

The Resort Village of Sunset Cove

Zoning Bylaw No. ??-2024

1. Pursuant to Section 45 of *The Planning and Development Act, 2007*, the Council of the Resort Village of Sunset Cove hereby adopts the Zoning Bylaw, which is attached to and forms part of this Bylaw.

2. Bylaw No. ???, known as the Zoning Bylaw and any amendments thereto are hereby repealed.

3. This Bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the \_\_\_\_\_ day of \_\_\_\_\_ ,

Read a Second Time the \_\_\_\_\_ day of \_\_\_\_\_ ,

Read a Third Time and Adopted the \_\_\_\_\_ day of \_\_\_\_\_ ,

\_\_\_\_\_ (Mayor)

\_\_\_\_\_ (Administrator)

RESORT VILLAGE SEAL

Certified a True Copy of the Bylaw adopted by Resolution of Council on the \_\_\_\_\_ day of \_\_\_\_\_.

ZONING BYLAW

FOR THE  
RESORT VILLAGE OF SUNSET COVE  
BYLAW NO. ?? - 2024

## **PART I – INTRODUCTION**

Under the authority granted by The Planning and Development Act, 2007, the Council of the Resort Village of Sunset Cove (the Resort Village) in the Province of Saskatchewan, in open meeting, hereby enacts as follows:

### **Title**

This Bylaw shall be known and may be cited as the “Zoning Bylaw” of the Resort.

### **Purpose**

The purpose of this Bylaw is to regulate the use of land in the Resort Village so as to provide for the amenity of the area and for the health, safety and general welfare of the inhabitants of the municipality and to implement the policies of the Official Community Plan and *The Planning and Development Act (The Act)*.

### **Scope**

No development shall hereafter be permitted within the limits of the Resort Village except in the conformity with the provisions of this Bylaw, the Official Community Plan and *The Act*.

### **Severability**

A decision of a Court that one or more provisions of this Bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this Bylaw.

## PART II – DEFINITIONS

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.

If a term is not defined within this bylaw, our Official Community Plan or *The Act*, the Council of the Resort Village shall make a determination of its definition.

**Accessory** - A use, separate building, or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure.

**Act** - *The Planning and Development Act, 2007*, Province of Saskatchewan

**Administrator** - The Municipal Administrator of the Resort Village.

**Alteration or Altered** - Any structural change or addition to a building or structure.

**Basement** - That portion of a building that is partly or wholly below grade.

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

**Building, Accessory** - (See Accessory)

**Building Bylaw** - A bylaw adopted by the Council pursuant to the relevant Provincial Statute which regulates the constructional alteration, repair, occupancy or maintenance of buildings.

**Building Height** - The height of a building from the front yard grade elevation nearest to the building, to the top of the highest portion of the roof.

**Building Permit** - A permit, issued under the Building Bylaw of the Resort Village, authorizing the construction of, or the addition to, any building but it does not include a development permit. No building permit is valid unless a subsisting development permit, if such a permit is required, has been issued. Applications for a development permit and building permit may be reviewed concurrently.

**Building, Principal** - A building in which the main or primary use of the site is conducted, on which said building is situated. In a Residential District, the principal building shall be a single-detached dwelling and may be referred to as the principal dwelling.

**Carport** - A building or structure, or part thereof, where at least 50% of the area of the perimeter is open and unobstructed by a wall, door, post, or pier and which is used for the parking or storage of motor vehicles.

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

**Council** - The elected Council of the Resort Village.

**Deck** - Any raised floor structure at least 0.3 metres (1.0 ft.) above the average ground level upon which it is constructed, either attached to a building or freestanding with stairway, ramp or similar access.

**Development** - The carrying out of any building, engineering, mining or other operations in, on, or over land or the making of any material change in the use or intensity of the use of any building or land, and shall include, but not be limited to, excavating, filling, grading or drainage of land.

**Development Officer** - The Administrator of the Resort Village of Sunset Cove is appointed to be the Development Officer by this bylaw and is responsible for the administration of this Bylaw. Shall the Administrator be absent, Council will assume the role of the Development Officer.

**Demolition Permit** - A permit issued for the removal or dismantling of a building or structure within the Village's boundaries.

**Development Permit** - A document authorizing a development issued pursuant to this bylaw, but does not include a building permit.

**Discretionary Accessory** - An object, structure, sign, tower, antennae, or other form of development that may be allowed in a zoning district following application to, and approval of Resort Village; and which complies with the zoning and development standards as contained within this Bylaw.

**Discretionary Use** - (See Use, Discretionary)

**Driveway** - That portion of a lot used to provide vehicular access from a street to a parking space or to an off-street parking or loading area located on the same lot.

**Environmentally Sensitive Land** - Means all lands or areas with natural features where precautions, mitigation or constraints are required to minimize impacts. Environmentally Sensitive Land includes all land within the Resort Village, located between the south boundary of the Resort Village and the bottom of the physical bank of Last Mountain Lake, as defined under *The Environmental Management and Protection Act, 2002*. It includes the bed of Last Mountain Lake.

**Estimated Peak Water Level (EPWL)** - The water level determined by Saskatchewan Water Security Agency within any flood hazard area. This elevation for the Resort Village is the established 1:500 flood elevation of 493.0 metres plus an additional freeboard, which will be determined by the Water Security Agency on a lot-by-lot basis.

**Fence** - A structure used or erected to enclose or screen areas of land.

**Flood** - A temporary rise in the water level that results in the inundation of areas not ordinarily covered by water. (See Section 4.6 for diagram of the following terms):

- **Flood Fringe** - means the portion of the flood plain inundated by the 1:500-year flood that is not floodway, as defined in *The Statements of Provincial Interest Regulations*. It is a zone within the flood hazard area where some types of development may occur if suitably flood proofed.
- **Flood Plain** - means the area inundated by water from a watercourse or water body during a 1:500-year flood and is made up of the floodway and the flood fringe, as defined in *The Statements of Provincial Interest Regulations*.

- **Floodway** – means the portion of the flood plain adjoining the channel where the waters in the 1:500-year flood are projected to meet or exceed a depth of one metre; or meet or exceed a velocity of one metre per second, as defined in *The Statements of Provincial Interest Regulations*. A floodway is a zone within the flood hazard area where typically only necessary infrastructure is allowed (example: water intakes and outfalls, bridge piers and abutments, etc.) or a development that is of low value and non-obstructive (example: parks, beaches, nature areas, boat launches, storage sites, parking lots, and recreational trails).
- **Flood Proofed** - means a measure, or combination of structural and non-structural measures, incorporated into the design of a structure that reduces or eliminates the risk of flood damage to a defined elevation, as defined in *The Statements of Provincial Interest Regulations*.

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

**Foreshore** - the Crown land lying between the shore of any watercourse and registered surface parcels.

**Garage** - A building or part of a building used for or intended to be used for the storage of motor vehicles and wherein neither servicing nor repairing of such vehicles are carried on for compensation or remuneration.

**Garden Suite** - A small, detached accessory dwelling unit that has cooking, food preparation, sleeping and sanitary facilities, which are separate from those of the principal dwelling. Typically, garden suites are either attached to or located above an accessory building such as a detached garage or boathouse but can be a stand-alone structure.

**Geotechnical Analysis** - An assessment by a qualified expert of a study of the engineering characteristics and properties of the site's soils, rocks, and other materials, regarding the suitability of development or the likelihood of contributing to future ground movement.

**Grade** -The average elevation of the natural ground level at the walls of a building or structure.

**Hazardous Material/Substance**: A substance that, because of its quality, concentration, physical, chemical or infectious characteristics, either individually or in combination with other substances on the site, is an existing or potential threat to the physical environment, to human health, or other living organisms. Does not include liquid or solid household wastes stored in an underground holding tank.

**Holding Tank** - A tank in which sewage is received and retained to be transported to a final point of disposal.

**Home-Based Business** - Activity consisting of the use of a portion of a dwelling unit or accessory building as an approved business by the resident or residents, which is incidental and secondary to the primary use of the property. This includes an office or vacation rental. Home-based businesses will typically have a minimal number of clients or customers attend, manufacture or repair products,

provide a paid service, or produce items for retail. Home-based businesses must not create nuisance effects such as excess traffic, parking, noise, vibration, odor, or other nuisance effects off-site. A home-based business must obtain a business license to operate.

**Landscaping, Large** – Any landscaping project which adds or subtracts up to 10 cubic metres of material, per development, may alter surface drainage patterns, or is sufficient in size and scale to alter significant views, affect the privacy and enjoyment of adjacent properties or lead to unstable ground conditions.

**Lot** - An area of land with fixed boundaries, on record with the Information Services Corporation (ISC) by Certificate of Title.

**Lot Line, Front** - The line across the street side of a lot between the points where the side lot lines meet the street. For a corner lot, the shorter line abutting a street.

**Lot Line, Rear** - The lot line at the rear of the lot and opposite the front lot line.

**Minister** - The member of the Executive Council to whom for the time being is assigned the administration of *The Act*.

**Municipal Reserve** - Dedicated lands that are provided to a municipality for public use, or that were dedicated as public reserve and transferred to a municipality pursuant to *The Act*.

**Municipal Road** - Land dedicated to the Resort Village as a public roadway subject to the direction, control and management of the Resort Village.

**Mobile Home** - A trailer coach that may be used as a dwelling all the year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and water closet or other similar facility that may be connected to a sewage system.

**Non-Conforming Use** - Any use of land, building or structure lawfully existing, or under construction at the time of the passing of this Bylaw, the use of which does not comply with all the regulations of this Bylaw governing the zoning district in which it is located.

**Nuisance, Noxious Use or Condition** - Any site use or structure that causes, permits or produces noise, vapours, odours, glare, smoke, dust (particles suspended in or transported by air), vibrations, electromagnetic fields, or bright lights on a regular occurrence, that will likely disturb a neighbour's comfort or enjoyment of their property. This includes flashing and strobe lighting and pulsing noises.

**Official Community Plan (OCP)** – The Official Community Plan Bylaw for the Resort Village.

**Patio** - Any hard surface or floor structure less than 0.3 metres (1.0 ft.) above the average ground level upon which it is constructed.

**Permitted Use** - (See Use, Permitted)

#### **Public Works**

- Systems for the production, transmission or distribution of electricity;
- Systems for the distribution, storage or transmission of natural gas;

- Facilities for the storage, transmission, treatment, distribution or supply of water;
- Facilities for the collection, treatment, movement or disposal of sanitary sewage;
- Telephone, cable television, fibre optic or light distribution or transmission lines;
- Facilities for the collection, storage, movement and disposal of storm drainage; and
- Facilities for the collection, storage and disposal of household wastes and recyclables.

**Recreational Vehicle (RV)** - Any vehicle or trailer designed, constructed or reconstructed in such a manner as it will permit temporary, movable occupancy as a sleeping place for one (1) or more persons; is used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways. This includes self-propelled and non-self-propelled vehicles. RVs are not dwelling units.

**Residential Use** – See Use, Residential.

**Retaining Wall** - A wall of strong construction intended to hold back soil or keep a certain amount of earth in place in order to create a safe, more stable or more level area.

**Resort Village** – Resort Village of Sunset Cove

**Safe Building Elevation (SBE)** - A level as defined by the Ministry of Government Relations to which flood proofing must be done for developments in the flood hazard area. The SBE is calculated as the Estimated Peak Water Level (EPWL) (plus 0.50 meters of freeboard) to allow for uncertainties in calculations and other possible hazards such as ice push, ice jams, wind, waves and erosion.

**Secondary Suite** - A self-contained dwelling unit, used for rental purposes, which is an accessory use to, and located within, a single-detached building, in which the principal use is a one (1) unit dwelling.

**Setback** - A required minimum separation distance, normally from the nearest point of a structure's exterior wall or edge to a property line.

**Shipping Container ("Sea-Can")** - A standardized reusable steel box used for the secure temporary storage and efficient intermodal movement of materials and products. It does not contain a foundation or wheels for movement.

**Sign** - Any figures, numbers, emblems, pictures, devices, flags, banners, marks or designs, intended to be visible from other than inside a building, for the purpose of making known any individual, association, advertisement, business, industry, service or for directing or obtaining attention.

**Single Detached Dwelling** - A Single Detached Dwelling is a residential building designed to house a single-family household. It stands alone, affixed to a foundation, not attached to any other buildings, and is typically situated on its own parcel of land. A Single Detached Dwelling does not include mobile homes, manufactured homes, park trailers, shipping containers, sea-cans, tiny homes, fabric-walled structures, straw-bale structures, or semi-permanent structures.

**Short-Term Rental** – (See Vacation rental)

**Street** - The whole and entire width of every highway, public road, or road allowance vested in Her Majesty in right of the Province of Saskatchewan and shown as such on a plan of survey registered at the Information Services Corporation (ISC)

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

**Structural Alteration** - The construction or reconstruction of the structural elements of a building.

**Swimming Pool** - an artificially created basin, lined with concrete, fiberglass, vinyl or similar material, intended to contain water for the use of persons for swimming, diving, wading or other similar activity, which is 610 millimeters (24 inches) or more in depth, and includes above ground and inground pools, but does not include spas or hot tubs.

**Use, Change of** – Means the regulatory process of changing the principal use of a property in accordance with Part X of *The Planning and Development Act, 2007*.

**Use, Discretionary** - 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 as contained within this Bylaw.

**Use, Permitted** - A use or development which is rightfully allowed in its zoning district subject to the regulations of this Bylaw and following application for a development permit that is approved by the Development Officer.

**Use, Principal** - The main or primary activity or use, for which a site or its buildings were designed, arranged, developed, or intended.

**Use, Residential** - The use of land, buildings or structures for human habitation.

**Utility Shed** - An accessory building or structure used for the storage of items with a maximum floor area of 9.3 m<sup>2</sup> (100 ft<sup>2</sup>).

**Vacation Rental** - The short-term rental of a dwelling unit or building as temporary accommodation by a person or group of persons, by way of a concession, permit, lease, license, rental agreement or similar arrangement.

**Water Course** - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, banks or physical barriers, and includes any area adjacent thereto which is subject to flooding.

**Yard** - Open, uncovered space unoccupied by buildings or structures on a lot except as specifically permitted elsewhere in this Bylaw.

**Yard, Front** - That part of a lot, abutting the road, extending across the full width of a lot between the front lot line and the nearest wall or supporting member of a principal building.

**Yard, Rear** - That part of a lot extending across the full width of the lot between the rear lot line and the nearest wall of supporting member of a principal building.

**Yard, Side** - That part of a lot extending from the front yard to the rear yard between the side lot line and the nearest wall or supporting member of a building except where the wall or supporting member is supporting an uncovered patio or uncovered sun deck.

## **PART III – ADMINISTRATION**

### 3.1 Development Officer

The Administrator of the Resort Village shall be the Development Officer and will be responsible for the administration of this Bylaw.

The Council of the Resort Village shall issue decisions on discretionary uses, zoning amendments, Official Community Plan amendments, and development and servicing agreements in accordance with *the Act*, the Official Community Plan, and this Bylaw.

In absence of the Development Officer, Council shall assume the role of Development Officer until such time a Development Officer is appointed.

### 3.2 Development Permit

- a. Pursuant to Section 62(1) of *the Act*, if a Zoning Bylaw is in effect and a development permit is required, no person shall undertake a development or commence a use unless the person obtains a development permit.
- b. Except where a particular development is specifically exempted by Part III, Section 3.6 of this bylaw, no person shall undertake a development or commence a use including repairs or renovations involving structural alterations, without a development permit first being obtained.
- c. A development permit shall not be issued for any structure or use that is not in conformance with any provisions of this Bylaw or the Official Community Plan, except as provided for in the Zoning Bylaw or by an appeal pursuant to *The Act*.
- d. The Development Officer will not approve a development permit that does not conform to any provision of the Official Community Plan or Zoning Bylaw.
- e. A development permit will be required for any work that will or is likely to change any existing surface-water drainage patterns or direction.
- f. The issuance of a development permit acknowledges compliance of the use of land and buildings within the Official Community Plan and Zoning Bylaw.
- g. A development permit is separate and apart from a building permit, although applications for a development permit and building permit may be reviewed concurrently.

- h. Nothing in this Bylaw shall prevent the strengthening, or the restoration to a safe condition, of any building or structure, provided such strengthening or restoration will not increase the height, area, or volume so as to contravene the provisions of this Bylaw.

### 3.3 Development Permit

#### Evaluation Criteria

When evaluating applications for development permits for permitted and discretionary uses, the Development Officer and Council shall consider:

- a. Does the development comply with all requirements of the Official Community Plan, Zoning Bylaw, and all other applicable policies or regulations?
- b. Will the development create any financial hardship/burden to the Resort Village?
- c. Is the development compatible with neighbouring properties and consistent with the overall land use patterns and character of the Resort Village?
- d. Will the development alter or affect existing drainage patterns?
- e. Does the development address the preservation of existing vegetation?
- f. Is the development suitable for the proposed site and not detrimental to the health, safety, convenience, or enjoyment of our residents?
- g. Will the development place unacceptable stresses upon the land, which may contribute to future slumping or ground movement?
- h. Will the development provide or maintain adequate on-site parking to minimize congestion on Mountain Drive?
- i. Will the development notably increase vehicle traffic within our Resort Village?
- j. Can the development be adequately serviced by the Resort Village's existing infrastructure and public works?

### 3.4 Development Permit Application Procedure

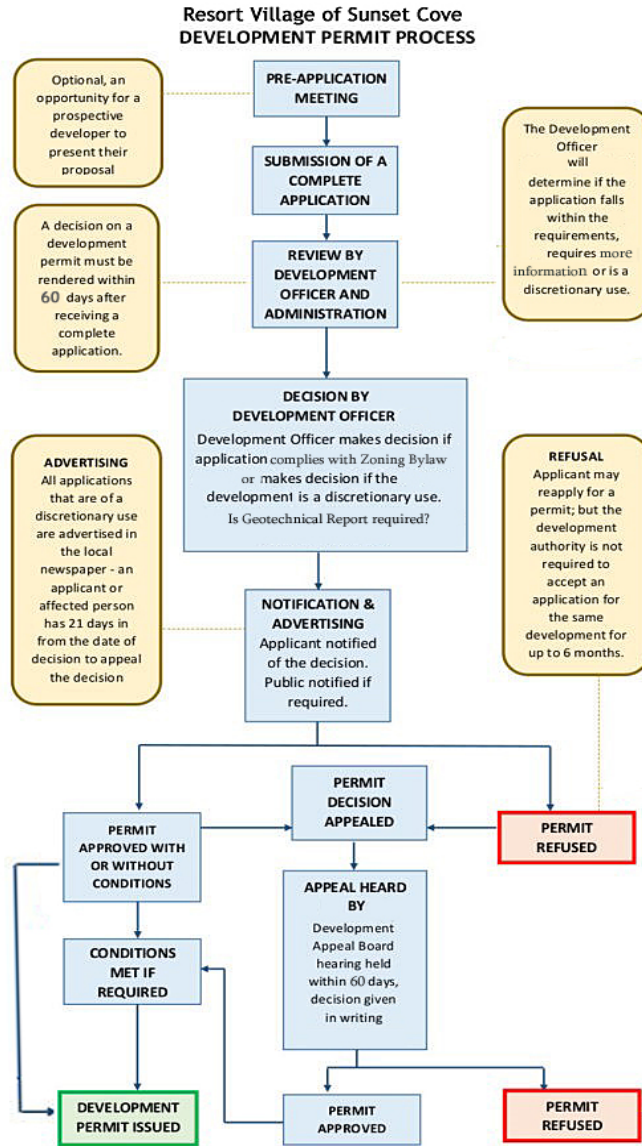
Most building additions, construction projects and large landscaping projects will require a Development Permit, as will the addition of any accessory building to a property.

- a. An application for a Development Permit shall be made in writing to the Development Officer in the form prescribed by Council.
- b. Where an application for a Development Permit is approved for a permitted use, the Development Officer shall issue a permit where the development is in conformity with this Bylaw, within 60 days.

- c. Where an application for a Development Permit is submitted for a permitted use, the Development Officer may request a Geotechnical Analysis Report for the site if there are questions or concerns over the development's size, weight, site location or impact on the property or surrounding properties. Applications for a development permit for a principal dwelling must all include a geotechnical analysis report.
- d. Where an application for a Development Permit is submitted for a principal dwelling, the Development Officer will require a Geotechnical Analysis of the property.
- e. Where an application for a Development Permit is made for a discretionary use, the Development Officer shall present the application to Council.
- f. As soon as practicable after Council is presented with the application for a Development Permit for a discretionary use, Council shall consider the application. Prior to making a decision, Council may refer the application to whichever Government Agencies or interested groups as Council may consider appropriate and if required, will hold a public meeting.
- g. Upon approval of a discretionary use by resolution of Council, the Development Officer shall issue a Development Permit subject to any development standards prescribed by Council based on the guidelines in Part III, Section 3.3.
- h. Where an application for a Development Permit is approved for a use subject to special regulations or standards, the Development Officer shall issue a permit including those special regulations or standards.
- i. Every decision shall be in writing and a copy shall be sent to the applicant.

### 3.5 Minor Variances of Development Permit

- a. Applications for a minor variance shall be made to the Development Officer, who shall review the application and issue a decision in accordance with *The Act* (Section 60).
- b. If the variance application does not affect neighbouring properties in a negative manner, the Development Officer may grant a minor variance of up to 10% of any yard setback, or other requirement, as specified within this Bylaw.
- c. The Development Officer can refer variance applications to Council who will pass a resolution to approve or deny the variance application.
- d. The Development Officer shall maintain a registry of all minor variance applications.



### 3.6 Development NOT Requiring a Development Permit

The following developments shall be exempt from development permit requirements, but shall conform to all other Bylaw requirements:

- a. Any use, building or structure owned and operated by the Resort Village;
- b. Any public work or public utility;
- c. Building maintenance, upkeep and repairs that do not include structural alterations;
- d. A temporary building, structure, or scaffold where the sole purpose is incidental to the construction or alteration of a building for which a building permit has been granted.

Maximum permitted time duration of any temporary building in the Resort Village shall be 18 months. No renewals shall be granted;

- e. Any fence or similar structure made of common fencing material. Maximum height of any fencing shall be 1.83 metres (6 feet). Refer to Section 4.6 regarding fence requirements;
- f. Minor landscaping projects; and
- g. Resurfacing of an exiting driveway on private property or any other minor activity which does not meet the definition of development.

### 3.7 Development Permit Validity

- a. A Development Permit is valid for a period of 18 months. This period may be extended by the Development Officer before the Development Permit expires for an additional 12 months if requested in writing by the permit holder.
- b. A Development Permit shall be considered void if:
  - i. The use is not commenced while the development permit is valid; or
  - ii. A building permit, if required, is not obtained while the development permit is valid.
- c. The Development Officer or the Resort Village may cancel a Development Permit if it is revealed that the development permit was issued based on false or mistaken information. Where the Development Officer determines that a development is being carried out in contravention of any condition of a Development Permit or any provision of this Bylaw, the Development Officer shall suspend the Development Permit and notify the permit holder that the permit is no longer valid.
- d. Where the Council is satisfied that a development, the permit for which has been suspended or cancelled, will be carried out in conformity with the conditions of the permit and the requirements of this Bylaw, the Development Officer may reinstate the development permit and notify the permit holder that the development permit is valid and in force.

### 3.8 Amendments to a Development Permit

The Development Officer may change or alter a Development Permit, without requiring a new development permit application, if the permit holder requests a modification to the original development permit and the changes are minor in nature and complies with the Zoning Bylaw. The Resort Village recognizes that developments can face unforeseen situations and may need to be altered once construction starts.

### 3.9 Amendments to the Official Community Plan or Zoning Bylaw

- a. Any person who desires the Resort Village to amend the Official Community Plan or the Zoning Bylaw must file with the Development Officer, a written request for the amendment. Such request shall include the reasons why the amendment is sought, a current site plan, the new site plan if the amendment is approved and any other supplementary information as may be required by the Development Officer.
- b. The applicant will be responsible to pay all associated administrative costs of processing and advertising their application to amend, plus all costs associated to any required public meeting.
- c. If it is determined upon review by the Development Officer that the application is in general compliance with the Official Community Plan and is in the best interest of the Resort Village, then Council may decide to consider the application by passing a resolution authorizing the Development Officer to proceed with the application.

### 3.10 Buildings to be Moved

No building shall be moved within or into the Resort Village without the issuance of a Development Permit. The movers of any such building may be subject to a surety, if in the opinion of Council, damage may occur to any property within the Resort Village, including but not limited to, roads, ditches, public works, utility lines, and fences.

### 3.11 Demolition of Buildings

No building or structure that requires a development permit to exist shall be demolished within the Resort Village without the issuance of a demolition permit. An application for a demolition permit must include:

- a. A dimensioned site plan showing all the existing buildings and which buildings which are to be demolished/removed;
- b. Location of all utility lines, gas lines, etc.;
- c. A plan detailing how the building will be demolished and where the debris will be taken.
- d. Anticipated start and completion dates included; and
- e. List of proposed contractor(s).

The applicant is required to secure all demolition sites that might present a public safety concern by establishing adequate fencing around the demolition site to prevent easy access. All such costs are to be borne by the applicant of the demolition permit.

### 3.12 Sureties

Pursuant to 52(3)(q) of *The Planning and Development Act 2007* the Resort Village may require a letter of credit, performance bond or any other form of assurance the Council considers necessary, to ensure that the development is constructed and completed in accordance with the time frames and development standards required in the approval.

### 3.13 Liability Insurance

Prior to issuing a Development Permit, Council may require the applicant to provide and maintain liability insurance to protect municipal and public interests, during such times when Council deems the likelihood of damage to Resort Village property or roads to be probable.

### 3.14 Development Appeals Board

- a. Council shall appoint a Development Appeals Board to hear and issue decisions on development appeals in accordance with *The Act* (Section 213-227).
- b. A person who wishes to make an appeal to the Development Appeals Board shall do so in writing to the Development Officer within 30 days of the date of issuance or refusal of a development permit application.
- c. The Development Appeals Board has the authority under *The Act* (Section 219) to allow variances to the standards of this Bylaw, including standards and conditions specified for a permitted or discretionary use.
- d. The Development Appeals Board does not have the authority to vary and will not hear appeals based on a decision by the Development Officer or Council to:
  - Refuse a use or intensity of use not permitted in a zoning district;
  - Refuse a discretionary use or intensity of a discretionary use; or
  - Refuse a rezoning of the person's land.

A decision by the Development Appeals Board may be appealed to the Saskatchewan Municipal Board in accordance with *The Act* (Section 226).

### 3.15 Non-Conforming Use, Buildings and Site

The enactment of this Zoning Bylaw does not affect any existing non-conforming building, non-conforming use or non-conforming site, pursuant to Section 88 of *the Act*. Any lawful use of land, an existing building or site, at the time of passing of this Bylaw, or any building lawfully under construction at the date of approval of this Bylaw, that is rendered non-conforming by the enactment of this Bylaw or any subsequent amendments, shall be carried on in accordance with the provisions of Sections 88 to 93 of the Act.

A non-conforming use or building may be enlarged, reconstructed, repaired or renovated provided that the element of nonconformity is not increased, and all other applicable provisions of this Zoning Bylaw are satisfied.

No existing use or building shall be deemed to be non-conforming by reason only of the conversion of this Bylaw from the Imperial System of measurement to the Metric System of measurement where such non-conformity is resultant solely from such change and is reasonably equivalent to the metric standard herein established.

### 3.16 Compliance and Severability

- a. Nothing in this Bylaw shall exempt any person from complying with the requirements of a Building Bylaw or any other bylaw in force within the Resort Village or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the Resort Village.
- b. Where the requirements of this Bylaw conflict with those of any other municipal, provincial, or federal requirement, the more stringent requirement shall apply.
- c. In the event of a conflict between this Bylaw and the Official Community Plan, the provisions of the Official Community Plan shall prevail.
- d. Developers are responsible for obtaining all applicable municipal, provincial and federal permits and approvals.
- e. Where the requirements of this Bylaw conflict with those of any other federal, provincial, or municipal requirement, the more stringent requirement shall apply.
- f. If a portion of the Bylaw is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the Bylaw remains valid and in effect.

### 3.17 Offences and Penalties

Pursuant to *The Act* (Section 242-245), the Development Officer may issue a stop work order for development that contravenes this Bylaw, or the standards and conditions specified in a development permit to achieve compliance.

Errors and/or omissions by the Development Officer, Council or any designated person, while administering this Bylaw does not relieve any person from liability for failure to comply with the provisions of this Bylaw.

Any person who violates this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the Act.

## **PART IV – GENERAL REGULATIONS**

In any zoning district or upon any land, the principal use of the land must be established prior to the establishment of any accessory buildings, structures, or uses. Any land use that is not listed as either permitted or discretionary use, shall be prohibited and will not be accommodated without an amendment in accordance with Section 3.9 of this Bylaw.

- a. Nothing in this Bylaw shall prevent the use of any land for a public street or public park or for municipal facilities and/or public utilities.
- b. Tress or shrubs on Resort Village property or road allowances will not be cut, trimmed, or removed without written permission from Council.
- c. Trees on Resort Village property will not be removed to accommodate the moving of buildings within the Resort Village unless replaced with a replacement suitable to Council.
- d. The trenching of Mountain Drive is prohibited unless no other means are available and must be restored to its previous condition prior to development. Horizontal boring is the preferred method to be used for services and utilities passing beneath the road surface.

The following regulations shall apply to all Zoning Districts in this Bylaw.

#### 4.1 Number of Principal Buildings Permitted on a Lot

Only one principal building or use shall be permitted on any one site with an exception made for parks, public recreation facilities and municipal facilities.

#### 4.2 Principal Dwelling

Within a residential zoning district, the principal building shall be a single-detached dwelling with a minimum floor area as provided for within Section 6.3.4.

All principal dwelling applications will require a geotechnical report to accompany the development application.

#### 4.3 Accessory Buildings or Structures

- a. Accessory buildings, structures, and uses shall be subordinate to, used in conjunction with, and located on the same lot as the principal building or use.
- b. Subject to all other requirements of this Bylaw, an accessory building, structure, or use is permitted only when it is an accessory to an established principal dwelling.
- c. Accessory buildings shall not be located less than 1.5 metres from the nearest side lot line.

- d. All accessory buildings shall be maintained at all times and have an attractive appearance, and maintained in a fashion to prevent wild animals and pests from denning beneath them.
- e. In a residential district, an accessory building up to 79 square metres (850 sq. ft.) in area, shall be permitted. Garages, carports, and other accessory buildings attached to a principal dwelling by a common roof structure shall be considered as part of the principal building, and are therefore subject to the regulations governing them. They shall not be used in determining the floor area of the principal dwelling.
- f. The area of accessory buildings or structures shall be combined with the area of the principal building to determine the overall site coverage.
- g. A residential property is permitted to have up to a maximum of four accessory buildings on their property, providing there is an existing primary dwelling on the property.
- h. In-ground holding tanks and cisterns will require a development permit and must comply with all CSA standards as well as with all local and provincial health regulations.

#### 4.4 Geotechnical Analysis

- a. All required geotechnical analysis reports shall be completed and approved by a professional engineer, licensed to practice in Saskatchewan, who has conducted a physical inspection of the site.
- b. Geotechnical analysis reports must not be older than ten (10) years old to be accepted by the Development Officer. If there has been a recent change in land conditions, the Resort Village may require an updated Geotechnical report. The analysis shall indicate topography, surface drainage patterns, and the geological and geotechnical conditions at the site of the proposed development as they relate to slope instability and erosion hazards.
- c. The cost of any Geotechnical analysis report will be the responsibility of the applicant for the Development Permit.
- d. Geotechnical analysis reports will identify land movement concerns that the proposed development may pose to the applicant's property and any neighbouring property(ies).
- e. Geotechnical analysis reports will refer to the existing vegetation on site and will provide recommendations.
- f. The report shall indicate the suitability of the site for development, any remedial measures that may be required to ensure the development site is not irreparably altered, shall identify the best building location(s) and make recommendations towards foundation types.
- g. Geotechnical analysis reports will identify any remedial measures or actions required as conditions to the issuance of any Development Permit. Remedial measures may be required to be registered on Title as an interest, in accordance with *The Act*.
- h. The Development Officer is not limited by the mandatory recommendations within the geotechnical report and may implement additional measures or safeguards recommended to be put in place.

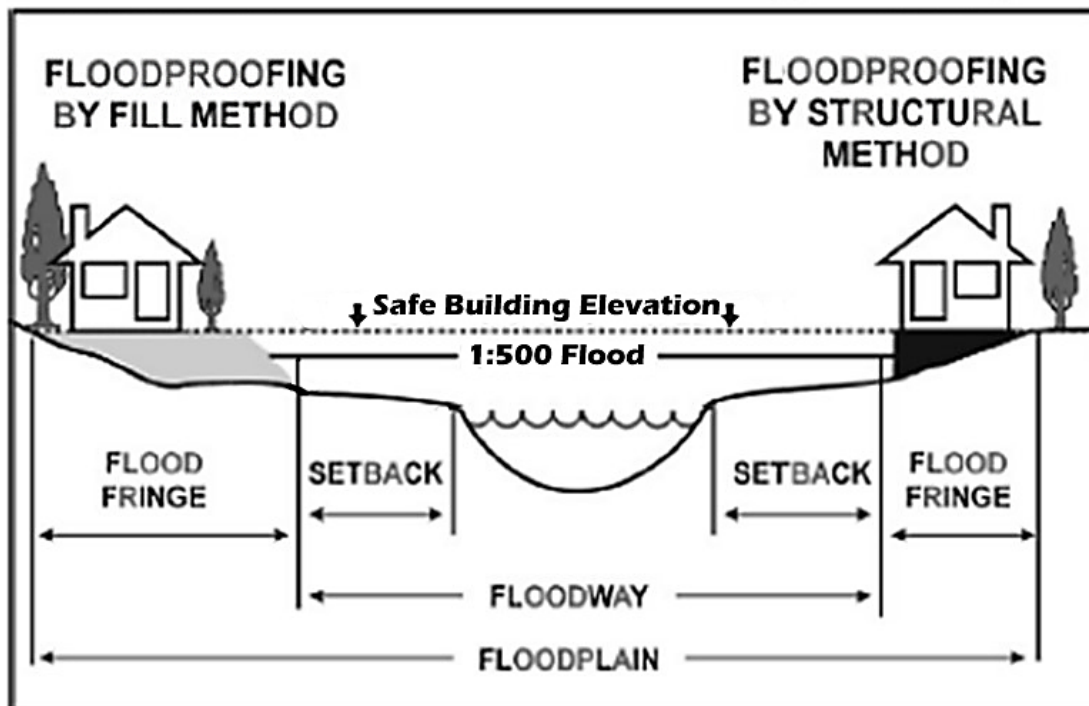
- e. The Development Officer shall refuse issuing a permit for any proposed development if the geotechnical analysis report identifies:
- the development should not proceed;
  - the proposed actions are inadequate to address the ground movement conditions present on the land;
  - the development may result in excessive municipal costs if ground movement occurs; and/or
  - the development will alter drainage patterns which would negatively impact other property owners.

#### 4.5 Grading and Leveling of Lots

- a. Any lot proposed for development shall be prepared for the development at the owner's expense. It must provide for adequate surface drainage, which cannot adversely affect adjacent properties. Horizontal boring may be required to achieve adequate drainage. A Development Permit is required prior to any such preliminary work.
- b. Any work near the bank or shoreline of Last Mountain Lake will require the applicable permit from the Water Security Agency, as well as a development permit from the Resort Village, prior to commencing any such activity.
- c. If the Development Officer determines that the landowner's approach to the grading and levelling the land for drainage purposes is not adequate, then a separate drainage or grading plan shall be required.
- d. Significant filling, raising, excavating or sloping of sites, which could potentially impact neighbouring properties, with respect to drainage or ground stability shall be strictly prohibited.

#### 4.6 Development on Flood Prone Land

### *Cross Section of a Typical Floodplain*



- a. The Resort Village is required to abide by the provincial regulations regarding the construction of buildings on flood prone land. It is the property owner's responsibility to obtain all required development elevations from the Water Security Agency and include these locations on their site plan, when requesting a development permit for properties bordering Last Mountain Lake.
- b. The Water Security Agency determined the 1:500-year flood to be the Estimated Peak Water Level (EPWL). To obtain the Safe Building Elevation (SBE) the Water Security Agency adds a buffer, called Freeboard, to the EPWL to account for wave action, elevation increases due to wind, site geology, site orientation and other unforeseen conditions that may impact the safety of the development. The minimum SBE for development in the Resort Village is the elevation of 493.0 metres PLUS the additional Freeboard height, as determined by the Water Security Agency. The SBE shall be measured to the bottom of the floor joist or floor of the structure.
- c. The following information shall be indicated on the site plan, prior to the issuance of a development permit for any flood prone land:
  - the 1:500-year flood elevation;
  - the flood fringe area (where flood proofing will be required to establish a building); and
  - the SBE.

- d. Prior to the issuance of a development permit for any flood prone land, a physical inspection of the lot may be required, to observe the marked locations of the flood fringe area, the 1:500-year flood elevation and the SBE.
- e. Development of new buildings and/or additions to existing buildings located within the flood fringe of Last Mountain Lake shall be prohibited unless flood-proofed to the SBE. The Water Security Agency may determine if further studies or technical information is required.
- f. For this Bylaw, appropriate flood-proofing measure shall mean that:
  - All buildings are designed to prevent structural damage by flood waters;
  - The first-floor level of all buildings shall be constructed above the safe building elevation; and
  - All electrical and mechanical equipment within the building shall be located above the safe building elevation.
- g. Existing buildings or structures currently located within the floodway of the 1:500-year flood elevation may be repaired and maintained, but not expanded in size.
- h. Existing buildings or structures currently located within the flood fringe of the 1:500-year flood elevation may be replaced or expanded, if appropriate flood proofing measures are implemented.

#### 4.7 Landscaping and Fencing

- a. Landowners and developers shall, wherever possible, practice landscaping strategies that avoids the removal of existing trees and vegetation.
- b. All vegetation on one's property must be kept in a neat and tidy condition. Dead limbs and branches shall be removed to help preserve the health of the tree.
- c. All disturbed areas, excavations or fills shall be re-vegetated as soon as it is practical after any construction activity. The new vegetation shall provide a suitable ground cover to prevent erosion.
- d. The cutting or removal any tree or shrub that is not located on your property, is strictly prohibited without prior written approval of the property owner or Resort Village.
- e. As a condition of approval for a Development Permit, the Development Officer or Council may impose additional landscaping requirements or may require a landscape plan to be submitted that demonstrates a suitable degree of landscaping to enhance the site or provide a visual screen from an adjacent property.
- f. Any landscaping, including subsequent planting, which is required by this Bylaw or as a condition of approval for a development permit, shall be maintained in a healthy growing condition or shall otherwise be replaced.
- g. Buildings and/or hardscaped with impermeable material can cover a maximum 40% of any site. This requirement will reduce storm water runoff and flooding during a high rainfall or snowmelt event.

- h. When undertaking any job that involves digging more than the depth of a spade, ensure that all underground utilities marked.
- i. Landowners must avoid disrupting natural drainage patterns.
- j. The height of any residential fence or similar structure in the side and rear yards shall not exceed 1.83 metres (6.0 feet) above grade. Residential fences shall not exceed 1.2 metres (4.0 feet) in the front yard.
- k. No fence shall be built that is likely to interfere with traffic sightlines.
- l. Barbed wire, razor wire, or electrified fences are prohibited. All fencing material will be of a material designed for fencing.
- m. Where the property line is in dispute, a surveyor's certificate showing the location of the property line, shall be obtained prior to the commencement of the fence.
- n. Fences are not to be built on Resort Village property.
- o. There are no regulations regarding fence placement and ownership. Because of this, no one should ever assume that a fence is constructed on the property line. If there is a dispute between neighbours regarding fence ownership or placement, this is a civil matter and the Resort Village will not render a judgement.

## **Part V – Specific Use**

### 5.1 Retaining walls

- a. Any retaining wall built less of 0.9 meters (3 feet) in height shall not require a Development Permit.
- b. Any retaining wall built more than 0.9 meters (3 feet) but less than 1.52 metres (5 feet) in height shall require a Development Permit.
- c. Any retaining wall with a total height of 1.52 metres (5 feet) or greater shall be approved by a professional engineer, licensed to practice in Saskatchewan, to ensure it is properly designed and will not create a safety concern, prior to the issuance of a Development Permit.
- d. Retaining walls or erosion control structures, built near or upon any environmentally sensitive land shall require an *Aquatic Habitat Protection Permit* from the Water Security Agency as well as a Development Permit from the Resort Village.

### 5.2 Camping and Recreational Vehicles

- a. A property owner is prohibited to rent, lease, or receive any sort of compensation in exchange for permitting users of a recreational vehicle to park on their property.

- b. Recreational vehicles are limited to parking on Mountain Drive for a maximum period of 48-hours within any 30-day period.
- c. Recreational vehicles shall not be parked on the municipal reserve or upon any other green spaces within the Resort Village without the written consent of Council and then only for a maximum of 5 days within any 30-day period.
- d. Recreational vehicles not in compliance with this Bylaw may be subject to towing at the owner's expense.
- e. Activities commonly referred to as tenting or camping, shall not be permitted on any site without a primary dwelling located and occupied upon that site. All such camping and tenting activities are strictly prohibited on the public beach, within the municipal reserve, or upon any environmentally sensitive land or green space located within the Resort Village.

### 5.3 Outdoor Storage

- a. In any residential district, only outdoor storage incidental to the principal use of the property shall be permitted.
- b. No outdoor storage shall be permitted in the required front yard of any lot, but this shall not limit the customary display of any goods permitted to be sold on the lot.
- c. When permitted in association with any approved use, all outside storage is subject to the following regulations:
  - The unsightly outdoor storage of materials, equipment, construction material, appliances, household furniture, machinery, lumber, or rubbish shall be prohibited;
  - During any construction project, all building materials must be stored neatly and covered from sight, once the daily work has ceased;
  - Combustible materials will not be stacked along side of any primary dwelling;
  - All garbage and waste material stored outside shall be in weatherproof and animal-proof containers;
  - No outdoor location shall be used for the storage or collection of hazardous material; and
  - The outdoor storage of unlicensed or non-operational motor vehicles is limited to one such vehicle per site, (excluding snowmobiles, ATVs, golf carts and similar vehicles).

### 5.4 Shipping Containers ("Sea-Cans")

The use or placement of any metal enclosed shipping containers, commonly referred to as sea cans, are prohibited within the Resort Village, except when used for temporary storage during on-site construction and for a period not exceeding 18 consecutive months

### 5.5 Towers and Antennas

- a. All such items are a discretionary accessory.
- b. Any tower, antennae, wind turbine or structures similar to these, will not be approved if Council has concerns that the structure:
  - will detract from the residential nature of the Resort Village;
  - Might pose a risk to the health and safety others if it topples;
  - May block the view of other residents; and
  - May create noise that can be heard away from the property it is installed upon, or
  - May create a hazard to wildlife.

Towers shall comply with all provincial and federal legislation/regulations and the Resort Village will be provided with documentation showing all such compliance.

## 5.6 Solar Collectors

- a. No stand-alone solar collectors will be permitted. They are to be mounted to the roof of the primary dwelling or upon an accessory building.
- b. Solar collectors are to be installed as per the manufacture's instructions.
- c. Solar collectors must not exceed 0.5 meters above the roof on which they are installed.
- d. Solar collectors must comply with all provincial and federal standards and regulations.
- e. The solar collectors shall be used solely to produce electricity for use on the site where they are located, including net metering.

## 5.7 Signs

- a. All signs are a discretionary accessory to the principal dwelling.
- b. No sign shall be located such that it may obstruct views or jeopardize the safety of the public.
- c. Temporary signs that are visible from Mountain Drive shall not exceed one (1) square metre. Advertising the sale or lease of the property or other similar information, will be permitted.
- d. Municipal Reserve District:
  - no more than two signs are permitted per principal use;
  - the facial area of a sign may not exceed 3.0 square metres (32 square feet);
  - a sign may be double faced; and
  - no sign shall exceed 3 meters (9.84 feet) in total height above the ground.
- e. Residential Districts:
  - one permanent sign is permitted per lot but must not exceed one (1) square metre in size; and
  - in the case of a home-based business, an additional sign is permitted within the window area of the dwelling, but the facial area of a sign may not exceed 0.5 square metres
- f. The Resort Village may issue an order to remove any sign that is no longer relevant, in a state of disrepair, potentially offensive in nature, or is identified as a potential safety hazard.

## 5.8 Swimming Pools

- a. All swimming pools, whether in-ground or above ground, are a discretionary accessory to the principal dwelling.
- b. All swimming pools must comply by the requirements of the Swimming Pool Bylaw #64-2002.

- c. All swimming pools must be located in a side or rear yard and comply with all setback distances.
- d. Development Permits for a swimming pool, which exceeds 2000 gallons (7570 Litres) may require a geotechnical analysis to indicate whether the weight of the pool when full, may negatively affect or contribute to ground instability on that site or a neighbouring site.
- e. Swimming pools will not be located within the floodway of Last Mountain Lake.

## 5.9 Home-Based Business

- a. A home-based business shall be in the primary dwelling or in a building accessory to the primary dwelling. A valid business license is required to operate a home-based business within the Resort Village.
- b. The owner of a home-based businesses, shall be required to produce an insurance certificate detailing that the owner has obtained the necessary insurance coverage to operate a business from that property.
- c. Bed and breakfast operations, vacation rentals, secondary suites and garden suites are considered to be a home-based business, if at any time, persons by means of a rental agreement, occupy them.
- d. Home-base businesses require a business license and must be clearly secondary to the principal residential use, compatible with the surrounding residential area, and not create any conflict with neighbouring properties or detract from the residential character of the area. The owner of the home-based business must be owner of the primary dwelling. No person other than a resident of the dwelling unit shall be engaged in the operation of the home-based business, as an employee, apprentice or volunteer.
- e. Only one home-base business is permitted per each residential property.
- f. All business signage will conform to Section 5.7.
- g. No more than one business vehicle associated with the home-based business shall be parked on the property or street.
- h. Any home-based business that may have customers attend to the business, shall be required to have one (1) clearly identified, off-street parking space available for every customer that may be expected to be on-site.
- i. A home-based business shall have no exterior storage or display of material, and no other variation from the residential character of the building.
- j. No equipment or process used in the home-based business shall create dust, fumes, glare, noise, odour or vibration that is detectable beyond the premises from where the home-based business is operated.
- k. The application for a business license for a home-based business shall require a description of the proposed business, an indication of the expected number of business-related visits per day, parking provision details, hours of operation and any other information deemed relevant by the Development Officer or Council.
- l. The required business license for a home-based business may be revoked at any time, if in the opinion of the Development Officer or Council, the use is or has become detrimental to the amenity of the Resort Village or violates any of the bylaws of the Resort Village.
- m. A notification will be sent to the owner of the home-based business in advance of any decision to terminate their business license, to provide the business owner with an opportunity to address Council and to comply with the requirements of operating a home-based business.

#### 5.10 Secondary Suites

- a. A secondary suite may be constructed within the principal dwelling. Only one secondary suite shall be permitted per principal dwelling.
- b. If a secondary suite is used as a home-based business, it must comply with section 5.9.
- c. A Building Permit will be required to establish a secondary suite.
- d. Secondary suites must have a separate entrance from the principal dwelling either from a common indoor landing or directly from the exterior of the building.
- e. Secondary suites must contain their own cooking, eating, living, sleeping and sanitary facilities.
- f. Secondary suites shall have a maximum of two (2) bedrooms and shall not exceed 74.3 m<sup>2</sup> (800 ft<sup>2</sup>) or 40% of the total gross floor area of the principal dwelling, whichever is less.
- g. Secondary suites shall require one additional on-site parking space.
- h. All secondary suites must meet all building, fire and electrical codes, proof of which must be supplied to the Development Officer, prior to the issuance of any required permits.

#### 5.11 Garden Suites

- a. A garden suite may be allowed as an accessory use to a principal dwelling that does not already have a secondary suite. Only one garden suite shall be permitted per residential site.
- b. If a garden suite is used as a home-based business, it must comply with section 5.9.
- c. A Building Permit will be required to establish a garden suite.
- d. Garden suites must contain cooking, eating, living, sleeping, and private sanitary facilities.
- e. The maximum height of a garden suite shall comply with Section 6.3.5 of this Bylaw,
- f. Garden suites will have a maximum floor area of 79 sq. m. (850 sq. ft.) pursuant to section 6.3.5.
- g. The windows of a garden suite shall be placed in such a way to minimize views into the yards and windows of abutting properties.
- h. Garden suites require an additional on-site parking space.
- i. All garden suites must meet all building, fire and electrical codes, proof of which must be supplied to the Development Officer prior to the issuance of any required permits.

#### 5.12 Vacation Rental

- a. Any rental tenancies available for shorter than 30-days are considered to be a short-term vacation rental.
- b. Any person providing a rental accommodation for a continuous period of 30 days or longer is considered to be operating a long-term vacation rental.
- c. Vacation rentals are a home-based business and require a business licence.
- d. The minimum rental period of any vacation rental within the Resort Village will be seven (7), consecutive days. Rental periods of 1 to 6 days will not be permitted.
- e. Vacation Rentals shall not cause any nuisance effects such as noise, odor, vibration or other nuisance effects off-site or the business licence may be revoked by Council.

## Part VI – Zoning Districts and Development Standards

### ZONING DISTRICTS AND ZONING MAPS

#### 6.1 Zoning Districts

For the purpose of this Bylaw, the Resort Village is divided into the following Zoning Districts, which may be referred to by the appropriate symbols.

#### DISTRICTS SYMBOLS

- a. Residential District (R1)
- b. Municipal Reserve (MR)
- c. Environmentally Sensitive Land (ESL):
  - Environmentally Sensitive Land A – The portion of land directly south of all residential lots, extending to the south boundary of the Resort Village.
  - Environmentally Sensitive Land B – The portion of land directly south of the municipal reserve, and our west road allowance, extending to the south boundary of the Resort Village.

The locations and boundaries of the zoning districts are shown on the Zoning District Map attached as Appendix A

#### 6.2 Zoning Map

The map, bearing the statement “*This is the Zoning District Map referred to in Bylaw No. ??”*”, adopted by the Resort Village of Sunset Cove signed by the Mayor and the Administrator under the Seal of The Resort Village shall be known as the “Zoning District Map” and such map is hereby declared to be an integral part of this Bylaw. See Appendix A.

#### 6.3. R1 - Residential District

##### 6.3.1. Intent

The purpose of this district is to provide for low-density, single-family residential development, regulated home-based business use, and related recreational use.

##### 6.3.2. Permitted Uses

The following are permitted uses in the R1 – District:

- a. Single detached dwellings;

- b. Accessory buildings;
- c. Parks and recreation areas; and
- d. Parking locations and driveways.

#### 6.3.3. Discretionary Uses

The following are discretionary uses in the R1 – District:

- a. Home-Based Businesses;
- b. Swimming pools;
- c. Towers, large antennas;
- d. Garden Suites;
- e. Secondary Suites; and
- f. Signs.

#### 6.3.4 Prohibited Uses

The following will not be permitted as dwellings within the Residential R1 District:

- a. Recreational vehicles;
- b. camper trailers;
- c. mobile homes;
- d. manufactured homes;
- e. park trailers;
- f. shipping containers, sea-cans;
- g. tiny homes;
- h. fabric-walled structures;
- i. straw-bale structures; or
- j. semi-permanent structures.

Homes commonly referred to as *Ready-to-Move (RTM) Homes* are permitted, pursuant to other provisions of the Zoning Bylaw.

### 6.3.5 Lot Size and Setback Regulations

<b>Requirement</b>	<b>Single Detached Dwelling</b>
i. Lot area minimum	600 sq. m. (6,458 sq. ft.)
ii. Lot frontage minimum width for rectangular lots	20 m. (65.6 ft.)
iii. Lot frontage minimum width for non rectangular lots	15 m. with a mean width of 20 m.
iv. Front yard minimum setback	7.6 m. (24.9 ft.), or in the case of an attached garage, where the outset is at least 5.2 metres (17 feet) from the primary residence, then the front of the garage can be located a distance of 2.4 metres (7.9 feet) from front lot line.
v. Rear yard minimum setback	3.0 m. (9.84 ft.)
vi. Side yard minimum	1.5 m.
vii. Minimum area of principal dwelling	a) All of Block 1 Plan No. 59R09545 – 93 sq. m. (1000 sq. ft.) b) All of Blocks 2-4 Plan No. 59R09545 – 74 sq. m. (800 sq. ft.)

(m. means metre/ sq. m. means square metres)

\*No minimum size requirement for parks, playgrounds, recreation areas, sport fields or public works

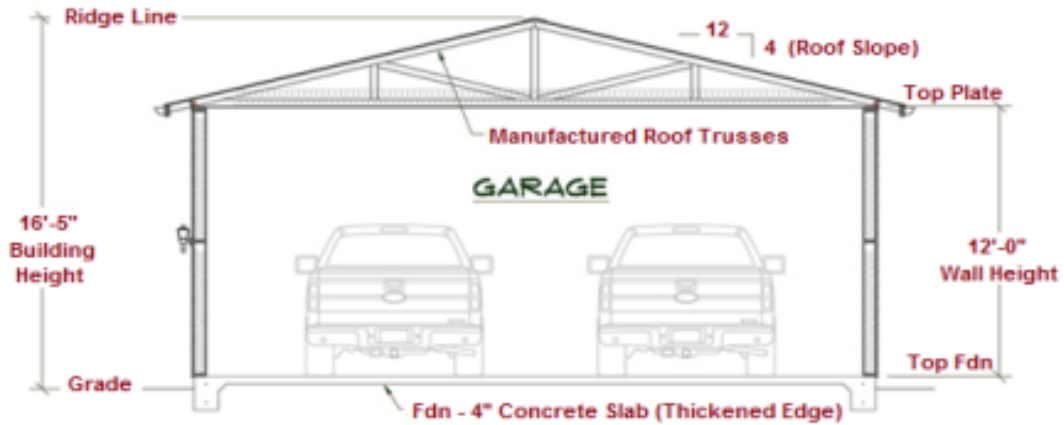
### 6.3.6 Accessory Buildings and Structures

- a. Accessory buildings shall not be located less than 1.5 metres from the side or rear lot line and not less than 3.0 metres from the front lot line.
- b. In a residential district, an accessory building up to a maximum size of 79 square metres (850 sq. ft.) in area shall be permitted.

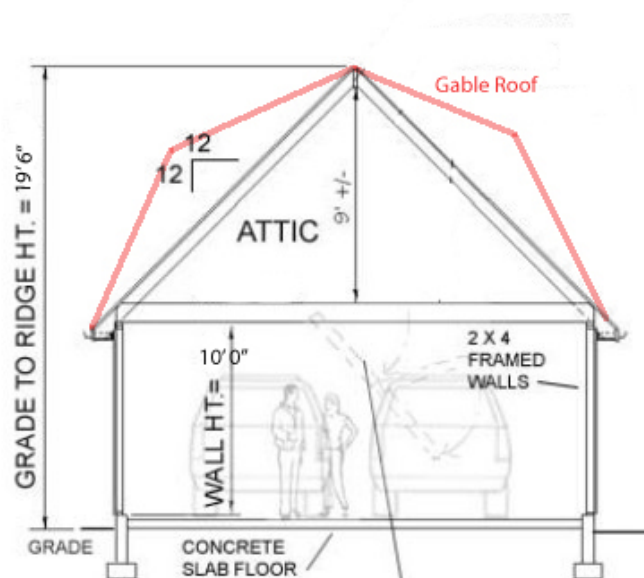
- c. Accessory building heights restrictions to a maximum 6 metres (19.5 feet) in the rear yard and 5 meters (16.5 feet) in the front yard. The height of any structure is measured from the front yard grade, closest to the building, to the top of the highest portion of the roof.

6.3.7 Accessory Building Heights

**Front yard:** Can accommodate a 26-foot-wide detached garage with a 12/4 pitch. Results in a 16.5-foot roof peak.



**Rear yard:** Can accommodate a 20-foot-wide detached garage and loft with a 12/12 pitch. Results in a 19' 6" roof peak. (Gable roof trusses can be used to obtain additional loft room or to accommodate a wider building).





### 6.3.8 Permitted Yard Encroachments

The following yard encroachments shall be permitted:

- a. Uncovered balconies, porches, verandahs, and decks may project 3.6 metres (12 feet) into any required front or rear yard; and
- b. Windowsills, eaves, gutters, bay windows, chimneys and similar non-structural alterations may project a distance of 600 millimetres (23.6 inches) into any required yard but not closer to a lot line than 300 millimetres (12 inches). The Development Officer has the authority to consider other architectural features not listed as permitted encroachments.

### 6.3.9 Off-street Parking

Off-street parking shall be provided as follows:

- a. Dwellings – Minimum one (1) parking space per dwelling unit, subject to the additional parking requirements of:
  - section 5.9 - home-base business,
  - section 5.10 – secondary suites,
  - section 5.11 – garden suites, and
  - section 5.12 – vacation rentals.

## 6.4 Municipal Reserve (MR)

### 6.4.1 Intent

The purpose of this area is to provide for public recreation area as provided for within the *Dedicated Land Regulations, 2009* and Section 192 (1) of *The Planning and Development Act, 2007*.

### 6.4.2 Permitted Uses

The following uses are permitted uses in the Municipal Reserve:

- a. Agricultural;
- b. Gardens;
- c. Recreational facilities and uses including, but not limited to, playgrounds, sports fields, parks, scenic lookout, public beach, picnic area, boat launch, day parking;
- d. Natural area; and
- e. Public works.

## 6.5 Environmentally Sensitive Land

No permanent structures will be permitted to be built or erected on any environmentally sensitive land. All development in these areas is subject to approval by the Resort Village and by the Water Security Agency through their *Aquatic Habitat Protection Permit*.

### 6.5.1 Environmentally Sensitive Land A (ESL A)

Defined as the area located between the south lot lines of all lake front properties, extending to the south boundary of the Resort Village. [Commonly referred to as the shore and bed of Last Mountain Lake].

### 6.5.2 Environmentally Sensitive Land B (ESL B)

Defined as the area located directly south of the Municipal Reserve, extending to the south boundary of the Resort Village).

### 6.5.3 Permitted Items - Environmentally Sensitive Land A

Only seasonal or temporary items may be placed within this area. Such structures must not negatively affect the riparian area/foreshore or the water quality of Last Mountain Lake. Examples of permitted structures on ESL A land include, but not limited to, boat docks, boat tracks, watercraft lifts, fire pits, outdoor furniture, rafts, water lines and water pumps.

### 6.5.4 Permitted Item - Environmentally Sensitive Land B

All watercraft, boatlifts, boat docks, Personal Watercraft lifts, track systems or similar structures, placed upon the bed of Last Mountain Lake, or upon the foreshore, must be by written permission of the Resort Village, commonly obtained by the issuance of a yearly lease issued by the Resort Village. The placement of personal items anywhere within Environmentally Sensitive Land B without written authorization by the Resort Village is strictly prohibited and may be subject to a removal order by the Resort Village.

A public beach and boat launch are permitted to be established within this area.

## 6.6 Amalgamation and Subdividing of Lots

The Resort Village will permit the amalgamation of two (2) lots into a single lot if:

- a. The two parcels are registered as a single parcel with Information Services Corporation (ISC); and
- b. The property owner establishes a primary dwelling across the previously shared lot line to prevent this parcel from being subdivided at some future date.

The Resort Village will consider subdividing a parcel of land into two (2) or more distinct parcels dependant upon:

- a. all requirements of the Zoning Bylaw will be met, including minimum lot sizes;

- b. the administrative costs of subdividing are paid for by the applicant;
- c. a geotechnical analysis is submitted to Council, indicating whether any future development of a primary dwelling of either lot, is likely to contribute to slope instability; and
- d. the subdivision will not create a financial hardship for the Resort Village.

6.7 Offences and Penalties

Any person who violates this Bylaw, or the Official Community Plan Bylaw ??-2024 is guilty of an offence and may be subject to fines or prosecution. According to Section 242 of *The Planning and Development Act, 2007*, a person who contravenes *the Act* or any bylaw made under it is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000 or imprisonment for not more than one year, or both. For a continuing offence, the fine can be up to \$5,000 for each day the offence continues.

PART VI – REPEAL AND EFFECTIVE DATE OF THE BYLAW

The Resort Village Zoning Bylaw No. 22-1987, and its amended bylaws No. 77-2009 and No. 78-2010 are repealed and replaced with Bylaw No. ??- 2024

This Bylaw shall come into force on the date of final approval by the Minister of Community Planning.

\_\_\_\_\_  
MAYOR

S E A L

\_\_\_\_\_  
ADMINISTRATOR/CLERK

A Certified True Copy of Bylaw No. ??- 2024 adopted by resolution of council on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Administrator

Appendix A

This is the Zoning District Map referred to in Bylaw No. ??

