

RESORT VILLAGE OF MISTUSINNE

ZONING BYLAW

BYLAW NO. 05-09

(Third Reading and Adoption on May 23, 2009)

Prepared March, 2009
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SECTION 1 - INTRODUCTION

Under the authority of *The Planning and Development Act, 2007* and in conjunction with Bylaw No. 04-09, the Official Community Plan of the Resort Village of Mistusinne, the Council of the Resort Village of Mistusinne, 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 Resort Village of Mistusinne Zoning Bylaw.

1.2 Purpose

The purpose of this zoning bylaw is to control the use of land so as to provide for the health, safety, amenities and general welfare of the residents of the Resort Village of Mistusinne.

1.3 Scope

All development within the limits of the Resort Village of Mistusinne shall be in conformity with the provisions of this Bylaw.

1.4 Application to Current Cottage Owners

Any lawful use of land and any existing building (or any building lawfully under construction) that does not conform to the regulations at the time that this Bylaw is approved, is permitted according to Section 3.1.2

1.5 Severance

If any part of this Bylaw, including anything shown on the Zoning District Map, is declared to be invalid for any reason, by an authority of competent jurisdiction, the validity of the Bylaw as a whole, or any other part, Section or provision of this Bylaw shall not be affected.

1.6 Provincial Interests

Development shall incorporate applicable provincial land use policies and statements of provincial interest.

SECTION 2 – ADMINISTRATION

2.1 DEVELOPMENT OFFICER AND PERMITS

2.1.1 Development Officer

Unless otherwise designated by Council, the Village Clerk of the Resort Village of Mistusinne shall be the Development Officer responsible for the administration of this Bylaw.

2.1.2 Development Permits

- a) Except as provided in Section 2.1.3, no person shall undertake a development or commence a use unless a development permit is obtained.
- b) 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.
- c) A Development Permit is not valid unless it conforms with this Bylaw and the Act.
- d) The application to the Development Officer for the Development Permit shall be made in the "Form A" as adopted or amended by resolution of Council, together with any other information needed to assess the application in relation to the regulations of this Bylaw and shall include the following minimum information:
 - i) Name of the owner applicant or his agent, engineer, architect, or contractor authorized in writing by the registered owner of the property
 - ii) Legal description (lot, block, and registered plan number)
 - iii) Existing and proposed use

- iv) Two copies of a layout or site plan indicating:
 - All building and setback dimensions
 - Landscaping, parking areas and driveway
 - Ingress and egress from the site/property
 - Proposed municipal services and locations
 - Confinement of drainage to open sides of the site
- e) A building permit shall not be issued unless a development permit, where required in this Bylaw, has also been issued.
- f) Issue of Permit -Upon completion of the review of an application for development, the Development Officer shall:
 - i) 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.
 - ii) For a PERMITTED USE, issue a refusal, where the application does not comply with a provision or regulation of this Bylaw. One copy of the layout or site plan shall be returned along with the reason for refusal and advising the applicant of any right of appeal.
 - iii) The permit or notice of refusal shall be in "Form B" as adopted or amended by resolution of Council.
- g) If the development or use authorized by a development permit is not commenced within twelve (12) months from the date of issue of a permit, the permit is deemed void unless an extension has been granted prior to its expiry.
- h) A development permit may be granted for an additional 12 month period by the Development Officer.

2.1.3 Development not Requiring a Permit

Although a development permit is not required, the owner applicant or his agent must comply with the requirements of the applicable Zoning Bylaw and Village regulations and bylaws, for the following,

- a) The maintenance of a public utility by the Municipality or crown or private corporation,
- b) The construction of a public utility by the Municipality,
- c) The installation of a public utility on any street or other public right-of-way by the Municipality,
- d) Any municipal facility installed and operated by the Municipality,
- e) Maintenance and repairs of any building or structure that does not include structural alterations.
- f) The installation of fences less than 1.8 m (6 ft) in height,
- g) The construction of accessory buildings under 100 square feet (9.29 square metres), to a maximum of two accessory buildings, counting a detached garage and or portable garage (example: fabric building) on private property. NOTE: Accesory buildings converted to sleeping accommodation require a permit.
- h) Hot tub installation as long as it meets the requirements of the bylaw,
- i) Outdoor lighting as long as it meets the requirements of the bylaw,
- j) The erection of a sign (for residential uses) which conforms to Section 3.3.7, and
- k) A driveway approach with a top width not greater than 20 ft (6.10 metres) where inspection by the Development Officer by Village staff determines no drainage issue requiring a culvert.
- l) Forest and grasslands management within the Municipality.

2.1.4 Referral to Department of Public Health

The Development Officer shall forward a copy of all approved development permit applications involving installation of water and sanitary services to the local office of the Saskatchewan Department of Health.

2.2 DISCRETIONARY USE APPLICATIONS

2.2.1 Discretionary Use Application Procedure

- a) For a DISCRETIONARY USE, the owner of the property (or other person with written consent of the owner) may apply to the Development Officer and shall, in addition to the form prescribed in Section 2.1.2 (d), provide a written description of the proposed development, the intended use and operations, structures to be located on the site, required municipal services, and provide any other information that the Development Officer/Council determines is necessary for Council to fully review the proposed development.
- b) The Development Officer shall review the DISCRETIONARY USE application for conformance with this Bylaw and any other applicable policies and regulations, and shall pass on the application and all other information submitted by the applicant, with a written report on the results of the review, to Council.
- c) Council shall review the application and the report from the Development Officer and where appropriate may request comments or information from other government agencies to assist Council's review of the application.
- d) After Council has received requested comments or information from other government agencies, the Development Officer shall set a date, time and location for the Council meeting to consider the application.
- e) The Development Officer, pursuant to Section 55 (2) of *The Planning and Development Act, 2007*, shall notify the assessed owners of property within a minimum of 250 feet (91 metres) of the boundary of the applicants property by registered mail, place notification posters on the applicant's property, and post a notice on the Resort Village website. This public notice of DISCRETIONARY USE application shall be given and mailed at least three (3) weeks prior to the date of the Council meeting where the application shall be considered.
- f) The notice of DISCRETIONARY USE application, described in subsection 2.2.1 (e), shall describe the use applied for, the location of the use and date, along with the time and location for the Council meeting where the application shall be considered by Council.

2.2.2 Discretionary Use Evaluation Criteria

Council shall apply the following criteria when considering an application for DISCRETIONARY USE:

- a) The proposed discretionary uses, discretionary forms of development, and associated accessory uses must be contained within the list of discretionary uses of a zoning district.
- b) Any proposed buildings and structures shall conform to the development standards and applicable provisions of the Bylaw.
- c) In the opinion of Council, the proposed discretionary use shall not create unnecessary disturbance to abutting residential areas due to noxious or offensive emissions including gas, vapour, odour, noise, dust, glare or light, traffic, diminished storm water management, or threat of groundwater contamination.

2.2.3 Terms and Conditions for Discretionary Use Approvals

In approving a DISCRETIONARY USE application to minimize land use conflicts, Council may prescribe specific development standards or conditions with respect to the use or form of development related to:

- a) Site drainage of storm water and groundwater protection.
- b) Shape, arrangement and location of proposed buildings with respect to buildings on adjacent properties.
- c) Special development standards regarding "yard requirements" to reduce conflict with neighbouring uses.
- d) Accessibility to, number of and location of off-street parking sites and loading areas.
- e) Access to the site shall be from the front of the property (no access shall be allowed to the site through the adjacent green space/public reserve land).
- f) Type of vehicles allowed for recreational uses (no construction and farm equipment shall be allowed).
- g) Type and volume of traffic and impact on traffic flows on adjacent roadways.
- h) Safeguards to control noxious or offensive emissions including gas, vapour, odour, noise, dust, glare or light, traffic, diminished storm water management, or threat of groundwater contamination.
- i) Any treatment given, as determined by Council, to aspects including landscaping, screening to buffer adjacent properties, lighting, outdoor signs, and parking.
- j) Consistency with any provincial land use policies and statements of provincial interest.

2.2.4 Decision

Council shall make a decision on a DISCRETIONARY USE APPLICATION, by resolution, that approves or refuses the discretionary use on that site. The resolution shall instruct the Development Officer to:

- a) Issue a development permit incorporating any specific development standards set forth by Council, where the development shall 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 shall 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 he/she may have.
- d) The permit or notice shall be in "Form B" as adopted or amended by resolution of Council.

2.2.5 Limitation on Discretionary Use Approvals

- a) The Council approved DISCRETIONARY USE application is valid for a period of 12 months from the date of approval. The approval shall not be valid when the proposed use or proposed form of development has not commenced within that time. When a prior approval is no longer valid, the Development Officer shall advise the applicant and Council.
- b) Council may direct that an extension of the DISCRETIONARY permit be granted for an additional 12 month period by the Development Officer.
- c) The discretionary use approval shall no longer be valid if:
 - i. An approved discretionary use form of development ceases to operate for a period of six (6) months or more, or,
 - ii. The use ceased and was replaced by an other use,
 - iii. The applicant applies to increase the specifically approved intensity of use.

2.2.6 Conditional Discretionary Use Permits

Application for CONDITIONAL DISCRETIONARY USE PERMIT concerning certain accessory buildings for secondary living quarters shall be regulated by Section 2 (Discretionary Use Application Procedure; Discretionary Use Evaluation Criteria; and Terms and Conditions of Discretionary Use Approvals) of this Bylaw. Such a CONDITIONAL USE permit may be issued by Council provided that:

- a) There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- b) No commercial or home occupation activities are conducted on the site; or the expansion of existing bed and breakfast lodging, nor home occupation.
- c) The building has an evident use of which is subordinate to that of a principal building or use situated on the same site.
- d) The accessory building shall be maintained in a compatible manner with the adjacent residential uses and does not present a hazard to public health, safety, general welfare, and the environment. (See Section 2.2.3)

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.

2.3 ZONING BYLAW AND FUTURE DEVELOPMENT

2.3.1 Amendment of the Zoning Bylaw

- a) Where a development proposal is not identified within the Bylaw as a PERMITTED or a DISCRETIONARY USE, the development is considered prohibited.
- b) In such a case, the proponent/applicant may apply, upon payment of the required fee, to the Development Officer for a zoning bylaw amendment.
- c) The proposed development is then presented to Council at its next council meeting for review and decision, and should the development be deemed desirable for the municipality a resolution shall be passed authorizing the Development Officer to prepare a draft amendment.
- d) Council must then undertake steps outlined in accordance with Sections 207 - 212 of The Act with respect to public notice and public participation in the adoption of a bylaw to amend this Zoning Bylaw.
- e) The applicant shall pay a fee equal to the cost to the municipality associated with the public advertisement.

2.3.2 Development Permit Process in Reservoir Development Area

The Resort Village of Mistusinne is within the Restricted Building Area of the Lake Diefenbaker Reservoir Development Area (RDA) and all developments shall comply with the Reservoir Area Development Regulations administered by The Saskatchewan Watershed Authority.

- a) All applications for development within the Restricted Building Area, as a requirement of the Reservoir Development Area Regulations for the Lake Diefenbaker Reservoir Development Area, shall be sent to Saskatchewan Watershed Authority for review and specific decision, after review and recommendation by Council.
- b) A copy of an application for discretionary use within the Reservoir Development Area shall be sent to the Saskatchewan Watershed Authority pursuant to Section 2.4.5 (Licenses, Permits, and Compliance with Other Bylaws) of this Bylaw.

2.3.3 Application for a Plan of Subdivision of Land in the Reservoir Development Area

Before applying under *The Planning and Development Act, 2007* to the Minister of Municipal Affairs for the approval of a plan of subdivision of land within Lake Diefenbaker Reservoir Development Area, first the Council requires the written approval from the Minister responsible for the Saskatchewan Watershed Authority Act of the uses proposed in the subdivision plan.

2.3.4 Development on Leased Crown Land within the Resort Village

According to the Land Lease Agreement, Council shall only carry out or approve developments that are in accordance with plans approved by the Minister of Environment or the Minister's authorized agent. By resolution of the Council, the Administrator of the Resort Village of Mistusinne shall be instructed to apply to the Minister for approval of plans for developments on leased Crown land within the Resort Village.

2.3.5 Revocation of Decision

- a) 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 revoke or suspend the development permit.
- b) The development permit shall not be reissued or reinstated until all deficiencies have been corrected.

2.3.6 Development Appeals

- a) Council in accordance with Sections 26 – 28 and 49 and 213 – 217 of *The Planning and Development Act, 2007*, shall appoint a Development Appeals Board of the Resort Village of Mistusinne.
- b) Where an application for a PERMITTED USE has been refused, the applicant shall be advised of the right to appeal to the Development Appeals Board of the Resort Village of Mistusinne pursuant to Section 219 of *The Planning and Development Act, 2007*.
- c) Where an application for a DISCRETIONARY USE or development has been approved with prescribed development standards, the applicant shall be advised of his right to appeal any development standards or conditions considered excessive, to the Development Appeals Board.
- d) The applicant shall within thirty (30) days of the date of Council's approval, file a written notice of intention to appeal to the Development Appeals Board (Section 58 of *The Planning and Development Act, 2007*).
- e) There remains no appeal against the approval or denial by the Council of the DISCRETIONARY use itself in accordance with Sections 57 and 58 of *The Planning and Development Act, 2007*.
- f) When appealing to the Development Appeals Board, and hearing an appeal, the provisions of *The Planning and Development Act, 2007* shall apply.
- g) An application for a Development Permit shall be deemed to be refused when a decision therein is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer. An appeal may then be made as though the application had been refused at the end of 40 days.

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 prescribed by the Development Officer, and include the application fee.
- b) The maximum amount of minor variance on dimension shall not exceed 10% of the bylaw requirement of the Zoning Bylaw and the development shall conform to the Zoning Bylaw with respect to the use of land.

- c) The relaxation of the Zoning Bylaw shall not injuriously affect neighbouring properties.
- d) Council may approve a minor variance as per in Section 60 of *The Planning and Development Act, 2007*

2.3.8 Hazard lands

Council shall be guided by the following guidelines to determine whether a proposed location is potentially hazardous for development or subdivision:

- a) Building Elevation for Habitable Structures - Saskatchewan Watershed Authority has estimated a range of elevations for habitable buildings at Mistusinne for a range of shoreline slopes by adding a safety margin of 0.50 m to the adjusted flood line. Safe building elevations range from 1833 ft (558.9 m) at 3:1 slope to 1833 ft (558.0 metres) against a 20:1 slope.
- b) Existing Setback from Shoreline for Habitable Buildings - To keep properties out of the backshore recession area and away from wind-born sands, the existing town site has been surveyed above the 1840 ft (560.83 m) contour, resulting in a 500 feet (230 metres) horizontal setback from the high waterline. This is 6.33 ft (1.93 m) above the estimated safe building elevation at 3:1 shore land slope.
- c) Hazard Lands - Where a proposed development or subdivision is located on land considered be potentially hazardous, including but not limited to flooding, and shoreland erosion, Council may require that before a development permit may be issued, the applicant shall submit a geotechnical report on the proposed development to be completed and approved by a Registered Professional Engineer in the Province of Saskatchewan. The report must indicate the suitability of the land or lots for development with respect to the following where relevant:
 - i) A suitable topographic map of the proposed area of development.
 - ii) The potential for flooding up to a 1 in 500 flood elevation, or where not involving a building, a lower elevation for the proposed use;
 - iv) The potential for slope instability, shoreline recession, soil erosion, sand blowouts, safe building sites, or the potential for irreparable alteration of the natural resource base;
 - v) Proposed action for hazard avoidance, prevention, mitigation or other measures that may be specified as conditions in the development permit.

Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the adverse effects, or shall result in excessive municipal costs.

2.3.9 Heritage Resources

Saskatchewan Heritage Resources Branch has indicated a high potential exists for unrecorded archaeological sites in Sections 20 and 29-24-4 W3M and on similar terrain in close proximity to the lake. Should future developments be planned for this area, the Resort Village must submit detailed construction plans to the Heritage Branch for additional screening.

2.4 FEES AND ENFORCEMENT

2.4.1 Register

The Development Officer shall maintain a register of records of all permits issued pursuant to this Bylaw, along with discretionary use applications received, approved and denied.

2.4.2 Fees for Amendment of the Zoning Bylaw

Where a person requests Council to amend the Zoning Bylaw that person shall pay to the Resort Village of Mistusinne a fee equal to the costs associated with the administration and the public advertisement of the proposed amendment in accordance with the Zoning Administration Fee Bylaw.

2.4.3 Enforcement, Offences and Penalties

- a) Inspection may be carried out by the Development officer as set out in Section 242 of *The Planning and Development Act, 2007*.
- b) Any person who contravenes or refuses or neglects to comply with this Zoning Bylaw is guilty of an offence and liable on summary conviction to the penalties as provide for in Section 243 of *The Planning and Development Act, 2007*.

2.4.4 Development Levy and Servicing Fee for a New Subdivision

- a) The Council may, by bylaw, establish and impose a development levy to recover the capital costs of services and facilities, such as, and not limited to matters of sewage, water and drainage works, road construction and maintenance, landscaping, and any other requirements determined by Council pursuant to section 169 and 170 of *The Planning and Development Act, 2007*.
- b) As a condition of the development permit, Council may require the applicant or the owner of land to pay for all applicable development levies in accordance with this Bylaw.
- c) The Resort Village may require an applicant for subdivision to enter into a servicing agreement, or posting of a performance bond, between the developer and the Municipality with respect to providing services and facilities that directly or indirectly serve the subdivision in accordance with Sections 172 of *The Planning and development Act, 2007*.

2.4.5 Licenses, Permits, and Compliance with Other Bylaws

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

SECTION 3 – REGULATIONS: BUILDINGS, LOTS AND ACCESSORIES

3.1 BUILDINGS

3.1.1 Established Building Lines

- a) Concerning existing buildings, where a building has been in place before the effective date of this bylaw and does not meet the minimum setback requirements, refer to Section 3.1.2.
- b) Concerning new construction, where a front building line in a residential district has been established by existing buildings in a block of abutting lots and is less than the specified front yard requirement, the required front yard is reduced for NEW CONSTRUCTION according to the following principles:
 - i) Where the new building is to be constructed on a corner site it shall not be located further into the required front yard than a legal principal building on the abutting interior site.
 - ii) Where the building is to be constructed on an interior site it shall not be constructed further into the required front yard than the average of the encroachments of principal buildings into the required front yard in a block.

3.1.2 Non-Conforming Uses, Buildings and Sites

Any lawful use of land, an existing building, or of any building lawfully under construction that do not conform to these regulations at the time this Bylaw is approved shall be permitted and regulated, subject to Sections 88 – 93 inclusive of *The Planning and Development Act, 2007*:

- a) The adoption or amendment of this Bylaw does not affect any non-conforming building, non-conforming use or non-conforming site.
- b) Continuation of non-conforming use or intensity of use, either permitted or discretionary, may be continued if the use conformed to the Bylaw that was in effect at the time of the development and has not been discontinued for 12 consecutive months, and any future use of the land or building must conform with any current zoning bylaw.
- c) A non-conforming use must not be increased in intensity, area or volume within a building, or on the parcel it occupies, nor relocated in a building, moved to any other location, or moved to an other portion of the parcel located on.
- d) Structural alterations may only be made to a building or the part of a building where the use is conforming.
- e) Non-conformity of a building or site may continue to be used, maintained and repaired in their present form.
- f) If the cost of repair is more than 75% of the construction cost to replace the damaged non-conforming building above its foundation, the building is to be repaired in accordance with the zoning bylaw.
- g) The use of land or the use of building is not affected by the change or intended change of ownership, tenancy, or occupancy of the land or building.
- h) Where an existing structure or lot falls into non-conforming by reason of conversion from the Imperial System of Measurement to the Metric System of Measurement solely from such change, such existing structure or lot shall not be deemed non-conforming.

3.1.3 Permitted Yard Encroachments

Where a minimum distance, called setback, is required between the principal dwelling or an accessory structure and the lot line in any district, the following features may project into a required yard setback:

- a) Encroachments into any yard setback may be permitted for the construction of a chimney, windowsill, cornice, or roof overhang that does not exceed 1.5 feet (0.46 metres) in any size or any sidewalk, uncovered driveway, fence, garden or pond.
- b) In addition to the above, the construction of access ramps, lifts, and so on for the disabled or uncovered balconies, porches, verandahs and decks having a maximum projection of 6 feet (1.8 metres) into the rear or front yard setback may be permitted.

NOTE: A building permit is required for the construction of detached structures greater than 100 square feet (929 square metres) and for the construction of all structures to be attached to the principal dwelling.

3.1.4 Private Garages and Carports

- a) Private garages, carports and accessory buildings attached to the principal building or structure by a substantial roof structure shall be considered as part of the principal building or structure and subject to the regulations governing the principal building or structure.
- b) In a residential district, a carport or garage, up to 750 square feet (69.68 square metres) in area shall be permitted.

3.1.5 Accessory Buildings, Structures and Uses

- a) An accessory use is a building, structure or activity, which is incidental to the principal use or activity conducted and located on the same site as the principal building or use, and used in conjunction with that principal use.

b) Permit requirement for accessory structures:

Size of accessory structure	Requirements
Under 100 square feet (9.29 square metres) of floor area; or under 110 square feet (10.22 square metres) of horizontal roof area	No Permit required
Over 100 square feet (9.29 square metres) or larger	Building Permit required

- c) No accessory use or structure shall be developed without a development permit issued pursuant to SECTION 2 (Administration).
- d) No accessory building or structure shall be constructed, erected or moved onto any site prior to the time of construction of the principal dwelling to which it is accessory, except as follows: Following the issuance of a development and building permit for a principal building, provided that the principal use is being carried out on the site/parcel, Council may, at its discretion, allow prior construction of an accessory building required for the storage of equipment and construction material. The building permit for the accessory building is only valid for the duration of the building permit for the principal dwelling. If in the required time period the principal building is not completed, the accessory building is to be removed.
- e) No permit shall be issued for the construction of more than one detached accessory building and/or structure, except by DISCRETIONARY USE PERMIT.
- f) In no case shall a detached accessory building have a greater floor area than the principal dwelling unit.
- g) Accessory buildings **may contain secondary living quarters at Council's discretion** with conditions to assure that conflict with neighbouring uses is avoided. In no case shall an accessory building contain more than 430 square feet (39.95 square metres) of floor area for the exclusive use of non-paying guests of the occupant of the principal dwelling on the same site, when the principal dwelling is occupied. **ALSO NOTE THE FOLLOWING:**
- i) The combined floor area of the principal dwelling and all the accessory buildings and structures shall not exceed 35% of the site area.
 - ii) Accessory buildings shall not exceed 10% of the site area.
 - iii) The condition "when the principal dwelling is occupied" is intended to discourage casual rental to tourists.
- h) Except as specifically provided in this Bylaw accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 3 feet (.914) from a principal building shall comply with all the minimum yard requirements of the principal building.
- i) The building style and exterior appearance of detached accessory buildings and structures shall be compatible with the principal building on the site. The determination of compatibility shall be made by the Building Inspector for the Development Officer. If the proposal is determined not compatible, the applicant may appeal to Council pursuant to Section 2.3.6 (Development Appeals).
- j) No accessory building or any portion of it shall be built or located in a required front or side yard of any parcel.
- k) A clearance of 3 ft (0.91 metres) or more shall be maintained between an accessory building and any other buildings on the site.
- l) No accessory building, structure, or accessory use facility in a rear yard shall be located less than 1.5 m (5 ft) from the side lot line or rear lot line.

3.1.6 Temporary Residence during Construction of Principal Building

- a) A trailer/motor home or other acceptable structures may be used as temporary residence by the inhabitants with the permission of Council, after issuance of a temporary structure permit by the Development Officer, while a permitted principal dwelling is under construction or reconstruction.
- b) Septic facilities must be provided for the temporary residence if it is to be occupied during construction of the permanent building. All liquid waste must be disposed of into the septic facilities.
- c) The permission for temporary residence to live in a trailer/ motor home or other structure shall expire with the expiration of the principal building permit or sooner upon completion of the permanent building.
- d) Construction waste must be taken outside the Resort Village to an officially approved dumpsite.

3.1.7 Number of Principal Buildings Permitted on a Site

- a) Not more than one principal use shall be established and not more than one principal building shall be placed on any one site except for:
 - i) Public utility uses
 - ii) Village (institutional) uses
 - iii) Approved groups of buildings such as a community centre, recreation buildings,
 - iv) Waste management depots
 - vi) Ancillary uses as specifically provided for in this bylaw.
- c) In the case of a discretionary use, Council may designate which of the several buildings shall be deemed to be the principal building.

3.1.8 Demolition of Buildings

No building shall be demolished within the area covered by this Bylaw without obtaining a building development permit. A development permit shall be granted where all requirements of the Building Bylaw are met.

3.1.9 Building to be Moved

No building shall be moved within or into the area covered by this Bylaw without first obtaining a development permit, subject to the standards required for new construction, and to obtaining any other required municipal or provincial permit.

3.2 SPECIAL PROVISIONS

3.2.1 Bed and Breakfast Lodging

Council may establish standards limiting any accessory activities as a condition of issuing a DISCRETIONARY USE permit. Where Bed and Breakfast lodging is allowed as a DISCRETIONARY USE in the Residential District, it shall be:

- a) Located in, and ancillary to, a single detached dwelling used as the operator's principal residence,
- b) Licensed pursuant to The Public Health Act and The Public Accommodation Regulations and meet the requirements of the Fire Commissioner,
- c) Limited to a maximum of two thirds of the number of bedrooms for guest bedrooms,
- d) Permitted a maximum of one (1) off-street parking space for each lodging room,
- e) Allowed to provide one non-illuminated window or wall sign having a maximum facial area of 2 square feet (0.19 square meters) advertising the bed and breakfast lodging.

3.2.2 Home-Based Businesses

Home-Based Businesses, where allowed as a DISCRETIONARY USE in a residential district, shall be subject to the following development standards:

- a) The use is clearly secondary and ancillary to the residential use of the property.
- b) The business is owned and operated by the owner of the dwelling unit.
- c) The permitted use shall be valid only during the period of time the property is occupied for residential purposes by the business owner.
- d) Home-based businesses shall not cause a variation in the residential character and appearance of the dwelling, accessory building or land.
- e) Home-based businesses shall not create any conflict with the residential area in terms of emission of noise, ground vibration, glare, dust, odour, toxic or noxious matter or vapours, radio interference, or disturbance which is evident outside the dwelling unit.
- f) Home-based businesses shall be conducted entirely indoors and there shall be no exterior storage on the site in relation to the home occupation.
- g) Except for one permitted sign in the window or on the wall, home-based businesses shall not have any signs or visual devices displayed, to advertise business, notice of sale, exterior display of goods or services, outdoor storage of materials, or exterior variation from the residential character of the residence or its accessory building.
- h) Home-based businesses shall not result in undue increase in traffic or parking requirements in the residential area.
- i) No more than 25% of the gross floor area of the principal building shall be used for home occupation. All permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time, if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.
- j) The discretionary use approval for a home-based business shall cease to be valid when the operation ceases in accordance with Section 2 (Limitations on Discretionary Use Approvals), or where the operator issued the home occupation relocates.

3.3 RESIDENTIAL ACCESSORIES

3.3.1 Satellite Dishes, Radio Towers, TV Antennas, Solar Collectors, Wind Turbines

- a) The installation and operation of a satellite dish, radio tower, television antenna, or solar collector (and their supporting structure) shall be permitted not less than 1.5 m (5 ft) from the lot line in the side and rear yards.
- b) Free standing wind turbines as an accessory structure are allowed in backyards, provided they are not more than 5 metres in height above grade level. Free standing wind turbines shall require professional engineering certificate and Building Permit for non-CSA/ULC approved systems. Wind turbines placed on an existing structure shall require professional engineering certificate and Building Permit. Large wind turbines on residential lots shall not be permitted in light of anticipated problems such as: interference with residents' peace and quiet, shadow flicker that occurs when the sun and rotating blades align, risk to neighbouring persons and property from structural failures, visual dominance and potential ice throw from ice build up, along with their hazard for birds and bats.

3.3.2 Swimming Pools, Hot Tubs, Ornamental Ponds, and Wading Pools

- a) Swimming pools, either above or below grade, shall not be permitted because of limited groundwater availability and vulnerability of the near surface groundwater to contamination.

- b) Hot tubs do not require a building permit as long the cottage owner meets the following requirements:
 - i) If the hot tub (jacuzzi) is not placed directly on the ground or a concrete foundation the supporting structure will require a building permit.
 - ii) The hot tub must carry a Canadian Standards certification.
 - iii) The hot tub must meet setback requirements (See Section 3.0).
 - iv) The required permits are obtained for all the electrical, plumbing, and related gas connections and heating work.
 - vii) The hot tub is intalled and operated according to manufacturer's specification.
 - viii) All drain and backwash lines are connected to the plumbing system (septic tank) to avoid a groundwater contamination event.
 - ix) Safety features must be in place such as child proof fencing and a tub cover.
 - x) As these installations in exterior yard areas might pose a hazard, the area should be inaccessible when not in use or enclosed within a non-climbable fence not less than 5 ft (1.52 metres) and not more than 6 ft (1.83 metres) in height with self-latching gates.
- c) These bylaw shall not void any electrical, plumbing and gas requirements for Swimming Pools, Hot Tubs, Ornamental Ponds, and Wading Pools by any other jurisdiction.
- d) Landscape and Ornamental ponds shall be permitted. Safety features as recommended by the manufacturer must be in place.
- e) Wading pools, constructed or prefabricated pool used for wading which is less than 24 inches (60.96 cm) in depth shall be permitted. Manufacturer's recommened safety features must be in place.

3.3.3 Fences

No wall, or fence, shall, unless otherwise permitted, be erected to a greater height than:

- a) 1.83 meter (6 feet) above grade level in any required side and rear yard.
- b) 1.22 metres (4 feet) above grade level in any required front yard.

3.3.4 Outdoor Lighting

- a) Outdoor lighting fixture shall be oriented in such a way that any illumination from them is deflected away from any adjacent residential properties.

3.3.5 Recreation Vehicles on Residential Lots

- a) A maximum of one recreational vehicle/trailer coach (excluding boat trailers, snowmobiles, ATVs) is permitted to be stored on a lot with an existing permanent dwelling.
- b) The recreation vehicle may not be used for permanent human habitation or for commercial use.
- c) The recreation vehicle may be occupied subject to the following:
 - i) It is for the exclusive use of non-paying guests of the occupant of the principal dwelling located on the same residential lot.
 - ii) It is only occupied when the principal dwelling is occupied.
- d) If the recreation vehicle has a sink, shower, or water closet, it must have a self contained septic holding tank (and the effluent must be hauled to an approved disposal site/lagoon) or be connected to an on-site septic tank on the same residential lot.

3.3.6 Keeping of Animals

- a) The keeping of livestock shall be prohibited in the Resort Village.
- b) The keeping of household animals under the control of the residents shall be permitted in residential zones, and may be regulated by Council.

3.3.7 Signs

- a) Each cottage shall display to the street side a numbered address sign as per the following example: 603 (meaning block 6, cottage lot 3) to help in the event of emergency such as fire, ambulance or police.
- b) No more than one permanent sign is permitted on a property.
- b) Signs shall not project over property lines.
- c) A sign located in a street sight triangle or a driveway sight triangle shall be less than 0.75 m above grade at its top or shall be at least 2.5 m above grade at its lower edge, so as to not obstruct a vehicle's view. .
- d) No backlit signs shall be permitted except those displaying a property address.
- e) For signs on home-based businesses, see Section 3.2.2.
- f) Billboards are prohibited in the Resort Village.
- g) Exceptions shall include:
 - h) Temporary signs for the sale of property or during construction,
 - ii) Election signs during the period of an election campaign, and 7 days thereafter,
 - iii) Construction signs, located on the site of the construction to which they refer

3.4 RESIDENTIAL LOTS

3.4.1 Grading and Leveling of Lots

- a) Any lot proposed for development shall be graded and levelled at the owner's expense to provide for adequate surface drainage.
- b) The drainage of a lot shall not adversely effect adjacent property, and shall comply with the requirements of the Resort Village of Mistusinne respecting design and location of flow from the property.

3.4.2 Storage

In any residential district:

- a) Only outdoor storage incidental to the principal use shall be permitted in any residential district.
- b) No yard shall be used for storage or collection of hazardous material.
- c) No outdoor storage shall be permitted in the required front yard of any residential site.
- d) Unlicensed or seasonal vehicles, excluding RV's, may be stored on a lot provided a tarp is securely covering the entire vehicle.
- e) Outdoor storage of partially dismantled or inoperative vehicles is not permitted.
- f) No yard shall be used for the storage of machinery not normally used for the maintenance of the residential property.
- g)

3.4.3 Off-Street Parking

- a) Permanent vehicular access to residential lots shall be from the village streets to the front lot line because the residential subdivision layout is based on lots without back or side lanes.

- b) No person within any District shall erect, enlarge, substantially alter, or extend any building permitted under this Bylaw, unless the required off-street parking spaces are provided on the same lot in accordance with the table below and associated regulations

Use	Parking Spaces
Dwelling	1 per dwelling unit
Home based businesses	1 per non-resident employee

- c) A parking space shall be a minimum of 9 feet (2.74 metres) by 20 feet (6.10 metres).
- d) Parking spaces within the front yard area shall not occupy more than 50% of the area of the front yard in residential districts.

3.4.4 Boulevard Parking

- a) Boulevard parking application shall not be approved if the proposed parking area reduces the existing 'catch basin' area frontage to less than 50% or if the more than 50% of the front yard would be covered by parking space.
- b) Fills for boulevard parking shall use highly porous material to retain permeability for onsite drainage. In anticipation of asphalt it may be advisable to install a culvert
- c) Driveways and Boulevard Parking must be designed and constructed to avoid storm water runoff from the road and the driveway that can cause flooding, erosion, or provide other hazards to residents and to any structures, the driveway itself and to neighbouring property.
- d) NOTE: The Resort Village will not be responsible for any damage or flooding resulting from the failing drainage system.
- e) Driveways Boulevard Parking should not be located closer than 3 feet (0.91 metres) from power poles; nor closer than 10 feet (3.05 metres) to the side of the property unless the driveway is to be shared with a driveway on an abutting property and/or the driveway accesses a detached garage, carport or parking pad in the rear yard.

3.4.5 Driveways

- a) Driveway approaches shall be constructed:
- At 90 degrees to the village road centre line,
 - With a top width not greater than 20 feet (6.10 metres) for driveway approach,
 - With a surface width of paved driveway and the paved driveway portion of the approved boulevard parking surface with a top width not greater than 50% of the lot,
 - Sloped away from the village road so run-off shall not go on the road and shoulder,
 - With side slopes on the driveway (preferred range: 6:1 to 10:1) less than the side slope of the adjacent village road.
- b) Driveway approaches shall be constructed with sufficient slopes to not allow water from the driveway to enter the road. The ideal surfacing of the driveway abutting the paved edge of the road would be paving for a minimum of 10 feet (3.05 metres) from the intersection of the approach with the paved road.
- c) If a culvert is required, to convey the full flow of water from existing drainage swales (drainage ditches) and the additional water from the driveway, the culvert size will be specified in the driveway permit.
- d) Material from the village road right-of-way shall not be used for the construction of the driveway and approach.
- e) The approach shall be constructed with no resulting damage to the road shoulder/driving surface.

- f) All season safe sight distance at the posted speed limit is required in each direction from the driveway approach.
- g) Regarding existing driveways:
 - i) Re-gravelling existing driveways is considered maintenance.
 - ii) Existing driveways shall be brought into compliance at the earliest when:
 - Substantial improvements are made to the existing driveway, for example if the owner replaces any part of an existing driveway.
 - Widening the travel width, raising the height of the driveway, paving or re-paving.

3.4.6 Permits for Driveway Construction or Construction of Boulevard Parking

- a) A Driveway Construction Permit is required for property owners to construct a driveway and its approach to village streets or to substantially modify an existing driveway across the village road right-of-way to their private lots.
- b) A Boulevard Parking Permit is required for property owners to establish parking spaces partially or entirely on Resort Village road allowance. (A permit is not required for construction of on site parking; other applicable provisions of this Bylaw shall apply.)
- c) Applicants for these permits shall file an application on a form provided by the Development Officer.
 - i) In instances involving difficult drainage issues, the Development Officer shall refer the application for field review and advice. See Section 3.4.5 (c).
 - ii) Village staff shall conduct an inspection prior to the Development Officer issuing a permit. In cases involving drainage issues, a culvert may be required as a condition of the permit.
 - iii) The Development Officer shall enter any specific requirements on the permit before issuing a written permission to begin construction. Council shall establish and annually review the fee for driveway and boulevard parking permits to cover cost of onsite inspection by the Village.
- d) The issuance of a Driveway Permit or a Boulevard Parking Permit does not guarantee that if the provisions/recommendations of the permit are met the applicant will not be liable for remedying drainage concerns and be liable for damages to the village road and to neighbouring properties after construction is completed.

3.4.7 Lot Appearance

- a) Residents must maintain (or arrange for) a reasonable level of landscape maintenance such as cutting their grass and keeping weeds down.
- b) Having a xeriscape approach to landscaping and/or landscaping that is water-wise does not grant the property owner the right to grow weeds or not to maintain their landscape.

3.4.8 Landscaping on Public and Private Lots

- a) Open uncovered spaces in new residential districts shall be landscaped.
- b) The propose of landscape guidelines for residential lots is to enhance aesthetics and property values of residential districts in order to provide water efficient landscaping suitable for dry land conditions in the Resort Village.
- c) Applicants for a development permit (Section 2) shall be asked to include a landscape plan that recognizes the following guidelines:
 - i) Every attempt should be made to maintain the area in its natural state.
 - ii) The extent of new turf (irrigated lawn) shall not exceed 50% of the gross area of front and side yard, or 50% of the gross area rear and side yard in new residential districts in the Resort Village.
 - ii) Drought tolerate grass, plants, shrubs and trees suitable for the prairies are preferred.
 - iv) The use of wood fibre mulch, gravel or rocks is suggested for areas not covered by vegetations

3.4.9 Removal of Dangerous Trees on Private Lots

- a) The owner or resident shall be responsible to trim or prune, remove or cut down trees on the property if the Council considers such trees or shrubs to be:
 - i) A hazard to the safety of persons,
 - ii) Likely to cause damage to public utilities, or
 - iii) Seriously inconvenience the residents.
- b) Trained village maintenance staff shall use the following criteria to identify dangerous trees that are::
 - i) Dead, dying, severely damaged or diseased, partially uprooted, severely leaning and in danger of falling on property or power lines,
 - ii) Interfering with, or is in close proximity to power lines to cause imminent danger during strong winds, or
 - iii) Blocking existing wells, septic tanks, drainage or other major improvements.
- c) Council may serve notice on the owner or occupant of the property that the Resort Village may take appropriate action as outlined above at the expense of the owner if the required action is not taken within 30 days of the serving of the notice.

SECTION 4 – OPEN SPACE REGULATIONS

The purpose of these regulations is:

- To regulate the use of Open Space Areas (leased Crown lands containing beaches, waterfront, reservoir drawdown area, recreation lands, green spaces, open grass lands and tree plantations, recreation areas, and environmentally sensitive areas), and
- To assure the continuity of natural amenities for the enjoyment of village residents.

4.1 ACTIVITIES IN THE OPEN SPACE AREAS

4.1.1 All Terrain Vehicles, Motorbikes and Snowmobiles

- a) All terrain vehicles, motorbikes, and snowmobiles, as discretionary uses, may be allowed by Council in certain areas and on certain routes designated under certain conditions that Council may establish from time to time.
- b) With deference to ratepayers' concerns over environmental and public safety, such the as stressful effect of ATVs on winter and summer wildlife habitat, the loss of vegetation cover and resulting soil erosion, and their interference with a peaceful and safe setting for beach and on walking areas, the compatibility of all terrain vehicles, motorbikes and snowmobiles shall be periodically assessed as required by Council.
- c) Council may, under certain conditions on specified routes as determined by council, allow the use of all terrain vehicles and snowmobiles for utilitarian purposes (as utility vehicles for towing boat trailers or hauling goods and material).

4.1.2 Vehicles and Parking

No person shall:

- a) Operate a vehicle in an Open Space Area except on a highway, village road, or car trail designated for vehicle use or in a parking lot.
- b) Park or idle a vehicle in an Open Space Area except in a parking Lot.
- c) Leave a vehicle in an Open Space Area, or a parking lot overnight.
- d) Act contrary to any traffic control device in an Open Space Area or in a parking lot.

4.1.3 Boatlifts

Council shall consider applications for the permitting of seasonal private boatlifts where such temporary structures would not pose aesthetic, environmental or safety concerns.

- a) Permission to place temporary seasonal boatlifts on the bed and shore of the lake shall require that the resident owner:
 - i) Complete an application, on a prescribed form, to the Development Officer.
 - ii) Provide proof of liability insurance.
- b) Boat lift permits shall be limited to one per cottage lot.
- c) The fee for an annual boatlift permit shall be specified on the Council Rate Schedule.
- d) Boatlifts must be removed from waters (or from draw down area of the land) by November 1 or earlier (before freeze-up) and stored on the designated area of the shoreline until after May 15.
- e) Council may place conditions on the boatlift permit to preserve the interests of the lawful users of the Resort Village.

4.1.4 Firearms

- a) The term "Firearm" shall be as defined in The Wildlife Act, 1998 and amendments.
- b) In the interest of public safety, the discharge of any firearm (such as a rifle, shotgun, pellet gun, air gun, pistol, revolver, spring gun, longbow, or crossbow) within the boundaries of the Resort Village of Mistusinne is prohibited.
- c) This regulation does not apply to representatives of the Resort Village, or of the provincial or federal government who may, while on duty, be required to discharge their firearms.

4.1.5 Trapping

- a) Trapping anywhere in the Resort Village is prohibited, except as provided below.
- b) This regulation does not apply to representatives of the Resort Village, or of the provincial or federal government, who may, in the course of their duty, be required to use a trap to catch, snare or otherwise restrain any animal to protect private or village property or to protect human life. Any such trapping is permitted only with written consent of the Village Clerk on instructions from Council.
- c) Live traps may be used, with permission of the Village Clerk, to trap animals live for release elsewhere; or to trap injured animals which must be disposed of in an humane manner.
- d) Cottage owners shall be allowed to trap on their own sites.

4.1.6 Gardens

- a) Planting of private gardens on public lands are not allowed except on land designated by Council as a Community Garden.

4.1.7 Camping

- a) No person shall set up a tent, trailer, camper, or RV in an Open Space Area, except in conformity with the Zoning Bylaw.

4.1.8 Fires

- a) No person shall start or maintain any fire or fire works in an Open Space Area, except as set out in the Fire Bylaw by Council.

4.1.9 Pets

Pets are allowed in an Open Space Area under the following designations and conditions:

- a) Leash Areas, as designated by Council - Pets must be on a leash and under the control of the owner;
- b) Off-leash Under Control Areas, as designated by Council - Areas where pets may be off leash but must remain under the control of the owner.
- c) No Pets Allowed Areas, as designated by Council – Areas where pets are prohibited, including the golf course, and any other areas designated by Council.

4.1.10 General Conduct of Persons on the Open Space Areas

No person shall:

- a) Interfere with the free use or enjoyment of an Open Space Area by another person.
- b) Engage in any activity which causes a nuisance in an Open Space Area.
- c) Damage, destroy, or remove any improvement, sign, structure or other property.
- d) Deposit or leave any domestic garbage, waste, soil, refuse or debris in any Open Space Area from within or outside the Resort Village.
- e) Leave any litter of any kind in any Open Space Area, except in a waste container provided for such purpose by the resort Village.

4.1.11 Exemptions, Offences and Penalties

- a) Any persons are exempt from these provisions of this Bylaw who have received the prior written permission of Council to use part of the Open Space Area as a temporary access to that person's property or for a temporary camping area.
- b) In granting permission, Council may establish conditions (time of use, damage deposit, indemnification of the resort Village and any other conditions).
- c) Any person who contravenes any provisions of Section 4.1 of this Bylaw commits an offence and is liable on summary conviction to a fine set by Council under a separate Bylaw.

4.2 MANAGEMENT OF OPEN SPACE AREAS

4.2.1 Management of Trees and Grasses

As far as practicable, Council shall

- a) Promote environmentally-friendly maintenance practices on open space areas,
- b) Preserve and protect native vegetation in the Environmental Reserve District,
- c) Encourage the use of native species and prairie hardy plant trees and shrubs,
- d) Retain and enhance native vegetation in new developments

4.2.2 Private Tree Planting on Crown Lands

Persons or groups wishing to plant trees or shrubs on green spaces/other dedicated lands or public property (crown land) are required to submit a written request with a location plan to Council. Village staff shall review such proposed planting plans against the following guidelines:

- a) There are no conflicts with future tree planting plans.
- b) The selection of trees and shrubs shall be made from the Desirable Tree Planting List kept by the Village.
- c) There has been prior consultation with Village staff to ensure that plantation layout and design will be harmonious with the character of the area and shall not block views of immediate area residents.

- d) The plantation layout/design should not be an extension of the private space of the applicant's cottage site.

4.2.3 Dead and Deteriorating Trees

- a) The simple existence of dead and deteriorating trees shall not be the sole criteria for tree removal from village forests.
- b) Fallen and decaying wood/branches left in-situ on the ground promote soil fertility. Where practical, the Resort Village shall mulch unused wood on-site.

4.2.4 Tree Removal from Village Forests

- a) No person shall cut or remove any tree without having first obtained a tree cutting permit and paid a stumpage fee.
- b) Only certain trees shall be marked by trained Village Staff for removal and stumpage fees collected shall be earmarked for forest renewal.
- d) The Development Officer may issue a tree cutting permit which provides for the cutting or removal of trees where, in the opinion of the Development Officer:
 - i) The removal is necessary to provide for access to the site, required off-street parking or another permitted use on the site.
 - ii) The tree is located within the area of a building for which a development permit has been submitted, or is located on the property and within 6 feet (1.83 metres) of the proposed building.
 - iii) The tree is located on the property within 6 feet (1.83 metres) of an existing building.
 - iv) The tree is dead, dying, severely diseased, or damaged so as to pose a safety hazard.
 - v) The trees are too close together to allow proper growth, and the removal is for specific trees identified in the permit comprising less than one third of the trees in the clump.
- e) The above clauses shall not apply to the normal pruning and maintenance of trees by the staff of the Resort Village.

4.3 GROUNDWATER PROTECTION AND STORM WATER MANAGEMENT

4.3.1 Groundwater Protection

- a) The intent of this section is to protect existing and potential groundwater sources in order to safeguard the public health of residents of the Resort Village who depend on groundwater for their drinking water.
- b) No subdivision of land shall be permitted where the proposal will adversely affect domestic or municipal water supplies, or where a suitable, potable water supply cannot be provided to meet the requirements of the Five Hills Health Region, Saskatchewan Environment or the Saskatchewan Watershed Authority.
- c) Prior to considering new subdivision proposals, Council may require a hydrology report to be submitted, demonstrating that an adequate supply of water exists and that existing supplies will not be adversely affected by the proposal.
- d) Subject to the Acts and Regulations, as amended from time to time, and administered by the Five Hills Health Region and Saskatchewan Environment, no liquid, solid or gaseous wastes shall be discharged into any streams, creek, river, pond, slough, intermittent drainage channel or other body of water, or on any land or into the air.
- e) Landfill for the disposal of garbage or refuse is not allowed within the Resort Village because of insufficient distance from any residential development.
- e) Pit privies are prohibited.

- f) The primary sewage disposal system component shall be a septic tank placed on the property.
- g) Placement of septic tanks with respect to distances to buildings, property line and well or water source must follow the guidelines of Saskatchewan Health; and the setbacks as determined by the Public Health Inspector from the Five Hills Health Region.
- h) The Development Officer shall send a copy of all approved development permit applications involving installation of water and sanitary services to the local office of the Saskatchewan Department of Health.
- i) A permit must be obtained from the Public Health Inspector before any person installs a septic system.
- j) The installation of a new septic line or the reinstallation of a replacement septic tank shall have a sucker line from the septic tank to the front (street side) property line.
- k) Effluent must be hauled to an approved lagoon or disposal site.
- l) The Resort Village may conduct annual random testing of septic tanks and water wells throughout the Resort Village in the interest of safeguarding groundwater quality.
- m) The storage of chemicals, fertilizers and combustible materials is subject to the requirements of both the federal and provincial governments. All necessary approval from other regularity agencies must be obtained prior to issuance of a development permit. Development permit conditions may include that all permits or licences required by other regulatory agencies be obtained before development proceeds.
- n) Sewage field disposal systems (mound and jet or open discharge) are not permitted in the Resort Village.
- o) Underground fuel storage tanks and fuel tanks shall be prohibited in the Resort Village.
- p) Heating oil tanks shall be placed over leak-proof sump area.
- q) De-icing salts shall not be permitted on village roads.
- r) The spreading of manure is not permitted.
- s) The dumping on village soils of products that may adversely affect groundwater is prohibited. Such products include:
 - i) Antifreeze and coolants,
 - ii) Gasoline, brake and transmission fluids,
 - iii) Paints, primers, and wood preservatives.
- t) Geothermal installations and operations shall not be permitted as the Resort Village lacks the necessary information on groundwater and geohydrology with respect to protection of village aquifers from contamination.

4.3.2 Inter-municipal Co-operation on Groundwater Protection

- a) Council may, by resolution, enter into agreements with any municipality to establish a planning district with other municipalities under the provisions of *The Planning and Development Act, 2007*, outside the boundaries of the Resort Village with respect to the protection of recharge areas for the groundwater sources the Village residents draw on within the Resort Village.
- b) Council may, by resolution, enter into agreements with any municipality to establish a planning district with other municipalities under the provisions of *The Planning and Development Act, 2007*, outside the boundaries of the Resort Village with respect to waste disposal and sewage disposal.

4.3.3 Storm Water Management

- a) Roadway ditches along surfaced roads in the subdivision act as 'catchment basins' for storm water, which infiltrates into the subsoil (aquifer recharge). Filling in these ditches could

reduce permeable soil cover and onsite drainage capacities in the residential areas. Off-Street and Boulevard Parking and Driveways Regulations (Sections 3.4.3, 3.4.4, and 3.4.5) establish regulations to maintain permeability and local drainage.

- b) Along the valley wall (Mistusinne Commons District) on steep slopes, the Resort Village shall give due regard to locating trails, roads and parking and to maintaining vegetation cover to prevent run off and soil erosion.

4.4 COMMUNITY INVOLVEMENT IN PROTECTING OUR RESOURCES

Although these Bylaws provide the authority for enforcing the implementation The Resort Village of Mistusinne Zoning Bylaw, Council shall rely on broad based support of these Bylaws by Village residents through:

- a) Information sharing about the purpose of these bylaws with Village residents.
- b) Opportunities for engagement in village governance (Development Appeals Board) and various advisory committees such the Beach and Waterfront Committee, the Emergency Measures Committee, and the Friends of Trees Committee.

SECTION 5 - ZONING DISTRICTS

5.1 ZONING DISTRICT MAP, HOLDING PROVISION AND OVERLAY DISTRICTS

5.1.1 The Zoning District Map

The map, bearing the statement "This is the Zoning District Map referred to as Schedule 'A' in the Zoning Bylaw of the Resort Village of Mistusinne by Bylaw No. 05-09" adopted by the Resort Village and signed by the Mayor and Municipal Administrator under the seal of the municipality, shall be known as the "Zoning District Map" and such map is attached as Schedule 'A' and forms part of this Bylaw.

5.1.2 Boundaries of Zoning Districts

- a) Unless shown otherwise, the boundaries of districts are lot lines, centre lines of streets, lanes, road allowances, railway right of way, shoreline of Lake Diefenbaker, and the boundaries of the municipality.
- b) In un-subdivided land, the boundaries of the districts shall be determined by the use of the scale shown on the map.
- c) A district boundary shown following approximately the shoreline, row of trees, or road and trails shall be deemed to be at shoreline or the center line of the roads and trails, and move with any natural change in such natural features or centre line.

5.1.3 Holding Provision

- a) Where on the Zoning District Map the symbol for a zoning district has the prefix "H", any lands so designated on the map shall be subject to a holding provision in accordance with section 71 of *The Planning and Development Act, 2007*, and shall not be developed or redeveloped until the Resort Village enacts an amending bylaw removing the "H" holding symbol.
- b) Any lands subject to a holding provision shall only be used for the following uses:
 - i) Those existing uses, buildings, and structures lawfully permitted when the "H" is applied. Those existing uses, buildings, and structures have been documented in the Crown land lease agreement with Saskatchewan Environment
 - ii) Passive recreation,
 - iii) Afforestation and other conservation practices,
 - iv) Public works,
 - v) Municipal facilities

- c) Council may, by bylaw, remove the holding symbol H from a portion of the FD - Future Development District for residential development after the following conditions are met:
 - i) Any development plan for this area shall be required to meet the applicable provisions of the Official Community Plan and the Zoning Bylaw guidelines at the time.
 - ii) Council shall convene a Land Development Committee to assess the acceptability of a new residential development in the area north of the golf course in the Resort Village according to Section iii) below.
 - iii) Such assessment shall include, and not limited to:
 - i) Meeting requirements for potable water supply, solid and liquid waste disposal in accordance with Section 4.4, Groundwater Protection and Storm Water Management Regulations.
 - ii) Detailed designs, servicing and infrastructure development
 - iii) Public consultation with the ratepayers.
 - iv) And, if applicable, Council entering into a Development agreement according to Section 7.
- d) Once these, and other conditions set by the Resort Village of Mistusinne, have been met, and without a formal public hearing according to Part X of *The Planning and Development Act, 2007*, the holding symbol may be removed by an amending bylaw according to Section 71 (2) of The Act.

5.1.4 Overlay Districts

Overlay zoning districts may apply additional regulations to specific land and are indicated on the Zoning District Map. These regulations add to the regulations contained in the conventional zoning district applicable to a site. Where the conventional district regulations applicable to a site appear to be in conflict with the overlay zone regulations, the following overlay zone regulations shall take precedence:

- a) Groundwater Protection and Storm Water Management Regulations overlay over the entire Village area (Section 4.4).
- b) Open Space Management Regulations overlay with respect to Crown lands, public reserves (Green Spaces) and R1 Zoning District (Sections 4.1, 4.2 and 4.3).

5.2 THE MISTUSINNE ZONING DISTRICTS

For the purpose of applying this Bylaw, the Village of Mistusinne is divided into the following zoning districts. The boundaries of these zoning districts are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

Zoning Districts	Symbols
Residential (Single Detached Dwellings)	R1
Green Space	GS
Mistusinne Commons (Recreation)	MC
Community Services	CS
Environmental Reserve	ENV
Future Development	FD

5.2.1 The Residential District (R1)

- a) The **purpose** of the Residential District shall be to provide for single detached dwellings and other permitted compatible uses.
- b) For development standards for buildings in the Residential District, see Section 5.3.

5.2.2 The Green Space District (GS)

- a) The Green Spaces lands, interspersed Crown lands among clusters of cottage lots, provide a park like setting to residential and recreational developments in the Village. The Resort Village of Mistusinne recognizes the importance of these green spaces (open spaces) for their aesthetic, environmental, recreational, and economic values to residents.
- b) The purpose of the Green Space (public reserve) District is to provide lands as open space between clusters of cottage lots and other use areas or Zoning Districts so as to maintain the rural character of the village and to provide for Village residents with pedestrian access corridors from the back row lots to the Commons and the lake.

The Mistusinne Commons District (MC)

- a) The lakeside environment makes the resort Village of Mistusinne a desirable place for the residents to enjoy and appreciate. Key attractions of the Resort Village are the open spaces, the wide expanse of sandy beaches and the shoreline bluff overlooking Lake Diefenbaker, and the interface of land and water where most aesthetic and recreation opportunities take place.
- b) The purpose of the Mistusinne Commons District is to provide access to the open spaces, shorelands and the lake, along with related recreational developments for the residents of the Resort Village of Mistusinne.

5.2.3 The Community Services District (CS)

- a) The intent of the Community Service District is to provide community services on surveyed lots and un-surveyed Crown lands.
- b) For development standards for buildings in the Community Services District, see Section 5.3

5.2.4 The Environmental Reserve District (ENV)

- a) The purpose of the Environmental Reserve District is to set aside land in the Resort Village pursuant to Section 185 of *The Planning and Development Act, 2007* which consists of qualifying natural and cultural features such as: natural drainage courses, seepage springs, environmentally sensitive wildlife habitat, historical features or significant natural features, land that is subject to flooding or is unstable, along with Crown owned land that abuts the lake bed and shore of the lake. These lands are required for the purpose of prevention of pollution, for preservation of the bank, and for beach accretion areas (due to seasonal fluctuation in lake level). The beach accretion area is the nesting habitat of the endangered Piping Plover.
- b) Such known areas are in the south, the middle and north end of the shoreline in the Resort Village. These are pockets of springheads and associated seepage areas surrounded by steep topography and riparian vegetation cover.

5.2.5 The Future Development District (FD)

- a) The purpose of the Future Development District is to reserve unsubdivided and/or undeveloped land for future residential development for single detached dwelling and other land uses.
- b) Only where the proposed zoning would be in conformity with the Official Community Plan shall the rezoning of land from Future Development to any other land use be considered.

Note - Other districts may be added as necessary.

5.3 DEVELOPMENT STANDARDS FOR BUILDINGS IN THE DISTRICT

Requirements	Single Detached Dwellings in the RESIDENTIAL DISTRICT	Accessory buildings in the RESIDENTIAL DISTRICT	Buildings on lots 101, 102, 103 – COMMUNITY SERVICE DISTRICT
Site area, minimum	6000 sq ft (557.34 sq m)		6000 sq ft (557.34 m ²)
Site frontage minimum for rectangular site	50 ft (15.24 m)	- -	50 ft (15.24 m)
Site frontage minimum for non-rectangular site [ft] (m)	36 ft (11 m)	--	36 ft (11 m)
Mean width for non-rectangular site	50 ft (15.24 m)	--	50 ft (15.24 m)
Front yard, minimum	20 ft (6.10 m)	5 ft (1.5)	20 ft (6.10 m)
Mean depth	120 ft (36.57 m)		120 ft (36.57 m)
Rear yard, minimum	30 ft (9.14 m)	5 ft (1.5 m)	15 ft (4.57 m)
Side yard, minimum [ft] (m)	5 ft (1.5 m)	5 ft (1.5 m)	5 ft (1.5 m)
Side yard abutting a street, minimum [ft] (m)	10 ft (3.05 m)	10 ft (3.05 m)	10 ft (3.05 m)
Principal Building floor area, Minimum [ft ²] (m ²)	700 sq ft ² (65 m ²)	- -	Site overage - 50%
Accessory buildings [ft] (m ²) maximum of 2 (two) detached (See 1 below)	- -	Total floor area shall be less than permitted floor area of Principal Building area built, and not more than 10% of site area (See 2 below)	
Maximum of site coverage, maximum of all buildings combined	35% (See 3 below)		
Building height, maximum: No building shall exceed 28 ft (8.53 metres), nor shall be more than two (2) stories in height	28 ft (8.53 m) Building heights shall not have a negative impact on the neighbouring property owners' views	Height shall not exceed the height of Principal Building. Building heights shall not have a negative impact on the neighbouring property owners' vistas of Green Space	<u>On Crown land:</u> Lot area - no minimum Lot frontage - no minimum Front yard - no minimum Side yard - no minimum Rear yard - no minimum
(1) Conditional Use Permit shall be required for the second accessory building. (2) Example of 10% of 6,000 ft ² (50 ft x 120 ft) = 600 ft ² (20 ft x 30 ft); 10% of 7800 ft ² (65ft x 120 ft) = 780 ft ² (26 ft x 30 ft). (3) Example of 35% of 6000 ft ² (557.34 m ²) = 2,100 ft ² (195 m ²) or 45.8 ft. x 45.8 ft of site coverage			* No minimum requirement for playgrounds, sports, and public works.

5.4 PERMITTED AND DISCRETIONARY LAND USES, OTHER DISTRICT REGULATIONS

	Permitted Uses	Discretionary Uses	Other Regulations
RESIDENTIAL DISTRICTS (R1)	<ul style="list-style-type: none"> _ Single detached dwellings _ Accessory buildings _ Public parks, playgrounds and sports fields _ Community halls _ Places of worship _ Public works 	<ul style="list-style-type: none"> _ Bed & Breakfast Lodging _ Home Based Business _ One detached accessory building with secondary living quarters (subject to Council's discretion) _ More than one detached accessory building (subject to Conditional Use Permit) 	<p>Accessory buildings, structures and uses, except accessory dwelling units, shall be permitted and comply with <u>Section 3.1.5</u> of this Bylaw.</p> <p>Off Street Parking shall be as provided in <u>Section 3.4.3</u> of this Bylaw.</p> <p>Storage shall be as provided in <u>Section 3.4.2</u> of this Bylaw</p>
GREEN SPACE DISTRICTS (GS)	<ul style="list-style-type: none"> _ Non-motorized access for recreation activities throughout the GP - District _ Foot paths, trails, _ Village service facilities such as water hydrants _ Village maintenance and protection activities as approved or directed by Council _ Utility and communication easements <p>Prohibited Uses:</p> <ul style="list-style-type: none"> _ Off-site gardens _ Extension of 'private space' by off-site landscaping _ Lane access (the primary level of access to lots or parcels is from the Village streets) 	<ul style="list-style-type: none"> _ Court games _ Sports and outdoor recreation such as play areas, play ground apparatus, and multi purpose courts (tennis, badminton, basketball) and golf course _ tree plantations _ emergency off-ramp access _ existing off-site sand point wells and decommissioned wells _ Unimproved over- land emergency and occasional access to back of cottage lots for seasonal storage and retrieval of vehicles or for renovation and construction purposes approved by Council 	<p>Accessory buildings, structures and uses secondary or subordinate to, and located on the same lot with the principal building permitted or discretionary use, shall be permitted.</p> <p>Regulations</p> <p>No minimums (development standards).</p> <ul style="list-style-type: none"> _ All lands zoned as the Green Space District are subject to the provisions of Section 186 and 192 and other sections regarding Public Reserve, of <i>The Planning and Development Act, 2007</i>. _ All Village lands zoned as Green Space are leased Crown lands and hence are subject to the terms of the Land Lease Agreement with Saskatchewan Environment.
MISTUSINNE COMMONS DISTRICTS (MC)	<ul style="list-style-type: none"> _ Golf course _ Hiking and cross country ski trails _ Picnic sites _ Play grounds _ Sports and playgrounds _ Parking lots _ Beach access _ Foot paths, stairs and boardwalks as appropriate, _ Roads discretely located and under stricter than normal controls due to erosion and risk of grass fire _ Roads terminating in carefully located parking areas with drop-off points in proximity the beach and boat launch, _ Associated developments such as signs, portable sanitary facilities near the beach and boat launch. _ Utilities _ Public works 	<ul style="list-style-type: none"> _ Dryland storage area for recreational vehicles (boats and boat trailers) used on the lake. _ Motorized trails in designated areas by Council _ Seasonal sequential use of Council designated areas for motorized trails _ Temporal sequential <p>DISCRETIONARY USE of beach accretion area during off-season by off-road vehicles, subject to biennial review by Council</p> <ul style="list-style-type: none"> _ Shoreland protection measures (erosion control) _ Swimming areas _ Boating restrictions _ Boat launch _ Boat lifts _ Water safety related facilities and navigational aids such as beacons and signs; and _ Carefully planned shoreline restoration measures to control shoreline erosion (breaches and sand blow-out) _ Shoreland alteration and management efforts shall include prior consultation with government environmental and water management agencies. 	<p>Accessory buildings, structures and uses Non-habitable buildings, structures or uses secondary or subordinate to the principal permitted or discretionary use, shall apply.</p> <p>Regulations:</p> <ul style="list-style-type: none"> • No minimums (development standards) _ All lands zoned as Mistusinne Commons are also listed by the Resort Village as Public Reserve, shall be/are subject to the provisions of Section 186 and 192 and other sections regarding Public Reserve, of <i>The Planning and Development Act, 2007</i>. _ All Village lands zoned as Recreational are leased Crown lands and hence are subject to the terms of the Land Lease Agreement with Saskatchewan Environment. _ Protection of Piping plover nesting habitat _ Boating regulations (Transport Canada) _ Shoreland 'alterations' (Saskatchewan Ministry of Environment and Department of Fisheries and Oceans of Canada)

COMMUNITY SERVICES DISTRICTS (CS)	<p><u>On lots 101, 102 and lot 103</u></p> <ul style="list-style-type: none"> _ Community centre (Mistusinne Community Centre) _ Sports fields and playground _ Picnic ground _ Community events _ Cultural and social activities _ Public utilities _ Recycling building (site for hauling away) _ Waste collection building (site for hauling away) _ Rental of community center for family or community functions _ Food concessions during community events <p><u>On Crown land:</u></p> <ul style="list-style-type: none"> _ Maintenance area _ Maintenance building _ Fire hall _ Pump house _ Recycling building/collection site (for hauling away) _ Waste collection building/site (for hauling away) _ Storage of fertilizer _ Public utilities _ Tree or shrub holding nursery 	<p>_ Cemeteries</p>	<p>Regulations:</p> <ul style="list-style-type: none"> _ Buildings shall meet applicable standards for worker safety. _ Fuel pumps and other accessory equipment shall be located at least 10 m (33 ft.) from public roads/trails. _ All maintenance and yard equipment, machinery and storage of vehicles for ratepayers shall be stored in a screened off area from the village public road (graveled road to boat launch and beach area) or shall be stored within a building.
ENVIRONMENTAL RESERVE DISTRICTS (ENV)	<ul style="list-style-type: none"> _ Dispersed recreation in undeveloped areas, for such activities as hiking, nature appreciation, shoreline fishing, cross country skiing, _ Developed foot paths and viewing spots, _ Natural and heritage resource interpretation, _ Any other uses the minister may, by regulation specify, or _ The environmental reserve must be left in its natural state. 		<p>Accessory Uses</p> <ul style="list-style-type: none"> _ Non-habitable buildings, structures or uses secondary or subordinate to, and located on the same lot with the principal permitted or discretionary use, shall be permitted <p>Regulations</p> <ul style="list-style-type: none"> _ "An environmental reserve may be used as a public park or for any other use that the Minister may, by regulation, specify, but, if it is not used for those purposes, the environmental reserve must be left in its natural state." (Section 185 (3) of <i>The Planning and Development Act, 2007</i>). _ Dedicated Lands Regulations and provisions of this Bylaw shall apply. _ Permits are required from the Saskatchewan Ministry of Environment and the Department of Fisheries and Oceans for any work planned in or within 5 m (16.40 ft) of a lakebed.
FUTURE DEVELOPMENT DISTRICTS (FD)	<ul style="list-style-type: none"> _ Lakeshore access _ Recreational uses including boat launch, golf course, sports field, picnicking _ Dispersed recreation normally not identified with buildings and facilities or areas of group _ Public works _ Municipal facilities including maintenance yard, and maintenance-fire hall building _ Recreational vehicle storage _ Tree mulching area _ Field spraying of raw sewage as approved by Saskatchewan Environment _ Afforestation and other 	<p>_ ATV trail rides in areas designated by the Resort Village</p>	<p>_ Accessory Buildings, Structures or Uses secondary or subordinate to and located in the same un-surveyed area as the principal permitted use shall be permitted.</p> <p>Regulations:</p> <p>Developments shall conform to the following requirements:</p> <ul style="list-style-type: none"> _ Lakeshore access – no minimum _ Recreational uses including boat launch, golf course, sports field, picnicking– no minimum _ Passive recreation – no minimum _ Public works– no minimum _ Municipal facilities including maintenance yard, and maintenance-fire hall building – no minimum

	conservation practices _ Agricultural uses; such uses as cutting of hay or grazing		_ Recreational vehicle storage- no minimum _ Afforestation and other conservation practices – no minimum
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5.5 PROHIBITED LAND USE IN ALL ZONING DISTRICTS

Notwithstanding the authority of Council to limit other land uses, the following buildings and use of buildings and land shall be prohibited in any zone:

- a) Mobile homes, (modular homes are allowed if they meet or exceed CSA Z240 and meet the national building code standard),
- b) Multiple unit dwellings,
- c) The use of any motor vehicle for human habitation,
- d) Stables, livestock operations, or dog boarding kennels,
- e) Personal care homes,
- f) Confectionary stores or restaurants,
- g) Gas stations or garages for the repair or maintenance of motor vehicles,
- h) Tourist services and accommodations (Except for bed and breakfast lodging – See Section 3.2),
- i) The bulk storage of industrial chemicals, hazardous waste of liquid industrial waste as defined under the amended Environmental Protection Act.

SECTION 6 – COMMUNITY INVOLVEMENT AND INTERMUNICIPAL CO-OPERATION

6.1 COMMUNITY INVOLVEMENT

Council will involve the community in implementation of the Zoning Bylaw as follows:

- a) In the appeals processes,
- b) With the use of opinion surveys asking for ratepayers' input on major undertakings in excess of \$50,000.00 (past examples: rebuilding of village streets),
- c) With invitations to be involved in community volunteer projects, and
- d) Through public information and consultation before changes are introduced to these Zoning Bylaws.

6.2.1 INTERMUNICIPAL CO-OPERATION

Council may, by resolution, enter into agreements with any municipality to establish a planning district with other municipalities under the provisions of DIVISION 2 of *The Planning and development Act, 2007*, within and outside the boundaries of the Resort Village with respect to any areas of interest and benefit to the Resort Village of Mistusinne. Such agreement could range from planning, public works, service delivery, and any other matters considered by Council to be of inter-jurisdictional significance or necessary to co-ordinate community and land use planning and services between municipalities.

SECTION 7 - DEFINITIONS

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

Accessory Building – a building, the use of which is subordinate to that of a principal building or use situated on the same lot/site. Accessory Building includes fabric covered structure.

Accessory Storage Area – an area designated within the Resort Village for the purpose of storing recreational vehicles, motor vehicles, boats, cars dollies, utility trailers, and the like.

Accessory Use - is a building, structure or activity, which is incidental to, and subordinate to, the principal use or activity conducted and located on the same lot/site as the principal building or use, and used in conjunction with that principal use.

Act, The – *The Planning and Development Act, 2007*, its amendments and successor legislation.

Administrator - The Administrator of the Resort Village of Mistusinne.

Alteration - any structural change or addition made to any building.

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

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.

Approved - approved by the Council of the Resort Village of Mistusinne.

Aquifer – an underground layer of gravel or sand that contains groundwater. Residents of the Resort Village depend on groundwater for their drinking water.

Aquifer Protection Zone, High Sensitivity - area of sand/coarse sand overlaying a portion of the aquifer. For example, the village area, because of coarse sandy subsoil, is considered highly sensitive aquifer area.

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.

Bed (body of water) - that portion of a water body or watercourse that is periodically or continuously covered by water.

Bed-and-Breakfast Home - a bed-and-breakfast facility is an accessory use of a single detached dwelling, licensed as an itinerant use accommodation The Public Accommodation Regulations, in which bedrooms are rented to paying customers on an overnight basis with no more than one meal served daily and before noon.

Boat Lift – any structure having temporary footings in the lake or on land, designed to lift a vessel out of the water and/or provide a platform for temporary vessel storage and no extension or other structure or object (such as a roof or canopy) may be attached to or upon a boat lift.

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

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

Building Bylaw - a bylaw of the Resort Village of Mistusinne regulating 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 Resort Village of Mistusinne, authorizing the construction of all or part of a building or structure, but does not include a development permit.

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

Building Line, Established - a reduced front yard requirement pursuant to Sub-section 3 Established Building Lines (Section 3 General Regulations).

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

Child Care Services (Day Care) - "Services that are provided at the request of a parent of a child are provided for a child by a person other than a parent of the child, are provided for less than 24 hours per day,

and have as their primary purpose the care and supervision of children who do not reside on the premises where the services are provided." (The Child Day Care Act). For the purpose of this zoning bylaw, babysitting is excluded.

Club - a service club or private club which involves recreational, social, cultural or athletic activities.

Council - the Council of the Resort Village of Mistusinne.

"Dedicated lands" – those lands within the definition of dedicated lands contained in Section 2 of The Act.

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

Development, temporary – where dedicated lands are concerned, improvements or landscaping, and maintenance of the improvements or landscaping.

Development Officer - the officer of the Resort Village of Mistusinne appointed pursuant to Section 2 (SECTION 2 ADMINISTRATION) of the Bylaw to administer this Bylaw.

Development Permit - a permit, issued by the Council of the Resort Village or its designate that authorizes development but does not include a building or a discretionary use permit.

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

District – see Zone, or Zoning District.

Driveway - a road or lane from the village street that gives access to or from any parking area. In the residential districts it is a driveway from to village streets to the front of the lot.

Dwelling - a building used or intended to be used as a residence, but shall not include room rental or Tourist Accommodation.

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, and each unit provides for separate sleeping, cooking and toilet facilities.

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. It may include an RTM when attached to its foundation on the site, but not include a mobile or modular home.

Ecology – the study of the relationships among organisms and the relationship between them and their physical environment.

Fabric Covered Structures – a pre-manufactured, or homemade structure consisting of wood framing, tubular metal, or tubular plastic frame, covered on the roof and a maximum of three sides covered with fabric, reinforced plastic, vinyl, or other sheet material, with a maximum floor area no greater than 240 square feet (22.3 square metres) intended for temporary storage purposes.

Flood, Designated – for the purpose of this Resort Village along Lake Diefenbaker, where the reservoir (a.k.a. lake) level is controlled by a dam, the designated flood level is set at 1,870 feet (556.87 metres) by the Saskatchewan Watershed Authority.

Flood Level – see Flood, Designated

Floodplain Setback, Shoreline Setback, Building Setback – the distance from the Natural Boundary of Lake Diefenbaker to the backshore to allow for potential land/shoreline erosion.

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

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.

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

Groundwater – water beneath the surface of land.

Home Based Business - a business, occupation, trade, profession or craft customarily conducted entirely within a residential building or an 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 and generates little or no traffic.

Hot tub – a hot tub or jacuzzi, whirlpool or spa.

Household Animal – a domesticated animal kept by the residents, which is used or the product of which is used primarily and directly by the residents and not for sale or profit, and includes a dog, cat, but specifically excludes Livestock.

Hydrogeology - the study of the movement of groundwater.

Lane - a public highway vested in the Crown as a secondary level of access to a lot or parcel of land intended primarily to give access to a lot at the side or rear of the property.

Livestock - a domesticated animal normally raised or kept for food, milk or as a beast of burden or for hobby and, without limiting the foregoing, may include a horse, donkey, mule, ox, sheep or swine, poultry and other fowl, but specifically excludes a Household Animal.

Lot/site - and area of land with fixed boundaries and which is of record in the Land Registry office of Information Services Corporation of Saskatchewan (Land Titles Office) by Title Number (Certificate of Title). A lot/site is also referred to by Block Number and Lot Number on village maps.

Lot Area - the horizontal area within the lot lines of the lot/site

Lot Coverage - the footprint of the buildings on the lot, expressed as a percentage of the lot/site area, including the principal building, accessory buildings, cavorts, open decks, entry covered walkways and enclosed walkways, but excluding: heat pumps, air conditioners, steps, landings, wheelchair ramps, eaves, gutters, awnings.

Lot Line (lot boundary) – a line delineating any boundary of a lot, the boundary of a lot/site, defined as follows

- i) Lot Line, Front (Street), also street frontage - the boundary that divides the lot from the street (road right of way), in the case of a corner lot, the front lot line shall mean the boundary separating the narrowest street frontage of the lot.
- ii) **Lot Line, Side** – a lot boundary other than a front or a rear lot line
- iii) **Lot Line, Rear** (Green Space) – the lot line at the rear of the lot and opposite from the front lot line

Mayor - the Mayor of the Resort Village of Mistusinne.

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

Mobile Home - a trailer coach:

- that that is used as a dwelling for permanent or year round living
- 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
- which is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards.

Mobile Home Site - a parcel or piece of land for the placement of a mobile home and for exclusive use of its occupants.

Mobile Home Court - any site on which two or more occupied mobile homes are located but does not include an industrial or construction camp or tourist campsite.

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 on a permanent foundation, and is certified by the manufacturer that it complies with the Saskatchewan Building Code and the Canadian Standards Association Code CSA-A277 and meets the national building code.

Modular Home, Single Wide - a modular home that is less than 5 m (16.40 ft.) in width.

Modular Home, Double Wide - a modular home that is greater than 7 m (23 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.

Municipal Facility - Public Works owned by the Municipality/Resort Village.

Municipality - same as The Resort Village of Mistusinne under The Municipalities Act.

Natural Boundary - for the purpose of this Bylaw, the visible watermark of the fluctuating reservoir (a.k.a. lake) elevation at any time of the year along Lake Diefenbaker.

Non-Conforming Building - a building:

- 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
- 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 - a lawful specific use:

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

Official Community Plan - an official community plan adopted pursuant to section 29 of The Act.

Parcel - a surface parcel as defined in The Land Titles Act, 2000. Also, see: Lot/Site.

Permitted Use - a use of land or buildings or form of development that is prescribed in the Zoning Bylaw as a use that is allowed and for the purpose of this Bylaw all uses not listed as permitted shall be deemed to be a prohibited use in that zone.

Personal Care - assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for him or herself due to age, infirmity, physical or mental defect, or other disability.

Personal Care Home - a facility that provides accommodation and meals and supervision or assistance with personal care to an adult who on account of age, infirmity, physical or mental disability require special care, and who is not a relative of the person who operates the facility.

Prohibited Use - a use of land or a building or form of development that is prescribed in the zoning bylaw as not allowed on a parcel/lot/site.

Permitted use - a use of land or building with associated development standards that shall be permitted in a zoning district where all requirements of the 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.

Principal Use - the primary purpose for which land, buildings, or structures are ordinarily used.

Public Land - Crown. lands and waters within the Resort Village.

Public Utility, and Works - 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:

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

Radio and Television Communication Structure - structures used for receiving and broadcasting radio or television signals.

Recreational Facility – the use of land, building or structures for indoor or outdoor activities and specifically excludes arcades.

Recreational Vehicle – any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 meters (8.53 feet) in transit mode which can be used to provide sleeping accommodation and which is capable of being licensed for highway use pursuant to the Motor Vehicles Act

Resource Management/Landscape Management – The wise use of a particular resource like grasslands and tree plantations/open spaces/environment to achieve a specific end such as shade, shelter, wildlife habitat, soil protection, watershed protection, aesthetics for the enjoyment and benefit of all the residents of the Resort Village.

Reservoir – Lake Diefenbaker, also lake.

Restricted Building Area – an area that is designated under the Reservoir Development Area Regulations (Chapter E-10.2 Reg 1) along Lake Diefenbaker.

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.

Rooming House - a building containing more than one rooming unit.

Rooming Unit - a room or rooms for only paid accommodation that is not a dwelling unit or other form of accommodation defined elsewhere in this Bylaw, and which may or may not provide meals; and makes no provisions for cooking in any of the rooms occupied by paying guests.

'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.

Road allowance or village road right of way – surveyed road-right-of-way which afford the principal means of access to the abutting parcel property.

Secondary Suite – one or more habitable rooms with bedroom(s) and one cooking facility, constituting a self-contained unit with a separate entrance, but which is clearly subordinate to the principal dwelling.

Sensitive Area – land or water area containing features whose protection is advocated by any individual or interest group.

Setback – the required minimum horizontal distance measured between a building or use and each of the respective lot lines.

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.

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.

Site Area (or) Site Coverage – see Lot Coverage

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 boundary at the rear of the site and opposite the front site line.

Site Line, Side - a site boundary other than a front or rear site line.

Sleeping Unit – one or more habitable rooms used for sleeping and living purposes but in which there is no kitchen or cooking facilities.

Storage Shed – a building with a maximum horizontal floor area of 100 square ft (9.29 square m), or a maximum horizontal roof area of 110 square ft (10.22 square m), used exclusively for the storage of goods.

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.

Sustainable Development – “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” (Page 8, World Commission on Environment and Development. Our Common Future. (Oxford, Great Britain: Oxford University Press, 1987).

Swimming Pool – any structure, in ground or over ground, intended primarily for recreation that is, or is capable of being, filled with water to a depth of 2 ft (0.6 metres) or more. A hot tub which must have a drainage system into a sanitary sewer/septic tank shall not be considered a swimming pool.

Tourist Accommodations - rooms, hotel, motel, rental cabins used by travellers for overnight accommodation.

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.

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.

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

m	metre(s)	km	kilometres
m ²	square metre(s)	ha	hectare(s)

Use – the purpose for which any lot, site, or surface water, building or structure, is designed, arranged, or intended, or for which it is occupied or maintained.

Village – The Resort Village of Mistusinne.

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 lot/site between the front site line and the nearest main wall of the principal building or structure on the lot/site.

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

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

Zone – a land use district (same as Zoning District, or District) established by SECTION 5 of this Bylaw

Zoning District – the area into which the Resort Village of Mistusinne is divided in accordance with this Bylaw and for which specific regulations are outlined in this Bylaw.

SECTION 8 – COMING INTO FORCE

- 1) This bylaw shall come into force on the date of final approval by the Minister of Government Relations and by the Minister responsible for Saskatchewan Watershed Authority.
- 2) Bylaw No. 2/91, as amended, is hereby repealed.

INTRODUCED AND READ a first time this 18th day of April, 2009.

READ A SECOND time this 23rd day of May, 2009.

READ A THIRD time this 23rd day of May, 2009.

ADOPTION of bylaw this 23rd day of May, 2009.

MAYOR

(S E A L)

ADMINISTRATOR

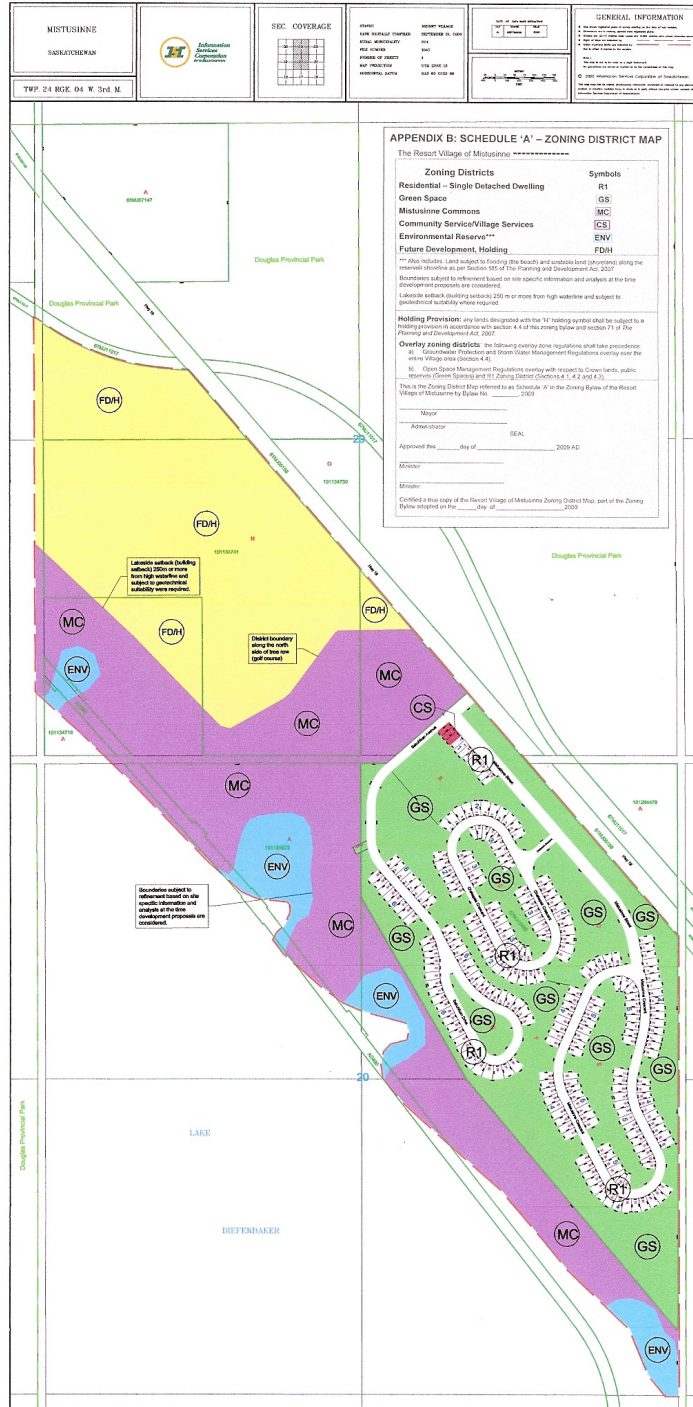
Approved by:

Minister of Government Relations

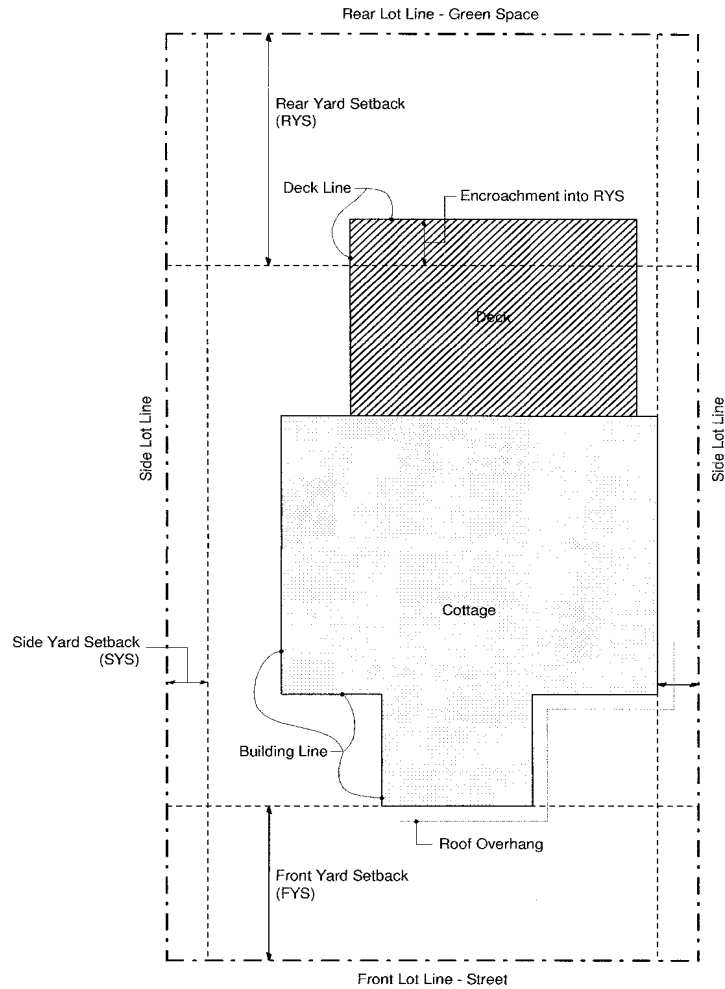
Approved by:

Minister responsible for Saskatchewan Watershed Authority

Appendix A – Application for Development Permit, Form A and B



Appendix C – Lot Schematics



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