

2.4.3 Enforcement, Offences and Penalties

- a) Inspection may be carried out by the Development officer as set out in Section 242 of *The Act*.
- b) Any person who contravenes or refuses or neglects to comply with this Zoning Bylaw is guilty of an offence and liable on summary conviction to the penalties as provide for in Section 243 of *The Act*.

2.4.4 Licenses, Permits, and Compliance with Other Bylaws

- a) Development must comply with the provisions of this Bylaw, whether or not a permit has been issued for the development.
- b) Nothing in this Bylaw shall exempt any person from complying with the requirements of a Building Bylaw or any other bylaw in force within the Resort Village of Wakaw Lake or from obtaining any license, permission, permit, authority or approval required by this or any other bylaw of the Resort Village of Wakaw Lake.
- c) Where provisions in this Bylaw conflict with those of any other municipal, provincial or federal regulations, the higher or more stringent regulations shall prevail.

SECTION 3 – REGULATIONS: BUILDINGS, LOTS AND ACCESSORIES

3.1 Buildings

3.1.1 Established Building Lines

- a) Concerning existing buildings, where a building has been in place before the effective date of this bylaw and does not meet the minimum setback requirements, refer to Section 3.1.2.
- b) Concerning new construction, where a front building line in a residential district has been established by existing buildings in a block of abutting lots and is less than the specified front yard requirement, the required front yard may be reduced by Council for NEW CONSTRUCTION according to the following principles:
 - i) Where the new building is to be constructed on a corner site, it shall not be located further into the required front yard than a legal principal building on the abutting interior site.
 - ii) Where the building is to be constructed on an interior site it shall not be constructed further into the required front yard than the average of the encroachments of principal buildings into the required front yard in a block.

3.1.2 Non-Conforming Uses, Buildings and Sites

Any lawful use of land, an existing building, or of any building lawfully under construction that do not conform to these regulations at the time this Bylaw is approved shall be permitted and regulated, subject to Sections 88 – 93 inclusive of *The Act*.

- a) The adoption or amendment of this Bylaw does not affect any non-conforming building, non-conforming use or non-conforming site.
- b) Continuation of non-conforming use or intensity of use, either permitted or discretionary, may be continued if the use conformed to the Bylaw that was in effect at the time of the development and has not been discontinued for 12 consecutive months, and any future use of the land or building must conform to any current zoning bylaw.
- c) A non-conforming use must not be increased in intensity, area or volume within a building, or on the parcel it occupies, nor relocated in a building, moved to any other location, or moved to another portion of the parcel on which it is located except where such action will bring the use into conformity with this Bylaw.
- d) Structural alterations may only be made to a building or the part of a building where the use is conforming.
- e) Non-conformity of a building or site may continue to be used, maintained and repaired in their present form.
- f) If the cost of repair is more than 75% of the construction cost to replace the damaged non-conforming building above its foundation, the building is to be repaired in accordance with the zoning bylaw.
- g) The use of land or the use of building is not affected by the change or intended change of ownership, tenancy, or occupancy of the land or building.
- h) Where an existing structure or lot falls into non-conformity by reason of conversion from the Imperial System of Measurement to the Metric System of Measurement solely from such change, such existing structure or lot shall not be deemed non-conforming.

3.1.3 Undersized Lots in Residential Districts

Undersized lots still in force prior to the passing of this bylaw, having less than the minimum frontage, yard setbacks, or less than the minimum site area required by the Zoning Bylaw for R - 1 Residential District, may be used for a purpose permitted in the zone in which the site is located provided that all other applicable provisions of the Official Community Plan and Zoning Bylaw are complied with.

3.1.4 Permitted Yard Encroachments

Where a minimum distance, called setback, is required between the principal dwelling or an accessory structure and the lot line in any district, the following features may project into a required yard setback:

- Encroachments into any yard setback may be permitted for the construction of a chimney, windowsill, cornice, or roof overhang that does not exceed 0.46 m (1.5 ft) in any size or any sidewalk, uncovered driveway, fence, garden or pond.
- In addition to the above, the construction of access ramps, lifts, and so on for the disabled or uncovered balconies, porches, verandahs and decks having a maximum projection of 1.8 m (6 ft) into the rear or front yard setback may be permitted.

3.1.5 Private Garages and Carports

- Private garages, carports and accessory buildings attached to the principal building or structure by a substantial roof structure shall be considered as part of the principal building or structure and subject to the regulations governing the principal building or structure.

3.1.6 Accessory Buildings, Structures and Uses

- An accessory use is a building, structure or activity, which is incidental to the principal use or activity conducted and located on the same site as the principal building or use, and used in conjunction with that principal use.
- Accessory buildings shall be single story in height, except as otherwise noted.
- Permit requirement for accessory structures:

Size of accessory structure	Requirements
Under 9 m ² (97 ft ²) of floor area.	No Permit required
Over 9.1 m ² or larger	Building Permit required
NOTE:	
<ul style="list-style-type: none"> • The total floor area of all accessory buildings shall not exceed 10% of the site area. • Only one dwelling unit, the principal dwelling unit is permitted on the site. 	

- Anchored membrane covered structures (example: canopy covered carports, canvass or tent garages) must be maintained in good repair. Ripped canvass, bent structures must be removed.
- No accessory use or structure shall be developed without a development permit issued pursuant to SECTION 2 (Administration).
- No accessory building or structure shall be constructed, erected or moved onto any site prior to the time of construction of the principal dwelling to which it is accessory, except as follows: Following the issuance of a development and building permit for a principal building, provided that the principal use is being carried out on the site/parcel, Council may, at its discretion, allow prior construction of an accessory building required for the storage of equipment and construction material. The building permit for the accessory building is only valid for the duration of the building permit for the principle dwelling. If in the required time period the principle building is not completed, the accessory building is to be removed.
- A development permit and building permit may be issued for up to two (2) accessory buildings (one of which may be a discretionary 'granny-suite' per section 3.1.6 'Granny-Suite'/Guest House) and/or structures, if the sum of both units are not greater than the principal dwelling, and within the total maximum site coverage (foot-print).
- In no case shall a detached accessory building have a greater floor area than the principal dwelling unit.
- In no case shall a discretionary use permit (example: granny-suite/guest house) be issued for a detached accessory building, other than for a garage, if a discretionary permit has been issued

for home based business, home occupation, or bed and breakfast lodging.

- i) Except as specifically provided in this Bylaw accessory buildings shall comply with the yard requirements for a principal building. Any building located less than 0.9 m (3 ft) from a principal building (edge of roof) shall comply with all the minimum yard requirements of the principal building.
- j) The building style and exterior appearance of detached accessory buildings and structures shall be compatible with the principal building on the site. The determination of compatibility shall be made by the Building Inspector for the Development Officer. If the proposal is determined not compatible, the applicant may appeal to Council pursuant to Section 2.3.3 (Development Appeals).
- k) No accessory building or any portion of it shall be built or located in a required front yard of any parcel.
- l) A clearance of 0.9 m (3 ft) or more shall be maintained between an accessory building (from the roof line) and any other buildings on the site.
- m) No accessory building, structure, or accessory use facility in a rear yard shall be located less than 1.5 m (5 ft) from the side lot line or rear lot line.

3.1.7 'Granny-Suite' / Guest House

- a) Council may allow, as a *discretionary (conditional) use*, only one accessory dwelling unit ('granny-suite'/guest house) containing secondary living quarters for use by family and guests as under the following conditions:
 - i) Such structure (unit), shall not be greater than 28 m² (300 ft²) or the principal dwelling, may be attached to the primary dwelling or may be located at the side or back of the principal dwelling, or as an attic on top of a garage.
 - ii) Such structure(s) as secondary living quarters, with toilet and bathroom sink, will not be a self contained unit with kitchen and/or bath facilities.
 - iii) As per 3.1.6 (j) - the building style, height, and exterior appearance shall be compatible with the principle building.
 - iv) It can be established, following Section 54, 55, and 56 of *The Planning And Development Act, 2007* that regarding the secondary living quarter there will be no conflicting land use issues with surrounding properties and the enjoyment of area residents and off street parking will be on the private site.
 - v) It shall not be used as bed and breakfast lodging, nor as home based business, or other unauthorized uses.

ALSO NOTE THE FOLLOWING:

The combined floor area of the principal dwelling and all the accessory buildings and structures shall not exceed 30% of the site area in the hs - hillside overlay district, and not exceed 40% outside the hs - overlay district.

3.1.8 Temporary Residence During Construction of Principal Building

- a) A trailer/motor home or other acceptable structures may be used as temporary residence by the inhabitants with the permission of Council, after issuance of a temporary structure permit by the Development Officer, while a permitted principal dwelling is under construction or reconstruction.
- b) Septic facilities (holding tank for pump-out) must be provided for the temporary residence if it is to be occupied during construction of the permanent building. All liquid waste must be disposed of into the septic facilities.
- c) The permission for temporary residence to live in a trailer/ motor home or other structure shall expire with the expiration of the principal building permit or sooner upon completion of the permanent building.
- d) Construction waste must be taken outside the Resort Village to an officially approved dumpsite.

3.1.9 Number of Principal Buildings Permitted on a Site

- a) Not more than one principal use shall be established and not more than one principal building (dwelling) shall be placed on any one site except for:
 - i) Public utility uses
 - ii) Village (institutional) uses
 - iii) Approved groups of buildings such as a community centre, recreation buildings,
 - iv) Waste management depots
 - vi) Ancillary uses as specifically provided for in this bylaw.

- b) In the case of a discretionary use, Council may designate which of the several buildings shall be deemed to be the principal building.

3.1.10 Demolition of Buildings

No building shall be demolished within the area covered by this Bylaw without obtaining a building development permit. A development permit shall be granted where all requirements of the Building Bylaw are met.

3.1.11 Building to be Moved

No building shall be moved within or into the area covered by this Bylaw without first obtaining a development permit, subject to the standards required for new construction, and to obtaining any other required municipal or provincial permit.

3.2 SPECIAL PROVISIONS

3.2.1 Bed and Breakfast Lodging

Council may establish standards limiting any accessory activities as a condition of issuing a DISCRETIONARY USE permit. Where Bed and Breakfast lodging is allowed as a DISCRETIONARY USE in a Residential District, it shall be:

- a) Located in, and ancillary to, a single detached dwelling used as the operator's principal residence.
- b) Licensed by provincial regulatory agencies (*The Public Health Act and The Public Accommodation Regulations, The Public Eating Establishment Regulations*, and meet the requirements of the Fire Commissioner) as required.
- c) Limited to a maximum of two thirds of the number of bedrooms for guest bedrooms,
- d) Permitted only where a minimum of a one (1) off-street parking space is provided for each lodging room.
- e) Allowed to provide one non-illuminated window or wall sign having a maximum facial area of 0.19 square meters (2 square feet) advertising the bed and breakfast lodging.
- f) Obtained a business license from the village.

3.2.2 Convenience Type Store/Coffee Shop

Council may establish standards limiting any accessory activities as a condition of issuing a DISCRETIONARY USE permit, where Convenience Type Store/Coffee Shop is allowed as a DISCRETIONARY USE in a Residential District, it shall be:

- a) Located in, and ancillary to, a single detached dwelling used as the operator's principal residence.
- b) Licensed by provincial regulatory agencies (*The Public Health Act and The Public Accommodation Regulations, The Public Eating Establishment Regulations*, and meet the requirements of the Fire Commissioner) as required. According to the Official Community Plan, sale of liquor shall not be allowed.
- c) Limited to a maximum of half the number of habitable rooms, without structural alteration, for Convenience Type Store/Coffee Shop use.
- d) Permitted only where a minimum of one (1) off-street parking space is provided for each 4 seats in a coffee shop.
- e) Allowed to provide one non-illuminated window or wall sign having a maximum facial area of 0.19 square meters (2 square feet) advertising the coffee shop.
- f) Signage of such establishment shall not show visible evidence from any street and from the highway within the Resort Village of their commercial character, which would attract customers other than residents of the Resort Village.
- g) Obtained a business license from the village.

3.2.3 Home-Based Businesses and Home Occupation

Home-Based Businesses, where allowed as a DISCRETIONARY USE in a residential district, shall be subject to the following development standards:

- a) The use is clearly secondary and ancillary to the residential use of the property.

- b) The business is owned and operated by the owner of the dwelling unit.
- c) The permitted use shall be valid only during the period of time the property is occupied for residential purposes by the business owner.
- d) Home-based businesses shall not cause a variation in the residential character and appearance of the dwelling, accessory building or land.
- e) Home-based businesses shall not create any conflict with the residential area in terms of emission of noise, ground vibration, glare, dust, odor, toxic or noxious matter or vapors, radio interference, or disturbance which is evident outside the dwelling unit.
- f) The Home-based Business and/or Home occupation will not require the construction of an additional building or other structure.
- g) The home based businesses shall be conducted entirely indoors and there shall be no exterior storage on the site in relation to the home occupation.
- h) Except for one permitted sign in the window or on the wall, home-based businesses shall not have any signs or visual devices displayed, to advertise business, notice of sale, exterior display of goods or services, outdoor storage of materials, or exterior variation from the residential character of the residence or its accessory building.
- i) Home-based businesses shall not result in undue increase in traffic or parking requirements in the residential area.
- j) No more than 25% of the gross floor area of the principal building shall be used for Home-Based Businesses and Home Occupation.
- k) All permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time, if, in the opinion of the Council, the conditions under which the permit was originally issued are no longer met. Where a permit is revoked the use shall cease immediately.
- l) The discretionary use approval for a home-based business shall cease to be valid when the operation ceases in accordance with Section 2 (Limitations on Discretionary Use Approvals), or where the operator issued the home occupation relocates.

3.3 RESIDENTIAL ACCESSORIES

3.3.1 Satellite Dishes, Radio Towers, TV Antennas, Solar Collectors, Wind Turbines

- a) Without blocking of view from neighbor's property, the installation and operation of a satellite dish, radio tower, television antenna, or solar collector (and their supporting structure) shall be permitted not less than 1.5 m (5 ft) from the plot line in the front, side and rear yards along the escarpment (hs - overlay district) and not in the front yard elsewhere.
- b) Wind turbines shall not be permitted in the Resort Village in light of anticipated problems such as: interference with residents' peace and quiet, shadow flicker that occurs when the sun and rotating blades align, risk to neighbouring persons and property from structural failures, visual dominance and potential ice throw from ice build up, along with their hazard for birds and bats.

3.3.2 Communication Towers

- a) Communication (cellular) towers shall be permitted as a DISCRETIONARY USE and shall be not closer than 100 metres from any residential district/area.
- b) The owner of a communication tower may be required to enter into a road maintenance agreement with the Resort Village of Wakaw Lake.

3.3.3 Solar Panels

- a) On any residential site/area solar panels/collectors will require an accessory use permit if the solar panel:
 - i) is more than 5 m² (54 ft²) in combined area and is installed on a building; or,
 - ii) designed to provide hot water; or,