

**A BYLAW OF THE RESORT VILLAGE OF MISTUSINNE
TO AMEND
BYLAW NO. 05-09 KNOWN AS THE ZONING BYLAW**

The Council of the Resort Village of Mistusinne, in the Province of Saskatchewan, enacts to amend Bylaw No. 05-09 as follows:

1. Section 2 Administration, Subsection 2.3.7, has been replaced with suggested wording from Community Planning regarding minor variances.

2.3.7 Minor Variances to the Zoning Bylaw

- a) An application for a minor variance shall be made to the Development Officer for a minor variance to the Zoning Bylaw in a form as prescribed by the Development Officer.
- b) The Development Officer shall maintain a register as an appendix to the Zoning Bylaw of all minor variance applications.
- c) The Development Officer may vary the requirements of the Zoning Bylaw subject to the following conditions:
 - (1) A minor variance may be granted for variation only of:
 - (i) the minimum required distance of a building from the site line
 - (ii) the minimum required distance of a building to any other building on the site.
 - (2) The maximum amount of minor variance shall not exceed a 10% variation of the bylaw requirements of the Zoning Bylaw.
 - (3) The development shall conform to the Zoning Bylaw with respect to the use of land.
 - (4) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.
- d) No minor variance is allowed in connection with an agreement on rezoning entered into pursuant to Section 3.10.
- e) A minor variance must conform to any applicable provincial land use policies or Statements of Provincial Interest, adopted pursuant to *The Act*.
- f) On receipt of an application for a minor variance, the Development Officer may:
 - (1) Approve the minor variance
 - (2) Approve the minor variance and impose terms and conditions on the approval
 - (3) Refuse the minor variance
- g) Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.
- h) Where an application for a minor variance is approved, with or without terms and conditions being imposed, the Development Officer shall provide written notice to the applicant and to the assessed owners of property having a common boundary with the land that is the subject of the application.
- i) The written notice required pursuant to Subsection (g) shall:
 - (1) Contain a summary of the application for minor variance
 - (2) Provide a reason for and an effective date of the decision
 - (3) Indicate that an adjoining assessed owner may within 20 days, lodge a written objection with the Development Officer
 - (4) Where there is an objection described in Clause (4), advise the public that the applicant will be notified of the right of appeal to the Development Appeal Board.
- j) The written notice required pursuant to Subsection (g) shall be delivered:
 - (1) By registered mail
 - (2) By personal service.
- k) A decision approving a minor variance, with or without terms and conditions, does not take effect:
 - (1) In the case of a notice sent by registered mail, until 23 days from the date the notice was mailed
 - (2) In the case of a notice that is delivered by personal service, until 20 days from the date the notice was served.
- l) If an assessed owner of property having a common boundary with the land that is the subject of the application, objects in writing to the Municipality respecting the approval

of the minor variance within the time period prescribed in Subsection (h), the approval is deemed to be revoked and the Development Officer shall notify the application in writing:

- (1) Of the revocation of the approval
- (2) Of the applicant's right to appeal the revocation to the Development Appeal Board within 30 days of receiving the notice

m) If an application for a minor variance is refused, or approved with terms and conditions, the applicant may appeal to the Development Appeal Board within 30 days of the date of that decision.

2. Section 2 Administration, Subsection 2.1.3(h) was replaced with suggested wording from Community Planning regarding hot tubs.

h) Hot tub installation as it meets the requirements of the Bylaw, and provincial electrical code,

3. Section 5 Zoning Districts, Subsection 5.1.2 Boundaries of Zoning Districts, subsection (c) has been reworded to reflect that shorelines are the only district boundary feature that can move with any natural changes.

c) A district boundary shown following the shoreline shall move with any natural change in such natural features.

4. Appendix C – Lot Schematics has been revised to reflect the "minimum" setbacks (attached).

5. Appendix B, Schedule A – Zoning District Map has been updated and clarified as requested by Community Planning (attached).

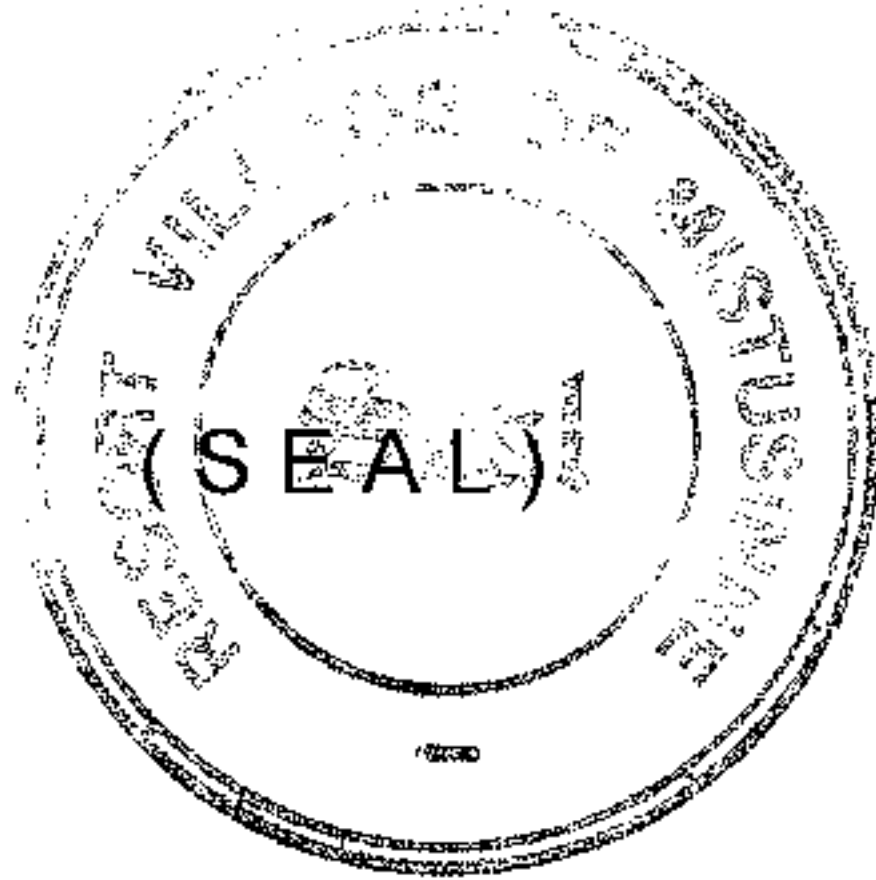
6. General updates of a housekeeping nature that do not compromise or alter the meaning or purpose of the Zoning Bylaw.

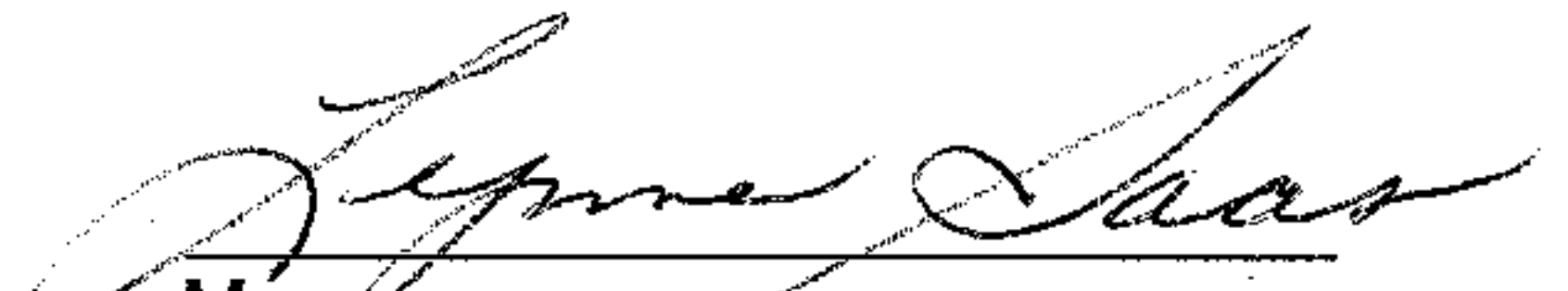
7. This bylaw shall come into force and take effect when adopted by Council.

Read a first time this 20th day of November, 2010.

Read a second time this 20th day of November, 2010.

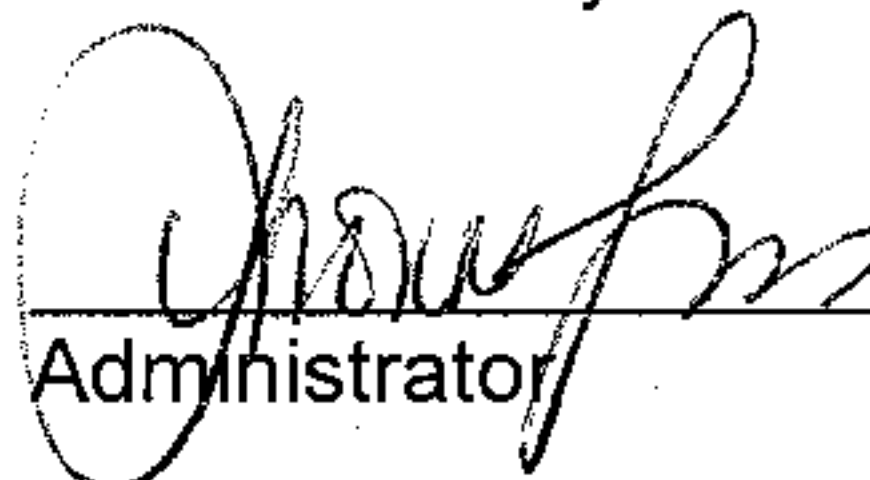
Read a third time and passed this 20th day of November, 2010.

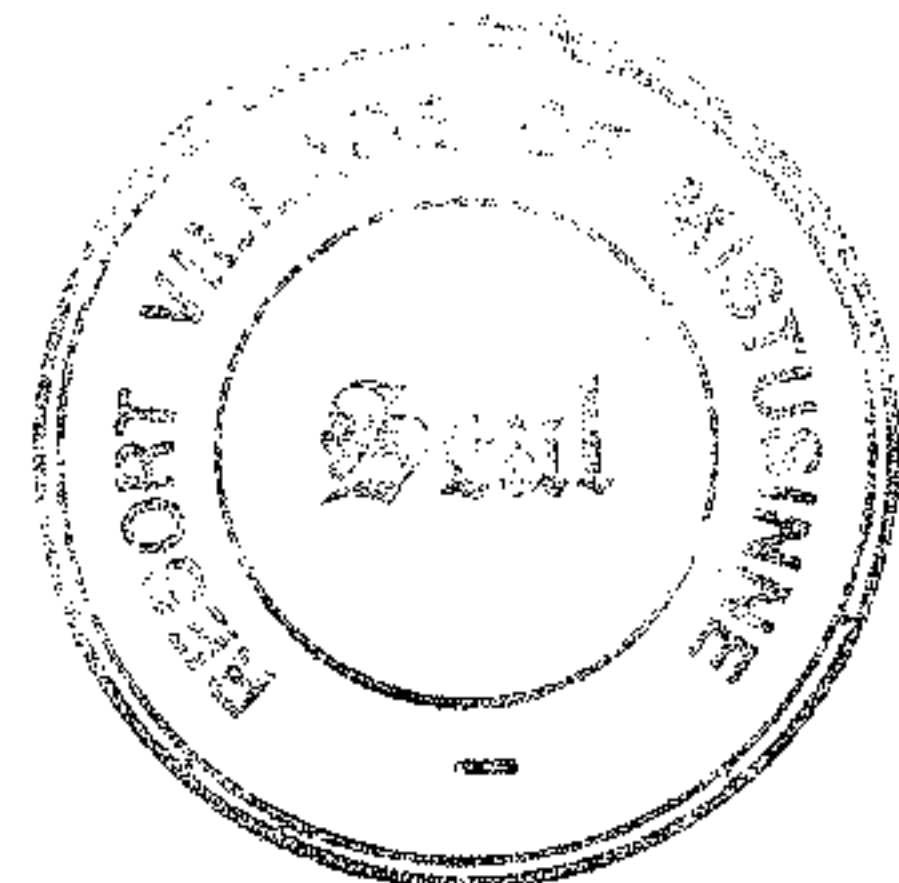



Mayor

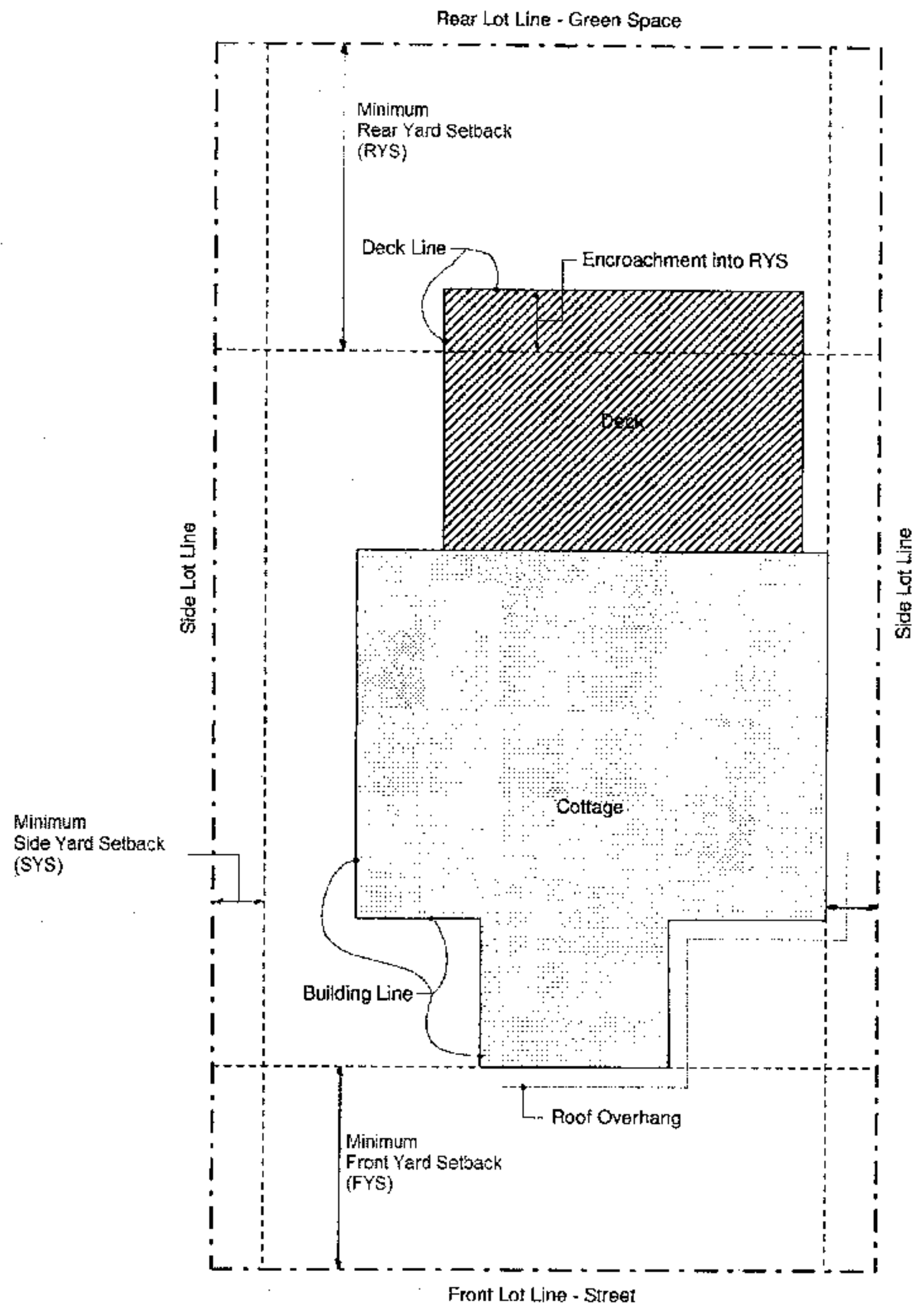

Administrator

Certified a true copy of Bylaw No. 09-10
adopted by resolution of Council
on the 20th day of November, 2010.


Administrator



Appendix C – Lot Schematics



Resort Village of Mistusinne
Lot Lines and Yard Descriptions
(with an example of encroachment into rear yard setback)

