PART I - GENERAL

SECTION 1 TITLE

This Bylaw may be referred to as “The Summer Village of Lakeview Land Use Bylaw.”

SECTION 2 SCOPE

No development shall be carried out within the boundaries of the municipality unless it conforms with the provisions of this Bylaw, except where exempted by the Municipal Government Act, 1994.

SECTION 3 METRIC AND IMPERIAL MEASUREMENTS

Whenever dimensions are present or calculations are required, the metric dimensions, values or results shall be used. The imperial equivalents provided in parentheses after each reference to metric units of measurement are approximate and intended for information only.

SECTION 4 RELATIONSHIP TO MUNICIPAL GOVERNMENT ACT

This Summer Village of Lakeview Land Use Bylaw has been prepared and adopted in accordance with the provisions of the Municipal Government Act, its regulations, and amendments thereto. Reference should be made to the Act and its regulations with respect to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw if these are not set out in this Bylaw.

SECTION 5 DEFINITIONS

In this Bylaw:

“ACCESSORY BUILDING OR USE” - Means a use, building, or structure which is separate and subordinate to the principal residential use of the main building located on the lot, but does not include a residence.

“ACT” - means THE MUNICIPAL GOVERNMENT ACT, 1994 as amended, and the regulations pursuant thereto.

“BED AND BREAKFAST” - means the use of part of a residential dwelling for overnight accommodation where breakfast is usually served as part of the accommodating service.

“BOATHOUSE” - means an accessory building designed and used primarily for the storage of boats, with the main door facing the lake.

“BUILDING” - means anything constructed or placed on, in, over, or under land, but does not include a highway or public roadway or related developments.

“BUFFER” - means row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses.

“BUILDING HEIGHT” - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building.

“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.

“CARPORT” - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.

“CORNER” - means the intersection of any two property lines of a lot.

“COUNCIL” - means the Council of the Summer Village of Lakeview.

“DEVELOPER” - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

“DEVELOPMENT” - means development as defined in the Act, and includes the following:

(a) the carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw, development also means the demolition of a building;

(b) in a building or on a lot used for dwelling purposes, any increase in the number of families occupying and living in the building or on the lot, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the lot;

(c) the placing of refuse or waste material on any land;

(d) resumption of the use to which land or buildings have been used previously;

(e) the use of the land for the storage or repair of motor vehicles or other machinery or equipment;

(f) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw is enacted; and

(g) grading, quarrying, clearance of trees and vegetation and modification of the shoreline through the dumping of rocks, soil or sand, or by constructing lake walls or similar structures.

"DEVELOPMENT OFFICER" - means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw.

"DEVELOPMENT PERMIT" - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit.

"DISCONTINUED" - means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use, or a conforming use has ceased.

"DISCRETIONARY USE" - means a use of land or building provided for in the District Schedules of this Bylaw, for which a development permit may or may not be issued with or without conditions, based upon the merits of the application being made.

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

"EXCAVATION" - means any breaking of ground, except common household gardening and ground care.

"FENCE" - means a vertical physical barrier constructed to prevent visual intrusion, sound abatement or unauthorized access.

"FLOOR AREA" - means the greatest horizontal area of a building above grade within the outside surface of exterior walls and the centreline of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

"FOUNDATION" - means the lower portion of a building which is usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground.

"FRONTAGE" - means the length of a street boundary from which principal access is gained.

"GARAGE" - means an accessory building or part of the principal building, designed and used primarily for the storage of non-commercial motor vehicles.

“GRADE” - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building.

“GUEST HOUSE” - means an accessory building which may contain sleeping facilities or additional facilities, and may be in addition, but is secondary, to the principal dwelling. The guest house may not be rented for accommodation;

“HOME OCCUPATION” - means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building.

“LAKE MANAGEMENT PLAN” - means a statutory plan adopted pursuant to the provisions of the Municipal Government Act.

"LAKEFRONT LOT" - means those lots that extend to the lakeshore but also includes those lots that are only separated from the lakeshore by roads, municipal reserves or environmental reserves;

“LANE” - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft) and is not less than 6.0 m (19.7 ft) wide, and which provides a secondary means of access to a lot or lots.

“LOT” - means a part of a lot of land, the boundaries of which are separately described in a certificate of title which may or may not be shown on a registered plan of subdivision.

“LOT AREA” - means the total area of a lot.

“LOT, BOUNDARIES” - means those boundaries which bound the lot as determined by the Development Officer.

“LOT, CORNER” - means a lot at the intersection of two abutting streets provided that the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the arc of the inside boundary of the street is less than 45.0 m in radius over an angle of more than 135 degrees.

“LOT COVERAGE” - means, in the case of a residential building or structure, the combined area of all buildings on the lot, measured at the level of the lowest containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases all porches and verandas, open or covered, 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.

“LOT DEPTH” - means the average horizontal distance between the front and rear lot boundaries.

“MAIN BUILDING OR USE” - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar building or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one main building or use on a single lot.

“MOBILE HOME” - means a dwelling suitable for long term occupancy that is designed to be transported on its own wheels.

“MODULAR HOME” - means a factory fabricated unit, designed to be transported on a truck and assembled on site and appear as a single detached dwelling.

“MUNICIPALITY” - means the Summer Village of Lakeview.

“NON CONFORMING BUILDING OR USE” - means a building or use which is regarded as non-conforming in accordance with the provisions of the Act.

“OTHER WORDS AND EXPRESSIONS” - have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act and any other applicable Statute of Alberta.

“PARCEL” - means the aggregate of the 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.

“PARK OR PLAYGROUND” - means an area of land that is used for recreation purposes and usually includes such facilities as slides, swings, and other playground equipment.

“PARKING FACILITY” - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot.

“PARKING STALL” - means a space set aside for the parking of one vehicle.

“PERMITTED USE” - means the use of land or a building provided for in the District Schedules of this Bylaw for which a development permit shall be issued with or without conditions upon an application having been made which conforms to the Land Use Bylaw.

“PRINCIPAL BUILDING” - means a building which, in the opinion of the Development Officer:

(a) occupies the major or central portion of the lot;

(b) is the chief or main building among one or more buildings on the lot; or

(c) constitutes by reason of its use the primary purpose for which the lot is used.

There shall be no more than one principal building on each lot unless specifically permitted otherwise in this Bylaw.

"PRINCIPAL USE" - means the primary purpose, in the opinion of the Development Officer, for which a building or lot is used.

"PUBLIC ROAD" - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any structure.

"PUBLIC USE" - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations.

"RECREATIONAL USES" – means any places or structures designed and equipped for the pursuit of low-intensity, outdoor, leisure time activities which do not generate significant volumes of vehicle traffic, noise or refuse.

"SEMI-DETACHED DWELLING - means two-attached dwellings, side by side, under one roof.

"SETBACK" - means the perpendicular distance as measured between that part of a building nearest to the front, side or rear property line of the building lot.

"SEWAGE COLLECTION SYSTEM - ON SITE" - means a method of sewage collection, and treatment (in some cases) recognized under the Plumbing and Drainage Act, the system may include impermeable holding tanks, and may include septic fields and evaporation mounds, but does not include any form of out house or privy that is not capable of accommodating grey water waste;

"SHORELINE" - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the waterbody and the vegetation of the surrounding land.

"SIGN" - means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction.

“SINGLE DETACHED DWELLING” - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a permanent residence not separated from direct access to the outside by another structure.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” - means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the Municipal Government Act.

“**YARD**” - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw.

“YARD, FRONT” - means that portion of the lot extending across the full width of the lot from the front property boundary of the lot to the exterior wall of the building. The yard determined to be the front yard is at the discretion of the Development Officer.

“YARD, LAKEFRONT” - 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 portion of the principal building;

“YARD, REAR” - means that portion of the lot extending across the full width of the lot from the rear property boundary of the lot to the exterior wall of the building. The yard determined to be the rear yard is at the discretion of the Development Officer.

“YARD, SIDE” - means that portion of the lot extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building.

Note:	Notwithstanding the meanings above, the Municipal Government Act 1994, takes precedent in a case of dispute on the meanings of all words or clauses.

PART II - ESTABLISHMENT OF DEVELOPMENT CONTROL AGENCIES

SECTION 6 DEVELOPMENT OFFICER

(1) The office of the Development Officer is hereby established and shall be filled by a person or persons appointed by resolution of Council.

(2) The Development Officer is declared to be an authorized person for the purposes of the Act.

(3) The Development Officer shall:

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

(b) make available for inspection:

(i) a copy of this Bylaw as amended, and

(ii) a register of all applications including the decisions rendered on them and the reasons therefore; and

(c) ensure that copies of this Bylaw can be purchased by the public at a reasonable cost; and

(d) carry out his duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and

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

SECTION 7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Subdivision and Development Appeal Board for the Summer Village of Lakeview, as established by Bylaw, shall perform the duties and functions described in the Municipal Government Act.

(2) The Subdivision and Development Appeal Board shall review all applications for development appeal, stop order appeal, and subdivision appeal except where otherwise determined by the Act.

PART III - DEVELOPMENT PERMITS

SECTION 8 PERMIT FEES

The development permit application fee shall be as established by Council.

SECTION 9 WHERE A PERMIT IS REQUIRED

(1) Except as provided for in Subsection (2), no person shall commence any development unless he has been issued a development permit in respect thereof.

(2) A development permit is not required for development of the type described as follows provided the proposed development conforms to all other provisions of this Bylaw:

(a) The maintenance or repair of any building if the work does not include structural alterations; or

(b) The completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is competed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier; or

(c) The completion, alteration, maintenance or repair of street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land; or

(d) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer; or

(e) The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:

(i) such signs are removed within fourteen (14) day of the election date, and

(ii) the consent of the property owner or occupant is obtained, and

(iii) such signs do not obstruct or impair vision or traffic, and

(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; or

(f) The erection of a fence or gate which is no higher than 1.8 m (5.9 ft) in height provided that there is no contravention of this or any other Bylaw of the Municipality, and provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of persons using roads abutting the parcel; or

(g) Landscaping, where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit; or

(h) One sign on internal lots or two signs on corner lots advertising a residential property for sale or rent may be displayed on the property on which it pertains during the time the property is being offered for sale or rent, and shall be removed within one (1) day after the sale or rental agreement has been entered into. Such signs shall be a maximum of 0.6 m^2 (6.5 ft^2) and shall be placed or erected no closer than 3.0 m (9.8 ft) to a public right-of-way; or

(i) A garden or tool shed in the rear yard of a residential parcel, with such a building not to exceed 9.3 m^2 (100.0 ft^2) in floor area and 2.5 m (8.0 ft) in height and is in conformity with the other provisions of this Land Use Bylaw.

SECTION 10 "SAME OR SIMILAR USES

The uses which are listed in the permitted and discretionary uses columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Officer may deem that the proposed use conforms to the spirit and intent of the purpose of the land use district and is deemed similar to other uses allowed in that land use district. Notwithstanding, all uses defined as "same or similar uses" shall be discretionary.

SECTION 11 APPLICATION FOR DEVELOPMENT PERMIT

(1) Every application for development permit shall:

(a) be made on the form provided by the Development Authority;

(b) be signed by the registered owner and his agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;

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

(d) include lot plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:

(i) Front, side and rear yards;

(ii) Outlines of the roof overhangs on all buildings;

(iii) North point;

(iv) Legal description of property;

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

(vi) The height and horizontal dimensions of all buildings, existing and proposed;

(vii) The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable;

(viii) Any other pertinent information or tests required by the Development Officer respecting the lot or adjacent lands; and

(ix) The location of all natural tree areas and how they will be affected by the proposed development.

(2) The Development Officer shall require a real property report, prepared by a certified Alberta Land Surveyor, be included with the application for a development permit.

Ref: Bylaw 03-2018

(3) The Development Officer may require an irrevocable letter of guarantee or an irrevocable letter of credit from the developer to secure performance of any of the conditions of a development permit.

(a) Review of Application

(i) An application for a development permit shall be considered by the Development Officer 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 use or a discretionary use.

(ii) The Development Officer may impose such conditions on the approval of an application as, in his opinion are necessary, to ensure the orderly and economical development of land within the Municipality.

(ii) In the case where an application for a development permit has been refused pursuant to this Bylaw, by the Subdivision and Development Appeal Board, or the Alberta Court of Appeal, the submission of another application for a Development Permit on the same property for a same or similar use may not be accepted by the Development Officer for at least six months after the date of the previous refusal.

(iii) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be deemed to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.

(iv) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.

(b) Developer's Agreement

(i) The Development Officer may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement with the Municipal Council to do all or any of the following:

A. To construct or pay for the construction of:

1. a public roadway required to give access to the development, or

2. a pedestrian walkway system to serve the development, or

3. pedestrian walkways that will serving the development with a pedestrian walkway system that serves or proposed to serve an adjacent development or both; or

B. To install or pay for the installation of utilities that are necessary to serve the development; or

C. To construct or pay for the construction of:

1. off-street or other parking facilities, and

2. loading and unloading facilities; or

D. To pay an off-site levy or redevelopment levy imposed by Bylaw.

(ii) Notwithstanding Subsection (i), if the Council is of the opinion that an agreement required by the Development Officer pursuant to Subsection (i) would not be necessary, then the condition requiring the agreement is void.

(iii) Where an application for a development permit is approved with conditions the Development Officer may, before issuing the development permit, require the applicant or the owner of the land affected by the development permit to enter into an agreement with the Municipality to ensure compliance with the conditions, and such an agreement may be protected by Caveat registered by the Municipality.

SECTION 12 NOTICE OF PROPOSED DEVELOPMENT

(1) Prior to an application being considered for a discretionary use, or a use pursuant to Sections 21(1), the Development Officer may require, or the Summer Village Council may direct the Development Officer to require, one or more of the following:

(a) cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than seven (7) days prior to the date of consideration of such an application;

(b) cause a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or

(c) cause a similar notice to be sent by mail to all assessed property owners within 30.0 m of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, or Council, may be affected, not less than seven (7) days prior to the date of consideration of the application.

(2) The notices issued pursuant to Section 12(1) shall state:

(a) the proposed use of the building or parcel;

(b) that an application respecting the proposed use will be considered by the Development Officer, or Summer Village Council;

(c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:

i) their full name and address for service of any notice to be given to them in respect of the objection, and

ii) the reasons for their objections to the proposed use;

(d) the date by which objections must be received by the Development Officer; and

(e) the date, time and place the application will be considered by the Development Officer or Summer Village Council.

(3) When considering applications under Section 12(1) for which notices have been served, the Development Officer or Summer Village Council may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

SECTION 13 NOTICE OF DECISION

(1) All decisions on applications for a development permit shall be given in writing to the applicant.

(2) If an application is refused or conditionally approved by the Development Officer or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.

(3) When a decision on a development permit for a permitted use is made, the Development Officer may require the developer to immediately post a notice, for no less than fourteen (14) days, conspicuously on the parcel on which the proposed development has been permitted.

(4) When a decision on a development permit for a discretionary use is made, the Development Officer shall undertake or be directed to undertake by the Summer Village Council, as the case may be, any or all of the following:

(a) publish a notice in a newspaper circulating in the municipal area; and/or

(b) immediately mail a notice to all assessed property owners within 30.0 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Officer, or Council, may be affected; and/or

(c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than fourteen (14) days after the day the permit was issued.

(5) The notices issued pursuant to Sections 13(3), or (4) shall indicate:

(a) the date a decision on the development permit application was made;

(b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, or Council; and

(c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 14 of this Bylaw.

SECTION 14 EFFECTIVE DATE OF DEVELOPMENT PERMIT

The decision on a development permit application shall come into effect,

(a) if it is made by the Development Officer or Summer Village Council, on the fifteenth (15th) day after the date of the issue of the Notice of Decision by the Development Officer, or

(b) if an appeal is made, on the date that the appeal is finally determined.

ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT.

SECTION 15 ISSUANCE OF DEVELOPMENT PERMIT

Subject to right of appeal, the Development Officer shall issue a development permit to the applicant immediately after completion of all the following:

(a) Approval or conditional approval of the application by the Development Officer, the Subdivision and Development Appeal Board or the Alberta Court of Appeal; and

(b) The delivery of an irrevocable letter of guarantee or an irrevocable letter of credit, if required pursuant to Section 11(3)(b); and

(c) The registration of a developer's agreement against the title of the subject property and

(d) The payment of the development permit fee as required.

SECTION 16 CONDITIONS OF DEVELOPMENT PERMIT

(1) A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building and electricity, and all other permits required in connection with the proposed development. (Note: A development permit is not a building permit.)

(2) The applicant shall be financially responsible during construction for any damages by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

(3) The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.

(4) A condition of all development permit approvals shall be that all tax arrears be paid in full to the Summer Village of Lakeview or that arrangements be made for payment to the satisfaction of the Municipality.

(5) Subsections (2) and (3) may be enforced pursuant to Section 645 of the Act. Any costs incurred as a result of neglect to public property may be collected where letters have been required pursuant to Section 11(3).

(6) The Development Officer may require a real property report relating to the building for which a permit is applied for.

(7) No building shall be used or occupied and no change in the existing use or occupancy classification of a building shall be made until substantial completion, as determined by the Development Officer, has been undertaken.

PART IV - GENERAL REGULATIONS

SECTION 17 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

(1) The Act, shall apply in the case of non-conforming uses and non-conforming buildings.

(2) On the approval of the Development Officer, a development may be permitted in any district on a lot which does not meet the requirements of this Bylaw provided that such lot was legally approved and registered at the time of final passage of this Bylaw and provided that the District Regulations of this Bylaw apply.

SECTION 18 VALIDITY OF DEVELOPMENT PERMITS

(1) A development permit is valid unless:

(a) it is suspended or cancelled; or

(b) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or

(c) the development that is the subject of the development permit is not commenced within a shorter time period than that indicated in Subsection (b) or not carried out with reasonable diligence, if the Development Officer, or Council has specified that the development permit is to remain in effect for less than twelve (12) months.

(2) The Development Officer, or Council may extend the period of time that a development permit is specified to be valid in accordance with Subsection (1)(b) and (c) if, in their opinion, circumstances warrant such a time extension.

SECTION 19 DEEMED REFUSALS

In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer, or Council, as the case may be, is not made within forty (40) days of the completed application being received by the Development Officer unless an agreement to extend the forty (40) day period herein described is established between the applicant(s) and the Development Officer, or Council.

SECTION 20 SUBSEQUENT APPLICATIONS

(1) If an application for a development permit is refused by the Development Officer, or Council, or on an appeal from the Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,

(a) on the same parcel; and

(b) for the same or similar use,

may not be made for at least six (6) months after the date of the refusal, subject to consideration by the Council.

SECTION 21 VARIANCE PROVISIONS

(1) the Development Officer may, in deciding upon an application for a permitted use, allow a minor variance of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.

(2) the Summer Village Council may approve or conditionally approve a discretionary use or a permitted use referred to the Summer Village Council that does not comply with this Bylaw if, in the opinion of Council,

(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 parcel, and

(b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

SECTION 22 AMENDING THE BYLAW

(1) Council may establish a fee for the processing of an amendment to this Land Use Bylaw.

(2) Council on its own initiative may give first reading to an amendment to this Bylaw.

(3) A person may apply to amend this Bylaw, in writing, to the Development Officer by completing the proper form and submitting an application fee as established by Council.

(4) All applications to amend this Bylaw shall include the following:

(a) a certificate of title of the subject property;

(b) an indication of the applicant's interest in the subject property;

(c) a statement on the proposed land uses; and

(d) drawings, where necessary, to the satisfaction of the Development Officer.

(5) Council may determine that whole or part of the application fee be returned to the applicant.

(6) All amendments that are submitted in full and completed form shall be processed up to and including second reading.

(7) All amendments to this Bylaw shall be made in conformance with the provisions contained in the Municipal Government Act.

PART V - LOT REGULATIONS

SECTION 23 POLLUTION CONTROL

In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the lot, on public property, or on any other lots, 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.

SECTION 24 FENCING

(1) In any district, except as herein provided, a person shall not construct a fence or wall, or permit a hedge to grow higher than 1.8 m (5.9 ft).

(2) No electrified or barbed wire fences will be permitted.

SECTION 25 OBJECTIONABLE ITEMS IN YARDS

(1) Garbage shall be stored in weather proof and animal proof containers and screened from adjacent lots and public thoroughfares and shall be in a location easily accessible for pickup or removal by the tenant or owner.

(2) Outside storage areas shall be screened from adjacent lots and thoroughfares.

(3) No person shall keep or permit in any part of a yard in any residential district:

(a) any dismantled or wrecked vehicle for more than sixty (60) successive days; or

(b) any vehicle weighing in excess of 10,000 kg (22,045 lbs) gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle; or

(c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; or

(d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

SECTION 26 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

(1) Where any on-site services or improvements, or any off-site 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 Officer is satisfied that such services or improvements will be undertaken.

(2) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate municipal and provincial departments.

SECTION 27 UTILITY EASEMENTS

Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

(1) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and

(2) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 28 LOT GRADING

In all cases, lot grades shall be established with regard to preventing drainage from one lot to the next except where drainage conforms to an acceptable local or subdivision drainage plan. Proposed grading shall not alter natural drainage patterns without the prior written approval of the affected neighbours and the local council.

SECTION 29 CORNER SITES (SITE TRIANGLES)

(1) In residential areas, a lot abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

(2) In all cases the location of buildings on corner lots shall be subject to approval by the Development Officer who shall take into account the location of existing adjacent buildings or the permitted setback on adjacent lots where a building does not exist.

(3) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 m (20 ft) from the point where they intersect.

(4) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (3 ft) in height above the lowest street grade adjacent to the intersection.

(5) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2 ft) within the area defined as a sight triangle.

(6) When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the development Officer, one front yard may be considered a side yard.

SECTION 30 DWELLING UNITS ON A PARCEL

(1) The Development Officer may allow an additional dwelling on a parcel. When determining whether or not to allow an additional dwelling on a parcel, the Development Officer shall consider:

(a) the suitability of the site for the proposed development;

(b) the length of time that the developer requires the dwelling;

(c) access to and from the site;

(d) the provision of proper water and sewer services;

(e) existing and future surrounding land uses; and

(f) whether the proposed development meets the spirit and intent of the subject land use district.

(2) The Development Officer may take into account family-human relationships when making decisions on development permit applications for an additional dwelling on a parcel.

(3) The Development Officer may attach, as a condition of approval, a time period after which the additional dwelling must be removed from the subject property.

(4) When reviewing applications for subdivision, Council may consider allowing an additional dwelling on the parcel of land subject to the application.

SECTION 31 SEWAGE DISPOSAL

(1) A development permit shall be required for construction of a sewage collection system.

(2) No development permit shall be issued for any building or use unless and until the Development Officer is satisfied that the sewage collection system is satisfactory, and any method of sewage disposal shall have provision for collecting gray-water waste.

(3) The Development Officer will require the approval of any plans or installation standards for an on-parcel sewage collection system by Alberta Labour - Plumbing Inspection Branch prior to issuing a development permit.

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

(5) On-Parcel Sewage collection system:

(a) No sewage collection system shall be constructed closer than:

(i) 1.8 m (6.0 ft) to a street or lane;

(ii) 1.0 m (3.0 ft) to a property line;

(iii) 1.0 m (3.0 ft) to any building;

(iv) 10.0 m (30.0 ft) from any water source; or

(v) 10.0 m (30.0 ft) from a well.

(b) Where the foregoing precludes any location for a sewage collection system, the Development Officer may issue a permit for construction in the location deemed most suitable in consultation with the local Board of Health.

SECTION 32 GARAGES, ACCESSORY BUILDINGS, AND GUESTHOUSES

(1) <u>Guest Houses</u>

(a) In residential districts guest houses shall be located according to the following:

(i) A maximum of one (1) guest house is allowed on a parcel.

(ii) Must be located in the rear yard and rear half of the property.

(iii) For a guest house situated over a garage a rear yard setback shall be provided of not less than 1.5 m. Where the principal door of the garage faces a roadway, the garage shall bet setback 6.1 m from the boundary of the parcel adjacent to the roadway.

(iv) Side yards shall total at least 10% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) and 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height.

(v) No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.

(vi) A guest house shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

(2) Garages and Other Accessory Buildings

(a) In residential districts, all accessory buildings except guest house, including detached garages shall be located according to the following:

(i) No accessory building shall be located within a front yard or a lakefront yard except that accessory buildings used exclusively as boathouses may, at the sole discretion of the Development Authority, be located within lakefront yards.

(ii) An accessory building shall be situated so that it provides a minimum side and rear yard of at least 1.0 m (3.28 ft.), except for guest houses which shall be sited in accordance with Section 32(1).

(iii) Notwithstanding any other provision of this Bylaw to the contrary, where the principal door of a garage faces a roadway, the garage shall be set back 6.0 m from the boundary of the parcel adjacent to the roadway.

(iv) The total floor area of all accessory buildings may not exceed 93.0 m^2 (1,000 $ft.^2$).

(v) An accessory building shall not be more than 5.18 m (17.0 ft.) in height, unless it is a guest house on the second floor over a garage, in which case the accessory building shall not exceed the height provided for the principal building within the district.

(vi) No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.

(vii) An accessory building shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

(a) Except for guest houses, an accessory building shall not be used as a dwelling.

(b) A guest house shall be secondary to the principal residential use on the parcel.

(c) Notwithstanding any other provision of this Bylaw to the contrary, existing dwelling units in garages or other accessory buildings that comply with the setback requirements of this Bylaw shall be allowed and shall be considered to conform to this Bylaw.

SECTION 33 HOME OCCUPATIONS

(1) Home Occupations

(a) A home occupation shall be considered an accessory use and comply with the following provisions:

(i) The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;

(ii) There shall be no outside storage of materials, commodities or finished products;

(iii) No commodity other than the product or service of the home occupation shall be sold on the premises; and

(iv) No persons other than the residents of the dwelling shall be engaged in said home occupation.

(b) Development approval for home occupation business signage shall be at the discretion of the Development Officer.

(c) All permits for home occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighbourhood.

(d) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.

SECTION 34 ENVIRONMENTALLY SENSITIVE LANDS

(1) Development on lands which are designated or deemed by the Development Officer to be environmentally sensitive shall be discouraged.

(2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:

(a) the impact of the proposed development on the subject and surrounding area;

(b) the soil types and conditions of the area surrounding the subject property;

(c) any information on the past history of the subject property and surrounding area from a geotechnical perspective; and

(d) comments and recommendations from Alberta Environmental Protection.

(3) As part of the development permit application, the Development Officer may require a geotechnical study, prepared by a qualified geotechnical engineer, addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon land characteristics of the subject property.

(4) The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:

(a) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and

(b) the registration of a restrictive covenant against the certificate of title for the subject property related to the approved development.

SECTION 35 BUILDING APPEARANCE

The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Officer.

SECTION 36 MOVED-IN BUILDINGS

(1) 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 a 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.

(2) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.

(3) The Development Officer may, at his 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.

(4) If these works are to be done after the building is moved onto the proposed parcel, the Development Officer 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.

(5) Any travel or other costs incurred by the Development Officer is processing a development permit for a moved-in building shall be added to the fee for the development permit.

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

(7) When reviewing development permit applications for moved-in buildings, the Development Office shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.

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

SECTION 37 FLOOD PRONE LANDS/STEEP SLOPES

(1) Development on land which may be subject to flooding shall be discouraged, especially on lands which are within the 1:100 year flood plain, as determined by Alberta Environmental Protection and the Summer Village of Lakeview.

(2) Residential development on lands which have been designated as a flood area is prohibited. New development shall not be permitted unless the proposed development is directly related to a recreational or lake use, such as picnic tables, boat docks, launch ramps, etc.

(3) Where applicable, new development shall not be allowed unless it complies with Canada Mortgage and Housing Corporation standards for flood-proofing of buildings.

(4) Development in areas with a potential to be flooded may have, at the discretion of the development Officer, a restrictive covenant related to the approved development registered against the certificate of title for the subject property.

(5) Development on lands which have a gross slope in excess of 15% shall be accompanied by a site plan designed and approved by a professional engineer.

SECTION 38 BUILDING EXTERIORS

The exterior finish on all buildings shall be of permanent material satisfactory to the Development Officer.

SECTION 39 NUMBER OF OFF-STREET PARKING STALLS REQUIRED

(1) 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.

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

Residential Dwelling	2 spaces per dwelling

SECTION 40 LANDSCAPING

Any area to be landscaped may, at the discretion of the Development Officer, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

SECTION 41 KEEPING OF ANIMALS

(1) No person shall keep or permit to be kept in any part of the yard in any Residential District:

(a) animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and

(b) any pets or domestic animals on a commercial basis, except for an approved pet store or kennel.

(2) In the Urban Reserve District, a maximum of two animal units per lot may be kept on private land. Such animals must be kept on a non-commercial basis and must be accompanied in a manner that will not cause a nuisance or detract from the appearance of the area.

SECTION 42 SIGNS

(1) No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.

(2) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

(3) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a Development Permit, provided that no such signs are illuminated;

(a) signs for the purpose of identification, direction, and warning;

(b) signs relating to a person, partnership or company carrying on a profession, business or trade;

(c) signs related to an institution of a religious, educational, cultural, recreational, or similar character;

provided that the sign does not exceed a maximum of 3.7 m^2 (12 ft^2) and is limited to one such sign per lot; and

(d) advertisements in relation to the function of public or quasi-public bodies.

(4) No sign or advertisement shall resemble or conflict with a traffic sign.

(5) All advertisements shall be kept in a clean, safe, and tidy condition.

(6) Signs related to home occupations shall be limited to 1.0 m^2 (10.76 ft^2).

(7) No signs or advertising structures of any kind shall be permitted adjacent to a highway unless the prior approval of the local road authority has been obtained.

SECTION 43 YARDS AND SETBACKS (ALL DISTRICTS)

Minimum Yards and Setbacks:

Front Yard:	8.0 m (26.2 ft) On lakefront lots the minimum lakefront yard setback shall be 10.0 m (32.8 ft) but in no case shall it be below the 725.42 m (2,380 ft) contour.
Rear Yard:	Main building - 6.0 m (19.7 ft) Accessory building - 3.0 m (9.8 ft)
Side Yard:	2.0 m (6.6 ft)

Minimum Floor Area: for main buildings, single detached dwellings, and modular homes shall be no less than 92.9 m^2 (1000.0 $ft.^2$).

Maximum Building Height: for principal buildings shall be 9.0 m (29.5 ft.).

PART VI - DISTRICTS AND REGULATIONS

SECTION 44 LAND USE DISTRICTS

The municipality is hereby divided into the following districts:

Short Form	District Designation
R	Residential District
REC	Recreational
P	Park District
NER	Natural Environment Recreational District

SECTION 45 LAND USE DISTRICT MAP

(1) Land use districts specified under Section 44 are described in the short form on the LAND USE DISTRICT MAP which is an integral part of this Bylaw.

(2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following guidelines shall apply:

(a) Where district boundaries are shown to approximate the following, they shall be deemed to be:

(i) the lot boundaries, or

(ii) the municipal boundaries.

(b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.

(c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the certificate of title or the plan of survey when registered in a Land Titles Office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.

(3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

SECTION 46 R - RESIDENTIAL DISTRICT

(1) This district is generally intended to provide for stick built residential buildings and other accessory uses.

(2) Permitted Uses

- **S**ingle detached dwelling
- **A**ccessory buildings or use
- **M**odular home

Discretionary Uses

- **P**ublic utility buildings and operations
- **G**uest houses
- **B**oathouses
- **H**ome occupations

SECTION 47 REC - RECREATIONAL

(1) This district is generally intended to provide for the development of public areas that can be used for lake related recreation.

(2) Permitted Uses

- **N**one

Discretionary Uses

- **B**oat houses
- **N**atural areas
- **P**icnic grounds
- **R**ecreational uses

SECTION 48 P - PARK DISTRICT

(1) This district is generally intended to establish an area for recreational and leisure activities.

(2) Permitted Uses

- **N**one

Discretionary Uses

- **P**ublic parks and recreation areas with any necessary buildings

SECTION 49 NER - NATURAL ENVIRONMENT RECREATIONAL DISTRICT

(1) Permitted Uses

- **N**one

Discretionary Uses

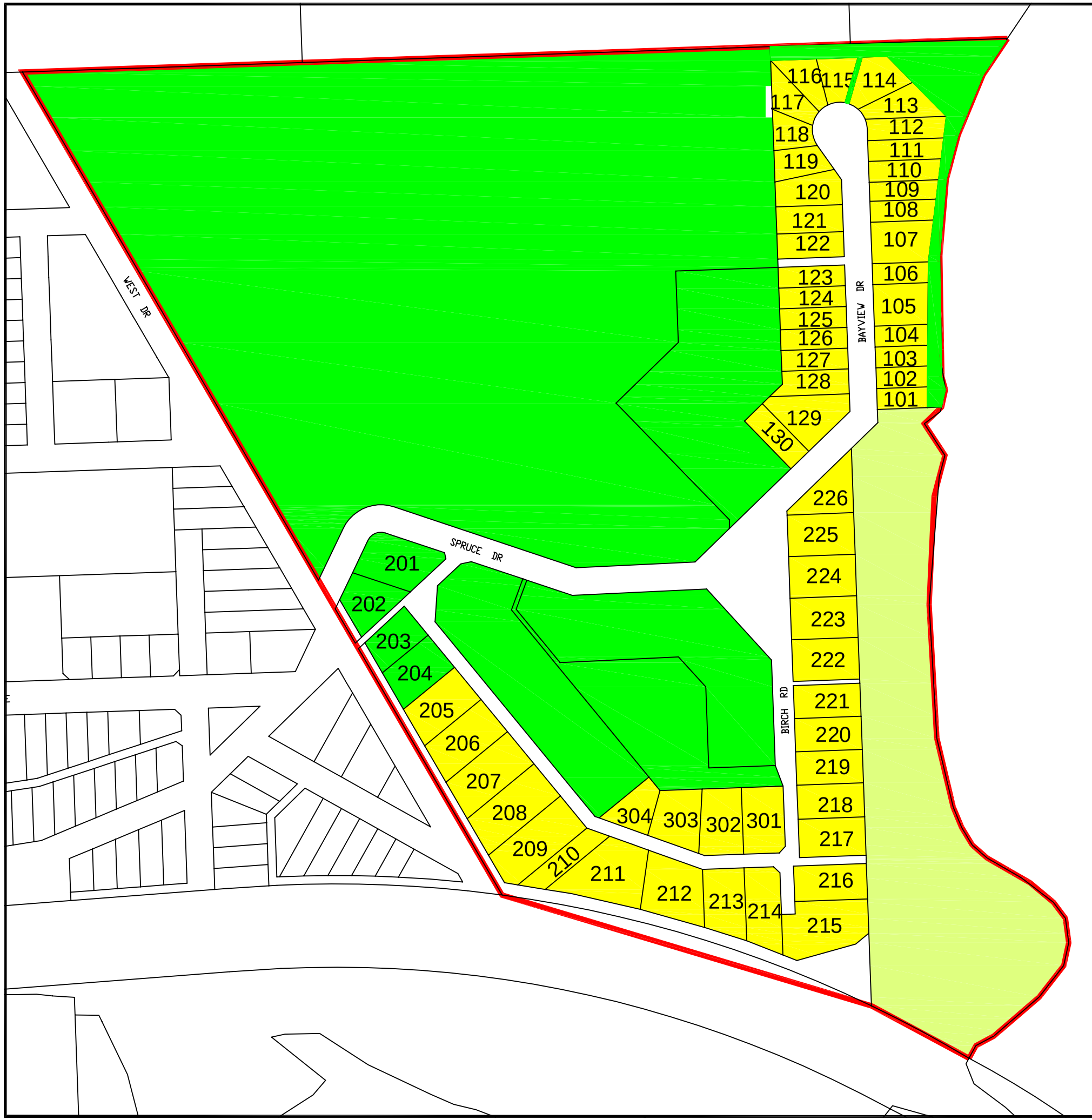
- **N**atural reserve
- **H**istorical sites registered or classified under the Alberta Historical Resources Act

SCHEDULE “A”

FORMS

SCHEDULE “B”

LAND USE MAP



SUMMER VILLAGE OF LAKEVIEW

LAND USE BYLAW

Bylaw no.153

LEGEND

- R - RESIDENTIAL DISTRICT
- NER- NATURAL ENVIRONMENT RECREATIONAL DISTRICT
- REC - RECREATIONAL DISTRICT

SCALE:
0 50 100 150
Metres

MAY 2016

NORTH STAR PLANNING

FILE/REVISION #2016

SUMMER VILLAGE OF LAKEVIEW

LAND USE BYLAW NO. 153

Prepared by New Era Municipal Services

June, 1998

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