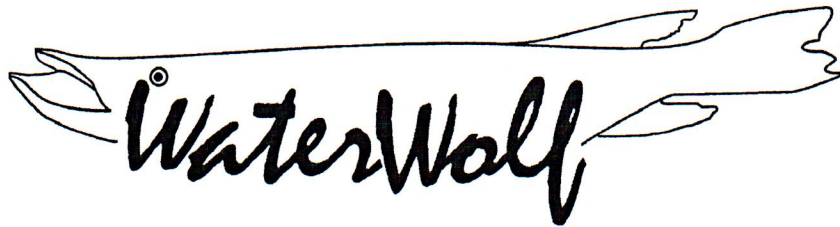


Zoning Bylaw of the Village of Beechy

Prepared by the



Advisory Planning Commission

2012

TABLE OF CONTENTS

1	INTRODUCTION	4
1.1	TITLE.....	4
1.2	PURPOSE.....	4
1.3	SCOPE.....	4
1.4	SEVERABILITY	5
2	DEFINITIONS	17
3	ADMINISTRATION AND INTERPRETATION.....	17
3.1	Development Officer	17
3.2	DEVELOPMENT PERMIT	17
3.3	application for a development permit.....	17
3.4	referral to council.....	18
3.5	Issue of Permits.....	18
3.6	suspension of Decision	18
3.7	Limitation on Discretionary Use Approvals.....	19
3.8	Sign Permit Required	19
3.9	Development Appeals.....	20
3.10	Fees and Advertising.....	21
3.11	Contract Zoning	22
3.12	Minor Variances to the Zoning Bylaw	23
3.13	Enforcement, Offences and Penalties.....	24
4	GENERAL REGULATIONS.....	24
4.1	All Zoning Districts	27
4.2	Residential Districts	28
4.3	Commercial and Industrial Districts.....	28
5	Special Provisions	28
5.1	Discretionary Uses	29
5.2	Bed-and-Breakfast Homes	29
5.3	Home Based Business	30
5.4	Service Stations and Gas Bars	30
5.5	Residential Care Homes	31
5.6	CAMPGROUNDS.....	32
5.7	animal kennels	32
6.1	Signs not requiring a development permit	32
6.2	General Sign Regulations	33
6.3	Signs in Residential and Community Service Districts	33
6.4	Signs for Commercial and Industrial Districts	34
6.5	Billboard signs	35
7	Off Street Parking and loading	35
7.1	General Regulations.....	35
7.2	Off-Street Parking	37
7.3	Payment of Cash-In-Lieu of Required Off-Street Parking	38
7.4	Off-Street Loading.....	39
8	ZONING DISTRICTS AND ZONING MAPS.....	39
8.1	classification of ZONING DISTRICTS	39
8.2	ZONING DISTRICT MAPS	39
8.3	Boundaries of Zoning Districts	39
8.4	Zoning District Schedules.....	40

9	Zoning District Schedules	40
9.1	FUD – FUTURE URBAN DEVELOPMENT DISTRICT	40
9.1.1	Permitted Uses	40
9.1.2	Discretionary Uses.....	40
9.2	R1 – residential district	42
9.3	r2 – multiple residential district.....	45
9.4	r3 – mobile home district.....	50
9.5	C1 – Village Centre Commercial District	52
9.6	C2 - Highway Commercial District.....	56
9.7	IND – General Industrial district	59
9.8	CS – Community Service district	61
9.8.1	Permitted Uses.....	61
10	EFFECTIVE DATE OF THE BYLAW	63
10.1	Repeal	64
10.2	Coming Into Force.....	64

1 INTRODUCTION

Under the authority granted by *The Planning and Development Act, 2007*, the Mayor and Council of the Village of Beechy in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Village of Beechy".

1.2 PURPOSE

The purpose of this Bylaw is to regulate development in the Village of Beechy and to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the Village.

1.3 SCOPE

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

1.4 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, the same shall not affect the validity of the Bylaw in whole or in part, other than the section, Clause or provision, including anything shown on the Zoning Map, so declared to be invalid.

2 DEFINITIONS

Whenever the subsequent words or terms are used in this Bylaw, they shall, have the following definition unless the context indicates otherwise.

Abattoir: a building for butchering. The abattoir houses facilities to slaughter animals; dress, cut and inspect meats; and refrigerate, cure, and manufacture by-products.

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

Act: *The Planning and Development Act 2007*, Province of Saskatchewan.

Administrator: The Administrator of the Village of Beechy.

Agricultural: A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture.

Alteration or Altered: With reference to a building, structure or site 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 or part of a building, or any change to the structure such as the construction of, 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, trim, or any other items regulated by this Bylaw such as parking and landscaping.

Ancillary Use: a use that is secondary and subordinate in size, extent and purpose to the principal use on the same

site, but is not necessary for the operation of the principal use on that site.

Animal Clinic: A building or part thereof used by a qualified veterinarian for the treatment of animal health needs where animals are not kept on the premises for surgery or kept overnight.

Animal Hospital: The premises of a veterinary surgeon where small, large domestic animals and livestock are treated or kept involving surgery and the keeping of animals in outdoor or indoor pens.

Animal Unit: the kind and number of animals calculated in accordance with the following table:

Animal Type	Number of Animals = 1 Animal Unit
Poultry	
hens, cockerels, capons	100
chicks, broiler chickens	200
turkeys, geese ducks	50
exotic birds	25
Hogs	
boars and sows	3
gilts	4
feeder pigs	6
weanling pigs	20
Sheep	
rams or ewes	7
lambs	14
Goats etc.	
all including lamas, alpacas	7
Cattle	
cows and bulls	1
feeder cattle	1.5

replacement heifers	2
calves	4
Horses	
colts and ponies	2
other horses	1
Other	
domesticated ungulates	
- bison	1
- elk, reindeer	4
-deer	7

Apartment: a building divided into three or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence, not including a hotel or rooming house

Applicant: A developer or person applying for a development permit under this Bylaw or for a subdivision approval to an approving authority under *The Planning and Development Act 2007*.

Approved: Approved by the council of the Village of Beechy

Assembly Hall - a hall where many people can congregate

Attic: That portion of a building situated wholly or in part within the roof and which is less than one-half story.

Auto Wrecker: An area where motor vehicles as disassembled, dismantled or junked, or where vehicles not in operable condition, or used parts of motor vehicles, are stored or sold to the general public.

Awning: a canvas or similar flexible material stretched over a frame, plastic, vinyl or lightweight metal shelter projecting from a wall over a window or entrance to a building.

Bareland Condominium: a parcel containing a dwelling group which has been subdivided into Bareland Units, pursuant to a condominium plan.

Bareland Unit: a unit of land subdivided under a bare

land condominium plan registered pursuant to the *Condominium Properties Act, 1993*, excluding units that are service units or parking units.

Basement: That portion of a building that is partly or wholly underground.

Bed and Breakfast Home: a bed-and-breakfast facility in a single detached dwelling, licensed as an itinerant use accommodation under The Public Accommodation Regulations, in which overnight accommodation within the dwelling unit, along with one meal served before noon, is provided to the travelling public for a charge.

Beverage Room: an establishment, licensed by the Province of Saskatchewan, in which alcoholic beverages are served for a fee for consumption on the premises and may include a licensed lounge that is ancillary to a restaurant. Food preparation or serving of food maybe an accessory use to the drinking establishment but is subject to all applicable provincial regulations

Billboard: A private free standing sign, including supporting structure, which advertises goods, products, services, organizations, of facilities that are available from, located on, or refer to, a site other than the site on which the sign is located.

Buffer: A strip of land, vegetation or land use that physically separates two or more different land uses.

Building: A structure constructed on, in, or over land and used for the shelter or accommodation of persons, animals, goods, or chattels, and includes any structure covered by a roof supported by walls or columns.

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

Building Bylaw: A bylaw of the Village of Beechy to regulate the erection, alteration, repair, occupancy, or maintenance of buildings and structures adopted pursuant to *The Uniform Building and Accessibility*

Standards Act.

Building Height: the vertical distance of a building measured from grade level to the highest point of the roof.

Building Permit: A permit, issued under The Building Bylaw of the Village of Beechy, authorizing the construction of all or part of a building or structure.

Building, Principal: A building within which the principle use of the site is housed or conducted.

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.

Bulk Fuel Sales and Storage: includes land, buildings, and structure for the storage and distribution of fuels and oils including retail sales or key-lock operation.

Business Support Services: Activities intended to provide administrative, promotional or technical support for commercial and industrial activities.

Bylaw: The Village of Beechy Zoning Bylaw.

Campground: An area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

Canopy: a non-retractable, permanent roof-like structure constructed of durable material extending from part or all of a building.

Carpport: A building or structure or part thereof, where at least 40% of the area of the perimeter is open and unobstructed by a wall, door, post or pier and which is used for the parking or storage of motor vehicles.

Cemetery: A cemetery or columbarium within the meaning of *The Cemeteries Act, 1999*

Commercial: The use of land, building(s), or structure(s) for the purpose of buying and selling commodities, and supplying professional and personal services for compensation.

Commercial Entertainment Establishment: A recreation or amusement facility operated as a business and open to the general public for a fee such as an amusement arcade, bowling alley, theatre, billiard parlour, and bingo hall (where licensed by the Saskatchewan Liquor and Gaming Authority).

Community Facilities: Buildings or facilities used for recreational, social, educational or cultural activities and that are owned by a municipal corporation, non-profit corporation or other non-profit organization.

Condominium: Land, buildings, and units, including private and common property as defined under *The Condominium Property Act, 1995*.

Contractors Yard: The yard of a contractor or company, including landscaping materials used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business.

Convenience Store: A store offering for sale primarily food products, beverages, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Council: The Council of the Village of Beechy.

Day Care Centre: A facility which provides for the non parental care of pre-school age children or school aged children outside of normal school hours, and includes, but is not limited to:

(a) a child care centre or day care centre which is required to be licensed by the Province of Saskatchewan pursuant to *The Child Care Act*

(b) a nursery school for pre-school children

Deck: Any raised floor structure at least 0.3 meters above the average ground level upon which it is constructed, either adjacent to a building or free-standing with stairway, ramp, or similar access.

Demolition Permit: A permit issued for the removal or dismantling of a building or structure within the Village's boundaries as prescribed under Section 13 of *The Uniform Building and Accessibility Standards Act*.

Development: The carrying out of any building, engineering, mining, or operations in, on, or over land, or making of any material change in the use or intensity of use of any building, or land.

Development Officer: The administrator of the Village of Beechy or anyone else appointed by council.

Development Permit: A document issued by the Development Officer of the Village of Beechy that authorizes development pursuant to this Bylaw, but does not include a building permit.

Discretionary Use: a use of land or buildings or form of development that:

- (i) is prescribed as a discretionary use in the zoning bylaw; and
- (ii) requires the approval of council pursuant to section 56 of the Act

Dwelling: A building or part of a building intended for residential occupancy.

Dwelling Unit: One or more habitable rooms constituting a self-contained unit and used or intended to be used together for living and sleeping purposes by one or more persons

Dwelling, Duplex: a building that is divided horizontally into 2 dwelling units.

Dwelling Unit Group: Two or more single detached or semi-detached or multiple unit dwellings located on a single site.

Dwelling, Multiple Unit: a building divided into three or more dwelling units as defined here and shall include, amongst others, Village or row houses and apartments as distinct from a rooming house, hotel or motel.

Dwelling, Semi-Detached: two dwelling units side by side in one building unit with a common party wall which separates, without opening the two dwelling units throughout the entire structure

Dwelling, Single-Detached: A detached building consisting of one dwelling unit as defined here; and occupied or intended to be occupied as a permanent home or residence, including an RTM when attached to its foundation on the site, but not including a mobile or modular home as defined

Dwelling, Row House: A building with three or more dwelling units side by side with common party walls which separate, without opening, each dwelling unit throughout the entire structure, with each dwelling having frontage onto the front street. Where permitted in the Zoning Bylaw, a row house may be subdivided into the separate dwelling units along the party walls.

Dwelling, Village House: A multiple unit dwelling under one roof in which each unit has its own entrance to the outside and each unit is separated from other units by a common wall which has no openings

Educational Institution: An establishment dedicated for the purpose of providing education and instruction in any branch of knowledge.

Family Child Care Home: Pursuant to *The Child Care Act*, means residential premises in which childcare services are provided to not more than eight children at any one time

Farm Building: Improvements such as barns, granaries, and similar structures used in connection with the growing and sale of trees, shrubs and sod or the raising or production of crops, livestock or poultry, fur production, bee keeping and situated on a parcel of land used for the farm operation.

Flanking: Means adjacent to the side site line of a parcel or site

Floor Area: The maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling, any private garage, deck, porch, veranda, sunroom, unfinished attic or unfinished basement.

Frontage: The length of the front site 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 and having a capacity for not more than three motor vehicles for each dwelling unit to which the garage is accessory.

Garage, Public: A building or part of a building, other than a private garage, used for the storage, care, repair, servicing or equipping of motor vehicles or where vehicles are kept for remuneration, hire, sale or display.

Gas Bar: A commercial facility predominately for the sale of gasoline, diesel and propane, and may offer for sale other petroleum products and vehicle accessories.

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

Greenhouse, Commercial: A building for the growing of flowers, plants, shrubs, trees and similar vegetation that are not necessarily transplanted outdoors on the same site, but are sold directly at wholesale or retail from the site.

Greenhouse, Private: A building for the growing of flowers, plant, shrubs, trees and similar vegetation that are transplanted outdoors on the same site containing such greenhouse(s), and where greenhouse products may not be offered for sale.

Group Care Facility: A supervised residential dwelling unit, licensed or approved under provincial statute, for the accommodation of persons, excluding staff, referred to by hospitals, courts, government agencies or recognized

social service agencies or health care professionals.

Hazard Land: Land having inherent environmental hazards; land subject to flooding, earth movement, or slope instability, land with poor natural drainage, ground water seepage, erosion, steep slopes, rock formations, or other similar features.

Health Service Facility: A building or part thereof used by qualified health service practitioners for the treatment of human health needs.

Height of the Sign: The vertical distance measured from the highest point of the sign to grade level at the centre of the sign.

Heritage Resource: The history, culture and historical resources of an area and its residents.

Highway Commercial: Commercial activities normally located along highways, major roadways and in other locations considered strategic by the type of business involved serving the needs of local residents and the traveling public.

Highway Sign Corridor: A strip of land parallel and adjacent to a provincial highway; where private signs may be permitted to advertise goods and services of local area businesses and attractions, as provided by regulations of the Department of Highways entitled "*The Erection of Signs Adjacent to Provincial Highway Regulations, 1986*", as may be amended from time to time.

Home Based Business: A business, occupation, trade, profession or craft customarily conducted entirely within a residential building or accessory building by the inhabitants of the dwelling, and where the use is clearly ancillary and secondary to the residential use and does not change the character of the dwelling.

Hotel: Buildings or structures used or advertised as a place where sleeping accommodations are provided in whole or part, and may include accessory uses.

Industrial Use: The use of land, buildings or structures for

the manufacturing, assembling, processing, fabrication, warehousing or storage of goods and materials.

Industrial Park: An area of land set aside for industrial development, usually located close to transport facilities, especially where more than one transport mode coincides, i.e. highways, railroads, airports.

Institutional Use: The use of land, buildings, or structures for religious, charitable, educational, health or welfare purposes and includes churches, public or private schools, nursery schools, hospitals, and special care homes.

Kennel, Boarding: The temporary accommodation of more than four dogs, cats or other domestic animals for commercial purposes.

Kennel, Breeding: The keeping of domestic animals, male and female, and which are more than 12 months old, for breeding purposes.

Kennel, Enclosure: An accessory building or enclosure intended to house one or more domestic animals.

Landfill: A specially engineered site for disposing of solid waste on land, constructed so that it will reduce hazard to public health and safety.

Landscaped Area: An area not built upon and not used for any purpose other than as an open space that may include grass, shrubs, flowers, trees, and similar types of vegetation and may contain paths, walks, patios, fences and similar outdoor amenities, but does not include parking areas, parking lots, driveways or ramps.

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

Livestock: Domesticated animals used primarily as beasts of burden or for the production of fur, hides, meat, milk, eggs or other product, or as breeding stock, but excluding companion animals.

Lounge: A room or area adjoining a restaurant set aside

for the sale of beverage alcohol for consumption on the premises, with or without food, and where no area has been set aside for dancing or entertainment, either in the lounge or in the adjoining restaurant. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant.

Manufacturing Establishment: A firm or business engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of components parts, the manufacturing of products and the blending of materials.

Marquee: A roof-like structure of a permanent nature which projects from the wall of a building that is independently supported by a system of columns or piers without walls over an entrance to a building.

Mayor: The Mayor of the Village of Beechy.

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:

(a) that is used as a dwelling for permanent or year round living

(b) that has water faucets, wash basin, a shower or bathtub, and a toilet that may be connected to a water distribution and sewage collection system

(c) which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards.

Mobile Home Park: A site under single management for the placement of two or more mobile homes and shall include all accessory buildings necessary to the operation but does not include an industrial or construction camp or tourist campsite. For the purpose of this Bylaw the terms mobile home park and mobile home court shall be deemed to mean the same.

Mobile Home Site: A parcel or piece of land for the

placement of a mobile home and for exclusive use of its occupants.

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.

Modular Home, Single Wide: A modular home that is less than 5 metres (16.40 ft.) in width.

Modular Home, Double Wide: A modular home that is greater than 8 metres (26.25 ft.) in width.

Modular Unit: A factory built frame or shell which comprises supporting and non-supporting walls, siding, and other components of a prefabricated home representing only a Section of a dwelling and has neither chassis, running-gear, nor its own wheels.

Motel: Means a building or group of buildings on a site designed and operated to provide temporary accommodation and contains separate sleeping units, each of which is provided with an adjoining conveniently located parking stall.

Municipality: The Village of Beechy.

Municipal Reserve: Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a municipality pursuant to Sections 181 to 193 inclusive of *The Planning and Development Act, 2007*.

Museum: An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection or artifacts of historical interest.

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 a Zoning Bylaw or any amendment to a Zoning Bylaw affecting the building

or land on which the building is situated or will be situated becomes effective; and

(b) that on the date a Zoning Bylaw or any amendment to a Zoning Bylaw Becomes effective does not, or when constructed will not, comply with the Zoning Bylaw

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

Non-Conforming Use: means 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 a zoning bylaw or any amendment to a zoning bylaw affecting the land or building becomes effective; and

b) That on the date a zoning bylaw or any amendment to a 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;

Office or Office Building: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government in which no goods or commodities of business or trade are stored, trans-shipped, sold or processed.

Official Community Plan (OCP): The Village of Beechy Official Community Plan is the WaterWolf Planning District Growth Management Plan.

Open Space: Passive and structure leisure and recreation areas that enhance the aesthetic quality and conserve the environment of the community, including parks, recreation and tourism nodes, and natural areas.

Parking Lot: An open area, other than a street, used for the temporary parking of more than four vehicles and available for public or private use.

Parking Space: A space within a building or parking lot for the parking of one (1) motor vehicle including

convenient access to a public lane or street and shall be not less than 3 meters wide and 5.5 meters in length.

Patio: Any hard surface or floor structure less than 0.3 meters above the average ground level upon which it is constructed.

Permitted Use: The use of land, buildings, or other structures that shall be permitted in a Zoning District where all requirements of this Zoning Bylaw are met.

Personal Service Establishment: A development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects, including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, laundromats, shoe repair shops, photographers, but excluding any adult or sexually explicit services.

Places of Worship: A building set aside by any religious organization for public worship. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Principal Use: The main or primary activity, for which a site or its buildings are designed, arranged, developed or intended, or for which is occupied or maintained.

Public Utility: A system, works, plant, equipment or service, whether owned or operated by or for the Municipality, or by a corporation under agreement with the Municipality, or under a federal or provincial statute, which furnishes any of the following services and facilities to the residents of the Municipality:

- (a) systems for 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 sewage and garbage
- (e) telephone distribution lines
- (f) microwave and cell phone tower communication

facilities

- (g) facilities for optical cable, or cable television services

Public Works: A facility as defined under *The Planning and Development Act, 2007*.

Radio and Television Communication Structure:

Structures used for receiving and broadcasting radio or television signals.

Real-Estate Signage: Signage directly associated with the sale of a property on which it is located and which maintains a gross surface area of less than 1m².

Recreational Uses: The use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks and curling rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and all similar uses, together with the necessary and accessory buildings and structures; but does not include the racing of animals or motorized vehicles.

Retail Store: Establishments engaged in selling goods or merchandise to the general public for personal or household use; and rendering services incidental to the sale of goods such as groceries, hardware, dry goods, sporting goods, novelties, jewellery, household appliances, books and magazines.

Recycling and Collection Depot: A building or structure intended to accommodate the collection, sorting, processing and temporary storage of recyclable household materials such as bottles, cans, plastic containers, paper and paint that would otherwise be considered waste. These types of uses do not include any outdoor processing or storage.

Residential Care Home: A facility licensed under provincial statute to provide, in a residential dwelling, long term residential, social, physical or personal care, including accommodation, meals, supervision or assistance for persons who have limits on ability for self-care and self supervision, and who are unrelated to the operator or owner.

Rooming House: A building containing more than one rooming unit

Rooming Unit: A room or rooms for accommodation other than a dwelling unit or other form of accommodation defined elsewhere in this Bylaw with sleeping facilities but without private toilet facilities.

'Ready to Move' (RTM) Dwelling: A new single detached dwelling constructed off site to National Building Code or CSA A277 standards to be moved onto a new permanent residential site building foundation.

Salvage Yard: A parcel of land where second-hand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rubber tires, discarded goods, equipment, appliances or machinery.

School: An educational facility under the jurisdiction of a Board of Education, a college, university, or any other school established and maintained either wholly or partially at public expense, whether or not the same is a boarding school and includes any dormitory building accessory to such school.

Secondary Suites: means a self contained dwelling unit which is an ancillary use to, and located within, a detached building in which the principal use is a one unit dwelling.

Service Station: A building which is a principal use on a site or a structure which is an accessory use in a clearly defined space on a site; where gasoline or other motor fuels are kept for sale and delivery directly into a motor vehicle, and where the service station is a principal use on the site, it may also include the servicing and repairing of motor vehicles.

Sight Triangle, Driveway: The area contained in the triangle formed by the intersection of the edge of a driveway giving access to a street or lane and the property line and a straight line drawn from a point 3 m from that intersection along the driveway within the property to a similar point along the property line 3 m away from the driveway.

Sight Triangle, Street: The area contained in the triangle formed by the corner property lines and a straight line drawn from a point 7.5 m from the corner property pin to a similar point 7.5 m along the perpendicular or intersecting property line.

Setback: The distance required to obtain the front yard, rear yard, side yard, or distance from another building, required by the provisions of this Bylaw.

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

Sign, A-Board: An A-shaped portable sign that is used for temporary placement and has no external supporting structure.

Sign, Awning: A non-illuminated sign painted or affixed to the surface of an awning which does not extend beyond the perimeter of the awning.

Sign, Billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the site on which the sign is located.

Sign, Canopy: A sign attached to, or painted on an awning, canopy or free-standing canopy.

Sign, Construction: A temporary sign erected by a person or company on the premises undergoing construction, identifying pending development and information relating to construction process, labour services, materials or financing, name of building, as well as the owner and participants in the development project, but not including the advertisement of any products.

Sign, Converted Vehicle and Trailer: A vehicle or trailer not originally designed as a sign, but which has been converted or used for that purposes.

Sign, Directional: Any sign:

- (a) displaying safety or warning messages
- (b) directing traffic or providing parking directions
- (c) giving instructions, directions or orders to persons making use of premises.

Sign, Face: The entire area of a sign on which a copy could be placed. In the case of multi-faced signs, each facial side of the sign shall be included in determining the total sign surface area.

Sign, Facial Area: The entire surface area of a sign or in the case of a painted wall sign the smallest geometric figure which describes the area enclosed by the sign face.

Sign, Free-Standing: A sign structurally supported by one or more up-rights or braces placed in the ground and not attached to any building.

Sign, Identification: A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or in the institution, or the occupation of the occupant.

Sign, Portable: A free-standing sign which is capable of being relocated and which may have lettering that can be changed manually, but does not include vehicles and trailers not originally designed as a sign, but which have been converted or used for that purposes.

Sign, Real Estate: A temporary sign that advertises for sale, rent, or lease the land, property or premises on which the sign is displayed.

Sign, Temporary: A sign advertising a message applicable for a defined period of time and not exceeding 6 months.

Sign, Wall: A sign attached to or painted on the wall of a building or structure or its fascia in such a manner that the wall is the supporting structure for or forms the background surface of the sign and which does not project more than 0.5 metres (1.64 ft.) from such building or structure.

Site: One or more contiguous surface parcels as defined under The Land Titles Act, 2000, and used as a unit for the purpose of regulation under this Bylaw.

Site Area: The total area within the site lines of a site.

Site, Corner: A site at the intersection of two or more public streets.

Site Coverage: The percentage of the site area covered by all the buildings above the ground level.

Site Depth: The horizontal distance between the front site and rear site lines, but where the front and rear site lines are not parallel the site depth is the length of a line joining the midpoint of such site lines.

Site Plan: A plan showing the location of existing and proposed buildings on a site in relationship to the site lines.

Site Line: Any boundary of a site.

Site Line, Front: The boundary that divides the site from the street, in the case of a corner site, the front site line shall mean the boundary separating the narrowest street frontage of the site.

Site Line, Rear: The site line at the rear of the site, opposite the front site line.

Site Line, Side: A site line other than a front or rear site line.

Site, Through: A site other than a corner site, having separate frontages on two streets. The front site line of a through site shall be determined by predetermined building lines.

Site, Width: The horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum front yard required for the district in which the site is located.

Small Scale Commercial: Commercial or Industrial land uses maintaining a lineal frontage of less than 90 meters.

Special Care Home: Means a nursing home, supervisory care home, sheltered care home or other facility used for the purpose of providing supervisory care, personal care, and nursing care.

Special Needs Housing: Multiple unit dwellings or dwelling groups operated by a non-profit corporation or public authority and used exclusively for the domestic habitation of senior citizens, disabled persons, occupants of subsidized housing, or the cohabitant spouse and children of persons noted above.

Storey: That portion of a building, other than an attic or basement, between the upper surface of any floor and the upper surface of the floor next above.

Street: A public thoroughfare which affords the principal means of access to the abutting property.

Structure: Anything that is built, constructed or erected, located on the ground, or attached to something located on or in the ground.

Structure, Temporary: Anything that is built, constructed or erected, located on the ground or attached to something located on the ground but that may be relocated or moved and is not of a permanent nature.

Swimming Pool: Any body of water permanently located outdoors or indoors, contained by artificial means and used and maintained for the purpose of swimming, wading, or diving and having a depth of 0.6 meters or more at any point.

Tavern: an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted.

Telecommunication Facility: A structure situated on a non-residential site that is intended for transmitting or receiving television, radio or cellular communications, excluding those used exclusively for dispatch communications.

Tourist Campground: A site which provides for the location of tents or trailer coaches used by travellers and tourists for overnight accommodation.

Tourist Home: A private home or dwelling other than a rooming house, hotel or motel in which rooms are offered for rent to the travelling public for sleeping accommodations.

Villagehouse: A multiple unit dwelling under one roof in which each unit has its own entrance to the outside and each unit is separated from other units by a common wall which has no openings.

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

Trucking Firm Establishment: The use of land, buildings

or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include an automobile service station, transportation sales or rental outlets.

Units of measure: Units of measure in this Bylaw are metric abbreviated as follows:

m - metre(s)
m² - square metre(s)
km - kilometres
ha - hectare(s)

Use: The activity or purpose for which any land, building, structure, or premises, or part thereof is arranged, designed, or intended, occupied, or maintained.

Utility Shed: An accessory building or structure used for the storage of goods with a maximum floor area of 9.3m².

Veterinary Clinics: A place for the care and treatment of small animals involving outpatient care and medical procedures involving hospitalization, but shall not include the keeping of animals in outdoor pens.

Warehouse: A building used for the storage and distribution of wholesale goods and materials.

Waste Disposal Facility, Liquid: A facility to accommodate any waste which contains animal, mineral or vegetable matter in solution or suspension, but does not include a septic system for a single residence or farmstead, or a manure storage area for an intensive livestock operation.

Waste Disposal Facility, Solid: A facility or a temporary storage facility, to accommodate discarded materials, substances or objects which originated from residential, commercial, institutional and industrial sources but not including dangerous goods, hazardous waste or biomedical waste.

Village: The Village of Beechy.

Yard: Any part of a site unoccupied and unobstructed by any principal building or structure.

Yard, Front: A yard extending across the full width of a site between the front site line and the nearest main wall of the principal building or structure on the site.

Yard, Rear: A yard extending across the full width of the site between the rear site line and the nearest main wall of the principal building or structure on the site.

Yard, Required: The minimum yard required by a provision of this Bylaw and within which, unless

specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: A yard extending from the front yard to the rear yard between the side site line and nearest main wall of the principal building or structure on the site.

3 ADMINISTRATION AND INTERPRETATION

3.1 DEVELOPMENT OFFICER

The Administrator of the Village of Beechy or other person authorized by council pursuant to an agreement with WaterWolf, shall be the Development Officer responsible for the administration of this Bylaw.

3.2 DEVELOPMENT PERMIT

(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(3)

(2) A development permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act.

(3) A development permit is not required for the following, but all other applicable provisions of this Bylaw are to be followed:

- a) The maintenance of a public utility by the Municipality or crown corporation
- b) The construction of a public utility by the Municipality
- c) The installation of public utility on any street or other public right-of-way by the Municipality
- d) A municipal facility installed and operated by the Municipality
- e) Maintenance and repairs that do not include structural alterations
- f) The installation of fences or accessory buildings under 10 m²

(4) A building permit shall not be issued unless a development permit, where required, has also been issued.

(5) If the development or use authorized by a development permit is not commenced within six months from the date of issue of a permit, and completed within eighteen months of its issue, the permit is deemed void unless an extension has been granted prior to its expiry.

3.3 APPLICATION FOR A DEVELOPMENT PERMIT

(1) The application for a development permit shall be made, to the Development Officer, in "Form A" as adopted or amended by resolution of Council. The application shall be accompanied by two copies of a site or building plan showing dimensions and locations of existing and proposed buildings and structures as well as site lines. Where no new construction is proposed the applicant shall supply a written description of the proposed development in place of such plans.

(2) Where the application is for a discretionary use the applicant shall, in addition, provide a written description of the proposed development, describing the intended use and operations, structures to be located on the site, required municipal services, and any other information that Council determines is necessary to fully review the proposed development.

3.4 REFERRAL TO COUNCIL

The Development Officer may submit any application to Council for a decision on the interpretation of the Bylaw, or upon special conditions provided for in the Bylaw, and shall inform the applicant of the date and time when Council will consider the matter. Council or the Development Officer may require the applicant to provide further information necessary to render a decision.

3.5 ISSUE OF PERMITS

(1) Upon completion of the review of an application for development, the Development Officer shall:

- a) for a permitted use, issue a development permit where the application conforms with the Zoning Bylaw, incorporating any special regulations, performance standards or development standards authorized by this Bylaw.
- b) for a permitted use, issue a refusal, where the application does not comply with a provision or regulation of this Bylaw, stating the reason for refusal.
- c) for a discretionary use, prepare a report for Council on the proposal respecting the criteria for consideration of that discretionary use and submit the application to Council for decision.
- d) issue a refusal, where the application is for a use that is not provided for in the District in which the property is located.

(2) Council shall make a decision on a discretionary use, by resolution, that approves or refuses the discretionary use on that site, 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 this Bylaw, subject to the limitations of the Act.
- b) issue a development permit incorporating any specific development standards set forth by Council, where the applicant submits an amended application so that development will comply with the standards of this Bylaw, subject to the limitations of the Act.
- 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 the applicant may have.

(3) The permit or notice shall be in "Form B" as adopted or amended by resolution of Council.

3.6 SUSPENSION OF DECISION

Where 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, Council may suspend the development permit. The development permit shall not be reinstated until all deficiencies have been corrected.

3.7 LIMITATION ON DISCRETIONARY USE APPROVALS

3.7.1 Validity of Discretionary Use Approvals

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:

- the use ceased and was replaced by another use
- the use ceases for a 12 month period.
- a building required for the approved use is not started within 6 months or completed within 18 months.
- the use is not started within 6 months of completion of the building.
- a use not requiring construction of a building is not started within 12 months.
- the applicant applies to increase the specifically approved intensity of use

3.7.2 Time Limited Discretionary Uses

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.

3.8 SIGN PERMIT REQUIRED

(1) Where required by Section 6, no person shall place, erect, enlarge, change or structurally alter a sign unless a sign permit has first been obtained.

(2) A sign permit cannot be issued in contravention of any of the provisions of this Bylaw except as provided in an appeal pursuant to the Act. The permit shall cease to be valid if the sign has not been placed, erected, enlarged, changed or structurally altered within 3 months of the issuance of the permit.

3.9 DEVELOPMENT APPEALS

3.9.1 Appointment of Board

(1) Council shall appoint a Development Appeal Board in accordance with Sections 49 and 214 to 218 of the Act.

(2) Council shall, by resolution, adopt a policy specifying: the terms of office; the manner of filling of vacancies to the board; the remuneration and expenses for board members; the provision for appointment of a secretary to the board; the duties of the secretary; and the remuneration and expenses to be paid for the secretary.

(3) Council shall, by resolution, appoint a board and secretary to the board in accordance with the policy.

(4) Should Council enter into an agreement to appoint a District Development Appeal Board, in conjunction with one or more other municipalities, to be the Development Appeal Board for the Municipality; members shall be appointed in accordance with that agreement, and the Local Development Appeal Board shall cease to exist.

3.9.2 Notice

On "Form B" as adopted or amended by resolution of Council, the Development Officer shall advise the applicant of the rights of appeal granted by the Act, with respect to that application.

3.9.3 Filing an Appeal

A person who wishes to appeal to the Development Appeal Board shall, within 30 days of receiving the permit or notice, file a written notice of intention to appeal, and the appeal fee, with the secretary of the Board.

3.9.4 Powers of the Development Appeal Board

(1) The Development Appeal Board has the powers given by the Act to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted use or a discretionary use.

(2) Nothing in this Section allows a Development Appeal Board to vary a refusal to grant a use or an appeal for a use or intensity of use not permitted in a District.

(3) Nothing in this Section allows a Development Appeal Board to vary a refusal by Council to approve a discretionary use or intensity of a discretionary use provided for in the Bylaw for a District.

3.9.5 Appeal from a Deemed Refusal

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 40 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 40 days.

3.10 FEES AND ADVERTISING

3.10.1 Amending planning bylaws

(1) Where a person requests Council to amend the Official Community Plan, Zoning Bylaw, or other planning 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.

(2) Council may undertake any additional public consultations that it considers desirable respecting a proposed amendment to a planning bylaw, at its own cost.

3.10.2 The following provisions apply to the advertisement of a discretionary use application:

(1) The Development Officer shall direct the applicant for a discretionary use to advertise the proposed use by posting a notice of the application conspicuously on the front the property in question, and by mailing or delivering a copy of the notice to the assessed owner of each property within 75 metres of the subject property for the following:

- a) any discretionary residence or any ancillary use to a residence
- b) a home based business.

(2) In addition to the requirements specified in Clause (1), for an application for any discretionary use not listed in Clause (1), the Development Officer shall publish a notice in a newspaper that is circulated in the Municipality.

(3) The notice shall:

- describe the use applied for
- describe the location of the use
- specify the date, time, and location of the Council meeting at which the application will be considered.

(4) The notice shall be posted, delivered, and published at least seven days, and mailed at least twelve days, prior to the date of the meeting.

(5) The applicant shall pay a fee equal to the costs to the Municipality associated with the public advertisement.

3.10.3 An applicant for a development permit shall pay an application processing fee in accordance with the following: