

SUMMER VILLAGE OF HORSESHOE BAY

LAND USE BYLAW

BYLAW NUMBER 74-06

July 1, 2006

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SCHEDULE A – LAND USE DISTRICT MAP

BYLAW NUMBER 74-06

LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Summer Village of Horseshoe Bay duly assembled, hereby enacts as follows:

PART 1. PURPOSE AND SCOPE

1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of Horseshoe Bay.

1.2 PURPOSE

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

- (a) to divide the Summer Village into districts;
- (b) to describe the purposes for which land and buildings may be used within each district;
- (c) to establish a method of making decisions on applications for development permits;
- (d) to establish a procedure for notifying land owners likely to be affected by a development of the issuance of a development permit; and
- (e) to establish the number of dwelling units allowed on a lot.

1.3 SCOPE

No development shall be carried out within the boundaries of the municipality except in accordance with this Bylaw.

PART 2. ADMINISTRATION

2.1 DEVELOPMENT AUTHORITY

The Council, with this Bylaw, establishes the office of Development Authority, which is authorized to act as the Development Authority pursuant to the Act, to exercise development powers and duties as articulated in this Bylaw.

2.2 DUTIES OF DEVELOPMENT AUTHORITY

The Development Authority shall:

- (a) administer this Bylaw and receive, consider and decide upon all development permit applications;
- (b) refer any application for a discretionary use (or any other application which the Development Authority considers necessary) to the Municipal Planning Commission (MPC) for input and advice;
- (c) keep and maintain for public inspection at reasonable times a copy of this Bylaw and all amendments thereto and ensure copies are available to the public at a reasonable charge; and
- (d) be declared to be an authorized person of Council pursuant to Section 542 of the Act.

2.3 MUNICIPAL PLANNING COMMISSION (MPC)

The Municipal Planning Commission (MPC) established by Bylaw No. 49/97 shall perform such duties as specified in Part 3 of this Bylaw.

2.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board, established by Bylaw No. 43/95, shall perform such duties as are specified in Section 3.8 of this Bylaw.

2.5 FEES

Council may from time to time establish such fees as are required for the purpose of administering this Bylaw.

2.6 FORMS

Council may authorize the Development Authority to prepare and use such forms and notices as are required for the purpose of administering this Bylaw.

PART 3. DEVELOPMENT APPLICATION PROCESS

3.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 3.2 shall be undertaken within the Summer Village of Horseshoe Bay unless an application for it has been approved and a development permit has been issued by the Development Authority.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

- (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a permit under the Safety Codes Act;
- (b) the completion and use of a building which was lawfully under construction on the date this Bylaw comes into effect, provided that the building is completed in accordance with the terms of any permit granted and subject to the conditions of that permit and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date this Bylaw comes into effect;
- (c) the erection or construction of gates, fences or walls or other means of enclosure (except for corner lots) less than 1.82 m (6 ft.) in height, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;
- (d) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, for the period of construction;
- (e) accessory buildings which are accessory to a dwelling and entirely portable, and which are less than 13.8 sq. m (148.5 sq. ft.) in size, unless the accessory building does not meet the minimum distance requirements outlined in Section 51. of Part 5 of this Bylaw;
- (f) the maintenance and repair of public work, services, and utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled;
- (g) landscaping where the proposed grades will not adversely affect the subject or adjacent lot; and
- (h) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (c) through (f) above, both inclusive.

3.3 APPLICATION FOR DEVELOPMENT

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

- (a) a site plan in duplicate showing the legal description and the front, rear and side yards, if any, and any provision for vehicle parking and access and egress points to the site;
- (b) building dimensions;
- (c) a statement of proposed uses;
- (d) a statement of ownership of land and interest of the applicant therein;
- (e) the estimated commencement and completion dates;
- (f) the estimated cost of the project or contract price;
- (g) the application fee as set by Council; and
- (h) any other information as required by the Development Authority.

3.4 DECISION PROCESS

1. In making a decision, the Development Authority may approve the application with or without conditions, permanently or for a limited period of time, or refuse the application.
2. In the case where a proposed use of land or a building is not provided for in any District in this Bylaw, the Development Authority, in consultation with the Municipal Planning Commission, may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that District.
3. The Development Authority, in consultation with the MPC, may approve an application for a development permit notwithstanding that the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in his/her opinion:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighborhood,
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties, and

- (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
4. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after the receipt of the application by the Development Authority. The applicant may appeal in writing as provided for in Section 3.8 of this Bylaw as though he has received a refusal, unless the applicant and Development Authority have entered into an extension agreement pursuant to Section 684 of the Act.

3.5 DEVELOPMENT AGREEMENT

1. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality to
- (a) construct or pay for the construction of roads, pedestrian walkways or parking area; and/or
 - (b) install or pay for the installation of public utilities other than telecommunications systems or works; and/or
 - (c) pay an off-site levy imposed by bylaw; and/or
 - (d) give security to ensure that the terms of the agreement noted herein are carried out.
2. To ensure compliance with the development agreement, the municipality may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

3.6 DEVELOPMENT PERMITS AND NOTICES

1. A permit granted pursuant to Section 3.4 does not come into effect until fifteen (15) days after the date that an order, decision, or development permit is publicized as described in Section 3.6.4 and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
2. Where an appeal is made pursuant to Section 3.8 of this Bylaw, a development permit which has been granted does not come into effect until the appeal has been determined, at which time the permit may be confirmed, approved, modified or rejected.
3. A development, once begun, shall not be abandoned, or left in what the Development Authority considers to be an unsightly or unsafe condition.
4. When a development permit has been issued, the Development Authority shall immediately mail a notice in writing (Form "D") to all adjacent land owners who, in the opinion of the Development Authority, may be affected.

5. If the development authorized by a permit is not commenced within twelve (12) months from the date of the permit's issue, or carried out within two (2) years of commencement of construction, the permit is deemed to be void, unless an extension to this period has been granted by the Development Authority.
6. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
7. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

3.7 COMPLIANCE WITH OTHER BYLAWS, REGULATIONS, LAWS AND AGREEMENTS

In addition to complying with this Bylaw, any development must conform with the Act or other Bylaws and Regulations affecting the development in question. Compliance with this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal laws, and respecting any easements, covenants, agreements or contracts affecting the land or the development, including obtaining any permits as necessary in accordance with the Alberta Safety Codes Act.

3.8 APPEAL PROCEDURES

Where the Development Authority:

- (a) refuses an application for a development permit, or
- (b) fails to render a decision on an application for a development permit within forty (40) days of receipt of the application; or
- (c) approves an application for a development permit, or
- (d) issues an order under Part 4 of this Bylaw,

the person applying for the permit or affected by the order, or any other person, as the case may be, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Subdivision and Development Appeal Board within fourteen (14) days after the date the decision or order was mailed, pursuant to Sections 685 to 687 of the Act.

PART 4. CONTRAVENTION AND NON-CONFORMING BUILDINGS AND USES

4.1 CONTRAVENTION

1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, the regulations, a development permit, subdivision approval, or this Bylaw, he/she may order the owner of the land, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them, to:
 - (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
 - (b) demolish, remove or replace the development; and/or
 - (c) take such other measures as may be required to ensure compliance with the 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 from the Development Authority, the Development Authority may take actions to enforce the order pursuant to Section 645 and 646 of the Act.
3. Where the Development Authority carries out an order, Council shall have the costs and expenses incurred in carrying out the order placed on the tax roll as an additional tax against the property, and that amount shall be collected in the same manner as taxes on land.
4. A person who contravenes any provision of this Bylaw, a development permit or an order issued pursuant to Section 4.1.1 is guilty of an offense and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
5. In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

6. Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offense committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Summer Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offense and \$100.00 for a second or subsequent offense. Each day that a breach of the Bylaw has occurred may be considered to be a separate offense.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offense.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offense without a court appearance shall no longer apply and prosecution for the alleged offense shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offense specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offense.

4.2 NON-CONFORMING BUILDINGS AND USES

- 1. A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with this Bylaw.
- 2. A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building, shall not be enlarged or added to, and shall undergo no structural alterations.
- 3. A non-conforming use of part of a lot shall not be extended to any other part of the lot, and no additional buildings shall be constructed on the lot while the non-conforming use continues.
- 4. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building.

- (b) as may be necessary for the routine maintenance of the building, if the Development Authority considers it necessary,
- (c) as may be required by statute or bylaw, or
- (d) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4.3 of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.

5. If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of its value above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
6. A change of ownership, tenancy, or occupancy of land or a building shall not be considered to affect its use.

PART 5. GENERAL LAND USE REGULATIONS

5.1 ACCESSORY BUILDINGS

1. All accessory buildings shall be located at least 2.0 m (6.6 ft.) from any principal building.
2. Notwithstanding Subsection 5.1.1, when a building used or proposed to be used as an accessory building is located or proposed to be located closer than 2.0 m (6.6 ft.) to a principal building, it shall be connected to that principal building by a structural element such as a common foundation, common roof or common wall.
3. An accessory building shall not be used as a dwelling.
4. The siting of an accessory building shall be as approved by the Development Authority.
5. The maximum height of an accessory building shall be 4.5 m (14.8 ft.) or 1 storey, whichever is the shorter except for telecommunications facilities and towers and wind turbines and similar structures, in which case the maximum height shall be 9.1 m (30 ft.).
6. No accessory buildings shall be located within the setback distances indicated on Figure 1 of this Bylaw.
7. The total floor area of all accessory buildings on a lot shall not exceed either 100 sq. m (1076.4 sq. ft.) or 12% of the lot area, whichever is the lesser area.

5.2 CONTROLLED APPEARANCE

The design and appearance of any proposed building or structure must be acceptable to the Development Authority, having due regard for the amenities and character of existing development. A completed design of the building or structure is to be included with any application for a development permit.

5.3 DRAINAGE

Any landscaping or topographic reconstruction shall be such that the finished surface contours do not direct surface drainage onto an adjoining lot.

5.4 LANDSCAPING

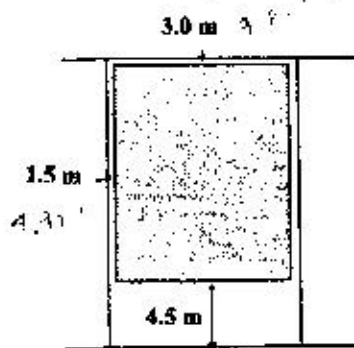
As a condition of a development permit, and to the satisfaction of the Development Authority, landscaping and planting must be carried out (weather permitting) within one year of occupancy or commencement of operation of the proposed development.

Figure - Siting of Accessory Buildings 56.4

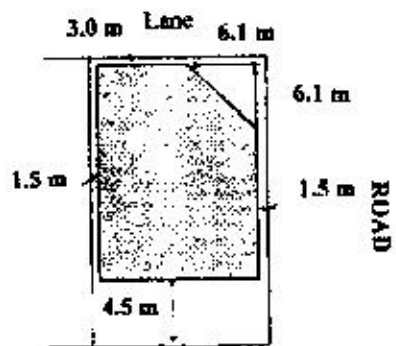
LOCATION OF ACCESSORY BUILDINGS

These sketches show in shading the areas within which accessory buildings are allowed.

BACK LOTS (INTERIOR)



BACK LOTS (CORNER)



ROAD

ROAD

Metric Conversion
(Imperial measurements are approximate)

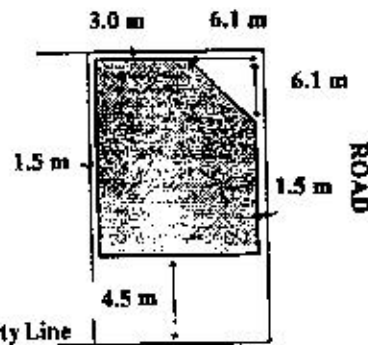
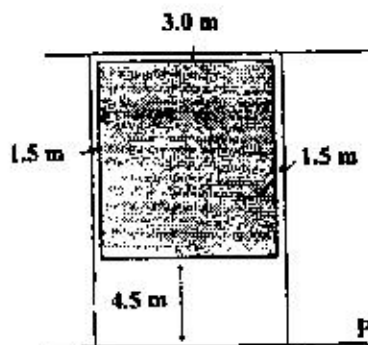
0.91 m = 3 ft.

1.5 m = 4.92 ft.

3.0 m = 9.84 ft.

4.5 m = 14.75 ft.

6.1 m = 20 ft.



Property Line

ROAD

Lakeshore Environmental or Municipal Reserve

LAKESHORE LOTS (INTERIOR)

LAKESHORE LOTS (CORNER)

The siting of accessory buildings on an irregularly shaped lot shall be as required by the Development Authority.

5.5 TOPSOIL EXCAVATION

No person shall commence or continue the removal of topsoil without first obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion are required, as determined by the Development Authority.

5.6 FENCES/WALLS/HEDGES/ENCLOSURES

1. Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
2. No fence, wall, or other enclosure shall be:
 - (a) potentially hazardous, including electrical or barbed wire fences;
 - (b) higher than 2.0 m (6.6 ft.) measured as the average elevation from the ground;
 - (c) higher than 1 m (3.3 ft.) within 6.0 m (20 ft.) of the intersection of two roads.
3. No hedge shall be higher than 1 m (3.3 ft.) within 6.0 m (20 ft.) of the intersection of two roads.

5.7 SANITARY FACILITIES

All buildings to be used as a dwelling shall be provided with sanitary facilities to the satisfaction of the Regulations under the Alberta Safety Codes Act.

5.8 NUMBER OF DWELLING UNITS ON A LOT

No development permit shall be granted for the development of more than one (1) dwelling unit on a single lot.

5.9 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall keep or permit in any part of a yard:

- (a) any unlicensed, dismantled or wrecked vehicle for more than fourteen (14) successive days;
- (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the municipality;
- (c) 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;

- (d) fur bearing animals, fowl or livestock other than domestic pets.

5.10 MANUFACTURED HOMES

1. Manufactured homes shall have Canadian Standards Association certification.
2. All accessory structures, such as patios, porches, additions and skirtings, shall be:
 - (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured home, and
 - (b) considered as part of the principal building, and
 - (c) erected only after obtaining a development permit.
3. A manufactured home shall be skirted from the floor level to the ground level.
4. The wheels are to be removed from the manufactured home.
5. All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to a foundation or base.

5.11 RECREATIONAL VEHICLES

Where more than one (1) recreational vehicle is to be placed on a lot for more than twenty-one (21) consecutive days, it shall require a development permit and shall be located in a manner satisfactory to the Development Authority. Permits shall not be issued for more than one (1) recreational vehicle per developed lot or two (2) recreational vehicles per vacant lot.

5.12 SHORELINE RESERVE

Private development on Municipal Reserve (MR) and Environmental Reserve (ER) is not allowed. In addition, under Provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from the Province prior to construction. Improvements not requiring a License include minor bank stabilization, erection of a small removable seasonal domestic pier, or placement of a removable boat lift on the lake bed during the summer months.

Further information may be obtained from the appropriate Alberta government office. As of the date of the writing of this Bylaw, that is the Alberta Sustainable Resource Development office in St. Paul.

5.13 HOME OCCUPATIONS

1. A home occupation shall be clearly incidental to the principal residential use of a lot and shall not change or disrupt the residential character of the municipality.

2. All permits issued for home occupations shall be reviewed annually. The Development Authority may revoke a permit if he/she considers that the use is or has become detrimental to the residential character of the municipality.
3. No home occupation shall include the keeping of a stock in trade unless it is kept entirely within buildings on the site, nor the employment of any persons who attend the dwelling.
4. The maximum size of sign allowed at a home occupation shall be 0.2 sq. m (2 sq. ft).
5. Home occupations are limited to those uses which:
 - (a) do not create or become a public nuisance;
 - (b) are not visible from outside the building; and
 - (c) require no outside storage of materials, goods or equipment.

5.14 NUISANCE

Sites and buildings shall be maintained in a safe condition, free from rubbish and debris.

5.15 RELOCATED BUILDINGS

1. Any person who wishes to place on a lot a building which has previously been erected or placed on a different lot shall:
 - (a) make the usual application for a development permit;
 - (b) with the development permit application, in addition to the submission requirements of Section 3.3, provide photographs of the building showing each elevation and the general condition of the building, and state the present location and use of the building.
2. The Development Authority may inspect the building to determine its suitability for the proposed use.
3. The Development Authority may require that certain works of structural alterations, repairs or maintenance of the building be carried out as a condition of the issue of a development permit.

5.16 BED AND BREAKFAST ESTABLISHMENTS

A bed and breakfast establishment shall not be allowed within the Summer Village.

5.17 SUBSTANDARD LOTS

With the approval of the Development Authority, the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.

PART 6. LAND USE DISTRICTS AND REGULATIONS

6.1 ESTABLISHMENT OF LAND USE DISTRICTS

1. For the purpose of this Bylaw, the area within the boundary of the Summer Village of Horseshoe Bay shall be entirely within the:

Residential Single Family District (R)

2. The boundaries of the Districts are shown on the Land Use District Map, being Schedule A hereto.

6.2 RESIDENTIAL SINGLE FAMILY DISTRICT (R)

The purpose of this District is to provide for single-family dwellings and associated uses.

1. Permitted Uses

- (a) Single family dwellings
- (b) Public parks
- (c) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Extensive agriculture
- (b) Home occupations
- (c) Manufactured homes
- (d) Recreational uses
- (e) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (f) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Minimum lot dimensions
 - (i) Single family dwellings and manufactured homes
Minimum Lot Width – 30 m (100 ft.)
Minimum Lot Area – 1860 sq. m (20,000 sq. ft.)
 - (ii) All other uses - as required by the Development Authority
- (b) Minimum yard dimensions
 - (i) Single family dwellings and manufactured homes
Side yards – 10% of the lot width but not less than 1.5 m (4.92 ft.)
Rear yards – 5% of the lot length but not less than 3.0 m (9.84 ft.)
Front yards – 10% of the lot length but not less than 4.5 m (14.75 ft.)
 - (ii) All other uses - as required by the Development Authority
- (c) Minimum Floor Area

- (i) Single family dwellings – 45 sq. m (484 sq. ft.)
 - (ii) Manufactured homes – 45 sq. m (484 sq. ft.)
 - (iii) All other uses - as required by the Development Authority
- (d) **Maximum Height**
- (i) Single family dwellings – 9.1 m (30 ft.) or 2 storeys whichever is less
 - (ii) All other uses - as allowed by the development Authority
- (e) Notwithstanding the above, development on existing lots which do not meet the minimum lot size requirements may be allowed by the Development Authority. The minimum yard dimensions, minimum floor area and maximum height requirements shall be determined by the Development Authority.

PART 7. INTERPRETATION

7.1 DEFINITIONS

- (1) "accessory building" or "accessory use" means a building or use which, in the opinion of the Development Authority is subordinate and incidental to the principal building or use located on the same lot;
- (2) "Act" means the Municipal Government Act, R.S.A. 2000, as amended;
- (3) "adjacent land" means land that is contiguous to a particular lot and includes land that would be contiguous if not for a road, utility right -of-way, river or stream;
- (4) "bed and breakfast establishment" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, with or without meals, are provided for remuneration to members of the public;
- (5) "building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- (6) "chattel" means a moveable item of personal property;
- (7) "Council" means the Council of the Summer Village of Horseshoe Bay;
- (8) "development" means:
 - (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
 - (d) a change in the intensity of the use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of the use of the land or building, or
 - (e) the demolition or removal of a building;
- (9) "development permit" means a document authorizing a development, issued pursuant to this Land Use Bylaw;
- (10) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

- (11) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base. This definition shall include single family dwellings and manufactured homes;
- (12) "dwelling unit" means either a complete dwelling or a self-contained portion of a dwelling containing one or more habitable rooms consisting of a self-contained unit, each unit having sleeping, cooking and access to toilet facilities;
- (13) "excavation" means any breaking of ground, except common household gardening and ground care;
- (14) "extensive agriculture" means the use of land or buildings, including the first dwelling or manufactured home, for the production of crops. The raising of livestock shall not be considered extensive agriculture;
- (15) "fence" means a vertical, physical barrier constructed to provide aesthetic decoration, visual screening, or sound abatement, or to prevent unauthorized access;
- (16) "floor area" means the total area taken up by the habitable portions of a building including all interior living spaces and supporting structures, but excluding basements, carports, garages, sheds and decks, as determined from the exterior dimensions of the building;
- (17) "front line" means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line. In the case of a lakeshore lot, the boundary line adjacent to the Lake, or a Reserve lot adjacent to the Lake, shall be considered to be the front line;
- (18) "front yard" means a yard extending across the full width of a lot from the front line to the nearest wall of the principal building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (19) "garage" means an accessory building or a part of the principal building, designed and used primarily for the storage of motor vehicles;
- (20) "grade" means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan;
- (21) "height" means the average distance from grade level at the exterior wall to the highest point of the thing being measured. If a building, the height measurement will be taken so as to include any feature which stops visibility through the feature, such as solar panels, but will exclude chimneys, skylights, ventilation fans, flagpoles, antennae or similar devices or features which are not structurally essential to the building and which do not substantially restrict visibility through the feature;
- (22) "home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and

which does not change the character thereof or have any exterior evidence of such secondary use;

- (23) "lakeshore lot" means a lot which faces onto Vincent Lake and has any part of a lot line adjacent to the Lake or the buffer strip of Municipal Reserve or Environmental Reserve land that may be located adjacent to the Lake;
- (24) "lot" means a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title;
- (25) "lot width" means the length of a line parallel to the front line or, in a lot with a curved or multi-segmented front line, perpendicular to a line running between the mid-point of the front line and the midpoint of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- (26) "may" means the action is not obligatory;
- (27) "manufactured home" means a building structure, whether ordinarily equipped with wheels or not, that is manufactured to be moved from one point to another by being towed or carried, provides year round living accommodation for one or more persons, and can be connected to utilities;
- (28) "municipality " means the Summer Village of Horseshoe Bay;
- (29) "Municipal Planning Commission" (MPC) means the Municipal Planning Commission which may be established by the Council pursuant to the Act;
- (30) "non-conforming building" means a building:
 - (a) that is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
 - (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;
- (31) "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 this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
 - (b) that on the date this 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;
- (32) "order" means an order of compliance issued in writing by the Development Authority under Section 4.1.1 of this Bylaw;

- (33) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided all of the regulations and requirements of this Bylaw are satisfied;
- (34) "principal building" means a building, which, in the opinion of the Development Authority:
- (a) occupies the major or central portion of a site, or
 - (b) is the chief or the main one among the buildings on the site, or
 - (c) constitutes by reason of its use the primary purpose for which the site is used.
- (35) "rear line" mean the boundary line of a lot lying opposite to the front line of the lot;
- (36) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the principal building situated on the lot to the rear line of the lot;
- (37) "recreational vehicle" means a vehicle type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted to or drawn by another vehicle;
- (38) "recreational use" means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features of Vincent Lake to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes boating, riding swimming, picnicking, community halls, skating and curling rinks, drop-in centres, and sports grounds, and similar uses, and may include a refreshment stand incidental to the primary use;
- (39) "renovation" means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (40) "road" means a road shown on a registered plan;
- (41) "shall" means the action is obligatory;
- (42) "side line" mean the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (43) "side yard" means a yard extending from the nearest wall of the principal building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (44) "single family dwelling" means a dwelling consisting of one (1) dwelling unit which is not a manufactured home;
- (45) "site plan" means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing,

screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development:

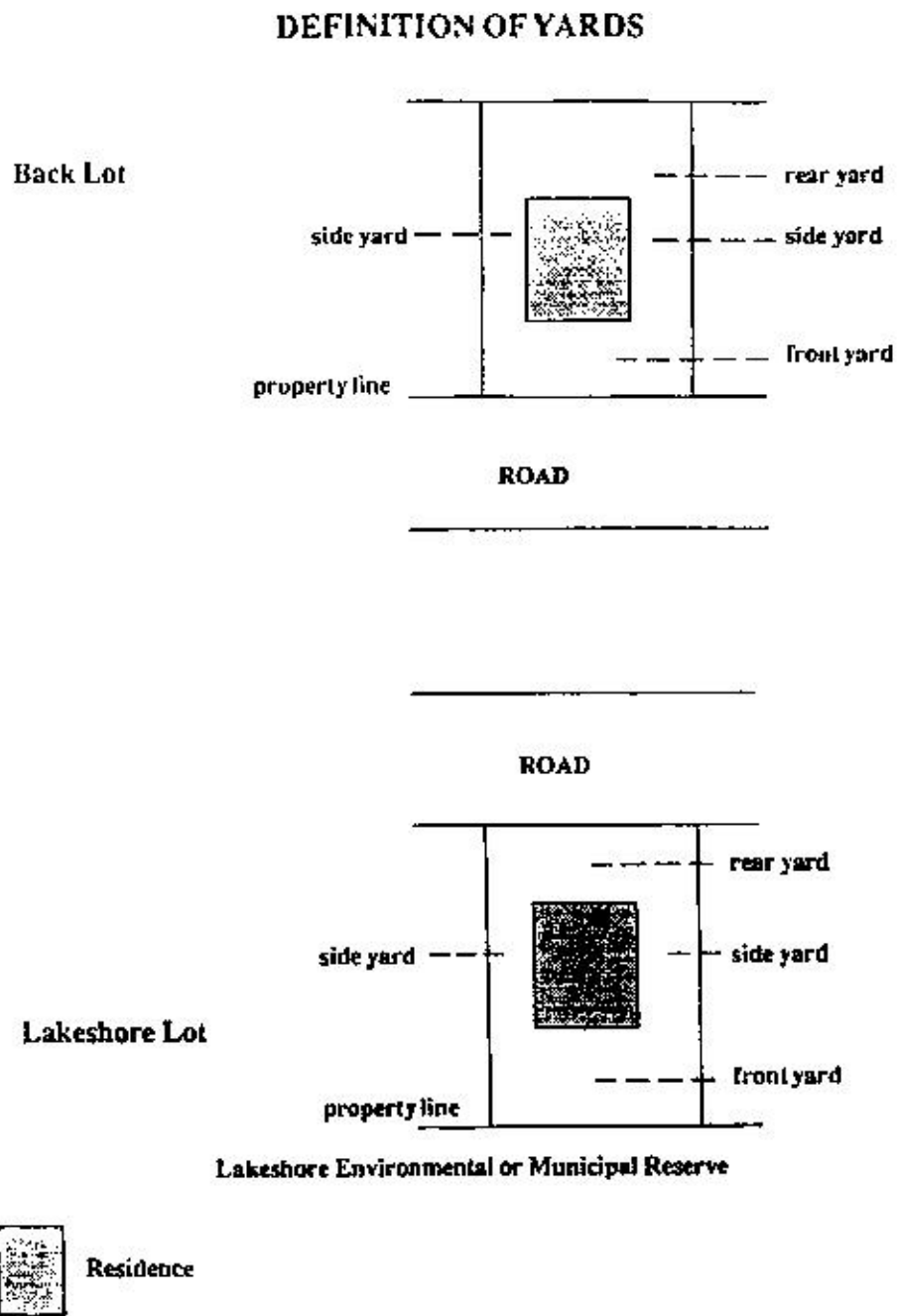
- (46) “storey, first” means the storey with its floor closest to grade and having its ceiling more than 2.0 m (6.6 ft.) above grade;
- (47) “storey, second” means the storey immediately located above the first storey;
- (48) “structural alteration” mean the construction or reconstruction of supporting elements of a building;
- (49) “Subdivision and Development Appeal Board” means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;
- (50) “temporary” means a period of time up to one (1) year;
- (51) “temporary building” means a building, other than a manufactured home, constructed without any foundation below grade or any other building determined by the Development Authority to be temporary as a condition to the issuance of a development permit;
- (62) “yard” means a part of a lot upon or over which no principal building is erected and includes required front, rear, and side yards (see illustration following page 29);

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

7.2 METRIC AND IMPERIAL MEASUREMENTS

Within this Bylaw, both Imperial and Metric measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

Figure – Definition of Yards



PART 8. ADMINISTRATION

8.1 AMENDMENT

Council may, by Bylaw, amend or repeal this Bylaw following public hearings pursuant to Sections 230 and 692 of the Act. Requests for an amendment may be made using the form prescribed by Council. All costs incurred by Council to review and decide the amendment are to be paid by the applicant.

8.2 REPEALING EXISTING CONTROLS

Bylaw Number 48-97, as amended, is hereby repealed

8.3 DATE OF COMMENCEMENT

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

PUBLIC HEARING HELD THE 1st DAY OF July, A.D. 2006

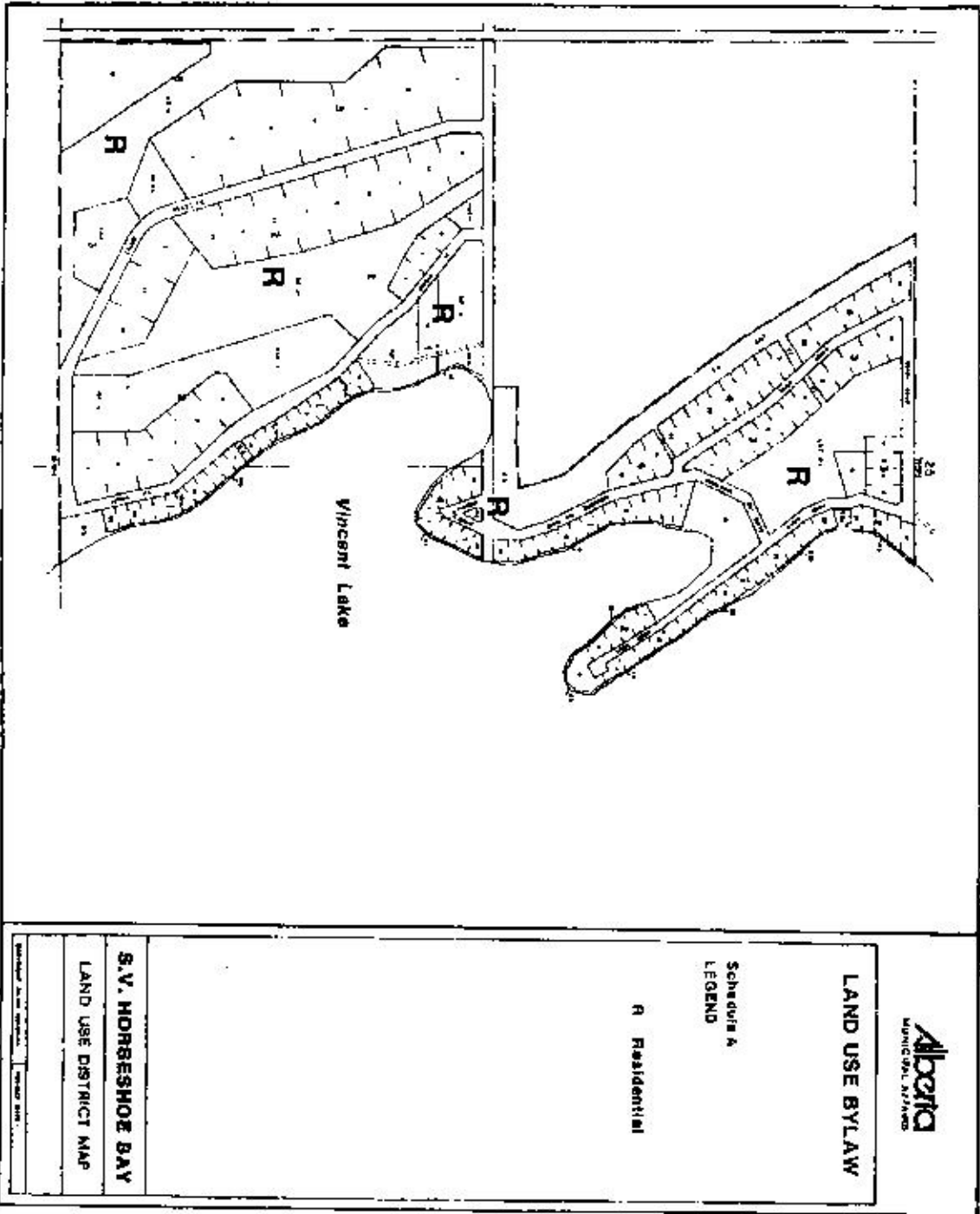
READ A FIRST TIME THE 1st DAY OF July, A.D. 2006

READ A SECOND TIME THE 19th DAY OF August, A.D. 2006

READ A THIRD AND FINAL TIME THIS 19th DAY OF August, A.D. 2006

Mayor

Summer Village Administrator



Alberta
MUNICIPAL AFFAIRS

LAND USE BYLAW

Schedule A
LEGEND

R Residential

S.V. HORSESHOE BAY

LAND USE DISTRICT MAP

APPROVED BY THE COUNCIL ON: _____ DATE: _____