

BYLAW NO. 1/2009

A BYLAW RESPECTING ZONING IN THE RESORT VILLAGE OF THODE

SHORT TITLE

1. This bylaw may be cited as "The Zoning Bylaw"

INTERPRETATION

2. In this bylaw:

- (a) **Accessory Building or Use**

"Accessory building or use" means a "building" or "use" which:

- (i) is subordinate to and serves the principal building or principal use;
- (ii) is subordinate in area, extent and purpose to the principal building served;
- (iii) contributes to the comfort, convenience or necessity of occupants or the principal building or use served;
- (iv) is located on the same site as the principal building or principal use served.

- (b) **Alteration or Altered**

"Alteration or altered" with reference to a building means a change from one major occupancy class or division to another, or a structural change such as an addition to the area or height or the removal of part of a building, or any change to the structure such as the construction or, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any required means of egress or a change to the fixtures, equipment, cladding or trim where they are regulated by the bylaw.

- (c) **Amenity Area**

"Amenity area" means that land area, patio, balcony, terrace, deck area or internal building space, set aside exclusively for the purpose of providing recreation space on the site.

- (d) **Applicant**

"Applicant" means a person who applies for a Permit pursuant to this Bylaw.

- (e) **Balcony**

"Balcony" means a platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.

- (f) **Boat House**

"Boat house" means any structure used for or intended for sheltering a boat or boats and accessory equipment.

- (g) **Building**

"Building" means any structure used or intended for supporting or sheltering any use or occupancy as set forth in this bylaw, and includes any structure having walls and covered by a roof or roofs.

- (h) **Building Floor Area**

"Building floor area" means the sum of the gross horizontal area of the several floors of a building excluding the floor area used or devoted to storage, swimming pools, a porch, a sunroom, a verandah, an unfinished attic, cellars and off-street parking. For the purposes of this bylaw, the term "storage" means the keeping or placing of trunks, luggage or similar articles in a place designed therefore, but shall exclude clothes closets, linen closets, broom closets, kitchen and bathroom cupboards of whatsoever nature and like household closets and cupboards.

- (i) **Building, Front Line**

"Front building line" means the line of the wall of the building, or any projecting portion of the building and production thereof, excluding permitted obstructions, which faces the front site line.

- (j) **Building, Height of**

"Height of a building" means the vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

- (k) **Building, Principal**

"Principal Building" means a building in which is conducted the main or primary use of the site on which said building is situated.

- (l) **Building, Rear Line**

"Rear building line" means the line of the building or any projecting portion of the building and production thereof excluding permitted obstructions which faces the rear site line.

- (m) **Building, Side Line**

"Side building line" means the line of a wall of the building, or any projecting portion of the building or production thereof, excluding permitted obstructions, which faces the side site line.

- (n) **Community Center**
"Community center" means a building or facility used for recreational, social, educational or cultural activities and which is owned by The Resort Village of Thode.
- (o) **Construct**
"Construct" means to build, erect, place or locate a building or structure on a site.
- (p) **Council**
"Council" means the council of The Resort Village of Thode.
- (q) **Development**
"Development means the carrying out of any building, engineering, mining, or other operation 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.
- (r) **Development Officer**
"Development Officer" means the officer of the Resort Village of Thode appointed pursuant to this Bylaw to administer this Bylaw.
- (s) **Development Permit**
"Development Permit" means a permit, issued by the Council of the Resort Village of Thode or its designate that authorizes development but does not include a building permit.
- (t) **Discretionary Use**
"Discretionary Use means 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, contained in this bylaw; and which may be subject to specific development standards.
- (u) **Dwelling**
"Dwelling" means a building used or intended for residential occupancy.
- (v) **Dwelling Unit**
""Dwelling unit" means one or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with cooking, living, sleeping and bathroom facilities, provided however dwelling units shall not include dormitories, boarding houses, boarding apartments, hostels, houses or residences for fraternities, religious communities or organizations, students or other groups.
- (w) **Dwelling, One Unit**
"One unit dwelling" means a separate building designed for or occupied exclusively as one (1) dwelling unit.
- (x) **Erected**
"Erected" means built, constructed or reconstructed, and includes:
(i) the removal of a structure from one lot and relocating it on another lot; and
(ii) any physical operation such as excavating, filling or draining, preparatory to commencing the work of erecting, building or constructing a building or structure.
- (y) **Floor Area Ratio**
"Floor area ratio" means the quotient of the principal building floor area divided by its site area.
- (z) **Frontage**
"Frontage" means all the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterways, end of a dead-end street or city boundary, measured along the street.
- (aa) **Frontage, Site**
"Site frontage" means the horizontal distance between the side site lines of the site measured along the front site boundary.
- (bb) **Home Occupation**
"Home occupation" means a use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes, and does not change the character thereof.
- (cc) **Lane or Alley**
"Lane or alley" means a public way which affords a secondary means of access to a site.
- (dd) **Lot**
"Lot" means a parcel of land of a subdivision, the plan of which has been filed or registered in the Land Titles Office for the Saskatoon Land Registration District.
- (ee) **Off-Street Parking Space**
"Off-street parking space" means a space for the parking of one automobile, excluding a garage.
- (ff) **Retaining Wall**
"Retaining Wall" is a wall of strong construction intended to hold back soil or keep a certain amount of earth in place in order to create a safe, more stable or more level area.

- (gg) **Sign**
"Sign" means 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.
- (hh) **Site**
"Site" means an area of land under one ownership considered as a unit, having its principal frontage upon a public street or place.
- (ii) **Site, Corner**
"Corner site" means a site at the intersection or junction of two (2) or more streets.
- (jj) **Site, Depth of**
"Depth of site" means the average horizontal distance between the front site line and the rear site line of a site measured within site boundaries.
- (kk) **Site, Interior**
"Interior site" means a site other than a corner site.
- (ll) **Site, Through**
"Through site" means a site not more than one (1) lot in depth, having a frontage on two (2) streets more or less parallel.
- (mm) **Street**
"Street" means a road, pathway, driveway, square, road allowance or public highway vested in Her Majesty or set aside for such purposes and includes a bridge or other public improvement erected upon or in connection with such public highway.
- (nn) **Structure**
"Structure" means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavement, curbs, walks or open-air surfaced areas.
- (oo) **Vehicle**
"Vehicle" means and includes motor vehicles (as defined by the Motor Vehicle Act) trailer coaches, semi-trailers, fire engines, fire department apparatus, road rollers, street sprinklers and motor boats.
- (pp) **Yard**
"Yard" means an unoccupied space to the sky on the same site with a building or structure.
- (qq) **Yard, Front**
"Front yard" means the area between the side site lines and the front site line to the front building line.
- (rr) **Yard, Rear**
"Rear yard" means the area between the side site lines and the rear site line to the rear building line.
- (ss) **Yard, Side**
"Side yard" means the area between the front and rear yards and between the side site line and the side building line.
- (tt) **Yard, Required**
"Required yard" means a yard or yards required by this bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

2.1 In this Bylaw "m" means meter and "m2" means square meters.

GENERAL PROVISIONS

3. Establishment of Districts

For the purpose of providing for the amenity of the area, being the entire area within the limits of The Resort Village of Thode, and to carry out the principles incorporated in the Basic Planning Statement of The Resort Village of Thode, which statement is attached hereto as Schedule I to this Bylaw, The Resort Village of Thode is hereby divided into the following types of districts:

- (a) R - Residential
- (b) PR - Public Reserve
- (c) BH - Boat House
- (d) UR - Urban Holding

4. Zoning Map

The districts referred to in Section 3 hereof are bounded as shown on the Zoning Map which is annexed hereto and forms part hereof.

5. Application of Regulations

- (a) No person shall erect, construct, locate, alter, reconstruct or maintain any building or structure or locate or carry on any industry, business, trade or calling, or use any land or building, within any district, save as hereinafter permitted by this Bylaw.
- (b) No building shall hereafter be erected or altered:
 - (i) to exceed the height; or
 - (ii) to accommodate or house a greater number of dwelling units; or
 - (iii) to occupy a greater percentage of site area; or
 - (iv) to have narrower or smaller rear yards, front yards, or side yards; or
 - (v) to have a building floor area; that is less than is specified herein for the district which the building is located.
- (c) No more than one (1) principal building shall be located on any site.
- (d)
 - (i) No accessory building or structure shall be constructed, erected or moved on to any site prior to the time of construction of the principal building to which it is accessory.
 - (ii) Unless otherwise permitted in any R District, no detached accessory building or structure shall:
 - exceed thirteen (13) feet (4.0 m) in height from grade level to the underside of the eaves;
 - have any part of its roof in excess of sixteen (16) feet (4.9m) in height;
 - be more than one (1) story in height.On a corner site, no accessory building shall be erected in or encroach on the required side yard which is adjacent to the street.
 - (iii) The installation and operation of a microwave satellite dish, solar collector, wind charger and their supporting structures shall be permitted in the R District subject to the following:
 - such structure shall not be located in any front yard, side yard and, in the case of a corner site, in any portion of the rear yard which is within ten (10) feet (3.0 m) of the side property line adjacent to a flanking street unless it is screened from the flanking street.
 - such structures, if free standing, shall not exceed a height of sixteen (16) feet (4.9 m) above grade level.
 - such structures, if attached to a principal building shall not exceed a height of six (6) feet (1.8 m) above the lowest elevation of roof surface of a flat roof; the decking of a mansard roof; and the eaves of a gable, hip or gambrel roof.
 - such structures, if attached to or erected upon an accessory building, shall not exceed the maximum permitted height of the accessory building upon which such structure is attached or erected.
- (e) No person shall erect, construct, alter or occupy a building or structure on a site that does not abut on an existing public road.
- (f) Permitted Obstructions:

The following shall not be considered to be obstructions and shall not be considered in the determination of yard dimensions or open space:

 - (i) In all yards - Retaining walls and steps five (5) feet (1.5 m) or less above grade level which are necessary for access to a permitted building or for access to a site from a street or lane.

- (ii) In a front yard - none of the following shall be considered to be an obstruction and none of them shall be considered in the determination of front yard dimensions or open space:
 - (a) Overhanging eaves and gutters projecting not more than four (4) feet (1.2m);
 - (b) Lighting fixtures, lamp posts, raised patios, decks, canopies or balconies having not more than six (6) feet (1.8 m) of projection;
 - (c) Sills, belt courses, pilasters or other similar vertical columns, cornices and chimneys projecting not more than two(2) feet (0.6m).

- (iii) In a rear yard - none of the following shall be considered to be an obstruction and none of them shall be considered in the determination of rear yard dimensions or open space:
 - (a) Raised patios and decks more than two (2) feet (0.6 m) in height above grade and canopies and balconies having not more than ten (10) feet (3.0 m) projection;
 - (b) Raised patios and decks measuring two (2) feet (0.6 m) or less in height above grade provided they do not project to within ten (10) feet (3.0 m) of the rear site line;
 - (c) Overhanging eaves and gutters, sills, belt courses, pilasters or other similar vertical columns, cornices and chimneys projecting not more than three (3) feet (1.0 m) into the yard;
 - (d) On interior sites, enclosed private swimming pools when attached to the principal building projecting not more than ten (10) feet (3.0 m) into the yard;
 - (e) Laundry drying equipment, recreational equipment private swimming pools and tennis courts, when open to the sky.

- (iv) In a side yard - none of the following shall be considered to be an obstruction and none of them shall be considered in the determination of side yard dimensions or open space:
 - (a) Raised patios and decks two (2) feet (0.6 m) or less in height above grade;
 - (b) Raised patios and decks more than two (2) feet (0.6 m) in height above grade and canopies and balconies provided they do not project more than twenty-five percent (25%) of the required yard.;
 - (c) Sills, belt courses, pilasters or other similar vertical columns, cornices, eaves and chimneys projecting not more than two (2) feet (0.6 m) into the yard;
 - (d) Laundry drying equipment, recreational equipment, private swimming pools and tennis courts, when open to the sky.

- (g) No side or front yard shall be used for the storage or collection of goods or commodities or other form of materials.

- (h) The following regulations shall apply to all home occupations:
 - (i) Home occupations shall be carried on only by residents of the dwelling.
 - (ii) Home occupations shall be conducted entirely within the dwelling and shall not be permitted in any accessory building.
 - (iii) There shall be no exterior display, no exterior storage of materials or no other exterior indication of a home occupation or variation from the residential character of the dwelling.
 - (iv) No offensive noise, vibration, smoke, dust, electrical interference, odors, heat or glare shall be produced as a result of carrying on a home occupation.
 - (v) No internal or external alterations nor any construction features in connection with the home occupation shall be permitted in any dwelling when such alterations or construction features are not customarily found in dwellings.
 - (vi) The operation of a home occupation shall not require the provision or installation of special utilities or equipment not customarily found in dwellings.

- (i) The following provisions shall apply regarding landscape for all dwellings within the R District:
 - (i) An applicant for a **Development** Permit shall submit a landscape design plan for those portions of the building site not covered by buildings.
 - (ii) The landscape design plan shall indicate all physical features, including both existing and proposed grades, planting and construction material.
 - (iii) The landscaping area shall be developed within three (3) years of the issuance of the Development Permit by The Resort Village of Thode and shall be maintained in a neat and tidy condition at all times.

- (j) Amenity areas shall not be used for the purpose of vehicle repair, garbage or maintenance buildings.

- (k) 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.

DEVELOPMENT PERMIT REQUIREMENTS

6. The Administrator of the Resort Village of Thode shall be the Development Officer responsible for the administration of this bylaw.
7. (1) No person shall commence to:
- (a) Construct, erect, or alter a building or structure within The Resort Village of Thode;
 - (b) Move a building or structure into or within, or out of The Resort Village of Thode;
 - (c) Employ a building, a structure or land within The Resort Village of Thode for any purpose; or
 - (d) Demolish a building or structure within The Resort Village of Thode;
- unless a Development Permit has been obtained.

- (2) A building Permit shall not be issued unless a development permit, where required, has also been issued.
- (3) If the development use authorized by a development permit is not commenced within six months from the date of its issue, and completed within twelve months of its issue, the permit is deemed void unless an extension to the period has first been granted.

APPLICATIONS

- (4) The application for a development permit shall be made, to the Development Officer, in Form A as attached to and forming part of this bylaw. The application shall be accompanied by two copies of a lot or building plan showing dimensions and locations of existing and proposed buildings and structures as well as lot lines. Where no new construction is proposed, the applicant shall supply a written description of the proposed development in place of such plans.
- (5) Where the application is for a Discretionary Use the applicant shall also provide a written description of the proposed development, describing the intended use and operations, structures to be located on the lot, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.
- (6) Applications shall list all contractors and sub-contractors, and each of these shall have a valid business license if required by the town administration.
- (7) Applications shall include a surveyor's certificate or equivalent for the property in question.

Review of Applications

- (8) The Development Officer is responsible for reviewing all applications to ensure that the proposed development complies with all applicable regulations and provisions of this bylaw and the policies contained in the Basic Planning Statement.
- (9) Where the application is for a discretionary use, the Development Officer shall submit the application, along with all other relevant material to Council.
- (10) The Development Officer shall forward a copy of all approved development permit applications involving installation of water and sanitary services to the local Health Region.

Decision

- (11) The decision on all applications shall be made in writing to the applicant, in Form B, as attached to and forming part of this bylaw.
- (12) Where the application is for a PERMITTED USE the Development Officer shall, upon completion of the review forward the application to Council for consideration at its next meeting, whereby the Council shall:
- (a) issue a development permit where the application conforms to all provisions of this bylaw;
 - or
 - (b) issue the development permit specifying any special regulations or standards to which the development or use must comply, where the class of development or use is subject to special regulations, performance standards or development standards that are specified in this bylaw; or
 - (c) refuse the application where the provisions of this bylaw are not met, indicating to the applicant the reason for the refusal.
- (13) Prior to making a decision, where the application is for a DISCRETIONARY USE, Council may refer the application to whichever Government Agencies or interested groups as Council may consider appropriate.
- (14) Where the application is for a DISCRETIONARY USE the Council shall pass a resolution instructing the Development Officer to either:
- (a) issue a development permit incorporating any special development standards prescribed by Council in accordance with the provisions of this bylaw; or
 - (b) refuse the application, indicating the reasons for the refusal.
- (15) Every decision shall be in writing and a copy shall be sent to the applicant.
- (16) A development permit is valid for a period of twelve months.

Revocation of Decision

Where in the opinion of the Development Officer, an approved development is not being developed in accordance with the provisions of this bylaw, or with the standards and conditions specified in the development permit, the Development Officer may revoke or suspend the development permit and shall so notify the permit holder that the permit is no longer in force by the issuance of a stop work order. The development permit shall not be reissued or reinstated until all deficiencies have been corrected. Where the Development officer is satisfied that a development, for which the permit has been suspended, will be carried out in conformity with the conditions of the permit and the requirements of this bylaw he/she may reinstate the development permit and notify the permit holder that the permit is valid and in force.

ZONING APPEALS BOARD

8.
 - (a) A Zoning Appeals Board is hereby established consisting of not less than three (3) and not more than nine (9) members appointed by Council.
 - (b) No member of Council shall serve as a member of the Zoning Appeals Board.
 - (c) 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 (3) 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 (6) consecutive years.
 - (d) A majority of Zoning Appeals Board members constitutes a quorum.
 - (e) Each member of the Zoning Appeals Board shall receive:
 - (i) Any salary or remuneration; and
 - (ii) Any reimbursement for traveling and other expenses incurred by him in the performance of his duties; that may be approved by Council.
 - (f) 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.
 - (g) The Zoning Appeals Board shall appoint a person as secretary.
 - (h) The Zoning Appeals Board may engage any consultants or other officers and employees that it considers necessary to exercise its functions, duties or powers.
 - (i) 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.
 - (j) The Zoning Appeals Board shall keep a record of its proceedings and shall file that record in its office.
 - (k) The Zoning Appeals Board shall make any records kept pursuant to subsection (j) available for public inspection.

9.
 - (a) A person who:
 - (i) alleges that the Council or any person acting for or on behalf of the Council has misapplied this Bylaw; or
 - (ii) 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 fifty (\$50.00) dollars, that the Zoning Appeals Board may prescribe.
 - (b) The Zoning Appeals Board shall fix a day for the hearing of an appeal made pursuant to subsection (a) which shall not be later than thirty (30) days after the date of the filing of the notice of appeal.
 - (c) Not later than fourteen (14) days before the day fixed for the hearing of an appeal made pursuant to subsection (a), the Zoning Appeals Board shall give notice of the hearing:
 - (i) By advertisement inserted at least once a week for two (2) 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
 - (ii) By serving a copy of the notice on each assessed owner of property within a radius of three hundred (300) feet (91.0 m) from the property in respect of which the appeal is made.
 - (d) Not later than ten (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.
 - (e) 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.
 - (f) The Zoning Appeal Board shall, with respect to the original or copy of any map, plan, drawing or other material filed or transmitted pursuant to subsection (d) or (e);
 - (i) Unless it orders otherwise, retain the written material as part of its permanent records; and
 - (ii) Pending the hearing of the appeal, make available all the written material for public inspection.
 - (g) An appeal hearing is required to be open to the public.

- (h) 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 adjourn the hearing and reserve its decision.
- (i) 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.
- (j) The Zoning Appeals Board shall not grant an appeal to a person who appeals under Paragraph 9)(ii) where, in the opinion of the Zoning Appeals Board:
 - (i) The unusual condition that is the subject of his appeal is the result of his or the property owner's own actions;
 - (ii) The adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighboring properties in the same district; or
 - (iii) 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 neighboring properties.Where one of these above conditions exists, no appeal shall be heard.
- (k) 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.
- (l) 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.
- (m) In the event of a tie, the chairman, or, in his absence, the acting chairman has a casting vote.
- (n) 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 Saskatchewan Water Corporation, and the parties to the appeal within ten (10) days of the date on which the decision was rendered and to any interested person upon the request of that person.
- (o) An appeal granted by the Zoning Appeals Board does not become effective until:
 - (i) The expiration of thirty-five (35) days from the date on which the decision is made; or
 - (ii)** the decision is appealed to the Saskatchewan Municipal Board, whichever comes first.
- (p) The board shall in making a decision advise the applicant and any party to the appeal of the right of appeal to the Saskatchewan Municipal Board.

RESTRICTIONS IN ZONING DISTRICTS

RESIDENTIAL (R DISTRICT)

10. The following regulations shall apply in an R District.

- (a) In an R District, only the following buildings and uses of buildings and land are permitted:
 - (i) Detached one-unit dwellings;
 - (ii) Accessory buildings and usages;
 - (iii) A home occupation where Council by resolution approves the use and its location.
- (b) (i) The principal building on a site shall have a building floor area of not less than seven hundred sixty-eight (768) square feet (71 m²).
- (ii) Accessory buildings and usages shall be subject to the following provisions:
A private garage or other accessory building not constructed as part of, or attached to the principal building, shall be situated not less than twenty (20) feet (6.1 m) from the front site line.
- (c) **Site Frontage:**
A site for a dwelling shall have a frontage of not less than fifty (50) feet (15.2 m).
- (d) **Site Area:**
A site for a dwelling shall have an area of not less than four thousand nine hundred fifty (4,950) square feet (460 m²).
- (e) **Front Yard:**
A front yard shall be provided of not less than twenty (20) feet (6.1 m) in depth.
- (f) **Side Yard:**
A side yard shall be provided on each side of a dwelling of a width of not less than six (6) feet (1.8 m).
- (g) **Rear Yard:**
A rear yard shall be provided of not less than twenty (20) feet (6.1 m) in depth.
- (h) **Height:**
The height of a building shall not exceed thirty-six (36) feet (11.0 m) and shall not be more than two and one-half (2.5) stories.
- (i) **Open Space:**
 - (i) An open space shall be provided of not less than sixty (60%) percent of the area of the site, provided however that where a site is used for a roofed private swimming pool or roofed patio, either attached to the principal building or as an accessory building, such open space requirement may be reduced by the percentage of the area of the site covered by such roofed swimming pool or patio but the total open space on a site shall, in any event, not be less than fifty (50%) percent.
 - (ii) Where a roofed swimming pool or roofed patio is erected or constructed as an accessory building, it shall comply with all the requirements for accessory buildings.
- (j) **Residential Nameplate and Identification Signs:**
For residential buildings there shall be permitted only one (1) nameplate sign and such sign shall not exceed two (2) square feet (0.2 m²) in area for each dwelling unit, and shall indicate only the name and address of the occupant. On a corner site, two (2) such nameplates or signs shall be permitted for each dwelling unit, one facing each street.
- (k) **"For Sale" and "To Rent" Signs:**
There shall be permitted only one "For Sale" or "To Rent" sign per site pertaining to the sale or rent of the real property on which it is situated. No such sign shall exceed three (3) square feet (0.3 m²) in area nor be located closer than eight (8) feet (2.4 m) to any site line.
- (l) No sign shall be located in a manner that obstructs the vision of or jeopardizes the safety of any person.
- (m) **Parking:**
 - (i) In an R District, every person who owns a site shall provide one off-street parking space on the site.
 - (ii) Side, rear and front yards may be used for the purpose of required off-street parking spaces.

BOAT HOUSE DISTRICT (BH DISTRICT)

11. The following regulations shall apply in a BH District:

- (a) In a BH District only the following buildings and uses of buildings and lands are permitted:
 - (i) A boat house, pier or boat launching ramp;
 - (ii) An accessory building, accessory structure or accessory use specifically approved by the Council.
- (b) Notwithstanding anything in this section, the following buildings and uses of buildings and lands shall not be considered as permitted uses;
 - (i) Dwelling units;
 - (ii) Camping areas.
- (c) **Site Frontage:**
A site for a boat house shall have a frontage of not less than twenty (20) feet (6.1 m) and a width of twenty (20) feet (6.1 m) through out.
- (d) **Site Area:**
A site for a boat house shall have an area of not less than one thousand (1,000) square feet (93.0 m²).
- (e) **Side Yard:**
A side yard shall be provided on each side of a boat house of a width of not less than three (3) feet (1.0 m) from any side site line.
- (f) **Rear Yard:**
A rear yard shall not be required abutting the lake side.
- (g) **Front Yard:**
A front yard shall be provided of not less than twenty (20) feet (6.1 m) in depth from the front site line.
- (h) **Height:**
The height of a boat house shall not exceed fifteen (15) feet (4.6 m) nor be more than one (1) story.
- ij) **Signs:**
 - (i) In a BH District, no person shall erect or place on any site more than one (1) nameplate sign and such sign shall not exceed two (2) square feet (0.2 m²) in sign face for each boat house and shall indicate only the name and address of the owner of the boat house.
 - (ii) There shall be permitted only one (1) "For Sale" or "To Rent" sign per site pertaining to the sale of rent of the real property in which boat house is situated. No such sign shall exceed three (3) square feet (0.3 m²) in area and not to be located any closer than two (2) feet (0.6 m) to any site line.
 - (iii) No sign shall be located such that it obstructs the vision of or jeopardizes the safety of any person.

PUBLIC RESERVE DISTRICT (PR DISTRICT)

12. The following regulations shall apply in a PR District.

- (a) The following uses of lands, buildings or structures may be permitted by Council only at its discretion and at the location or locations specified by Council:
 - (i) Recreational uses;
 - (ii) Parks;
 - (iii) Playgrounds, play fields, golf courses, miniature golf courses and driving ranges.
- (b) For PR Districts signs shall be permitted subject to the conditions of this paragraph 17(b). Only one (1) freestanding sign other than directional signs shall be permitted for each Permit granted by Council. Such sign may only advertise or display the principal use or uses on which it is located and shall not exceed four (4) feet (1.2 m) in height and no single face of such sign shall exceed eight (8) square feet (0.7 m²) in sign face area. No sign shall be located in such a manner that it obstructs the vision of or jeopardizes the safety of any person.

URBAN HOLDING DISTRICT (UR DISTRICT)

- 13. (a) The purpose of the Urban **Holding** District is to allow for future residential development. Only residential development shall take place in this area and shall be in accordance with the requirements of an R District.
- (b) Such development shall take place only after approval by the electorate of The Resort Village of Thode in accordance with Section 3 of the Basic Planning Statement.

NON-CONFORMING USES

14. (a) Notwithstanding any other provisions of this Bylaw, where, on the date that this Bylaw comes into force, any building or structure or land excluding land in PR District 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.
- (b) Where a use is continued pursuant to subsection (a):
- (i) The use is limited to the use being exercised on the date this Bylaw comes into force;
 - (ii) 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;
 - (iii) Any building or structure that is part of the use is not to be altered; and
 - (iv) The use is to be discontinued where:
 - (a) The buildings or structure used are damaged by fire or by any occurrence other than fire to the extent of at least fifty (50%) percent of their assessed value; or
 - (b) 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 (9) months.
15. (a) Subject to subsection (b), this Bylaw does not apply to the inspection, repair, renewal of sewers, water mains, cables, pipes, wires, tracks or other similar apparatus connected with a public utility.
- (b) No person shall establish a new public utility unless he obtains the written approval of the Council.
16. No Building or Moving Permit shall be issued pursuant to the Building Bylaw unless it complies with all requirements of this Bylaw.
17. (a) 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.
- (b) A document or order served by registered mail is deemed to have been received on the seventh (7) 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.
- (c) Irregularity in the service of an order does not affect the validity of an otherwise valid order.

GENERAL

18. The granting of a Permit which is authorized by this Bylaw shall not:
- (a) Entitle the grantee, his successor or assigns or anyone in his behalf to erect any building that fails to comply with the requirements of any building restriction agreement affecting the site described in the Permit; or
 - (b) Make either the municipality or any of the municipality's officials liable for damages or otherwise by reason of the fact that a building, the erection of which has been authorized by permit, does not comply with the restrictions of any building restriction agreement.

ENFORCEMENT OF BYLAW

19. (a) If any building, or part thereof, or addition thereto is erected, altered, or placed in contravention of any provision of this Bylaw, The Resort Village of Thode may cause a notice in writing to be delivered to the owner personally or by registered letter addressed to him at his place of business or his last known place of residence, requiring him within a period of time mentioned therein, being at least three (3) days from the date of delivery or mailing thereof, by a statement in writing under his hand or that of his agent and served upon The Resort Village of Thode to show sufficient cause why such building or part thereof or addition thereto should not be pulled down or removed.
- (b) If at the expiration of the time mentioned in the notice such person shall have failed to show sufficient cause why such building, part thereof, or addition thereto should not be pulled down or removed, The Resort Village of Thode shall give such person notice that at the expiration of a further period of at least ten (10) days from the date of delivery of such notice or mailing thereof that if such building or addition thereto has not been pulled down or removed, it will then cause same to be done at the expense of such person.
- (c) If any person fails to do anything required by this Bylaw to be done by him The Resort Village of Thode may cause such thing to be done at his expense, and may recover the expense thereof with costs by action in any court or in like manner as municipal taxes.

SPECIAL REQUIREMENTS

20. Notwithstanding any of the provisions of the National Building Code as , the special provisions of this section of this Bylaw shall have precedence over any of the provision of the Code or provisions contained in any other section of this Bylaw and, in the event of a conflict of interpretation of same, the requirements of this section shall prevail.
- (a) The Council may be required to order certain buildings which are considered dangerous or unsafe to be satisfactorily repaired or demolished. Before action is taken on this matter, the Council may have an independent engineer or architect certify that the building is actually considered dangerous or unsafe.
 - (b) Where a permit application is received requesting authorization to move a building which is considered dangerous or unsafe, the Council may refuse issuance of said permit.
 - (c) Where an application is received to install a temporary or portable building or structure within the boundaries of The Resort Village of Thode the following will apply:
 - (i) A permit must be obtained before a temporary building or structure of any type is placed within the Resort Village boundaries.
 - (ii) The permit is valid for a period of eight (8) months only, from date of issue, and building must be removed before or at date of expiry.
 - (iii) The permit applicant must sign a witnessed statement agreeing to remove said temporary building or structure as per Section 28(c)(ii).
 - (iv) The fee for issuance of a permit within this section shall be twenty-five (\$25.00) dollars. A deposit of five hundred (\$500.00) dollars must accompany the application. This deposit will be returned when the permit expires or the building is removed prior to expiry of the permit date. If the building is not removed by the expiry date, the deposit is forfeited and Council will cause the building or structure to be removed or demolished at the owner's expense. Said expense may be recovered with costs by action in any court or in like manner as municipal taxes.
 - (d) Due to the generally uneven and hilly terrain of the property within the boundaries of the Resort Village, the following conditions may apply:
 - (i) Special or additional grade elevations may be required for the purpose of drainage. If such conditions apply to the property in question, the Resort Village may include such requirements as a condition of issuing a Permit.
 - (ii) Special circumstances may apply to the location of the proposed building on the property and/or building and its location within The Resort Village of Thode. Other conditions may apply to the proposed location of the building with respect to other buildings or natural contours of such property within The Resort Village of Thode. If such conditions apply, Council may include such special requirements of the applicant as an additional condition of issuing a Permit.
21. This Bylaw comes into force on the day it is approved in writing by the Minister responsible for Saskatchewan Watershed Authority.
22. This Bylaw repeals Bylaw #4/03.

_____ Mayor

(S E A L)

_____ Administrator

Approved on the ____ day of _____, 2009 A.D.

Certified a true copy
of Bylaw #1/09.

_____ Administrator