

SUMMER VILLAGE OF NAKAMUN PARK

LAND USE BYLAW NO. 2007-03

***Consolidated by SV Planning and Development Services
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PART I - TITLE AND DEFINITIONS

SECTION 1 TITLE

This Bylaw may be referred to as the Summer Village of Nakamun Park Land Use Bylaw No. 2007-03.

SECTION 2 PURPOSE

The purpose of this Bylaw is to:

- (a) divide the municipality into land use districts;
- (b) prescribe and regulate for each district the purpose for which land and buildings may be used for;
- (c) establish a method of decision making on applications for development permits and the issuance of development permits; and
- (d) provide a manner in which notice of the issuance of a development permit is given;
- (e) facilitate the approval process for applications for subdivision; and
- (f) to consolidate all current land use related bylaws for the Summer Village

SECTION 3 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT

This Summer Village of Nakamun Park Land Use Bylaw has been prepared and adopted in accordance with the provisions of the Municipal Government Act, its regulations, and amendments thereto.

SECTION 4 METRIC AND IMPERIAL MEASUREMENTS

The imperial equivalents provided in parentheses after each reference to metric units are approximate and intended for information only.

SECTION 5 DEFINITIONS

(1) In this Bylaw:

“ACT” - means THE MUNICIPAL GOVERNMENT ACT, 1994, as amended, and the regulations pursuant thereto;

“AMENITY AREA” - means required space provided and designed for the active or passive recreation and enjoyment of the occupants of a development, which may be for the private use and owned individually or in common;

“ACCESSORY BUILDING OR USE” - means a use, building, or structure which is separate and subordinate to the principal use of the main building located on the lot, but does not include a residence;

“BED AND BREAKFAST” - means the use of part of a residential dwelling for overnight accommodation where breakfast is usually served as part of the accommodating service;

“BOATHOUSE” - means an accessory building or part of the principal building on a residential lakefront lot, which has direct access to the water, designed and used primarily for the storage of boats;

“BUFFER” - means row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

“BUILDING” - means anything constructed or placed on, in, over, or under land, but does not include a highway or public roadway or related developments;

“BUILDING HEIGHT” - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

“CANOPY” - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

“CARPORT” - means a roofed structure used for storing or parking of not more than two vehicles which has less than 40% of its total perimeter open and unobstructed;

“CORNER” - means the intersection of any two property lines of a site or in the case of a 'corner lot', the intersection of two on more abutting streets;

“COUNCIL” - means the Council of the Summer Village of Nakamun Park;

“DEVELOPER” - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

“DEVELOPMENT” - means:

- (a) an excavation or stockpile and the creation of either of them;
- (b) a building or addition to, or replacement, or repair, or a building and the construction of placing in, on, over, or under land, or any of them;
- (c) a change in the 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 use of 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 the intensity of use of the land or building;

“DEVELOPMENT OFFICER” - means the authority(s) established by Council through a Development Officer Bylaw and may include one or more Development Officer(s), and a Municipal Planning Commission;

“DEVELOPMENT PERMIT” - means a certificate or document allowing a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. Every application shall be accompanied by the required fee as established by Council;

“DISCRETIONARY USE” - means the use of land or a building provided for which a development permit may or may not be issued based upon the merits of the application being made;

“DWELLING” - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level and includes modular homes, but does not include mobile homes, mobile single wide, mobile double wide or temporary mobile living accommodations such as holiday trailers;

“EASEMENT” - means a right to use land, generally for access to other property or as a right-of-way for a public utility that is registered against the title of the subject property;

“EXCAVATION” - means any breaking of ground, except common household gardening and ground care;

“EXTENSIVE AGRICULTURAL USE” - means any method used to raise crops or rear livestock either separately or in conjunction with one another in unified operation, but does not include an intensive agricultural use such as a feedlot or sod farm;

“FENCE” - means a vertical physical barrier constructed to prevent visual intrusion, sound abatement or unauthorized access;

“FLOOR AREA” - means the total of the main floor area calculation and passageways contained in a building but does not include the floor areas of basements, attached garages, carports, sheds, open porches or breezeways.

“FOUNDATION” - means the lower portion of a building, usually concrete or masonry and includes the footings, which transfer the weight of and loads on a building to the ground;

“FRONTAGE” - means the lineal distance measured along the front lot line;

“GARAGE” - means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles and includes a carport;

“GRADE” - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

“HALF-STOREY” - means a storey under a gable, lip or gambrel roof that wall plates of which, on at least two opposite walls, are not more than two feet above the floor of such storey;

HOME OCCUPATION – means an occupation carried on within an approved dwelling and which is not visible or noticeable from outside the dwelling. Such a use is secondary to the residential use and does not alter its primary character.

“HOLIDAY/VACATION TRAILER” – means a portable structure intended as temporary accommodation for travel, vacation or recreational use. Such structures may include but not be limited to a motor home, fold-down camping trailer, truck camper, or fifth wheel travel trailer. Conventional or converted mobile (manufactured) homes are not included;

“LANDSCAPING” - the use of trees, plants, shrubs or other plantings on a development site;

“LAND USE BYLAW” - means the Summer Village of Nakamun Park Land Use Bylaw No. 97-01

“LANE” - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m and is not less than 6.0 m in width, and which does provides a secondary means of access to a parcel or parcels;

“LOT” - means a part of a parcel of land, the boundaries of which are separately described in a certificate of title which may or may not be shown on a registered plan of subdivision;

“MAIN BUILDING OR USE” - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar buildings or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one main building or use on a single lot;

“MODULAR HOME” - means a dwelling which is prefabricated or factory built and which is assembled on the parcel in sections, but such sections have neither chassis, running gear, nor its own wheels and the sections may be stacked side by side or vertically on an approved foundation;

“MUNICIPALITY” - means the Summer Village of Nakamun Park;

“NON-CONFORMING BUILDING OR USE” - means a building or use which is regarded as non-conforming in accordance with the provisions of the Act;

“NUISANCE” - means anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses;

“OTHER WORDS AND EXPRESSIONS” - have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act and any other applicable Statute of Alberta;

“PARCEL” - means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

“PARK OR PLAYGROUND” - means an area of land that is used for recreation purposes and usually includes such facilities as slides, swings, and other playground equipment;

“PARKING FACILITY” - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot;

“PARKING STALL” - means a space set aside for the parking of one vehicle;

“PERMITTED USE” - means the use of land or a building provided for in the District Schedules of this Bylaw for which a development permit shall be issued with or without conditions upon an application having been made which conforms to the Land Use Bylaw;

“PRIVY” - means a physical structure not attached to the principal dwelling or building used for the purpose of sewage disposal whereby the effluent is deposited in an impermeable C.S.A. approved tank which must be emptied by means of a pump-out truck;

“PUBLIC USE” - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations;

“PUBLIC ROAD” - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any related structure;

“SETBACK” - means the distance that a development, or a specific portion of it, must be set back from a property line or building. A setback is not a yard, amenity space or separation space;

“SHORELINE” - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the water body and vegetation of the surrounding land;

“SIGN” - means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction;

“SINGLE DETACHED DWELLING” - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a permanent residence not separated from direct access to the outside by another structure;

“SITE” - means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed;

“SITE AREA” - means the total area of a site;

“SITE BOUNDARIES” - means those boundaries which bound the site as determined in the title for the subject property;

“SITE COVERAGE” - means, in the case of a residential building or structure, the combined area of all buildings on the lot, measured at the level of the lowest containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections; such area shall include air wells and all other space within a building except inner or outer courts;

“SITE DEPTH” - means the average horizontal distance between the front and rear site boundaries;

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” - means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the Municipal Government Act;

“TEMPORARY DEVELOPMENT” - means a development for which a development permit has been issued for a limited time only;

“YARD” - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

“YARD, FRONT” - means that portion of the site extending across the full width of the site from the front property boundary of the site to the exterior wall of the building. A lakefront lot shall front onto the water and a back lot shall front onto the legal road allowance;

“YARD, REAR” - means that portion of the site extending across the full width of the site from the rear property boundary of the site to the exterior wall of the building; and

“YARD, SIDE” - means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building.

PART II - ESTABLISHMENT OF THE OFFICE OF DEVELOPMENT OFFICER

SECTION 6 DEVELOPMENT OFFICER

- (1) The office of Development Officer is established through the Summer Village of Nakamun Park Development Authority Bylaw, and shall be filled by a person or persons appointed by resolution of the Council.
- (2) The Development Officer shall:
 - (a) receive, consider and decide on applications for a development permit;
 - (b) make available for inspection during regular municipal office hours:
 - (i) a copy of this Bylaw as amended, and
 - (ii) a register of all applications including the decisions rendered on them and the reasons therefore;
 - (c) ensure that copies of this Bylaw can be purchased by the public at reasonable cost;
 - (d) carry out his duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and
 - (e) perform such duties as established to enforce this Bylaw in conformance with the Act.

PART III - DEVELOPMENT PERMITS

SECTION 7 DEVELOPMENT PERMIT FEES

The development permit application fee shall be as established by resolution of Council.

SECTION 8 WHERE A DEVELOPMENT PERMIT IS REQUIRED

Except as provided in subsection (2) no person shall commence any development unless he has been issued a development permit in respect thereof.

- (1) Developments requiring permits include but are not limited to:
 - (a) all construction of buildings;
 - (b) any landscaping that adversely effects the subject or adjacent properties, and includes changing of grade(s), stockpiling of material and excavation; and
 - (c) all driveways.
- (2) A development permit is not required for development of the type described as follows provided the development conforms to this Bylaw:
 - (a) the maintenance or repair of any building if the work does not include structural alterations; or
 - (b) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed within twelve (12) months of the effective date of this Bylaw whichever is earlier; or
 - (c) the construction of an accessory building (including decks) less than 10 M² (108 Ft²) in total area provided that:
 - (i) it is not located within the front yard;
 - (ii) it is not located on a registered right-of-way; and
 - (iii) all setbacks and separation distances, as are required elsewhere in this Bylaw, are maintained; or
 - (c) the completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings of land; or
 - (d) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development

permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer; or

- (e) the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days or such other time as regulated under provincial or federal legislation provided that:
 - (i) such signs are removed within five (5) days of the election date, and
 - (ii) the consent of the property owner or occupant is obtained, and
 - (iii) such signs do not obstruct or impair vision or traffic, and
 - (iv) such signs are not attached to fences or utility poles, and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for removal; or
- (f) the erection of a fence or gate which is no higher than 1.8 m (6.0 ft) in height provided that there is no contravention of this or any other bylaw of the municipality, and provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of the persons using roads abutting the parcel; or
- (g) one sign on internal lots or two signs on corner lots advertising a residential lot for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one (1) day after the sale or rental agreement has been entered into. Such signs shall be a minimum of 0.6 m² and shall be placed or erected no closer than 3.0 m from a public right-of-way; or
- (h) painting and decorating, or minor repairs and building alterations not exceeding \$500.00 in value where matters affecting health or safety are not involved.

SECTION 9 APPLICATION FOR DEVELOPMENT PERMIT

- (1) Every application for a development permit shall:
 - (a) be made in a form acceptable to the municipality;
 - (b) be signed by the registered owner and his agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied may, when required by the Development Officer, be verified by a Statutory Declaration;

- (c) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;
 - (d) include site plan(s) at a scale satisfactory to the Development Officer, showing any or all of the following:
 - (i) front, side and rear yards,
 - (ii) outlines of the roof overhangs on all buildings,
 - (iii) north point,
 - (iv) legal description of property,
 - (v) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas and major landscaped areas including buffering and screening areas where provided,
 - (vi) the height and horizontal dimensions of all buildings, existing and proposed,
 - (vii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable, and
 - (viii) any other pertinent information or tests requires by the Development Officer respecting the site or adjacent lands; and
 - (e) be accompanied by the required fee as set by Council.
- (2) The Development Officer may require an irrevocable letter of guarantee or irrevocable letter of credit from the developer to secure performance of any of the conditions of a development permit.
- (3) An application for a development permit shall be considered by the Development Officer who shall:
- (a) approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw; or
 - (b) approve, with or without conditions, or refuse an application for a discretionary use; or
 - (c) refuse an application for a use which is neither a permitted use nor a discretionary use; or

- (4) Notwithstanding subsection (3) (c), the Development Officer may approve or conditionally approve an application for a development permit which does not comply with the Land Use Bylaw if, in his opinion,
- (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (5) The Development Officer may impose such conditions on the approval of an application as, in his opinion, are necessary to ensure the orderly and economical development of land within the municipality.
- (6) Where an application for a development permit is approved with conditions, the Development Officer may, before issuing the development permit, require the applicant or the owner of the land affected by the development permit to enter into an agreement with the municipality to ensure compliance with the conditions, and such an agreement may be protected by caveat registered by the municipality.
- (7) In the case where an application for a Development Permit has been refused pursuant to this Bylaw, by the Subdivision and Development Appeal Board, or the Alberta court of Appeal, the submission of another application for a Development Permit on the same property for a same or similar use may not be accepted by the Development Officer for at least six months after the date of the previous refusal.
- (8) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be deemed to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.
- (9) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- (10) Same or Similar Uses

The uses which are listed in the permitted and discretionary uses columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development

Officer may deem that the proposed use conforms to the spirit and intent of the purpose of the land use district and is deemed similar to other uses allowed in that land use district. Notwithstanding, all uses defined as “same or similar uses” shall be discretionary.

SECTION 10 NOTICE OF DECISION

- (1) A development permit does not come into effect until fourteen (14) days after a notice of its issuance appears through one or more of the following:
 - (a) a notice placed on the Summer Village of Nakumun Park Bulletin Board,
 - (b) a notice placed conspicuously on the subject property, or
 - (c) a notice provided through mailing to affected person(s) including adjacent landowners.
- (2) Where an application for a development permit has been refused, the notice of decision need only be sent by mail to the applicant.
- (3) Where an appeal is lodged against a notice of decision or a decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, a granted development permit shall not come into affect until the appeal has been determined and the decision for the subject permit has been revoked, amended, or confirmed.

SECTION 11 DEVELOPMENT AGREEMENT

- (1) The Development Officer may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement with the Municipal Council to do any or all of the following required items:
 - (a) to construct or pay for the construction of:
 - (i) a public roadway required to give access to the development, or
 - (ii) a pedestrian walkway system to serve the development, or
 - (iii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or proposes to serve an adjacent development or both;
or
 - (b) to install or pay for the installation of utilities that are necessary to serve the development; or
 - (c) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and

- (ii) loading and unloading facilities; or
- (d) to pay an off-site levy or redevelopment levy imposed by bylaw.

SECTION 12 EFFECTIVE DATE OF DEVELOPMENT PERMIT

- (1) Where an appeal on a permit granted pursuant to this Bylaw can be considered by the Subdivision and Development Appeal Board, it does not come into effect until fifteen (15) days after the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made to the Subdivision and Development Appeal Board a development permit which has been granted shall not come into effect until a decision on the appeal has been made which would allow the issuance or refusal of the permit.

SECTION 13 ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall issue a development permit to the applicant immediately after completion of the following:

- (a) approval or conditional approval of the application by the Development Officer, or approval or conditional approval after appeal to the Subdivision and Development Appeal Board or the Alberta Court of Appeal; and
- (b) the delivery of an irrevocable letter of guarantee or an irrevocable letter of credit, if required pursuant to Section 10; and
- (c) the execution and delivery of the agreement if required pursuant to Section 10; and
- (d) the payment of the development permit fee as established pursuant to Section 6.

SECTION 14 CONDITIONS OF DEVELOPMENT PERMIT APPROVAL

- (1) A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building and electricity, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage done by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

- (3) The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- (4) Subsection (2) and (3) may be enforced pursuant to Section 14. Any costs incurred as a result of neglect to public property may be collected where letters have been required pursuant to Section 10 (b).
- (5) The Development Officer may require a surveyor's certificate relating to the building for which a permit is applied for.
- (6) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until substantial completion as determined by the Development Officer has been undertaken.

SECTION 15 UNAUTHORIZED DEVELOPMENT, LAND USE BYLAW ENFORCEMENT AND PERMIT VALIDITY

- (1) A development permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site. Temporary development permits must clearly indicate the permit's expiry date.
- (2) A development once commenced, is not to be discontinued or suspended for a period or periods totaling more than six (6) months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (3) The Development Officer may cancel a permit if:
 - (a) the permit approval was based upon incorrect information on the application;
 - (b) the applicant failed to fulfill all of the conditions of the development permit within a reasonable amount of time.
- (4) A person who:
 - (a) contravenes any provision of this Bylaw;
 - (b) fails to comply with any provision or requirement of this Bylaw;
 - (c) contravenes a development permit, stop order, or fails to comply with a condition attached thereto; or
 - (d) obstructs or hinders any person in the exercise or performance of his powers or duties under this Land Use Bylaw.

Is guilty of an offense and is liable on summary conviction to a fine as prescribed under the provisions of the Act.

- (5) If a person is found guilty of an offense under this Bylaw, the Alberta Court of Appeal may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under the Act or this Bylaw,
 - (d) a development person or subdivision approval attached to a development permit or subdivision approval.

SECTION 16 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board for the Summer Village of Nakamun Park, as established by Bylaw, shall perform the duties and functions described in the Municipal Government Act
- (2) The Subdivision and Development Appeal Board shall review all applications for development appeal, stop order appeal, and subdivision appeal.

PART IV - GENERAL REGULATIONS

SECTION 17 AMENDMENT AND VALIDITY OF LAND USE BYLAW

- (1) If it appears to the Development Officer that any proposed amendment to this Bylaw is at variance with a statutory plan he shall advise the applicant in writing that an amendment must be made to the statutory plan before the proposed amendment can be processed.
- (2) When application is made to the Council for an amendment to this Bylaw it shall be accompanied by:
 - (a) an application fee, to be determined by resolution of Council; and
 - (b) the costs for advertising for the public hearing, which is to be borne by the applicant,

although the Council may determine that the whole or part of the application fee be returned to the applicant.

SECTION 18 POLLUTION CONTROL

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, smoke, heat, humidity and glare, odour, refuse matter, toxic and noxious matter, water or water-borne waste, traffic, and water or steam.
- (2) Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lakeshore shall be prohibited.
- (3) Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

SECTION 19 FENCING

- (1) In any district, except as hereinafter provided a person shall not construct a fence or wall or permit a hedge to grow higher than 1.8 m.
- (2) No electrified or barbed wire fences will be permitted.
- (3) All materials used in the construction of fences, walls or hedges shall be aesthetically compatible with surrounding properties and may be approved at the discretion of the Development Officer.

SECTION 20 OBJECTIONABLE ITEMS IN YARDS

- (1) Garbage shall be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup.
- (2) Outside storage areas shall be screened from adjacent sites and thoroughfares.
- (3) No person shall keep or permit in any part of a yard in any residential district:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
 - (b) any vehicle weighing in excess of 45,000 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle; or
 - (c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; or
 - (d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail for any longer than reasonably necessary to complete a particular stage of construction work.

SECTION 21 NUISANCE

- (1) When any person permits the accumulation of dirt, stones, old implements or automobiles or parts thereof, iron, cans, fallen trees or parts thereof, logs, shrubs, household garbage or any other rubbish on any premises, so as to cause a nuisance, such person, being the owner, agent, lessees, or occupier of the property upon which any untidy or unsightly condition exists, or upon which a nuisance is created, shall upon notification from the Council (or its agent) and within the time limit specified within the said notice, cause the untidy or unsightly condition or nuisance to be corrected remedied or abated.
- (2) That all owners, agents, lessees, or occupiers of the property shall be required to cut the grass on any boulevard which abuts or flanks the property occupied by him or her, and shall upon notice from the Council (or its agent), cut the grass within a specified time limit.
- (3) That all owners, agents, lessees, or occupiers of the property shall be required to control dandelions and noxious weeds and cut grass on all property occupied by them. Where any vacant property exists, the titled owner of such property shall be responsible for the control of dandelions and noxious weeds and cutting of grass. All owners shall, upon notice from the Council (or its agent), provide for the control of dandelions and noxious weeds and cutting of grass within a specified time limit.

- (4) That anyone failing to correct, remedy, and to abate any such nuisance within the specified time shall constitute a violation of this Bylaw and shall be subject to the provisions of Section 160 of the Municipal Government Act as noted herein.

SECTION 22 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer is satisfied that such services or improvements will be undertaken.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate municipal and provincial authorities.

(3) Privies:

- (a) No privy shall be constructed closer than:

- (i) 5.0 m (16.0 ft) to a street or lane,
- (ii) 1.0 m (39 inches) to any other property line,
- (iii) 1.0 m (39 inches) to any structure,
- (iv) 9.0 m (30.0 ft) from any body of water, and
- (v) 9.0 m (30.0 ft) from a well.

- (b) All new construction shall require a sealed C.S.A. approved holding tank for collection of sewage effluent.

- (c) All privies shall be located in the rear yard and rear half of the lot.

(4) Holding Tanks:

The regulations of the Alberta Department of Labour, Plumbing Inspection Branch, shall govern the installation of holding tanks.

SECTION 23 SITE GRADING

Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

- (a) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and

- (b) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 24 SURFACE DRAINAGE

- (1) In all cases, site grades shall be established with regard to preventing drainage from one site to the next except where drainage conforms to an acceptable local or subdivision drainage plan.
- (2) Culverts used in private accesses shall be a minimum length of 4.8 metres (16 feet).
- (3) Culverts must be of metal construction and have a thickness and diameter that is deemed appropriate by the Development Officer.

SECTION 25 ACCESSORY BUILDINGS

- (1) Where a building is attached to the principal building by an open or enclosed roof structure, it is to be considered a part of the principal building and not an accessory building.
- (2) No eave of an accessory building shall be closer than 0.9 m (3 ft) to any property line, with the structure of any accessory building being no closer than 1.5 m (5 ft) from any property line.
- (3) One garage, one storage shed, and one privy or in lieu of a garage, a second shed may be built provided there is a residence located on the subject property.
- (4) Site requirements for accessory buildings include:
 - (a) all required yards and setbacks are maintained;
 - (b) the total floor area of all accessory buildings does not exceed 75.0 m² (1,000.0 ft²);
 - (c) the Development Officer shall require that there be minimum clearance maintained between all buildings;
 - (d) in the case of residential lakefront lots, all accessory buildings except boat houses shall be located in the rear half of the lot;
 - (e) in the case of other lots all accessory buildings shall be located in the rear yard and in the rear half of the lot;
 - (f) a boathouse may be built on any residential lakefront lot provided that the boathouse is located to the satisfaction of the Development Officer;
 - (g) all buildings shall be fixed to the ground;

- (h) where a garage is used to house a vehicle and where the door faces the roadway, the garage shall be set back 16.0 ft, and;
- (i) In the case of residential lakefront lots, the boathouse located in the front half of the lot, the building height, ground floor level to finished roof peak, does not exceed thirteen (13) feet, and is subject to Council's approval.

SECTION 26 RESIDENTIAL DEVELOPMENT

No dwelling, other than a single detached dwelling or modular home shall be allowed within the corporate boundaries of the Summer Village of Nakamun Park.

SECTION 27 MOVED-IN BUILDINGS

- (1) Any person making application to move an existing building onto a lot as a main or accessory building shall:
 - (a) submit an application for a development permit;
 - (b) provide photographs of the building showing each elevation and the general condition of the building; and
 - (c) state the present location and use of the building.
- (2) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- (3) The Development Officer may, at his discretion, require that certain works of structural alterations, repair or maintenance of the building, and preparation of the proposed site be carried out as a condition of the issuance of the permit.
- (4) Any travel or other costs incurred by the Development Officer in processing a development permit for a moved-in building shall be added to the fee for the development permit.
- (5) Any renovations and any conditions imposed by the Development Officer to a moved in building shall be completed within one year of the issuance of the development permit. Noncompliance shall result in the forfeiture of the performance bond or letter of credit.
- (6) When reviewing development permit applications for moved-in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- (7) In the case of a building to be relocated, it shall, in the opinion of the Development Officer, be compatible, with respect to age and appearance, with

the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.

SECTION 28 CORNER SITES (Sight Triangles)

- (1) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 m (20 ft) from the point where they intersect.
- (2) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (3 ft) in height above the lowest street grade adjacent to the intersection.
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2 ft) within the area defined as a sight triangle.
- (4) When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Officer, one front yard may be considered a side yard.

SECTION 29 HOME OCCUPATIONS

- (1) Home occupations shall be limited to those areas which do not interfere with the rights of other residents to quiet enjoyment of a residential neighborhood. Home occupations shall not be a primary use of the residential building and shall not:
 - (a) involve the storage of goods in the public view, a change in appearance of the residence or its accessory buildings, unless approved by the Development Officer,
 - (b) require alterations to the building unless the alterations are approved by the Development Officer, and
 - (c) shall not employ any employees who do not reside on-site.
- (2) Development approval for home occupation business signage shall be at the discretion of the Development Officer.
- (3) Home occupations shall initially be approved for a period not exceeding one year. At that time, the application may be extended at the discretion of the Development Officer, for the period of time that the property is occupied by the Applicant who the home occupation was approved for.
- (4) All permits for home occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighbourhood.

- (5) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.

SECTION 30 FLOOD PRONE LANDS

- (1) Development on land which may be subject to flooding shall be discouraged, especially on lands which are with the 1:100 year flood plan, as determined by Alberta Environmental Protection and the Summer Village of Nakamun Park.
- (2) Residential development on lands which have been designated as a flood area shall be prohibited.
- (3) In flood areas, new development shall not be permitted unless the proposed development is directly related to a recreational or lake use, such as picnic tables, boat docks, launch ramps, etc.
- (4) In flood areas, new development shall not be allowed unless it complies with Canada Mortgage and Housing Corporation standards for flood-proofing of buildings.
- (5) Development in areas with a potential to be flooded may have, at the discretion of the Development Officer, a restrictive covenant related to the approved development registered against the certificate of title for the subject property.
- (6) Development on lands which have a gross slope in excess of 15% shall be accompanied by a site plan designed and approved by a professional engineer.

SECTION 31 ENVIRONMENTALLY SENSITIVE LANDS

- (1) Development on lands which are designated or deemed by the Development Officer to be environmentally sensitive shall be discouraged.
- (2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
 - (a) the impact of the proposed development on the subject and surrounding area;
 - (b) the soil types and conditions of the area surrounding the subject property;
 - (c) any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
 - (d) comments and recommendations from Alberta Environmental Protection.
- (3) As part of the development permit application, the Development Officer may require a geotechnical study, prepared by a qualified geotechnical engineer,

addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon land characteristics of the subject property.

- (4) The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:
 - (a) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
 - (b) the registration of a restrictive covenant against the certificate of title of the subject property related to the approved development.

SECTION 32 LANDSCAPING

Any area to be landscaped may, at the discretion of the Development Officer, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

SECTION 33 KEEPING OF ANIMALS

- (1) No person shall keep or permit to be kept in any part of the yard in any Residential Land Use District:
 - (a) animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
 - (b) any pets or domestic animals on a commercial basis, except for an approved pet store or kennel.
- (2) In the Urban Reserve District, a maximum of two animals per lot may be kept on private land. Such animals must be kept on a non-commercial basis and must be accompanied in a manner that will not cause a nuisance or detract from the appearance of the area.

SECTION 34 SIGNS

- (1) No signs or advertising structures of a commercial, direction, or informative nature shall be erected 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 has been issued.
- (2) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

- (3) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a Development Permit, provided that no such signs are illuminated:
- (a) signs for the purpose of identification, direction, and warning;
 - (b) signs relating to a person, partnership or company carrying on a profession, business or trade;
 - (c) signs related to an institution of a religious, educational, cultural, recreational, or similar character provided that the sign does not exceed a maximum of 3.7 m² (12 ft²) and is limited to one such sign per lot; and
 - (d) advertisements in relation to the function of public or quasi-public bodies.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign.
- (5) All advertisements shall be kept in a clean, safe, and tidy condition.
- (6) Signs related to home occupations shall be limited to 1.0 m² (155 ft²) and must be attached to the respective residence.
- (7) No signs or advertising structures of any kind shall be permitted adjacent to a highway unless the prior approval of the local road authority has been obtained.

SECTION 35 PAYMENT OF TAXES

A condition of all development permits shall be that all tax arrears on the property be paid in full prior to commencement of the development, or that alternate arrangements be made to the satisfaction of the Summer Village.

SECTION 36 USE OF PUBLIC ROADS

The use and development of Public Roadways, accesses or land which impacts the public road system in the Summer Village of Nakamun Park is also subject to the Summer Village of Nakamun Park Use of Roads and Public Property Bylaw No. 100-1987.

SECTION 37 PARKING

- (1) No person shall park or otherwise leave or abandon a vehicle of any description, however propelled, in any entrance or on any roadway thereby impeding traffic, preventing passage or access to any Village roadway or property except for the driver of an ambulance, firefighting equipment or police vehicle in cases of emergency.

- (2) Any person who parks, leaves, or abandons a vehicle contrary to the provisions of this Bylaw is guilty of an offense and subject to the penalties provided by the General Penalty Bylaw of the Village.

SECTION 38 DWELLING UNITS PER PARCEL

- (1) No person shall construct or locate more than one dwelling unit on a parcel.
- (2) The Development Officer may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:
 - (a) is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units,
 - (b) is a mobile home forming a park for mobile homes, or
 - (c) is a building, as defined in the condominium property act, that is the subject of a condominium plan to be registered in land titles under that act.
- (3) When determining whether or not to allow an additional dwelling unit on a parcel, the Development Officer shall consider:
 - (a) the suitability of the site for the proposed dwelling;
 - (b) the length of time that the developer requires the proposed building;
 - (c) access to and from the site;
 - (d) the provision of proper water and sewer services;
 - (e) existing and future surrounding land uses; and
 - (f) whether the proposed development meets the spirit and intent of the purpose of the subject land use district.
- (4) The Development Officer may take into account family-human relationships when making decisions on development permit applications for an additional dwelling on a parcel.
- (5) The Development Officer may attach as a condition of approval, a time period after which the additional dwelling must be removed from the subject property.

SECTION 39 HOLIDAY/VACATION TRAILERS

- (1) No holiday/vacation trailer shall be parked on any undeveloped lot within the Village.

- (2) One (1) holiday/vacation trailer may be parked on any developed lot within the Village.
- (3) Any person in possession of a building permit authorized by the Council or its officers can apply for a permit to park and use a holiday/vacation trailer for a temporary residence during the construction of a habitable residential building.
- (4) This parking permit (sub 3 above) shall be restricted to a period of six months, but upon request of the Council or its officers may be extended for an additional six month period.
- (5) Any person who violates the provisions of this Bylaw is guilty of an offense and shall upon summary conviction be liable to the penalties provided by the General Penalty Bylaw.

SECTION 40 TEMPORARY LIVING ACCOMMODATION

- (1) A permit for a temporary living accommodation while an approved residence is under construction shall be at the discretion of the Development Officer, providing that a Development Permit for a dwelling has been issued and that construction commences within one (1) year of issuance of the temporary living accommodation permit.
- (2) Longer periods of time may be allowed in extenuating circumstances at the discretion of the Development Officer.
- (3) Recreational vehicles, holiday trailers, motor homes, campers or tent trailers may be situated on a residential parcel provided that they are located within a required parking stall or on the site in a manner satisfactory to the Development Officer.
- (4) A recreational vehicle, holiday trailer, motor home, camper or tent trailer shall not be used as a permanent or seasonal dwelling unit.

PART VI - THE ESTABLISHMENT OF DISTRICTS

SECTION 41 LAND USE DISTRICTS

The municipality is hereby divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R	Residential
P	Park and Reserve
U	Urban Services

SECTION 42 LAND USE DISTRICT MAP

- (1) Land use districts specified under Section 41 are described in the short form on the LAND USE DISTRICT MAP.
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district the following rules will apply:
 - (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
 - (i) the parcel boundaries; or
 - (ii) the municipal boundaries.
 - (b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.
 - (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the certificate of title or the plan of survey when registered in a land titles office. Prior to registration the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

SECTION 43 R - RESIDENTIAL DISTRICT

(1) General Purpose of District

This district is generally intended for the development of single detached and modular homes in a lake area residential setting.

(2) Permitted Uses

- Single detached dwelling
- Modular building
- Accessory building or Use

Discretionary Uses

- Bed and breakfast
- Home occupations
- Public utility buildings and operations

(3) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

(4) Minimum lot width shall be 15.5 m (50 feet).

(5) Minimum floor area for any dwelling shall be 75 m² (800 ft²) or greater.

(6) Total site coverage of all buildings shall not exceed 40% of the area of the lot.

(7) Maximum building height shall be 9.0 m (29.5 ft).

(8) Setback requirements are required as follows:

a) Front Yard:

- i. Back lots - 6.1 m (20.0 ft).
- ii. Lakefront lots - at the discretion of the Development Officer, but shall not be less than 6.1 m (20.0 ft).

b) Rear Yard:

- i. Main building - 6.1 m (20.0 ft).
- ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

c) Side Yards:

- i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
- ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
- iii. Garages and accessory buildings - 1.0 m (3.3 ft).

SECTION 44 P - PARK AND RESERVE DISTRICT

(1) General Purpose of District

This district is generally intended for recreational uses to serve the residents and visitors to the Summer Village of Nakamun Park.

(2) Permitted Uses

Discretionary Uses

- Recreation building or use
- Public use
- Accessory building or use

(3) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

(4) Setback requirements are required as follows:

a) Front Yard:

- i. Back lots - 6.1 m (20.0 ft).
- ii. Lakefront lots - at the discretion of the Development Officer, but shall not be less than 6.1 m (20.0 ft).

b) Rear Yard:

- i. Main building - 6.1 m (20.0 ft).
- ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

c) Side Yards:

- i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
- ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
- iii. Garages and accessory buildings - 1.0 m (3.3 ft).

(5) Restrictions

No vehicles (automobile and/or truck) or any other type of vehicle normally using highways, shall be permitted on park or reserve land (except for maintenance vehicles with Development Officer's permission).

SECTION 45 U - URBAN SERVICES DISTRICT

(1) General Purpose of District

This district is generally intended for public works and public uses.

(2) Permitted Uses

- Public Use
- Recreation building or use

Discretionary Uses

- Accessory building or use

(3) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

(4) Setback requirements are required as follows:

a) Front Yard:

- i. Back lots - 6.1 m (20.0 ft).
- ii. Lakefront lots - at the discretion of the Development Officer, but shall not be less than 6.1 m (20.0 ft).

b) Rear Yard:

- i. Main building - 6.1 m (20.0 ft).
- ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

c) Side Yards:

- i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
- ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
- iii. Garages and accessory buildings - 1.0 m (3.3 ft).

(5) Restrictions

- (a) No vehicles (automobile and/or truck) or any type of vehicle normally using highways shall be permitted on Urban Services Districts (except vehicles maintaining the district or being stored in facilities thereof).
- (b) Construction of public works buildings on the lot between blocks 7 and 8 (formerly known as R7) now designated as U7 shall be limited to construction of one 40' X 60' storage building in the south west corner of the lot and a harvester berth on the lakeshore.

