

**LAND USE BYLAW
NO. 54 – 90**

**SUMMER VILLAGE OF SUNSET BEACH
1990**

Prepared by: **Parkview Planning Unit
Planning Services Division
Alberta Municipal Affairs**

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**SUMMER VILLAGE OF SUNSET BEACH
PROVINCE OF ALBERTA
LAND USE BYLAW NO. 54-90**

WHEREAS the Planning Act, R.S.A. 1980 with amendments, authorizes the Council of a municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality,


AND WHEREAS the Council of the Summer Village of Sunset Beach desires to adopt a land use bylaw,

NOW THEREFORE the Summer Village of Sunset Beach repeals Land Use Bylaw No. 18-80 with amendments, and adopts this as the Summer Village of Sunset Beach Land Use Bylaw.

Read a first time the 6th day of January, 1990.

Read a second time the 19th day of May, 1990.

Read a third and final time the 27th day of June, 1990.


PETER ROCHE, MAYOR


DAVID EDEY, MUNICIPAL ADMINISTRATOR

REVISIONS:

Technical Amendment Bylaw 2009-115

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Note: Land Use Bylaw 54-90 was amended by Bylaw 2009-115, to implement technical changes and corrections through the removal of references to former Provincial Statutes and to add metric measure equivalents (metres = m)
Some forms were also updated for preparation by electronic means

PART 1. PURPOSE AND SCOPE

1.1 PURPOSE

The purpose of this bylaw is to regulate the use and development of land and buildings within the Summer Village of Sunset Beach 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
- (b) describe the purposes for which land and buildings may be used within each district
- (c) establish the office of the Development Officer
- (d) establish a method of making decisions on applications for development permits
- (e) establish the procedure for notifying landowners likely to be affected by a development.

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 undertaking a development from complying with all applicable municipal, provincial or federal laws, and respecting any easements, covenants, agreements or contracts affecting the land or the development.

PART 2. ADMINISTRATION

2.1 DEVELOPMENT OFFICER

The office of Development Officer is hereby established, and shall be filled by a person or persons appointed by Council.

2.2 DUTIES OF DEVELOPMENT OFFICER

The Development Officer shall:

- (a) administer this bylaw and receive, consider and decide upon all development permit applications
- (b) make available for inspection by the public a copy of this bylaw, and a register of all applications, including decisions made and reasons for these decisions
- (c) ensure that copies of this bylaw can be purchased at reasonable cost
- (d) be declared an authorized person of Council pursuant to the Act
- (e) carry out other duties as Council may specify

2.3 DEVELOPMENT APPEAL BOARD

The Development Appeal Board is hereby established.

2.4 FEES

Council may from time to time establish such fees as are required for the purpose of administering this bylaw

2.5 FORMS

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

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 DEVELOPMENT 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 that this bylaw comes into effect.
- (c) the construction, alteration or maintenance of fences, gates, walls, or other enclosures (except on corner lots) less than 3 feet (.914 metres) in height in front yards and less than 6 feet (1.829 metres) 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 maintenance and repair of public buildings or public utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled.
- (f) patios and sidewalks.

3.3 DEVELOPMENT APPLICATION

3.3.1 An application form for a development permit (Form A) shall be completed and submitted to the Development Officer and shall be accompanied by:

- (a) a site plan drawn to scale and clearly showing site boundaries; the location of existing and proposed buildings; the use or the intended use of all areas of the site not covered by buildings including decks, fences, driveways, paved areas, easements, utility lines, and major landscaping features including trees, shrubs, and planted areas; and those portions of the site which shall be left in their natural state; and
- (b) an application fee.

- 3.3.2 The Development Officer may request more information where, in his/her opinion, the information supplied is not adequate to properly evaluate the application.

3.4 DECISION

- 3.4.1 In making a decision, the Development Officer may approve the application with or without conditions (Form B) or refuse the application (Form C).
- 3.4.2 The Development Officer 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 Officer 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 Officer may approve an application for a development permit if the proposed development does not comply with this bylaw, if:
- (a) he/she is satisfied that the proposed development would not unduly interfere with the amenities of the neighborhood or materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - (b) the proposed development conforms with the use prescribed for the land or building.
- 3.4.5 A decision of the Development Officer on an application for a development permit shall be given in writing.
- 3.4.6 When a Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 3.4.7 Where a permit is refused, the Development Officer may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for at least six months after the date of the initial refusal.

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.
- 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 12 months from the date of the permit's issue, or carried out with reasonable diligence, the Development Officer 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 Officer 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.

3.6 PUBLIC NOTIFICATION

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

- (a) post a notice of the decision on the property for which the permit has been granted; and / or
- (b) mail a notice of the decision to all those persons owning property abutting the property for which the permit has been granted.

3.7 DEVELOPMENT AGREEMENT

- 3.7.1 The Development Officer 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.
- 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.

3.8 ENFORCEMENT

- 3.8.1 Where the Development Officer finds that a development or use of land or buildings is not in accordance with the Act, the regulations, a development permit, subdivisions 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 the land use bylaw, as the case may be.
- 3.8.2 Where a person does not comply with an order, Council or a person appointed by it may enter upon the land or building and take such action as is necessary to carry out the order.
- 3.8.3 Where Council, or a person appointed by it, carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax against the property.
- 3.8.4 A person who does not comply with this bylaw is guilty of an offence and is liable upon conviction to a fine of not more than \$500

3.9 AMENDMENT

- 3.9.1 Any person may apply to have this bylaw amended, by applying in writing to Council. (Form E).
- 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 shall be to scale, accurate, explicit and complete;
 - (d) any other information as required by the Development Officer
- 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 forth in the Act.

PART 4 DEVELOPMENT APPEAL PROCESS

4.1 PROCEDURE FOR APPEALS

4.1.1 Where a Development Officer

- (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 Development Appeal Board.

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

4.1.3 An appeal shall be made by serving a written notice of appeal to the 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.

4.2 PUBLIC HEARING

4.2.1 Within 30 days of receiving a notice of appeal, the Development Appeal Board shall hold a public hearing.

4.2.2 The Development Appeal Board shall give at least 5 days written notice of the public hearing to:

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

4.2.3 The Development Appeal Board shall make available for public inspection before the public hearing all relevant documents respecting the appeal including the

development permit application, its approval or refusal, the notice of appeal; or order, as the case may be.

4.2.4 At the public hearing the Development Appeal Board shall hear:

- (a) the appellant;
- (b) the Development Officer
- (c) any other person who was served with 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 Development Appeal Board agrees to hear;

or any person acting on behalf of these persons.

4.3 DECISION

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

4.3.2 The decision of the Development Appeal Board is final and binding upon all parties subject only to an appeal upon a 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.

PART 5. GENERAL LAND USE REGULATIONS

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

5.1 NUMBER OF DWELLING UNITS.

Only one dwelling unit shall be permitted on a lot.

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 with this bylaw.
- 5.2.2 A non-conforming use of a 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.
- 5.2.3 A non-conforming use of a 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.
- 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.
- 5.2.5 If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of its value, the building shall not be rebuilt except in accordance with this bylaw.
- 5.2.6 A change of ownership, tenancy or occupancy of land or a building shall not be considered to affect its use.

5.3 SUBSTANDARD LOTS

Development on existing substandard lots is permitted provided the applicant complies with all 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 that portion of the site on which the development is to be 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 in their natural condition on a site. Where landscaping is required, it shall be carried out within a reasonable time period following the completion of construction.
- 5.4.4 No person shall remove topsoil without first obtaining a development permit.
- 5.4.5 Garbage shall be kept in weatherproof and animal-proof containers, screened from adjacent sites and public thoroughfares.
- 5.4.6 Where clearing of trees and shrubs has been authorized for the purposes of building construction, the parcel shall be graded to ensure that water does not drain onto adjoining property, a roadway, or into the lake.

5.5 PRESERVATION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

The Development Officer shall be satisfied that the design, siting, finish, and architectural appearance of all buildings have 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 so as to minimize dust, noise, or other nuisance;
- (b) how the parcel will be reclaimed.

5.7 FENCES

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

- (a) 6 feet (1.829 metres) in rear yards;
- (b) 6 feet (1.829 metres) in side yards, except on corner lots where it shall not be higher than 3 feet (0.914 metres) in the side yard having street frontage;

- (c) 3 feet (0.914 metres) in front yards;
- (d) 3 feet (0.914 metres) within 20 feet (6.096 metres) of the intersection of lanes, street, or a lane and a street.

5.7.2 Electric and barbed wire fences shall require a development permit.

5.8 DECKS

The construction of a deck shall require a development permit.

5.9 SANITARY FACILITIES

All dwellings shall be provided with sanitary facilities to the satisfaction of the local health authorities.

5.10 PARKING AND ACCESS

5.10.1 The construction of a driveway off a public roadway shall require a development permit.

5.10.2 Two off-street parking spaces shall be provided per lot.

5.10.3 Unless otherwise approved by the Development Officer, parking spaces shall not be less than 9 feet (2.743 metres) wide and 18 feet (5.486 metres) long.

5.11 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall keep in their yards:

- (a) any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days;
- (b) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the municipality;
- (c) any fur bearing animals, fowl or livestock other than domestic pets;
- (d) building materials or supplies, except during the course of building construction. Once construction is complete, all such materials shall be removed from the yard.
- (e) oversized vehicles that restrict the view of the lake of adjacent property owners.

5.12 NUISANCE

5.12.1 No use or activity shall be undertaken which, in the opinion of the Development Officer, constitutes a nuisance by reason of the generation of noise, vibration, dust, smoke, smell,

toxic or noxious matter, traffic, radiation, fire, explosions, heat, humidity, glare, waste, water or steam.

5.12.2 Sites and buildings shall be maintained in a clean and tidy condition, free from rubbish and debris.

5.13 ACCESSORY BUILDINGS

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

5.13.2 The following guidelines shall apply to all accessory buildings:

- (a) no accessory building shall be located in a front yard, except a boathouse may be located in the front yard of a lakeshore lot provided that it is no closer than 25 feet (7.620 metres) to the lakeshore property line, and 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 in the side yard having street frontage;
- (c) the minimum distance between buildings shall be 7 feet (2.134 metres);
- (d) the minimum side yard setback shall be 3 feet (0.914 metres);
- (e) the minimum rear yard setback shall be 3 feet (0.914 metres);
- (f) the height of an accessory building shall not exceed 15 feet (4.572 metres);
- (g) privies shall be located no closer than 10 feet (3.048 metres) to the boundary of a street or lane.

5.13.3 The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Officer.

5.13.4 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.

5.14 SIGNS

5.14.1 Any permanent sign or advertising structure shall require a development permit.

5.14.2 No sign shall be larger than 6 square feet (0.557 square metres).

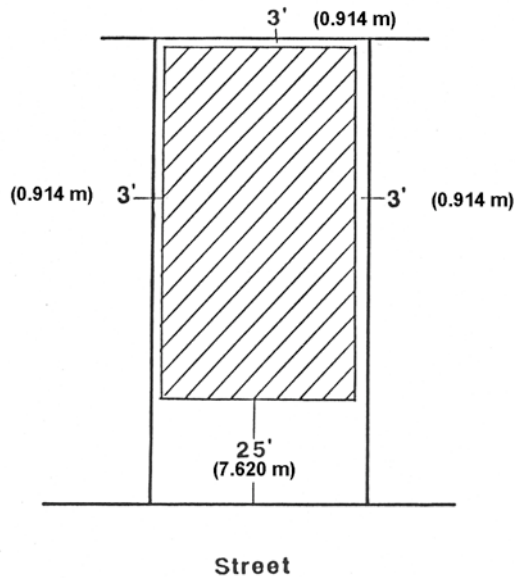
5.14.3 Only one sign shall be permitted per lot.

5.14.4 No sign that might obscure traffic or be confused with a traffic sign shall be permitted.

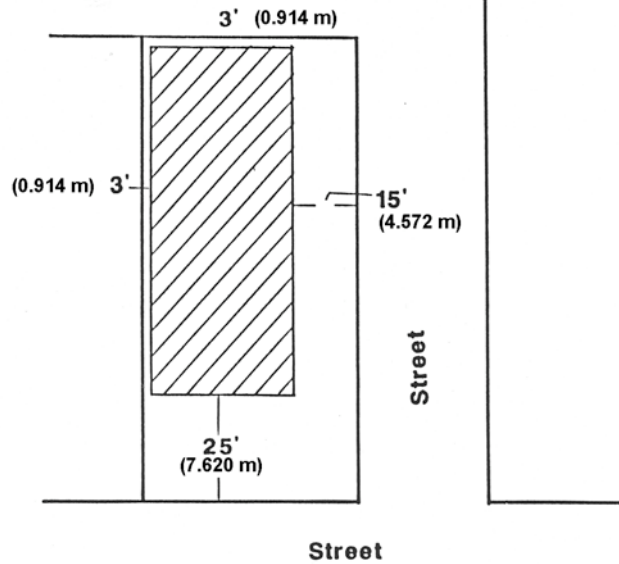
Location of Accessory Buildings

These sketches show permitted building envelopes

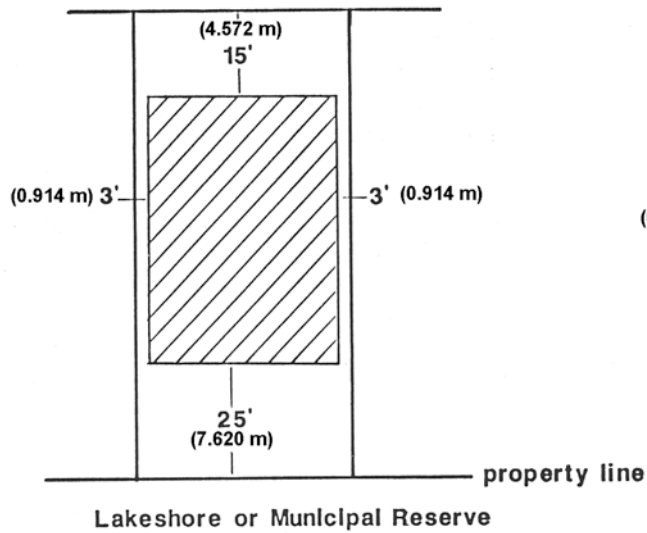
Interior Lots – Backshore



Corner Lots – Backshore

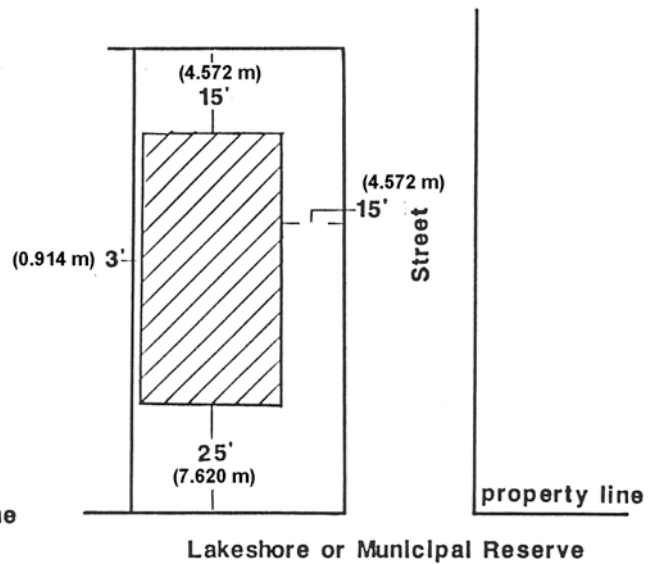


Street



Interior Lots – Lakeshore

Street



Corner Lots – Lakeshore

NOTE: Where undeveloped streets or lanes adjoin a property, yard setbacks shall be as approved by the Development Officer

5.15 RECREATIONAL VEHICLES

- 5.15.1 No more than two recreational vehicles shall be permitted on a regular basis on a lot.
- 5.15.2 No Recreational vehicle shall be kept and occupied on a lot for more than 21 consecutive days

5.16 MOBILE HOMES

- 5.16.1 Mobile homes shall have CSA certification
- 5.16.2 Mobile homes shall have hitches and wheels removed, and shall be placed on a permanent foundation or base.
- 5.16.3 A development permit shall be required for all accessory structures such as patios, porches and additions, and these shall be factory prefabricated units or equivalent, designed and built so as to match the mobile home.
- 5.16.4 All mobile home shall be skirted from the ground level to floor level, and such skirting shall match the existing external finish of the mobile home. Skirting shall be installed within 30 days of the mobile home being placed on the lot.

5.17 HOME OCCUPATIONS

- 5.17.1 A home occupation shall be clearly incidental to the main residential use of a lot and shall not change or disrupt the residential character of the municipality.
- 5.17.2 All permits issued for home occupations shall be reviewed annually. The Development Officer may revoke a permit if he/she considers that the use is or has become detrimental to the residential character of the municipality.
- 5.17.3 Home occupations are limited to those uses which:
- (a) do not create or become a public nuisance;
 - (b) do not employ persons other than the residents of the building in which they take place;
 - (c) are not visible from outside the building
 - (d) require no outside storage of materials, goods or equipment
 - (e) do not display advertising other than a single sign not larger than six square feet (0.557 square metres).

5.18. RELOCATED BUILDINGS

5.18.1 The relocation of a building into or within the municipality shall require a development permit.

5.18.2 The Development Officer may inspect the building and inform Council of its condition prior to issuing a development permit.

5.19 SATELLITE DISHES

5.19.1 The installation of a satellite dish shall require a development permit.

5.19.2 No advertising shall be permitted on a satellite dish.

5.19.3 Satellite dishes shall not be illuminated.

5.20 RESERVE LAND

Private development on municipal reserve and environmental reserve lands is strictly prohibited.

PART 6. LAND USE DISTRICTS AND REGULATIONS

6.1 ESTABLISHMENT OF LAND USE DISTRICTS

The Summer Village of Sunset Beach is hereby divided into the following land use districts:

- R1 - Residential
- AS - Agricultural Small Holding
- P - Public Reserve

The boundaries of these districts are shown on Part 7 - Land Use District Map. In case of uncertainty as to boundaries of a land use district, the following rules shall apply:

1. Where a boundary is shown as following a street, lane or stream, it shall be deemed to follow the centerline thereof.
2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
3. Where rules 1. and 2. do not apply, the boundary shall be determined:
 - (a) where dimensions are set out on the Land Use District Map, by these dimensions, or
 - (b) where no such dimensions are set out, by measurement and use of the scale shown on the Land Use District Map.

Where the boundary of a land use district cannot be determined by the above rules, the decision of Council shall govern.

6.2 RESIDENTIAL DISTRICT (R)

The purpose of this district is to provide an area for low density residential development in the form of detached, single-family dwellings and associated uses.

6.2.1 Permitted Uses

- single family dwellings
- accessory buildings and uses

6.2.2 Discretionary uses

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

6.2.3 REGULATIONS

(a) Lot Size

The minimum width of lots shall be 100 feet (30.48 metres).

The minimum size of lots not served by municipal water distribution and sewage collection systems shall be 20,000 square feet (1,858.061 metres squared).

The minimum size of lots served by a municipal water distribution system but not served by a municipal sewage collection system shall be 15,000 square feet (1,393.546 metres squared).

The minimum size of lots served by a municipal sewage collection system but not served by a municipal water distribution system shall be 10,000 square feet (929.030 metres squared).

(b) Building Height

Principal buildings shall not be higher than two storeys or 24 feet (7.320 metres), except that mobile homes shall not be higher than 15 feet (4.572 metres).

(c) Yard Requirements

The minimum yard setbacks for principal buildings shall be:

Front yard	25 feet (7.620 metres)
Side yard	10% of lot width or 5 feet (1.524 metres) whichever is greater
Rear yard	25 feet (7.620 metres)

For corner lots, the minimum setback for the side yard with street frontage shall be 15 feet (4.572 metres).

The siting of principal buildings on irregularly shaped lots shall be as approved by the Development Officer.

The siting of all accessory buildings shall be according to Part 5.13 of this bylaw.

(d) Lot Coverage

Principal buildings and accessory buildings combined shall not cover more than 35% of the lot.

(e) Floor Area

The minimum floor area of principal buildings shall be 500 square feet (46.45 square meters).

6.3 AGRICULTURAL SMALL HOLDING DISTRICT (AS)

The purpose of this district is to provide an area for low density residential development, where small scale agricultural activities are permitted.

6.3.1 Permitted Uses

- single family dwellings
- small scale cultivation for home use
- accessory buildings and uses

6.3.2 Discretionary Uses

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

6.3.3 Regulations

(a) Lot Size

The minimum lot size shall be 3 acres (1.214 hectares) and the maximum lot size shall be 20 acres (8.094 hectares).

(b) Building Height

Building shall not be higher than 35 feet (10.668 metres) , except that mobile homes shall not be higher than 15 feet (4.572 metres).

(c) Yard Requirements

The minimum yard setbacks for principal and accessory buildings shall be:

Front yard	-	25 feet (7.620 metres)
Side yard	-	15 feet (4.572 metres)
Rear yard	-	25 feet (7.620 metres)

(d) Floor Area

The minimum floor area of principal buildings shall be 500 square feet (46.45 square metres)

6.4 PUBLIC RESERVE DISTRICT (P)

The purpose of this district is to provide publicly-owned lands for community recreational and institutional uses of a public service nature. Development by public authorities only shall be permitted.

6.4.1 Permitted Uses

- Parks and playgrounds
- Institutional, public and quasi-public facilities
- Accessory buildings and uses

6.4.2 Discretionary Uses

- Exhibition grounds
- Public parking facilities
- Any use that is similar, in the opinion of the Development Officer, to the permitted or discretionary uses described above.

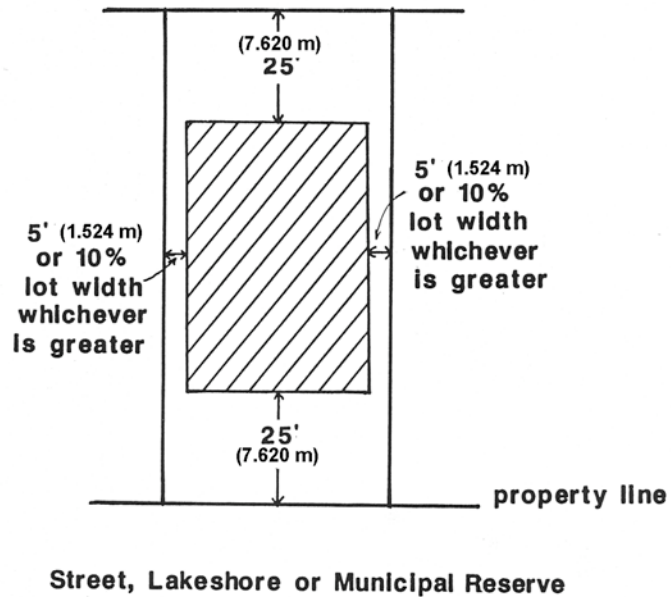
6.4.3 Regulations

All development within this district shall be as approved by the Development Officer.

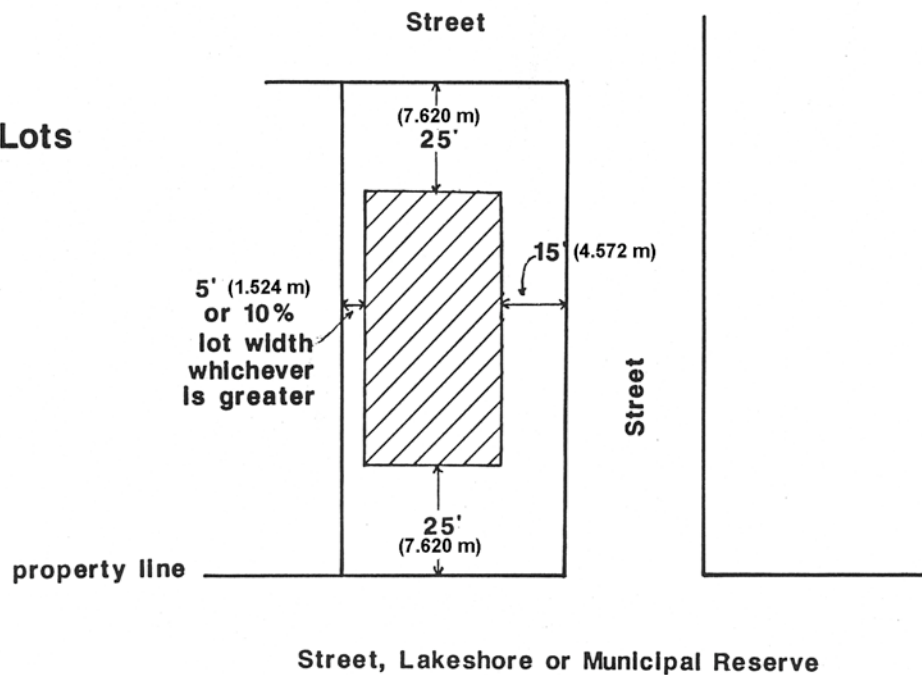
Location of Main Buildings

These sketches show permitted building envelopes.

Interior Lots



Corner Lots



NOTE: Where undeveloped streets or lanes adjoin a property, yard setbacks shall be as approved by the Development Officer

PART 7 LAND USE DISTRICT MAP



PART 8 DEFINITIONS

ACCESSORY BUILDING OR USE - a building or use which is subordinate and incidental to the main building or use located on the side. For the purposes of this bylaw, accessory buildings include tool sheds, garden sheds, boathouses, garages, carports, privies and satellite dishes;

ACT - the Municipal Government Act, RSA 2000, Chapter M-26, as amended;

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

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

BUILDING - any structure that may be built or placed on land;

BUILDING ENVELOPE - that area of a residential lot, the boundaries of which are determined by setback requirements, where construction of principal buildings and/or accessory buildings 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;

CHATTEL - a movable item of personal property;

CORNER LOT - a lot having frontage on two or more streets;

COUNCIL - the Council of the Summer Village of Sunset Beach;

DECK - a raised open platform, with or without rails, attached to a principal building

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

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DEVELOPMENT - (a) an excavation or stockpile;
(b) the construction, replacement, enlargement, or structural alteration of a building;
(c) a change 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 use of land or building;
(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;
(e) the placing of refuse or waste material on any land;
(f) the use of land for the storage or repair of motor vehicles or other machinery or equipment;
(g) the erection of signs;

DEVELOPMENT APPEAL BOARD - a development appeal board appointed pursuant to the Act;

DEVELOPMENT OFFICER - person or persons designated by Council to carry out the duties described in this bylaw and in the Act;

DEVELOPMENT PERMIT - a document authorizing a development, issued pursuant to this bylaw;

DISCRETIONARY USE - the use of land or a building provided for in a land use bylaw for which a development permit may be issued;

DISTRICT - a designated area of the municipality within which certain uniform requirements and regulations govern the use of land, and the placement, spacing and size of structures.

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 mobile homes

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;

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FLOOR AREA - the total of the floor area of every room and passageway contained in the building but not including the floor area of basements, walls, attached garages, sheds, open porches or breezeways;

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

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;

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's exterior character;

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

LOT -

- (a) a quarter section
- (b) a river or settlement lot shown on an official plan as defined in the Surveys Act, that is filed in a 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 to one or more persons and can be connected to utilities;

MUNICIPALITY - the Summer Village of Sunset Beach

NON-CONFORMING BUILDING OR USE - a building that was lawfully constructed, or is lawfully under construction, or a use being made of, or intended to be made of land or a building, that do not or will not comply with a land use bylaw or land use bylaw amendment on the date that the bylaw or amendment come into effect;

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

ORDER - a notice requiring compliance issued in writing by the Development Officer under Section 3.8 of this bylaw;

PATIO - a hard surface created by laying cement, bricks, tiles or blocks directly on or in 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;

RECREATIONAL VEHICLE - a vehicle primarily designed as temporary living quarters for recreational camping or traveling, which either has its own motor power or is mounted or drawn by another vehicle;

SATELLITE DISH - a dish shaped apparatus used for the reception of satellite transmitted television or radio waves;

SETBACK - the distance that a development or a portion of it must be set away from a property line.

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 - a registered public roadway;

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

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 reserve;

YARD - a part of a parcel upon which no main building is erected (see illustration);

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YARD, FRONT - a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building. In the case of lakeshore lots, the front yard is the area between the lakeshore property line and the wall of the main building facing the lake;

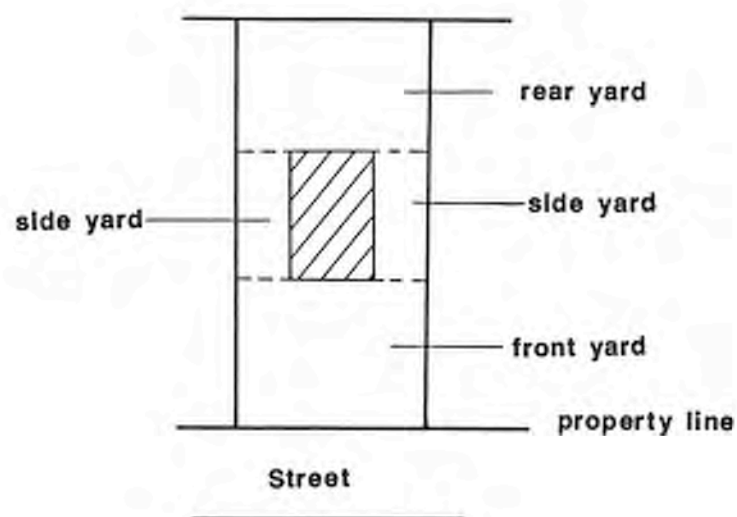
YARD, REAR - a yard extending across the full width of the parcel from the rear wall of the main building to the rear line of the parcel;

YARD, SIDE - a yard extending from the front wall of the main building to the rear wall of the main building, and lying between the side line of the parcel and the side wall of the main building;

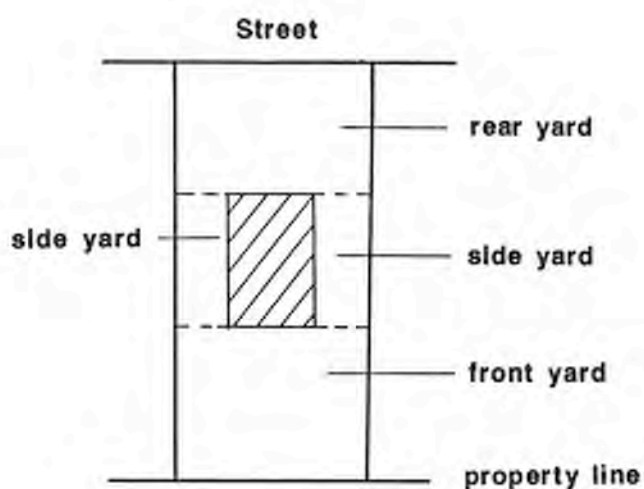
And all other words and expressions shall have the meanings assigned to them in the Act.

Definition of Yards

Backshore Lot



Lakeshore Lot



Lakeshore or Municipal Reserve