

**SUMMER VILLAGE**

**of**

**ROCHON SANDS**

LAND USE BYLAW NO. 168

JULY 1999

Amended July, 2004

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NOTE: Reference in brackets ( ) show the applicable section of the Municipal Government Act, Chapter M26.1 as amended.

**SUMMER VILLAGE OF ROCHON SANDS**  
**LAND USE BYLAW NO. 168**

**PART 1. PURPOSE AND SCOPE**

**1.1 PURPOSE**

The purpose of this land use bylaw is to regulate the use and development of land and buildings within the Summer Village of Rochon Sands to achieve the orderly, economical and beneficial development of land and to maintain and improve the quality of the physical environment. This bylaw shall among other things:

- (a) divide the Summer Village into districts; (640)(2)(a)
- (b) describe the purpose for which land and buildings may be used within each district; (640)(2)(b)
- (c) establish Development Authority; (by bylaw) (624)
- (d) establish a method of making decisions on applications for development permits; (640)(2)(c)
- (e) establish the procedure for notifying landowners likely to be affected by a development; (640)(2)(d) and
- (f) establish the number of dwelling units permitted on a lot (640)(2)(e)

**1.2 SCOPE**

No development shall be carried out within the boundaries of the municipality except in accordance with this bylaw.

**1.3 COMPLIANCE WITH OTHER LAWS**

Compliance with this bylaw does not exempt any person from complying with all applicable municipal, provincial or federal laws, including Provincial Land Use Policies, and respecting any easements, covenants, agreements or contracts affecting the land or the development.

## **PART 2. ADMINISTRATION**

### **2.1 FEES**

Council may, by resolution of Council, at a regularly constituted meeting of Council, establish such fees as are required for the purpose of administering this bylaw.

### **2.2 FORMS**

Council may authorize the preparation and use of such forms and notices as are required for the purpose of administering this bylaw.  
(640)(2)(c)

### **2.3 ESTABLISHMENT OF DEVELOPMENT OFFICER**

2.3.1 The officer of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

2.3.2 The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things

- (a) Keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto, and
- (b) Keeping a register of all applications for development, including the decisions thereon and the reasons therefore.

**PART 3. DEVELOPMENT APPLICATION PROCESS**

**3.1 CONTROL OF DEVELOPMENT**

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless a development permit has been obtained.

**3.2 DEVELOPMENTS NOT REQUIRING A PERMIT**

The following development shall not require a development permit:

- (a) the repair or maintenance of any building provided the work does not include structural alterations;
- (b) the completion of a building which was lawfully under construction, or for which a permit had lawfully been issued on the date this bylaw comes into effect;
- (c) the construction, alteration or maintenance of fences, gates, walls, or other enclosures (except on corner lots) less than three feet in front yards and less than 6 feet in height in side and rear yards;
- (d) a temporary building which is incidental to the construction or alteration of a principal building for which a permit has been issued, provided the temporary building is removed when construction of the principal building is completed;
- (e) the cutting of trees and clearing of underbrush on private property;
- (f) the maintenance and repair of public building or public utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled; and
- (g) patios and sidewalks.

**3.3 DEVELOPMENT APPLICATIONS**

3.3.1 An application from for a development permit shall be completed and submitted to the Development Authority and shall be accompanied by:

- (a) a site (to scale) clearly showing site boundaries, the location of existing and proposed buildings; the use or intended use of all areas of the site not covered by building including decks, fences, driveways, paved areas, easements, utility

lines, and major landscaping features including tree, shrubs and planted area and proposed setbacks from property lines; and those portions of the site which shall be left in their natural state; and

- (b) a complete set of building plans, showing floor plans, elevations, and height of building;
- (c) the appropriate application fee.

### **3.4 APPLICATION/PERMIT DECISION**

3.4.1 In making a decision, the Development Authority may approve the application with or without conditions or refuse the application. A development permit must be issued if the application conforms to the Land Use Bylaw (642)(1).

3.4.2 The Development authority may refer an application to an adjacent municipality or any other agency or person which in his/her opinion may provide relevant comments or advice respecting the application.

3.4.3 Where a proposed use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.

3.4.4 The Development Authority may approve an application for a development permit if the proposed development does not comply with this bylaw, if; (640)(6)

- (a) he/she is satisfied that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbourhood properties; and
- (b) the proposed development conforms with the use prescribed for the land or building. (640)(6)(b)
- (c) the proposed development or subdivision does not comply with this bylaw or is a nonconforming building, if in the opinion of the Development Authority provides not less than 90 per cent of any stated minimum standard and not more than 110 per cent of any maximum standard.

- 3.4.5 A decision of the Development Authority on an application for a development permit shall be in writing (640)(2)(d).
- 3.4.6 When a development authority refuses an application for a development permit, the decision shall contain reasons for the refusal. (640)(4)
- 3.4.7 Where a permit is refused, the Development Authority may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for a period of at least six months after the date of the initial refusal.(640)(5)

### **3.5 CONDITIONS OF DEVELOPMENT PERMIT**

- 3.5.1 A development permit does not come into effect until 15 days after the notification of the decision (686)(1)
- 3.5.2 When an appeal is made, a development permit does not come into effect until the appeal has been determined, at which time the permit may be approved, modified or rejected.
- 3.5.3 If the development authorized by a permit is not started within six months from the effective date of the permit and completed within 18 months from the effective date of the permit, the Development Authority may declare the permit void, unless an extension has been granted.
- 3.5.4 A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 3.5.5 The applicant may be responsible for any damages to public or private property occurring as a result of development.
- 3.5.6 For a **permitted** use in any District other than a Direct Control District,
  - (a) the Development Authority shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the Act and the Subdivision and Development Regulation and statutory plans, and the Development Authority may attach conditions to the permit necessary to ensure any of the following:

- (i) Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
- (ii) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant
- (iii) That the developer enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
  - (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct, or pay for the construction of:
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of:
    - (i) off-street or other parking facilities; and
    - (ii) loading and unloading facilities;

- (iv) That the developer pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;
  - (v) That the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (b) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Municipal Government Act and the Subdivision and Development Regulation and statutory plans, the Development Authority:
- (i) may refuse the application giving reasons for the refusal; or
  - (ii) may approve the application subject to conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Municipal Government Act and the Subdivision and Development Regulation and statutory plans; or
  - (iii) may approve the application pursuant to section 640(6) of the Municipal Government Act, and such a development application shall be deemed to be subject to those regulations of this Bylaw that pertain to an application for a discretionary use permit, excepting Section 3.5.7(a)(vi) below.

[Bylaw 184]

3.5.7 For a **discretionary** use in any District other than a Direct Control District,

- (a) The Development Authority, in its discretion, may approve the application for a discretionary use subject to the following conditions:
  - (i) Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or

construction of any such utility or facility by the applicant;

- (ii) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
- (iii) A development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
  - (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct, or pay for the construction of:
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
  - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of:
    - (i) off-street or other parking facilities; and
    - (ii) loading and unloading facilities;
- (iv) Payment of an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;

- (v) Provisions of security to ensure compliance with this Bylaw, a development permit, an agreement under this clause, or a statutory plan which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (vi) Any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
  - (a) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
  - (b) Limiting the number of patrons;
  - (c) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
  - (d) Regarding the location, character and appearance of buildings;
  - (e) Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site;
  - (f) Establishing the period of time for which a development permit is valid.

or,

- (b) The Development Authority, in its discretion, may refuse an application for a discretionary use permit giving reasons for its refusal.

[Bylaw 184]

### **3.6 PUBLIC NOTIFICATION**

When a permit has been issued, the Development Authority shall immediately:

- (a) post a notice of the decision on the property for which the permit has been granted and

- (b) mail a notice of the decision to all those persons owning property adjacent to the property for which the permit has been granted.

### **3.7 DEVELOPMENT AGREEMENT**

3.7.1 The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to:

- (a) Construct or pay for the construction of public roadways, pedestrian walkways, or parking areas; and/or
- (b) Install or pay for the installation of utilities; and/or
- (c) pay an off-site levy or redevelopment levy imposed by bylaw (647) & (648)

3.7.2 To ensure compliance with the development agreement, the municipality may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met. (650)(2)(3).

### **3.8 ENFORCEMENT**

3.8.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, the regulations, a development permit, subdivision approval or the land use bylaw, he/she may order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all of them to:

- (a) stop the development or use of the land or buildings, or;
- (b) demolish, remove or replace the development, or;
- (c) take such other measures as may be required to ensure compliance with the Act, the regulations, a development permit, subdivision approval, or land use bylaw, as may be the case.

3.8.2 Where a person does not comply with an order, a designated officer may enter upon the land or building and take such action as is necessary to carry out the order. (542)(4)

3.8.3 Where a designated officer carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax on the property.

3.8.4 A person who does not comply with this bylaw is guilty of an offense and is liable upon conviction to a fine of not more than \$10,000.00. (7)(I)(ii)

### **3.9 AMENDMENT**

3.9.1. Any person may apply to have this bylaw amended, by applying in writing to Council using the prescribed form.

3.9.2 All applications for amendment shall be accompanied by:

- (a) the required application fee, but if the proposed amendment is adopted, Council may determine that all or part of the fee be refunded.
- (b) a certificate of title for the land affected by the proposed amendment, and a statement of the applicant's interest in the land.
- (c) if required, drawings to scale, accurate, explicit and complete; and
- (d) any other information as required by the Development Authority.

3.9.3 Council may refer the application for bylaw amendment to such agencies as it considers necessary for comment.

3.9.4 All amendments to this bylaw shall be made by Council by bylaw, in accordance with the procedures for public participation in bylaws set out in Section 230 of the Municipal Government Act.

## **PART 4. DEVELOPMENT APPEAL PROCESS**

### **4.1 PROCEDURE FOR APPEALS**

#### 4.1.1 Where a Development Authority

- (a) refuses or fails to issue a development permit, or
- (b) issues a development permit with conditions, or
- (c) issues an order

the person applying for the permit, or affected by the order, or any other person, may appeal to the Subdivision and Development Appeal Board. (685)(1)

#### 4.1.2 An application for a development permit shall, at the option of the applicant, be deemed to be refused when the Development Authority fails to make a decision within 40 days of receiving the application, unless the applicant and the Development Authority have entered into an extension agreement.

#### 4.1.3 An appeal shall be made by serving written notice of appeal to the Subdivision and Development Appeal Board within 14 days after;

- (a) the date the order, decision or permit was publicized; or
- (b) the 40-day period referred to in Section 4.1.2 has expired. (686)(1)(a)(I)

### **4.2 PUBLIC HEARING**

#### 4.2.1 Within 30 days of receiving a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing. (686)(2)

#### 4.2.2 The Subdivision and Development Appeal Board shall give at least five days written notice of the public hearing to:

- (a) the appellant
- (b) the Development Authority
- (c) adjacent landowners; and
- (d) any other person who, in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit. (686)(3)

4.2.3 The Appeal Board shall make available for public inspection before the public hearing all relevant documents respecting the appeal including development permit applications, its approval or refusal, the notice of appeal; or the order, as the case may be. (686)(4)

4.2.4 At the public hearing the Appeal Board shall hear:

- (a) the appellant;
- (b) the Development Authority;
- (c) any other person who was served with the notice of the hearing and who wishes to be heard;
- (d) any other person who claims to be affected by the order, decision, permit or approval, and who the Appeal Board agrees to hear;
- (e) or any other person acting on behalf of these persons. (687)(1)

### **4.3 DECISION**

4.3.1 The Appeal Board shall give notice of its decision, with reasons, in writing within 15 days of the conclusion of the hearing. (687)(1)

4.3.2 The decision of the Appeal Board is final and binding upon all parties, subject only to an appeal upon the question of jurisdiction or law. An application for leave to appeal shall be made to a judge of the Court of Appeal within 30 days of the issue of the order, decision, permit or approval that is being appealed. (688)(2)

## **PART 5. GENERAL LAND USE REGULATIONS**

The following regulations apply to development in all districts, unless otherwise specified.

### **5.1 NUMBER OF DWELLING UNITS**

5.1.1 The number of dwelling units permitted on a parcel shall be limited to one, except where

- (a) a development permit is issued for a guest house and complies with the following:
  - (1) the use conforms to the uses prescribed in Part 6 for the District in which the parcel is located, and
  - (2) is subject to Section 3.4.4, the development complies with the provisions of this Land Use Bylaw.
- (b) The maximum number of accessory buildings permitted on a parcel is three and are subject to Section 5.12 of this Land Use Bylaw.

### **5.2 NON-CONFORMING BUILDINGS AND USES**

5.2.1 A non-conforming use of land or building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform to this bylaw. (643)(2)

5.2.2 A non-conforming use of part of a building may be extended throughout the building, but the building shall not be enlarged or added to, and shall undergo no structural alterations. (643)(3)

5.2.3 A non-conforming use of part of a lot shall not be extended to any other part of the lot, and no additional buildings shall be constructed while the non-conforming use continues. (643)(4)

5.2.4 A non-conforming building shall not be enlarged, added to, rebuilt or structurally altered except:

- (a) as may be necessary to make it a conforming building;
- (b) as may be necessary for the routine maintenance of the building;
- (c) as may be required by statute or bylaw. (643)(5)

5.2.5 If a non-conforming building is damaged or destroyed to the extent of 75 percent of its value, the building shall not be rebuilt except in accordance with this Bylaw. (643)(6)

5.2.6 A change of ownership, tenancy or occupancy of land or a building shall not be considered to affect its use. (643)(7)

### **5.3 SUB-STANDARD LOTS**

Development on existing substandard lots is permitted provided the applicant complies with the applicable regulations regarding water supply and sewage disposal.

### **5.4 SITE CONDITIONS**

5.4.1 Development shall not be permitted on slopes exceeding 15% where slope is measured over the portion of the site on which the development is located.

5.4.2 Unless satisfactory design and development measures are taken, the applicant shall provide evidence that the land to be developed is not characterized by soil instability, poor drainage or flooding.

5.4.3 To the maximum extent possible, trees and shrubs shall be retained on the site. Where landscaping is required it shall be carried out within a reasonable time period following the completion of construction.

5.4.4 Garbage shall be kept in weatherproof and animal proof containers, screened from adjacent sites and public thoroughfares.

5.4.5 Where clearing of trees and shrubs is done, the parcel shall be graded to ensure that water does not drain onto adjoining property, a roadway or into the lake.

5.4.6 All detached dwellings, guest houses, manufactured homes, accessory buildings, unenclosed verandas, porches and balconies erected or placed on a parcel shall be designed and sited such that, in the opinion of the Development Authority, the development will not cause any material loss of privacy, sunlight or daylight enjoyed by the users of adjacent buildings and parcels.

## **5.5 PRESERVATION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY**

The Development Authority shall be satisfied that the design, siting, finish, and architectural appearance of all buildings having regard for the amenities and character of existing development in the municipality, and that the landscaping of the site causes minimal environmental disruption.

## **5.6 BUILDING DEMOLITION**

The demolition of a building shall require a development permit. Such a permit shall not be approved without a statement indicating:

- (a) how the demolition will be carried out; and
- (b) how the parcel will be reclaimed.

## **5.7 FENCES/WALLS/HEDGES/ENCLOSURES**

5.7.1 No fence, wall, hedge or other enclosure shall be higher than:

- (a) 6 feet (1.82 m) in rear yards;
- (b) 6 feet (1.82 m) in side yards, except on corner lots where it shall not be higher than 3 feet in the side yard having frontage;
- (c) 3 feet (0.9 m) in front yards
- (d) 3 feet within 20 feet (6.15 m) of the intersection of lanes, street, or a lane and a street.

5.7.2 Electric and barbed wire fences shall not be permitted except on land abutting on farmland, and these shall require a development permit.

## **5.8 SANITARY FACILITIES**

5.8.1 All dwellings shall have a sealed pump-out tank in accordance with existing legislation at the time of installation.

5.8.2 After March 1, 2001, no owner of a parcel of land shall have, permit or allow an outdoor privy or any other system for the disposal of sewage or waste water that is not in compliance with the Alberta Private Sewage Systems Standard of Practice.

## 5.9 PARKING AND ACCESS

A minimum of one parking space shall be provided on each lot by the owner or by the developer.

## 5.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall allow a motor vehicle which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a parcel in a Residential District, unless it is suitably housed or screened to the satisfaction of the Development Authority.

## 5.11 PROJECTIONS OVER YARDS

In residential districts, the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:

- (a) **Side Yard:** A cornice, sill, attached greenhouse, canopy, sundeck or eave, which projects a distance not exceeding one-half of the minimum side yard required for the building.
- (b) **Front Yard:** An eave, chimney, attached greenhouse, sundeck, porch or balcony, which projects not more than 5 ft. over or on the minimum front yard.
- (c) **Front and Rear Yard:** Unenclosed steps, if they do not project more than 8 ft. over or on a minimum front or rear yard.
- (d) **Rear Yard:** An eave, chimney, attached greenhouse, sundeck, porch or balcony which projects not more than 10 ft. over the minimum rear yard.

## 5.12 ACCESSORY BUILDINGS

5.12.1 The construction or relocation of an accessory building shall require a development permit.

5.12.2 The following guidelines shall apply to all accessory buildings:

- (a) no accessory building shall be located in the front yard, except a garage may be located in the front yard of a back lot, and a boathouse may be located in the front yard of a front lot provided that it does not restrict the view of the lake of other property owners.
- (b) in the case of corner lots, no accessory building shall be located on the side yard having street frontage within 25 feet

(7.62 m) of the intersection of the streets, lanes or a street and lane;

- (c) the minimum side yard setback shall be 3 feet.
- (d) the minimum rear yard setback shall be 3 feet.
- (e) the height of an accessory building shall not exceed 16 feet, measured from the highest point on which the building is situated, to the highest point of the structure, not including extrusions, chimneys, aerials, etc.).
- (f) privies shall be located no closer than 10 feet from the boundary of a street or lane.

5.12.3 The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Authority. The siting of accessory buildings on all other lots shall be in accordance with Section 5.12.2.

5.12.4 Where a building is attached to the main building by a roof, structure, floor or foundation, it shall be considered part of the main building and not an accessory building.

### **5.13 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

5.13.1 No sign or advertisement of a commercial, directional or informative nature shall be placed on land or affixed to any exterior surface of any building or structure unless an Application for this purpose has been approved and a Development Permit issued.

5.13.2 Notwithstanding Section 5.13.1, the following signs may be placed on land or affixed to the exterior surface of a building or structure without Application for a Development Permit provided that such signs are not illuminated and permission from the landowner(s) has been received.

5.13.3 No sign or advertisement shall obstruct the view or be liable to be confused with any traffic sign or signal, or otherwise pose a potential hazard to traffic.

5.13.4 The Development Officer may, by resolution of Council, require the removal or renovation of any sign that is not kept in a safe, clean and tidy condition.

Type of Sign	Restrictions
(a) Miscellaneous sign, including <ul style="list-style-type: none"> <li>(i) signs to be displayed as a means of identification, direction or warning;</li> <li>(ii) signs advertising the fact that a person, partnership, or company is carrying on a profession, business, or trade at the premises;</li> <li>(iii) signs relating to a religious, educational, cultural, recreational, or similar institution, or a hotel, motel, apartment block, club or boarding house.</li> </ul>	Signs not to exceed 6 square feet and must be limited to one sign per parcel of land.  In the case of Home Occupation, the sign shall not exceed 4 square feet.
(b) Temporary signs, such as <ul style="list-style-type: none"> <li>(i) signs advertising that land or premises are for sale or lease;</li> <li>(ii) signs announcing the sale of goods or livestock on land or premises which are not normally used for commercial purposes;</li> <li>(iii) signs relating to the carrying out of building, engineering or construction works; and</li> <li>(iv) signs intended to advertise any local event being held for charitable purposes, which may be religious, educational, cultural, political, social</li> </ul>	Signs not to exceed 6 square feet and must be removed by the advertiser within 15 days of completion of the event or works to which the advertisements relate.
(c) Functional signs needed by public bodies such as local authorities and utility companies to give information or directions about the services they provide.	No size restrictions

## 5.14 MOBILE HOMES

5.14.1 Mobile homes shall have CSA certification.

5.14.2 Mobile homes shall be placed on a secure foundation or base.

5.14.3 A development permit shall be required for all accessory buildings and additions.

5.14.4 All mobile homes shall be skirted from the ground level to floor level.

## **5.15 HOME OCCUPATION**

- 5.15.1 A home occupation shall be clearly incidental to the residential use of a lot and shall not change or disrupt the residential character of the municipality.
- 5.15.2 All permits for home occupation shall be reviewed annually. The Development Authority may revoke a permit if he/she considers that the use is or has become detrimental to the residential character of the municipality.
- 5.15.3 Home occupations are limited to those uses which:
- (a) do not create or become a public nuisance;
  - (b) are not visible from outside the building;
  - (c) require no outside storage of materials, goods, or equipment; and
  - (d) do not display advertising other than permitted under section 5.13.

## **5.16 RELOCATED BUILDINGS**

- 5.16.1 The relocation of a building into or within a municipality shall require a development permit.
- 5.16.2 The Development Authority may inspect the building and inform council of its condition prior to issuing a development permit.

## **5.17 MUNICIPALLY-OWNED LANDS**

- 5.17.1 Private development on municipal reserve or environmental reserve land is strictly prohibited.
- 5.17.2 Private development on municipally-owned land including road allowances is strictly prohibited.
- 5.17.3 The cutting and/or removal of trees or underbrush from municipally-owned land is strictly prohibited, unless written permission is received from Council.

## **5.18 DEVELOPMENT IN PROXIMITY TO OIL & GAS WELLS**

In accordance with the Subdivision and Development Regulation, no building shall be constructed within 328.1 ft. of the well head of a gas or oil well, unless, in the opinion of the Development Authority, may be considered an infill development or is otherwise approved in writing by the Alberta Energy and Utilities Board.

## **5.19 DEVELOPMENT SETBACKS FROM LANDFILLS AND WASTE SITES**

In accordance with the Subdivision and Development Regulation,

- (a) a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distances from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station specified in the Subdivision and Development Regulations, and
- (b) a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, residence, or food establishment specified in the Subdivision and Development Regulations.

unless the development is approved in writing by the Deputy Minister of the Department of Environmental Protection.

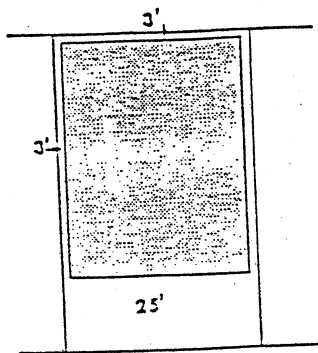
## **5.20 LAND USE POLICIES**

Every action undertaken by the municipality and the Development Authority must be consistent with any land use policies established pursuant to the Municipal Government Act.

**LOCATION OF ACCESSORY BUILDINGS (EXCEPT GARAGES)**

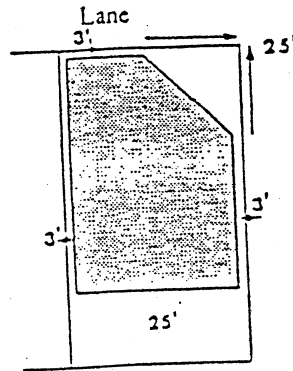
These sketches show permitted building envelopes. The shaded areas are those areas of the lot where accessory buildings may be located.

BACK LOTS (INTERIOR)

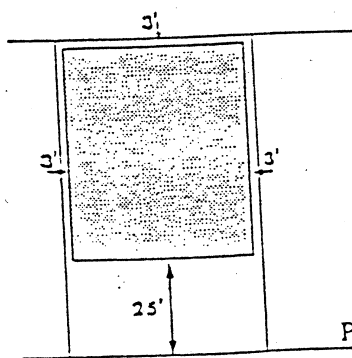


Street

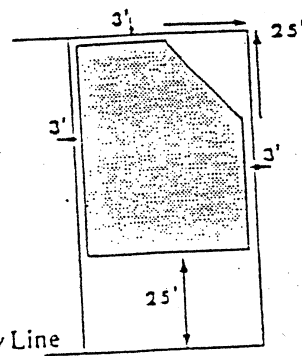
BACK LOTS (CORNER)



Street



LAKESHORE LOTS  
(Interior)

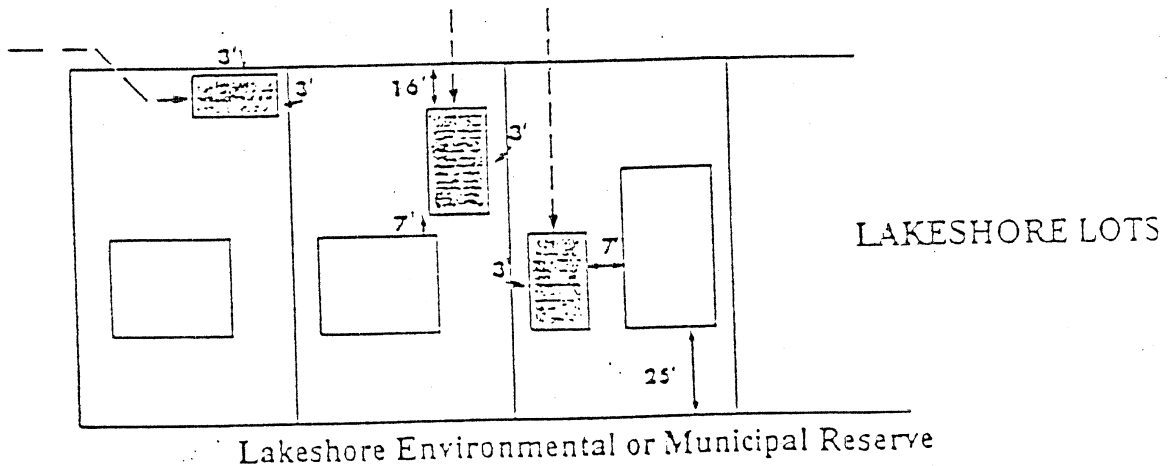
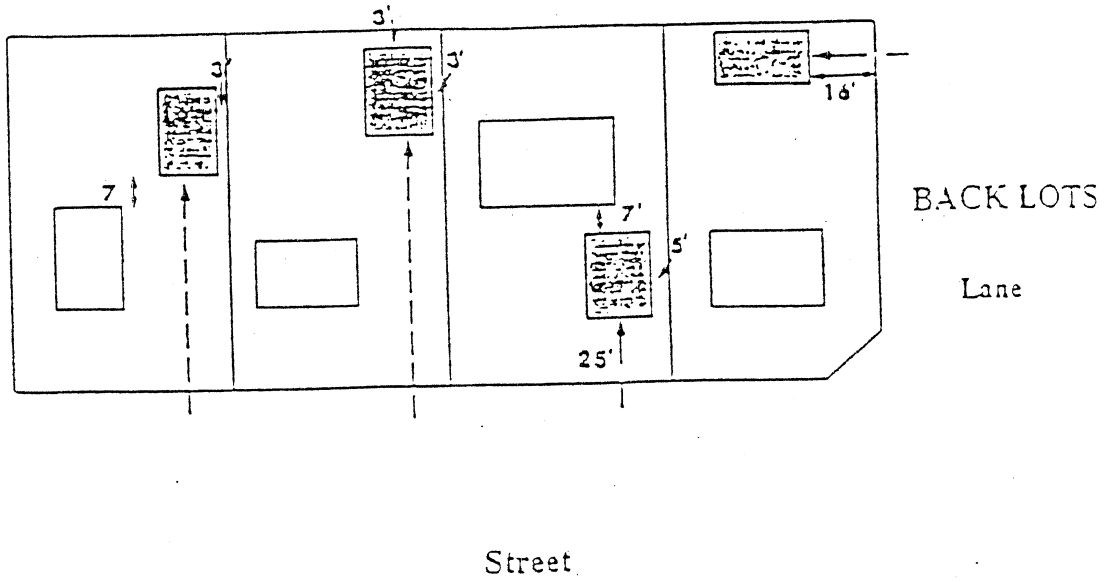


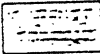
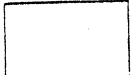
LAKESHORE LOTS  
(Corner)

Lakeshore Environmental or Municipal Reserve

The sitting of accessory buildings on an irregularly shaped lot shall be as approved by the Development officer.

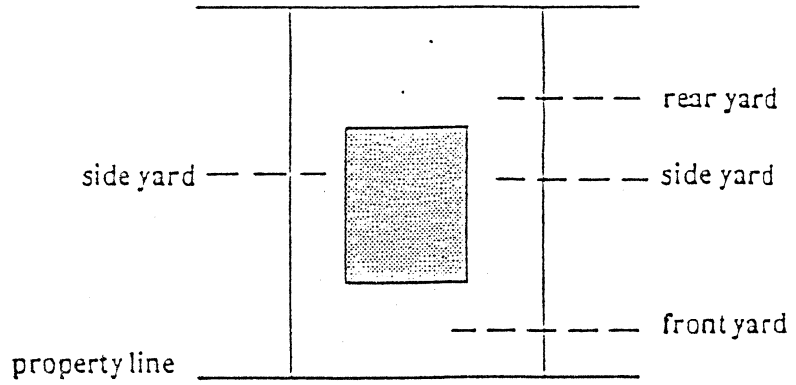
# LOCATION OF GARAGES



- Vehicle access
-  Garage
-  Residence

# DEFINITION OF YARDS

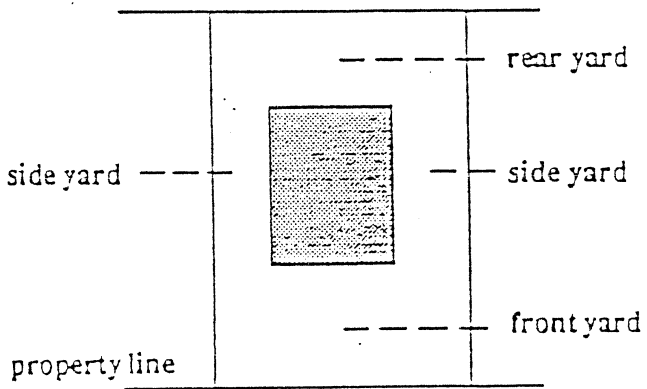
Back Lot



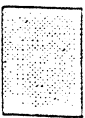
Street

Street

Lakeshore Lot



Lakeshore Environmental or Municipal Reserve



Residence

## **PART 6. LAND USE DISTRICTS AND REGULATIONS**

### **6.1 ESTABLISHMENT OF LAND USE DISTRICTS**

The Summer Village of Rochon Sands has the following Land Use Districts:

R1	Residential District	
R-2	Residential District	
CR	Country Residential District	[Bylaw 184]
CRL	Country Residential Large Lot District	[Bylaw 184]
C	Commercial District	[Bylaw 184]
POS	Public Open Space District	
RD	Reserve For Future Development District	

The boundaries of these districts are shown on the Land Use District Map.

### **6.2 RESIDENTIAL DISTRICT (R1)**

#### 6.2.1 Permitted Uses

- single family dwellings
- accessory buildings and uses

#### 6.2.2 Discretionary Uses

- mobile homes
- public parks, playgrounds and recreational facilities
- home occupations
- institutional, public or quasi-public facilities
- guest houses
- any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

#### 6.2.3 Regulations

- Lot size – the minimum width of lots shall be 100 ft, and an area of not less than 20,000 sq.ft.
- Principal building shall not be higher than 24 feet, measured from the highest point on which the building is situated, to the highest point of the structure, not including extrusions (chimneys, aerials, etc.).
- Yard requirements – The minimum yard setbacks for principal buildings shall be:
  - Front yard – 25 feet
  - Side yard – 5 feet

Rear yard – 25 feet

The siting principal buildings on irregular shaped lots shall be approved by the Development Authority.

The siting of all accessory buildings shall be according to Part 5.12 of this Bylaw.

- (d) Lot coverage – Principal buildings and accessory buildings combined shall not cover more than 40% of the lot, excluding patios and sundecks.
- (e) Floor area – The minimum floor area of single family dwellings shall be 600 square feet.
- (f) No construction or development that includes electrical, plumbing and gas installations may be commenced until the necessary permits from the Summer Village contracted accredited agency have been obtained.
- (g) Guest houses
  1. A guest house shall only be located in the rear yard of a lot.
  2. The maximum floor area of a guest house shall be 485 sq. ft.
  3. A guest house shall not be more than 16 ft in height.
  4. Only one guest house shall be constructed on a lot.

### **6.3 RESIDENTIAL DISTRICT (R-2)**

This District applies to Lot 23R, Block 1, Plan 3054RS and Lot 24, Block 1, Plan 3054RS

#### 6.3.1 Permitted Uses

- Single family dwellings
- Accessory buildings

#### 6.3.2 Discretionary Uses

- Mobile homes
- Public parks, playgrounds and recreational facilities
- Home occupations
- Institutional, public or quasi-public facilities
- Guest houses
- Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

### 6.3.3 Regulations

- (a) Lot size – The minimum width of lots shall be 60 ft., and an area of not less than 7,000 sq. ft.
- (b) Principal building shall not be higher than 24 ft. measured from the highest point on which the building is situated, to the highest point of the structure, not including extrusion (chimneys, aerials, etc.).
- (c) Yard requirements – The minimum yard setbacks for principal buildings shall be:

Front yard – 25 feet  
Side yard – 5 feet  
Rear yard – 25 feet

The siting of principal buildings on irregular shaped lots shall be approved by the Development Authority. The siting of all necessary buildings shall be according to Part 5.12 of this Bylaw.

- (d) Lot coverage – Principal buildings and accessory buildings combined shall not cover more than 40% of the lot, excluding patios and sundecks.
- (e) Floor area – The minimum floor area of single family dwellings shall be 600 square feet.
- (f) No construction or development that includes electrical, plumbing and gas installations may be commenced until the necessary permits from the Summer Village contracted accredited agency have been obtained.
- (g) Guest houses
  1. A guest house shall only be located in the rear yard of a lot.
  2. The maximum floor area of a guest house shall be 485 sq. ft.
  3. A guest house shall not be more than 16 ft. in height.
  4. Only one guest house shall be constructed on a lot.

#### **6.4 PUBLIC OPEN SPACE DISTRICT (POS)**

The purpose of this district is to preserve and protect the environment while providing areas of public recreation access to the shoreline.

6.4.1 Permitted Uses  
-Public recreation

6.4.2 Regulations

(a) Private development in this district is strictly prohibited.

(b) Public development in this district is strictly limited to the maintenance, improvement, or replacement of existing public structures and facilities.

#### **6.5 RESERVE FOR FUTURE DEVELOPMENT DISTRICT (RD)**

6.5.1 Permitted Uses – Existing uses

6.5.2 Discretionary Uses – Accessory uses which will not, in the opinion of the Development Authority materially alter the use of the land from that existing at the time of the commencement of this Land Use Bylaw. Any use that is similar, in the opinion of the Development Authority, to the Permitted or Discretionary uses described above.

#### **6.6 COUNTRY RESIDENTIAL DISTRICT (CR)**

The purpose of this district is to provide for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to a communal water and sanitary sewer system. The keeping of livestock, as defined by the Livestock and Livestock Products Act, as amended, is not permitted in this district.

6.6.1 Permitted Uses

- Detached dwelling
- Accessory buildings

6.6.2 Discretionary Uses

- Guest house
- Home occupation

- Institutional, public, or quasi-public facilities
- Public parks, playgrounds, and recreational facilities, excluding campgrounds
- Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

### 6.6.3 Regulations:

- (a) Lot Size:           Minimum: 1 acre (0.405 ha)  
                                   Maximum: 3 acres (1.214 ha)
- (b) Principal Building Height:  
 24 ft (7.32 m) measured from the highest point on which the building is situated to the highest point of the structure, not including extrusions (chimneys, aerials, etc.)
- (c) Minimum Yards:  
 1. Front Yard:           a minimum of 25 ft. (7.62 m)\*  
 2. Side Yard:           a minimum of 25 ft. (7.62 m)\*  
 3. Rear Yard:           a minimum of 25 ft. (7.62 m)\*  
 \* unless a greater distance is required by the Alberta Building Code
- (d) Minimum Floor Area:       900 sq. ft. (83.6 m<sup>2</sup>) for single family dwellings
- (e) Guest Houses:  
 1. A guest house shall only be located in the rear yard,  
 2. The maximum floor area of a guest house shall be 485 sq. ft. (45 m<sup>2</sup>)  
 3. A guest house shall not be more than 16 ft. (4.88 m) in height  
 4. Only one guest house shall be constructed on a lot.
- (f) Accessory Buildings:  
 1. Notwithstanding section 5.12.2(a) of the Land Use Bylaw, no accessory building shall be located in a front yard.  
 2. The maximum total area that may be covered by all accessory buildings on a lot shall not exceed 1184 sq. ft. (110 m<sup>2</sup>)

- (g) Permits:  
No construction or development that includes electrical, plumbing, or gas installations may be commenced until the necessary permits from the Summer Village contracted accredited agency have been obtained.
- (h) Lot Coverage:  
Principal buildings and accessory buildings combined shall not cover more than 30% of the lot, excluding patios and sundecks.

[Bylaw 184]

## **6.7 COUNTRY RESIDENTIAL LARGE LOT DISTRICT (CRL)**

The purpose of this district is to provide for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to a communal water and sanitary sewer system. The keeping of livestock, as defined by the Livestock and Livestock Products Act, as amended, is not permitted in this district.

### 6.7.1 Permitted Uses

- Detached dwelling
- Accessory buildings

### 6.7.2 Discretionary Uses

- Guest house
- Home occupation
- Institutional, public, or quasi-public facilities
- Public parks, playgrounds, and recreational facilities, excluding campgrounds
- Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

### 6.7.3 Regulations:

- (a) Lot Size:     Minimum: 3 acres (1.214 ha)  
                      Maximum: 10 acres (4.047 ha)

- (b) Principal Building Height:  
24 ft (7.32 m) measured from the highest point on which the building is situated to the highest point of the structure, not including extrusions (chimneys, aerials, etc.)

- (c) Minimum Yards:
1. Front Yard: a minimum of 25 ft. (7.62 m)\*
  2. Side Yard: a minimum of 25 ft. (7.62 m)\*
  3. Rear Yard: a minimum of 25 ft. (7.62 m)\*
- \* unless a greater distance is required by the Alberta Building Code
- (d) Minimum Floor Area: 900 sq. ft. (83.6 m<sup>2</sup>) for single family dwellings
- (e) Guest Houses:
1. A guest house shall only be located in the rear yard,
  2. The maximum floor area of a guest house shall be 485 sq. ft. (45 m<sup>2</sup>)
  3. A guest house shall not be more than 16 ft. (4.88 m) in height
  4. Only one (1) guest house shall be constructed on a lot.
- (f) Accessory Buildings:
1. Notwithstanding section 5.12.2(a) of the Land Use Bylaw, no accessory building shall be located in a front yard.
  2. The maximum total area that may be covered by all accessory buildings on a lot shall not exceed 1184 sq. ft. (110 m<sup>2</sup>).
- (g) Permits:  
No construction or development that includes electrical, plumbing, or gas installations may be commenced until the necessary permits from the Summer Village contracted accredited agency have been obtained.
- (h) Lot Coverage:  
Principal buildings and accessory buildings combined shall not cover more than 30% of the lot, excluding patios and sundecks.

[Bylaw 184]

## **6.8 COMMERCIAL DISTRICT (C)**

The purpose of this district is to provide for attractive commercial development that is compatible with surrounding residential uses and which provides goods and services to residents of and visitors to the summer village and surrounding area. All development is to be connected to a communal water and sanitary sewer system.

### 6.8.1 Permitted Uses

- Retail sales, up to 2000 sq. ft (185.8 m<sup>2</sup>.)
- Accessory buildings
- Restaurant
- Drive-in business

### 6.8.2 Discretionary Uses

- One residence for the owner / operator of a commercial operation
- Gas bar
- Home occupation
- Institutional, public, or quasi-public facilities
- Retail sales over 2000 sq. ft. (185.8 m<sup>2</sup>)
- Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

### 6.8.3 Regulations:

- (a) Lot Size:      Minimum: 1 acre (0.405 ha)  
                          Maximum: 2 acres (0.809 ha)

(b) Principal Building Height:

24 ft (7.32 m) measured from the highest point on which the building is situated to the highest point of the structure, not including extrusions (chimneys, aerials, etc.)

(c) Minimum Yards:

1. Front Yard:           a minimum of 25 ft. (7.62 m)\*
2. Side Yard:            a minimum of 25 ft. (7.62 m)\*
3. Rear Yard:            a minimum of 25 ft. (7.62 m)\*

\* unless a greater distance is required by the Alberta Building Code

(d) Parking Standards:

- Total parking requirements are an aggregate of approved uses.
- Parking stalls shall be a minimum of 2.75 m X 5.5 m (9 ft. X 18 ft.) and there shall be sufficient maneuvering spaces for each stall to the satisfaction of the Development Authority.

Retail sales:

A minimum of five (5) stalls plus two (2) stalls for every additional 1000 sq. ft. (92.9 m<sup>2</sup>) of gross floor space beyond the first 2000 sq. ft. (185.8 m<sup>2</sup>) of gross floor space.

Restaurants:            1 stall per 4 seats

Drive-in Business: 2 stalls plus 5 stacking spaces for each  
drive-through window  
Other uses: As determined by the Development  
Authority

(e) Site Development:

Landscaping and buffering from adjacent non-commercial uses  
shall be to the satisfaction of the Development Authority.

[Bylaw 184]

## **PART 7 DEFINITIONS**

In this Land Use Bylaw,

**ACCESSORY BUILDINGS OR USE** – a building or use which is subordinate and incidental to the main building or use, located on the site. For the purpose of this Bylaw, accessory buildings include, but are not restricted to tool sheds, garden shed, boathouses, garages, carports, privies and satellite dishes;

**ACT** – The Municipal Government Act, Chapter M26.1 as amended;

**ADJACENT LANDOWNERS** – owners of land that is contiguous to the land that is the subject of the an application; and includes owners of land that would be contiguous except for a public roadway, railway, rail or utility right-of-way, river or stream;

**APPEAL BOARD** – a Subdivision and Development Appeal Board established in accordance with Section 627 of the Municipal Government Act;

**BACK LOT** – any lot in the municipality that is not a lakeshore lot;

**BOATHOUSE** – an accessory building designed and used primarily for the storage of boats;

**BUILDING** – includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

**BUILDING DEMOLITION** – means the pulling down, tearing down or razing of a building;

**BUILDING ENVELOPE** – that area of a residential lot, the boundaries of which are determined by setback requirements, where construction of a principal building and/or accessory building is permitted;

**BUILDING HEIGHT** – the distance from grade level at the exterior wall to the highest point of a building, excluding chimneys, skylights, ventilation fans, flagpole, antenna or similar devices or features which are not structurally essential to the building;

**CARPORT** – an accessory building or part of the principal building consisting of a roofed enclosure used for the storage of motor vehicles, with at least 40% of the total perimeter open and unobstructed;

CAVEAT – a formal notice expressing an interest in a parcel registered against the title to that parcel;

COUNCIL - means the Council of the Summer Village of Rochon Sands;

DEVELOPMENT – means

- (a) an excavation or stockpile and the creation of either of them, or,
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land or any of them, or
- (c) a change of use of land or a building or an act done in relation to land or building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

DEVELOPMENT AUTHORITY – means the person or persons appointed pursuant to Development Authority Bylaw No. 147;

DEVELOPMENT OFFICER – means a person appointed as a development Officer pursuant to this Land Use Bylaw;

DEVELOPMENT PERMIT – means a document authorizing a development issued pursuant to this Land Use Bylaw;

DILAPIDATED VEHICLE – means any vehicle that is subject to any two of the following items as listed below:

- (a) not used on a regular basis;
- (b) does not have a validated license plate attached to it;
- (c) is lacking one or more major parts (i.e., fenders, hoods, etc)
- (d) is lacking one or more of its power train parts (i.e. Motor, transmission, differential, etc.)

DISCRETIONARY USE – means a use which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made;

DRIVE-IN BUSINESS – means an establishment with facilities for an-site services to customers who remain in their motor vehicles;  
[Bylaw 184]

DWELLING – any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base, and includes prefabricated and modular homes, but does not include recreational vehicles;

DWELLING UNIT – a building or self-contained portion of a building containing one or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking, and access to toilet facilities;

EXCAVATION – any breaking of ground, except common household gardening and ground care;

FENCE – a vertical, physical barrier constructed to provide aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access;

FLOOR AREA – means for residential buildings, the total area of the main floor in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, shed, carports, or open porches in all residential buildings;

GARAGE – an accessory building or a part of the main building, designed and used primarily for the storage of motor vehicles.

GAS BAR – means an establishment which has one or more pump islands for the sale of gasoline or diesel fuel, but does not include facilities for the servicing or repair of motor vehicles;

[Bylaw 184]

GRADE – the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan;

GUEST HOUSE – means a permanent building which has sleeping accommodation and may have a bathroom, but does not have kitchen or other cooking facilities, which provides overflow accommodation for a detached dwelling located on the same lot;

HOME OCCUPATION – an occupation conducted within a building on a residential lot, which is clearly secondary to the residential use of the site and does not change the building exterior character;

LAKESHORE LOT – a lot which faces onto a lake and has any part of its frontage directly onto a lake or onto a buffer strip of municipal reserve or environmental reserve that is located along the lakeshore;

LANE – a registered public roadway which provides alternate access to a lot;

LOT – (a) a quarter section  
(b) a river, lake or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed in the Land Titles Office; or  
(c) a part of a parcel where boundaries are described in a certificate of title;

MAY – means the action is not obligatory;

MOBILE HOME – a structure that is manufactured to be moved from one point to another by being towed or carried and which provides accommodation for one or more persons and can be connected to utilities;

MUNICIPALITY – the Summer Village of Rochon Sands;

NON-CONFORMING BUILDING OR USE – means a building;  
(a) that is lawfully constructed, or is lawfully under construction at the date a Land Use Bylaw affecting the building or land on which the building is situated becomes effective, and  
(b) that on the date the Land Use Bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

ORDER – a notice requiring compliance issued in writing by the Development Authority and Section 3.8 of this Bylaw;

PATIO – a hard surface created by laying cement, bricks, tiles or blocks directly on to the ground;

PERMITTED USE – the use of land or a building provided for in a Land Use Bylaw for which a development permit shall be issued;

PRINCIPAL BUILDING – a building in which is carried out the principal use of the land on which it is placed;

PUBLIC BUILDING – a building which is used for public administration and services and includes uses such as assembly, instruction recreation, culture and community activities;

PUBLIC UTILITY – systems or facilities for the:

- (a) production and distribution of electricity;
- (b) distribution of natural gas or oil;
- (c) storage, transmission, treatment, distribution or supply of water;
- (d) collection, treatment, movement or disposal of sewage;
- (e) provision of telephone services that are owned or operated by a utility company, the municipality, or the crown;

RESTAURANT - means an establishment for the preparation and/or sale of food for consumption on the premises and may include takeout food service; [Bylaw 184]

RETAIL SALES - means the sale of merchandise such as convenience goods, groceries, snacks and soft drinks, camping and recreation supplies and includes the indoor storage of merchandise in quantities limited to the needs of the outlet. [Bylaw 184]

ROAD – means land;

- (a) shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or
- (b) used as a public road and includes a bridge forming part of a public road and any other structure incidental to a public road, but does not include a highway;

SCREEN – means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas;

SETBACK – the distance that a development, or a portion of it, must be set away from a property line, measured from the outer extremity of the development

SHALL – means the action is obligatory;

SIGN – an object or device intended to advertise or call attention to any person, place, thing or event;

STREET – means any category of road except a lane;

STRUCTURAL ALTERATION – the construction or reconstruction of supporting elements of a building or other structure;

SUBDIVISION APPROVING AUTHORITY – the person or authority empowered to approve a subdivision;

SUBSTANDARD LOT – a lot created by legal subdivision prior to this Bylaw coming into effect which is smaller than the minimum permitted lot size as specified in this Bylaw;

TEMPORARY DWELLING – a dwelling located on a site where a permanent dwelling is under construction. The temporary dwelling shall be removed upon completion and occupancy of the permanent dwelling;

WALKWAY – a public right-of-way for pedestrian use only, which is registered as a walkway or as a reserve;

YARD – a part of a parcel upon which no main building is erected and includes front, rear, and side yards (see illustration). In the case of lakeshore lots, the front yard is the yard between the house and the lakeshore property line;

All other words and expressions shall have the meaning respectfully assigned to them in Part 17 of the Municipal Government Act and the Subdivision and Development Regulation.