building intended for residential occupancy.

Dwelling Unit - one or more rooms that may be used or intended to be used as a residence, each unit having sleeping, cooking and toilet facilities.

Dwelling, Single Detached - a building containing one dwelling unit as defined here; and occupied or intended to be occupied as a permanent home or residence, but not including a mobile home, as defined.

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, sunroom, unfinished attic or unfinished basement.

Foundation – as per the National Building Code of Canada 2010.

Frontage – the length of the front lot line.

Garage, Private - a building or part of a building or a carport used or intended to be used for the storage of motor vehicles for each dwelling unit to which the garage is accessory and wherein neither servicing nor repairing of such vehicles is carried on for remuneration.

Gas Bar - a commercial facility predominately for the sale and dispensing of motor fuels into vehicles and portable out board motor tanks, and may offer the sale of other petroleum products, vehicle accessories, dry goods and groceries.

Grade Level - the average elevation of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Gross Floor Area - the total floor area in a principal building or structure measured between the exterior faces of the exterior walls of the building or structure at the level of each storey below, at and above grade, excluding attics, balconies, boiler rooms, electrical or mechanical rooms, and basement areas used exclusively for parking or storage.

Home Based Business - a business, occupation, trade, profession, craft or an office for the administration of an off-site business customarily for gain conducted entirely within a residential building or accessory building by the residents, and where the use is clearly ancillary and secondary to the residential use and does not change the character of the dwelling nor create a public nuisance as a result of noise, traffic, pollution or parking.

Lane - a secondary public thoroughfare intended primarily to give access to the rear or side of the abutting property.

Lot - an area of land with fixed boundaries under the same ownership and which is on record with the Information Services Corporation (ISC) by Certificate of Title.

Lot Line, Front - the boundary that divides the lot from the street, in the case of a corner lot, the front lot line shall mean the boundary separating the narrowest street frontage of the lot from the street.

Lot Line, Rear - the boundary at the rear of the lot and opposite the front lot line.

Lot Line, Side - a lot boundary other than a front or rear lot line.

Mayor - the Mayor of the Resort Village of Tobin Lake.

Minister - the member of the Executive Council to whom, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

Mobile Home - a trailer coach that is used as a dwelling for a permanent or year round living; has water faucets, wash basin, a shower or bathtub, and a toilet; and which is certified by the manufacturer to comply with the Canadian Standards Association Code CSA-Z240.

Modular Home - a factory built home that is manufactured as a whole or 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.

Motel - a building or group of buildings on a lot designed and operated to provide individual rental units for the use of the traveling public, each unit containing at least a bedroom and bathroom and providing convenient access to a parking space for the use of the occupants of the unit.

Non-Conforming Building - a building:

- a. that is lawfully constructed or lawfully under construction, or with respect to which all required permits have been issued, at the date the Zoning Bylaw or amendment to the Zoning Bylaw affecting the building or land on which the building is situated or will be situated becomes effective
- b. that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or when constructed will not, comply with the Zoning Bylaw.

Non-Conforming Site - a lot, consisting of one or more contiguous parcels, that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective, contains a use that conforms to the Zoning Bylaw, but the lot area or lot dimensions do not conform to the standards of the Zoning Bylaw for that use.

Non-Conforming Use - a lawful specific use:

- a. being made of land or a building or intended to be made of land or of a building lawfully under construction, or with respect to which all required permits have been issued, at the date the Zoning Bylaw or any amendment to the Zoning Bylaw affect the land or building becomes effective.
- b. that on the date the Zoning Bylaw or any amendment to the Zoning Bylaw becomes effective does not, or in the case of a building under construction or with respect to which all required permits have been issued will not, comply with the Zoning Bylaw.

Parking Lot - an open space, other than a street, used for the temporary parking of more than four (4) vehicles and available for public or private use.

Parking Space - a space within a building or parking lot with convenient access to a public lane or street, for the parking of one automobile.

Permitted Use - a use of land or buildings or form of development that is prescribed in the Zoning Bylaw as a use that is allowed on a parcel.

Public Utility - a government, municipality or corporation under federal or provincial statute which operates a public work.

Public Work - means:

- a. systems of the production, distribution or transmission of electricity
- b. systems for the distribution, storage or transmission of natural gas or oil
- c. facilities for the storage, transmission, treatment, distribution or supply of water
- d. facilities for the collection, treatment, movement or disposal of sanitary sewage or garbage
- e. microwave and cell phone tower communication facilities
- f. telephone, internet, cable television, optical cable or light distribution or transmission lines

Ready to Move (RTM) Home - a new single detached dwelling constructed off lot to National Building Code or CSA –A277 standards to be moved onto a new permanent residential lot building foundation.

Seasonal Campground - a lot which provides for the location of tents or trailer coaches used by travellers and tourists for short term accommodation with daily, weekly, monthly and seasonal rental fees.

Sign - any device, letter, figure, symbol, emblem or picture, which is affixed to or represented directly or indirectly upon the exterior of 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.

Site - one or more contiguous lots under one ownership and used, or intended to be used, by a single principal use or occupied by a building or a permitted group of buildings, and the customary accessory uses and open spaces belonging to the same.

Street - a public thoroughfare which affords the principal means of access to the abutting property.

Structure - anything that is built, constructed or erected on, in or over land excluding sidewalks, pavement, curbs, open ground surface areas or is attached to something located on or in the ground.

Structural Alteration - the construction or reconstruction of the supporting elements of a building.

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,

Resort Village of Tobin Lake

constructed or reconstructed in such a manner to permit the occupancy thereof as a dwelling or sleeping place for one or more person notwithstanding that its running gear is removed or jacked up.

Units of Measure - units of measure in this Zoning Bylaw are metric abbreviated as follows:

m - metre

m² - square metre(s)

km - kilometres

ha - hectare(s)

Village - the Resort Village of Tobin Lake.

Yard - any part of a lot unoccupied and unobstructed by any buildings or structures.

Yard, Front - a yard extending across the full width of a lot between the front lot line and the nearest wall of the principal building or structure on the lot.

Yard, Rear - a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Side - a yard extending from the front yard to the rear yard between the side lot line and the nearest wall of the principal building or structure on the lot.

3 Administration

3.1 DEVELOPMENT OFFICER

The Administrator shall be the Development Officer responsible for the administration of this Bylaw and in their absence by such other employee of the Municipality as the Administrator, in consultation with the Council, designates in writing to be the Development Officer.

3.2 DEVELOPMENT PERMIT

- 3.2.1 No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2.4.
- 3.2.2 Any development undertaken without first obtaining a development permit issued by the Development Officer shall result in a one thousand dollar (\$1000) fine.
- 3.2.3 A development permit cannot be issued in contravention of any provisions of the Zoning Bylaw or the District Plan except as provided in an appeal pursuant to the Act.
- 3.2.4 An application for a development shall be made in Form A as attached to and forming part of this Zoning Bylaw.
- 3.2.5 A development permit is not required for the following, but all other applicable provisions of the Zoning Bylaw shall apply:
 - a. the construction or maintenance of a public work by the municipality or a public utility
 - b. the installation of a public work on any street or other public right-of-way
 - c. a municipal facility installed and operated by the municipality
 - d. maintenance and repairs that do not include structural alterations
 - e. accessory buildings and structures less than 9.3 m² in area
 - f. the construction of fences provided they are in accordance with Sections 4.9.6. and 4.9.7
- 3.2.6 The applicant is responsible for ensuring that all buildings comply with The National Building and Accessibility Standards Act.
- 3.2.7 If the development or use authorized by a development permit is not commenced within twelve (12) months from the date of issue of a permit, and completed within twenty-four (24) months of its issue, the permit is deemed void unless an extension has been granted by the Development Officer for a permitted use or by Council for a discretionary use, prior to expiry.

3.3 REFERRAL TO COUNCIL

The Development Officer may submit any application to Council for a decision on the interpretation of the Zoning Bylaw, or upon special conditions provided for in this Bylaw, and shall inform the applicant of the

date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

3.4 ISSUE OF PERMITS

- 3.4.1 Upon completion of the review of an application for development, the Development Officer shall:
- a. for a permitted use, issue a development permit for a development that complies in all respects with the requirements of the Zoning Bylaw, the District Plan and the Act, incorporating any special regulations, performance standards or development standards as authorized by the Zoning Bylaw.
 - b. for a permitted use, issue a refusal, where the application does not comply with a provision or regulations of the Zoning Bylaw, the District Plan and the Act stating the reason for refusal and advising the applicant of the right to appeal.
 - c. issue a refusal, where the application is for a use that is not provided for in the Zoning District in which the property is located.
 - d. Where an application is made for a development permit with respect to a development of a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56 of the Act.
- 3.4.2 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.
- 3.4.3 The Development Officer may revoke or suspend a development permit where an approved development is not being developed in accordance with the provisions of the Zoning Bylaw, or in accordance with the standards and conditions specified in the development permit. The development permit shall not be reissued or reinstated until all deficiencies have been corrected.
- 3.4.4 The Development Officer shall give the reasons in writing for denying or revoking a development permit.

3.5 DISCRETIONARY USE DEVELOPMENT PERMIT PROCESS

- 3.5.1 Applicants must file with the Development Officer a development permit application in accordance with Section 3.2.
- 3.5.2 The application will be examined by the Development Officer for conformance with the District Plan, the Zoning Bylaw, and any other applicable policies and regulations.
- 3.5.3 The Development Officer may refer the application to whichever government departments or agencies or interested groups that may be considered appropriate.

- 3.5.4 The Development Officer will refer the application to the District Planning Commission for consideration at least 10 days prior to a regular scheduled meeting of the District Planning Commission.
- 3.5.5 Upon receiving the District Planning Commission's written recommendation on the application, the Development Officer will set a date for the meeting at which the application will be considered by Council.
- 3.5.6 The Development Officer will provide written notice by regular mail to all assessed landowners within a 75.0 m radius of the boundary of the subject application, which notice shall be a minimum of 21 days from the date of the mailing for public comment prior to formal consideration of the application by Council.
- 3.5.7 Where an adjacent rural or urban municipality is within a 5 km radius of the boundary of the subject application, the Development Officer will provide written notice to the adjacent municipal administration for comment.
- 3.5.8 The Development Officer will prepare a report for Council concerning the application including recommendations of conditions that may be applied to an approval and shall include a copy of the District Planning Commission's written recommendation on the application.
- 3.5.9 Council shall consider the application along with the recommendations of the Development Officer and of the District Planning Commission, and any other written or verbal submissions received by Council.
- 3.5.10 Council shall make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use and that instructs the Development Officer to:
 - a. issue a development permit incorporating any specific development standards set forth by Council, where the development will comply with the standards of the Zoning Bylaw, subject to the limitations of Section 56 of the Act and advising the applicant of any right of appeal that he/she may have.
 - b. issue a development permit incorporating any specific development standards set forth by Council, where the applicant submits an amended application so that the development will comply with the standards of the Zoning Bylaw, subject to the limitations of Section 56 of the Act and advising the applicant of any right of appeal that he/she may have.
 - c. issue a notice of refusal to the applicant, stating the reasons for the refusal, and advising the applicant of any right of appeal that he/she may have.
- 3.5.11 The Development Officer shall provide a written copy of the decision of Council on the application to the District Planning Commission.
- 3.5.12 The Development Officer will set a date for the meeting at which the application will be considered by Council and will give written notice by regular mail to assessed owners of property within a 75.0 m radius of the boundary of the application.

3.6 LIMITATIONS ON DISCRETIONARY USE APPROVALS

3.6.1 Validity of Discretionary Permits

A new discretionary use approval is required from Council where Council has previously approved a discretionary use, or a specific discretionary intensity of use and:

- a. the use ceased and was replaced by another use
- b. the use ceased for a twelve (12) month period or more
- c. the use is not started within six (6) months of completion of the building required for the approved use
- d. a use requiring a construction of a building is not started within twelve (12) months
- e. the applicant applies to increase the specifically approved intensity of use.

3.6.2 Time Limited Discretionary Use

Where Council has approved a discretionary use for a limited time as provided in the Bylaw, and that time has expired, that use of land or use of buildings on that property shall cease until such time as Council gives a new discretionary use approval and a new development permit is issued.

3.7 DEVELOPMENT APPEALS

3.7.1 Council shall appoint a Development Appeals Board in accordance with Sections 213 to 227 of the Act.

3.7.2 A person who wishes to appeal to the Development Appeals Board shall, within 30 days of receiving the permit or refusal, file a written notice of intention to appeal with the secretary of the Board, together with a sum of not more than \$50.00 that the Board may specify to be applied to the expenses of the appeal.

3.7.3 The Development Appeals Board has the powers given by the Act to allow variances to the standards of the Zoning Bylaw, including standards and conditions specified for a permitted use or a discretionary use.

3.7.4 Nothing in this Section allows a Development Appeals Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a Zoning District.

3.7.5 Nothing in this Section allows a Development Appeals Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Zoning Bylaw for a Zoning District.

3.7.6 An application for a development permit for a permitted use shall be deemed to be refused when the Development Officer has not issued a decision more than 90 days from the date the application was received by the Development Officer in its complete and final form. An appeal may then be made as though the application had been refused at the end of 90 days.

3.8 FEES FOR APPLICATIONS

- 3.8.1 Where a person requests Council to amend the District Plan or Zoning Bylaw, that person shall pay to the Municipality a fee equal to the costs associated with the public advertisement of the proposed amendment pursuant to the requirements of Part X of the Act and, in addition, any required application fee as per the municipality's fee bylaw.
- 3.8.2 Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to the District Plan or Zoning Bylaw, at its own cost.
- 3.8.3 Where a person applies for a discretionary use or minor variance, they shall pay to the Municipality any required application fee as per the Municipality's fee bylaw

3.9 REFERRAL UNDER THE PUBLIC HEALTH ACT

A copy of all approved development permit applications involving the installation of water and sanitary services shall be made available by the Development Officer, should such information be requested by provincial officials under the Public Health Act and Regulations.

3.10 MINOR VARIANCES

- 3.10.1 The Development Officer may vary the requirements of this Bylaw subject to the following requirements:
 - a. A minor variance may be granted for the relaxation of the minimum required distance of a building from a lot line
 - b. The maximum amount of a minor variance shall be 10% variation from the requirements of this Bylaw
 - c. The development must conform to all other requirements of this Bylaw
 - d. The relaxation of the bylaw requirement must not injuriously affect a neighbouring property
 - e. No minor variance shall be granted for a discretionary use or form of development in connection with an agreement to rezone pursuant to the Act.
- 3.10.2 Upon receipt of a written request for a variance the Development Officer may:
 - a. Approve the minor variance;
 - b. Approve the minor variance and impose terms and conditions on the approval; or
 - c. Refuse the minor variance
- 3.10.3 Where a minor variance is refused, the Development Officer shall notify the applicant in writing, providing reasons for the refusal.
- 3.10.4 Where a minor variance is approved, with or without terms and conditions, the Development Officer shall provide written notice to the applicant and to the assessed owners of the property having a common boundary with the applicant's land that is the subject of the approval. The written notice shall contain:

- a. A summary of the application;
 - b. Reasons for and an effective date of the decision
 - c. Notice that an adjoining assessed owner has 20 days from the date of the decision to lodge a written objection with the Development Officer, which, if received, will result in the approval of the minor variance being revoked; and
 - d. Where there is an objection and the approval is revoked, the applicant shall be notified in writing of the revocation and of the right to appeal to the Development Appeals Board within 30 days.
- 3.10.5 A decision to approve a minor variance, with or without terms and conditions, does not take effect until 30 days from the date the notice was mailed.
- 3.10.6 If an application for a minor variance is refused or approved with terms and conditions, the applicant may appeal to the Development Appeals Board within 30 days of the date of that decision.

3.11 OFFENCES AND PENALTIES

Any person who violates this Zoning Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the Act.

3.12 PUBLIC WORKS AND INFRASTRUCTURE SERVICES

Installation of all public works and infrastructure services including but not limited to water, sewer, road grade, pavement, sidewalks, street lighting, signs, landscaping, drainage and any other items that Council may consider services may form part of any development permit issued according to the Bylaw and shall require a development permit if the installation is not part of another development permit issued according to this Bylaw.

3.13 FINANCIAL ASSURANCES

Council may require that a letter of credit, performance bond or other type of assurance that Council considers necessary, including the registration of an interest on the title of the affected lands, in order to ensure that the development is constructed and completed in accordance with the time frame and development standards provided for in the development permit.

3.14 LIABILITY INSURANCE

Council may require a developer to provide and maintain liability insurance to protect the Municipality, and the general public.

4 General Regulations

The following regulations shall apply to all Zoning Districts:

4.1 LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

- 4.1.1 Development must comply with the provisions of this Zoning Bylaw, whether or not a permit has been issued for the development.
- 4.1.2 Nothing in this Bylaw shall exempt any person from complying with the requirements of a building regulation Bylaw or any other Bylaw in force within the Resort Village of Tobin Lake or from obtaining any license, permission, permit authority or approval required by this or any other bylaw of the Resort Village of Tobin Lake. Where provisions in this Zoning Bylaw conflict with those of any other municipal, provincial or federal requirements; the higher or more stringent regulations shall prevail.

4.2 NON-CONFORMING BUILDINGS, SITES AND USES

- 4.2.1 Where a building has been erected on or before the effective date of this Zoning Bylaw on a site having less than the minimum dimensions or area, or having less than the minimum yards required by this Zoning Bylaw, the use may be continued and the building may be enlarged, reconstructed, repaired or renovated pursuant to the rights granted by Sections 91 to 93 of the Act. These rights are subject to the following:
 - a. the enlargement, reconstruction, repair or renovation does not further reduce the required yards that do not conform to this Zoning Bylaw
 - b. all other applicable provisions of this Zoning Bylaw are satisfied
 - c. issuing of a development permit required by this Zoning Bylaw.
- 4.2.2 Where a use or intensity of use is being undertaken for part of a lot or part of a building that conform to the bylaws in effect before this Zoning Bylaw or before an amendment to this Zoning Bylaw, that use may be continued. The use may not be enlarged, not relocated, or the part of the building housing the use may not undergo structural alteration as long as the use is continued, as provided for in Sections 89 and 90 of the Act. Any portion of the property or building may undergo development or reconstruction of the building for a use that does conform to the Bylaw.
- 4.2.3 Where a building was constructed or a lot created under a bylaw using the Imperial System of Measurement, a standard under that bylaw that was converted and rounded to an approximate metric measure in a subsequent bylaw, shall be deemed equivalent for the purpose of regulation of that lot or building.

4.3 FRONTAGE ON ROAD

No development permit shall be issued unless the lot intended to be used abuts or has frontage on an existing public road.

4.4 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A LOT

Not more than one principal use shall be established and not more than one principal building shall be placed on any one lot, with the exception of recreational facilities, seasonal campgrounds, tourist cabins, and gas bars.

4.5 BUILDING TO BE MOVED

No building, including, but not limited to any residential, commercial building, shall be moved within or into the area covered by this Zoning Bylaw without first obtaining a development permit, subject to the standards required for new construction, as well as inspection by the Village appointed Building Inspector, and to obtaining any other required municipal or provincial permit.

4.6 GRADING AND LEVELLING OF LOTS

Any lot proposed for development shall be graded and levelled at the owner's expense as is necessary to provide for adequate surface drainage, which drainage shall not adversely affect adjacent property.

4.7 GEOTECHNICAL ANALYSIS REQUIRED

If a proposed development is to be located on a lot that may be subject to flooding, earth movement or instability, or is otherwise unsuitable for development or hazardous for a proposed use, Council may require that a geotechnical report be completed and approved by a Professional Engineer in the Province of Saskatchewan, as a condition of the issuance of the development permit. The report shall indicate the suitability of the lot, or lots, for development and any remedial measures required to ensure suitability or to ensure that the natural resource base is not irreparably altered. Remedial measures may be specified and conditions in the development permit.

4.8 REQUIRED YARDS AND OPEN SPACE

4.8.1 Minimum Yards Required

No portion of any yard or open space required about any principal building or use shall provide any portion of a yard or open space for any other principal building or use.

4.8.2 Permitted Projections in Required Yards

The following projections in required yards are permitted subject to the setback or construction requirements of the National Building Code:

- a. in any front yard, a maximum projection from the main wall of 3.7 m for open porches, decks, or terraces. Projections exceeding 3.7m will be considered Discretionary Use and are subject to approval from Council.
- b. in any yard, a maximum projection from the main wall of 0.5 m for the construction of a chimney, roof overhang, or gutters
- c. in any yard, the construction of wheelchair ramps to main floor level, hand rails, uncovered driveways, or walkways.

4.9 ACCESSORY BUILDINGS AND STRUCTURES

- 4.9.1 Accessory buildings and structures shall be subordinate to, and located on the same lot as the principal building or use, and used in conjunction with that principal use.
- 4.9.2 An accessory building or structure shall not change the residential or commercial character of the building or site or create a nuisance in the neighbourhood.
- 4.9.3 Accessory buildings or structures may include a storage shed, detached private garage, recreation room, greenhouse or other similar use.
- 4.9.4 An accessory building or structure shall not be used for the storage of flammable products in excess of 100.0 litres.
- 4.9.5 An accessory building or structure shall not be used for human habitation and shall not be used for the housing of animals, birds or reptiles.
- 4.9.6 Fences are permitted in the front yard provided they do not exceed 1.0 m in height.
- 4.9.7 Fences are permitted in the side and rear yards provided they do not exceed 2.0 m in height and in no instance can a 2.0 m fence extend into the front yard.

4.10 DISCRETIONARY USES

- 4.10.1 The following evaluation criteria shall be considered by Council in the review of a discretionary use application:
 - a. the capacity of the existing roadway infrastructure to accommodate the proposed use;
 - b. the potential effects of the proposed use on air resources, soil resources, water resources, and natural and heritage resources;
 - c. the waste generated from the proposed use and the capacity of existing waste management resources; and
 - d. how the proposed use contributes to the social, economic, and physical sustainability of the Municipality.
- 4.10.2 Discretionary uses and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use to minimize land use conflict, Council may prescribe specific development standards related to:
 - a. site drainage of storm water
 - b. the location of buildings with respect to buildings on adjacent properties
 - c. the access to, number, surface treatment and location of parking and loading facilities including adequate access for pedestrian and vehicle traffic
 - d. vehicle access and egress points shall be provided in suitable locations so as to minimize traffic congestion and hazards

- e. appropriate space for vehicle line ups for drive through commercial facilities in order to reduce disruption of traffic flows on adjacent roadways
- f. the control of noise, glare, dust, refuse litter and odour
- g. the screening of parking, storage and other non-landscaped areas from adjacent properties and streets
- h. landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties and to maintain the character and amenity of the neighbourhood.

4.11 PROTECTION OF TREES AND VEGETATION

- 4.11.1 No person shall cut or remove any tree with a trunk diameter of more than 100 millimeters measured at the height of 1.0 m above grade, without having obtained a development permit pursuant to Section 3.2.
- 4.11.2 Section 4.11.1 shall not apply to the removal of dead trees, to the cutting of trees severely damaged by weather, to the normal pruning and maintenance of trees, or to the maintenance by the municipality of trees in public spaces.
- 4.11.3 The Development Officer may issue a development permit which provides for the cutting or removal of trees under any of the following conditions:
 - a. the removal is, in the opinion of the Development Officer, necessary to provide for access to the site, required off-street parking, or access thereto in conjunction with a permitted use on the site
 - b. the trees are located within the area of a building for which a development permit has been submitted, or is located on the property within 2.0 m of the proposed building
 - c. the trees are located on the property within 2.0 m of an existing building
 - d. the trees are, in the opinion of the Development Officer, dead, dying, severely diseased, or damaged so as to pose a safety hazard
 - e. the trees are too close together to allow proper growth, and the removal is for specific trees identified in the permit comprising less than one third (1/3) of the trees located on the property and regulated under Section 4.11.1.
- 4.11.4 No person shall clear more than 500 m² in area of land of natural bush, shrubs, or small trees on any parcel of land, except as may be required for the development of streets in an approved subdivision, or except as specifically provided for in an approved development permit.

4.12 SIGNS AND BILLBOARDS

All signs and billboards shall be subject to the following requirements:

- a. no more than one (1) permanent sign is permitted on any residential lot, and no more than two (2) permanent signs are permitted on an commercial lot

- b. 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
- c. no residential or home occupation sign shall have a facial area exceeding 0.4 m²
- d. no commercial sign shall have a facial area exceeding 4.0 m²
- e. no sign or billboard shall be located in any manner that may obstruct or jeopardize the safety of the public.

5 Zoning Districts

For the purpose of this Bylaw, the Resort Village of Tobin Lake 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.

Table 5-1 Zoning District Map Symbols

Symbols	Districts
UH	Urban Holding
R	Residential
C	Commercial

5.1 ZONING DISTRICT MAP

The map, bearing the statement, “This is the Zoning District Map referred to in Bylaw No. 5/2013”, adopted by the Resort Village of Tobin Lake signed by the Mayor and Administrator under the seal of the Village shall be known as the “Zoning District Map” and such map is hereby declared to be an integral part of this Bylaw.

5.2 BOUNDARIES OF THE ZONING DISTRICTS

- 5.2.1 The Boundaries of the Districts referred to together with explanatory legend, notation and reference are shown on the map entitled, “Zoning District Map”.
- 5.2.2 All streets, lanes, and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 5.2.3 In un-subdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.

5.3 UH - URBAN HOLDING DISTRICT

The purpose of the UH - Urban Holding District is to reserve un-subdivided and/or undeveloped lands for future development in compliance with the District Plan.

5.3.1 Permitted Uses

The following uses are permitted in the UH-Urban Holding District:

- a. field crop farming and cultivation of land, but not including the raising of animals or birds or an accessory dwelling unit

- b. recreation trails
- c. natural parks
- d. municipal facilities
- e. public works, excluding sewage lagoons and landfills

5.3.2 **Discretionary Uses**

The following uses are discretionary uses in the UH – Urban Holding District

- a. outdoor recreational uses including sports fields and golf courses
- b. seasonal campgrounds subject to Section 5.3.3
- c. landfills
- d. sewage lagoons, excluding septic tanks and sewage mounds
- e. clearing of land pursuant to Section 4.11.4

5.3.3 **Seasonal Campgrounds**

- a. The operator of a campground or trailer court shall provide the Development Officer with a plan of the site, identifying any buildings, uses of land and the location of all roadways and trailer coach sites with dimensions. The addition or rearrangement of sites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the operator shall submit for approval an amended plan incorporating the development.
- b. The minimum site area for a seasonal campground is 2 ha.
- c. A seasonal campground shall provide within its boundaries a buffer area abutting the boundary of the site boundary of not less than 4.5 m which shall contain no buildings
- d. A specific space for each trailer coach, dwelling and campsite permitted on the site shall be designated.
- e. Each space shall have a minimum area of not less than 150 m², unless the site is restricted to tents, in which case the minimum area of each space shall be not less than 60 m², and shall have its corners clearly marked upon the ground.
- f. No portion of any space shall be located within a roadway or required buffer area.
- g. Each space shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
- h. Each trailer coach shall be located a minimum of 4.5 m from any other trailer coach, and each space shall have dimensions sufficient to allow such location of trailer coaches.
- i. An area may be designated for the harbouring of mobile homes on a year to year lease. The minimum dimensions of each space within the area shall provide a space of a minimum of 400 m² for each mobile home.
- j. The space provided for roadways within a seasonal campground shall be a minimum of 7.5 m in width, or a minimum of 15.0 m in width where the roadway is located between mobile home space. No portion of any space, other use or structure shall be located in any roadway with the seasonal campground.
- k. A seasonal campground may include an accessory laundromat and confectionery designed to meet the needs of the occupants of the campground.

- I. *The Public Health Act* and its regulations shall be complied with in respect to all operations and development of the seasonal campground

5.3.4 **Site Development Regulations**

Development shall conform to the following requirements:

- a. Sewage lagoons and landfills shall be screened from public roadways and residential lots, except as is necessary for access to the facility
- b. There shall be no clearing of hazard lands, and no clearing of other lands without a development permit for a specific permitted or discretionary use
- c. Only cleared vacant land may be used for field crop farming. Bush and forest land shall not be cleared for farm uses.

5.3.5 **Standards for Discretionary Uses**

Council will consider applications for discretionary use in the UH - Urban Holding District with respect to the applicable regulations and specific standards in Sections 4 and 5.

5.3.6 **Rezoning of Land**

Council shall only consider a proposed rezoning of land from UH – Urban Holding District to another land use with respect to the following criteria:

- a. the proposed development will not be inconsistent with any future use as outlined in the District Plan
- b. the development will not require the development of new streets and utility lines except as may be provided in existing plans
- c. the proposal is not premature.

5.4 **R - RESIDENTIAL DISTRICT**

The purpose of the R- Residential District is to provide for residential development and related uses.

5.4.1 **Permitted Uses**

The following uses are permitted in the R-Residential District:

- a. single detached dwellings
- b. accessory trailer coaches subject to Section 5.4.5
- c. modular and Ready to Move (RTM) homes subject to Section 5.4.7
- d. municipal offices and facilities
- e. public parks, playgrounds, and day use picnic areas
- f. public works, excluding offices, warehouses and storage yards

5.4.2 **Discretionary Uses**

The following uses are discretionary uses in the R-Residential District:

- a. mobile homes subject to Section 5.4.6
- b. home based businesses subject to Section 5.4.8
- c. tourist cabins subject to 5.4.9

- d. community halls

5.4.3 **Prohibited Uses**

Pit privies are a prohibited use.

5.4.4 **Accessory Uses**

Accessory buildings and uses shall be permitted subject to Section 4.9.

5.4.5 **Accessory Trailer Coaches**

- a. One trailer coach that is not a mobile home and is used from time to time for a period not exceeding thirty (30) consecutive days for a temporary sleeping accommodation of guests of a single detached dwelling shall be permitted on the same lot
- b. Trailer coaches shall not be rented or leased for hire
- c. 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.

5.4.6 **Mobile Homes**

- a. All mobile homes shall be certified by the manufacturer to comply with CSA-Z240
- b. All mobile homes shall be connected to a septic pump out tank approved for permanent cottage use
- c. All mobile homes shall be securely anchored to the ground.

5.4.7 **Modular Homes and Ready to Move (RTM) Homes**

- a. All modular homes and RTM homes shall be certified by the manufacturer to comply with CSA-A277
- b. All modular homes and RTM homes shall be placed on a foundation at a standard comparable to a single detached dwelling
- c. All modular homes and RTM homes shall be connected to a septic pump out tank approved for permanent cottage use
- d. All modular homes and RTM homes shall have features similar or complementary to adjacent or neighbouring homes

5.4.8 **Home Based Businesses**

- a. Home based businesses shall be located in a residential dwelling unit or an accessory building to the principal dwelling unit, other than a tourist cabin
- b. Signage shall be in compliance with Section 4.12
- c. Other than the permitted signage, there shall be no exterior display, no exterior storage of material, and no exterior variation from the residential character of the residence

5.4.9 **Tourist Cabins**

- a. There shall be a minimum of 200 m² in area for each rental unit or other dwelling unit on the site
- b. One (1) parking space shall be located and maintained adjacent to each unit on the site
- c. No other commercial use shall be permitted on the site as an accessory or ancillary use to the tourist cabins
- d. There shall be a maximum of two (2) units in any building.
- e. Each building shall be located a minimum of 1.0 m from any other building on the site

5.4.10 **Outdoor Storage**

- a. No yard shall be used for the storage of unlicensed or uninsured vehicles unless they are in an enclosed building
- b. The storage of combustible material is prohibited in a required yard for an accessory building

5.4.11 **Site Development Regulations**

Table 5-2 Residential District Site Development Regulations

Minimums	Single Detached, Mobile Homes, Modular and RTM homes	Accessory Building to Residential Use	Tourist Cabins	All Other Uses
Site Area (sq. m)	450.0	N/A	900.0	No requirement
Site Frontage (m)	15.0	N/A	30.0	No requirement
Yard, Front (m)	6.0	6.0	6.0	No requirement
Yard, Rear non-abutting development (m)	4.5	1.5	4.5	No requirement
Yard, Rear Abutting development (m)	4.5	2.0	4.5	No requirement
Yard, Side (m)	1.5	1.5	1.5	No requirement

Floor Area (sq. m)	50.0 minimum	75.0 maximum or shall not exceed the area of the principal building	N/A	No requirement
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5.4.12 Off-Street Parking

- a. A minimum of one (1) parking space shall be provided and maintained on each lot for each dwelling unit, mobile home, modular home, and Ready to Move (RTM) home.
- b. A parking space shall be a minimum of 2.5 m in width and 6.0 m in length.
- c. Parking spaces may be enclosed and may be in tandem.

5.4.13 Standards for Discretionary Uses

Council will consider applications for discretionary use in the R - Residential District with respect to the applicable regulations and specific standards in Sections 4 and 5 with a view to maintaining the residential character of the district.

5.5 C - COMMERCIAL DISTRICT

The purpose of the C - Commercial District is to accommodate and regulate commercial development in the village.

5.5.1 Permitted Uses

The following uses are permitted in the C - Commercial District:

- a. community halls
- b. municipal offices and facilities
- c. motels
- d. tourist cabins subject to Section 5.4.9
- e. confectioneries
- f. restaurants
- g. bait and tackle shops
- h. boat rental and service shops
- i. parks and playgrounds, day use picnic areas, and sports fields
- j. public works, excluding warehouses and storage yards

5.5.2 Discretionary Uses

The following uses are discretionary uses in the C - Commercial District:

- a. docks, boat launch facilities, and marinas with or without motor fuel sales
- b. single detached dwelling units accessory to a commercial use
- c. seasonal campgrounds subject to Section 5.3.3

- d. gas bars as a principal use or associated with a permitted commercial use on the same site, subject to Section 5.5.4

5.5.3 **Accessory Uses**

Accessory buildings and uses shall be permitted subject to Section 4.9.

5.5.4 **Gas Bars**

- a. All gas bars shall provide that fuel pumps or other accessory structures for the delivery of fuels to vehicles, and any fuel tanks located above ground, shall be located a minimum of 6.0 m from a lot line, and a minimum of 4.5 m from the principal building.
- b. A canopy roof structure may be placed over the fuel pumps and refueling areas, in any yard subject to the canopy being a minimum of 3.0 m from the lot line and the structure not being attached to any wall, except to a wall forming part of the principal building.
- c. At a gas bar, there shall not be storage of dismantled vehicles, used automobile parts or other such articles, except within an enclosed building used for a service station.
- d. Any parking spaces shall be located where they will not interfere with access to fuel pumps and other dispensing facilities.

5.5.5 **Site Development Regulations**

Table 5-3 C - Commercial District Site Development Regulations

Minimums	Motels, Tourist Cabins	Gas Bars and Commercial Uses with Gas Bars	Parks, Playgrounds, Marinas, Community Halls, Municipal Buildings and Facilities, Public Works	Other Commercial Uses
Site Area (sq. m)	900.0	700.0	No requirement	450.0
Site Frontage (m)	30.0	23.0	No requirement	15.0
Yard, Front (m)	6.0	6.0	No requirement	6.0
Yard, Rear (m)	4.5	4.5	No requirement	4.5
Yard, Side (m)	1.5	1.5	No requirement	1.5
Minimums	Motels, Tourist Cabins	Gas Bars and Commercial Uses with Gas Bars	Parks, Playgrounds, Marinas, Community Halls, Municipal Buildings and Facilities, Public Works	Other Commercial Uses

			Works	
Maximum Lot Coverage	35%	35%	No requirement	35%

5.5.6 Standards for Discretionary Uses

Council will consider applications for discretionary use in the C - Commercial District with respect to the applicable regulations and specific standards in Sections 4 and 5 and with respect to the following criteria:

- a. the separation distance to residences, tourist facilities, and restaurants
- b. locations with direct access to a public roadway or roadway frontage are preferred
- c. the proposed operation shall not emit levels of noise, odour, or dust not common to the other permitted uses in the Zoning District
- d. the character of a resort village serving its residents shall be maintained

6 Effective Date of the Bylaw

6.1 REPEAL

Bylaw No. 4/93 is hereby repealed.

6.2 COMING INTO FORCE

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

Mayor

Seal of Resort Village of Tobin Lake

Administrator

INTRODUCED AND READ a first time this 20th day of June, 2013.

READ A SECOND TIME this 23rd day of September, 2013.

READ A THIRD TIME this 17 day of July, 2014.

A

Appendix A - Zoning Map