Summer Village of

Betula Beach

Land Use Bylaw

Bylaw No. 3-2014

Prepared by: MPS MUNICIPAL PLANNING SERVICES LTD.

GUIDE TO USING THIS LAND USE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in the Summer Village of Betula Beach. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the municipality, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the municipality into various Land Use Districts. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

1. Locate the subject property on the Land Use District maps. These maps divide the municipality into various Land Use Districts. Each Land Use District has a designation such as "R" for RESIDENTIAL or "P" for PARK AND RECREATION. Take note of which Land Use District the subject property is located in. **PLEASE NOTE: Land Use Districts are often referred to as "Zones" or "Zoning." In order to conform to the language of the Municipal Government Act, this document uses the terms "District" and "Districting."**

2. Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed in Section 8. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in Section 1.4 that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

3. Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, Section 5 describes the enforcement procedure. Section 8.1 contains general regulations about accessory buildings and Section 8.12 contains general regulations about Home Occupations, to name just a few.

4. Discuss your proposal/concern with Planning and Development staff. Summer Village staff are well trained and eager to assist you with your development, subdivision or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.

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1 Introduction

1.1 Title

This Bylaw may be referred to as "The Summer Village of Betula Beach Land Use Bylaw."

1.2 Purpose

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

1. to divide the Summer Village 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 including the issuing of 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 allowed on a parcel of land.

1.3 Measurements

Within this Bylaw, all measurements are in Metric. The Imperial equivalents provided in parentheses after each reference to Metric units of measurement are approximate and intended for information only.

1.4 Definitions

For the purposes of this Bylaw:

1. **"abut"** or **"abutting"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
2. **"accessory building"** means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse,

sundeck, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings;

3. **"accessory use"** means a use of a building or land which is normally incidental and subordinate to the principal use of the parcel on which it is located;

4. **"Act"** means the Municipal Government Act, R.S.A. 2000, as amended, and the regulations pursuant thereto;

5. **"adjacent property"** means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;

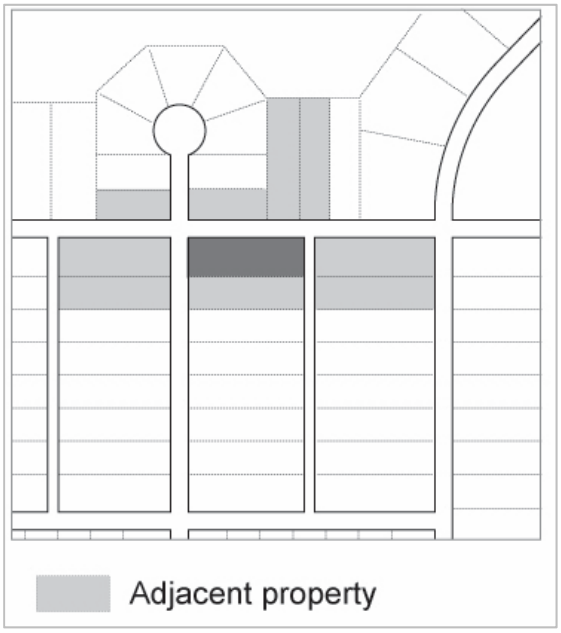

Figure 1: Adjacent property

6. **"apartment"** means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;

7. **"Area Redevelopment Plan"** means a plan adopted by the Council as an area redevelopment plan pursuant to the Municipal Government Act, as amended.

8. **"Area Structure Plan"** means a plan adopted by the Council as an area structure plan pursuant to the Municipal Government Act, as amended.

9. **"basement"** means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft.) of its clear height lying below the finished level of the floor directly above;

10. **"bed and breakfast establishment"** means a development within a dwelling, which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of three (3) bedrooms, with or without meals, are provided for remuneration to members of the public. A bed and breakfast establishment shall include a boarding house;

11. **"boarding house"** means a building or portion thereof where meals and accommodations are provided for remuneration to three (3) or more persons, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use;

12. **"boathouse"** means an accessory building designed and used primarily for the storage of boats and is designed such that the main door faces the lake as to permit the direct removal of boats from the water to the structure;

13. **"building"** means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;

14. **"building height"** means the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;

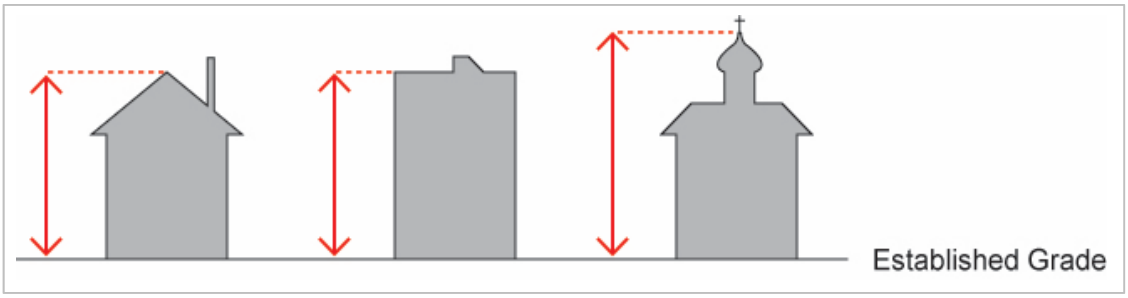

Figure 2: Height of a building

15. **"campground"** means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short term accommodation. A campground includes any building, structure, tent,

vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;

16. **"canopy"** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

17. **"carport"** means a roofed structure used for storing or parking not more than two (2) private vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;

18. **"carrier"** means a company or applicant that provides wireless commercial or essential institutional communications services;

19. **"cemetery"** means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, mausoleums and memorial parks or a religious assembly, and one attached or separate manse;

20. **"chattel"** means a moveable item of personal property;

21. **"co-location"** means locating on a site and tower with other Wireless Communications Operators;

22. **"commercial use"** means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, recreational vehicle parks, and resorts;

23. **"corner lot"** means a lot having boundary lines on two or more roads, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;

24. **"cottage"** in all cases shall be taken to mean the same as a dwelling;

25. **"Council"** mean the Council of the Summer Village of Betula Beach;

26. **"coverage"** means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot;

27. **"date of issue"** means the date on which the notice of a decision of the Development Authority is published, or five (5) days after such a notice is mailed;

28. **"day care facility"** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programs which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;

29. **"day home"** means a development operated from a dwelling supplying supervision to a maximum of six (6) children under the age of eleven (11) years or senior citizens, including any resident children and seniors, for periods of more than three (3) but no more than fourteen (14) consecutive hours. A day home may supply an outside recreation space that is both fenced and gated, and shall meet all fire regulations and health regulations;

30. **"deck"** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;

31. **"density"** means a measure of the average number of persons or dwelling units per unit of area;

32. **"designated officer"** means a person authorized by Council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw;

33. **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

34. **"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;

and without restricting the generality of the foregoing, includes:

e) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,

f) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,

g) the display of advertisements or signs on the exterior of a building or on any land,

h) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,

i) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site,

j) the placing of refuse or waste material on any land,

k) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months,

l) the use of land for the storage or repair of motor vehicles or other machinery or equipment,

m) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect,

n) the demolition or removal of a building,

o) the placement of an already constructed or a partially constructed building on a parcel of land,

p) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way,

q) the removal of topsoil from land,

r) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery,

s) the installation of any type of sewage disposal system including but not limited to holding tanks, or

t) the digging of a well or installation of a water cistern;

35. **"development authority"** means the development authority of the Summer Village as established by the Summer Village's Development Authority Bylaw;

36. **"development officer"** means the official or officials of the municipality with the responsibility of receiving, consider and deciding on applications for development under this Land Use Bylaw;

37. **"development permit"** means a document authorizing a development issued pursuant to this Land Use Bylaw;

38. **"discontinued"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;

39. **"discretionary use"** means the use of land or a building provided for in the District Regulations of this Land Use Bylaw for which a development permit may be issued with or without conditions upon an application having been made;

40. **"domestic pets"** means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals;

41. **"duplex (side-by-side)"** means a dwelling containing two (2) dwelling units which share a common vertical wall (with the dwellings being immediately beside one another);

42. **"duplex (up-down)"** means a dwelling containing two (2) dwelling units which share a common partition (with one dwelling being on 'top', and the other being on the 'bottom';

43. **"dwelling"** means any building used primarily for human habitation and is restricted under this Bylaw to single family dwellings;

44. **"dwelling unit"** means a complete dwelling or self-contained portion of a dwelling, 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, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

45. **"dwelling, lakefront"** means a dwelling whose property extends to the lakeshore but also includes those dwellings whose parcels are only separated from the lakeshore by a road, park or environmental reserve;

46. **"dwelling, single family"** means a building consisting of one (1) dwelling unit, and if the provisions of this Bylaw allow, a secondary suite, and includes buildings constructed in modules or sections which meet the requirements for a residence under the Alberta Building Code, but does not include recreational vehicles, park models, or manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, pylons or any other temporary foundation;

47. **"easement"** means a right to use land, generally for access to other property or as a right-of-way for a public utility;

48. **"established grade"** means the ground level adjacent to the exterior walls of a building if the finished grade is level. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;

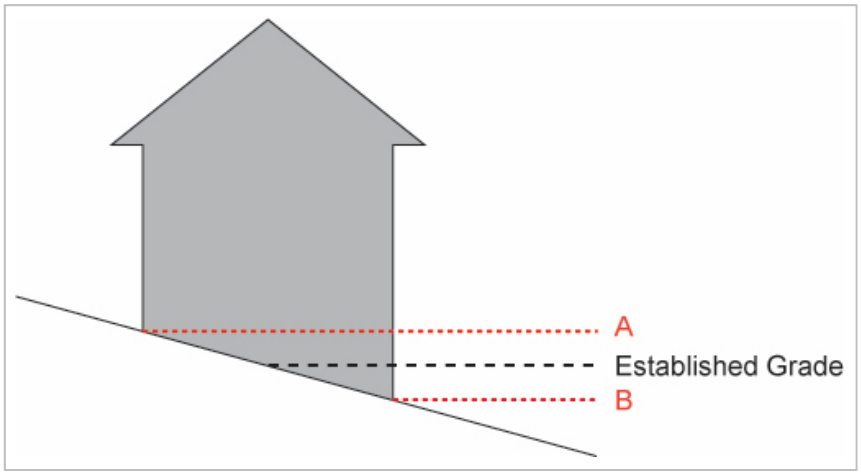

Figure 3: Established grade

49. **"excavation"** means any breaking of ground, except common household gardening and ground care;

50. **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);

51. **"fence"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;

52. **"floor area"** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area;

53. **"floor/area ratio"** means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel on which the buildings are located;

54. **"free standing portable sign"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

55. **"front line"** means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;

56. **"front yard"** means a yard extending across the full width of a lot from the front property boundary of the parcel to the nearest exterior wall of the building;

57. **"garage"** means an accessory building or part of the principal building, designed and used primarily for the storage of non-commercial motor vehicles, recreational vehicles and other chattels;

58. **"garage guesthouse"** means sleeping quarters located above or within a detached garage which is accessory to a single detached dwelling. Garage guesthouses have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. Garage guesthouses are not to be used as rental accommodations;

59. **"greenhouse"** means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden or plant nursery;

60. **"gross area"** means the area of a development, neighbourhood or planned area, before deductions for roads, municipal and environmental reserves and public utilities have been made;

61. **"gross vehicle weight"** means the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers;

62. **"guest house"** means an accessory building used for seasonal or part-time sleeping accommodation and not containing such facilities as a kitchen, bathroom, living room or recreation room. Guesthouses are not to be used as rental accommodations. A single family dwelling must be constructed prior to the approval and development of a guesthouse on a lot;

63. **"guest suite"** see **"secondary suite"**;

64. **"heavy truck and equipment"** means a truck or equipment, loaded or unloaded, with a gross vehicle weight in excess of 4.8 tonnes (10,560 lbs.);

65. **"heavy truck and equipment storage"** means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident or residents of the single family dwelling or manufactured home situated on the same lot;

66. **"high groundwater table"** means a water table level measuring less than 1.5 m (5.0 ft.) from the ground surface;

67. **"home occupation"** means any 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 of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw. A minor home occupation does not include any business which would normally attract more than then ten (10) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling. A major home occupation may include a business which would normally attract more than ten (10) clients per week, but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistants, other than the occupant and the occupant's family;

68. **"household"** means:

    a) a person, or

    b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or

    c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

    all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;

69. **"household repair service"** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;

70. **"indoor recreation facility "** means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include

such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar, though smaller, facilities. As well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses;

71. **"institutional use"** includes but is not limited to hospitals, public offices, educational facilities, religious assemblies, libraries and senior citizen housing;

72. **"in-law suite"** see **"secondary suite"**;

73. **"intensive agriculture"** means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, and kennels, but not confined feeding operations;

74. **"intensive recreation"** means high density recreational activities such as campgrounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, golf courses, arenas, swimming pools, tennis courts and other similar activities;

75. **"kennel"** means a development in which four (4) or more domestic pets, of any single species, over six (6) months in age are maintained, boarded, bred, trained or cared for or kept for purposes of sale;

76. **"landfill"** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or agency or by a municipally-owned corporation or agency;

77. **"lakefront dwelling"** see **"dwelling, lakefront"**;

78. **"lakefront yard"** means the yard extending across the full width of a lakefront parcel and situated between the parcel line closest to the lake and the nearest exterior wall of the principal building;

79. **"landscaping"** means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture, but does not include changes in grade, stockpiling and excavation;

80. **"lane"** means a right-of-way for a public thoroughfare on which motorized vehicles are normally allowed to operate which is 10 m (32.8

ft.) or less in width and which provides a secondary means of access to a parcel or parcels;

81. **"lattice tower"** means a non-solid structure made up of vertical, horizontal and diagonal members assembled in triangular or square faced sections that can be stacked to obtain height. The structure can stand by itself (self-supporting), on a foundation, or it may be of the type requiring supporting assistance of cables (guyed tower);

82. **"library and cultural exhibit"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, available, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;

83. **"livestock"** means livestock as defined in the Agricultural Operation Practices Act;

84. **"living quarters"** means the developed area within a dwelling but does not include basement, garage or carport, patio, or atrium;

85. **"lot"** means

a) a river lot, lake lot, or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,

b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or

c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the

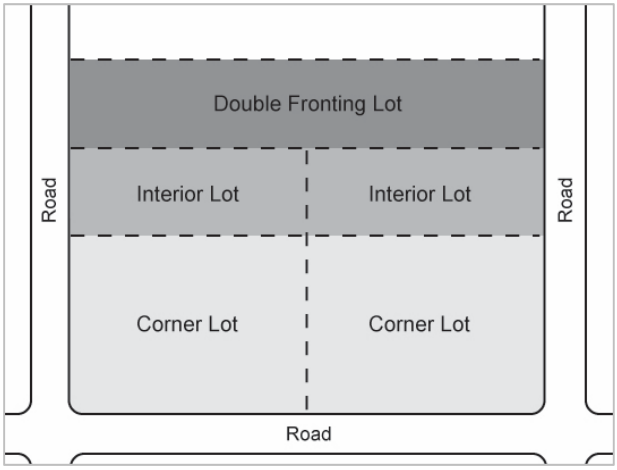

Figure 4: Double fronting, Interior and Corner lots

certificate of title by reference to a plan of subdivision;

86. **"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;

87. **"main building"** see **"principal building"**;

88. **"main use"** see **"principal use"**;

89. **"maintenance"** means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;

90. **"manufactured home"** means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling, and further, which conforms to the Canadian Standards Association A277 and Z-240 Standards. A manufactured home may be a single structure (commonly known as a "single wide") or two parts which when put together comprises a complete dwelling (commonly known as a "double wide"). Manufactured homes do not include modular homes, mobile homes or park models. For the purposes of this Bylaw, a manufactured home shall be neither permitted nor discretionary in any Land Use District in the Summer Village of Betula Beach;

91. **"may"** is an operative word meaning a choice is available, with no particular direction or guidance intended;

92. **"mobile home"** means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA 1277 or Z-240 Standard, which a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home or single detached dwelling as described in this Bylaw. For the purposes of this Bylaw, a mobile home shall be neither permitted nor discretionary in any Land Use District in the Summer Village of Betula Beach;

93. **"modular dwelling"** means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA 1277 or Z-240 Standard, which a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home or single detached dwelling as described in this Bylaw. For the purposes of this Bylaw, a mobile home shall be neither permitted nor discretionary in any Land Use District in the Summer Village of Betula Beach;

94. **"municipality"** means the Summer Village of Betula Beach;

95. **"must"** is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;

96. **"natural area"** means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition;

97. **"net area"** means the area of a development, neighbourhood or planned area, after deductions for roads, municipal and environmental reserves and public utilities have been made;

98. **"non-conforming building"** means a building

    a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

    b) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with this land use bylaw;

99. **"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 this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;

100. **"nuisance"** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Municipality's office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;

101. **"obnoxious"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;

102. **"occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;

103. **"occupant"** means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner, whether such person resides thereon or conducts a business thereon;

104. **"off-street"** means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot;

105. **"offensive"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

106. **"office use"** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;

107. **"open space"** means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;

108. **"outdoor storage"** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;

109. **"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 person shown as the owner of land on the municipality's assessment role prepared under the Act;

110. **"parcel"** means the aggregate of one or more areas of land described in a Certificate of Title by reference to a plan filed or registered in a Land Titles office;

111. **"parcel area"** means the total area of a parcel;

112. **"parcel boundaries"** means the property boundaries which bound the parcel as determined by the Certificate of Title;

113. **"parcel corner"** see **"corner lot"**

114. **"parcel coverage"** means, in the case of a residential building or structure, the combined area of all buildings on the parcel, measured at the level of the lowest storey above grade, and in the case of a non-residential building or structure, the combined area of all buildings or structure upon

the lot, measured at the level of the lowest storey above grade, including in both cases, all porches, decks and verandas, open or coved but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections; such area shall include air wells and all other space within a building except inner and outer courts;

115. **"park model"** means a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model has been specifically identified and approved by the Development Authority within an approved development permit. As well, park models shall not be used as dwellings within the municipality. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry.

Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area normally does not exceed 37.2 m^2 (400 $ft.^2$). It conforms to the CSA Z-240 Standard for recreational vehicles.

Park Model Recreational Unit is a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50 m^2 (540 $ft.^2$) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model recreational units almost always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for recreational vehicles.

116. **"parking area"** means the area set aside for the storage and/or parking of vehicles and include parking stalls, loading spaces, aisles, entrances and

exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building;

117. **"parking lot"** means a parking area which is located on a lot and not accessory to a particular use or development;

118. **"parking stall"** means an area set aside for the parking of one (1) vehicle;

119. **"patio"** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;

120. **"permitted use"** means the use of land or a building provided for in a Land Use Bylaw for which a development permit shall be issued with or without conditions upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been complied with to the satisfaction of the Development Authority;

121. **"principal building"** means a building which, in the opinion of the Development Authority:

a) occupies the major or central portion of a parcel,

b) is the chief or main building among one or more buildings on the parcel, or

c) constitutes by reason of its use the primary purpose for which the parcel is used;

122. **"principal use"** means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used;

123. **"protective and emergency services"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and accessory training facilities;

124. **"public education facility"** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public

education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;

125. **"public or quasi-public building"** means a building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities;

126. **"public or quasi-public use"** means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities;

127. **"public park"** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;

128. **"public-serving recreation area"** means a campground, day use area, picnic site, lodge, hiking and skiing trail and other similar uses as developed by either private or public interests;

129. **"public use"** means a building, structure or parcel used for public services by the Municipality, by an department, commission or agency of any other municipal corporation or the Governments of Alberta or Canada;

130. **"public utility"** means a public utility as defined in the Act;

131. **"public utility building"** means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or stores any equipment used in connection with the public utility;

132. **"Real Property Report"** means a codified standard report adopted by the Alberta Land Surveyor's Association which contains pertinent information on a parcel and the development which exists on the property;

133. **"rear line"** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;

134. **"rear yard"** means that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the nearest exterior wall of the building;

135. **"recreational use"** means a recreational development conducted on a unified basis on a single site where the prime reason for location may be to take advantage of natural features. A recreational use may include the provision of day to day sporting and athletic facilities and the structures incidental thereto such as ski slopes, golf courses, archery, racetracks, boating, swimming, picnicking, athletic, and similar uses, and may include a refreshment stand incidental to the primary use. However, recreational use does not include extensive recreation, or a campground, a recreational vehicle park or a recreation camp;

136. **"recreational vehicle"** means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor or is mounted or drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, 5th wheels, or motor homes, but not manufactured homes, a park model, a garage package, or a cabin on any sort of transportation device such as skids or wheels up to a maximum interior space of 75 m^2 (807.3 $ft.^2$). Any vehicle larger than 75 m^2 (807.3 $ft.^2$) in interior space shall be considered to be a manufactured home for the purposes of this Bylaw. A recreational vehicle may not to be used as a permanent dwelling;

137. **"recreational vehicle park"** means a development on which three or more recreational vehicles are harboured, without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such recreational vehicle park. A recreational vehicle park may include within it a campground;

138. **"recreational vehicle storage"** means a development which provides fenced or indoor, secure, on-site storage of more than one (1) recreational vehicle;

139. **"religious assembly"** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Religious assembly includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

140. **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;

141. **"rental cabin"** means a one-room structure (which may include in a separate room, a washroom, bathroom, or toilet) intended for short term occupancy, often rented for short period of time to the traveling or vacationing public;

142. **"residential use"** includes the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis;

143. **"RF Technology"** means technology operating in the electromagnetic radiating frequency bands;

144. **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;

145. **"roof"** means the top of any enclosure, above or within the vertical walls of a building;

146. **"sea can"** means a container, including a sea/land/rail shipping container, which is generally used as a storage vault;

147. **"secondary suite"** means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit;

148. **"setback"** means, depending on the context of the term, the minimum horizontal distance between buildings or a lot boundary and buildings;

149. **"sewage collection system"** means a privately or publicly owned system for treating sewage effluent, recognized by the appropriate regulatory agency, consisting of either a municipal or an on-site on-parcel sewage collection system;

150. **"sewage collection system, on-parcel"** means a method of treating sewage effluent recognized by the appropriate regulatory agency involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition;

151. **"shall"** is an operative word which means the action is obligatory;

152. **"shed"** means a building to be used for storage;

153. **"should"** is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;

154. **"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 highway or road shall be considered a side line;

155. **"side yard"** means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest exterior wall of the building;

156. **"sign"** means any visual medium, including its structure and other component parts, used on a permanent or temporary basis to convey information, to advertise, or to attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a licensed motor vehicle;

157. **"sign area"** means the total face area of a sign intended for the letters or graphics of the message. In the case of a double-faced sign, only half of the area of each sign face shall be used in calculating sign area;

158. **"sign, freestanding"** means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure;

Figure 5: Freestanding Sign

159. **"sign, off site"** means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;

160. **"sign, temporary/portable"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

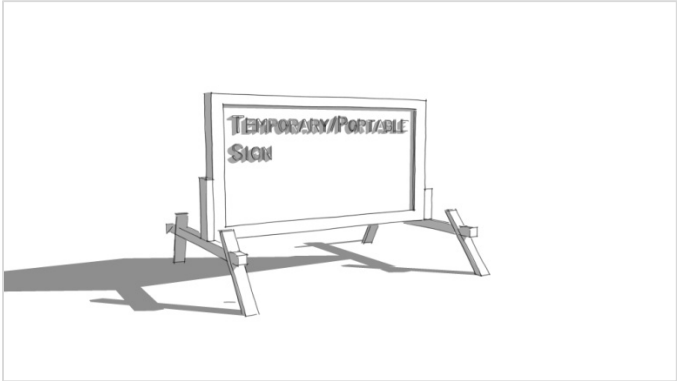

Figure 6: Temporary/Portable Sign

161. **"similar use"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;

162. **"site"** means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;

163. **"solar energy collection system"** means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;

164. **"solar panel, free standing"** means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support;

165. **"solar panels, roof mounted"** means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure;

166. **"storey"** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey;

167. **"storey, half"** means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

168. **"structural alterations"** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;

169. **"Subdivision and Development Appeal Board"** means a Subdivision and Development Appeal Board appointed pursuant to the Summer Village's Subdivision and Development Appeal Board Bylaw and the Act;

170. **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;

171. **"substandard lot"** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;

172. **"temporary development"** means a development for which a development permit has been issued and which is to exist for a limited time only and the expiry date is clearly indicated on the development permit;

173. **"temporary use or building"** means a use or building developed on a parcel which is not permanent in nature and can conveniently and economically be removed so as to not prejudice the future subdivision or development of that parcel;

174. **"tented structure"** means an accessory structure consisting of canvas, tarp or other similar fabric and supported by a metal or wooden frame used for the storage of motor vehicles, recreational vehicles or other chattels. Tented structures are to be for temporary use only;

175. **"undeveloped lot"** means a lot which does not contain a residence, building or structure;

176. **"unit"**, other than when referred to as a dwelling unit, means an area of land or a building designated as a unit in a condominium plan;

177. **"use"** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;

178. **"wind energy conversion system, large"** means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;

179. **"wind energy conversion system, micro"** means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure;

180. **"wind energy conversion system, small"** refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;

181. **"wind turbine tower"** refers to the guyed or freestanding structure that supports a wind turbine generator;

182. **"wind turbine tower height"** The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;

183. **"wireless communications facility"** means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems; and

184. **"yard"** means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw;

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

2 Establishment of Districts and Regulations

2.1 Establishment of Land Use Districts

1. For the purposes of this Bylaw, the Summer Village of Betula Beach is divided into the following districts:

LUB Districts	
R	Residential District
P	Park and Recreation District

2. The boundaries of the districts listed in this Bylaw are as delineated in the LAND USE DISTRICT MAP, which is Part 10 of this Bylaw.

3. Where uncertainty exists as to the boundaries of districts as delineated in the LAND USE DISTRICT MAP, the following rules shall apply:

Rule 1 Where a boundary is shown as following a street or lane, 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 Rules 1 and 2, the location of the district 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 the measurements and directions as the circumstances may require.

3 General Administration

3.1 Control of Development

1. No development other than that designated in **Section 3.2** shall be undertaken within the Summer Village unless an application for it has been approved and a development permit and a building permit have been issued.

3.2 Development Not Requiring a Permit

1. The following development shall not require a development permit provided they otherwise conform to all provisions of this Bylaw:

   a) 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;

   b) the completion of a building which was lawfully under construction at the date of 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 said approval;

   c) the use of any such buildings as referred to in subsection (b) for the purpose for which construction was commenced;

   d) the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure less than 0.9 m (3.0 ft.) in height in front yards or in side yards abutting a highway or road, and less than 1.8 m (6.0 ft.) in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure, unless the fencing material is razor wire or barbed wire. An approved development permit shall always be necessary before razor wire or barbed wire is used as a fencing material;

   e) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw,

provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer;

f) the maintenance and repair of a street, lane or utility carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;

g) a building or structure with a floor area of under 9.3 m^2 (100.0 $ft.^2$) and a maximum height of 2.5 m (8.0 ft.) which is not on a permanent foundation and which satisfies all other applicable requirements of the Land Use Bylaw;

h) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:

   i. such signs are removed within fourteen (14) days after the election date,

   ii. the consent of the property owner or occupant is obtained,

   iii. such signs do not obstruct or impair vision or traffic,

   iv. such signs are not attached to fences, trees, or utility poles; and

   v. such signs indicate the name and address of the sponsor and the person responsible for removal;

i) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale or rent, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m^2 (6.5 $ft.^2$) in area and provided further that such signs are placed or erected no closer than 3.0 m (10.0 ft.) to a road right-of-way;

j) development within a basement which does not change or add to the uses within a dwelling;

k) the removal of top soil in conjunction with a development for which a development permit has been issued as per the requirements of **Section 8.27** of this Bylaw;

l) grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent lots, but does not include, stockpiling or excavation;

m) hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties;

n) the erection of towers, satellite dishes, electronic equipment, flag poles and other poles not exceeding 4.5 m (15.0 ft.) provided that the structure is not located in a front yard or on a building or structure;

o) the demolition or removal of any building or structure for which erection a development permit was not required pursuant to subsections (d) through (p) 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 to 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 4.3(6)** 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 Development Approval Authorities

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, with their duties and responsibilities that are specified in this Bylaw.

2. For the purposes of the Act, the Development Officer is hereby declared to be a Designated Officer for the purposes of Section 210 of the Act.

3. The Development Authority shall:

a) receive, consider and decide on applications for a development permit;

b) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereof;

c) make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;

d) ensure that the copies of this Bylaw can be purchased by the public at reasonable cost;

e) collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council;

perform such duties as established to enforce this Bylaw in conformance with the Act.

4 Development Applications

4.1 Application for Development

1. An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:

   a) A Real Property Report prepared by an Alberta Land Surveyor licensed to practice in the Province of Alberta;

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   b) a non-refundable application fee established by Council;

   c) a site plan showing:

      a) front, side and rear yards;

      b) north point;

      c) legal description of the property;

      d) access and egress points to the property; and

      e) location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;

   d) a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and

   e) a statement of ownership of the land and the interest of the applicant therein.

2. 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:

a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;

b) the height and horizontal dimensions of all existing and proposed buildings;

c) outlines of roof overhangs on all buildings;

d) existing and proposed elevations on the site and on adjacent sites, roads and lanes;

e) post construction site and building elevations;

f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;

g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;

h) drainage plans;

i) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;

j) future development plans for a site which is to be partially developed through the applicable development permit;

k) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;

l) any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site, geotechnical reports and/or flood hazard mapping;

m) a statutory declaration indicating that the information supplied is accurate; and

n) for a moved in (relocated) building or a manufactured home, the applicant may be required to submit pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the District in which it is to be located;

3. In addition to the information requirements indicated above, an application for a development permit for the excavation, or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:

a) location and area of the site where the excavation is to take place,

b) existing land use and vegetation,

c) the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site,

d) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority,

e) identification of potential for outdoor noise and the discharge of substances into the air,

f) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,

g) an indication of all municipal servicing costs associated with the development, and

h) the proposed haul route, dust control plan and expected hours of operation.

4. In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.

5. In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority

may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.

6. At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the storm water is to be directed. Storm water from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.

7. The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.

8. When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.

9. The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

4.2 Decision

1. An application for development permit shall be considered by the Development Authority who shall:

   a) approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw, or

b) approve, with or without conditions, or refuse an application for a discretionary use, or

c) refuse an application for a use which is neither a permitted nor a discretionary use.

2. In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated within the various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to **Section 4.1**, have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.

3. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into a development agreement with the Municipal Council to do all or any of the following 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.

4. At the discretion of the Summer Village, a development agreement may be registered by caveat under the Land Titles Act against the Certificate of Title for the subject property. The Summer Village will discharge this caveat once the agreement has been complied with.

5. The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of Provincial regulations be met, and that any further development on the subject site require a development permit.

6. 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.

7. 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.

8. 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 5 of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

9. A Development Authority may suspend or revoke a development permit at any time:

   a) where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or

   b) where the permit was issued in error.

10. Temporary Developments

    Where a development permit application in a land use district is for a temporary development, the Development Authority:

    a) may consider and decide upon a development for a specific period of time, not exceeding one year;

    b) shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the

development at the expiration of the time period stated in the permit; and

c) may require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or $1,000.

4.3 Development Permits and Notices

1. Prior to an application being considered for a discretionary use or pursuant to Section **4.2(7)**, the Development Authority shall require, as a condition prior to consideration of the application, that the applicant display for no less than seven (7) days in a conspicuous place on the parcel (and no further from the street or streets abutting the parcel than the Development Officer directs), a notice or notices setting out the proposed use in a form prescribed by the Development Authority.

2. The Development Authority shall require, as a condition of any permit granted, that the applicant display for no less than fourteen (14) days after the permit is issued, in a conspicuous place on the parcel or on streets abutting the parcel, a notice setting out the proposed use in a form prescribed by the Development Authority.

3. Except for those permits described in **Section 4.3(5**) hereof, a permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision, or development permit is received as described in **subsection (4).** For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

4. Where an appeal is made pursuant to **Part 5** 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.

5. When a permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, no mail notification shall be given of the decision except to the applicant. However, notice of the decision will be posted in the Village Office.

6. When a permit other than a permit described in **Section 4.3(5**) hereof has been issued, the Development Authority shall immediately:

   a) mail a notice in writing to all assessed owners of properties within a 30.5 m (100 ft.) radius of the subject property. This notice shall indicate:

      i. the date the development permit was issued, and

      ii. that an appeal may be made by any person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board within fourteen (14) days after the date the development permit was issued.

7. If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.

8. 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.

9. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

5 Development Appeals

5.1 Appeal Procedure

1. The Subdivision and Development Appeal Board, as established by Village Bylaw, shall hear and make a decision on an appeal 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 Part 7 of this Bylaw,

   and 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 appeals to the Subdivision and Development Appeal Board.

2. Any person applying for a permit or affected by an order may appeal to the Subdivision and Development Appeal Board;

3. Notwithstanding **subsection (1)** above, no appeal lies to any person except the applicant, in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.

4. An appeal shall be made by serving a written notice of appeal and submitting the applicable fee to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:

   a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or

   b) the forty (40) day period referred to in **Section 4.2(8**) of this Bylaw has expired.

5. Appeal fee:

   a) Each notice of appeal shall be accompanied by a fee set by Council.

b) If the appeal is upheld, the Subdivision and Development Appeal Board may determine that the whole or part of the appeal fee be returned to the appellant.

5.2 Appeal Hearing

1. Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.

2. The Subdivision and Development Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:

   a) the appellant;

   b) the Development Authority from whose order, decision or development permit the appeal is made;

   c) those land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and

   d) such other persons as the Subdivision and Development Appeal Board specifies.

3. The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal 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;

   as the case may be.

4. At the appeal hearing referred to in **subsection (1),** the Subdivision and Development Appeal 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 Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

5.3 Appeal Decision

1. The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.

2. If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.

3. If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.

4. If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.

5. The Subdivision and Development Appeal Board may approve an application for a development permit notwithstanding that eh proposed development does not comply with this Bylaw if, in the opinion of the Subdivision and Development Appeal Board:

   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 properties; and

   b) the proposed development does conform with the use prescribed for the land or building in this Bylaw.

6. 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.

6 Bylaw Amendments

6.1 Application for Amendment

1. Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment.

2. 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.

3. All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:

   a) a statement of the specific amendment requested;

   b) the purpose and reason for the application;

   c) if the application is for a change of district, the legal description of the lands, or a plan showing the location and dimensions of the lands;

   d) the applicant's interest in the lands;

   e) an application fee to be determined by resolution of Council;

   f) the cost of advertising for the public hearing; and

   g) such other information as the Development Authority or Council deems necessary to assess the motive of the application.

4. Upon receipt of an application for amendment to this Bylaw, the Development Authority shall determine when the application will be placed before the Council and shall issue not less than ten (10) days notice to the applicant advising that he/she may appear before Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt by the Development Authority.

5. During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.

6. Council may request such information as it deems necessary to reach a decision on the proposed amendment.

6.2 Public Hearing Process

1. The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:

   a) refer the application for further information; or

   b) pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or

   c) pass first reading of an alternate amendment to this Land Use Bylaw; or

   d) call a public hearing prior to giving first reading to a bylaw to amend this Land Use Bylaw.

2. All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a public hearing.

7 Enforcement

7.1 Contravention and Penalties

1. Where a Development Authority finds that a development or use of land or buildings is not in accordance with the Act or the regulations made thereunder, a development permit or subdivision approval, or 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:

   a) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or

   b) demolish, remove or replace the development, and/or

   c) 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 the Act, enter upon the land or building and take such action as is necessary to carry out the order.

3. 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.

4. A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding $10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to the Act.

5. A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.

6. 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.

7. 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.

g) If a violation ticket has been issued with respect to a development which has occurred without an approved development permit, all fines indicated above shall be doubled.

8 General Regulations

8.1 Accessory Buildings and Uses

1. Where a building is attached to the main building on a site by its roof, an open or enclosed structure, a floor or a foundation, it is considered to be a part of the main building.

2. Accessory buildings shall not be constructed or placed within required yards and setbacks as established in the relevant district.

3. The total floor area of all accessory buildings shall not exceed 92.9 m^2 (1000.0 ft^2), or the floor area of the principal building, whichever is lesser.

4. The total floor area for all buildings shall not exceed 40% of the area of the parcel.

5. All accessory buildings shall be a minimum of 2.1 m from any other structure.

6. In the case of lakefront parcels, all accessory buildings except boathouses shall be located in the rear yard and the rear half of the parcel.

7. In the case of other parcels, all accessory buildings shall be located in the rear yard and in the rear half of the parcel.

8. A boathouse on a lakefront parcel will be located to the satisfaction of the Development Authority.

9. All accessory buildings shall be fixed to the ground, or on a foundation.

10. Where a garage door faces the roadway, the garage shall be set back a minimum of 6.1 m (20.0 ft.).

11. An accessory building shall be not more than 8.84 m (29 ft.) in height.

12. A guest house shall contain rooms for sleeping accommodation only and if additional rooms or facilities are contained therein, it shall be considered and evaluated as the principle residential dwelling.

13. Notwithstanding 8.1.12, above, garage guesthouses may contain bathroom and recreation areas in addition to sleeping accommodation, without being considered and evaluated as the principle residential building. No kitchen facilities may be located within a garage guesthouse.

14. An accessory building shall not be used as a dwelling, unless the accessory building is a garage with an approved garage guesthouse.

15. All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.

16. No accessory building may be built on a lot before a main building or a main use is developed on the lot.

17. Notwithstanding (15), at the discretion of the Development Authority, a maximum of one (1) temporary, portable structures or recreational vehicle may be placed on a lot before a principal building or a main use is developed on the lot during construction of the principal building.

18. Sea cans shall not be placed on a property for any period of time in any Land Use District within the Summer Village of Betula Beach.

8.2 Amateur Radio Antennas

1. Amateur radio antennas shall only be allowed as accessory developments.

2. An amateur radio antenna shall conform to the following provisions:

    a) it shall be installed according to the manufacturer's specifications;

    b) it shall be located in the rear yard;

    c) it shall conform to the height regulations in the district in which the antenna is located;

    d) it shall not be illuminated or have any signs affixed thereto; and

    e) at the discretion of the development authority, it shall be adequately buffered from adjacent land uses.

8.3 Building Appearance and Exterior Finish

1. The design, character and appearance of all buildings shall:

    a) be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,

    b) be suited to the purpose of the District in which it is located, and

    c) comply with the provision of any statutory plan applicable to the design, character or appearance of the building.

2. Unless forming part of a single project which has been designed and approved under one development application, no single family dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road, shall be located adjacent to each other.

8.4 Development on Corner Lots

1. On corner lots in any district, no fence, wall, tree, bush structure or thing more than 0.9 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting boundary lines of the lot adjacent to the highway, or road and a straight line joining points on those boundary lines 6 m (19.6 ft.) from their intersection. (See Figure 7).

2. On corner lots in any district, no fence, wall, tree, bush structure or thing more than 0.9 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting boundary lines of the lot adjacent to two lanes or a lane, a road and a straight line joining points on those boundary lines 4.5 m (14.8 ft.) from their intersection (See Figure 7).

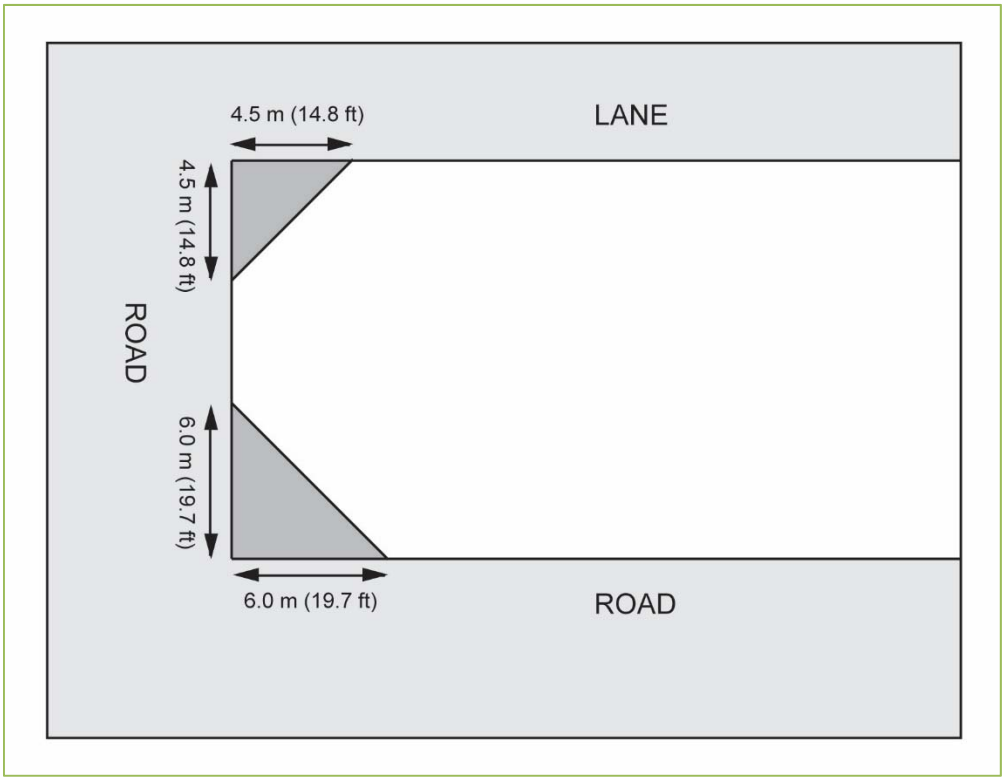


Figure 7: Corner Site Setback Requirements

3. Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after

having regard to the orientation of adjacent lots and to the location of accesses to the development.

4. Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 4.5 m (14.7 ft.).

5. Notwithstanding Subsection (3) above, features under 0.5 m (1.65 ft.) above grade may project to the side line where a second minimum front yard is not required on a corner site.

8.5 Development on Lands Containing a High-Water Table

1. Residential development or any development generating sewage effluent shall not occur on lands containing a high water table unless and until satisfactory arrangements are made to provide adequate fill or trenching so as to lower the water table to a suitable level. In this respect, the Development Authority may require testing to confirm that the water table has been suitable lowered.

2. The Development Authority may refer to Alberta Environment and Sustainable Resource Development, or other applicable provincial agency, for their comments prior to issuing a development permit for filling or trenching or for assistance in assessing any water table results.

8.6 Development on Hazardous Lands

1. It is the responsibility of the developer to provide adequate protection against flooding, subsidence and slumping. The developer shall be responsible to engage such professional assistance as is determined necessary by the Development Authority to protect any development.

2. Development permit application for lands with a gross slope of greater than 15% shall be accompanied by a parcel plan designed and stamped by a professional engineer.

3. The Development Authority may consult with Alberta Environment and Sustainable Resource Development, or other applicable Provincial agency, to assist in determining high-water marks, floodplain area, banks and the like of the lake or its tributaries.

4. Lands Subject to Flooding or Subsidence

a) Notwithstanding that a proposed development conforms in all respects with this Bylaw, where the application is for development on lands that are or may be subject to flooding or subsidence, or in an area potentially subject to a 1:100 year flood, the Development Authority shall not approve a development permit unless the applicant can demonstrate that preventive engineering and construction measures can be instituted to make the site suitable for the proposed development or to protect the development from the potential flooding hazard.

b) If a development is subsequently approved in such an area, the developer shall be required to implement the preventive measures referred to in **Subsection (a)** above, and agree within an agreement that can be caveated against the titles of the affected lands, that he and/or any subsequent landowners shall be responsible for any damage or loss caused by flooding or subsidence.

5. The Development Authority may impose conditions on the approval of a development permit requiring the retention of trees, or additional planting of such a type and extent that is considered necessary.

8.7 Dwelling Units on a Parcel

1. The maximum number of dwelling units allowed on a parcel of land shall be one (1).

2. Notwithstanding Subsection 8.8.1, where secondary suites or garage suites are listed as discretionary uses in the applicable district, two (2) dwelling units may be allowed on a parcel of land, subject to the provisions of Sections 8.11 and 8.23 of this Bylaw. Second dwellings may only be a garage or secondary suite.

8.8 Existing Sub-Standard Lots

1. Development on existing substandard lots may be allowed by the Development Authority. Compliance with the Alberta Safety Codes Act and any applicable Provincial Board of Health Regulations shall be required.

8.9 Fences, Walls and Hedges

1. Notwithstanding any regulation respecting required yards 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 the Residential District shall be:

   a) Higher than 1.8 m (6 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 0.9 m (3.0 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or

   c) Higher than 0.9 m (3.0 ft.) within 6 m (20 ft.) of the intersection of roads.

   d) Higher than 0.9 m (3.0 ft.) within 4.5 m (14.8 ft.) of the intersection of lanes, roads, or any combination of them.

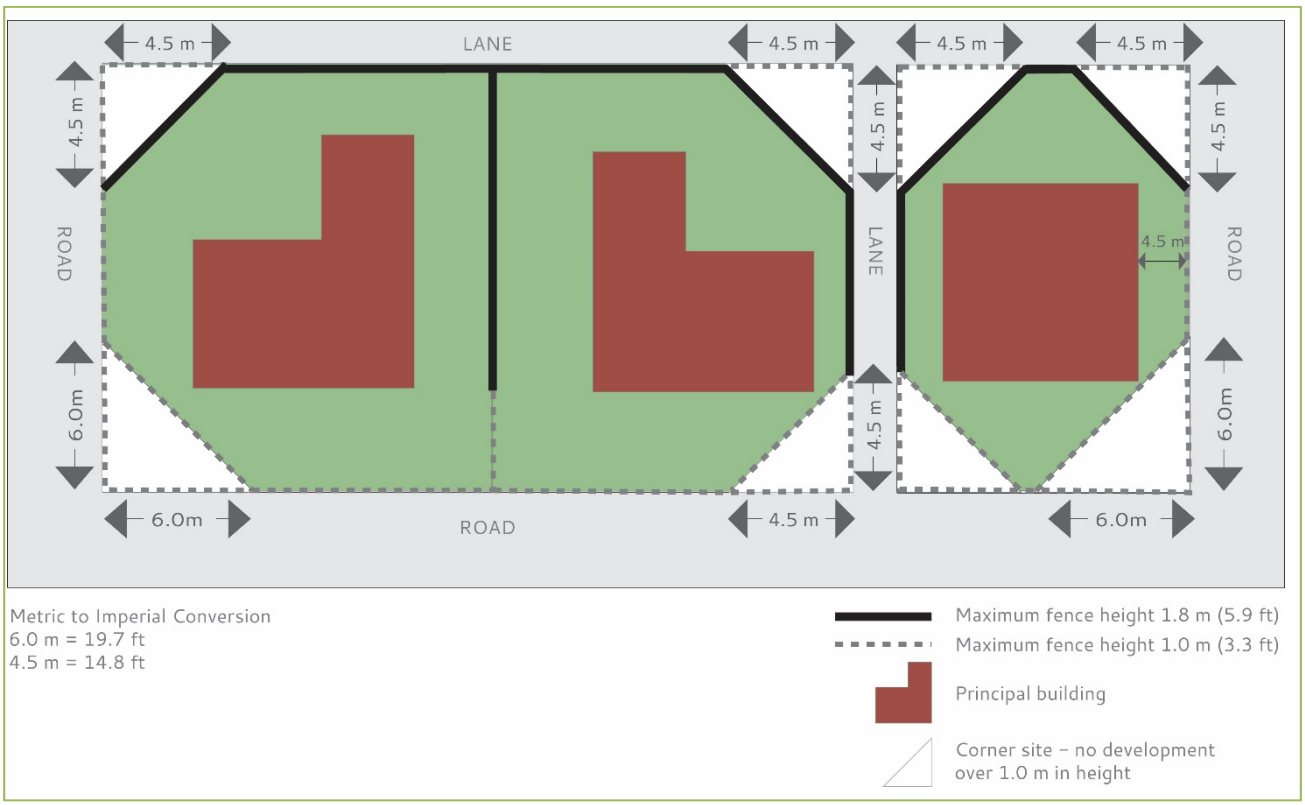


Figure 8: Height Restrictions at Intersections in the Residential Districts

3. Neither razor wire nor barbed wire shall be allowed within the Residential District.

4. Razor wire and barbed wire shall not be used in the municipality without a development permit having been issued to allow its use.

5. Electrified or barbed wire fences may be approved at the discretion of the Development Authority but shall not be approved under any circumstances in the residential district.

8.10 Garage Guesthouses

1. A garage guesthouse shall be restricted to a site occupied by a single detached dwelling.

2. A maximum of one (1) garage guesthouse shall be permitted on any single detached dwelling lot.

3. A garage guesthouse shall remain accessory to and subordinate to the main dwelling and shall, subject to the requirements of **Subsection 8.1.3** of this Bylaw, shall not exceed 92.9 m^2 (1000.0 sq. ft.) in area, or the footprint of the principal building, whichever is the lesser.

4. A garage guesthouse shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage guesthouse.

5. The minimum floor area for an at-grade garage guesthouse is 30.0 m^2 (322.9 sq. ft.).

6. The minimum floor area for an above-grade guesthouse is 30.0 m^2 (322.9 sq. ft.).

7. Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage guesthouse.

8. A garage guesthouse includes, but is not limited to, sleeping areas, recreation areas, toilet and bathing facilities.

9. A garage guesthouse does not include a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring.

10. A garage guesthouse shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.

11. At-grade garage guesthouses shall be a maximum height of 4.5 m (14.8 ft.).

12. Above-grade garage guesthouses shall be a maximum height of 8.84 m (29.0 ft.).

13. A minimum of three (3) on-site parking spaces shall be required for lots with approved garage guesthouse development. Tandem parking may be permitted at the discretion of the Development Authority.

8.11 Home Occupations

1. All development permits issued for home occupations shall be revocable at any time by the development authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

2. A minor home occupation shall comply with the following regulations:

   a) A minor home occupation shall not employ any person on-site other than a resident of the dwelling.

   b) No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.

   c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed only in either the dwelling or accessory buildings.

   d) Up to ten (10) business visits per week are allowed.

   e) Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.

   f) No more than one (1) commercial vehicle up to but not exceeding a gross vehicle weight of 4,800 kg (10,560 lbs.), to be used in conjunction with the major home occupation, shall be parked or maintained on the site in a Residential District. The parking space for the commercial vehicle shall be adequately screened and sited behind the principal building to the satisfaction of the Development Authority.

   g) There shall be no exterior signage, display or advertisement other than a business identification sign, the size of which shall be entirely at the discretion of the Development Authority.

3. A major home occupation shall comply with the following regulations:

a) The number of non-resident employees working on-site shall not exceed two (2) on-site, non-occupant employees.

b) Up to eight (8) business visits per day are allowed.

c) No more than one (1) commercial vehicle up to but not exceeding a gross vehicle weight of 4,800 kg (10,560 lbs.), to be used in conjunction with the major home occupation, shall be parked or maintained on the site in the Residential District. The parking space for the commercial vehicle shall be adequately screened and sited behind the principal building to the satisfaction of the Development Authority.

d) Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as along as such alterations comply with this Bylaw and the Alberta Safety Codes Act and the regulations made thereunder.

e) There shall be no exterior signage, display or advertisement other than a business identification sign, the size of which shall be entirely at the discretion of the Development Authority.

4. All home occupations shall comply with the following requirements:

a) In addition to a development permit application, each application for a minor home occupation or a major home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

b) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

c) A minor or major home occupation shall not occupy more than 20% of the floor area of the main dwelling or 35 m^2 (375 $ft.^2$), whichever is the lesser.

d) Home occupations shall not involve:

i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or

ii. any use that would, in the opinion of the development authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

5. A permit issued for a home occupation is valid for one (1) year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.

6. A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this Bylaw or conditions of the approval of the development permit and complaints based on the operation of the home occupation have been received.

8.12 Keeping of Domestic Pets and Livestock

The keeping of domestic pets and animals in the Residential District shall be in accordance with the following, without the need to obtain a development permit:

1. No animals other than domestic pets shall be allowed in the Residential District.

2. The total number of domestic pets per lot shall not exceed six (6) of which not more than three (3) shall be dogs or any other single species.

3. The keeping of domestic pets not in accordance with this Section shall require a development permit.

8.13 Landscaping

1. The Development Authority may require, as a condition of the approval of a development permit, the preparation and implementation of a landscaping plan.

2. A landscaping plan shall contain the following information for the site and adjacent boulevards:

   a) all physical features, existing or proposed, including shrubs, trees, flower beds, berm contours, walls, fences, outdoor furniture, surface utilities, and decorative paving; and

   b) all shrubs and trees, whether existing or proposed labeled by their common name and size.

3. The Development Authority may impose conditions requiring the retention or removal of trees, as well as additional tree planting.

4. A garbage collection area, an open storage area, or an outdoor service area which is visible from an abutting site in a residential district, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan as approved by the Development Authority. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 1.8 m (6 ft.).

8.14 Moved-In Buildings

1. The movement of any building onto a lot, whether permanently or for a specific period of time, and whether or not the building is portable or can easily be removed from the lot, shall require an approved development permit.

2. Any person making application to move an existing building onto a parcel as a main or accessory building shall:

   a) make the usual application for development permit;

   b) provide photographs of the building showing each elevation and the general condition of the building; and

   c) state the present location and use of the building.

3. The Development Authority may, at his or her discretion, inspect the building, or cause the building to be inspected by a person he or she appoints, and shall determine the suitability of the building for the proposed use.

4. The Development Authority may, at his or her discretion, require that certain works of structural alterations, repair or maintenance of the building and preparation of the proposed parcel be carried out as a condition of the issuance of the permit.

5. If these works are to be done after the building is moved onto the proposed parcel, the Development Authority may require that a performance bond be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not done within a time frame established through the development permit, and not usually to exceed one (1) year.

6. Any travel or other costs incurred by the Development Authority in processing a development permit for a moved-in building shall be added to the fee for the development permit.

7. Any renovations and any conditions imposed by the Development Authority to a moved-in building shall be completed within one (1) year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.

8. When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoin properties.

9. In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovation and improvements have been completed.

8.15 Municipal Services, Sanitary Facilities & Road Availability

1. A development permit shall not be valid for a proposed use without the necessary approvals respecting the proposed type of sanitary facilities required by Provincial regulation.

2. A development permit shall not be issued for residential, recreational, commercial or industrial uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are available to support existing and proposed development.

3. A development permit shall be required for construction of a sewage collection system.

4. No development permit shall be issued for any building or use unless and until the Development Authority is satisfied that the sewage collection system is satisfactory.

5. Every residential dwelling shall provide an on-parcel sewage collection system consisting of a sealed impermeable holding tank.

6. No sealed impermeable holding tank sewage collection system shall be constructed closer than:

    i. 5.0 m (17.0 ft.) to a street or lane;

    ii. 1.0 m (3.25 ft.) to a property line;

iii. 1.0 m (3.25 ft.) to any building;

iv. 10.0 m (33.0 ft. from a well.

Where the foregoing precludes any location for a sewage collection system, the Development Authority may issue a permit for construction in a location deemed most suitable in consultation with the local Health Authority.

7. All wells and potable water cisterns shall require a development permit and shall be excavated in conformance with the Alberta Building Code and all such other regulations which may apply to their construction.

8. No development shall take place and no development permit shall be approved unless the lot on which the development is to take place has direct access to a developed, all-weather road constructed to municipal standards or better. Alternatively, the Development Authority may establish as a condition of approval that an all-weather road be constructed by the developer/landowner to municipal standards or better from the nearest such road to the lot.

9. Where any on-parcel services or improvements, or any off-parcel local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken.

8.16 Objects Prohibited or Restricted in Yards

1. No person shall keep or permit in the Residential District any object, chattel, or other use of land which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district. This includes dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, diesel fuel, propane and gasoline products.

2. In addition, no person shall keep or permit in any part of any yard in the Residential District any more than one (1) vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4,800.0 kg (10,560 lbs.) for longer than is reasonably necessary to load or unload the vehicle.

3. Garbage shall be stored in weather and animal proof containers and screened from adjacent parcels and public thoroughfares and shall be in a location easily accessible for pickup.

4. Outside storage areas shall be screened from adjacent parcels and thoroughfares.

5. No person shall keep or permit in a yard adjacent to a dwelling, either:

   a) a propane tank that is larger than 68.2 kg (150 lbs.);

   b) more than four (4) propane tanks; or

   c) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.);

   without first obtaining a development permit.

6. Notwithstanding **Subsection (3)** above, on lots in the Residential District which are:

   a) greater than 1.2 ha (3 ac.) in area; and

   b) where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

   The Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91 kg (200 lbs.) to be located on a lot.

7. All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91 kg (200 lbs.), to be located within individual stalls, in approved campground or recreational vehicle park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to issuance of a development permit.

8. Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.

8.17 Off-street Parking

14. A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of parking stalls or loading spaces required on the total parcel for which the addition or change in use is proposed.

15. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

    a) Principal residential dwelling – 2 spaces per dwelling

    b) Garage suite or secondary suite – 1 space per additional dwelling unit

8.18 Pollution Control

1. In any district, no storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the parcel, on public property, or on any other parcels, by reason of the generation of noise, vibration, dust and other particulate matter, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam.

2. Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lake shore shall be prohibited.

3. Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

8.19 Projection into Yards

1. No portion of any building shall project onto, over or into a minimum required yard.

2. Notwithstanding Subsection (1) above, the portions of an attachment to a main building which may project over a minimum required yard are:

    a) steps, eaves, gutters, sills, patios, and decks, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;

    b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.91 m (3.0 ft.); and

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

8.20 Recreational Vehicles

1. Notwithstanding any other provision of this Bylaw to the contrary, no person may occupy a recreational vehicle as a dwelling.

2. If the intention is to store an unoccupied recreational vehicle, unless a development permit has been issued for Outdoor Storage which includes recreational vehicles, no more than one (1) recreational vehicle shall be allowed on any lot. No development permit shall be required for the storage of one (1) unoccupied recreational vehicle on a lot.

3. Notwithstanding the above, one (1) recreational vehicle may be allowed and occupied for up to one (1) week without a development permit.

4. Notwithstanding the above, one (1) additional recreational vehicle may be allowed and occupied for up to one (1) week on a residential parcel, subject to the approval of the development authority.

5. No recreational vehicle shall be connected to any utility or service, except for electricity.

6. No structure accessory to a recreational vehicle shall be used as sleeping quarters.

8.21 Solar Energy Collection Systems

1. Solar energy collection systems shall only be allowed as accessory developments.

2. Ground mounted solar collectors shall be located in a side or rear yard only.

3. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot should not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:

a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.66 m (12 ft.) obstruction located on the lot line;,

b) has an area not greater than half of the heated floor area of the structure (or largest structure, if multiples exist);

c) Notwithstanding the foregoing, the Village shall not be held responsible for protecting access to solar energy on private land.

4. No solar energy collection system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

8.22 Signs

1. All signs of a commercial, directional or informative nature erected on land or affixed to any exterior surface of any building or structure shall require a development permit and shall be subject to the following requirements:

a) no signs shall be erected on or affixed to private property without the prior consent of the property owner or tenant;

b) no signs shall be erected on or affixed to public property without the prior consent of the Summer Village of Betula Beach;

c) no signs shall resemble or conflict with a traffic sign, nor shall any sign be a traffic hazard. No sign shall be in contravention of a Summer Village traffic speed bylaw or in contravention of any other Summer Village bylaw;

d) all signs shall be kept in a safe, clean and tidy condition, and may, by order of the Development Authority, be required to be renovated or removed.

2. All signs of a commercial, directional or informative nature erected on land or affixed to any exterior surface of any building shall not exceed 1.0 m^2 (10.76 ft^2) in area.

8.23 Sour Gas Facilities

1. No development shall be allowed within 100 m (328 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Resources Conservation Board (ERCB).

2. In the case of a Level 2 sour gas facility as determined by the ERCB:

   a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility; and

   b) no institutional use shall be allowed within 500 m (1640 ft.) of the sour gas facility.

3. In the case of Level 3 sour gas facility as determined by the ERCB:

   a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility;

   b) no residential development with a density of more than eight (8) dwelling units per quarter section shall be allowed within 500 m (1640 ft.) of the sour gas facility; and

   c) no institutional use shall be allowed within 1500 m (4921 ft.) of the sour gas facility.

8.24 Subdivision of Land

1. Where the development of land requires a subdivision, no development permit shall be issued until the proposed subdivision has received tentative approval from the Subdivision Authority for the Summer Village.

2. Development agreements shall be required as a condition of approval for subdivision of land within the Summer Village.

8.25 Topsoil Removal

1. A development permit is required for the removal of top soil, sand or other material where the removal will alter drainage from the subject site onto adjacent properties or to a naturally occurring body of water.

8.26 Utility Easements

1. Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless, in the opinion of the Development Authority, the said structure

does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and written consent has been obtained from the person or agency for whose use the easement has been granted.

8.27 Wireless Communication Facilities

1. The municipality will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.

2. Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status.

3. The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.

4. Applications for development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.

5. Guyed-tower structures are to be located on properties that allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases that base and anchor structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

   Self-support towers are to be located respecting the building and safety codes for the community. In all cases the base structures must be designed

for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development.

6. Multiple tower structures will require individual development permit applications.

7. Applications for the development of wireless facilities must include in the development application letters from the following authorities:

   a) Transport Canada governing painting and lighting of the applicant's tower for aeronautical safety;

   b) NavCanada governing aircraft communication and instrumentation immunity from the applicant's tower transmissions; and

   c) Industry Canada governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed Exempt operators must provide a stamped letter from a licensed professional RF engineer guaranteeing these conditions will be met.

8. Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high RF energy fields must be provided with consideration of community aesthetics.

9. The application for development must include consideration to minimizing environmental damage through the following measures:

   a) Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.

   b) The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.

10. As a condition of obtaining a development permit the applicant agrees to the following:

   a) The site will be reclaimed within six (6) months of cessation of operation.

b) The site reclamation will comply with Alberta Environmental Laws to be provided by Alberta Environment or their agent.

11. A public consultative process shall commence within the intent to establish a wireless facility advertisement in the local newspapers and b letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The municipality will arrange for the public meetings at its discretion and at the sole expense of the applicant.

9 Land Use District Regulations

9.1 R –Residential District

1. General Purpose

The general purpose of this District is to provide land for residential development.

2. Permitted Uses

a) Single detached dwellings
b) Modular homes
c) Day homes
d) Solar energy collection systems
e) Buildings and uses accessory to a permitted use

3. Discretionary Uses

a) Boat houses
b) Garage guesthouses
c) Guesthouse
d) Minor home occupations
e) Outdoor storage
f) Public and quasi-public buildings and uses
g) Public utility buildings and uses
h) Public parks
i) Buildings and uses accessory to a discretionary use

4. Minimum Parcel Area and Width

a) All lots created for residential use after the date of adoption of this Bylaw shall have a width of no less than 15.24 m (50 ft.) at both front and rear property lines.

b) The minimum lot width required by this Bylaw shall not prevent:

i. the adjustment of a property line where no additional lots are being created, or

ii. the resubdivision of a lot formed by the consolidation of two previously existing lots.

5. Principal Building

a) Coverage of all buildings shall not exceed 40% of the total lot area.

b) Minimum floor area per dwelling unit (not including attached garage) shall be no less than 55.7 m^2 (600.0 $ft.^2$).

c) Maximum Height – the height of the principal building shall be no more than 9.0 m (29.5 ft.)

d) Minimum Front Yard Setback:

i. Lakefront parcel – at the discretion of the Development Authority but no less than 8.0 m (26.2 ft.)

ii. All other cases – 6.1 m (20.0 ft.)

e) Minimum Side Yard Setback – 1.5 m (5.0 ft.)

f) Minimum Rear Yard Setback – 6.1 m (20.0 ft.)

6. Accessory Buildings

a) The setback from the rear property boundary shall be at the discretion of the Development Authority but no less than 1.5 m (5.0 ft.). In exceptional cases it may be reduced to not less than 0.9 m (3.0 ft.)

b) Maximum Height:

i. the height of a boathouse shall not exceed 3.7 m (12.0 ft.).

ii. the height of any garage, storage shed or guesthouse shall not exceed 4.6 m (15.0 ft.).

iii. notwithstanding 9.1.6(b)(ii), above, a garage which includes an approved garage suite, shall be at the discretion of the Development Authority and shall not exceed the height of the principal building on the parcel.

c) A garage, storage shed or guesthouse may be built on a lot provided that:

i. all required yard setbacks are maintained; and

ii. the total floor area of all buildings does not exceed 40% of the area of the parcel.

d) The Development Authority may require that there be adequate clearance of between all buildings.

7. Basements – Basements may not be allowed where high water tables would in all likelihood cause flooding to occur.

8. Parking – parking shall be provided in accordance with **Section 8.19** of this Bylaw.

9. Sewage Collection Systems

A proposed sewage collection system shall:

a) require a development permit prior to commencement of construction; and

b) meet the requirements of the Safety Codes Act, the Alberta Private Sewage Disposal Standard of Practice (2009) and/or any other regulations which govern said sewage collection system.

9.2 P –Park and Recreation District

1. General Purpose

The general purpose of this District is to provide land for recreational development.

2. Permitted Uses

a) Recreational uses
b) Public parks
c) Buildings and uses accessory to a permitted use

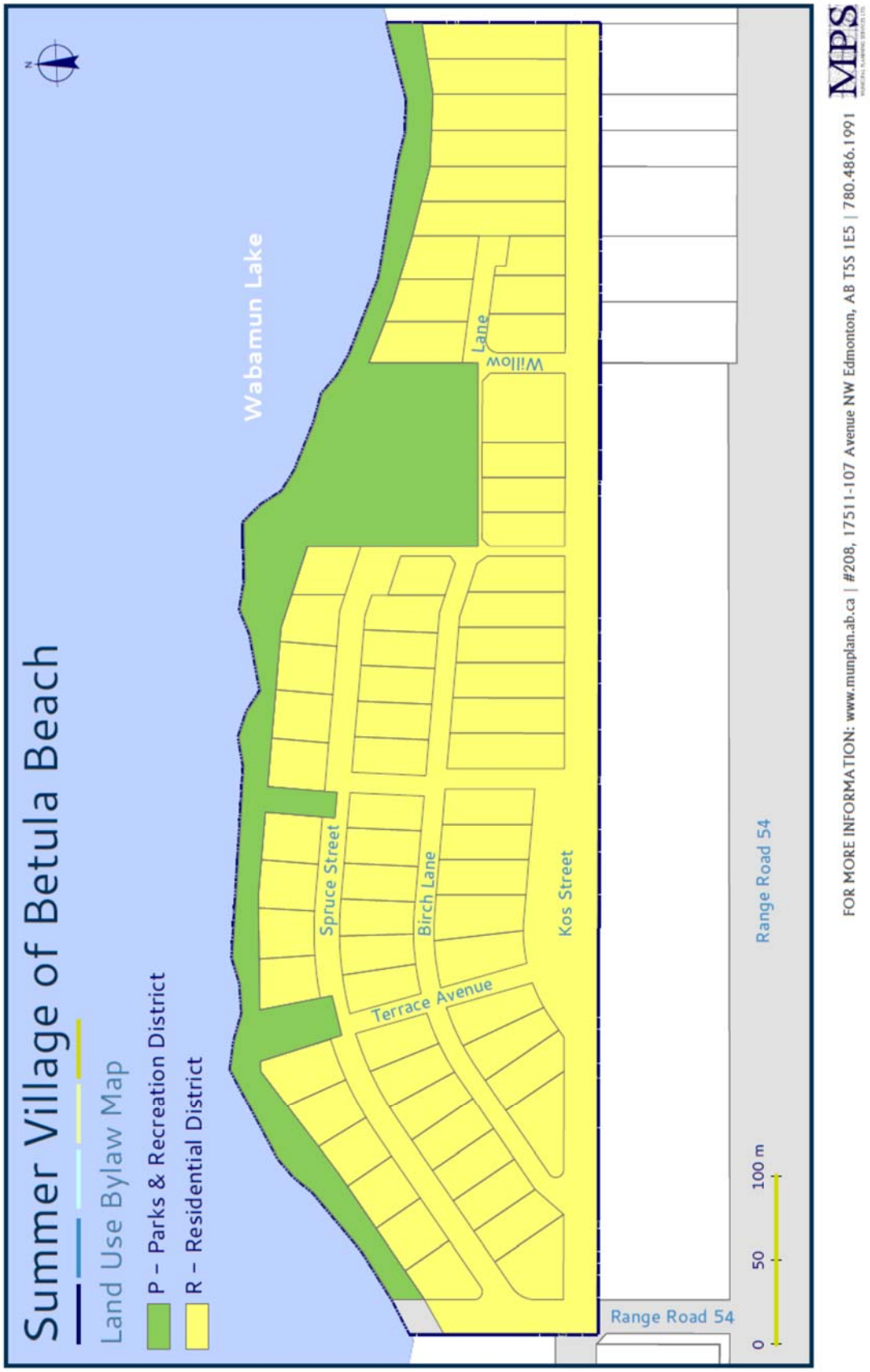
3. Discretionary Uses

a) Public and quasi-public buildings and uses
b) Public utility buildings and uses
c) Buildings and uses accessory to a discretionary use

4. Development Regulations

All regulations shall be at the discretion of the Development Authority. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibilities with development in abutting districts.

5. Parking and Loading

The provision for parking and loading shall be at the discretion of the Development Authority except as otherwise specified within this Bylaw.

10 | Land Use District Map