

# SUMMER VILLAGE OF SOUTH VIEW Land Use Bylaw No. 219-2020



Consolidated to June 17<sup>th</sup>, 2020.



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## **PART 1 - GENERAL**

### **1.1 TITLE**

This Bylaw may be referred to as "The Summer Village of South View Land Use Bylaw."

### **1.2 SCOPE**

No subdivision or development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this Bylaw.

### **1.3 PURPOSE**

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Summer Village of South View and to achieve the orderly and economic development of land, and further to:

- a) divide the municipality into districts;
- b) prescribe and regulate the use(s) for each district;
- c) establish a method of making decisions on applications for development permits including the issuing of development permits;
- d) provide the manner in which notice of the issuance of a development permit is to be given;
- e) establish a method of making decisions on applications for subdivision approval in accordance with the provisions of the Municipal Government Act and its regulations;
- f) implement the statutory plans of the Summer Village of South View;

- g) establish the Development Authority and the office of the Development Officer for the Summer Village of South View.

#### **1.4 PREVIOUS BYLAW**

No provisions of any other Bylaws with respect to districting, development control, and land use classifications shall hereafter apply to any part of the Summer Village described in this Bylaw.

#### **1.5 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 parenthesis after each reference to metric units of measurements are approximate and intended for information only.

#### **1.6 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT**

1. This Bylaw is enacted under the Municipal Government Act, as amended. This Bylaw is intended to be read in conjunction with the Municipal Government Act, with amendments to the time of the reading. 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.
2. The Municipal Government Act references contained in certain sections of the Bylaw are not enacted as part of this Bylaw and may be revised, as required, by the Development Officer without the adoption by Council of an amending Bylaw.

## 1.7 EFFECTIVE DATE

This Bylaw shall come into effect upon third and final reading and signing of this Bylaw.

## 1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required in this Bylaw, or to obtain any other permit, license, or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

## 1.9 DEFINITIONS OR MEANINGS

In this Bylaw:

**"ACCESSORY BUILDING"** - means a building which is separate from the principal building on the parcel where both are located and which the Development Authority decides has a use which is incidental to that of the principal building, and includes garages, boathouses and guest accommodations;

**"ACCESSORY BUILDING OR USE - LAKESHORE"** - means an accessory building, structure or use located immediately adjacent to a lakeshore or lake tributary or within the actual water-body proper;

**"ACCESSORY USE"** - means a use of a building or land which the Development Authority decides is incidental and subordinate to the principal use of the parcel on which it is located;

**"ACT"** - means MUNICIPAL GOVERNMENT ACT R.S.A. 2000, Chapter M-26, as amended, and the regulations pursuant thereto;

**"AND"** - means both, does not mean and/or;

**"AREA REDEVELOPMENT PLAN"** - means a plan accepted or adopted by Council as an area redevelopment plan pursuant to Section 634 of the Municipal Government Act;

**"AREA STRUCTURE PLAN"** - means a plan accepted or adopted by Council as an area structure plan pursuant to Section 633 of the Municipal Government Act;

**"BACKLOT"** - means a lot which has other developable property between it and the lake, but does not include lots where the only property existing between them and the lake is a road, environmental reserve, or park reserve;

**"BOAT HOUSE"** - means an accessory building designed and used primarily for the storage of boats, and which is designed in such a way as to permit the direct removal of boats from the water to the structure;

**"BUILDING"** - includes any structure, erection, stockpile, sign or fixture that may be built or placed on land;

**"BUILDING HEIGHT"** - means the vertical distance between finished 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, an antenna or similar device not structurally essential to the building;

**"CARING-IN-PLACE SUITE"** - means a class of secondary use which may, in general, take the form of a Garage Suite, Guest House, or Secondary Suite. Notably, a Caring-In-Place Accommodation may include sleeping and sanitary facilities, but also cooking and food preparation facilities separate from the principal building located on the site. Caring-In-Place Accommodations are intended for permanent accommodation of immediate family (Parents or Adult Children) of property owners who require living assistance from the property owners but are otherwise independent. Commonly referred to as a "Mother-in-Law Suite," this class of accommodation is allowed full amenities for the period it is used, but may not take the form of a for-profit or commercial operation and once the use is changed must be converted to exclude the use of cooking and food preparation facilities. Further, a permit for Caring-In-Place Accommodations must be renewed annually to ensure compliance;

**"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;



**"CHATTEL"** - means a moveable item of personal property;

**"CORNER"** - means the intersection of any two property lines of a parcel;

**"CORNER PARCEL"** - see PARCEL, CORNER;

**"COUNCIL"** - means the Council of the Summer Village of South View;

**"CURB CUT"** - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

**"DAY CARE FACILITY"** - means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare;

**"DECK"** - means a hard surfaced area, typically constructed of wood, usually adjoining a dwelling unit and accommodating outdoor living, and which may require a CSA Group approved railing depending on height above finished grade;

**"DESIGNATED OFFICER"** - means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Municipal Government Act and this Bylaw;

**"DEVELOPABLE AREA"** - means an area of land suitable for a building site and containing adequate surface elevation to preclude marshland, wetland, or high water table conditions;

**"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 parcel used for dwelling purposes, any increase in the number of dwelling units in the building or on the parcel, and any alteration or

- additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- c) the placing of refuse or waste material on any land,
  - d) the resumption of the use for which land or buildings had previously been utilized,
  - 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 comes into effect,
  - g) the more frequent or intensive use of land for the parking of trailers, bunkhouses, 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,
  - h) the erection of signs,
  - i) the recommencement of any use to which the land or buildings had been, previously put, if that use had been discontinued for a period of more than six months, and
  - j) removal of top soil, trees and earth and gravel extraction from the land,
  - k) the installation of any type of sewage disposal system including, but not limited to, holding tanks and outside privies,
  - l) the digging of a well or installation of a water cistern;

**“DEVELOPMENT AUTHORITY”** - means a Development Authority established pursuant to Section 624 of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission, Council, or any other person or organization that has been authorized by Bylaw to exercise development powers on behalf of the municipality;

**“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 conforming use has ceased;

**"DISCRETIONARY USE"** - means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued with or without conditions;

**"DOUBLE FRONTING PARCEL"** - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act, as amended), which are parallel or nearly parallel where abutting the parcel;

**"DWELLING"** - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single detached dwellings, but does not include temporary living accommodations;

**"DWELLING UNIT"** - means a self-contained living premise with cooking, eating, living, sleeping and/or sanitary facilities for domestic use of one or more individuals;

**"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;

**"FLANKING PARCEL"** - means a corner parcel on which a side boundary is abutting onto a street and where all other parcels which are within 9.1 m. (30.0 ft.) of the parcel have no front boundary on the same street;

**"FLOOR AREA"** - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass-line of exterior walls and the centre-line 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, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;

**"FREESTANDING SIGN"** - see SIGN, FREESTANDING;

**"FRONT YARD"** - see YARD, FRONT;

**"FRONTAGE"** - means the length of a street boundary measured along the front lot line;

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

**"GARAGE SUITE"** - means an accessory dwelling which is contained within the footprint of a detached garage. A Garage Suite is an accessory to a building in which the principal use is a single detached dwelling. A Garage Suite has an entrance separate from the vehicle entrance of the detached garage, either from a common landing or from the exterior of the structure. The Garage Suite may include sleeping and sanitary facilities but does not include cooking or food preparation facilities. Garage Suites are intended for temporary accommodation of guests but shall not be rented out as part of any Bed and Breakfast operation, or other similar for-profit or commercial operation;

**"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 a single storey dwelling, which is located in a building separate from the principal use which is a single detached dwelling. A Guest House may have sleeping and sanitary facilities which are separate from those of the principal building located on the site. A Guest House does not include cooking or food preparation facilities. Guest Houses are intended for temporary accommodation of guests but shall not be rented out as part of any Bed and Breakfast operation, or other similar for-profit or commercial operation;

**"HALF STOREY"** - see STOREY, HALF;

**"HIGH WATER MARK"** – means the line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined

in the Surveys Act). Its location is synonymous with what is commonly known as the ordinary high water mark. In most cases, it is a distinct line formed by the normal, long-continued action or presence of surface water along the land at the edge of the lake (not affected by occasional periods of drought or flooding).

**"HOME-BASED BUSINESS"** - means an accessory use carried on within a dwelling unit or accessory structure. In general, a Home-Based Business is secondary to the residential occupancy and does not change the character of the subject parcel. Subject to the provisions of the Bylaw, Home-Based Businesses are classified as either Home Offices, Home-Based Businesses – Minor, or Home-Based Businesses - Major;

**"HOT TUB and SWIMMING POOLS"** – means a large tub of water, heater or not, in which bathers soak and usually socialize. Hot Tubs must have an ASTM-F1346-91 locking lid, subject to CSA standards; Swimming Pools must have a 1.8 m. (6.0 ft) fence with a 1.8 m. (6.0 ft.) self-closing and latching gate when not in use, subject to CSA standards;

**"LAKEFRONT DWELLING"** - means dwellings whose properties extend to the lakeshore or that are only separated from the lakeshore by a road, municipal reserve, or environmental reserve;

**"LANDSCAPING"** - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

**"LANE"** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m. (32.8 ft.) in width and is not less than 6.0 m (19.7 ft.) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

**"LOT"** - means a parcel 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 - LAKEFRONT"** - means those lots that extend to the lakeshore, are adjacent to the lakeshore, or would be if not separated from the lakeshore by roads, municipal reserves or environmental reserves. Excludes any existing park or reserve land, public roadways or public utility lots;

**"MAJOR"** - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively large size will, at the discretion of the Development

Authority, have a large impact on surrounding uses, or which is intended to serve a larger area;

**"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. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick built dwellings, modular homes, mobile homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards;

- a) a minimum roof pitch of 5.0 cm. (2.0 in.) of vertical rise for every 30.5 cm. (12.0 in.) of horizontal run (2.0:12.0 pitch);
- b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- c) have a minimum roof overhang or eaves of 30.5 cm. (1 ft.) from the primary surface of each façade;
- d) have a minimum length width (or width length) ratio of 2.0:1.0;
- e) meets the National Building Code of Canada CAN/CSA A277 standard; and
- f) constructed after January 1, 1996.

**"MINOR"** - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

**"MINOR EATING OR DRINKING ESTABLISHMENT"** - means development where prepared food and beverages (both non-alcoholic and alcoholic) are offered for sale to the public, for consumption within the premises. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms;

**"MANUFACTURED HOME LOT"** - means the space allotted for the installation of one (1) manufactured home in any manufactured home park or manufactured home subdivision;

**"MODULAR HOME"** - means a dwelling which is prefabricated or factory built and which is assembled on the parcel in sections, but such sections have neither chassis, nor running gear or its own wheels, and the sections may be stacked side by side or vertically. Furthermore, Modular Home means a dwelling which has a length to width (or width to length) ratio of no greater than 2.0:1. This rule shall not apply to those portions of a dwelling which are deemed by the development authority to be neither deck nor attached garage. A modular home does not include a single detached dwelling, manufactured home, temporary living accommodation, or mobile home;

**"MUNICIPAL DEVELOPMENT PLAN"** - means a plan adopted by Bylaw as a Municipal Development Plan pursuant to Section 632 of the Municipal Government Act;

**"MUNICIPALITY"** - means the Summer Village of South View;

**"NON-CONFORMING BUILDING"** - means a building:

- a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

**"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 the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;

**"OCCUPANCY"** - means the use or intended use of a building or part thereof for the shelter or support of persons or property;

**"OFF-SITE SIGN"** - see SIGN, OFF-SITE;

**"OFF-STREET PARKING"** - means an off-street facility for the parking of three or more vehicles;

**"ON-PARCEL SEWAGE DISPOSAL SYSTEM"** - means a method of treating effluent recognized by Alberta Labour and/or Alberta Environment involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition or the actual primary or secondary treatment of sewage effluent on the parcel of its origin and may include a septic tank, holding tank or evapo-transpiration mound system but does not include pit style privies.

**"OUTDOOR EATING ESTABLISHMENT"** - means an establishment where a combination of food and non-alcoholic drink are normally consumed either outside or inside the confines of the establishment;

**"PARAPET WALL"** - means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

**"PARCEL"** - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

**"PARCEL AREA"** - means the total area of a parcel;

**"PARK"** - means a parcel of land designated for public use as municipal reserve land or by Resolution or Bylaw of Council;

**"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 facility;

**"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 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;

**"PLACES OF WORSHIP"** - means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

**"PLANTING"** - see LANDSCAPING;

**"PRE-FABRICATED STRUCTURE"** - means a structure which is, in whole or in part, easily assembled or disassembled, or sited on a parcel, and which is an accessory use



to the principal use which is a single detached dwelling, principally for ancillary storage. Examples include Tent Structures, Canvas Carports, and Sea Cans or Shipping Containers;

**"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;

**"PRINCIPAL USE"** - means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

**"PRIVATE CLUB OR LODGE"** - means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic business or fraternal organizations, and does not include any on parcel residence;

**"PUBLIC PARK"** - means an active or passive public recreation area together with any accessory buildings or uses complimentary to the said recreational purpose;

**"PUBLIC USES"** - means a building, structure or lot used for public services by the Municipality, by any Department, Commission or Agency of any other Municipal Corporation or Government of Alberta or Canada, or by any Railway Company or Utility;

**"PUBLIC UTILITY"** - means the right of way for one or more of the following: sanitary and storm water sewerage, telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems;

**"PUBLIC UTILITY BUILDING"** means a building to house a public utility, its office or equipment;

**"REAL PROPERTY REPORT"** - means a codified standard report adopted by the Alberta Land Surveyor's Association which contains pertinent information on a parcel of land and the development which exists on the property;

**"RECREATIONAL STRUCTURE"** - means any permanent structure, building or equipment, the intended use of which is for either active or passive recreation. Certain types of sidewalk furniture may be classified as recreational structures at the discretion of the Development Officer;

**"RECREATIONAL USE"** means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

- a) non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and
- b) means an active or passive recreational use and any facility or building required to carry out said activity;

**"RECREATIONAL VEHICLE"** – means a structure designed to be carried or towed behind a motor vehicle or designed and built to be transported on its own wheels which provides temporary living accommodation, usually for recreational purposes. Recreational Vehicles do not include manufactured homes.

**"SECONDARY SUITE"** – means a development consisting of a dwelling unit located within, and accessory to, a structure in which the principal use is a single detached dwelling. A secondary Suite may include sleeping and sanitary facilities separate from those of the principal dwelling but does not include independent cooking or food preparation facilities. A Secondary Suite has an entrance separate from the entrance of the principal dwelling, either from a common indoor landing or directly from the exterior side or rear of the structure. This use class includes the development or conversion of basement space, above-grade space, or additions to the existing floorspace to accommodate the Secondary Suite. Secondary Suites are intended for temporary accommodation of guests but shall not be rented out as part of any Bed and Breakfast operation, or other similar for-profit or commercial operation ;

**"SEPARATION SPACE"** - means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the parcel boundaries of a dwelling unit;

**"SETBACK"** - means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this Bylaw;

**"SEWAGE COLLECTION SYSTEM"** - means a privately or publicly owned system for treating sewage effluent, recognized by Alberta Environment, consisting of either a communal or an on-site sewage collection system;

**"SEWAGE COLLECTION SYSTEM - COMMUNAL"** - means a sewerage project for sewage disposal (as defined under Safety Codes Act) which involves the transfer of effluent from its place of origin, such as an On-Site Sewage Collection System, to a central holding area, such as a lagoon, where primary and secondary treatment can occur;

**"SEWAGE COLLECTION SYSTEM - ON SITE"** - means a method of sewage collection, and treatment recognized under the Safety Codes Act. Sewage containment systems may include impermeable holding tanks for transfer to a communal sewage collection system, septic fields, and evaporation mounds, but does not include any form of outhouse or privy that is not capable of accommodating grey water waste;

**"SHORT FORM"** - means an abbreviation;

**"SHOW HOME"** - means a permanent dwelling which is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area;

**"SIGN"** - means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event, the specifications, design and location of which must first be approved by the Development Authority;

**"SINGLE DETACHED DWELLING"** – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self-contained portion of a building and has a length to width (or width to length) ratio of no more than 2.0:1.0. Does not include a mobile home, manufactured home, or modular home as defined under this Bylaw;

**"SPLIT LEVEL"** - means a dwelling that has three separate living areas, each separated from the next by one half-store;

**"STATUTORY PLAN"** - means a municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

**"STOREY"** - means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost

floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

**"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;

**"STREET"** - means a right-of-way no less than 10.0 m. (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

**"STRUCTURE"** - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** - means a subdivision and development appeal board appointed pursuant to the Municipal Government Act;

**"SUBDIVISION AUTHORITY"** - means a subdivision authority established pursuant to Section 623 of the Municipal Government Act. The Council has been authorized by this Bylaw to exercise subdivision authority powers on behalf of the municipality;

**"SUBDIVISION OFFICER"** means a person authorized to accept, process, and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Municipal Government Act;

**"TEMPORARY BUILDING"** - means a structure that has been permitted to exist for a limited time only;

**"TEMPORARY LIVING ACCOMMODATION"** - means any recreational vehicle, (holiday trailer, motor home, camper or tent trailer) situated on a residential lot;

**"USE"** - means a use of land or a building as determined by the Development Officer and / or Council;

**"UTILITY"** - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

**"UTILITY BUILDING"** - means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

**"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 parcel extending across the full width of the parcel from the front property boundary line of the parcel to the front wall of the main building. In the case of lake front lots, the front yard is the area between the lakeshore property line (or, if the front property line is not a fixed point, the standard mean high water mark as defined by Alberta Environment and Parks) and the wall of the main building facing Lake Isle;

**"YARD, REAR"** - means that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the exterior wall of the building;

**"YARD, SIDE"** - 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 portion of the exterior wall of the building.

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act.

## **PART 2 – ESTABLISHMENT OF DEVELOPMENT CONTROL AGENCIES**

### **2.1 ESTABLISHMENT OF DEVELOPMENT AUTHORITY**

1. The Development Authority for the Summer Village of South View is established under this Bylaw pursuant to Section 624 of the Municipal Government Act.
2. The Development Authority for the Summer Village of South View is:
  - a) the person(s) appointed by resolution of Council as Development Officer pursuant to this Bylaw, and
  - b) the Municipal Planning Commission established by Bylaw pursuant to the Municipal Government Act.
  - c) the Council for the Summer Village of South View in matters related to Direct Control Districts.
3. The office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed, or contracted, by the Summer Village of South View.
4. The Development Authority shall be carried out in accordance to powers and duties described in the Municipal Government Act, regulations established under the Act, and this Bylaw, as amended from time to time.
5. For the purpose of the Development Authority, the Development Officer is hereby declared to be an authorized person of the Summer Village of South View.
6. The Development Officer shall perform such duties that are specified under this Bylaw.
7. The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register or all applications for development, including the decisions thereon and the reasons therefore.
8. For the purposes of right of entry, the Development Officer is hereby declared an authorized person of Council.

9. For the purposes of Section 542 of the Act, the Development Officer is hereby designated as authorized by the Municipality to discharge the relevant powers and functions.

## **2.2 ESTABLISHMENT OF MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission is established by a separate Municipal Planning Commission Bylaw of the Summer Village of South View, as amended.

The Municipal Planning Commission shall perform such duties as are specified in this Bylaw and as are specified in the Municipal Planning Commission Bylaw.

## **2.3 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

1. The Subdivision and Development Appeal Board for the Summer Village of South view, as established through the Summer Village of South view Subdivision and Development Appeal Board Bylaw, as amended, shall perform the duties and functions as described in the Bylaw and the Act.
2. The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, stop order appeal, and subdivision application appeal.

## **2.4 AMENDMENT OF THE LAND USE BYLAW**

1. The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
2. A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
  - 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 Officer or Council deems necessary to assess the motive of the application.
3. Upon receipt of a completed application along with all information required to process the application for amendment to this Land Use Bylaw, the Development Officer 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 may appear before Council at that time, and speak to the application. The Development Officer shall place an application for amendment before the council within sixty (60) days of its receipt.
4. 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.
5. Following first reading to an amending bylaw, Council shall:
- a) establish the date, time and place for a public hearing on the proposed bylaw;
  - b) outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
  - c) outline the procedure by which the public hearing will be conducted.



6. Following passage of the first reading to an amending bylaw, the Development Officer shall issue notice of the public hearing:
  - a) by publication in two issues of a newspaper circulating in the area, the publication date of the second issue being not less than five (5) days preceding the date of the hearing; and
  - b) by mailing notice no less than ten (10) days preceding the date of the hearing to:
    - (i) the applicant, and
    - (ii) to the registered owner of the land, if not the applicant, and the owners of adjacent land if the proposed bylaw will result in a change of district designation.
7. The notice of the public hearing shall provide the following information:
  - a) the purpose of the proposed bylaw;
  - b) the date, time and place of the public hearing;
  - c) that the proposed bylaw and any public documents applicable to the proposed bylaw may be inspected at the Summer Village Office at all reasonable times;
  - d) the procedure for the public hearing.
8. Prior to the public hearing, the Development Officer may forward a copy of the proposed bylaw to any Agency or organization the Summer Village determines may have an interest in the proposed amendment.
9. At the public hearing, Council shall hear:
  - a) any person or group of persons acting on his or their behalf, who:
    - (i) has complied with the procedures outlined by Council, and
    - (ii) claims to be affected by the proposed bylaw; and
  - b) any other person who wishes to make representations and whom Council agrees to hear.
10. Council after considering:

- a) any representations made at the public hearing; and
- b) the Municipal Development Plan, any other Statutory Plan affecting the subject property, and the provisions of the Land Use Bylaw;

may

- (i) make such amendments or changes as it considers necessary to the proposed bylaw, if any, and proceed to pass the proposed bylaw; or
  - (ii) defeat the proposed bylaw.
11. Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and/or negotiate a development agreement in respect of the proposal which initiated the application for amendment.
12. After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
- a) The applicant; and
  - b) The registered owner of the land if different from the applicant.

## **2.5 SECTIONS FOUND TO BE INVALID**

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

## **2.6 FORMS**

For the purpose of administering the provisions of this Land Use Bylaw, Council shall, by resolution, authorize the preparation and use of such forms and notices as it deems necessary.

## **PART 3 – DEVELOPMENT PERMITS**

### **3.1 CONTROL OF DEVELOPMENT**

No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### **3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;
- d) the erection or construction of gates, fences, walls or other means of enclosure less than 0.9 m. (3.0 ft.) in height in front yards and less than 1.8 m. (6.0 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure. No electrical or barbed wire fences shall be permitted within the corporate boundaries of the Summer Village;
- e) the erection or placement of a temporary building, 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 is removed within thirty (30) days of substantial completion or as determined by the development officer;
- f) the completion, alteration, maintenance or repair of a 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;
  - g) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
  - h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
  - i) a portable garden or tool shed on the residential parcel, such building not to exceed 9.3 sq. m. (100.1 sq. ft.) in floor area and 2.5 m. (8.2 ft.) in height;
  - j) development exempted from requiring a development permit under the Municipal Government Act;
  - k) signs posted or exhibited in a building;
  - l) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
  - m) a statutory or official notice of a function of the Summer Village of South view;
  - n) traffic signs authorized by the Summer Village of South view and/or Alberta Provincial authorities;
  - o) a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 0.19 sq. m. (2.0 sq. ft.) in area, subject to all other orders, bylaws and regulations affecting such signs;
  - p) the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:

- (i) such signs for any single detached dwelling or single detached dwelling parcel does not exceed 0.56 sq. m. (6.0 sq. ft.) in area, and
  - (ii) such signs for a multiple dwelling parcel, a commercial parcel does not exceed 3.0 sq. m. (32.0 sq. ft.); and
  - (iii) such sign shall not be illuminated;
- q) 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) days after the election date, and
  - (ii) the consent of the property owner or occupant is obtained; and
  - (iii) the such signs do not obstruct or impair vision or traffic, and
  - (iv) such signs are not attached to trees or utility poles, and
  - (v) such signs indicate the name and address of the sponsor and the person responsibility for removal;
- r) signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
  - (i) such signs shall not exceed 1.1 sq. m. (12.0 sq. ft.) in area, and
  - (ii) there shall be a limit of one sign for each side of the land or buildings on a different street;
- s) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:

- (i) such signs do not exceed 3.0 sq. m. (32.0 sq. ft.) in area, and
  - (ii) there shall be a limit of one sign for each boundary of the property under construction which fronts onto a public street, and
  - (iii) such signs shall be removed within fourteen (14) days of occupancy;
- t) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- u) hard surfacing of any yard area for the purpose of providing vehicular access from a public roadway to an on-site parking stall provided that such hard surfacing does not cause storm drainage to flow onto adjacent properties;
- v) erection of radio towers, antennas, poles, etc. not exceeding 4.5 m. (15.0 ft.) in height from grade provided that the structure is not located in the front yard or on public land (i.e. lakefront or beach areas);
- w) a fire pit;
- x) flagpoles shall be permitted in the front yard, so long as same are not erected on public land;
- y) a home office, provided that the following are adhered to:
  - (i) No individual other than the permanent resident of the dwelling unit operates the home office;
  - (ii) No client or customer is received in the dwelling unit for business purposes;

- (iii) The home office does not generate any pedestrian or vehicular traffic;
- (iv) There are no on-site exterior signs or advertisements of the home office;
- (v) The no materials, goods or finished products for business purposes are stored on-site;
- (vi) The home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit.

### **3.3 SAME OR SIMILAR USES**

The uses which are listed in the permitted and discretionary use 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 Authority may, at his/her discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

### **3.4 DEVELOPMENT PERMIT APPLICATIONS**

1. An application for a development permit shall be made to the Development Authority in writing:
  - a) on the form prescribed by Council and may be accompanied by;
    - (i) a scaled parcel plan in duplicate showing the legal description, the front, rear, and side yards and provision for off-street loading and vehicle parking,
    - (ii) a scaled floor plans, elevations and sections in duplicate,
    - (iii) a statement of existing and proposed uses,
    - (iv) a statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances,

- (v) the estimated commencement and completion dates,
    - (vi) the estimated cost of the project or contract price, and
    - (vii) such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development.
  - b) the Development Authority may refuse to accept an application for a development permit where the information required by Section 3.4.1(a) has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application; and
  - c) the Development Authority may review an application and make a decision without all of the information required by Section 3.4.1(a), if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
2. A non-refundable processing fee, the amount of which being determined by Council from time to time, shall accompany each application for a development permit. Where the development has initiated prior to the Development Permit being issued, the fee for the said permit is double the normal rate.
3. The municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of the development agreement against the Certificate of Title for the land that is the subject of the development, with the said caveat being discharged when the agreement has been complied with.
4. In the case where an application for a development has been refused by the Development Authority or ultimately after appeal pursuant to Part 3 of this Bylaw, the submission of 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 refusal.



### **3.5 DEVELOPMENT PERMITS AND NOTICES**

1. A permit issued pursuant to this part shall come into effect:
  - a) after the twenty-first (21) day of the date of the issue of the Notice of Decision by the Development Officer on the application for development permit (14 day appeal period and 7 days for mailing in province); or
  - b) if an appeal is made, on the date that the appeal is finally determined and the permit may be modified or nullified thereby.

Any development proceeded with by the applicant prior to the expiry of the above is done solely at the risk of the applicant.

2. On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit, subject to the requirement to do so under the Act. Notice may take any or all of the forms described as follows:
  - a) mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected; and/or
  - b) require the applicant to post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - c) publish in a newspaper circulating in the municipality a notice of the decision; and/or
  - d) cause the notice to be published on the municipal website, subject to administrative policy, procedure and practices regarding same.
3. If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, of the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.

4. The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.
5. If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
6. Notwithstanding other provisions of Section 3.4.1 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

### **3.6 DECISION ON DEVELOPMENT PERMIT APPLICATIONS**

1. Permitted and Discretionary Use Applications (Non-Direct Control Districts).
  - a) The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
  - b) Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
  - c) Subject to Section 3.6.2(c), the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
  - d) All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
  - e) The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.

- f) When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.

## 2. Variance Provisions:

- a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
  - (i) the proposed development would not,
    - A. unduly interfere with the amenities of the neighbourhood, or
    - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
  - (ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,
- b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.
- c) When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

## 3. Development Permit Refusals:

When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

#### 4. Temporary Permits:

Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

### **3.7 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS**

In accordance with Section 684 of the Municipal Government 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 Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

### **3.8 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS**

1. If, after a development permit has been issued, the Development Authority becomes aware that:

- a) the application for the development contains a misrepresentation;
- b) facts concerning the application or the development were not disclosed at the time the application was considered;
- c) the development permit was issued in error; or
- d) the conditions of Development Permit Approval are not being complied with in to the satisfaction of the Development Authority,

the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

2. A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

### **3.9 CONTRAVENTION**

1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with:

- a) the Municipal Government Act or the regulations; or
- b) a development permit or subdivision approval; or
- c) the Land Use Bylaw;

the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all of them to,

- a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
- b) demolish, remove or replace the development; 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 Municipal Government Act, the regulations, 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 under Section 645 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be registered as a caveat under the Land Titles Act

against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Municipal Government Act.

3. Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:
  - a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
  - b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
  - c) A time frame in which the contravention must be corrected prior to the Summer Village pursuing action; and
  - d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

### **3.10 BYLAW ENFORCEMENT, PENALTIES AND FINES**

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

1. A person who:
  - a) contravenes any provision of the Act or the regulations under the,
  - b) contravenes this Bylaw,
  - c) contravenes an order under Section 3.9 of this Bylaw and/or Section 645 of the Municipal Government Act,
  - d) contravenes a development permit or subdivision approval or condition attached thereto, and/or,

e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,

is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.

2. If a person is found guilty of an offense under this Section or Section 557 of the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:

a) the Act and the regulations under the Act,

b) this Bylaw,

c) an order under this Section and/or Section 645 of the Act, and/or

d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

3. Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:

a) delivered personally to the person or their agent it is directed to; or

b) mailed by certified mail to the last known address of the person it is directed to.

4. If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Summer Village of South View Land Use Bylaw, or a development permit, as the case may be.

5. Where a person is guilty of an offence under Subsection (1) or (2), the person is liable upon conviction to a fine of not less than \$2,500.00 and of not less than \$500.00 for every day that the offence continues.

### **3.11 DEVELOPERS' RESPONSIBILITY**

1. A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits and/or approvals required in connection with the proposed development.
2. The person to whom a development permit has been issued may be required to notify the Development Officer:
  - a) following the preliminary layout of the site, but prior to the commencement of actual development therein; and
  - b) upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
3. The Development Officer may require that further to Section 3.11.2(a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.
4. The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
5. The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other material on adjacent properties without permission in writing from adjacent property owners.
6. Sections 3.11.4 and 3.11.5 may be enforced pursuant to Section 3.10. Any costs incurred as a result of damage or neglect to public property may be collected where letters pursuant to Section 3.11.
7. The Development Officer may require a Real Property Report relating to the building for which a permit is applied.
8. A development permit is not transferable without the prior consent of:



- a) the Development Officer, if the permit was issued by the Development Officer;
- b) the Municipal Planning Commission, if the permit was issued by the Municipal Planning Commission;
- c) Council, if the permit was issued by Council with respect to development in a Direct Control District; or
- d) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

## **PART 4 – GENERAL DEVELOPMENT REGULATIONS**

### **4.1 PRINCIPAL BUILDING OR USE**

A maximum of one (1) principal building or principal use shall be considered a permitted use within any land use district. All other principal buildings or principal uses shall be considered discretionary.

### **4.2 DWELLING UNITS ON A PARCEL**

1. Subject to Sections 4.9 and 4.10, no more than one dwelling shall be placed upon a single parcel in a residential district within the corporate boundaries of the Summer Village of South View;
2. For the purposes of this Section, each lease area in a manufactured home court/park shall be regarded as a single parcel.

### **4.3 BUILDING ATTACHED TO A PRINCIPAL BUILDING**

Where a building is attached to the principal building by open or enclosed roof structure, it is to be considered a part of the principal building and not an accessory building.

### **4.4 BUILDING ORIENTATION AND DESIGN**

The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to:

- a) amenities such as daylight, sunlight and privacy,

- b) the character of existing development in the district, and
- c) its effect on adjacent parcels.

#### **4.5 RELOCATION OF BUILDINGS**

1. No person shall:

- a) place on a parcel a building which has previously been erected or placed on a different parcel, unless the Development Authority approves the placement; or
- b) alter the location on a parcel of a building which has already been constructed on that parcel,

unless the Development Authority approves the alteration.

Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of the Summer Village of South View after July 1, 2011.

2. An application to "relocate" a building may require:

- a) a colour photograph of the building,
- b) a statement of the present location of the building,
- c) a complete site plan showing all buildings located or to be located on the lot.

3. The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.

4. The Development Authority may require; when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
5. Any renovations and any conditions imposed by the Development Authority to a relocated 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.
6. 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 adjoining properties.
7. 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 renovations and improvements have been completed.
8. An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that:
  - a) The placement or location of the building would meet the requirements of this Bylaw; and
  - b) The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

#### **4.6 EXCAVATION, STRIPPING AND GRADING**

1. In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
2. Pursuant to subsection (1) and in addition to the requirements of Section 3.1 of this Bylaw, development permit applications for landscaping shall be accompanied by a landscaping plan and indicate any existing or proposed retaining wall construction.

3. The landscaping plan shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.6 cm. (3.0 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
4. In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
5. In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 sq. m. (2000.0 sq. ft.) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
6. As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
7. As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to the Summer Village of South View, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

#### **4.7 PROJECTIONS OVER YARDS**

1. Projections on foundation walls and footings or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
2. Projections over yards for accessory buildings and garages shall be in accordance with Section 4.8 of this Bylaw.
3. Dwelling Unit eaves shall be considered part of the dwelling and may project over a yard provided the projection is no closer than 1.2 m. (3.9 ft.) to a property boundary adjoining a privately owned lot.

#### **4.8 GARAGES AND ACCESSORY BUILDINGS**

1. In residential districts detached garages and accessory buildings shall be located according to the following:
  - a) The maximum total combined floor area of all accessory buildings upon the site shall be 111.5 sq. m. (1200 sq. ft.),
  - b) no closer to the front yard than the closest portion of the principal building,
  - c) a minimum of 2.0 m. (6.56 ft.) from the principal building,
  - d) an accessory building shall be situated so that the exterior wall is at least 1.2 m. (3.90 ft.) from the side boundaries and 1.0 m. (3.28 ft.) from the rear boundary of the parcel,
  - e) an accessory building shall not be more than 9.0 m. (29.8 ft.) in height, and shall not exceed the height of the main building,
  - f) where an accessory building is a garage, vehicle access doors shall be a minimum of 6.0 m. (20.0 ft.) from the property line with associated roadway. Where the vehicle thoroughfare is a lane, the Development Authority may at their discretion provide variance to this provision, subject to sightline and other relevant safety considerations.
  - g) no roof overhang shall be situated within 0.3 m. (1.0 ft.) of the side and rear property boundary, and
  - h) an accessory building shall be located in such a manner that it does not encroach upon easements and rights-of-way.
2. An accessory building shall not be used as a dwelling, subject to Section 4.9.
3. Notwithstanding any other provision of this Bylaw, a maximum of one garage per lot may be considered a "permitted" use.

#### **4.9 GARAGE AND GUEST HOUSE**

1. A Garage Suite shall be developed as an integral part of a detached garage where the principal building is a single detached dwelling.
2. Only one Secondary Suite, Garage Suite or Guest House may be developed in conjunction with a principal building on a site.
3. A Garage Suite shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
4. The minimum site width for a site with a Garage Suite or a Guest House shall be 12.0 m. (39.4 ft.).
5. The maximum height of a Garage Suite shall be 6.5 m. (21.3 ft.), or the height of the principal building, whichever is the lesser.
6. The maximum height of a Guest House shall be 4.5 m. (14.8 ft.).
7. The maximum floor area for a Garage Suite or Guest House shall be 60.0 sq. m. (645.8 sq. ft.).
8. The minimum floor area of a Garage Suite or Guest House shall be 30.0 sq. m. (322.9 sq. ft.).
9. The minimum side yard setback shall be:
  - a) For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.
  - b) For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.
  - c) On a corner site where a Garage Suite or Guest House abuts a flanking street, other than an alley, the minimum street side yard setback shall not be less than that provided for the principal building.

10. The minimum distance between a detached garage containing a Garage Suite, or Guest House and the principal building on the same site shall be 4.0 m. (13.1 ft.).
11. A minimum of one parking stall shall be provided in addition to the required number of parking stalls for the principal building.
12. No decks on Garage Suite or Guest House roofs shall be allowed.
13. Balconies shall be allowed as part of a Garage Suite developed above a detached garage only where the balcony faces the alley or a flanking street.
14. Windows contained within the Garage Suite portion of the detached garage shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
  - a) Off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Guest House window on an abutting site;
  - b) Strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
  - c) Placing larger windows such as living room windows, to face an alley, a flanking street, or the larger of any side yard abutting another property.
15. A Garage Suite or Guest House shall not be allowed within the same site containing a Secondary Suite or Home-Based Business.
16. Where Garage Suites are discretionary within the applicable district, the Development Authority may exercise discretion in considering a Garage Suite having regard to:
  - a) Compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
  - b) The effect on the privacy of adjacent sites; and



- c) The policies and guidelines for Garage Suites contained in a Statutory Plan for the area.

#### **4.10 SECONDARY SUITES**

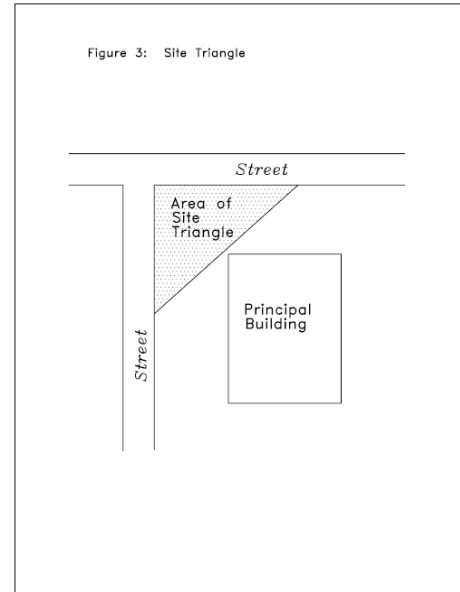
1. A secondary suite shall be operated as an accessory use only and shall not change the residential character of the principal dwelling involved.
2. A development permit for a secondary suite expires upon transfer of ownership of land upon which the secondary suite is located. All new owners shall be required to secure all necessary approvals prior to recommencement of the use.
3. A secondary suite shall not contain more than fifty percent (50%) of the total floor area of the principal dwelling.
4. On-site parking shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the secondary suite.
5. Required parking stall(s) shall not be allowed on public roadways.
6. Prior to its use as an approved secondary suite the property owner shall be required to meet all applicable safety code requirements.
7. The applicant shall provide an original copy of a fire inspection report to the Development Officer, no older than one (1) month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a Secondary Suite.

#### **4.11 CORNER AND DOUBLE FRONTING PARCELS**

In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.

#### 4.12 CORNER SIGHT TRIANGLES

1. 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. (20.0 ft.) from the point where they intersect.
2. On laneways, the sight triangle shall be formed by a straight line drawn between two points on the exterior boundaries of the said site 3.05 m. (10.0 ft.) from the point where they intersect.
3. On any corner site, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m. (3.0 ft.) in height above the lowest street grade adjacent to the intersection.
4. On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m. (2.0 ft.) within the area defined as the sight triangle.
5. 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 Authority, one front yard may be considered a side yard.



#### 4.13 BUILDING DEMOLITION

An application to demolish a building shall not be approved without a statement or plan, which indicates:

- a) how the operation will be carried out so as to create a minimum of dust or other nuisance,
- b) where the refuse or removed building materials will be disposed of, and
- c) the final reclamation of the parcel,

that is satisfactory to the Development Authority.

#### **4.14 AUTOMOBILE PARKING AND LOAD REQUIREMENTS**

##### **1. OFF-STREET AUTOMOBILE PARKING**

a) An off-street parking area:

- (i) shall not be located within 1.0 m. (3.28 ft.) of a lot line common to the lot and to a street unless the parking area is shared between the adjoining lots;
- (ii) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
- (iii) shall have necessary curb cuts located to the satisfaction of the Development Authority; and
- (iv) shall be hard-surfaced to the satisfaction of the Development Authority or of a gravel mixture approved by the Development Authority.

b) All parking areas shall conform to the minimum parking standards set out in the Summer Village of South View Land Use Bylaw.

##### **2. REQUIRED NUMBER OF OFF-STREET PARKING STALLS**

a) The minimum number of off-street parking spaces required for each building class shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a

development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

<b><u>RESIDENTIAL</u></b>	
One and two unit dwellings	2 per dwelling unit
Multiple unit dwellings of one bedroom or less per dwelling unit	1.5 per dwelling unit
Multiple unit dwellings of two or more bedrooms per dwelling unit	2 per dwelling unit
Senior citizen self-contained dwelling units	1 per dwelling unit
<b><u>PLACES OF PUBLIC ASSEMBLY</u></b>	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 sq. m. (75.0 sq. ft.) used by the patrons, whichever is greater

- b) Where development on a parcel contains more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses.

#### **4.15 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

1. All matters related to unsightly property, improper storage of vehicles, parking of commercial vehicles over 5,500.0 kg. (12,125.42 lbs.) shall be addressed through the Municipal Government Act and bylaws adopted by Council other than this Land Use Bylaw.
2. The following prohibited or restricted developments shall be subject and addressed in accordance with this Bylaw:
  - a) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

3. Subject to Section 4.15(1) no person shall keep or permit in any part of a yard in a residential land use district:
  - a) any vehicles or equipment of any kind that is in a state of disrepair, partially dismantled, inoperable or dilapidated;
  - b) more than one unregistered vehicle;
  - c) any object or chattel which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, is unsightly or tends to adversely affect the amenities of the district.
4. In all land use districts, garbage shall be stored in weather and animal proof containers screened from adjacent parcels and public thoroughfares to the satisfaction of the Development Officer, Municipal Planning Commission or Council and shall be in a location easily accessible for pickup.
5. Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.
6. In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, constitutes a danger or annoyance to persons on site, on public property, or on any other site, by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.

#### **4.16 FENCES**

##### **1. RESIDENTIAL DISTRICTS**

- a) In any residential district, except as herein provided:

- (i) No fence shall be constructed that is:
  - A. Higher than 1.83 m. (6.0 ft.) for that portion of the fence that does not extend forward beyond the foremost portion of the principal building on the parcel; and
  - B. Higher than 0.91 m. (3.0 ft.) for that portion of the fence that extends into the front yard beyond the foremost portion of the principal building on the parcel.
- b) Development Authority approval is required for fence construction at heights in excess of those provided for in Section 3.2 of this Bylaw and shall require an approved development permit.
- c) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Summer Village of South View.
- d) Where the development is a hot tub or swimming pool, the installation and maintenance of any prescribed fence, self-closing and latching gate, cover or locking lid, or any other safety enclosure, subject to specifications and regulations defined by the CSA Group, shall be required and a condition of the permit. Current specifications define that, any ground, above ground or on-ground pools with a depth of 0.61 m. (2.0 ft.) or greater, at any point, must be fences with a 1.83 m. (6.0 ft.) fence and secured with a locking self-closing gate, and the lock of that gate shall not be less than 1.52 m. (5.0 ft.) above ground level.

#### **4.17 HOME-BASED BUSINESSES**

1. Home Based Businesses shall comply with the following general provisions:

- a) Home-Based Businesses are considered an accessory use and shall not be permitted on a site unless a dwelling is located on the site on which the Home-Based Business is to be located.
- b) All development permits issued for Home-Based Businesses shall be revocable at any time by the Development Authority, if, in its opinion, the Home-Based Business is or has become detrimental to amenities of the neighborhood in which it is located or if there is any change or intensification of the Home-Based Business as originally approved.
- c) The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a Home-Based Business is valid.
- d) No Home-Based Business shall substantially change the principal character or external appearance of the dwelling involved or of any accessory buildings.
- e) Home-Based Businesses shall be incidental and subordinate to the principal use of the dwelling and/or garage and shall not be conducted within any other structures on the property.
- f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the Home-Based Business allowed on the site.
- g) The Home-Based Business shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- h) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- i) When a development permit is issued for a Home-Based Business, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- j) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the district in which the Home-Based Business is located.

- k) Only one (1) commercial vehicle, of a haul capacity not exceeding 5,500.0 kg. (12,125.42 lbs.) shall be used in conjunction with the Home-Based Business, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be kept on site unless they are located within an accessory building.
- l) Home-Based Businesses 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 used, enjoyment, or value of neighboring properties.
- m) No more than two people shall be working at the Home-Based Business site at any time.
- n) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or garage.
- o) The Home-Based Business shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in the Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
- p) The dwelling or garage in which a Home-Based Business is located may have one fascia sign placed on the structure, providing that the sign does not exceed 0.4 sq. m. (4.3 sq. ft.) in area. No other signage will be permitted.
- q) A development permit application for Home-Based Businesses shall be made annually and reviewed by the Development Authority. Home-Based Business permits shall be mailed out by the Development Officer in November of each year. Following a review and recommendation by the Development Officer, the Municipal Planning Commission, at a duly convened meeting in January, shall approve (with or without conditions) or refuse these development permit applications. Home-Based Business permits shall be effective for the calendar year in which they are issued.



2. Home-Based Businesses shall be further classified into the following categories and further generally differentiated as follows:
  - a) Home Offices, provided the provisions of Section 3.2(y) of this Bylaw are met, does not require a permit.
  - b) Home-Based Businesses – Minor, being a use which provides for some intensification of business activity on the site in terms of, among other criteria, pedestrian/vehicular traffic, advertising, and/or storage of material or equipment, but maintains the overall principal character of the site shall be a permitted use.
  - c) Home-Based Businesses – Major, being a use which provides for significant intensification of business activity on the site in terms of, among other criteria, pedestrian/vehicular traffic, advertising, and/or storage of materials or equipment, and in the opinion of the Development Authority thereby jeopardizes the principal character of the lot shall be a discretionary use and subject to any conditions the Development Authority deems reasonable.

#### **4.18 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS**

1. A total maximum of any two (2) vehicles, be they recreational vehicles, holiday trailers, motor homes, campers or tent trailers, may be situated, either occupied or unoccupied for storage purposes, on a residential parcel provided that they:
  - a) are located within a required parking stall or on the site designed and serviced in a manner satisfactory to the Development Authority.
  - b) have access to an approved sewage collection system when occupied for more than fourteen (14) consecutive days in a calendar year.
2. At no time may a person store any derelict recreation vehicle on a property. Dereliction may be assessed by inoperability, immobility, excessive rust, decay or damage, fluid leaks, abandonment, lack of registration, or any or all of these.
3. One recreational vehicle, subject to 4.18(1) and 4.18(2), shall be considered a permitted use on a residential parcel; any second recreational vehicle will be a discretionary use and requires an additional development permit, whereby a

condition of this permit will be that it remains valid for the calendar year in which has been approved, and requires annual renewal if the applicant intends to continue the use for future years.

#### **4.19 KEEPING OF ANIMALS**

1. No person shall keep or permit to be kept in any part of any yard in any Land Use District any livestock except as described in Part 5 of this Bylaw.
2. No person shall keep or permit to be kept in any part of any yard in any Land Use District any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration.
3. In addition to this Section, the regulations in the Residential Districts respecting the keeping of animals will apply

#### **4.20 PREFABRICATED STRUCTURES**

1. Prefabricated structures shall only be used or located on a site as an accessory use or building in a Residential District where the Development Authority is satisfied the following have been complied with:
  - a. prefabricated structures shall be adequately anchored, but not permanently fixed to the ground;
  - b. prefabricated structures shall be maintained in good condition and periodically refurbished;
  - c. prefabricated structures shall be sited in relation to side and rear lines such that the Development Authority is satisfied that it is accessible for maintenance, repair and removal if required;
  - d. the exterior finish of a sea-can or shipping container must be altered such that it does not in any manner resemble a sea-can or shipping container

as originally constructed and, instead, matches or complements the exterior finish and roof pitch of the dwelling on the site;

- e. any other matters the Development Authority considers necessary to ensure the prefabricated structure does not unduly interfere with the amenities of the neighbourhood or materially interferes with or affect the use, enjoyment or value of neighbouring parcels of land.
2. As a condition of granting a development permit for a prefabricated structure, the Development Authority may require the sea-can to conform aesthetically to buildings upon adjacent properties and those within the District. This may include, but is not limited to, buffering it from public view and/or enclosing it entirely within a building.

#### **4.21 FIRE PITS**

Within the corporate limits of the Summer Village of South View, fire pits must:

- a) Be at least 3.0 m. (10.0 ft.) from buildings, property lines and anything else that could catch fire.
- b) Be less than 1.0 m. (3.0 ft.) wide.
- c) Be less than 0.6 m. (2.0 ft.) high.
- d) Have enclosed sides made from bricks, concrete or heavy-gauge metal.
- e) Have a mesh screen on top to stop sparks (spark-arrestor) with openings smaller than 1.25 cm. (0.5 in.).



## **PART 5 – LAND USE DISTRICTS AND REGULATIONS**

### **5.1 ESTABLISHMENT OF DISTRICTS AND LAND USES**

1. For the purposes of this Bylaw the Summer Village of South View is divided into the following districts:

<b><u>Short Form</u></b>	<b><u>District Designation</u></b>
R	Residential
RRVP	Residential Recreation Vehicle Park
US	Urban Services
P	Parks and Recreation
UR	Urban Reserve

2. The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.
3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
  - a) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
  - b) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
  - c) In circumstances not covered by 3a or 3b the location of the district boundary shall be determined by:
    - (i) Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
    - (ii) Where dimensions are set out on the Land Use District 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, 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 measurements and directions as the circumstances may require.
5. After Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
6. Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

## 5.2 R – RESIDENTIAL

### 1. General Purpose of District

This district is generally intended to accommodate single detached dwellings and modular homes, and associated uses on small lots.

### 2. Permitted Uses

- Single Detached Dwelling
- Modular home
- Minor Home Occupations and Home Based Business (Minor)
- Secondary Suites, Garage Suites and Guest Houses
- Buildings and uses accessory to permitted uses
- Recreational Vehicles and Temporary Living Accommodations (Single Unit)

### Discretionary Uses

- Day homes
- Home Based Businesses (Major)
- Parks and playgrounds
- Public or quasi-public uses
- Public utilities required to serve the immediate area
- Show homes
- Buildings and uses accessory to discretionary uses.
- Recreational Vehicles and Temporary Living Accommodations (Additional Unit, Exceeded Maximum Number of Permitted Units)
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

### 3. Parcel Coverage

Coverage of all buildings shall not exceed 40% of the total parcel area.

### 4. Minimum Floor Area (not including attached garage)

Shall be no less than 74.3 sq. m. (800.0 sq. ft.).

5. Maximum Height

The height of all structures shall not exceed 9.0 m. (29.5 ft.) and is subject to the provision of this Bylaw.

6. Minimum Parcel Width and Area

All new parcels to be created shall have a minimum parcel width of 15.0 m. (50.0 ft.) and a minimum parcel area not less than 557.4 sq. m. (6000.0 sq. ft.).

7. Minimum Front Yard Setback

- a) Lakefront lots: at the discretion of the Development Officer, but not less than 8.0 m. (26.2 ft.).
- b) All other cases: 8.0 m. (26.2 ft.).
- c) For accessory buildings see Section 4.8.

8. Minimum Side Yard Setback

- a) Minimum of 1.5 m. (5.0 ft.).
- b) For accessory buildings see Section 4.8.

9. Minimum Rear Yard Setback

- a) Minimum of 1.5 m. (5 ft.), except in the case of garages as in Section 4.8.
- b) For accessory buildings see Section 4.8.

### 5.3 RRVP – RESIDENTIAL RECREATIONAL VEHICLE PARK DISTRICT

#### 1. General Purpose of District

The general purpose of this District is to provide for Recreational Vehicle Park opportunities within the Summer Village.

#### 2. Permitted Uses

- Accessory Buildings
- Public Parks
- Recreational Vehicle Park

#### Discretionary Uses

- Accessory Uses
- Camp Sites
- Public Uses
- Residential Dwelling (one per park)
- Tent Sites

#### 3. Development Regulations

a) Prior to granting a development permit for a Recreational Vehicle Park, the developer shall enter into an agreement with the municipality specifying the respective obligations to be assured by him the Municipality regarding:

- (i) Storm drainage, ditching
- (ii) Sewage collection system
- (iii) Water distribution system
- (iv) Utilities and lighting
- (v) Roadways, walkways, sidewalks
- (vi) Garbage disposal
- (vii) Parks, playgrounds, landscaping, fencing
- (viii) Fire pits, cook houses, and



- (ix) Any other services deemed necessary by the municipality.
- b) The standards of construction for the items in 3a above.
- c) The manner by which the costs of the items in 3a above are to be met or recovered.
- d) The period of time for the completion of construction or installation of the development.
- e) Such other matters as may be deemed necessary by the Development Authority.

#### 4. General Regulations

- a) Each application shall be accompanied by a detailed landscaping and site development plan indicating:
  - (i) roadways, sidewalks
  - (ii) park area, buffers, and fencing
  - (iii) individual recreational vehicle sites
  - (iv) any commercial or permanent residential sites
  - (v) utility and servicing
  - (vi) location of sewer, water, waste disposal and storm drainage facilities
  - (vii) fire pits, cook houses
  - (viii) setbacks from lakeshore and tributaries
  - (ix) adjacent land use, and
  - (x) such other matters as the Development Authority may require.

- b) The applicant may be required, as a condition of development to deliver a penalty bond to the amount of 25% of the estimated cost of landscaping to ensure completion of said landscaping.
- c) Each area serving for recreational vehicle parking shall consist of a gravel, cement or asphalt pad.
- d) The park shall be enclosed and screened by trees, fencing, landscaping features or a combination thereof.
- e) Roadways shall consist of an all-weather surface and be maintained as such.

#### 5. Density and Minimum Area

- a) The minimum parcel area of a recreational vehicle park shall be 1.0 ha. (2.57 ac.).
- b) The minimum area provided to park a recreational vehicle shall be 93.0 sq. m. (1000.0 sq. ft.).
- c) The maximum recreational vehicle density for a park shall be 37 recreational vehicles per ha. (15 recreational vehicles per ac.).

#### 6. Sewage Disposal

- a) A recreational park shall be serviced by a sewage collection system capable of handling the generated effluent from the maximum population capacity of the park.
- b) A development permit shall be required for construction of a sewage collection system.

## 7. Water Supply

- a) The Development Authority, prior to issuing a development permit, may require the applicant to submit information with regards to the supply of water.
- b) A recreational vehicle park shall be required to provide:
  - (i) A potable water supply capable of meeting the consumption demand of the maximum capacity of the park.
  - (ii) A water supply suitable to meet peak demand for facilities related to the washing, laundry, showering or sewage disposal either as provided by the park or as would reasonably be expected to be self-contained within the recreational vehicle itself.

## 8. Signs

- a) Identification signs to a maximum of 1.8 m. (6.0 ft.) above grade and to a maximum area of 2.99 sq. m. (32.0 sq. ft.) may be located at the principal entrances to the park.
- b) Directional signs within the park shall be integrated into design and appearance and kept in scale with the immediate surroundings to the satisfaction of the Development Authority.

## 9. Parking

- a) There shall be at least one (1) parking stall provided for each site.

## 10. Tenting or Camping Ground

- a) A recreational vehicle park may provide an area for camping to a size and density as determined by the Development Authority.
- b) A development permit for a tenting or camping ground may be issued subject to the condition that it remain in effect for one season only whereby the permit shall expire on a specified date and a new application be required for the following season.

## 11. Setbacks:

- a) The setbacks for a recreational vehicle park and associated facilities shall be to the satisfaction of the Development Authority who shall ensure that adequate protection for the amenities and environment of adjacent developments.
- b) The Development Authority shall ensure that setbacks from existing incompatible uses near the park are sufficient to protect park users.
- c) Setback from the lakeshore or lake tributaries and the nearest site for recreational vehicle parking accommodation shall be at the discretion of the Development Authority, but not less than 15.0 m. (50.0 ft.).

## 5.4 US – URBAN SERVICES

### 1. General Purpose of District

This district is generally intended to establish an area for the development of institutions or community services.

### 2. Permitted Uses

- Day care facility
- Library
- School

### Discretionary Uses

- Accessory Building & Use
- Cemetery
- Extended Medical Treatment Facility
- Protective & Emergency Services
- Parks and playgrounds
- Places of public assembly
- Public uses
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

### 3. Development Regulations for Permitted and Discretionary Uses

All parcel 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 incompatibility with development in abutting districts.

## 5.5 P – PARKS

### 1. General Purpose of District

This district is generally intended to establish an area for recreational and leisure activities

### 2. Permitted Uses

- Parks and playgrounds
- Publicly owned minor recreation and cultural facilities

### Discretionary Uses

- Commercial recreation facility
- Major recreation and cultural facility
- Schools
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

### 3. Development Regulations:

All parcel 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 incompatibility with development in abutting districts.

## 5.6 UR – URBAN RESERVE

### 1. General Purpose of District

This district is generally intended to reserve, for urban development, those areas of the municipality which are rural in character.

### 2. Permitted Uses

- Extensive agriculture
- Parks
- Single detached dwelling, modular home, or manufactured home on existing parcels only.

### Discretionary Uses

- Any use or building which, in the opinion of the Development Officer, will not prejudice the possibility of conveniently and economically subdividing the area for urban development.

### 3. Development Regulations for Permitted and Discretionary Uses

- a) No subdivision shall be permitted except as required in the Act, or for municipal purposes.
- b) All development regulations shall be at the discretion of the Development Authority.
- c) No subdivisions or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications and utilities policies.

## **PART 6 – ADMINISTRATION**

### **6.1 SCHEDULES**

Schedule A is a part of this Bylaw. Shcedule A is the Land Use Bylaw Map.

### **6.2 REPEALING EXISTING CONTROLS**

Bylaw No. 179, including any duly passed amendments, is hereby repealed.

### **6.3 DATE OF COMMENCEMENT**

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THE \_\_15th\_\_ DAY OF \_\_July\_\_, AD 2020

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Chief Administrative Officer)

READ A SECOND TIME IN COUNCIL THE \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2020

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Chief Administrative Officer)

READ A THIRD TIME IN COUNCIL THE \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2020

\_\_\_\_\_  
(Mayor)

\_\_\_\_\_  
(Chief Administrative Officer)



## 6.4 SCHEDULE "A" – LAND USE BYLAW MAP

