

RESORT VILLAGE OF MISTUSINNE

ZONING BYLAW

Prepared for:

THE RESORT VILLAGE OF MISTUSINNE

Prepared by:

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LANDSCAPE ARCHITECTURE AND COMMUNITY PLANNING
SASKATOON, SK

JANUARY 2026

Resort Village of Mistusinne

Bylaw No. 10-2021

A BYLAW OF THE RESORT VILLAGE OF MISTUSINNE TO ADOPT A ZONING BYLAW

The council of the Resort Village of Mistusinne in the Province of Saskatchewan, in open meeting assembled enacts as follows:

1. Pursuant to Section 34 (1) of *The Planning and Development Act, 2007*, the Council of the Resort Village Mistusinne hereby adopts the Resort Village of Mistusinne Zoning Bylaw, identified as Schedule "A" to this Bylaw.
3. The Mayor and Administrator are hereby authorized to sign and seal Schedule "A" which is attached to, and forming part of these minutes.
5. That Bylaw No. 05-2009 is hereby repealed.
6. That this bylaw shall come into force on the date of final approval by the Minister of Government Relations.

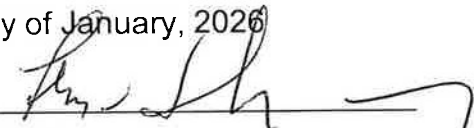
Read a first time the 16th day of October, 2021

Read a second time the 14th day of December, 2025

Read a third time the 18th day of January, 2026


Adoption of Bylaw No. 10-2021 this 18th day of January, 2026




Mayor


Administrator
Section 290 *The Municipalities Act*

Certified a true copy of Bylaw No. 10-2021
adopted by resolution of Council
on the 18th day of Jan, 2026.


Administrator

Resort Village of Mistusinne

Bylaw No. 10-2021

ZONING BYLAW

Being Schedule "A" to Bylaw No. 10 – 2021 of The Resort Village of Mistusinne




Mayor


Administrator
Section 290 *The Municipalities Act*

Certified a true copy of Schedule "A" to Bylaw No. 10-2021
adopted by resolution of Council
on the 18th day of Jan, 2026.


Administrator

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1 INTRODUCTION

Under the authority of *The Planning and Development Act, 2007*, and Bylaw No. 2022-____, 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 *Zoning Bylaw* of the Resort Village of Mistusinne.

1.2 SCOPE

Development shall be permitted within the limits of the Resort Village of Mistusinne only when in conformity with the provisions of this Bylaw subject to the right of appeal provisions of *the Act*.

1.3 PURPOSE

This is a Bylaw to control the use and development of the land in the municipality and assist in implementing the *Resort Village of Mistusinne Official Community Plan* and the *WaterWolf Planning District Official Community Plan*.

1.4 SEVERABILITY

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

2 INTERPRETATION

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

Abutting: Shall mean touching and sharing a common site line or boundary.

Accessory Building or Use: Shall mean a building or use which:

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

Act: Shall mean *The Planning and Development Act, 2007*.

Adult Day Care: Shall mean an establishment for the placement, care and supervision of adults, but does not include the provision of overnight supervision.

Adult Day Care – Type I: Shall mean an adult day care with up to five persons under supervision at any one time.

Adult Day Care – Type II: Shall mean an adult day care with more than five persons under supervision at any one time.

Adult Entertainment Facility: Shall mean, whether as a principal, accessory or ancillary use, a venue which features live entertainment, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions of adult entertainment including strip-tease, wet clothing contests or similar adult performances.

Alteration: Shall mean any structural change in, or addition to, a building or structure, and shall include a change from one type of use to another.

Ambulance Station: Shall mean a facility for receiving requests for ambulance service and for the stationing of one or more ambulances until dispatched in response to calls for service, which is operated by a person or corporation having a valid and subsisting ambulance licence issued pursuant to *The Ambulance Act* and having a current contract with the Regional Health Authority.

Ancillary Use: Shall mean a use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Animal Hospital: Shall mean a place used for the care and treatment of small and large animals involving out-patient care, medical procedures involving hospitalization, and the keeping of animals in outdoor pens.

Balcony: Shall mean a platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a railing.

Basement, Walkout: Shall mean that portion of a building which is partly underground, but which has more than 50% of the floor area not greater than 0.6 metres below grade or which has an entrance at finished

floor level. This definition shall only apply to sites which have been designed to accommodate a walkout basement.

Bed and Breakfast Home: Shall mean a dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodations and one meal per day to members of the general public, for periods of two weeks or less, and in which:

- (a) not more than four bedrooms within the dwelling unit are used to provide such sleeping accommodation;
- (b) the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
- (c) the meal which is provided is served before noon each day.

Boarder: Shall mean a person who rents sleeping accommodations which have no individual cooking facilities, and who may be furnished with meals or other services as part of the consideration, but who is not a member of the household occupying the principal dwelling unit.

Boulevard: Shall mean the strip of land between the curb and the property line, or in the absence of a curb, the strip of land between the road/pavement edge and the property line. The boulevard is located within the road right-of-way.

Building: Shall mean a structure constructed or placed on, in, or over land, but does not include a public highway, and includes any structure covered by a roof and supported by walls or columns.

Building Bylaw: Shall mean any Bylaw of the Resort Village of Mistusinne regulating the erection, alteration, repair, occupancy or maintenance of buildings or structures.

Building Front Line: Shall mean the line of the wall of the building, or any projecting portion of the building, and production thereof excluding permitted obstructions which face the front site line.

Building Height: Shall mean the vertical distance of a building measured from grade level, 0.3 metres back from the principal building, to the highest point of the roof surface.

Building Line, Established: Shall mean a line, parallel to the front site line (and, in the case of corner sites, a line, parallel to the side site line along the flanking street), and set back the average distance from the edge of the street to the main walls of the existing buildings on a side of any block of the street where more than half the lots have been built on.

Building Permit: Shall mean a permit issued under a Building Bylaw of the Resort Village of Mistusinne authorizing the construction of all or part of a building or structure.

Building, Principal: Shall mean the building in which is conducted the main or primary use of the site on which said building is situated.

Building Rear Line: Shall mean the line of the wall of the building or any projecting portion of the building and production thereof excluding permitted obstructions which face the rear site line.

Building Side Line: Shall mean the line of the wall of the building, or any projecting portion of the building and production thereof excluding permitted obstructions, which face the side site line.

Bulk Fertilizer Operation: Shall mean a facility for the storage and distribution of fertilizer in bulk

quantities, but not including retail sales or processing.

Bunk House: Shall mean an accessory residential building intended for the purpose of providing temporary sleeping accommodation for guests but shall not include sanitary or kitchen facilities.

Bylaw, this: Shall mean the *Zoning Bylaw of the Resort Village of Mistusinne*.

Cannabis Production Facility: Shall mean a facility, approved under federal and provincial regulations, that is used in whole or in part for the planting, cultivation, testing, harvesting, processing and distribution of the cannabis plant and any of its derivatives.

Cannabis Retail Store: Shall mean a retail store, approved under federal and provincial regulations that sells cannabis and any of its derivatives.

Carport: Shall mean a roofed enclosure for the parking of a motor vehicle or motor vehicles which has less than 60% of the total perimeter enclosed by walls, doors or windows and is attached to a principal building.

Car Wash: Shall mean a building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

Cemetery: Shall mean property used for the interment of the dead and may include facilities for the storage of ashes of human remains that have been cremated.

Chief Administrative Officer: Shall mean the Chief Administrative Officer for the Resort Village of Mistusinne.

Club: Shall mean a group of people organized for a common purpose, to pursue common goals, interests or activities, usually characterized by certain membership qualifications, payment of dues or fees, regular meetings, and a constitution and bylaws; and shall include lodges and fraternal organizations.

Common Wall: Shall mean a vertical wall without an opening, separating two dwelling units between the top of the footings to the underside of the roof deck, and shall be common to both dwelling units over at least 40% of the length of each dwelling unit.

Communication Facility: Shall mean an Industry Canada regulated communication facility, including radio television cellular telephone and microwave transmission towers and accessory buildings.

Community Centre: Shall mean a building or facility used for recreational, social, educational or cultural activities and which is owned by a municipal corporation, non-profit corporation or other non-profit organization.

Community Garden: Shall mean an area of land that is managed and maintained by a formal or informal group of individuals to grow and harvest food crops and/or non-food ornamental crops for personal or group use, consumptions, donation or sale at a farmers' market or farm stand. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Construction Trades: Shall mean offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

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

Corner Site: Shall mean a site at the intersection or junction of two or more streets.

Council: Shall mean the Council of the Resort Village of Mistusinne.

Cultural Institution: Shall mean an establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest which are not commercially operated.

Custodial Care Facility: Shall mean either:

- (a) a facility for the temporary detention or open custody of persons pursuant to the provisions of *The Youth Criminal Justice Act (Canada)* or *The Summary Offences Procedure Act, 1990 (Saskatchewan)*; or,
- (b) a facility for the accommodation of persons participating in a community training program pursuant to *The Correctional Services Act*,

in which the number of persons in detention, custody or residence does not exceed four.

Day Care Centre: Shall mean a facility for the non-parental care of over four (4) preschool age children on a daily basis, including after school programs, and licensed under *The Child Care Act* or *Education Act*.

Deck: Shall mean a raised platform, with or without rails, for use by those occupying the principal building.

Deck or Patio, Covered: Shall mean a single storey deck or patio which is covered with a permanent roof structure which may be enclosed by walls, windows or screens and which is attached to the dwelling but not integrated into the dwelling unit by virtue of the extension of the dwelling unit's heating or cooling system or the removal of the exterior door between the deck or patio and the dwelling unit. In addition, 50% of the walls must be openings and no basement may be constructed under the deck or patio. Typically an attached covered deck or patio would provide up to three-season accommodation and would not provide fully livable floor space.

Development: Shall mean 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 use of any building or land.

Development Permit: Shall mean a document authorizing a development, issued pursuant to this *Zoning Bylaw*.

Discretionary Use: Shall mean 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 Official Community Plan: Shall mean the WaterWolf Planning District Official Community Plan Bylaw, as most recently amended.

Dwelling: Shall mean a building used or intended for residential occupancy, and may include a Modular Dwelling or a Ready-to-Move Dwelling, but excluding a Manufactured Dwelling or Mobile Home, as

herein defined.

Dwelling Group: Shall mean a group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

Dwelling, Manufactured: Shall mean a dwelling that conforms to the CSA Standard No. Z240 and amendments thereto, and which was formerly referred to as a mobile home.

Dwelling, Modular: Shall mean a dwelling which is constructed of pre-fabricated parts, unit modules and/or finished sections built in a factory, conforming to CSA Standard A277, and which are transported to the site for assembly on a fixed approved foundation which complies with the requirements of *The National Building Code of Canada*.

Dwelling, Multiple Unit: Shall mean a building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment dwellings but not hotels or motels.

Dwelling, Multiple Unit Apartment: Shall mean a building divided into three or more dwelling units as herein defined, each of which is occupied or intended to be occupied as a permanent home or residence and is accessed from the outside, a common indoor area, or both, but not including hotels, motels or townhouses.

Dwelling, Multiple Unit Townhouse: Shall mean a multiple-unit dwelling in which each unit has its own entrance to the outside and each unit is separated from other units by a common wall or ceiling which has no openings.

Dwelling, Ready-to-Move (RTM): Shall mean a ready-to-move one or two unit dwelling which is built to completion off-site using conventional lumber and building practices according to the current National Building Code of Canada, and which is transported to the site as a complete unit for placement on a fixed approved foundation which complies with the requirements of *The National Building Code of Canada*.

Dwelling, Secondary Suite: Shall mean a self-contained dwelling unit that is an accessory use to, and located within, a building in which the principal use is a single detached dwelling.

Dwelling, Semi-Detached: Shall mean a dwelling on its own site, with a common wall dividing the two dwelling units through at least 30% of the depth of the entire structure, measured from the front to the rear building lines.

Dwelling, Single Detached: Shall mean a detached building consisting of one dwelling unit as herein defined, but shall not include a manufactured home as herein defined.

Dwelling, Street Townhouse: Shall mean a dwelling, designed as one cohesive building in terms of architectural design, which contains three or more similar attached dwelling units each of which fronts on a street, has direct access to the outside at grade and is not wholly above another dwelling.

Dwelling, Two-Unit: Shall mean a building divided into two separate dwelling units on the same site but not including single detached dwellings which contain a secondary suite as defined herein.

Dwelling Unit: Shall mean a separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components. For the purposes of this definition, "kitchen components" include, but are not limited to, cabinets, refrigerators, sinks, stoves, ovens, microwave ovens or other cooking appliances.

Educational Institution: Shall mean a post-secondary college, university or technical institution, but shall not include a private school.

Exotic Animal: Shall mean an animal not indigenous to Canada and not commonly kept as a household pet in Canada.

Fabric Covered Structure, Accessory: Shall mean a pre-manufactured structure consisting of wood framing, tubular metal, or tubular plastic frame, covered on the roof and sides with fabric, reinforced plastic, vinyl, or other sheet material, intended for temporary storage purposes.

Family Child Care Home: Shall mean an accessory use to a dwelling, where the occupants of the dwelling provide child care services, supervision or pre-school services.

Family Child Care Home, Type I: Shall mean a family child care home where the total number of children under care or supervision, including the number of children who are residents in the dwelling, does not exceed 4.

Family Child Care Home, Type II: Shall mean a family child care home where the total number of children under care or supervision, including the number of children who are residents in the dwelling, does not exceed 8.

Farmers' Market: Shall mean a permanent structure or group of farm stands, operated on a seasonal or year-round basis, which allows for agricultural or horticultural producers to retail their products and other agriculture-related items, including those produced in a community garden, directly to consumers and enhance income through value-added products, services, and activities.

Farm Stand: Shall mean a seasonal direct-marketing operation without a permanent structure and offering outdoor shopping for the sale of locally-produced agricultural products including those produced in a community garden, enhanced agricultural products, and handmade crafts.

Farm Supply Centre: Shall mean a facility that sells and distributes farm inputs including but not limited to farm commodities, supplies, chemicals, machinery, and equipment.

Fence: Shall mean an artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution: Shall mean a bank, credit union, trust company, or similar establishment.

Flankage: Shall mean the side site line of a corner site which abuts the street.

Floor Area: Shall mean the maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, unfinished attic or unfinished basement.

Frontage: Shall mean the side of a site abutting a street and, in the case of a corner site, the narrower of the two sides is the frontage. In the event that the lot is square, it would be the side chosen as the front, provided it is a corner lot.

Fuel Storage Depot, Bulk: Shall mean a facility for the storage and distribution of petroleum and petrochemical products in bulk quantities, but not including retail sales or processing, and may include key-card pumps.

Fuel Storage Tank, Above Ground: Shall mean a storage tank, which is constructed below grade and

which contains gasoline, diesel fuel, or propane for retail sale or dispensing into motor vehicles.

Fuel Storage Tank, Underground: Shall mean a storage tank, any portion of which is above grade and which contains gasoline, diesel fuel, or propane for retail sale or dispensing into motor vehicles.

Fuel Bulk Storage Tank, Bulk: Shall mean a storage tank for the purpose of storing fuels for distribution.

Garden Suite: Shall mean a small, ground-oriented dwelling unit located in the rear yard of a single detached dwelling and contained within a detached accessory building that has no kitchen or kitchen components but may have sleeping and sanitary facilities which are separate from those of the single detached dwelling.

Garage, Private: Shall mean a garage used for storage purposes only, where no business, occupation or service is conducted for gain, other than an approved home based business, and in which no space is rented to or by a non-resident of the premises.

Garage, Public: Shall mean any garage available to the public, operated for gain, and which is used for repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, including major repairs.

Garage Suite: Shall mean a dwelling unit located in the rear yard of a single detached dwelling which is attached to or made part of a detached accessory building that has no kitchen or kitchen components but may have sleeping and sanitary facilities which are separate from those of the single detached dwelling.

Gas Bar: Shall mean a building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Geothermal Energy: Shall mean a renewable source of energy that taps deep into the heat of the earth's crust.

Grade Level: Shall mean the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. In the case of one-unit dwellings, two-unit dwellings and semi-detached dwellings with a walk-out basement, grade level shall be the average elevation of the finished surface of the ground adjacent to the side walls of the building.

Gross Floor Area: Shall mean the sum of the gross horizontal area of the building measured at each floor level. All dimensions shall be measured between exterior faces of exterior walls.

Gross Floor Space Ratio: Shall mean the ratio of the gross floor area of the principal building, exclusive of any parking area, divided by the site area.

Habitable: Shall mean any room in a dwelling, such as a bedroom, bathroom, kitchen or living room, other than a non-habitable room.

Habitable, Non: Shall mean a space in a dwelling providing a service function and not intended primarily for human occupancy, including entry ways, corridors or storage areas.

Hard Surfaced: Shall mean the provision of a durable, dust-free material constructed of concrete, asphalt or similar pavement.

Hazard Land: Shall mean land which is subject to flooding, ponding, subsidence, landslides, erosion or contamination.

Hazardous Material: Shall mean any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases;
- (e) Gases, compressed, deeply refrigerated, liquefied or dissolved under pressure;
- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) or infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and/or,
- (j) Any other environmentally hazardous substance.

Health Care Clinic: Shall mean a facility or institution engaged in the provision of services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

Highway Corridor Sign: Shall mean an off-site advertising sign which is located in the Highway Sign Corridor as designated in the Official Community Plan.

Home Based Business: Shall mean an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site.

Home Based Business – Type I: Shall mean a home based business owned and operated by a resident or residents of the dwelling unit.

Home Based Business – Type II: Shall mean a home based business owned and operated by a resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on the site.

Hotel: Shall mean a building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.

Indoor/Outdoor Storage Rental Facility: Shall mean a building or buildings containing separate secured storage units designed to be rented or leased for private storage of personal goods, materials and equipment, household goods, furniture, general merchandise and vehicles, excluding:

- (a) highly flammable materials, chemicals, odorous, explosive or other inherently dangerous or noxious goods; and
- (b) hazardous materials as defined in this Bylaw.

Industrial Complex: Shall mean a building or a group of buildings located on the same site that are managed as a single unit, all for their mutual benefit, including the use of off-street parking and other joint facilities; and more than two approved permitted or discretionary uses are located on that site.

Industrial, General Use: Shall mean any of the following uses:

- (a) the processing of raw or finished materials;
- (b) the manufacturing or assembly of goods, products or equipment;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations of goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with non-industrial development;
- (d) the storage or transshipment of materials, goods and equipment, including warehouses.
- (e) the training of personnel in general industrial operations;
- (f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

Intersection: Shall mean an area where two or more streets or lanes meet or cross at grade.

Junk and Salvage Yards: Shall mean uses including, but not limited to, uses involved in salvaging, storing or selling scrap metal, paper, plastic, glass, wood and other waste material, as well as unlicensed vehicles and used vehicle parts.

Kennel, Boarding: Shall mean the temporary accommodation of dogs, cats or other domestic animals for commercial purposes.

Landscaping: Shall mean the changing, rearranging, or adding to the original vegetation of a site, including site grading, addition of topsoil, grass, trees, plants, sidewalks and other natural or decorative features.

Landscaping, Hard: Shall mean landscape features consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding gravel, loose rock, outdoor carpeting, or monolithic concrete and asphalt.

Landscaping, Soft: Shall mean landscape features consisting of vegetation such as trees, shrubs, hedges, and grass.

Lane: Shall mean a public highway vested in the Crown as a secondary level of access to a lot or parcel of land.

Light Manufacturing: Shall mean a light industrial use where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, including, but not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices.

Loading Space: Shall mean a space, measuring at least 3.0 metres in width and 7.5 metres in depth, located on a site, and having access to a street or lane, in which a vehicle may park to load or unload goods.

Lot: Shall mean an area of land with fixed boundaries and which is of record with the Information Services Corporation by Certificate of Title.

Lounge: Shall mean a room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted, either in the lounge or in the restaurant attached to the lounge. The area of a lounge may not exceed 50% of the public assembly area in the adjoining restaurant.

Mall: Shall mean a single story commercial building in which either permitted or discretionary uses are located together for their mutual benefit, each having their own entrance to the outside, otherwise known as a strip mall

Mayor: Shall mean the Mayor of the Resort Village of Mistusinne.

Medical, Dental and Optical Laboratories: Shall mean a place fitted with medical and scientific equipment and used for the conduct of medical, dental or optical investigations, experiments, and tests; or for the manufacture of medicines or medical aid devices, but does not include the manufacture of industrial chemicals.

Minister: Shall mean the member of the Executive Council who, for the time being, is assigned the administration of *The Planning and Development Act, 2007*.

Manufactured Home Court: Shall mean any parcel of land on which two or more occupied manufactured homes are permitted, but does not include an industrial or construction camp or any such court if a tent or trailer coach that is not a manufactured / mobile home is herein defined.

Motel: Shall mean an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room and living accommodations for the owner or operator.

Municipal Facility: Shall mean land and/or structures owned by the Municipality including, but not limited to, land and/or structures used for the following:

- (a) Office and/or meeting space;
- (b) Storage of municipal equipment and/or supplies; and/or
- (c) Other institutional purposes.

Municipality: Shall mean the Resort Village of Mistusinne.

Night Club: Shall mean a building or portion thereof, where beer, wine or spirits are served to patrons for consumption on the premises, with or without food, and where a designated area for entertainment or dancing, but not including adult entertainment, during certain hours of operation may also be provided.

Nonconforming Building: Shall mean a building:

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

Nonconforming Site: Shall mean a site, consisting of one or more contiguous parcels, to which all required permits have been issued on the date that this Bylaw or any amendment to the 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.

Nonconforming Use: Shall mean a lawful specific use:

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

Office and Office Building: Shall mean a building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transhipped, sold or processed.

Official Community Plan: Shall mean the *Resort Village of Mistusinne Official Community Plan Bylaw No. _____*.

Park: Shall mean a development of land specifically designed or reserved for active or passive recreational use and including landscaping, facilities, playing fields, buildings, and other structures that are consistent with the general purposes of parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian/bicycle paths and pathways, landscaped buffers, arboretums, botanical gardens, playgrounds, toboggan slides, skateboard parks, community gardens, wading pools, and water features.

Park, Public: Shall mean a park development on public land.

Parking Lot: Shall mean an open area of land, other than a street, used for the temporary parking of vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

Parking, Off-street: Shall mean accommodation for the parking of vehicles off a public street or lane.

Parking Space, Vehicle: Shall mean a space within a building or parking lot for the parking of one vehicle and which has access to a developed street or lane, having minimum dimensions of 2.7 metres wide by 6.7 metres deep with direct lane access; 3.0 metres wide by 6.7 metres deep for a parallel space; and 2.7 metres wide by 6.0 metres deep for all other.

Patio: Shall mean an open horizontal, artificially surfaced area adjacent to the principal building, usually at grade level, intended for use as an outdoor private amenity space.

Permitted Use: Shall mean any use or form of development, other than a discretionary use or a non-conforming use, specifically allowed in a zoning district subject to the regulations applicable to that zoning district.

Personal Care Home: Shall mean a facility licensed under *The Personal Care Homes Act* that provides long term residential, social and personal care, including accommodation, meals, supervision or assistance for persons who have some limits on ability for self-care, and are unrelated to the operator or owner.

Personal Service Shop: Shall mean a business associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories and may include:

- (a) beauty salons and barber shops;
- (b) shoe repair;

- (c) dry-cleaning pick-up depots;
- (d) self-serve laundry;
- (e) tailor or seamstress;
- (f) massage services;
- (g) photography studios;
- (h) tanning beds; and
- (i) tattoo parlours,

but does not include the provision of health related services.

Pet Grooming Establishment: Shall mean a business associated with the grooming of small domestic animals not prohibited by the Animal Control Bylaw with the confinement of animals restricted to indoors; but not including kennels for overnight boarding.

Photography Studio: Shall mean a place used for portrait or commercial photography, including the developing and processing of film, and the repair or maintenance of photographic equipment.

Place of Worship: Shall mean a place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues and parish halls.

Pole Shed: Shall mean a temporary structure characterized by the lack of a formal foundation which makes use of poles dug into the ground, set in place using a stabilizing agent such as cement or concrete, to support the structures roof and walls. Typical uses for this type of structure include, but are not limited to, equipment storage, garages or workshops.

Preschool: Shall mean a facility which provides a program for preschool aged children.

Public Hospital: Shall mean a hospital operated by the Regional Health Authority.

Public Utility: Shall mean a government, municipality or corporation under Federal or Provincial statute which operates a public work.

Public Work: Shall include:

- (a) systems for the production, distribution or transmission of electricity;
- (b) systems for the distribution, storage or transmission of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water including sand point wells; and/or,
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage.
- (e) telephone, internet, cable television or light distribution or transmission lines; and,
- (f) facilities for the collection, storage, movement and disposal of storm drainage.

Recreational Facility, Commercial: Shall mean a recreation or amusement facility operated as a business and open to the general public, but not including adult entertainment.

Recreational Facility, Public: Shall mean a recreation or amusement facility operated by the province, municipality, or a non-profit organization and open to the general public, but not including adult entertainment.

Recreational Vehicle: Shall mean a unit intended to provide temporary living accommodation for campers

or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers and travel trailers.

Recycling Collection Depot: Shall mean a building or structure used for collection and temporary storage of recyclable household material such as bottles, cans, plastic containers and paper. The following shall not be permitted at a recycling collection depot:

- (a) processing of recyclable material other than compaction;
- (b) collection and storage of oil, solvents or other hazardous material;
- (c) outdoor compaction.

Residential Care Facility: Shall mean a licensed or approved group care home governed by Provincial regulations that provides, in a residential setting, 24 hour care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Residential Care Facility - Type I: Shall mean a residential care home in which the number of residents, excluding staff, does not exceed four.

Residential Care Facility - Type II: Shall mean a residential care home in which the number of residents, excluding staff, is more than four.

Restaurant: Shall mean a place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail Store: Shall mean a place where goods, wares, or merchandise are offered for sale or rent, and may include the manufacturing of products to be sold on site, provided the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

Sandblasting: Shall mean the cleaning, smoothing, roughening or removing of part of the surface of any article by the use of an abrasive, jet of sand, metal shot, grit or other material propelled by compressed air, steam or by a wheel.

School, Private: Shall mean a facility which meets Provincial requirements for elementary, secondary, or higher education, and which does not secure the majority of its funding from taxation or any governmental agency, and may include vocational and commercial schools, music or dance schools and other similar schools.

School, Public: Shall mean a facility which meets Provincial requirements for elementary or secondary education, and which secures the majority of its funding from taxation.

Screening: Shall mean a fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Secondary Suite: Shall mean a self-contained dwelling unit which is an accessory use to, and contained within, a detached building in which the principal use is a single detached dwelling.

Service Station: Shall mean a place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

Shipping Container: Shall mean a prefabricated metal container or box specifically constructed for the transport of goods by rail, ship or transport truck and used for storage.

Shopping Centre: Shall mean a building, or group of buildings located on the same site that are managed as a single unit, all for their mutual benefit, including the use of off-street parking and other joint facilities; and where more than two approved permitted or discretionary uses are located on that site.

Sight Triangle: Shall mean the triangular area formed, on corner sites, by the intersecting front and side site lines at a street intersection and the straight line joining said site lines at points which are a measured distance along said site lines (refer to Figure 2-1).

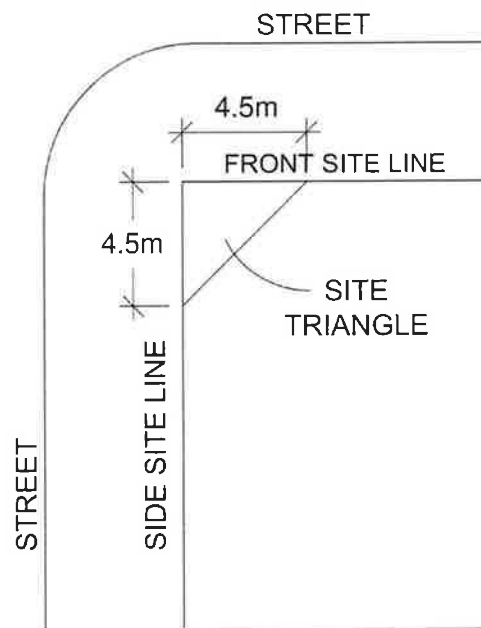


Figure 2-1: Sight Triangle

Sign: Shall mean any device, letters, figures, symbols, emblems, or pictures which are affixed to, or represented directly or indirectly upon a building or structure, which identify or advertise any object, product, place, activity, person, organization or business; and which is visible on or from a street or public thoroughfare.

Sign, Awning: Shall mean a sign made from canvas, plastic or similar non-rigid material affixed to a frame and attached to a building wall (refer to Figure 2-2).

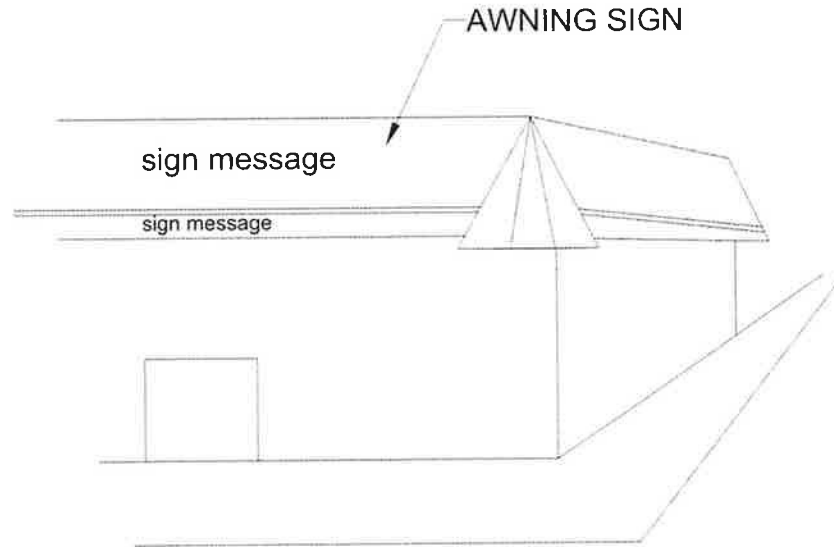


Figure 2-2: Illustration of Awning Sign

Sign, Canopy: Shall mean a sign consisting of a rigid, multi-sided structure supported by columns or posts embedded in the ground (refer to Figure 2-3).

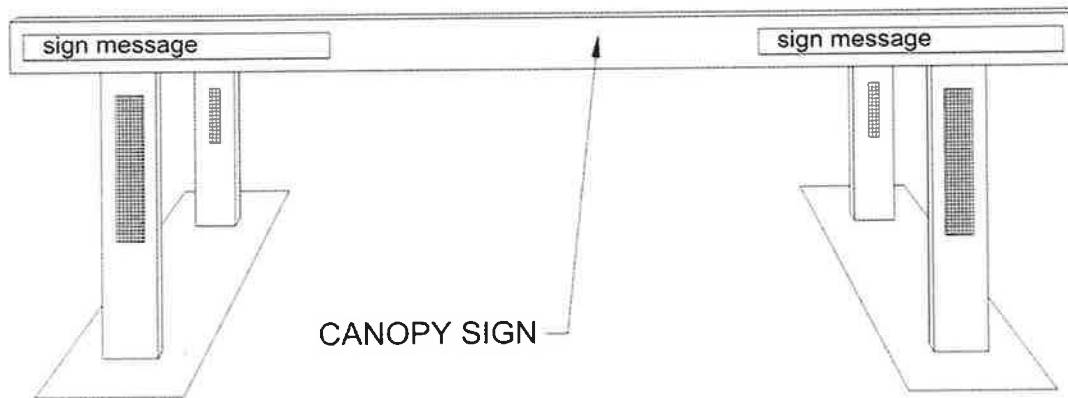


Figure 2-3: Illustration of Canopy Sign

Sign, Directional / Information: Shall mean a sign giving directions, instructions or facility information but not including any advertising copy.

Sign, Electronic Message Centre: Shall mean a variable message sign that utilizes computer-generated messages involving letters, words, graphics, animation, video or dynamic text. These signs include digital displays, using incandescent lamps, LED's, LCD's, plasma or related technology, whereby the message can be altered by electric or electronic means.

Sign, Face Area: Shall mean the area of the single face of any sign and is calculated using the illustration in Figure 2-4.

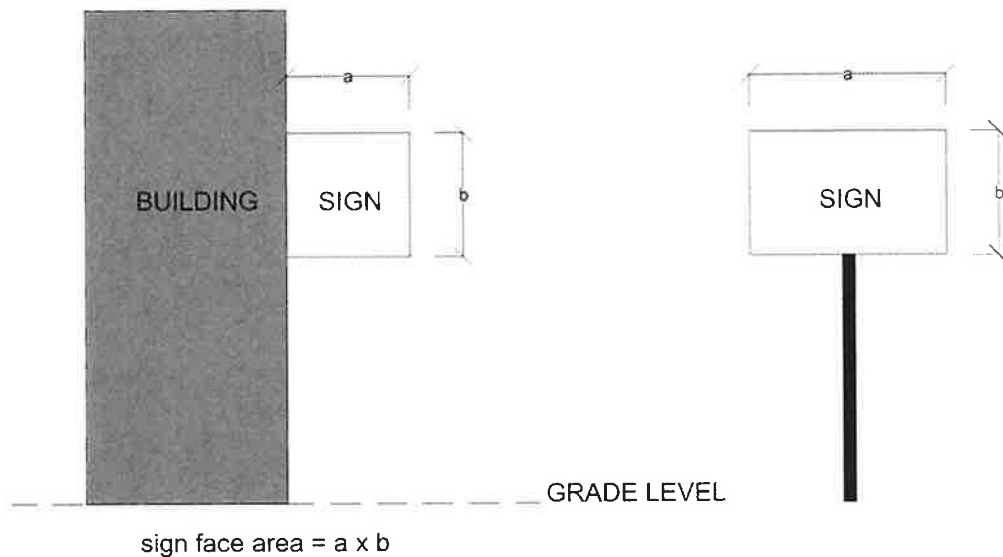


Figure 2-4: Calculation of Sign Face Area

Sign, Fascia: Shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than 0.25 metres from such building or structure.

Sign, Free-Standing: Shall mean a non-movable sign, not affixed to a building, and which is supported by a pole or similar structure.

Sign, Free-Standing Height: Shall mean the vertical distance of a freestanding sign measured from grade level to the highest point of the sign.

Sign, Marquee: Shall mean a sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

Sign, Off Premise: Shall mean any sign displaying copy that directs attention to a business, activity, product, service, or entertainment that cannot be considered as the principal products sold nor a principal business, activity, service or entertainment provided on the premises or site where the sign is displayed.

Sign, Portable: Shall mean a portable, free-standing sign, mounted on a wide based frame, with a single sign face area no greater than 4.5 m² or a total gross area no greater than 9.0 m², which can be readily moved or transported to various locations (refer to Figure 2-5).

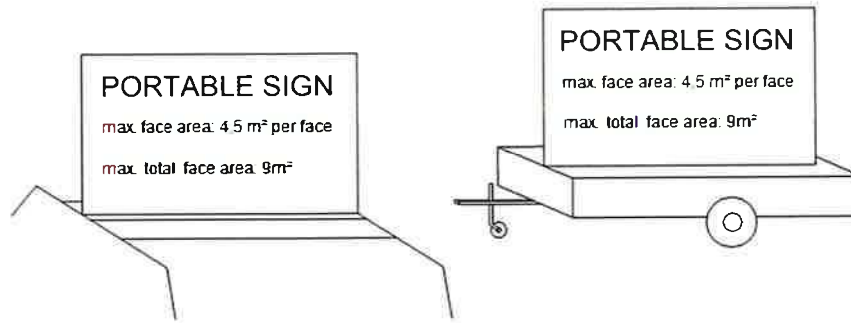


Figure 2-5: Illustration of Portable Signs

Sign, Projecting: Shall mean a sign which is wholly or partially dependent upon a building for support and which projects more than 0.25 metres beyond the wall of the building (refer to Figure 2-6).

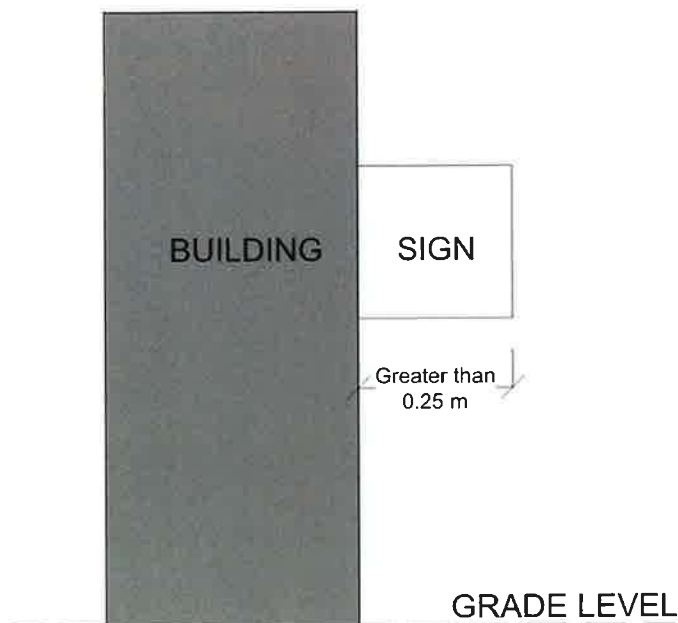


Figure 2-6: Illustration of Projecting Sign

Sign, Roof: Shall mean a sign that is mounted on the roof of a building, or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, Temporary: Shall mean an election sign or temporary sign bearing notice of sale or lease or other information relating to a temporary condition affecting the property.

Sign, Total Face Area: Shall mean the total amount of sign face area on a sign including all sides.

Site: Shall mean an area of land:

- (a) under one ownership considered as a unit;
- (b) having its principal frontage on a public street; and
- (c) not divided by a public street.

Site, Corner: Shall mean a site at the intersection of two or more streets (refer to Figure 2-7).



Figure 2-7: Illustration of Site Definition

Site, Interior: Shall mean a site other than a corner site (refer to Figure 2-7).

Site Coverage: Shall mean that portion of the site that is covered by principal and accessory buildings, including covered patios and covered decks.

Site Line, Front: Shall mean the line that divides the site from the street right-of-way. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street right-of-way.

Site Line, Rear: Shall mean the line or point at the rear of the site and opposite the front site line (refer to Figure 2-8).

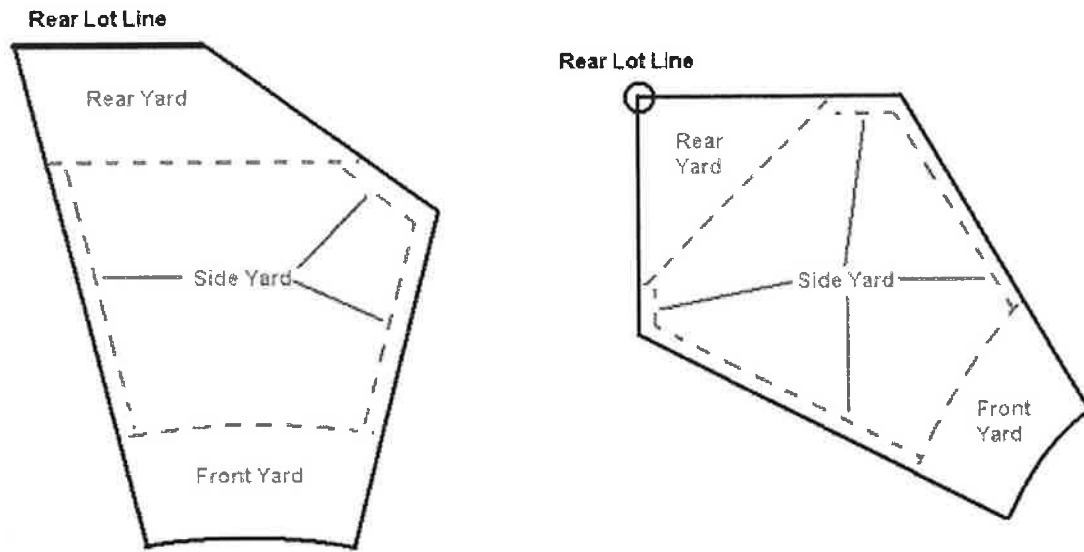


Figure 2-8: Illustration of Rear Site Lines

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

Site, Through: Shall mean a site not more than one lot in depth, having a frontage on two or more streets (refer to Figure 2-7).

Site Width: Shall mean the horizontal distance between the side boundaries of the site measured at a distance equal to the required minimum front yard from the front site line for the district in which the site is located (refer to Figure 2-9).

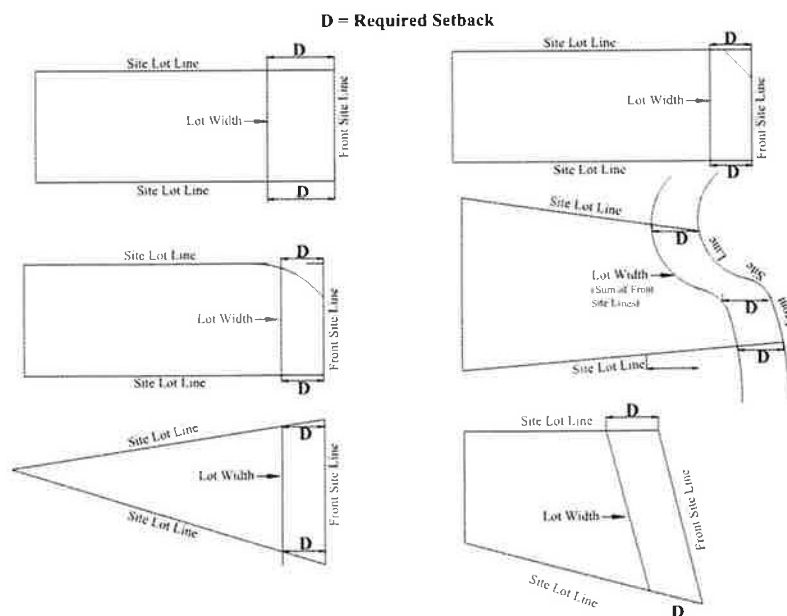


Figure 2-9: Illustrations of Site Width

Solar Collector: Shall mean photovoltaic solar panels or modules that uses the sun's energy to heat water or produce electricity. That water or electricity can be used immediately, stored for later use or in the case of electricity fed back to the grid for use by others.

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

Storage Yard: Shall mean a facility used to store goods, commodities, supplies and equipment.

Storey: Shall mean that portion of any building which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it. A basement or cellar shall not be counted as a storey if it is designed or used for ancillary activities such as long term storage, mechanical rooms, stairways, janitorial rooms, or parking garage; and at least one half of the height of the basement or cellar, from finished floor to finished ceiling, is located below grade level.

Street: Shall mean a public space, commonly used as a thoroughfare, which affords the principal means of access to abutting properties.

Streetscape: Shall mean the physical elements of the street, as seen from a human perspective, that help define the character, perception, scale, and overall "feel" of the street or neighbourhood, including:

- (a) trees and other vegetation;
- (b) sidewalks, medians, and boulevards, including textural elements;
- (c) street furniture and decoration;
- (d) frontages, façades, massing, scale, and architectural aesthetic of buildings;
- (e) pedestrians and bicyclists;
- (f) moving and parked vehicles;
- (g) roadways and lanes;
- (h) signage; and
- (i) utility elements.

Structural Alteration: Shall mean the construction or reconstruction of supporting elements of a building or other structure.

Structure: Shall mean anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas.

Swimming Pool, Private: Shall mean an artificially created basin lined with concrete, fibreglass, vinyl, metal or similar material, intended to contain water for the use of persons for swimming, diving, wading, or other similar activity, which is at least 600mm in depth, and includes pools situated on top of grade and hot tubs and whirlpools.

Tavern: Shall mean a building or portion thereof where beer, wine, or spirits are served to patrons for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted.

Temporary Development: Shall mean a building or use that may operate for a period of time determined by the Resort Village and which complies with all relevant development standards. A Development permit may be issued for a maximum of 12 months, after which time the development permit may be extended or re-issued at the discretion of the Village.

Temporary Work Camp: Shall mean a temporary residential complex used to house workers. The camp is usually made up of a number of mobile units, clustered in such fashion as to provide sleeping, eating, and other basic living facilities.

Theatre: Shall mean a place devoted to showing motion pictures or dramatic, dance, musical or other live performances.

Tourist Campground: Shall mean a tract or parcel of land which provides for the location of tents or recreation vehicles used by travellers and tourists for overnight accommodation.

Trailer: Shall mean a vehicle, other than a semi-trailer, farm machinery, or a recreational vehicle, that is drawn on a highway by a motor vehicle and that is designated for the conveyance of goods. Examples of a trailer include but are not limited to small utility trailers (open or enclosed), and trailers to carry boats, snowmobiles, all-terrain vehicles, jet-skis, or motorcycles.

Use: Shall mean the purpose or activity for which a piece of land, or its building is designed, arranged, occupied or maintained.

Use, General Industrial: shall mean any of the following activities:

- (a) the processing of raw or finished materials;
- (b) the manufacturing or assembly of goods;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible with non-industrial development;
- (d) the storage or trans-shipping of materials, goods and equipment, including warehouses;
- (e) the training of personnel in general industrial operations; and/or,
- (f) indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial use.

Vehicle: Shall mean a device in or by which a person or thing may be transported or drawn on a street and includes motor vehicles, trailer coaches, semi-trailers, fire engines, fire department apparatus, and all vehicles propelled by muscular power; but does not include railway cars and other motor vehicles running only upon rails or tracks or solely upon railway company property.

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

Wall Height: Shall mean the vertical distance of a building measured at the outermost building face, from grade level to the top of the wall, not including the roof.

Warehouse: Shall mean a building used primarily for the storage of goods and materials.

Wholesale Establishment: Shall mean the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

Yard: Shall mean an unoccupied space open to the sky on the same site with a building or structure.

Yard, Front: Shall mean the area between the side site lines and the front site line to the front building line.

Yard, Rear: Shall mean the area between the side site lines, and the rear site line to the rear building line.

Yard, Required: Shall mean a yard or yards required by this Bylaw and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side: Shall mean the area between the front and rear yards and between the side site line and the side building line.

Zoning District: Shall mean a specifically delineated area of the municipality within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

3 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

- 3.1.1 The Development Officer shall administer this Bylaw.
- 3.1.2 The Development Officer shall be the Village Clerk for the Resort Village of Mistusinne and any other person authorized, in writing, by Council to act as a Development Officer for the purposes of this Bylaw and *The Act*.
- 3.1.3 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.

3.2 DEVELOPMENT PERMITS

- 3.2.1 Except as provided in Section 3.2.2 no person shall undertake a development or commence a use unless a development permit has first been obtained. A Development Permit cannot be issued in contravention of any of the provisions of this Bylaw subject to Sections 213 to 232 of *The Act*.
- 3.2.2 A development permit is not required, but all other applicable provisions of this Bylaw are to be followed, for the following:
- (1) the maintenance of a public work by the municipality, crown or a private corporation;
 - (2) the construction of a public work by the municipality;
 - (3) the installation of a public work on any street or other public right-of-way by the municipality;
 - (4) maintenance and repairs that do not include structural alterations;
 - (5) accessory buildings under 9.3 square metres in area except that no permit shall be required for pole sheds;
 - (6) installation of hot tubs and/or outdoor lighting;
 - (7) fences less than 1.8 metres in height;
 - (8) the erection of signs (for residential uses) subject to section 4.10 of this bylaw;
 - (9) excavation, stripping or site grading that is part of a development agreement which has been approved, signed and registered; and,
 - (10) forest and grasslands management within the Resort Village
- 3.2.3 The effective period for a development permit is 12 months. This period may be extended by the Development Officer for an additional 12 months or any portion thereof if requested in writing by

the permit holder. A development permit shall be automatically invalid:

- (1) if the proposed development is not commenced within 12 months from the permit issuance date, or
- (2) if the proposed development is legally suspended or discontinued, for a period of 12 or more months, unless otherwise indicated by Council or the Development Officer.

3.2.4 A building permit shall not be issued unless a development permit, where required, has been granted. If a development permit is deemed void, a new building permit or sign permit is required in conjunction with the issuance of a replacement development permit.

3.3 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

3.3.1 Except in the case of applications for a sign permit, a portable sign license or a home based business, every application for a development permit shall be accompanied by the following:

- (1) the names, addresses and telephone numbers of the applicant, property owner and person or consultant who prepared the plans being submitted, including a local contact person.
- (2) the proposed use of the site or building to be constructed, or the proposed use of the existing building floor area to be altered or occupied, including the area of the proposed building or renovations.
- (3) the complete legal description and civic address of the subject property.
- (4) two copies of a site plan, drawn to scale with appropriate dimensions, showing the following information:
 - (a) north arrow, streets and lanes adjacent to the site, key plan showing nearby lot patterns, all property boundaries, identified frontage of site, site area, site geodetic elevations and the location of any existing buildings, structures, utility poles and wires, fire hydrants, underground utilities, easements, building encroachments, and the type and location of existing trees;
 - (b) the location and size of proposed buildings or structures, including all front, side and rear yard setback dimensions and the location of all doorways, walkways and pedestrian circulation areas;
 - (c) the location and size of all proposed parking spaces, aisles and vehicle circulation areas, loading spaces, and entrances and exits to the site;
 - (d) the location of commercial signage.
- (5) two copies of scaled plans, showing the dimensioned floor plans and elevations, including both interior and exterior wall and floor dimensions and room areas and dimensions.
- (6) two copies of the landscaping plan clearly indicating the following:

- (a) the location and description of other landscape improvements, such as, but limited to: earth berms, drainage swales, catch basins, walls, fences, screens, sculptures, fountains, site furnishings, screened refuse containment areas, and bicycle racks;
- (b) location, type and quantity of existing plant materials;
- (c) the location, type, quantity and spacing of new plant material showing a list of plant material to be planted identifying caliper size and height at planting and a table indicating the minimum site landscaping requirements of the site and the actual landscaping provided. The planting and installation details as necessary to ensure conformance with all requirements;
- (d) footprint of existing and proposed structures along with signage, driveways, overall parking areas, sidewalks, curbs, and refuse collection areas. The surface materials proposed for the property shall be indicated;
- (e) location, type and quantity of existing plant materials including caliper size and height at planting;
- (f) snow removal storage and drainage plans.

3.3.2 The Development Officer may require the submission of documentation relating to the requirements of Section 4.15 Development on Hazard Lands, where relevant.

3.3.3 Development permits must be submitted to the Rural Municipal office a minimum of seven (7) days before a Council meeting.

3.4 DEVELOPMENT PERMIT APPLICATION PROCESS

3.4.1 Applications for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.

3.4.2 The Development Officer shall issue a development permit for a development that complies in all respects with the requirements of this Bylaw, the *Official Community Plan* and *The Act*.

3.4.3 Where an application is made for a development permit with respect to a development for a discretionary use which has been approved by Council, the Development Officer shall issue a development permit subject to any specified development standards and time limits prescribed by Council pursuant to Section 56(1)(c) and (d) of *The Act*.

3.4.4 Every decision of the Development Officer with respect to an application for a development permit shall be in writing and a copy of the decision shall be sent to the applicant.

3.4.5 The Development Officer may revoke a development permit where:

- (1) the development permit has been issued in error;
- (2) an approved development for a permitted use is not being developed in accordance with

the provisions of this Bylaw, or in accordance with the standards and conditions specified in the development permit;

- (3) the approval of a proposed development for a discretionary use is deemed to be invalid; or,
- (4) a development is subject to an agreement which has been cancelled by Council pursuant to Sections 65 or 69 of *The Act*.

3.4.6 The Development Officer shall give the reasons for denying or revoking a development permit.

3.4.7 Applications for driveway and boulevard parking development permits shall be completed on a form provided by the development officer.

- (1) In instances involving difficult drainage issues, the Development Officer shall refer the application for field review and advice.
- (2) Resort 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.
- (3) 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.
- (4) 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.

3.4.8 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:

- (1) The removal is necessary to provide for access to the site, required off-street parking or another permitted use on the site.
- (2) 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.
- (3) The tree is located on the property within 6 feet (1.83 metres) of an existing building.
- (4) The tree is dead, dying, severely diseased, or damaged so as to pose a safety hazard.
- (5) 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.

3.5 DEVELOPMENT PERMIT PROCESS IN RESERVOIR DEVELOPMENT AREA

- 3.5.1 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.
- 3.5.2 Before applying under *The Act* to the Minister of Municipal Affairs for the approval of a plan of subdivision of land within Lake Diefenbaker Reservoir Development Area, the Council requires the written approval from the Minister responsible for the Saskatchewan Water Security Agency Act of the uses proposed in the subdivision plan

3.6 DEVELOPMENT ON LEASED CROWN LAND

- 3.6.1 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.

3.7 DEVELOPMENT APPEALS BOARD

- 3.7.1 A Development Appeals Board of the Resort Village of Mistusinne shall be appointed in accordance with Sections 213 to 227 of *The Act*.

3.8 RIGHT OF APPEAL

- 3.8.1 Where an application for a PERMITTED USE has been REFUSED, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Resort Village of Mistusinne.
- 3.8.2 Where an application for a DISCRETIONARY USE has been APPROVED by Council, WITH PRESCRIBED SPECIAL DEVELOPMENT STANDARDS pursuant to this Bylaw, the applicant shall be advised that any development standards considered excessive, may be appealed to the Development Appeals Board of the Resort Village of Mistusinne.
- 3.8.3 Where an application for a DISCRETIONARY USE has been REFUSED by Council, the applicant shall be advised that there is no appeal pursuant to Section 219(2) of *The Act*.
- 3.8.4 An application for a Development Permit for a PERMITTED USE shall be deemed to be refused when a decision thereon is not made within 40 days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.9.1 as though the application had been refused at the end of the period specified in this subsection.
- 3.8.5 Where a person wishes to appeal to the Board, the individual shall file a written notice of intention to appeal with the secretary of the Board.

3.9 MINOR VARIANCES

3.9.1 The Development Officer may vary the requirements of this Bylaw subject to the following conditions:

- (1) a minor variance may be granted for variation only if:
 - (a) the minimum required distance of a building from the site line; and
 - (b) the minimum required distance of a building to any other building on the site
- (2) the maximum amount of minor variance shall not exceed a 10% variation of the requirements of this Bylaw;
- (3) the development shall conform to this Bylaw with respect to the use of land;
- (4) the relaxation of this Bylaw shall not injuriously affect neighbouring properties;
- (5) no minor variance shall be granted for a discretionary use, a discretionary form of development or in connection with an agreement on rezoning entered into pursuant to Section 69 of *The Planning and Development Act, 2007*; and
- (6) minor variances shall only be granted for applications respecting single detached dwellings, two-unit dwellings, semi-detached dwellings, manufactured dwellings and accessory buildings to such developments.

3.9.2 An application for a minor variance shall be in a form prescribed by the Development Officer and shall be accompanied by an application fee of \$100.00.

3.9.3 On receipt of an application for minor variance, the Development Officer may:

- (1) approve the minor variance;
- (2) approve the minor variance and impose terms and conditions on the approval; or
- (3) refuse the minor variance.

3.9.4 Where the Development Officer imposes terms and conditions on an approval pursuant to subsection 3.9.3, the terms and conditions shall be consistent with the general development standards in this Bylaw.

3.9.5 Where an application for a minor variance is refused, the Development Officer shall notify the applicant in writing of the refusal and provide reasons for the refusal.

3.9.6 If an assessed owner of property having a common boundary with the applicant's land that is the subject of the application objects, in writing, to the Development Officer respecting the approval of the minor variance within the time periods prescribed in Subsection (9), the approval is deemed

to be revoked and the Development Officer shall notify the applicant in writing:

- (1) of the revocation of the approval; and
- (2) of the applicant's right to appeal the revocation to the Development Appeals Board within 30 days of receiving the notice.

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

3.10 NONCONFORMING USES, BUILDINGS AND SITES

3.10.1 Any lawful use of land, an existing building, or of any building lawfully under construction that does not conform to the regulations within this bylaw at the time that this Bylaw is approved shall be permitted and regulated, subject to Sections 88 – 93 within *The Act*.

3.10.2 Where a lot is reduced in size as a result of acquisition for a public use by the Village, Provincial or Federal Government, or Public Utility, the site and buildings shall be deemed to conform with the provisions of this Bylaw and the site shall be considered to exist as it did prior to the acquisition.

3.10.3 No existing building, site or use shall be deemed to be nonconforming by reason only of the conversion between the Imperial System of Measurement and the International System of Units (S.I.) where such nonconformity results solely from such conversion and is reasonably equivalent to the S.I. standard herein established.

3.11 DISCRETIONARY USE APPLICATIONS

3.11.1 Discretionary Use Application Process

- (1) The following procedures shall apply to discretionary use applications:
 - (a) Applicants must file with the Development Officer a development permit application, a site plan, any other plans and information as required by the Development Officer and pay the required application and public hearing fees.
 - (b) The application will be examined by the Development Officer for conformance with the *Official Community Plan*, this Bylaw, and any other applicable policies and regulations.
 - (c) The Development Officer may request comments from other government agencies where applicable.
 - (d) The Development Officer will prepare a report concerning the application including recommended conditions that may be applied to an approval.
 - (e) The Development Officer will set a date for the meeting at which the application will be considered by Council and will give notice not less than seven days before

the aforementioned council meeting by ordinary mail to assessed owners of property within 75 metres of the boundary of the applicant's land.

- (f) Council shall consider the application together with the report of the Development Officer, and any written or verbal submissions received by Council.
- (g) Council may reject the application or approve the application with or without conditions, including a condition limiting the length of time that the use may be conducted on the site.
- (h) The Development Officer shall notify the applicant of Council's decision by ordinary mail addressed to the applicant at the address shown on the application form.
- (i) Where an application for a discretionary use is approved by resolution of Council, the Development Officer shall issue a development permit subject to any conditions prescribed by Council. Council shall consider applications in terms of the requirements contained in Section 3.11.2 of this Bylaw.
- (j) The Development Officer shall maintain a registry of the location and all the relevant details respecting the granting of the discretionary use approval.
- (k) Where an application for a discretionary use does not meet the zoning regulations, for the applicable zoning district, the Development Officer shall:
 - (i) advise the applicant that before the discretionary use can be considered by Council, the development permit application must be refused on the grounds of zoning non-compliance but that the applicant has the right to appeal; and
 - (ii) advise the applicant that if the appeal is granted, the discretionary use can then be considered by Council.

3.11.2 Terms and Conditions for Discretionary Use Approvals

- (1) Discretionary uses, discretionary forms of development, and associated accessory uses are subject to the development standards and applicable provisions of the zoning district in which they are located. In approving any discretionary use, to minimize land use conflict, Council may prescribe specific development standards related to:
 - (a) site drainage of storm water;
 - (b) the location of buildings with respect to buildings on adjacent property;
 - (c) access to, number and location of parking and loading facilities including adequate access and circulation for pedestrian and vehicle traffic (no access shall be allowed to the site through the adjacent green space/public reserve land);
 - (e) types of vehicles allowed for recreational uses (no construction and/or farm equipment shall be permitted)

- (f) control of noise, glare, dust, odour and threats of groundwater contamination;
 - (g) yard requirements to reduce conflicts with neighbouring uses
 - (h) landscaping, screening and fencing and preservation of existing vegetation to buffer adjacent properties;
 - (i) the size, shape and arrangement of buildings, and the placement and arrangement of lighting and signs;
 - (j) prescribed specified time limits for a use that is intended to be temporary or to allow Council to monitor the impact of a use on surrounding development;
 - (k) intensity of use; and,
 - (l) consistency with any provincial land use policies and statements of provincial interest.
- (2) Council may approve discretionary use applications for a limited period of time where it is considered important to monitor and re-evaluate the proposal and its conformance with the objectives of this Bylaw.
 - (3) Council's approval of a discretionary use application is valid for a period of 12 months from the date of approval. Council may direct that a discretionary use permit extension be granted for an additional 12 month period by the Development Officer, upon request of the applicant.
 - (4) A discretionary use approval shall be deemed to be invalid for the following reasons:
 - (a) if the proposed use or proposed form of development has not commenced within the 12 month period;
 - (b) the proposed development is not proceeding in accordance with the terms and conditions of its approval;
 - (c) If an approved discretionary use or form of development ceases to operate for a period of six (6) months or more.

The Development Officer shall advise the owner and Council when a prior approval is no longer valid.

3.11.3 General Discretionary Use Evaluation Criteria

Council will apply the following general criteria, and, where applicable, the use-specific criteria in Section 3.11.4, in the assessment of the suitability of an application for a discretionary use or discretionary form of development:

- (1) The proposal must be in conformance with all relevant sections of the *Official Community Plan* and must demonstrate that it will maintain the character, density and purpose of the

zoning district, where necessary through the provision of buffer areas, separation and screening.

- (2) The proposal must be capable of being economically serviced by community infrastructure including roadways, water and sewer services, solid waste disposal, parks, and other utilities and community facilities.
- (3) The proposed discretionary uses, discretionary forms of development, and associated accessory uses must be contained within the list of discretionary uses within a zoning district.
- (4) Any proposed buildings and structures shall conform to the development standards and applicable provisions of the Bylaw.
- (5) The proposal must demonstrate that it is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements or potential development in the vicinity.
- (6) The proposal must provide sufficient landscaping and screening, and, wherever possible, shall preserve existing vegetation.
- (7) The proposal must demonstrate that any additional traffic generated by the use, can be adequately provided for in the existing parking and access arrangements. Where this is not possible further appropriate provisions shall be made so as to ensure no adverse parking or access effects occur.
- (8) Consideration will be given to the presence of activities already located in the area and on the site, and their effect on the surrounding residential environment, such as the cumulative effect of locating an activity on a site adjacent to or already accommodating an activity that may currently generate traffic, noise or other impacts not in keeping with the character of the adjacent area.
- (9) Consideration will be given to addressing pedestrian safety and convenience both within the site, and in terms of the relationship to the road network in and around the adjoining area.
- (10) All operations shall comply with all applicable provincial or federal requirements which govern their operation and development.
- (11) Proposals for discretionary uses which may result in heavy truck traffic, particularly in the community service district, should be located to ensure that such traffic takes access to or from designated truck routes so as to limit disturbances within residential districts.

3.11.4 Use-Specific Discretionary Use Evaluation Criteria

Council will apply the following use-specific criteria to the assessment of the suitability of an application for a particular discretionary use or discretionary form of development:

- (1) Community centres, places of worship, cultural institutions, and public and commercial recreation facilities:
 - (a) Places of worship should, where possible, be located on corner sites to facilitate access.
 - (b) The site should be accessible from arterial or collector streets to avoid heavy traffic volumes on local streets.
 - (c) Consideration should be given to the location of entry and exit points of the site and their relationship with existing intersections and adjacent residential units.
 - (d) Parking and loading areas shall be landscaped to minimize their impact on the streetscape and to improve the visual appearance of the site.
- (2) Dryland storage, and recycling depots:
 - (a) The use shall be located where practical, in a non-highly visible area, and screened to avoid any adverse visual impact. Landscaping and screening acceptable to Council shall be provided in all yards facing a public roadway or properties in residential use.
- (3) Golf courses:
 - (a) Consideration will be given to the compatibility of the golf course with future land use plans and adjacent land uses.
 - (b) Insofar as possible, proposed golf courses shall respond to the natural topography and drainage of the site, and employ minimal clearing of native vegetation.
 - (c) Buffers shall be provided to protect existing, adjacent neighbourhoods by mitigating the adverse impacts of sound, visibility and traffic.
 - (d) Council will consider the following as an asset in the development of a golf course:
 - (i) maximum use of existing landforms and native grasses and vegetation;
 - (ii) an alternative water source to potable water; and,
 - (iii) water conserving irrigation systems.
- (4) Units attached to and in conjunction with any permitted use:
 - (a) The minimum floor area of each dwelling unit shall be 28 square metres.
- (5) Storage of chemicals, fertilizers, and combustible materials:
 - (a) 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 regulatory agencies must be obtained prior to issuance of a

development permit. Development permit conditions may include that all permits or licenses required by other regulatory agencies be obtained before development proceeds.

(6) Parking Lots

- (a) No sign of any kind, other than those designating the parking lot name, entrance, exits, or conditions of use, may be erected or maintained.
- (b) All lighting fixtures must be oriented in a manner to direct the light away from adjacent lots.
- (c) A durable surface must be provided and maintained and the lot must be graded to dispose of all surface water.
- (d) Parking lots shall be landscaped to improve visual appearance of the site.
- (e) Where the parking lot abuts a residential property boundary a minimum landscape buffer of 2.0 metres shall be provided.

3.12 ZONING COMPLIANCE, OFFENCES AND PENALTIES

- (1) Pursuant to Section 242(2) of *The Act*, the Development Officer may issue a zoning compliance order for development that contravenes this bylaw in order to achieve bylaw compliance.
- (2) Any person who violates this bylaw is guilty of an offence and liable upon summary conviction, to penalties and subject to an order as stated in Section 243 of *The Act*.

3.13 FEES

3.13.1 Amendment of the Zoning Bylaw

- (1) Where a person requests Council to amend the Zoning Bylaw, that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment and the costs associated with providing direct written notice to owners of land that is the subject of the proposed amendment. Council may choose not to proceed with the advertising if they conclude that the proposed amendment is unsuitable or unnecessary.
- (2) Council shall give notice of its intention to consider a Zoning Bylaw amendment pursuant to the provisions of Section 207 to 211 of *The Act*.

3.13.2 Application Fees

- (1) An applicant for a development permit shall pay an application fee in accordance with the following:
 - (a) Permitted principal use: \$50

- (b) Permitted accessory use: \$50
- (c) Permitted ancillary use: \$100
- (d) Discretionary principal use: \$100
- (e) Discretionary accessory use: \$100
- (f) Discretionary ancillary use: \$100
- (g) Development Appeal Fee up to \$300 as specified by the Development Appeals Board.

These fees shall be in addition to any fee required by Section 3.13.1 above.

Detailed review costs:

- (a) General: Where a development or subdivision proposal involves a detailed review, a plan or Zoning Bylaw amendments, a development agreement, a servicing agreement, detailed development conditions, liability insurance, performance bonds, caveats, or legal and professional planning advice, Council may require the applicant to pay the full cost of the additional application review and administration costs, as Council may determine by resolution.
 - (b) Items: Such costs may include Council meetings, legal and professional planning costs, municipal administration fees and site inspection fees, as determined by Council.
 - (c) Documentation: Such costs may be addressed and clarified in Council specified documents, including development and servicing agreements.
- (3) An applicant seeking amendment to the Zoning Bylaw shall pay the following fees:
- (a) The costs of advertising associated with the application; and
 - (b) the following fees, where applicable:
 - (i) Text amendments: \$200; and/or
 - (ii) Map amendments: Class 1 Districts: FUD,
Class 2 Districts: CS, MC
Class 3 Districts: R1, GS, ENV

Zoning Map Amendments		To		
		Class 1	Class 2	Class 3
From	Class 1	\$100	\$200	\$500
	Class 2	\$100	\$200	\$300
	Class 3	\$100	\$200	\$200

- (c) Where an application to amend the Zoning Bylaw involves the amendment within two or more of the above classes, the sum of the amendment fees shall apply for all classes, in addition to the fee for the text amendment, if applicable.

3.13.3 Special Provisions for Contract Zoning Agreements

- (1) A zoning designation which is subject to an agreement entered into pursuant to the provision of Section 69 of *The Act* shall be indicated on the *Zoning District Map* by the addition of the Bylaw number authorizing agreement after the zoning district designation.

4 GENERAL REGULATIONS

4.1 LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

Nothing in this Bylaw shall exempt any person from complying with the requirement of any other municipal or provincial regulations and requirements nor from obtaining any licence, permission, permit, authorization or approval required by such requirements or regulations.

4.2 BUILDING LINES

Where a building line in a residential district has been established by existing buildings in a block having at least one half the lots built upon, the front yard requirement for the applicable zoning district will be considered to be the existing building line.

4.3 NUMBER OF PRINCIPAL BUILDINGS PERMITTED ON A SITE

Only one principal building shall be placed on a site with the exception of public works, municipal facilities, community services, recreation facilities, waste management and recycling facilities.

4.4 HEIGHT RESTRICTIONS

4.4.1 Exemptions from Building Height Requirements

Any height limitations or regulations shall not apply to the following:

- (1) Chimneys, flagpoles, spires, cupolas, television antennas, or other appurtenances usually required to be placed above the roof level, and not intended for human occupancy.
- (2) Mechanical penthouses, provided they are erected only to such heights as is necessary, and provided they do not cover more than 25% of the gross roof area upon which they are located.

4.4.2 Walk-Out Basements

Where a single-detached dwelling has a walkout basement oriented to the rear yard, building height shall be determined as follows:

- (1) The maximum height of any building elevation facing a front yard or flanking street is not more than 12.0 metres.
- (2) The height for the lowest floor or walk-out basement at the rear elevation shall not exceed 3.6 metres measured from the approved rear yard building grade to the top of the finished floor above the slab. In addition the total height of the rear building elevation shall not exceed 15.6 metres measured from the approved rear yard building grade.

4.5 VISIBILITY CLEARANCE AT INTERSECTIONS (SIGHT TRIANGLES)

Within any sight triangle as defined in Section 2, except those parcels with a zero-setback, nothing shall be erected, placed planted, or allowed to grow so as to obscure vision at a height of 1.22 metres or greater above the elevation of the centre of the abutting street. In the case of a street intersection, at a corner site, the measured distance shall be 4.5 metres.

4.6 REQUIRED YARDS AND OPEN SPACE

4.6.1 Minimum Yards Required

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

4.6.2 Permitted Obstructions in Required Yards

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

(1) *In all yards:*

- (a) steps or ramps of 1.6 metres or less above grade level which are necessary for access to a building or for access to a site from a street or lane; trees; shrubs; walks; non-covered driveways; fences; trellises; flag poles and wheelchair ramps.

(2) *In front yards:*

- (a) overhanging eaves and gutters projecting not more than 1.0 metre into the required front yard;
- (b) lighting fixtures and lamp posts;
- (c) non-covered raised patios and non-covered decks not more than 0.4 metres above grade;
- (d) non-covered raised patios and non-covered decks more than 0.4 metres above grade, projecting not more than 1.8 metres into the required front yard;
- (e) canopies or balconies projecting not more than 1.8 metres into the required front yard; and,
- (f) architectural features, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 0.6 metres into the required front yard.

(3) *In rear yards:*

- (a) non-covered raised patios and non-covered decks measuring 0.6 metres in height above grade or less, provided they are located at least 3.0 metres from the rear site line;

- (b) non-covered raised patios and non-covered decks measuring more than 0.6 metres in height above grade, projecting not more than 1.8 metres into a required rear yard, provided they are located at least 3.0 metres from the rear site line;
 - (c) canopies or balconies, provided they are located at least 3.0 metres from the rear site line;
 - (d) overhanging eaves and gutters, architectural features, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 1.0 metre into the required rear yard;
 - (e) laundry drying equipment, recreational equipment, garbage stands, and tennis courts when open to the sky.
- (4) *In side yards:*
- (a) non-covered raised patios measuring 0.6 metres or less in height above grade;
 - (b) non-covered raised patios measuring more than 0.6 metres in height above grade and non-covered decks provided they are located at least 0.6 metres from the side site line;
 - (c) architectural features, eaves, chimneys, bay windows, bow windows or other projecting windows, projecting not more than 0.6 metres into the required side yard;
 - (d) laundry drying equipment, recreational equipment, garbage stands, and tennis courts when open to the sky.

4.7 FENCES

- 4.7.1 In any **Residential** district, no wall, fence or similar structure shall be erected in a front yard or on a site line adjacent to a front yard to a height of more than 1.22 metres above grade level as illustrated in Figure 4-1.
- 4.7.2 In any **Residential** district, no wall, fence, screen or similar structure, except permitted accessory buildings, shall be erected in a required side or rear yard, or on a site line adjacent to a required side or rear yard, to a height of more than 1.83 metres above grade level as illustrated in Figure 4-1.
- 4.7.3 In any **Residential District**, the use of OSB, barbed wire or electrified wire as fencing material shall be prohibited.
- 4.7.4 Paragraphs 4.7.1 and 4.7.2 (above) do not apply in **CS or FUD** Districts, except that in the case of a corner lot, no wall, fence, screen, hedge or other structure shall be placed so as to create a visual obstruction in an established intersection sight triangle.

- 4.7.5 On a corner lot in any district, no hedge planting, tree, wall, fence, or similar structure, not being a building, shall be erected, placed, planted, or maintained within the Sight Triangle, as described in Figure 2-1 and Section 4.5 of this Bylaw, to a height greater than 1.22 metre as illustrated in Figure 4-1.

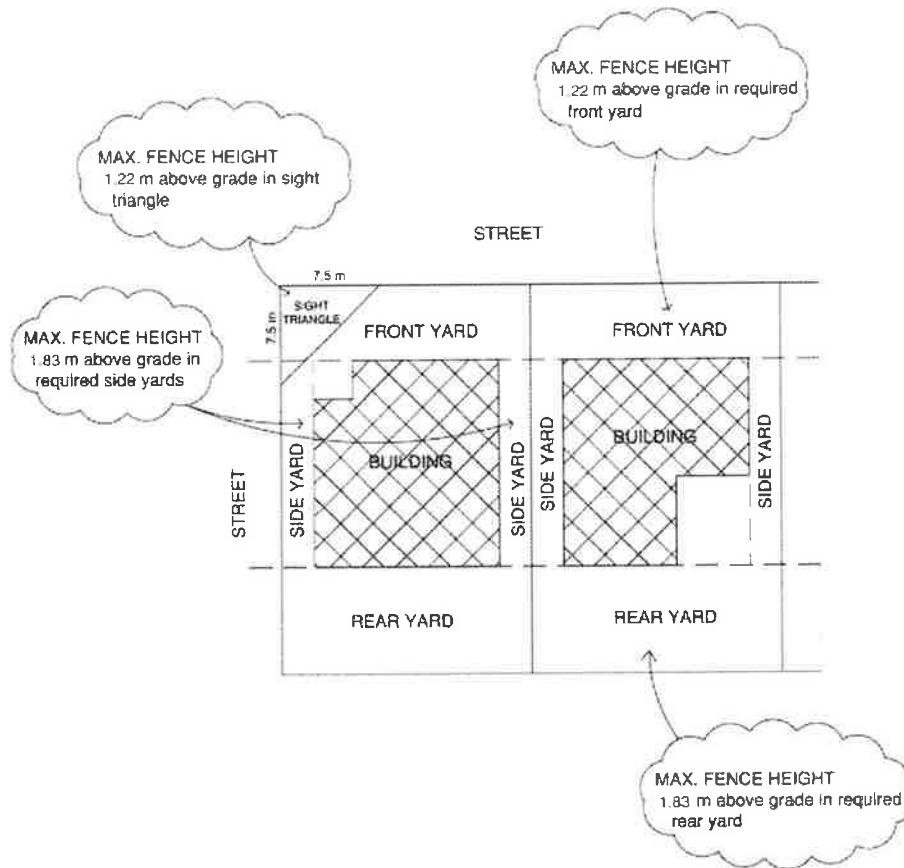


Figure 4-1: Fence Requirements

4.8 ACCESSORY BUILDINGS AND STRUCTURES

- 4.8.1 Accessory buildings shall be subordinate to, and located on, the same site as the principal building or use, and used in conjunction with that principal use.

4.8.2 Time of Construction

- (1) Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except in the following cases:
 - (a) Where a development permit has been issued for a principal building, Council shall allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed within the effective time period of the development permit for the associated principal building, the accessory building shall be removed.

4.8.3 Height of Accessory Buildings

- (1) In any Residential, Community Service, or Future Urban Development district accessory buildings are not to exceed the height of the principal building.
- (2) Garden and garage suites shall be subject to the height requirements contained in Section 5.5 of this Bylaw.

4.8.4 Private Garages and Carports

- (1) Private garages and carports, attached to the principal building by a substantial roof structure, and sharing a common wall, are considered as part of the principal building and subject to the regulations governing the principal building.
- (2) Except when conforming to established building lines, no main door of a garage which faces a street shall be within 6.0 metres of the front site line faced by the door.
- (3) Except when conforming to established building lines, no main door of a garage which faces a street shall be within 1.2 metres of the side site line faced by the door.

4.8.5 Location and Size of Accessory Buildings

- (1) Detached accessory buildings in all districts are subject to the following regulations:
 - (a) Accessory buildings shall not be located in any required front or side yards.
 - (b) The minimum rear yard setback of an accessory building shall be 1.5 metres.
 - (c) Accessory buildings shall have a minimum side yard setback of 1.5 metres.
 - (d) The total floor area of an Accessory building located in a rear yard shall not exceed 10% of the site area.
 - (e) Detached accessory buildings shall be located a minimum of 0.91 metres (3 feet) from a principal building.

4.8.6 Number of Accessory Buildings

- (1) In any Residential district, there shall be no more than two accessory buildings on a site.
- (2) The second Accessory building shall only be permissible at the discretion of Council.

4.8.7 Accessory Fabric Covered Structures and Pole Sheds

- (1) In all **Residential** districts, no more than one fabric covered structure with a maximum area 18.6 m² shall be permitted as an accessory structure.

- (2) Fabric covered structures and pole sheds shall be permitted as an accessory structure in the **R1** and **CS**.
- (3) Notwithstanding subsections (1) and (2), fabric covered structures may be placed in any district for use as a public recreation facility, public school or education facility.

4.8.8 Temporary Fabric Covered Structures

- (1) In any District, temporary fabric covered structures shall be allowed for a period not to exceed seven days in a calendar year and shall only be a permitted use for special occasions where social gatherings may occur.

4.8.9 Shipping Containers (only allowed for municipal use)

- (1) Shipping containers shall be permitted where accessory to any municipal use.
- (2) Shipping containers shall:
 - (a) be properly anchored and maintained in good repair;
 - (b) be located a minimum of 3.0 metres from, and behind the rear wall of, the principal building; and
 - (c) meet the requirements of *The National Building Code of Canada* as applicable.
- (3) Shipping containers shall be located in the side or rear yard only. They shall not project beyond the building front line of the primary building.
- (4) Shipping containers shall be kept clean, level, maintained, and placed in an orderly manner.
- (5) Shipping containers shall be prohibited for use as human habitation.
- (6) Shipping containers shall not block, obstruct, or reduce exits, windows, parking spaces, or driveways.
- (7) Shipping containers shall not be used for the purpose of screening or fencing.
- (8) Shipping containers are prohibited from being plumbed in any manner.
- (9) Shipping containers shall not be stacked on top of one another.
- (10) Notwithstanding subsection (1), shipping containers may be temporarily placed on a site in any district:
 - (a) for the purpose of loading and unloading of items associated with the principal use for a period of not more than 10 days in any six month period. The Development Officer may grant one extension of up to 10 days for large-scale projects.
 - (b) In the case of repairs and renovations resulting from a sewer backup, for the temporary storage of items for a period of time not to exceed 6 months

- (11) When placed on a site pursuant to subsection (10), the shipping containers shall:
 - (a) be located so as not to create a safety hazard;
 - (b) not be placed on a public right-of-way or dedicated lands; and
 - (c) not be located within 1.2 metres of the interior edge of a sidewalk.

4.8.10 Easements

- (1) All buildings or structures shall be located on a site so as to comply with the requirements of any easement or other development restriction registered as an interest on the title of the subject property. It shall be the responsibility of the property owner and the person or corporation who has registered the interest to ensure compliance with said easement or restriction.

4.8.11 Construction Bins

- (1) Construction bins shall require a waste disposal permit prior to being temporarily placed on a site in any district for the following cases:
 - (a) during active construction on a site where the construction bin is used solely for construction operations on site, provided that a valid building permit has been issued for construction, and provided that the construction bin is removed from the site upon completion of construction; or,
 - (b) for the purpose of loading and unloading of items associated with the principal use for a period of not more than 30 days in any six month period. The Development Officer may grant one extension of up to 30 days for large-scale projects.
 - (c) In the case of repairs and renovations resulting from a sewer backup, for the temporary storage of items for a period of time not to exceed 6 months
- (2) When placed on a site pursuant to subsection (1), the construction bin shall:
 - (a) be located so as not to create a safety hazard;
 - (b) not be placed on a public right-of-way or dedicated lands; and
 - (c) not be located within 1.2 metres of the interior edge of a sidewalk.

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

- (1) Private swimming pools, both above ground and in-ground, both open and covered, shall not be permitted in any district, because of limited groundwater availability and vulnerability of the near surface groundwater to contamination.

- (2) Hot tubs do not require a building permit as long the cottage owner meets the following requirements:
 - (a) If the hot tub (jacuzzi) is not placed directly on the ground or a concrete foundation the supporting structure will require a building permit.
 - (b) The hot tub must carry a Canadian Standards certification.
 - (c) The hot tub must meet setback requirements (See Section 3.0).
 - (d) The required permits are obtained for all the electrical, plumbing, and related gas connections and heating work.
 - (e) The hot tub is installed and operated according to manufacturer's specification.
 - (f) All drain and backwash lines are connected to the plumbing system (septic tank) to avoid a groundwater contamination event.
 - (g) Safety features must be in place such as child proof fencing and a tub cover.
- (3) These bylaws shall not void any electrical, plumbing and gas requirements for Hot Tubs, Ornamental Ponds, and Wading Pools by any other jurisdiction.
- (4) Landscape and Ornamental ponds shall be permitted. Safety features as recommended by the manufacturer must be in place.
- (5) 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 recommend safety features must be in place.

4.9 OFF-STREET PARKING AND LOADING

4.9.1 When a new development is commenced or when an existing development is enlarged, or use changed, provision shall be made for off street parking spaces in accordance with the following:

- (1) Single Detached Dwelling: 1 space per unit
- (2) Home based businesses: 1 space per non-resident employee
- (3) Bed and Breakfast homes 1 space plus 1 space for each guest room

4.9.2 Parking and Loading Spaces Required With Development

- (1) No person shall erect, enlarge, or extend any building or structure permitted under this Bylaw, unless the required parking and loading spaces are provided and maintained in connection with the new, enlarged, or altered building or structure.
- (2) All required parking facilities shall be located on the same site as the principal building or

use.

4.9.3 General Regulations for Off-street Parking and Loading

- (1) 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.
- (2) A parking space shall be a minimum of 2.74 metres (9 feet) by 6.10 metres (20 feet).

4.9.4 Driveways

- (1) Driveway approaches shall be constructed:
 - (a) Sloped away from the village road so run-off shall not go on the road and shoulder; and,
 - (b) With side slopes on the driveway (preferred range: 6:1 to 10:1) less than the side slope of the adjacent village road.
- (2) Driveway approaches shall be constructed with sufficient slopes to not allow water from the driveway to enter the road. The ideal surfacing of driveways abutting the edge of the road would be to provide for a minimum of 3.05 metres (10 feet) from the intersection of the approach with the road, to be finished using the same material surfacing as the roadway.
- (3) 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.
- (4) Material from the village road right-of-way shall not be used for the construction of the driveway and approach.
- (5) The approach shall be constructed with no resulting damage to the road shoulder/driving surface.
- (6) All season safe sight distance at the posted speed limit is required in each direction from the driveway approach.
- (7) Regarding existing driveways:
 - (a) Re-gravelling existing driveways is considered maintenance.
 - (b) Existing driveways shall be brought into compliance at the earliest when:
 - (i) Substantial improvements are made to the existing driveway, for example if the owner replaces any part of an existing driveway.
 - (ii) Widening the travel width, raising the height of the driveway, paving or re-

paving.

- (8) 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 (See section 3.4.7).

4.10 SIGNS

4.10.1 All signs shall be subject to the following regulations:

- (1) In addition to signs permitted as set out below, temporary election signs, and temporary signs bearing notice of sale or lease or other information relating to a temporary condition affecting the property, are permitted as long as the temporary condition exists for the property. Election signs shall be removed within five days following the official end of the relevant election period.
- (2) Except for government signs, memorial signs, signs advertising residential occupants or addresses and directional signs that bear no advertising, signs may only advertise the principal use of the site.
- (3) Signs shall not be located in sight triangles for intersections or driveways or in such a manner that they visually obstruct sight triangles or otherwise jeopardize public safety.
- (4) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains.
- (6) Each property owner shall display the civic address number in a way that is visible from the adjacent roadway that provides access to the site.
- (7) No backlit signs shall be permitted except those displaying a property address.

4.11 LANDSCAPING

4.11.1 General Regulations for Landscaping

- (1) Required landscaping shall be installed and maintained in accordance with the following standards and policies:
 - (a) Landscaped areas required to be provided within any front or side yard shall not be used for any purpose except for signs or structures otherwise permitted or driveways leading to a parking or loading facility.
 - (b) Notwithstanding clause (a) above, required landscaped areas for single-unit dwellings may be used for parking.
 - (c) The landscaping area shall be developed within the next growing season after occupancy or partial occupancy of the building or the site.

- (d) All plant materials are encouraged to be a species capable of healthy growth in Saskatchewan and should conform to the standards of the Canadian Nursery Landscape Association.
 - (e) All areas set aside for plant materials and turf are encouraged to be provided with an underground sprinkler irrigation system or other adequate means of irrigation, with at least one outside spigot for each principal building.
 - (f) All trees provided for planting are encouraged to be a minimum 45 mm caliper for deciduous trees and 1800 mm in height for coniferous trees.
 - (g) All shrubs provided for planting are encouraged to be a minimum height and spread of 450 mm.
 - (h) Continuous raised or precast curbing of not less than 150 mm in height are encouraged to be placed along the perimeter of any landscaped area abutting a driveway or off-street parking or loading facility.
 - (i) Trees are encouraged to be planted in the overall minimum ratio of one tree per 45 square metres of landscaped area or fraction thereof provided. Spacing between trees should not obstruct traffic sight lines, signs, or essential services at full maturity.
 - (j) Shrubs are encouraged to be planted in the overall minimum ratio of one shrub per 20 square metres of required site landscape area or fraction thereof.
 - (k) Hard landscaping should not cover more than 15% of a required landscaped area.
- (2) The provision of landscaping shall be a condition of the issuance of a development permit wherever the existing use of a building or structure is significantly enlarged, undergoes a significant increase in capacity, or is changed to a new use. In these cases, the development permit will not be issued until the landscaping plan is approved by the Development Officer.

Landscaping shall be designed and constructed to allow compliance with an approved drainage plan.

4.11.2 Required Landscaping in Residential and Community Service Districts

- (1) A landscaped strip of not less than 4.5 metres in depth throughout lying parallel to and abutting the front site line shall be provided on every site.
- (2) On corner sites, in addition to the landscaping required in the front yard, the whole of any required side yard abutting the flanking street shall be landscaped.
- (3) Residents must maintain (or arrange for) a reasonable level of landscape maintenance such as cutting their grass and weeds down.
- (4) 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.

4.11.3 Removal of Dangerous Trees on Private Lots

- (1) 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:
 - (a) A hazard to the safety of persons;
 - (b) Likely to cause damage to public utilities; or,
 - (c) Seriously inconvenience the residents.
- (2) Trained village maintenance staff shall use the following criteria to identify dangerous trees that are:
 - (a) Dead, dying, severely damaged or diseased, partially uprooted, severely leaning and in danger of falling on property or power lines;
 - (b) Interfering with, or is in close proximity to power lines to cause imminent danger during strong winds; or,
 - (c) Blocking existing wells, septic tanks, drainage or other major improvements.
- (3) 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.

4.11.4 Tree Removal From Village Forests

- (1) No person shall cut or remove any tree without having first obtained a tree cutting permit.
- (2) Only certain trees shall be marked by trained Village Staff for removal.

4.12 SERVICING

- 4.12.1 Holding tanks, septic tanks and wells are not permitted in the areas of the Resort Village which can be serviceable from existing municipal water and sewer lines. Sand points are permitted within the Resort Village boundaries but shall not tie into the municipality's sanitary sewer system.
- 4.12.2 Developments outside the serviceable areas shall be connected to a private sewage disposal system approved by the authority responsible for approval of such systems under *The Public Health Act, 1994* with the agreement being registered on title.
- 4.12.3 When servicing becomes available, holding and septic tanks are to be disconnected and connection must be made to municipal services as per *The Public Health Act, 1994*.

4.13 STORAGE OF MATERIALS AND UNLICENSED OR INOPERATIVE VEHICLES

4.13.1 In any Residential zoning district:

- (1) No front yard shall be used for the storage of unlicensed or uninsured motor vehicles or of materials or goods of any type.
- (2) No yard shall be used for storage or collection of hazardous material.
- (3) No yard or portion thereof shall be used for the storage of machinery not normally used for the maintenance of the residential property.
- (4) Outside storage of partially dismantled or inoperative motor vehicles is not permitted.
- (5) Only one unlicensed or uninsured motor vehicle may be stored outdoors on a residential site outside of a fully enclosed building if it is shielded or screened from view. The unlicensed motor vehicle shall not be visible by someone standing at ground level from outside the property on which the vehicle is stored. Covering inoperable motor vehicles with tarps or car covers are also acceptable methods.

4.14 OUTSIDE STORAGE AND WASTE MATERIAL STORAGE

4.14.1 Where permitted in association with any approved Community Service or Residential land use, all outside storage, including storage of garbage or waste materials, is subject to the following requirements:

- (1) No outside storage shall be located in the front yard, except for the neatly arranged display of items for sale.
- (2) Outside storage in a side or rear yard shall be screened from adjacent sites by a fence at least 1.8 metres in height, or a combination of fence and soft landscaping screening a minimum of 1.8 metres in height. Where adjacent to a public road, storage areas shall provide a landscaped strip of at least 2.0 metres in horizontal depth between the required fence and the required right of way.
- (3) Unless otherwise directed by this Bylaw, garbage and waste material shall be stored in weatherproof and animal-proof containers and may be required to be visually screened from all adjacent sites and public thoroughfares to the satisfaction of the Development Officer.

4.15 DEVELOPMENT ON HAZARD LANDS

4.15.1 Where a proposed development or subdivision is to be located on potential hazard lands, the applicant shall submit a professional report prepared and stamped by a professional engineer registered to practice in Saskatchewan. The report shall assess the geotechnical suitability of the site, susceptibility to flooding, including topographical surveys to delineate the flood hazard line,

or other environmental hazards, together with any required mitigation measures.

- (1) A suitable topographic map of the proposed area of development;
- (2) 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;
- (3) 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; and,
- (4) Proposed action for hazard avoidance, prevention, mitigation or other measures that may be specified as conditions in the development permit.

4.15.2 Actions identified, in a report prepared pursuant to Section 4.15.1, for prevention, change, mitigation or remedy may be incorporated as conditions to issuance of any development permit that may be issued. Council shall refuse a permit for any development for which, in Council's opinion, the proposed actions are inadequate to address the conditions present on the hazard lands or will result in excessive municipal costs.

4.16 BUILDINGS OR USES OCCUPYING MORE THAN ONE LOT

Where an application is made for development of a building or use that will occupy more than one lot as herein defined, the parcel of land comprised of said lots shall be considered a site for the purposes of administering this Bylaw.

4.17 FRONTAGE ON ROAD

No development permit shall be issued unless the site intended to be used, or upon which a building or structure is to be erected, abuts or has frontage on and access to an existing public road.

4.18 BUILDING TO BE MOVED

4.18.1 No building shall be moved within or into the Resort Village of Mistusinne without the issuance of a development permit unless such building is exempt under Section 3.2.2 of this Bylaw. Prior to any building being moved within or into the Village, the applicant shall:

- (1) obtain a satisfactory municipal building inspector's report;
- (2) enter into a development and servicing agreement when, in the sole opinion of the Resort Village, the water and sanitary sewer connections, asphalt pavement, or curb and sidewalk need to be replaced or repaired;
- (3) provide appropriate security to the municipality for any damages to the Resort Village infrastructure; and
- (4) pay all required fees.

4.19 DEMOLITION OF BUILDINGS

4.19.1 No building shall be demolished within the Resort Village of Mistusinne without the issuance of a demolition permit, unless it is exempt under Section 3.2.2. Prior to any building being moved within or into the Resort Village, the applicant shall:

- (1) pay any taxes, fees or charges owing to the Resort Village against the subject property;
- (2) cap-off any water and sewer connections in a manner required by the Resort Village;
- (3) provide a security bond given to the municipality for any damages to Resort Village infrastructure; and
- (4) pay all required fees.

4.20 EXCAVATION, STRIPPING AND GRADING

4.20.1 Any site for which a development permit has been issued shall be graded and levelled in accordance with the elevations provided within the approved development permit at the applicant's expense to provide for surface drainage which does not adversely affect adjacent properties. Any interim earth work must be done in a manner to contain erosion, runoff and debris from negatively impacting any adjacent properties.

4.20.2 A development permit is required for the excavation, stripping and grading of land and the modification of wetlands.

4.20.3 Excavation shall include, but is not limited to sand and gravel extraction, top-soil stripping, the grading of land for drainage purposes, the grading of land, the clearing of vegetation from land and any similar activity, but does not include:

- (1) excavation for construction or building purposes associated with a valid development permit or a valid certificate of approval for subdivision; or
- (2) excavation or the removal of vegetation for maintenance or landscaping purposes on a site where a development permit has previously been issued;

4.20.4 A person wishing to excavate, strip or grade land, or modify wetlands shall provide the following information in their application for a development permit:

- (1) the location and area of the site on which the excavation, stripping, grading or modification of wetlands is to take place;
- (2) where required by the Development Officer, the existing land use, wetlands and vegetation, including a natural areas screening report; and
- (3) the amount and type of vegetation, soil or other material to be removed or relocated, and the condition in which the land is to be left when the excavation is complete.

4.20.5 Except as provided for in Section 4.20.6, a development permit shall not be issued unless there is

an approved development plan or subdivision for the area.

- 4.20.6 The Development Officer may issue a development permit for the excavation, stripping and grading of land when satisfied that the excavation is necessary for the interim use, development or maintenance of the subject land, prior to a development plan or subdivision being approved for the area.

4.21 GARAGE AND YARD SALES

- 4.21.1 Garage or yard sales may be undertaken on any site in a Residential or Community Service zoning district provided the sale is conducted by a resident of the dwelling on the subject site, or by a non-profit group associated with a place of worship, public school, community association or other similar group or organization.
- 4.21.2 No more than four (4) sales may be conducted from one site in one calendar year, and any one sale may not last for more than three consecutive days.

4.22 RECREATIONAL VEHICLES AND TENTS

- 4.22.1 Trailer coaches and tents may be occupied as temporary overnight sleeping accommodations only in the following situations:
- (1) in any Green Space district, one trailer coach or tent may be located on any one site for the temporary overnight sleeping accommodation of the occupants of a principal dwelling or guests of the occupants of a principal dwelling within the Resort Village, provided the occupant(s) of the trailer coach or tent has/have obtained a Green Space Use Permit and paid all of the associated fees, is not rented or made available for compensation, and that the persons sleeping in the trailer coach or tent have full access to all of the facilities and amenities of a principal dwelling;

4.23 LIGHTING OF SIGHTS

Outdoor lighting for all developments shall be located and arranged so that no direct rays of light are pointed at nearby properties, or interfere with the safe operation of nearby roadways or traffic control devices.

4.24 PROHIBITED USES

- 4.24.1 The following uses are prohibited in all districts:
- (1) Mobile homes (manufactured dwellings that meet or exceed CSA Z240 and amendments thereto, or modular dwellings that meet or exceed CSA A277 and amendments thereto are allowed)
 - (2) The use of any motor vehicles for human habitation
 - (3) The keeping or breeding of rats, crickets, exotic animals, or any animals of an agricultural nature

- (4) Stables, livestock operations, or dog boarding kennels
- (5) Gas stations or garages for the repair or maintenance of motor vehicles
- (6) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the amended Environmental Protection Act
- (7) Wind generators
- (8) Boat lifts

4.25 STORAGE OF CHEMICALS, FERTILIZERS AND COMBUSTIBLE MATERIALS

The storage of chemicals, fertilizers and combustible materials are subject to the requirements of both the federal and provincial governments. All necessary approvals from other regulatory agencies must be obtained prior to issuance of a development permit. Development permit conditions may include the requirement that all permits or licenses required by other regulatory agencies be obtained before development proceeds.

4.26 TEMPORARY USES

- 4.26.1 Temporary uses will be permitted where appropriate in individual zoning districts at the discretion of Council.
- 4.26.2 A temporary development may be used 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.
- 4.26.3 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.
- 4.26.4 The permission for temporary developments shall expire with the expiration of the principal building permit or sooner upon completion of the principal building.
- 4.26.5 Construction waste must be taken outside of the Resort Village to an officially approved dumpsite unless prior arrangements have been made with the staff of the Resort Village for construction bin access.
- 4.26.6 All temporary uses must be located on an existing site; no subdivision will be permitted for temporary uses.
- 4.26.7 The site must be restored to the same condition as it was prior to the beginning of the temporary use once the temporary use has ceased.

- 4.26.8 Council may require a performance bond from the applicant to ensure acceptable remediation of the site.

5 SPECIAL REGULATIONS AND STANDARDS

5.1 ABOVE-GROUND FUEL STORAGE TANKS

- (1) Above-ground fuel storage tanks which meet the standards of *The National Fire Code* may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- (2) Below-ground fuel storage tanks shall be prohibited in the Resort Village.
- (3) The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar shall not exceed the regulations and requirements set out by *The National Fire Code*.
- (4) Above-ground fuel storage tanks shall be:
 - (a) located at least 3 metres from a property line or building, unless the tank has a capacity of 5,000 litres or less, in which case it shall be located at least 1 metre from same;
 - (b) located at least 6 metres from any property line or building in the case of a tank used in association with a service station or gas bar;
 - (c) separated from each other and be accessible for firefighting purposes to the satisfaction of the Development Officer; and,
 - (d) located at least 15 metres from the boundary of any site where the principal use is residential.
- (5) The dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3 metres from any property line or 6 metres from any property line in the case of a service station or gas bar, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (6) Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, bollards, guardrails or other similar means.
- (7) At service stations and gas bars, above-ground fuel storage tanks which are located in view of a front or flanking street shall be landscaped or screened to the satisfaction of the Development Officer.

5.2 DAY CARE FACILITIES

- (1) Day care facilities may be approved as an ancillary use.
- (2) In any Residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building, property, or streetscape.

- (3) No building or structure used for the purpose of a custodial care facility or a residential care home shall also be used for the purpose of keeping boarders or lodgers.
- (4) Section 3.11 of this Bylaw shall apply to the review and approval of day care facilities that are listed as discretionary uses.

5.3 BED AND BREAKFAST HOMES

- (1) A bed and breakfast home may be located in a single detached dwelling. No exterior alterations shall be undertaken which would be inconsistent with the residential character of the building, property, or streetscape.
- (2) Limited to a maximum of two thirds of the number of bedrooms for guest bedrooms.
- (3) Where otherwise permitted, required parking spaces may be located in a front yard.
- (4) Section 3.11 of this Bylaw shall apply to the review and approval of bed and breakfast homes that are listed as discretionary uses.

5.4 HOME BASED BUSINESSES

- (1) All applications for home based businesses must be considered as Type I or Type II. The development standards for Type I and Type II home based businesses are contained in subsections (4) and (5), respectively.
- (2) Without limiting the authority of the Development Officer to approve other types of home based business applications, the following uses are specifically permitted as home based businesses, subject to the applicable development standards within subsections (4) and (5):
 - (a) art restoration;
 - (b) beauty parlours, barber shops;
 - (c) the creation of crafts for sale off-site, such as novelties and souvenirs, corsage and flower arrangements, gift baskets, and other handicrafts including but not limited to ceramics, pottery, leather goods and jewellery;
 - (d) dressmaker, seamstress, or tailor;
 - (e) electrology, acupuncture, reflexology, and massage therapy;
 - (f) the instruction of art, dancing, or music, limited to no more than three students at a time;
 - (g) office of a professional, or one who offers skilled services to clients and is not engaged in the sale of goods or products to clients;
 - (h) photography studios;
 - (i) typing, word processing, and computer programming services.

- (3) Without limiting the authority of the Development Officer to deny applications for other types of home-based businesses which do not meet the requirements of this Bylaw, the following uses are prohibited as home based businesses, whether or not applications for such uses would otherwise comply with the applicable standards of this Bylaw:
- (a) businesses utilizing large power tools and machinery, or businesses involved in the mass production of similar items or products;
 - (b) restaurants, drinking establishments or tea rooms;
 - (c) health or fitness clubs;
 - (d) headquarters or base of operations of a taxi, trucking, delivery, or towing operation;
 - (e) hotels, motels and hospitals;
 - (f) laundry services;
 - (g) motion picture or recording studios;
 - (h) the painting, repairing, refitting, cleaning, refurbishing, or selling of motor vehicles or machinery;
 - (i) rental services;
 - (j) upholstery services;
 - (k) veterinary services, boarding or grooming of animals;
 - (l) welding or metal works;
 - (m) any use that creates noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste, or electrical, television, or radio interference detectable by sensory perception or by scientific instruments at or beyond the boundaries of the building or beyond the unit walls within a multiple unit dwelling.
- (4) The following development standards shall apply to all Type I home based businesses:
- (a) No persons other than residents of the dwelling shall be employed in the home based businesses on the site.
 - (b) Home based businesses shall be conducted entirely indoors, and no more than 20% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 40 m², may be occupied by home based businesses.
 - (c) An attached garage or detached accessory building may be occupied by a home based business, provided that the total area devoted to home based businesses does

- not exceed 40 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
- (d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the buildings and property.
 - (e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home based business shall be produced.
 - (f) No more than one business related vehicle and one business related trailer, each with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres, may be stored on or in the vicinity of the site.
 - (g) Regardless of the number of home based businesses that may be located on any one site, a total of no more than seven (7) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres.
 - (h) No storage of hazardous, explosive or flammable materials shall be permitted in relation to a home based business.
 - (i) Where the operator of a home based business is not the owner of the subject property, the operator shall provide to the Resort Village a letter of authorization from the owner of the subject property.
- (5) The following development standards shall apply to all Type II home based businesses:
- (a) In accordance with the definition of a Type II home based business, no more than one non-resident person shall be employed in relation to home based businesses on any one site.
 - (b) Home based businesses shall be conducted entirely indoors, and no more than 25% of the gross floor area of the dwelling, including the area of the basement and any attached garage, up to a maximum of 50 m², may be occupied by home based businesses.
 - (c) An attached garage or detached accessory building may be occupied by home based businesses, provided that the total area devoted to home based businesses does not exceed 50 m² on the site, and that no required parking spaces associated with the principal use are occupied by home based businesses.
 - (d) There shall be no exterior storage on the site in relation to the home based business, and no exterior alterations shall be permitted that are not consistent with the residential character of the building and property.
 - (e) No noise, vibration, smoke, dust, odours, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building containing the home

based business shall be produced.

- (f) One off-street parking space shall be required for a non-resident employee, and, if otherwise permitted, this space may be located in a required front yard. Additional off-street parking spaces may be required, where in the opinion of the Development Officer, due to the nature of the business or the site, the provision of parking is necessary to maintain the residential character of the area. The siting and screening of all required parking spaces shall be undertaken to the satisfaction of Council.
- (g) No more than one business related vehicle and one business related trailer, each with a gross vehicle weight of no more than 5,000 kg and a total length of no more than 6.0 metres, may be stored on or in the vicinity of the site.
- (h) Regardless of the number of home based businesses that may be located on any one site, a total of no more than fourteen (14) client or business related visits per day shall be made to home based businesses on any one site, and no deliveries of merchandise, goods or equipment shall be made to the businesses by a vehicle with a gross vehicle weight of more than 5,000 kg, or by a vehicle with a total length of more than 6.0 metres.
- (i) No storage of hazardous, explosive or flammable materials shall be permitted in relation to a home based business.
- (j) Where the operator of a home based business is not the owner of the subject property, the operator shall provide to the Resort Village a letter of consent from the owner of the subject property.

5.5 BUNK HOUSES, GARDEN AND GARAGE SUITES

- (1) All habitable areas of a bunk house, garden or garage suite shall be above grade.
- (2) The maximum building area of a bunkhouse shall not exceed metres 17.5 square metres (200 square feet) and the height shall not exceed 4.0 metres (13.1 feet) in height.
- (3) The building height of a garden or garage suite shall not exceed 6.4 metres (21 feet) in height or the height of the principal building, whichever is less.
- (4) Bunk houses, garden and garage suites shall be located in the rear yard and shall be setback a minimum of 4.0 metres from the principal dwelling.
- (5) The minimum side yard setback for a bunk house, garden or garage suite shall be the same as the side yard requirements of the principal building, including corner lots.
- (6) The minimum rear yard setback for a bunk house, garden or garage suite shall be 2.0 m.
- (7) No portion of a bunk house, garage or garden suite may be located on, under or over a registered easement.
- (8) The cumulative floor area of a bunk house, garden or garage suite and all accessory

buildings located in a rear yard shall not occupy more than 10% of the site area.

- (9) Windows and doors in a bunk house or a garden or garage suite shall be of a size and in locations which will not result in the loss of privacy for residents of adjacent sites.
- (10) Mechanical units such as air conditioners and vents shall be located so as not to constitute a nuisance to adjacent properties.
- (11) One parking space shall be provided for each dwelling unit on the site.
- (12) The site plan submitted for a bunk house, garden or garage suite must include details regarding utility service connections. The site plan must be approved by the Village and by all utility agencies which provide services to the site.
- (13) Sites containing a bunk house or garden or garage suite shall be adequately drained. A site drainage plan shall be submitted to the Village.
- (14) A building permit is required for bunk house, garden or garage suite which shall comply with all relevant building, plumbing and development codes.
- (15) Wherever possible, there should be only one water service from the street to the principal dwelling and the bunk house, garden or garage suite.

5.6 PARKING LOTS

- (1) No sign of any kind, other than those designating the parking lot name, entrances, exits, or conditions of use, may be erected or maintained.
- (2) All lighting fixtures must be oriented in a manner to direct the light away from adjacent lots.
- (3) The lot must provide adequate drainage as determined by the Resort Village to dispose of all surface water.
- (4) Parking lots shall be landscaped to improve the visual appearance of the site.
- (5) Where parking lot abuts a residential property boundary a minimum landscape buffer of 2.0 metres which, complies with the requirements contained in Section 4.11, shall be provided.

5.7 SECONDARY SUITES

- (1) No more than one secondary suite shall be located in any single detached dwelling. No secondary suite shall be permitted on a site which contains a garden or garage suite.
- (2) No more than two bedrooms are allowed for any secondary suite.
- (3) No more than three persons are allowed to occupy any secondary suite.

- (4) One off-street parking space is required for any secondary suite in addition to the required parking for the principal residential building on the site.
- (5) Any secondary suite shall comply with the requirements of *The National Building Code of Canada*, subject to the approval of the Municipal Building Official.
- (6) The floor area occupied by a secondary suite shall be considered as part of the principal dwelling. Any secondary suite shall not be separated from the principal building through subdivision of land.
- (7) In order to accommodate a secondary suite, a single detached dwelling must have a gross floor area, including the area of any basement, of at least 100 m².
- (8) The maximum floor area of a secondary suite shall be no more than 50% of the gross floor area, including the area of the basement, of the building in which it is located, or 80 m², whichever is the lesser.
- (9) The exterior finishing of a secondary suite shall be consistent with the exterior of the remainder of the principal dwelling to give the entire building the appearance of a single dwelling.
- (10) Where a secondary suite has an entrance which is separate from that of the principal dwelling, the entrance may only be located on a side or rear wall of the principal dwelling.\

5.8 SOLAR ENERGY SYSTEMS

- (1) The installation and operation of solar energy systems, and their supporting structures, shall be permitted in all zoning districts subject to the following:
 - (a) In all districts except the Industrial Districts, Solar energy systems shall not be located in any required front or side yards. In the case of a corner site, solar energy systems shall not be placed in any portion of the rear yard which is within 3.0 metres of the side property line adjacent to a flanking street.
 - (b) All freestanding solar structures shall be placed a minimum of 1.2x the total height of the structure away from any site line, and in no case shall the total height of the system exceed the height of the principal building.
 - (c) In any district, if attached to a building, the solar energy system shall not exceed the maximum permitted height of the building the system is attached to.
 - (d) A development permit is required for:
 - (i) Any free-standing solar energy system.
 - (ii) Any Solar energy system being attached to an existing roof or wall structure.

5.9 GEOTHERMAL ENERGY SYSTEMS

- (1) All plumbing, reservoirs and pumps and other requirements associated with Geothermal Energy Systems shall require plumbing, electrical and building permits, as required, and shall meet all applicable requirements of *The National Building Code of Canada*.

- (2) Plans for Geothermal Energy Systems shall be stamped by a qualified professional engineer or have the system and installation certified by an accredited member of the Canadian GeoExchange Coalition.
- (3) Geothermal Energy Systems shall comply with CSA Standard C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Village, provided documented proof is provided that shows that the exception meets or exceeds CSA Standard C488.
- (4) All Geothermal Energy Systems shall be a closed loop system. Open loop systems shall not be permitted.
- (5) Heat transfer fluids used within a Geothermal Energy System shall be the most environmentally friendly type available at the time of installation, such as propylene glycol. In no case may an ethylene glycol-based fluid be used, nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.
- (6) Brand names or advertising associated with a Geothermal Energy System or the system's installation shall not be visible from any public area or roadway.
- (7) Upon abandonment or termination of any Geothermal Energy System, the facility and components associated with the use of the system, above grade and 0.6 m below grade, shall be removed and the site restored at the owner's expense.
- (8) Only vertical geothermal energy systems will be permitted.
- (9) All components of the Geothermal Energy System must be a minimum of 0.6 metres away from any property line.

5.10 FAMILY CHILD CARE HOMES

- (1) Family child care homes may be approved as an accessory use to a dwelling.
- (2) A family child care home shall provide at least 3.25 m² of fenced on-site outdoor play space for each child present in the facility at one time.
- (3) In any residential district, no exterior alterations shall be undertaken to a dwelling which would be inconsistent with the residential character of the building or property.

5.11 KEEPING OF ANIMALS

- (1) The keeping of household animals under the control of the residents shall be permitted in residential zones, and may be regulated by Council.

5.12 ALL TERRAIN VEHICLES, MOTORBIKES AND SNOWMOBILES

- (1) 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
- (2) 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
- (3) 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).

5.13 GARDENS

- (1) The planting of gardens on public land is not allowed except where designated by council as Community Gardens.

6 ZONING DISTRICTS

6.1 CLASSIFICATION OF ZONING DISTRICTS

In order to carry out the purpose and provisions of this Bylaw, the Resort Village is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

Districts	Symbols
Residential	R1
Green Space	GS
Mistusinne Commons	MC
Community Services	CS
Environmental Reserve	ENV
Future Urban Development	FUD

6.2 THE ZONING DISTRICT MAP

The map, bearing the statement "This is the Zoning District Map referred to in Bylaw No. 2021-____ adopted by the Council and signed by the Mayor and Chief Administrative Officer, and under the seal of the Resort Village shall be known as the "Zoning District Map" and such map is declared to be an integral part of this Bylaw.

6.3 BOUNDARIES OF ZONING DISTRICTS

- 6.3.1 The boundaries of such districts referred to, together with explanatory legend, notation and reference, are shown on the map entitled "Zoning District Map".
- 6.3.2 All streets, lanes and road allowances, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such streets, lanes and road allowances. If the land abutting each side of a street, lane or road allowance is located in different zoning districts, the centre line of such street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 6.3.3 Streets, lanes, and road allowances which are shown on the *Zoning District Map* and which have been permanently closed pursuant to Section 13 of *The Municipalities Act*, shall be in the same district as the land abutting both sides of the permanently closed street, lane or road allowance. If the land abutting each side of the permanently closed street, lane or road allowance was located in different zoning districts before the said street, lane or road allowance was permanently closed, the centre line of such permanently closed street, lane or road allowance shall be deemed to be the district boundary, unless otherwise specifically designated.
- 6.3.4 On un-subdivided land, the zoning district boundary shall be determined by the scale shown on the *Zoning District Map*.

6.4 ZONING DISTRICTS

The uses or forms of development allowed within a zoning district, along with regulations or standards which apply, are contained in the District Schedules in Section 7.

6.5 TRANSITIONAL ZONING PROVISIONS

Buildings lawfully existing at the time of the approval of this Bylaw shall be limited in terms of site width, front and rear yard setback, site coverage and off-street parking and loading requirements to the regulations of the zoning district in which they are located, or to their current dimensions, whichever is the least restrictive.

6.6 PROPERTIES WITH MORE THAN ONE ZONING DISTRICT

Where a site or lot is divided into more than one zoning district, the development and use of any portion of the site shall be in accordance with the requirements of the applicable zoning district and subject to Section 4.3 herein.

7 DISTRICT SCHEDULES

7.1 R1 - RESIDENTIAL DISTRICT

7.1.1 Purpose

The purpose of the **R1** - Residential district is to provide for residential development in the form of single detached and other compatible uses.

7.1.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-1.

7.1.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8
- (2) Garages and Yard Sales subject to Section 4.21
- (3) Recreational Vehicles and Tents subject to Section 4.22
- (4) Day Care Facilities subject to Section 5.2
- (5) Bed and Breakfast Homes subject to Section 5.3
- (6) Home Based Businesses subject to Section 5.4
- (7) Secondary Suites subject to Section 5.7
- (8) Family Child Care Homes subject to Section 5.10

7.1.4 Standards and Regulations

Site and building requirements are shown in Table 7-1.

7.1.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **R1** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria, Section 3.11.4 – Use-Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

7.1.6 Exceptions to Development Standards

7.1.7 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.9

7.1.8 Outside Storage

Outside storage, including waste material storage, is subject to Section 4.14.

7.1.9 Landscaping

Landscaping is subject to Section 4.11.

Table 7-1: R1 – Residential District Development Standards

<u>Principal Use*</u>	Designation	Subject to Section(s)	<u>Development Standards</u>							
			Minimum Site Area (ft ²)	Minimum Site Width (ft)	Minimum Front Yard (ft)	Minimum Rear Yard (ft)	Minimum Side Yard (ft)	Minimum Bldg Floor Area (ft ²)	Maximum Bldg Height (ft)	Maximum Site Cvg (%)
			Residential Uses							
(1) Single detached dwellings	P		6000	50 ⁽²⁾	20	30	5 ⁽³⁾	700	28 ⁽⁴⁾	35
(1) Bed and breakfasts (accessory use)	D	5.3				Same as principal use				
(2) Home based business type I (accessory use)	D	5.4				Same as principal use				
(3) Home based business type II (accessory use)	D	5.4				Same as principal use				
(4) Garden and garage suites	D	5.7				Same as principal use				
(5) Bunk houses	P	5.7				Same as principal use				
Community Service, Municipal, Recreational, Institutional and Other Uses										
(1) Community centres	P		6000 ⁽¹⁾	50 ⁽¹⁾⁽²⁾	20 ⁽¹⁾	15 ⁽¹⁾	5 ⁽¹⁾⁽³⁾	--	(4)	--
(2) Municipal facilities	P		--	--	--	--	--	--	--	--
(3) Places of worship	P		6000 ⁽¹⁾	50 ⁽¹⁾⁽²⁾	20 ⁽¹⁾	15 ⁽¹⁾	5 ⁽¹⁾⁽³⁾	--	(4)	--
(4) Public works	P		--	--	--	--	--	--	--	--
(5) Sports fields, parks and playgrounds	P		--	--	--	--	--	--	--	--

*Except where noted as (accessory use)

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any 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, and contained in this zoning bylaw.

Special limitations and standards regarding Table 7-1 and the R1 district:

- (1) except for no development standards shall be required on Crown land
- (2) where site is non-rectangular, the minimum site width shall be 36
- (3) where the side site line abuts any street or lane, the minimum side yard shall be 10
- (4) the building height shall not exceed two stories

7.2 GS – GREEN SPACE DISTRICT

7.2.1 Purpose

The objective of the **GS** – Green Space district is to provide lands as open space to maintain the rural character of the Resort Village and provide pedestrian access corridors from the back row lots to the lake and common areas.

7.2.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-2.

7.2.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8

7.2.4 Standards and Regulations

- (1) Site and building requirements are shown in Table 7-2.

7.2.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **GS** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria, Section 3.11.4 – Use Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

7.2.6 Exceptions to Development Standards

- (1) Residential sites that lawfully existed prior to the passing of this bylaw that do not meet the minimum site width requirements outlined in Table 7-2, shall be a fully conforming building site whether or not it contains a building.

7.2.7 Off-Street Parking and Loading

Off-street parking requirements are subject to Section 4.9

7.2.8 Landscaping

Landscaping is subject to Section 4.11.

Table 7-2: GS – Green Space District Development Standards

<u>Principal Use</u>	<u>Designation</u>	<u>Subject to Section(s)</u>	<u>Development Standards</u>								
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Minimum Bldg Floor Area (m ²)	Maximum Bldg Height (m)	Maximum Site Cvg (%)	
	<u>Community Service, Municipal, Recreational, Institutional and Other Uses</u>										
	(1)	Public works	P	--	--	--	--	--	--	--	--
	(2)	Walking, hiking, and/or ski trails	P	--	--	--	--	--	--	--	--
	(3)	Sports fields, parks and playgrounds	D	--	--	--	--	--	--	--	--
	(4)	Tree plantations	D	--	--	--	--	--	--	--	--
	(5)	Emergency and maintenance access	D	--	--	--	--	--	--	--	--

Use Designations:(P) - Permitted Use

means a use or form of development allowed as of right in a A use or form of development specified in this Bylaw, which may be allowed following application zoning district, subject to the regulations contained in this to, and approval by, Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

(D) - Discretionary Use

7.3 MC – MISTUSINNE COMMONS DISTRICT

7.3.1 Purpose

The purpose of the **MC** – Mistusinne Commons district is to establish and preserve access to open spaces, shorelands, the lake, and other recreational developments.

7.3.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-3.

7.3.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8

7.3.4 Standards and Regulations

Site and building requirements are shown in Table 7-3.

7.3.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **MC** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria, Section 3.11.4 – Use-Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

7.3.6 Exceptions to Development Standards

7.3.7 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.9.

7.3.8 Outside Storage

Outside storage, including waste material storage, is subject to Section 4.14.

Table 7-3 MC –Mistusinne Commons District Development Standards

<u>Principal Use</u>	Designation	Subject to Section(s)	<u>Development Standards</u>							
			Minimum Site Area (m²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Rear Yard (m)	Minimum Side Yard (m)	Minimum Bldg Floor Area (m²)	Maximum Bldg Height (m)	Maximum Site Cvg (%)
<u>Community Service, Municipal, Recreational, Institutional and Other Uses</u>										
(1) Lakeshore access	D		--	--	--	--	--	--	--	--
(2) Dry land storage for boats and boat trailers	D		--	--	--	--	--	--	--	--
(3) Golf courses	P		--	--	--	--	--	--	--	--
(4) Motorized trails	D		--	--	--	--	--	--	--	--
(5) Parking lots	P	5.6	--	--	--	--	--	--	--	--
(6) Parks	P		--	--	--	--	--	--	--	--
(7) Public works	P		--	--	--	--	--	--	--	--
(8) Sports fields	P		--	--	--	--	--	--	--	--
(9) Shoreline restoration measures	D		--	--	--	--	--	--	--	--
(9) Walking, hiking, and/or ski trails	P		--	--	--	--	--	--	--	--

Use Designations:

(P) -- Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) -- Discretionary Use: Any 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, and contained in this zoning bylaw.

7.4 CS – COMMUNITY SERVICE DISTRICT

7.4.1 Purpose

The objective of the **CS** – Community Service district is to provide community services on lots and Crown lands.

7.4.2 Permitted and Discretionary Use

Uses are listed and designated in Table 7-4.

7.4.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8

7.4.4 Standards and Regulations

Site and building requirements are shown in Table 7-4.

7.4.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **CS** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria, Section 3.11.4 – Use-Specific Discretionary Use Evaluation Criteria, as may be applicable, and additional evaluation criteria and development standards that follows in this section.

7.4.6 Exceptions to Development Standards

7.4.7 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.9.

7.4.8 Outside Storage

Outside storage, including waste material storage, is subject to Section 4.14.

7.4.9 Landscaping

Landscaping is subject to Section 4.11.

Table 7-4: CS – Community Service District Development Standards

<u>Principal Use</u>	Designation	Subject to Section(s)	<u>Development Standards</u>					
			Minimum Site Area (ft²)	Minimum Site Width (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Maximum Site Coverage (ft²)
<i>Community Service, Municipal, Recreational, Institutional and Other Uses</i>								
(1) Community Centre	P		6000	50	20	5	15	--
(2) Cemeteries	D		6000	50	20	5	15	--
(3) Cultural Institutions	P		6000	50	20	5	15	--
(4) Fire hall ⁽²⁾	P		--	--	--	--	--	--
(5) Maintenance building ⁽²⁾	P		--	--	--	--	--	--
(6) Nurseries, greenhouses, and garden centres ⁽²⁾	P		--	--	--	--	--	--
(7) Parks	P		6000	50	20	5	15	--
(8) Public works ⁽²⁾	P		--	--	--	--	--	--
(9) Pump house ⁽²⁾	P		--	--	--	--	--	--
(10) Recycling transfer station ⁽²⁾	P		6000	50	20	5	15	--
(11) Sports fields	P		6000	50	20	5	15	--
(12) Fertilizer storage yard ⁽²⁾	D	4.25	--	--	--	--	--	--
(13) Waste transfer station ⁽²⁾	P		6000	50	20	5	15	--

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any 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, and contained in this zoning bylaw.

Special limitations and standards regarding Table 7-4 and the CS district:

(1) 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 or shall be stored within a building

(2) No development standards where the site is located on crown lands

7.5 ENV – ENVIRONMENTAL RESERVE DISTRICT

7.5.1 Purpose

The purpose of the **ENV** – Environmental Reserve district is to set aside land in the Resort Village which consists of qualifying natural and cultural features. According to section 185 (3) of *The Act*, “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.”

7.5.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-5.

7.5.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8

7.5.4 Standards and Regulations

Site and building requirements are shown in Table 7-5.

7.5.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **ENV** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria and to Section 3.11.4 – Use-Specific Discretionary Use Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

7.5.6 Exceptions to Development Standards

7.5.7 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.9.

7.5.8 Outside Storage

Outside storage, including waste material storage, is subject to Section 4.14.

7.5.9 Landscaping

Landscaping is subject to Section 4.11.

Table 7-5: ENV –Environmental Reserve District Development Standards

<u>Principal Use</u>	Designation	Subject to Section(s)	<u>Development Standards</u>					
			Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (m ²)
Community Service, Municipal, Recreational, Institutional and Other Uses								
(1) Natural and heritage resource interpretation	P		--	--	--	--	--	--
(2) Parks	P		--	--	--	--	--	--
(3) Walking, hiking, and/or ski trails	P		--	--	--	--	--	--
(4) Other uses specified by the minister	P		--	--	--	--	--	--

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any 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, and contained in this zoning bylaw.

7.6 FUD – FUTURE URBAN DEVELOPMENT DISTRICT

7.6.1 Purpose

The purpose of the **FUD** – Future Urban Development district is to provide for interim land uses where the future use of the land or the timing of development is uncertain due to issues of servicing, transitional use or market demand.

7.6.2 Permitted and Discretionary Uses

Uses are listed and designated in Table 7-6.

7.6.3 Accessory Uses

Accessory buildings and uses including:

- (1) Accessory Buildings and Structures subject to Section 4.8

7.6.4 Standards and Regulations

Site and building requirements are shown in Table 7-6.

7.6.5 Standards for Discretionary Uses

Council will consider discretionary use applications in the **FUD** district with respect to Section 3.11.3 – General Discretionary Use Evaluation Criteria and to Section 3.11.4 – Use-Specific Discretionary Use Evaluation Criteria and to additional evaluation criteria and development standards that follows in this section.

7.6.6 Exceptions to Development Standards

7.6.7 Off-Street Parking and Loading

Off-street parking and loading requirements are subject to Section 4.9.

7.6.8 Outside Storage

Outside storage, including waste material storage, is subject to Section 4.14.

Table 7-6: FUD – Future Urban Development District Development Standards

	Designation	Subject to Section(s)	Development Standards								
			Minimum Site Area (ft ²)	Minimum Site Width (ft)	Minimum Front Yard (ft)	Minimum Side Yard (ft)	Minimum Rear Yard (ft)	Minimum Building Floor Area (ft ²)	Maximum Building Height (ft)	Maximum Site Coverage (%)	
Residential Uses											
(1)	Single detached dwellings		P	6000	50 ⁽¹⁾	20	30	5 ⁽²⁾	700	28 ⁽³⁾	35
Community Service, Municipal, Recreational, Institutional and Other Uses											
(1)	Boat launches		P	--	--	--	--	--	--	--	--
(2)	Golf courses		P	--	--	--	--	--	--	--	--
(3)	Lakeshore access		D	--	--	--	--	--	--	--	--
(4)	Motorized trails		D	--	--	--	--	--	--	--	--
(5)	Municipal facilities		P	--	--	--	--	--	--	--	--
(6)	Public works		P	--	--	--	--	--	--	--	--
(7)	Sports fields		P	--	--	--	--	--	--	--	--
Agricultural Uses											
(1)	Crop farming excluding buildings		P	--	--	--	--	--	--	--	--

Use Designations:

(P) – Permitted Use: Any use or form of development, other than a discretionary use, specifically allowed in a zoning district subject to the regulations contained in this zoning bylaw.

(D) – Discretionary Use: Any 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, and contained in this zoning bylaw.

Special limitations and standards regarding Table 7-6 and the FUD district

- (1) where site is non-rectangular, the minimum site width shall be 36
- (2) where the side site line abuts any street or lane, the minimum side yard shall be 10
- (3) the building height shall not exceed two stories
- (4) Roads discretely located with erosion and grass fire controls in place and terminating in carefully located parking lots with drop off points near the shoreline and boat launch

8 MAPS
