

SUMMER VILLAGE OF BONDISS

LAND USE BYLAW

BYLAW NO. 01-98

August, 1998

Note:

This document has been prepared for convenience only. The official Bylaw, and any amendments thereto, which are available from the office of the Summer Village Administrator, should be consulted for all purposes of interpretation and application.

TABLE OF CONTENTS

PART ONE - GENERAL

Page

1.1	Title	1
1.2	Purpose	1
1.3	Interpretation	1
1.4	Establishment of Districts	5
1.5	Establishment of Land Use District Regulations	6

PART TWO - AGENCIES

2.1	Development Authority	7
2.2	Subdivision and Development Appeal Board	7

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1	Control of Development	8
3.2	Development Not Requiring a Development Permit	8
3.3	Non-Conforming Buildings and Uses	9
3.4	Permission for Development	9
3.5	Development Permits and Notices	11

PART FOUR - APPEALS

4.1	Appeal Procedure	13
4.2	Public Hearing	13
4.3	Decision	14

PART FIVE - ENFORCEMENT AND ADMINISTRATION

5.1	Contravention	15
5.2	Application to Amend Bylaw	16
5.3	Form of Application	16
5.4	Amending Bylaws	17
5.5	Schedules	17
5.6	Repealing Existing Controls	17
5.7	Date of Commencement	17

PART SIX - GENERAL PROVISIONS

6.1	Subdivision of Land	18
6.2	Dwelling Units on a Lot	18
6.3	Existing Substandard Lots	18
6.4	Fences and Walls	18
6.5	Landscaping	18
6.6	Top Soil Excavation	19
6.7	Sanitary Facilities	19
6.8	Protection from Exposure Hazards	19

	Page
6.9	Projection into Yards _____ 19
6.10	Objects Prohibited or Restricted in Yards _____ 20
6.11	Keeping of Animals _____ 20
6.12	Pollution and Adverse Effects _____ 20
6.13	Accessory Buildings _____ 20
6.14	Signs _____ 21

PART SEVEN - SPECIAL PROVISIONS

7.1	Manufactured Homes _____ 24
7.2	Relocated Buildings _____ 24
7.3	Home Occupations _____ 25

PART EIGHT - DISTRICTS

8.1	Residential District - R _____ 26
8.2	Public Recreational District - P _____ 27
8.3	Urban Reserve District - UR _____ 27
8.4	Commercial-Recreational District - C _____ 28

SCHEDULE A - LAND USE DISTRICT MAP _____ 29
--

BYLAW NO. 01-98

LAND USE BYLAW

Pursuant to the Municipal Government Act, 1994, as amended, the Council of the Summer Village of Bondiss duly assembled, hereby enacts as follows:

PART ONE - GENERAL

1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of Bondiss.

1.2 Purpose

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a lot.

1.3 Interpretation

In this Bylaw

- (1) "accessory building: means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same lot;
- (2) "accessory use" means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building;
- (3) "Act" means the Municipal Government Act, 1994, as amended;

- (4) "building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- (5) "corner lot" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane;
- (6) "Council" means the Council of the Summer Village of Bondiss;
- (7) "development" means:
 - (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (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 the land or building, or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; or
 - (e) the demolition or removal of a building; or
 - (f) the placement of an already constructed or a partially constructed building on a lot;
- (8) "Development Authority" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (9) "development permit" means a document authorizing a development issued pursuant to this Bylaw;
- (10) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
- (11) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include one family dwellings, but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;
- (12) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or

intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;

- (13) "front line" means the boundary line of a lot lying adjacent to a road or, in the case of a lakeshore lot, the lot line closest to or adjacent to the waterbody. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (14) "front yard" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (15) "home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign not exceeding 2 sq. ft. in area. A home occupation does not include any outdoor storage of stock or equipment or any business, occupation, trade, profession, or craft in which more than one employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling, in any accessory buildings, or at any location on the lot;
- (16) "lakeshore lot" means a lot fronting on a waterbody or a Reserve parcel adjacent to a waterbody;
- (17) "lot" means:
 - (a) a quarter section, or
 - (b) a river or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office, or
 - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
 - (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (18) "lot coverage" is a calculation of the ground floor area divided by the area of the lot.
- (19) "lot width" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;

- (20) "main building" means a building in which is conducted the main or principle use of the lot on which it is erected;
- (21) "manufactured home" means a structure that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as dwelling accommodation for a single household. This definition shall include a building that would otherwise be considered to be a one family dwelling if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1, or if the depth of eaves were greater than 1 foot (0.3 m). If the ratio is greater than 2.5:1 or if the depth of eaves is less than 1 foot (0.3 m), the building shall be considered to be a manufactured home unit.
- (22) "municipality" means the Summer Village of Bondiss;
- (23) "non-conforming building" means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (24) "non-conforming use" means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
 - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (25) "one family dwelling" means a dwelling consisting of one (1) dwelling unit;
- (26) "owner" means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land, the owner of the land according to the municipality's assessment roll.
- (27) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been

made, provided that all of the regulations of this Bylaw are satisfied;

- (28) "public utility" means a public utility, as defined in the Act;
- (29) "rear line" means the boundary line of a lot lying opposite to the front line of the lot;
- (30) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
- (31) "road" shall mean a "road" as defined in the Act, and, for the purposes of this Bylaw, shall include a highway;
- (32) "side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (33) "side yard" means a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (34) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;
- (35) "yard" means a part of a lot upon or over which no main building is to be erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

1.4 Establishment of Districts

- (1) For the purpose of this Bylaw, the Summer Village of Bondiss is divided into the following Districts:

R	-	Residential District
P	-	Public Recreational District
C	-	Commercial-Recreational District
UR	-	Urban Reserve District

- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
- (3) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.

- Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (4) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (5) After the Council has fixed a District boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

1.5 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in this Bylaw.

PART TWO - AGENCIES

2.1 Development Authority

- (1) For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.
- (2) The Development Authority shall perform such duties and responsibilities that are specified in Part Three and in the Schedules of this Bylaw.
- (3) The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereof and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.

2.2 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 Control of Development

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 Development Not Requiring a Development Permit

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
- (2) The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 3 ft. in height in front yards and less than 6 ft. in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a development permit has been issued under this Bylaw provided that the temporary building is removed within two (2) years of the date of the issuance of the relevant development permit.
- (6) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) An accessory building or structure with a gross floor area of under 120 sq. ft., unless the accessory building or structure does not satisfy the regulations indicated in Section 6.13 of this Bylaw.

- (8) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
- (9) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (4) through (7) above, both inclusive.

3.3 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building,
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(9) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

3.4 Permission for Development

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and

shall be accompanied by:

- (a) a site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
 - (b) floor plans, elevations and sections of any proposed buildings;
 - (c) a statement of the proposed uses; and
 - (d) a statement of ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
 - (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include grading and landscaping plans, and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
 - (4) The Development Authority shall receive, review, consider and decide on all other applications for a development permit.
 - (5) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
 - (6) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
 - (7) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.

- (8) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.
- (9) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

3.5 Development Permits and Notices

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date a decision or development permit is publicized as described in subsection (3). 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 pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued, the Development Authority shall immediately:
 - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) request the applicant to post a notice of the decision conspicuously on the property for which the application has been made; and/or

- (c) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
 - (d) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (4) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (5) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART FOUR - APPEALS

4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
 - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by resolution of Council, within fourteen (14) days after
 - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5(3); or
 - (b) the forty (40) day period referred to in subsection (1)(a) has expired.

4.2 Public Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;
 - (c) those adjacent land owners who were notified under Section 3.5(3)(c) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and

- (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 5.1,
as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
 - (a) the appellant or any other person acting on his behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

4.3 Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART FIVE

ENFORCEMENT AND ADMINISTRATION

5.1 Contravention

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
 - (a) the Act or the regulations made thereunder, or
 - (b) a development permit or subdivision approval, or
 - (c) this Bylaw,

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 pursuant to Section 566 of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in

respect to any contravention of this Bylaw.

(6) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Summer Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - (a) an application fee as established by resolution of Council; and

- (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
- (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.

5.4 Amending Bylaws

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

5.5 Schedules

Schedule A is part of this Bylaw.

5.6 Repealing Existing Controls

Bylaw No. 84-01, as amended, is hereby repealed.

5.7 Date of Commencement

This Bylaw comes into effect upon the date of it finally being passed.

PART SIX - GENERAL PROVISIONS

6.1 Subdivision of Land

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

6.2 Dwelling Units on a Lot

No permit shall be granted for the erection of more than one (1) dwelling unit on a lot.

6.3 Existing Substandard Lots

With the approval of the Development Authority the minimum lot area may be less in the case of existing substandard lots.

6.4 Fences and Walls

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
 - (a) higher than 6.0 ft. in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - (b) higher than 3.0 ft. in front yards, except in the case of a corner lot, the side yard adjacent to the road or highway shall be deemed to be a front yard for the purpose of this subsection; or
 - (c) higher than 3.0 ft. within 20.0 ft. of the intersection of lanes, roads, or any combination of them.

6.5 Landscaping

- (1) The Development Authority may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- (2) As a condition of the approval of any development, the Development Authority may impose conditions requiring the retention of trees or additional planting of such a type and extent that is considered, in his sole opinion, necessary.
- (3) A tree vegetation buffer of at least 100 ft. in width shall be maintained on each lot except where this would prohibit the construction of a dwelling.

- (4) Vegetation clearing for reasons of lake access shall require a development permit.

6.6 Top Soil Excavation

No person shall commence or continue the removal of topsoil without first obtaining a development permit. Permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by topsoil removal. The Development Authority may refer any application for removal of top soil to any agent or officer he wishes for input into his decision.

6.7 Sanitary Facilities

All buildings erected, placed or moved into the municipality which are to be used as a dwelling or for a commercial or industrial use shall be provided with sanitary disposal facilities which satisfy Provincial regulations. The municipality prefers the use of holding tanks; however, other facilities that satisfy the Provincial regulations and receive appropriate approvals will be allowed.

6.8 Protection from Exposure Hazards

- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 2000 gal. shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 400 ft. from assembly, institutional, commercial or residential buildings.
- (2) LPG containers with a water capacity of less than 2000 gal. shall be located in accordance with regulations under the Safety Codes Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- (4) No anhydrous ammonia storage shall be permitted within the municipality.

6.9 Projection into Yards

- (1) Except for fences as noted in Section 6.4(1) of this Bylaw and for the features of buildings as described in Subsection (3) hereof, no building or structure shall be located or project into a required front yard.
- (2) If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the leading edge of the fireplace or balcony.
- (3) The following features may project into a required yard:
 - (a) steps, eaves, gutters, sills, and patios, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;

- (b) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

6.10 Objects Prohibited or Restricted in Yards

No person shall keep or allow in any part of any yard in any Residential District:

- (1) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
- (2) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
- (3) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
- (4) any logging trucks, tractor units with or without trailers, gravel trucks and graders, excluding recreational vehicles.

6.11 Keeping of Animals

No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels lying within the municipality

6.12 Pollution and Adverse Effects

The matters of pollution and adverse effects on other properties by holdings created shall be such that no use be allowed which may be offensive to a neighbouring owner or municipality. The word "offensive" here implies sight, smell and/or anything which may adversely affect a neighbouring owner or municipality.

6.13 Accessory Buildings

- (1) An accessory building shall not be used as a dwelling.
- (2) Accessory buildings other than fences shall be located such that the minimum distances shown on Figures "A" and "B" between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.

- (5) No accessory building, other than a fence, deck or patio, shall be located closer than 7.0 ft. to a main building.
- (6) The height of an accessory building shall not exceed 15.0 ft.
- (7) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.

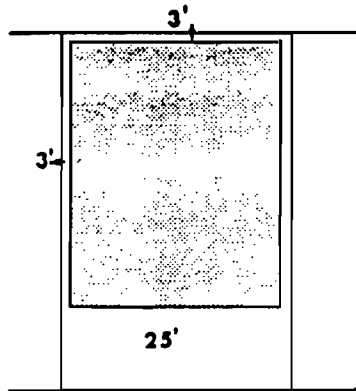
6.14 Signs

- (1) No signs or advertising structures of a commercial, directional 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 shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) Notwithstanding the generality of Subsection (1) above, nor the provisions of Subsections (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that no such signs shall be illuminated.
 - (a) Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character, not exceeding 12.0 sq. ft. and limited to one (1) sign per lot.
 - (b) Temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcements of any local event of a religious, educational, cultural, political or similar character not exceeding 20.0 sq. ft., provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate.
 - (c) Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- (5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.

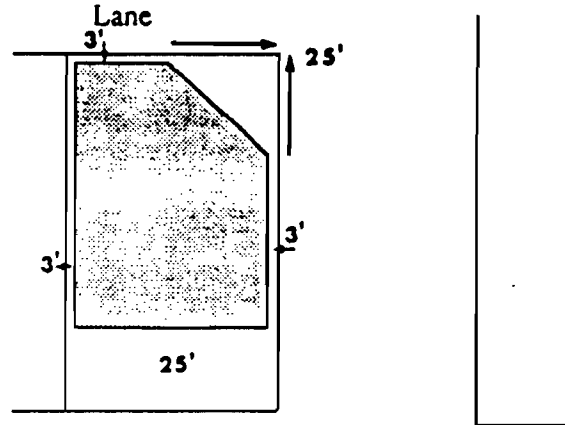
Figure "A" - Siting of Accessory Buildings Except Garages

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

BACK LOTS (INTERIOR)



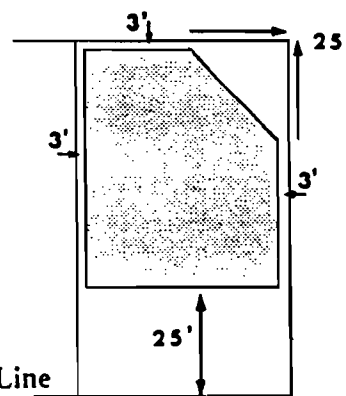
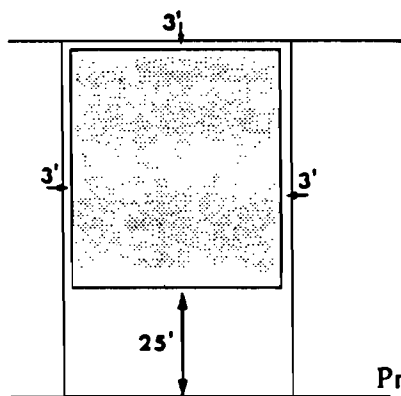
BACK LOTS (CORNER)



Road

Road

Road



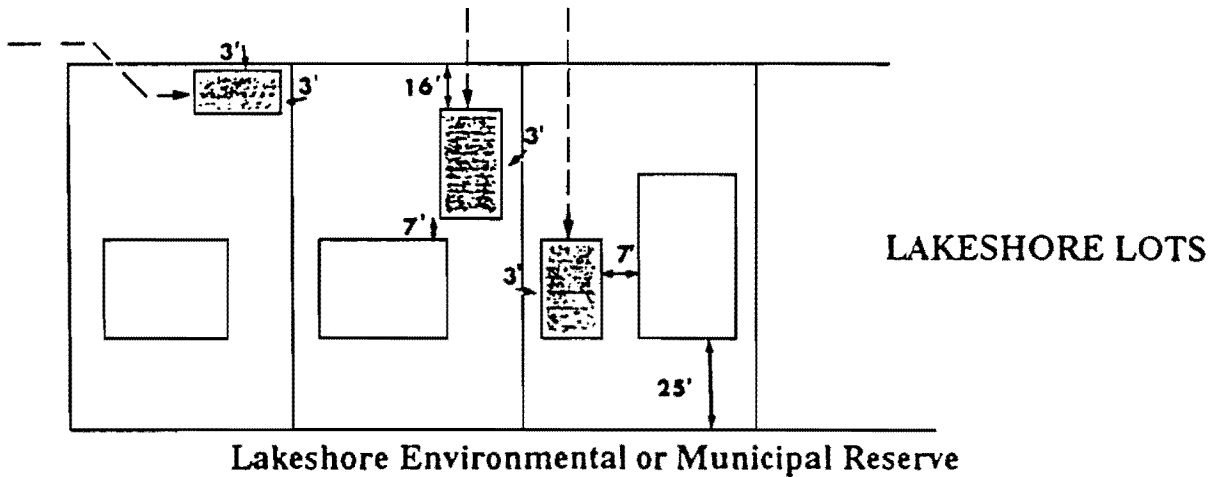
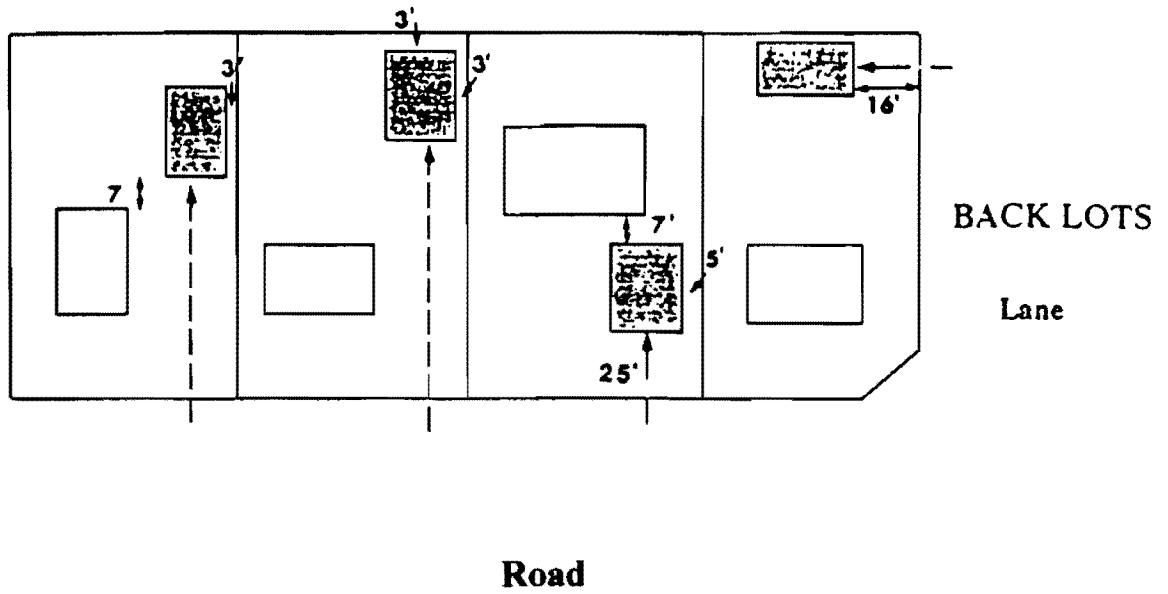
Property Line

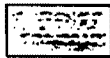

Lakeshore Environmental or Municipal Reserve

**LAKESHORE LOTS
(Interior)**

**LAKESHORE LOTS
(Corner)**

Figure "B" - Siting of Accessory Garages



- ← - - - - Vehicle access
-  Garage
-  Dwelling

PART SEVEN - SPECIAL PROVISIONS

7.1 Manufactured Homes

- (1) Manufactured homes shall have Canadian Standard Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
 - (a) designed and erected as to harmonize with the manufactured homes,
 - (b) considered as part of the main building, and
 - (c) erected only after obtaining a Development Permit.
- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- (4) The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- (5) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.
- (7) The following regulations apply to all manufactured homes:
 - (a) The hitch and wheels are to be removed from the manufactured home.
 - (b) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
 - (c) The lot is to be in the process of being landscaped within one (1) year from the date of issuance of the development permit, to the satisfaction of the Development Authority.
 - (d) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

7.2 Relocated Buildings

- (1) A development permit shall be required to relocate a main building or accessory building into the municipality.

- (2) The Development Authority may inspect the building and request from the applicant a report on the structural condition and suitability for its proposed use prior to the issuance of a development permit.

7.3 Home Occupations

A home occupation may be permitted provided that the following conditions are met to the satisfaction of the Development Authority:

- (1) The use, location and operation of a home occupation should not change or disrupt the character of the area.
- (2) The use shall not involve the display or storage of goods or equipment apparent under normal scrutiny.
- (3) No persons other than the occupants immediate family and one employee shall be engaged in the home occupation on the premises.
- (4) The use shall not generate substantially more vehicular and/or pedestrian traffic than normal within the District.
- (5) No offensive noise, odour, vibration, electrical interference, smoke, dust, heat or glare shall be produced by the home occupation.
- (6) No use causing a substantial fire rating change in the structure or the District shall be permitted.
- (7) All permits for home occupations may be subject to the condition that the permit be renewed annually, and may be revoked at any time if, in the opinion of the Development Authority, the use is or has become detrimental to the residential character and amenities of the neighbourhood.

PART EIGHT - DISTRICTS

8.1 RESIDENTIAL DISTRICT - R

The General Purpose of this District is to permit development of one family dwellings, with associated uses at the discretion of the Development Authority.

1. Permitted Uses

- (a) One family dwellings
- (b) Manufactured homes (See Section 7.1)
- (c) Accessory buildings and uses

2. Discretionary Uses

- (a) Home occupations
- (b) Public or quasi-public buildings and uses required to serve the immediate area
- (c) Public utilities required to serve the immediate area
- (d) Small parks and playgrounds
- (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. Regulations

(a) Relating to One Family Dwellings and Manufactured Homes

- (i) Minimum lot area - 20,000.0 sq. ft.
- (ii) Minimum lot width - 100.0 ft.
- (iii) Minimum front yard - 25.0 ft. or at the discretion of the Development Authority
- (iv) Minimum rear yard - 25.0 ft., or at the discretion of the Development Authority
- (v) Minimum side yard - the lesser of 10% of lot width or 5.0 ft., whichever is less
 - Corner lot - 15.0 ft. abutting road
- (vi) Minimum floor area - 500 sq. ft. for 1 storey
 - 750 sq. ft. for 1½ storeys
 - 1000 sq. ft. for 2 storeys
- (vi) Maximum lot coverage - dwellings - 23%
 - accessory buildings - 12%

(b) Notwithstanding Section 8.1.3(a), for the purposes of subdividing Lot 7, Block 1, Plan 6249MC, the minimum lot size and width may be less than 20,000 sq. ft. and 100 ft. respectively.

(c) All other uses - as required by the Development Authority

8.2 PUBLIC RECREATIONAL DISTRICT - P

The General Purpose of this District is to permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

1. Permitted Uses

- (a) Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses
- (b) Accessory buildings and uses

2. Discretionary Uses

- (a) Federal, provincial and municipal buildings and uses
- (b) Public utilities
- (c) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. Regulations

- (a) All regulations shall be as required by the Development Authority

8.3 URBAN RESERVE DISTRICT - UR

The General Purpose of this District is to reserve those lands which, by their relationship to existing land uses and the main road system will, in time, become suitable for general urban uses.

1. Permitted Uses

None

2. Discretionary Uses

- (a) One family dwellings
- (b) Manufactured homes
- (c) Home occupations
- (d) Public or quasi-public buildings and uses
- (e) Public utilities
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned uses
- (g) Accessory buildings and uses

3. Regulations (See Residential District)

- (a) In addition, no subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.

8.4 COMMERCIAL-RECREATIONAL DISTRICT - C

The General Purpose of this District is to permit commercial development appropriate for the municipality.

1. Permitted Uses

None

2. Discretionary Uses

- (a) Golf courses
- (b) Recreational vehicle parks
- (c) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned uses
- (d) Accessory buildings and uses

3. Regulations


- (a) All regulations shall be as required by the Development Authority

READ A FIRST TIME IN COUNCIL THIS 16th DAY OF June, A.D. 1998.

PUBLIC HEARING HELD THE 11th DAY OF July, 1998.

READ A SECOND TIME IN COUNCIL THIS 19th DAY OF August, A.D. 1998.

READ A THIRD TIME IN COUNCIL THIS 19th DAY OF August, A.D. 1998.



Mayor





Chief Administrative Officer

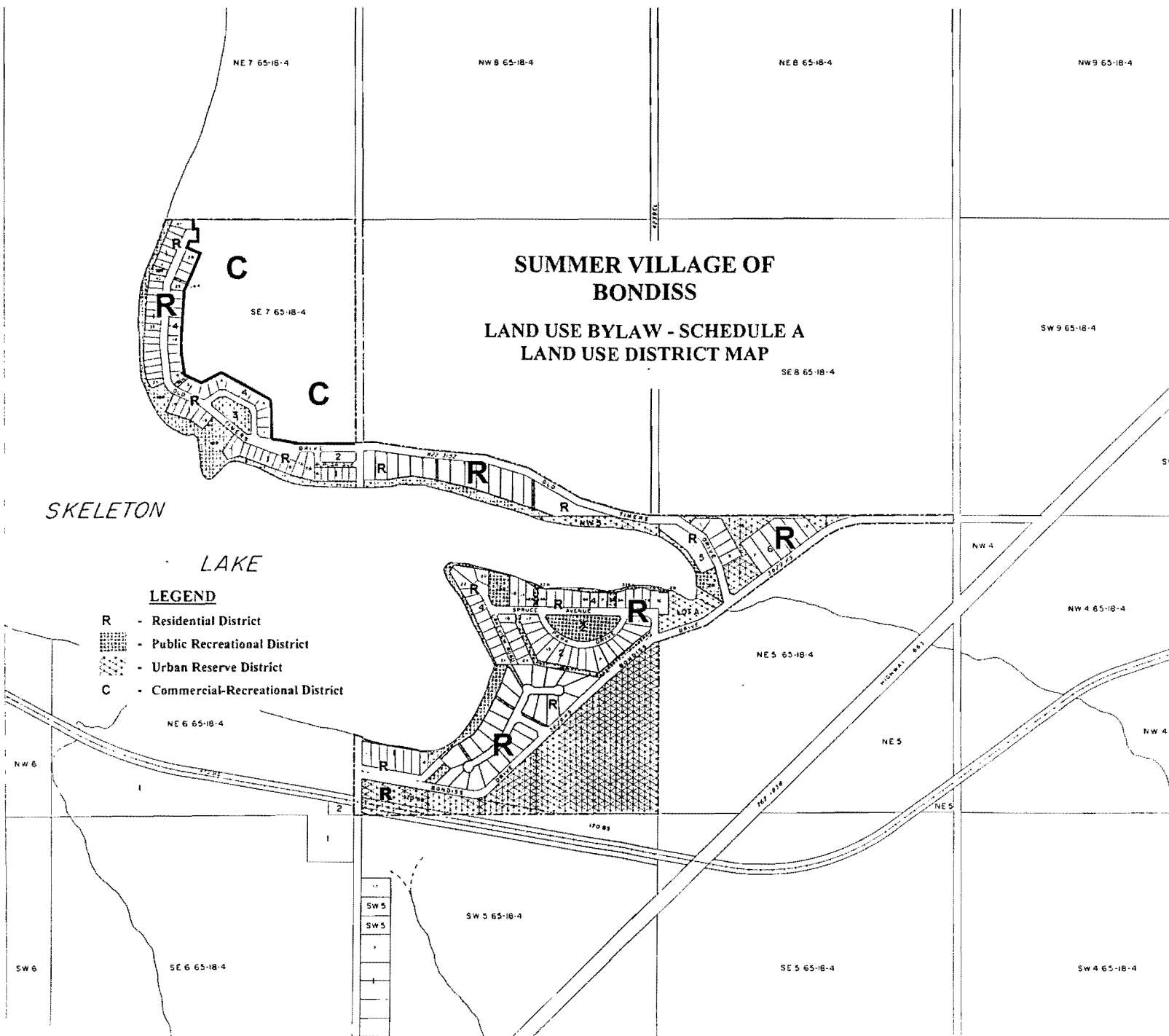
**SUMMER VILLAGE OF
BONDISS
LAND USE BYLAW - SCHEDULE A
LAND USE DISTRICT MAP**

SKELETON

LAKE

LEGEND

- R - Residential District
-  - Public Recreational District
-  - Urban Reserve District
- C - Commercial-Recreational District



SUMMER VILLAGE OF BONDISS LAND USE BY-LAW

APPLICATION FOR DEVELOPMENT (Regular Form)

I hereby make application under the provisions of the Land Use By-law for a Development Permit in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant: _____ Telephone: _____

Address: _____

Owner of Land: _____

Address: _____

Interest of Applicant if not Owner of land: _____

Address of property to be developed: _____

Lot (parcel): _____ Block: _____ Registered Plan No.: _____

Existing use of land or buildings on the property: _____

Proposed Main Use: _____

Proposed Accessory Use: _____

Land Use District: _____ Lot type: Interior _____ Corner _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards: Front: _____ Rear: _____ Side: _____

Proposed Floor Area: _____ Estimated Value of Project/Construction \$ _____

Height of Main Building: _____ Height of Accessory Building(s): _____

Off-Street Parking: Size of spaces: _____ Number of Spaces: _____

Off-Street Loading: Size of spaces: _____ Number of Spaces: _____

Estimated commencement date: _____ Estimated completion date: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

NOTICE OF DECISION – OFFICIAL USE ONLY

The above application has been: APPROVED _____ DENIED _____

Conditions of Approval (if any) or Reasons for Refusal.

Date of Decision: _____

Date of Issue: _____

Signed: _____

Development Authority.

DEVELOPMENT PERMIT APPROVED

You are hereby authorized to proceed with the development specified provided that any conditions of approval are complied with, that the development is in accordance with the approved plans and applications, and that a Building Permit is obtained if construction is involved that requires a Building Permit. **Should an appeal be made against this decision to the Subdivision and Development Appeal Board, this Development Permit shall be null and void until and unless its issuance is confirmed by the Subdivision and Development Appeal Board.**

NOTE:

1. This Development Permit in accordance does not become effective until 15 days after the date notification of the decision on the Development Permit is publicized.
2. The Land Use By-law provides that any person claiming to be affected by a decision of the Development Authority on a Development Permit may appeal the decision to the Subdivision and Development Appeal Board by serving written notice of appeal to the Secretary of the Subdivision and Development Appeal Board, together with reasons and the appropriate fee as established by Council within 14 days after the decision of the Development Authority on a Development Permit is publicized.
3. If the development authorized by this Development Permit is not commenced within 12 months from the date of issue of the Permit and carried out with reasonable diligence, this permit shall be null and void.

NOTICE OF REFUSAL

You are further notified that you may appeal this decision to the Subdivision and Development Appeal Board in accordance with the provisions of Part Four of the Land Use Bylaw of the Summer Village of Bondiss. Such an appeal shall be made in writing, shall include reasons for the appeal and the necessary fee as established by Council, and shall be delivered either personally or by mail so as to reach the Secretary of the Subdivision and Development Appeal Board not later than fourteen (14) days following the date of this notice. The notice of appeal shall contain a statement of the grounds of appeal.