

7.4 LD1 – LAKESHORE DEVELOPMENT 1 DISTRICT

7.4.1 Intent

The objective of the **LD1 – Lakeshore Development 1 District** is to provide for medium density multiple lot residential development in proximity to the Duncairn Reservoir and other compatible development in specific areas with standards for such development.

7.4.2 Permitted and Discretionary Uses and Development Standards

The permitted and discretionary uses and applicable development standards are laid out in Table 7-4.

7.4.3 Prohibited Uses

Uses prohibited in **LD1 – Lakeshore Development 1 District** are as follows:

7.4.4 Accessory Buildings and Uses

Accessory Building and Uses Including	Subject to Section	Designation
(1) Accessory Buildings and Structures	5.1	Permitted
(2) Bed and Breakfast Homes and Vacation Farms	5.5	Discretionary
(3) Custodial Care Facilities and Residential Care Homes	5.6	Discretionary
(4) Home-Based Businesses and Farm based Businesses	5.10	Discretionary
(5) Wind Energy Facilities	5.17	Discretionary
(6) Garden and Garage Suites	5.31	Discretionary
(7) Boat Houses	5.34	Permitted

7.4.5 Regulations

(1) *Site Requirements*

The minimum and maximum site size and yard requirements are shown in Table 7-4.

**TABLE 7-4:
LD1 – LAKESHORE DEVELOPMENT 1 DISTRICT DEVELOPMENT STANDARDS**

Use	Development Standards								
	Permitted or Discretionar	Subject to Sections	Minimum Site Area (m ²)	Minimum Site Width (m)	Minimum Front Yard (m)	Minimum Side Yard	Minimum Rear Yard (m)	Maximum Floor Area (m ²)	Maximum Bldg Height (m)
Residential Uses									
(1) Single detached dwellings	P	--	500	14	6	1.5	6	--	11
(2) Single detached dwellings (Lake front lots)	P	--	500	14	6	1.5	6	--	11
Commercial Uses									
(1) Bait and tackle stores with or without boat rentals or gas bars	D	--	300	30	6	1.5	6	11	100
(2) Short-Term campgrounds	D	3.5.2 (1) 3.7.4 (9) 5.2	4,000	4.5	4.5	4.5	6	11	--
(3) Commercial recreation facilities	D	3.7.4 (2)	300	30	6	1.5	6	11	--
(4) Convenience stores with or without gas bars	D	--	300	30	6	1.5	6	11	100
(5) Hotels	D	3.7.4 (13)	300	30	6	1.5	6	11	--
(6) Motels	D	3.7.4 (13)	300	30	6	1.5	6	11	--
(7) Restaurants	D	--	300	30	6	1.5	6	11	--
(8) Retail stores	D	--	300	30	6	1.5	6	11	--
(9) Tourist camps	D	5.2	300	30	6	1.5	6	11	--
Municipal, Recreational, Institutional and Other Uses									
(1) Community halls	P	--	300	30	6	1.5	6	11	--
(2) Golf courses	D	3.7.4 (10)	10,000	30	6	1.5	6	11	--
(3) Marinas	D	--	--	--	--	--	--	--	--
(4) Municipal facilities	P	4.10	--	--	--	--	--	--	--
(5) Parks, playgrounds, and sports fields	P	--	--	--	--	--	--	--	--
(6) Public recreation facilities	D	3.7.4 (2)	300	30	6	1.5	6	11	--
(7) Public works, excluding solid and liquid waste disposal sites	P	4.10	--	--	--	--	--	--	--

Use Designations:

(P) - Permitted Use

Means a use or form of development allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

(D) - Discretionary Use

A use or form of development specified in this Bylaw, which may be allowed following application to, and approval by Council; and which complies with the development standards and other regulations as may be required by Council and/or contained in this Bylaw.

Special limitation and standards regarding Table 7-4 and the LD1 – Lakeshore Development 1 District:

5 SPECIAL STANDARDS AND REGULATIONS

5.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) Accessory uses and buildings shall be subordinate to and located on the same site as the principal building or use and used in conjunction with that principal use.
- (2) Where a development standard for the principal use is less restrictive than the accessory, use, building or structure standard or regulation listed in Section 5.1 of this bylaw, the less restrictive standard shall apply to the accessory use, building or structure.

(3) *Time of Construction:*

Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except in the following instance:

- (a) Where a Development Permit has been issued for a principal building, Council may, at its discretion, allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed in the time period required, the accessory building is to be removed.
- (b) A manufactured dwelling or recreational vehicle may be permitted for a period of up to two years on any site, while a permanent dwelling unit, for which a valid development permit has been issued, is being actively constructed on the site. If construction has not been completed within two years, council may grant an extension provided the applicant is actively constructing a permanent dwelling and holds a valid development permit.

(4) *Height of Accessory Buildings:*

(a) **LD** Districts:

- (i) Detached accessory buildings in any **LD** District, are not to exceed a height of 6 metres.

(b) **A, C, and CR** Districts:

- (i) Detached accessory buildings in any **A, C, and CR** districts: No height restrictions.

(5) *Area of Accessory Buildings:*

(a) **LD** Districts

- (i) Maximum - 200 square metres.
- (ii) No greater than 1.5 times the floor area of the principal building

(b) **A, C, and CR** Districts:

- (i) Detached accessory buildings in any **A**, **C**, and **CR** districts: No area restrictions.
 - (c) Where this bylaw specifies the maximum building floor area, that area shall mean the combined building floor area of all buildings on site.
- (6) *Location of Accessory Buildings:*
- (a) **A – Agricultural and CR – Country Residential** Districts:

Detached accessory buildings in all country residential districts are subject to the following regulations:
 - (i) *Front Yard:* minimum – same as principal use subject to Section 4.14 of this bylaw
 - (ii) *Rear Yard:* minimum – 6 metres
 - (iii) *Side Yard:* minimum – 6 metres
 - (b) **LD – Lakeshore Development** Districts:

Detached accessory buildings in any agricultural and lakeshore development districts are subject to the following regulations:
 - (i) *Front Yard:* minimum – Same as principal use
 - (ii) *Rear Yard:* minimum – 1.0 metres
 - (iii) *Side Yard:* minimum – 1.2 metres
 - (c) **C – Commercial** Districts:

Detached accessory buildings in any commercial or industrial district are subject to the following regulations:
 - (i) *Front Yard:* minimum – Same as principal use
 - (ii) *Rear Yard:* minimum – 1.5 metres
 - (iii) *Side Yard:* minimum – 1.5 metres
- (7) *Accessory dwelling units shall only be permitted as a discretionary use to accommodate:*
- (a) a farm dwelling as a residence for an operator, or for employees and/or partners engaged in farm operation, intensive livestock operation, or intensive agricultural operation, subject to Section 4.2.2.2 of the District Official Community Plan.
 - (b) business dwelling as a residence for an operator, manager, an employee and/or

partner engaged in a commercial or industrial operation in a commercial or industrial zoning district, subject to the following provisions:

- (i) the dwelling unit must be physically attached to the primary building where commercial or industrial operations are underway;
 - (ii) the business dwelling shall have a main entrance separate from that of the commercial or industrial establishment;
 - (iii) an emergency exit must be provided in addition to the main entrance; and
 - (iv) the minimum floor area of each dwelling unit shall be 28 square metres.
- (c) communal dwelling(s) as residences for colonies, engaged in a farm operation, intensive livestock operation, or intensive agricultural operation, subject to Section 4.2.2.2 of the District Official Community Plan
- (i) All dwelling(s) must be located on a site conforming to all requirements of the Zoning Bylaw.
 - (ii) Utilities, including sewage disposal systems, must meet provincial standards.

5.2 SHORT-TERM CAMPGROUNDS AND TOURIST CAMPS

- (1) The applicant for a development permit for a campground or tourist camp shall provide the Development Officer with a plan of the site, identifying any buildings, uses of land and the location of all roadways and recreation vehicle or tent campsites sites with dimensions. The addition or rearrangement of sites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the applicant shall submit for approval an amended plan incorporating the proposed development.
- (2) A campground or tourist camp shall have, within its boundaries, a buffer area abutting the boundary of not less than 4.5 metres in width, which shall contain no buildings.
- (3) Each site within a short-term campground shall be designated and clearly marked on the ground.
- (4) Each site shall have a minimum area of 84 square metres.
- (5) No portion of any campsite shall be located within an internal roadway or required buffer area.
- (6) Each site shall have direct and convenient access to a developed internal roadway, which shall not be located in any required buffer area.
- (7) Each recreation vehicle or park model recreational vehicle shall be located at least 2.4

- (6) Each manufactured home, recreational vehicle or park model recreational vehicle shall be located at least 3.0 metres from any other dwelling and each site shall have dimensions, location and orientation sufficient to allow for such location of manufactured homes.
- (7) The space provided for roadways within a long-term campground or manufactured home court shall be at least 7.5 metres in width. No portion of any site, other use or structure shall be located in any roadway.
- (8) A long-term campground or manufactured home court may include, as an ancillary use, a laundromat or a confectionary designed to meet the needs of occupants of the manufactured home court and a one unit dwelling for the accommodation of the operator.
- (9) *The Public Health Act*, and Regulations passed thereunder, shall apply to all operations and development of manufactured home courts.

5.4 PUBLIC WORKS IN THE FORM OF SOLID AND LIQUID WASTE MANAGEMENT OR DISPOSAL FACILITIES

- (1) Development and maintenance of a public work in the form of a solid or liquid waste disposal facility will be subject to the following special standards:
 - (a) A buffer strip containing trees, shrubs or a berm shall be located surrounding a lagoon or sanitary landfill disposal area.
 - (b) Any solid or liquid waste disposal facility shall be fenced.
 - (c) Adequate precautions shall be taken to prevent pollution of ground water by disposal operations.
 - (d) Solid waste disposal facilities shall be located in proximity to a provincial highway and adjacent to an all-weather road.
 - (e) The development of any new disposal sites shall take into consideration direction of prevailing winds.
 - (f) Further regulation of solid waste disposal sites may be achieved by adoption and administration of a Waste Management Bylaw.

5.5 BED AND BREAKFAST HOMES AND VACATION FARMS

- (1) Bed and Breakfast Homes and Vacation Farms shall be accommodated as a discretionary accessory use in zoning districts that list section 5.5 under 'Accessory Buildings and Uses', or as the principal use of a site. The following standards apply:
 - (a) Vacation farms shall be ancillary to an agricultural operation and may include bed and breakfast, cabins and overnight camping areas.
 - (b) Bed and breakfast operations shall be located in, and ancillary to, a single detached dwelling used as the operator's principal residence developed as a farm operation

site or country residence

- (c) Only one sign, not exceeding 1.5 square metres in sign face area, advertising the vacation farm or bed and breakfast home, and located on-site, is permitted.
- (d) Vacation farms and bed and breakfast homes shall be licensed pursuant to The Public Health Act, where tourist accommodations require health approval.
- (e) Council may specify a maximum number of bedrooms, cabins or camping sites, or combination thereof, as a special standard in the issuing of a discretionary approval for a bed and breakfast home or vacation farm application.

5.6 CUSTODIAL CARE FACILITIES AND RESIDENTIAL CARE FACILITIES

- (1) Custodial Care Facilities and Residential Care Facilities shall be accommodated as a discretionary accessory use in zoning districts that list Section 5.6 under 'Accessory Buildings and Uses', or as the principal use of a site.
- (2) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.
- (3) Required parking spaces shall not be located in a required front yard.
- (4) No building or structure used for the purpose of a custodial care facility or a residential care facility shall be used for the purpose of keeping boarders or lodgers.
- (5) In addition to the development standards of the zoning district, custodial care facilities and residential care facilities that are listed as discretionary uses shall be reviewed and approved in accordance with Section 3.7.

5.7 SERVICE STATIONS

- (1) Fuel pumps and other apparatus for dispensing or storage of fuel, located all or partly above grade level, shall be at least 6 metres from a site line.
- (2) All automobile parts, dismantled vehicles and similar articles or equipment are to be stored within a building.
- (3) Where service stations occupy a corner site, only one access point shall be on the flanking street.

5.8 GAS BARS

- (1) Where operated as the principal use on a site, gas bars are subject to the regulations and standards for service stations.
- (2) Where a gas bar is allowed to operate in conjunction with another use on a site, the following standards and regulations apply:

- (a) All fuel pumps and above ground storage tanks shall be at least five metres from any building on the site, and 6 metres from any site line.
- (b) The site shall have at least two separate entrances for vehicles, at least 15 metres apart.
- (c) Access to, and parking for, fuel dispensing apparatus shall not obstruct access to the site, or other required off-street parking spaces on the site.

5.9 ABOVE GROUND FUEL STORAGE TANKS

- (1) Above-ground fuel storage tanks which meet the standards of the National Fire Code may be permitted in association with service stations, gas bars and other permitted industrial or commercial uses where the dispensing of fuel to vehicles is a standard aspect of the use.
- (2) The total storage capacity for above-ground fuel storage tanks on any single service station or gas bar shall not exceed the regulations and requirements set out by the National Fire Code.
- (3) Above-ground fuel storage tanks shall be:
 - (a) located at least 3 metres from any property line or building; however, for uses other than gas bars and service stations, the 3 metre separation distance may be reduced to 1 metre for tanks with a capacity of 5,000 litres or less.
- (4) Notwithstanding subsection (2) above, above ground fuel storage tanks associated with a gas bar or service station shall be:
 - (a) located at least 6 metres from any property line or building.
 - (b) at least 15 metres from the boundary of any site within a Residential district.
- (5) The dispensing equipment associated with above-ground fuel storage tanks shall be located at least 3 metres from any property line, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (6) Notwithstanding (4) above, above ground fuel storage tanks associated with a gas bar or service station shall be located at least 6 metres from any property line, at least 7.5 metres from any open flame or other ignition source, and at least 4.5 metres from any door or window.
- (7) Above-ground fuel storage tanks shall be protected from vehicles with suitable posts, guardrails or other similar means.

5.10 HOME-BASED BUSINESSES AND FARM-BASED BUSINESSES

- (1) Home-based businesses and farm-based businesses shall be accommodated as a discretionary accessory use in zoning districts that list section 5.10 under 'Accessory Buildings and Uses'.

- (2) Home-based businesses and farm-based businesses shall be subject to the following development standards:
 - (a) The use is clearly ancillary to the use of a farm as an agricultural operation or the dwelling unit as a private residence.
 - (b) The operator of the business is a resident of the dwelling unit and, in the case of a farm-based business only, up to five (5) non-resident employees may be employed at the site. In the case of a home-based business located in the A-Agriculture District, up to two non-resident employees may be employed at the site. Any employee shall be directly under the hire and management of the operator of the business. Where the business is a building or service contractor, additional employees may be involved only at the client building site.
 - (c) No variation in the residential or residential farm character and appearance of the dwelling, ancillary residential building, or land shall be permitted.
 - (d) The permitted use shall be valid only during the period of time the property is occupied as a residence of the applicant for such permitted use.
 - (e) All permits issued for home-based businesses shall be subject to the condition that the permit may be revoked at any time if, in the opinion of Council, the conditions under which the permit was originally issued are no longer met.

5.11 OUTFITTER BASE CAMPS AND TOURISM BASE CAMPS

- (1) All outfitter base camps shall be located at least 305 metres from a dwelling unit that is not part of the operation.
- (2) All accommodation provided in conjunction with outfitter base camps and tourism base camps shall comply with The Public Health Act, and Regulations passed thereunder.
- (3) Council may establish standards limiting the total number of guests and guest rooms, and the location of buildings and accessory activities as a condition of issuing a discretionary use permit for outfitter base camps and tourism base camps. Any increase in the number of guests or guest rooms shall require a new discretionary approval.
- (4) Outfitter base camps and tourism base camps may be ancillary to an agricultural operation for which a permit has been issued and located on the same site.
- (5) A use that is established as an ancillary use to an agricultural operation shall cease to be permitted when the operator ceases to be a resident on the site.

5.12 BULK PETROLEUM TANKS

- (1) Shall be located at least 91.4 metres from residential areas, schools, hospitals, and motels.

5.13 KENNELS (BOARDING AND BREEDING)

- (1) An outdoor area must be provided for animals to run free, without being chained, in an area

5.17 WIND ENERGY FACILITIES (ONE TURBINE)

- (1) Wind energy facilities shall be accommodated as a discretionary accessory use in zoning districts that list section 5.17 under 'Accessory Buildings and Uses', or as the principal use of a site. The following standards apply to wind energy facilities:
 - (a) The setback of a wind turbine to any public road right of way and railway right of way that existed on the day the proponent submitted an application to the Municipality to construct, install or expand the wind energy facility, shall be greater than or equal to the height of the wind turbine,
 - (b) The setback of a wind turbine to any property boundary of a Non-Participating Noise Receptor that existed on the day the proponent submitted an application to the Municipality to construct, install or expand the wind energy facility, shall be greater than or equal to the height of the wind turbine.
 - (c) Council may approve lesser separation distances from the recommended separation distances identified in Table 8-1 respecting dwelling units, multi-parcel country residential developments, commercial uses, industrial parks or uses, and recreation uses. In considering the approval of lesser than the recommended separation distances, Council shall consider the following factors which are not intended as requirements for an approval but rather, to frame Council's deliberation:
 - (i) written comments from any landowners within the required separation distance;
 - (ii) proposed mitigation measures to minimize impacts;
 - (iii) landforms that may affect or be affected by the impacts from the Intensive Livestock Operation;
 - (iv) physical severances, including roadways, rail lines, or waterbodies within the separation distance;
 - (v) watershed and drainage patterns, and how runoff from the Intensive Livestock Operation is to be managed;
 - (vi) the method of manure storage management and any mitigation proposed to minimize odours;
 - (vii) whether the livestock will be housed fully indoors, fully outdoors, or partially indoors and outdoors;
 - (viii) the land use designation and future land use of the lands within the separation distance; and
 - (ix) other factors that Council deems relevant.
- (2) Council will evaluate Discretionary Use applications for single wind turbines with the

following criteria. Wind turbines shall be located in a manner in which they are separated from the nearest non-participating noise receptor in the following way:

- (a) Wind turbines with a rotor diameter between 0.1 m and 5.0 m: 100 metre separation distance;
- (b) Wind turbines with a rotor diameter between 5.01 and 12.5 m: 250 metre separation distance; and
- (c) Wind turbines with a rotor diameter greater than 12.5 m: 350 metre separation distance.

5.18 WIND FARMS (TWO OR MORE TURBINES)

(1) Wind farms shall be accommodated as a discretionary accessory use in zoning districts that list section 5.18 under 'Accessory Buildings and Uses', or as the principal use of a site. The following standards apply to wind energy facilities:

- (a) The setback of a wind turbine to any public road right of way and railway right of way that existed on the day the proponent submitted an application to the Municipality to construct, install or expand the wind energy facility, shall be greater than or equal to the height of the wind turbine.
- (b) The setback of a wind turbine to any property boundary of a Non-Participating Noise Receptor that existed on the day the proponent submitted an application to the Municipality to construct, install or expand the wind energy facility, shall be greater than or equal to the height of the wind turbine.
- (c) Council may consider approving a lesser separation where the applicant establishes that the development will minimize the potential for conflict with adjoining uses in accordance with the following provisions:
 - (i) A copy of an agreement between the applicant and the owner(s) of the other affected development, agreeing to such lesser separation must be submitted to Council who may use this information in its consideration to reduce the required separation distances. Such agreements between an applicant and an owner (owners) of another development (other developments) must contain the provision that the parties to the agreement will register an interest to the titles of the affected land. Where such agreements are made, Council shall be a party to the agreement and may use Section 235 of *the Act* to register an interest to the title(s) of the affected lands.

(2) Council will evaluate Discretionary Use applications for Wind Farms with the following criteria:

- (a) In addition to the criteria outlined in Section 3.7.1 (2), Wind Farms shall be separated from the nearest non-participating noise receptor by a distance of 550 metres.

- (a) the work camp can be removed if the work camp accommodation remains on site after the project is either completed or if the work has stopped to an extent that the need for the camp no longer exists; or
- (b) the site can be reclaimed to its previous state after the work camp has been removed from the site.

5.31 GARDEN AND GARAGE SUITES

- (1) Garden and garage suites shall be accommodated as a discretionary use in districts that list section 5.31 under 'Accessory Buildings and Uses'.
- (2) No more than one garden or garage suite accessory to a single detached dwelling shall be allowed per site. No garden or garage suite shall be permitted on a site which contains a secondary suite.
- (3) The maximum floor area of a garden or garage suite shall be 50 m² and the minimum floor area shall be 30 m².
- (4) Garden and garage suites shall have a full bathroom, kitchen, and a maximum of two bedrooms.
- (5) No more than four persons are allowed to occupy any garden or garage suite.
- (6) All habitable areas of a garden or garage suite shall be above grade.
- (7) Condominium plans to provide a separate title for a garden or garage suite shall not be approved.
- (8) The maximum building height of a garden suite shall be 6.0 m and shall not exceed one storey in height. The maximum height of a garage suite shall be 6.0 m or the height of principal dwelling, whichever is less.
- (9) Garden and garage suites shall be located in the rear yard and shall be setback a minimum of 4.0 metres from the principal dwelling.
- (10) The minimum side yard setback for a garden or garage suite shall be the same as the side yard requirements of the principal building, including corner lots.
- (11) The minimum rear yard setback for a garden or garage suite shall be 2.0 m. The minimum rear yard setback may be reduced to 1.2 m on sites with a rear lane.
- (12) No portion of a garage or garden suite may be located on, under or over a registered easement.
- (13) The cumulative floor area of a garden or garage suite and all accessory buildings located in a rear yard shall not occupy more than 50% of the rear yard.
- (14) Windows and doors in garden or garage suites shall be of a size and in locations which will not result in the loss of privacy for residents of adjacent sites.

- (15) Mechanical units such as air conditioners and vents shall be located so as not to constitute a nuisance to adjacent properties.
- (16) One parking space shall be provided for each dwelling unit on the site. On sites with a rear or side lane, the parking space for the garden or garage suite shall be accessed from said lane.
- (17) The site plan submitted for a garden or garage suite must include details regarding utility service connections. The site plan must be approved by the RM and by all utility agencies which provide services to the site.
- (18) Sites containing garden or garage suites shall be adequately drained. A site drainage plan shall be submitted to the Village.
- (19) A building permit is required for garden or garage suites which shall comply with all relevant building, plumbing and development codes.
- (20) Wherever possible, there should be only one water service from the street to the principal dwelling and the garden or garage suite.

5.32 DEVELOPMENT NEAR PIPELINES

- (1) Where a development for an occupied dwelling or permanent building is proposed within 50 metres of a gatherer or feeder pipeline, or within 200 metres of a distribution pipeline, the municipality may refer the development to the pipeline system operator to ensure the proposed development meets all required setbacks.

5.33 DOCKS

- (1) Council may authorize the temporary placement of a dock attached to any dedicated environmental, public or municipal reserve pursuant to Section 194 of the Act.

5.34 BOAT HOUSES

- (1) Boat Houses shall be accommodated as a permitted use in districts that list section 5.34 under 'Accessory Buildings and Uses'
- (2) Boat Houses shall not exceed 14 square metres in area and shall only be permitted on lots abutting a lake shore.

5.35 RECREATIONAL VEHICLES AND TENTS

- (1) Recreational vehicles and tents may be occupied as temporary overnight sleeping accommodations only in the following situations:
 - (i) in a permitted tourist campground;

- (ii) in any Residential district, one trailer coach or tent may be located on any one site for the temporary overnight sleeping accommodation of the occupants of the principal dwelling or guests of the occupants of the principal dwelling, provided the trailer coach or tent is not rented or made available for compensation, and that the persons sleeping in the trailer coach or tent have full access to all of the facilities and amenities of the principal dwelling;