

## SUMMER VILLAGE OF SUNBREAKER COVE

Development of Stairs and Decks on E.O.S. Lands

Policy: 60.2

Passed June 13, 2001

Resolution 88-01

**Legislative Reference:** *Municipal Government Act*, 1994, Chapter M-26.1, as amended, S. 7; *Summer Village of Sunbreaker Cove Land Use By-law 15-91*.

**Purpose:** To establish restrictions and provisions for the construction of stairs and discretionary decks on Municipal Reserve, zoned, Environmental Open Space District (E.O.S.)

### Policy Statement and Guidelines

The waterfront in the Summer Village is accessible only by crossing lands which are Reserve land, zoned E.O.S. under the Land Use Bylaw of the Summer Village. Over the course of many years, landowners have built various types of structures across those lands, including stairways and decks. The Summer Village recognizes the practicality of allowing these structures but at the same time wishes to ensure that landowners know that such structures are across public land and are done at the risk of the landowner. No liability in respect of such structures should accrue to the Summer Village and it is intended that these structures be permitted only on the basis that the right of the public to use the Environmental Open Space is not adversely affected.

### Procedures

1. Each application for the construction of stairs requires a development permit and fees to be presented to the Development Authority in writing on the form prescribed by Council and shall be accompanied by:
  - a. A scaled site plan showing the treatment of existing trees and shrubs.
  - b. Plan showing the elevations of the topography of the land.
  - c. Plan of the structure to be placed on the lands.
  - d. Such other plans and information as the Development Authority may consider necessary to provide to Council to properly evaluate the proposed development.
2. Council will review the application at the next Council meeting and may deny, vary or approve the permit.

### Site Development

All development proposals for stairs and decks shall be accompanied by the site plan which shall show existing and proposed developments, the impact of the proposed development on the reserve land and surrounding area. This information is to be provided to the satisfaction of

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Council, and must have regard for the carrying capacity of the land, and generally must conform to the following:

1. That the area be preserved in its natural state as much as possible.
2. That stairs be constructed in accordance to the building code but restricted to 4 feet in width and designed aesthetically to the satisfaction of Council. Landings shall not exceed an area of 16 square feet.
3. Decks are limited to one and shall be unenclosed and limited to an area not to exceed 96 square feet.

**Indemnity and Insurance**

As a condition of allowing improvements to be constructed and maintained on reserve lands, the Summer Village will require that the land owner of the improvement enter into a licence agreement which will provide that:

- a) the owner will indemnify and save harmless the Summer Village in respect of any claims which might arise from the existence of that improvement or its state of repair, and
- b) the owner will put in place and maintain in effect a comprehensive liability insurance policy in a form satisfactory to the Administrator of the Summer Village.

\_\_\_\_\_  
Mayor

DATE: June13, 2001

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Administrator

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