

# LAND USE BYLAW



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NOTE: References in square brackets [ I show the applicable section of the Municipal Government Act Chapter M-26.1 as amended.

# SUMMER VILLAGE OF BONNYVILLE BEACH LAND USE BYLAW #166-2020

## PART 1. PURPOSE AND SCOPE

### 1.1 PURPOSE

The purpose of this bylaw is to regulate the use and development of land and buildings within the Summer Village of Bonnyville Beach to achieve the orderly, economical and beneficial development of land and to maintain and improve the quality of the physical environment. This bylaw shall, among other things:

- (a) divide the Summer Village into districts; [640][2][a]
- (b) describe the purposes for which land and buildings may be used within each district; [640][2][b]
- (c) establish Development Authority; (by bylaw) [624]
- (d) establish a method of making decisions on applications for development permits; [640][2][c]
- (e) establish the procedure for notifying landowners likely to be affected by a development; and [640][2][d]
- (f) establish the number of dwelling units permitted on a lot [640][2][e].

### 1.2 SCOPE

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

### 1.3 MEASUREMENTS

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

### 1.4 COMPLIANCE WITH OTHER LAWS

Compliance with this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal laws, including Provincial Land Use Policies, and respecting any easements, covenants, agreements or contracts affecting the land or the development.

## PART 2. GENERAL ADMINISTRATION

### 2.1 CONTROL OF DEVELOPMENT

No development other than that designated in Part 2.2 shall be undertaken within the municipality unless the application for it has been approved and a development permit has been issued.

## 2.2 DEVELOPMENT NOT REQUIRING A PERMIT

1. The following developments shall not require a development permit, provided they otherwise conform to all provisions of the Land Use Bylaw:
  - a. The carrying out of works of maintenance or repair to any building, provided that such work does not include structural alterations or major works of renovation that would require a building permit;
  - b. The completion of a building which was lawfully under construction on the date of the first publication of the office notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
  - c. The use of any building as is referred to in Part 2.2.1(b) for the purpose for which construction was commenced;
  - d. The erection, construction, or maintenance, improvement or alteration of gates, fences, or walls or other means of enclosure less than 0.9 m (3.0 ft) in height in front yards or in side yards abutting a highway or road, and less than 1.8 m (6.0 ft) in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure, unless the fencing material is razor wire or barbed wire. An approved development permit shall always be necessary before razor wire or barbed wire is used as a fencing material;
  - e. The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority.
  - f. The maintenance and repair of a street, lane or utility carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
  - g. a building or structure with a floor area of under 9.3 m<sup>2</sup> (100.0 ft<sup>2</sup>) and a maximum height of 2.5 m (8.0 ft) which is not on a permanent foundation and which satisfies all other applicable requirements of the Land Use Bylaw;
  - h. The erection of campaign signs for federal, provincial, municipal or school board elections on privately owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
    - i. such signs are removed within fourteen (14) days after the election date,
    - ii. the consent of the property owner or occupant is obtained,
    - iii. such signs do not obstruct or impair vision or traffic,
    - iv. such signs are not attached to fences, trees, or utility poles; and
    - v. such signs indicate the name and address of the sponsor and the person responsible for removal;
  - i. The placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale or rent, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>) in area and provided further that such signs are placed or erected no closer than 3.0 m (10.0 ft) to a road right-of-way;
  - j. Development within a basement which does not change or add to the uses within a dwelling;
  - k. The removal of top soil in conjunction with a development for which a development permit has been issued as per the requirements of Part 8.34 of this Bylaw;
  - l. Grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent lots, but does not include, stockpiling or excavation;
  - m. Hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does adversely affect the drainage of the subject or adjacent lots;
  - n. The erection of towers, satellite dishes, electronic equipment, and other poles not exceeding 4.5 m (15.0 ft) provided that the structure is not located in a front yard or on a building or structure;
  - o. The demolition or removal of any building or structure for which erection a development permit was not required pursuant to subsections (d) through (n) above, both inclusive.
  - p. The temporary development of a tented structure. The tented structure must be well maintained and securely anchored. Setback and height requirements for accessory buildings shall apply to temporary tented structure.

### 2.3 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform to the provisions of the Land Use Bylaw.
2. A non-conforming use of part of a building may be extended throughout the building, but the building (whether or not it is a non-conforming building) may not be enlarged or added to and no structural alterations may be made thereto or therein.
3. A non-conforming use of a part of a lot may not be extended or transferred in whole or in part to any other part of the lot, and no additional buildings may be constructed on the lot while the non-conforming use continues.
4. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
  - a. To make it a conforming building;
  - b. For the routine maintenance of the building, if the Development Authority considers it necessary;
  - c. As may be required by statute or bylaw;
  - d. In accordance with the powers possessed by the Development Authority pursuant to the Act and Part 4 of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
5. If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the Land Use Bylaw.
6. The use of land or the use of a building is not affected by reason of a change of ownership, tenancy or occupancy of the land or the building.

### 2.4 DEVELOPMENT APPROVAL AUTHORITIES

1. For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority by Council, with their duties and responsibilities that are specified in this Bylaw.
2. The Development Authority shall:
  - a. Receive, consider and decide on development permit applications;
  - b. Keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments thereto,
  - c. Keep and make available for inspection by the public a register of all applications for development permits and the decisions made thereof;
  - d. Ensure that copies of this Bylaw can be purchased by the public at a reasonable cost;
  - e. Collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council; and
  - f. Perform such duties as established to enforce this Bylaw in conformance with the Act.

### 2.5 FEES & FORMS

1. Council may, by resolution of Council, establish such fees as are required for the purpose of administering this bylaw.
2. Council may authorize the preparation and use of such forms and notices as are required for the purpose of administering this bylaw. These forms shall not form part of the approved Summer Village of Bonnyville Beach Use Bylaw.

## PART 3: DEVELOPMENT PERMIT APPLICATIONS

### 3.1 APPLICATION FOR DEVELOPMENT

1. An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - a. a non-refundable application fee, as established by Council;

- b. a site plan showing:
    - i. front, side and rear yards;
    - ii. north point;
    - iii. legal description of the property;
    - iv. access and egress points to the property; and
    - v. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
  - c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and
  - d. a statement of ownership of the land and the interest of the applicant therein.
2. In making a decision, the Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
- 2.1 Provision of a Real Property Report** showing the following information as an alternative to items a through g.
- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - b. the height and horizontal dimensions of all existing and proposed buildings;
  - c. outlines of roof overhangs on all buildings;
  - d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
  - e. post construction site and building elevations;
  - f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - g. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - h. drainage plans;
  - i. a construction management plan;
  - j. a hydrogeological assessment;
  - k. a geotechnical assessment;
  - l. a wetland assessment;
  - m. a biophysical assessment;
  - n. an historic resource impact assessment;
  - o. in the Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - p. future development plans for a site which is to be partially developed through the applicable development permit;
  - q. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - r. any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site, geotechnical reports and/or flood hazard mapping;
  - s. a statutory declaration indicating that the information supplied is accurate; and
  - t. for a moved in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the Land Use District in which it is to be located.
3. In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place,
  - b. existing land use and vegetation,

- c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site,
  - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority,
  - e. identification of potential for outdoor noise and the discharge of substances into the air,
  - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,
  - g. an indication of all municipal servicing costs associated with the development, and
  - h. the proposed haul route, dust control plan and expected hours of operation.
4. The Development Authority may refer an application to an adjacent municipality or any other agency or person which in their opinion may provide relevant comments or advice respecting the application.
  5. In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
  6. In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
  7. At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the storm water is to be directed. Storm water from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
  8. The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
  9. When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
  10. The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.
  11. Where a development permit for an accessory building has been applied for before a main building or main use has been developed on a lot, the applicant must provide a site plan which identifies the proposed location for the main building or main use on the lot as part of the application.
  12. When a development permit for lakeshore erosion control is required, the Development Authority Officer may only issue a permit allowing the applicant to apply to the Provincial Environment department for authority to modify the lakeshore and lakebed according to the regulations pertaining to this use from the Federal and Provincial authorities

### 3.2 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION



1. The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
2. The time period referred to in Part 3.2(1) may be extended by an agreement in writing between the applicant and the Development Authority Officer.
3. An application is complete if:
  - a. in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
  - b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.
4. If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
5. If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
6. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Part 4.4(5), the Development Authority Officer must deem the application to be refused.
7. Despite that the Development Authority Officer has issued an acknowledgment under Part 4.4(4) or Part 4.4(5), in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

### 3.3 DECISION

1. Where a proposed use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
2. The Development Authority may approve an application for a development permit if the proposed development does not comply with this bylaw, if:
  - a. They are satisfied that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - b. the proposed development conforms with the use prescribed for the land and building.
3. Where a permit is refused, the Development Authority may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for a least six (6) months after the date of the initial refusal.
4. An application for development permit shall be considered by the Development Authority who shall:
  - a. approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw, or
  - b. approve, with or without conditions, or refuse an application for a discretionary use, or
  - c. refuse an application for a use which is neither a permitted nor a discretionary use.
5. In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated within the various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to Part 3.1, have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.
6. The Development Authority may require that as a condition of issuing a development permit, the applicant enter into a development agreement with the Municipal Council to do all or any of the following to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than

- telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
7. At the discretion of the Summer Village, a development agreement may be registered by caveat under the Land Titles Act against the Certificate of Title for the subject property. The Summer Village will discharge this caveat once the agreement has been complied with.
  8. The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of Provincial regulations be met, and that any further development on the subject site require a development permit.
  9. In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
  10. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part 5 of this Bylaw as though they have received a refusal at the end of the forty (40) day period specified in this subsection.
  11. A Development Authority may suspend or revoke a development permit at any time:
    - a. where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
    - b. where the permit was issued in error.
  12. Where a development permit application in a land use district is for a temporary development, the Development Authority:
    - c. may consider and decide upon a development for a specific period of time, not exceeding one year;
    - d. shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
    - e. may require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

### 3.4 DEVELOPMENT PERMITS AND PUBLIC NOTIFICATION

1. When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Summer Village office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
2. In addition to the above, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:
  - a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
  - b. post notice of the decision on the Summer Village's website; and
  - c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
  - d. When a permit has been issued, the Development Authority shall immediately:
    - i. post a notice of the decision on the property for which the permit has been granted; and/or
    - ii. Post notice on the website of the Summer Village and/or E-mail, mail or hand deliver a notice of the decision to all those persons owning property adjacent to the property for which the permit has been granted.
3. The notice indicated in Parts 3.4.1 and 3.4.2 shall state:
  - a. the legal description and the street address of the site of the proposed development;
  - b. the uses proposed for the subject development,
  - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;

- d. the date the development permit was issued; and
  - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
4. Except for those permits described in Part 3.4.1 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
  5. Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
  6. If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
  7. A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
  8. The application may be responsible for any damages to public or private property occurring as a result of development.
  9. A decision of the Development Authority on an application for a development permit shall be given in writing.
  10. When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

### 3.5 DEVELOPMENT AGREEMENT

1. The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:
  - a. Construct or pay for the construction of public roadways, pedestrian walkways, or parking areas; and/or
  - b. Install or pay for the installation of utilities; and/or
  - c. Pay for an off-site levy or redevelopment levy imposed by bylaw.
2. To ensure compliance with the development agreement, the Summer Village 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 VARIANCE PROVISIONS

1. The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - a. the proposed development would not:
    - i. unduly interfere with the amenities of the neighbourhood, or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - b. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
2. The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw if, in the opinion of the Development Authority, the proposed development is for the structural alteration of all existing dwellings on the lot to accommodate the installation of private sewage disposal systems that meet the current Alberta Private Sewage Systems Standard of Practice.
3. Applications for development permits which require a variance are subject to the discretion of the Development Authority, and may be refused regardless of whether construction has already commenced.

## 4 SUBDIVISION

### 4.1 SUBDIVISION APPLICATION REQUIREMENTS

1. All subdivision applications for lands within the Summer Village shall comply with the provisions under this Part.
2. Approval of an Area Structure Plan or Outline Plan, prepared by a Registered Professional Planner (RPP), is required for multi-lot subdivisions that will result in a total of five (5) or more lots. Additional supporting information may be required depending on the magnitude and complexity of the proposed subdivision.
3. A subdivision application may be submitted by:
  - a. the registered owner of the land to be subdivided; or
  - b. a person with written authorization to act on behalf of the registered owner.
4. Multi-lot subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.
5. If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
6. If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
7. Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
8. The tentative plan of subdivision shall:
  - a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
  - b. show the location, dimensions and boundaries of:
    - i. each new lot to be created;
    - ii. reserve land(s), if required;
    - iii. the right-of-ways of each public utility, if required; and
    - iv. other right-of-ways, if required;
  - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
  - d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
  - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
  - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
  - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
9. The Subdivision Authority may also require an applicant to submit to the Subdivision Authority any or all of the following:
  - a. a figure showing topographic contours at no greater than 1.5 m (4.9 ft) intervals;
  - b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
  - c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed onsite sewage disposal system(s), prepared and signed by a qualified professional registered in the Province
  - d. a storm water management plan, prepared by a qualified professional, which must be approved by

- Alberta Environment and Parks including:
- i. topography;
  - ii. proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
  - iii. proposed major drainage systems (direction of surface drainage/flow rate);
  - iv. proposed on-site detention/retention facility (location/size/capacity);
  - v. location of outflow/outfall structures; and
  - vi. any related modeling and calculation information.
- e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
  - f. information respecting the land surface characteristics of land within 0.8 km (0.5 mi.) of the land proposed to be subdivided;
  - g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 mi.) of a sour gas facility, a map showing the location of the sour gas facility; and
  - h. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

#### 4.2 SUBDIVISION PROCESS

1. The Subdivision Authority shall:
  - a. attend a pre-application submission meeting with development proponents (as requested);
  - b. receive all applications for subdivision applications;
  - c. assess and provide notice of a complete or incomplete application; and
  - d. issue notices in writing as required in the Act.

#### 4.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATION

1. The Subdivision Authority shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
2. The time period referred to in subsection 4.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a) of the Act.
3. An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
4. If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
5. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
6. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in subsection 4.3.5, the Subdivision Authority must deem the application to be refused.
7. Despite that the Subdivision Authority has issued an acknowledgment under subsection 4.3.4 or 4.3.5, in the course of reviewing the application, the Subdivision Authority Officer may request additional information or documentation from the applicant that the Subdivision Authority Officer considers necessary to review the application.

#### 4.4 DUTIES OF THE SUBDIVISION AUTHORITY

1. Upon receipt of a completed subdivision application, the Subdivision Authority:
  - a. shall approve, with or without conditions, an application for a permitted use where the proposed subdivision conforms to:
    - i. this bylaw;
    - ii. applicable statutory plans; and
    - iii. the Act and the Regulations thereunder;
  - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:

- i. applicable statutory plans; and/or
- ii. the Act and the Regulations thereunder;
- c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this bylaw, subject to subsection (d);
- d. may approve, with or without conditions, an application for a permitted or discretionary use with variances to the bylaw; and
- e. prior to making a decision, the Subdivision Authority or Subdivision Authority may refer any application for a permitted or discretionary use to any municipal department, external agency or adjacent landowners for comment.

#### 4.5 SUBDIVISION REQUIREMENTS & CONDITIONS

1. The Subdivision Authority of the Summer Village shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
2. Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.
3. For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
4. Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Land Titles.
5. More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Summer Village’s Subdivision Authority.
6. The Subdivision Authority shall not approve a subdivision which is inconsistent with the Summer Village of Bonnyville Beach Municipal Development Plan (MDP) and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
7. As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act; either in the form of a lot (ownership transferred to the Municipality) or as an Environmental Reserve Easement (private ownership is retained). The Summer Village may require that the proponent provide environmentally significant hazard land as Environmental Reserve as a condition of subdivision approval.
8. Property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.
9. The developer may be required to provide for Inclusionary Housing in accordance with the Act and the Regulations therein.
10. All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

### PART 4.6 DEVELOPMENT APPEAL PROCESS

#### 4.6 PROCEDURE FOR APPEALS

##### 4.6.1 Where a Development Authority

- (a) refuses or fails to issue a development permit; or
- (b) issues a development permit with conditions; or
- (c) issues an order:

the person applying for the permit, or affected by the order, or any other person, may appeal to the Subdivision and Development Appeal Board. [685][1]

- ##### 4.6.2
- An application for a development permit shall, at the option of the applicant, be deemed to be refused when the Development Authority fails to make a decision within 40 days of receiving the application, unless the applicant and the Development

Authority have entered into an extension agreement. [684]

**4.6.3** An appeal shall be made by serving a written notice of appeal to the Subdivision and Development Appeal Board within 14 days after;

- (a) the date the order, decision or permit was publicised; or
- (b) the 40 day period referred to in Section 4.1.2 has expired. [686][1][a][i]

#### **4.6.2 PUBLIC HEARING**

**4.6.2.1** Within 30 days of receiving a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing. [686][2]

**4.6.2.2** The Subdivision and Development Appeal Board shall give at least five days written notice of the public hearing to:

- (a) the appellant;
- (b) the Development Authority
- (c) adjacent landowners; and
- (d) any other person who, in the opinion of the Subdivision and Development Appeal Board, is affected by the order, decision or permit. (686)[3]

**4.6.2.3** The Appeal Board shall make available for public inspection before the public hearing all relevant documents respecting the appeal including the development permit application, its approval or refusal, the notice of appeal; or the order, as the case may be. [686][4]

**4.6.2.4** At the public hearing the Appeal Board shall hear:

- (a) the appellant; or any person acting on behalf of the appellant
- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority
- (c) any other person who was given a notice of the hearing and who wishes to be heard; or a person acting on behalf of that person, and
- (d) any other person who claims to be affected by the order, decision, permit or approval, and who that the development appeal board agrees to hear, or a person acting on behalf of that person. [687][1]

#### **4.6.3 DECISION**

**4.6.3.1** The Appeal Board shall give notice of its decision, with reasons, in writing within 15 days of the conclusion of the hearing. [687][2] and that all provisions of 687(3) be met as indicated in RSA 2000 cM-26 s687:2009 cA-26.8 s83 of the Municipal Government Act.

**4.6.3.2** The decision of the Appeal Board is final and binding upon all parties, subject only to an appeal upon a question of jurisdiction or law. An application for leave to appeal shall be made to a judge of the Court of Appeal within 30 days of the issue of the order, decision, permit or approval that is being appealed. [688][2]

## PART 5. GENERAL LAND USE REGULATIONS

The following regulations apply to development in all districts, unless otherwise specified.

### 5.1 NUMBER OF DWELLING UNITS

Only one dwelling unit shall be permitted on a lot. [640][2][e]

### 5.2 NON-CONFORMING BUILDINGS AND USES

**5.2.1** A non-conforming use of land or building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with this bylaw. [643][2]

**5.2.2** A non-conforming use of part of a building may be extended throughout the building, but the building shall not be enlarged or added to, and shall undergo no structural alterations. [643][3]

**5.2.3** 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 while the non-conforming use continues. [643][4]

**5.2.4** A non-conforming 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;
- (c) as may be required by statute or bylaw. [643][5]

**5.2.5** If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of its value, the building shall not be rebuilt except in accordance with this bylaw. [643][6]

**5.2.6** A change of ownership, tenancy or occupancy of land or a building shall not be considered to affect its use. [643][7]

### 5.3 SUBSTANDARD LOTS

Development on existing substandard lots will be considered by the Development Authority provided the applicant complies with all applicable regulations regarding water supply and sewage disposal.

### 5.4 SITE CONDITIONS

**5.4.1** Development shall not be permitted on slopes exceeding 15%, where slope is measured over that portion of the site on which the development is to be located.

**5.4.2** Unless satisfactory design and development measures are taken, the applicant shall provide evidence that the land to be developed is not characterised by soil instability, poor drainage or flooding.

**5.4.3** To the maximum extent possible, trees and shrubs shall be retained on a site. Where landscaping is required, it shall be carried out within a reasonable time period



following the completion of construction.

- 5.4.4 Garbage shall be kept in weatherproof and animal-proof containers, on a prescribed garbage stand.
- 5.4.5 Where clearing of trees and shrubs is done, the parcel shall be graded to ensure that water does not drain onto adjoining property, a roadway or into the lake.
- 5.4.6 High water levels – Provincial and Federal regulations are in effect for any development of the bed and shore that are affected by high water levels.

## 5.5 PRESERVATION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

The Development Authority shall be satisfied that the design, siting, finish, and architectural appearance of all buildings have regard for the amenities and character of existing development in the municipality, and that the landscaping of the site causes minimal environmental disruption.

## 5.6 BUILDING DEMOLITION

The demolition of a building shall require a development permit. Such a permit shall not be approved without a statement indicating:

- (a) how the demolition will be carried out; and
- (b) how the parcel will be reclaimed.

## 5.7 FENCES/WALLS/HEDGES/ENCLOSURES

- 5.7.1 No fence, hedge or other enclosure shall be higher than:
  - (a) 2 metres (6.6 ft) in rear yards;
  - (b) 2 metres (6.6 ft) in side yards, except on corner lots where it shall not be higher than 1 metre (3.3 ft.) in the side yard having frontage;
  - (c) 1 metre (3.3 ft) in front yards;
  - (d) 1 meter (3.3ft) within 6 meters (19 ft) of the intersection of lanes, street, or a lane and a street.
- 5.7.2 Electric and barbed wire fences shall not be permitted except on land abutting on farmland, and these shall require a development permit.

## 5.8 SANITARY FACILITIES

All dwellings shall be provided with sanitary facilities in accordance with existing legislation at the time of installation.

No privies shall be permitted on lots located in the Summer Village.

## 5.9 PARKING AND ACCESS

The owner or developer shall provide two off-street parking spaces on each lot.

## 5.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No persons shall keep in their yards:

- (a) Any object or chattel, which, in the opinion of the Development Authority, is unsafe, unsightly or adversely affects the amenities of the village. This includes any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days;
- (b) No fur bearing animals, fowl, or livestock other than domestic pets shall be permitted within the summer village.

## 5.11 NUISANCE

- 5.11.1 No use or activity shall be undertaken which, in the opinion of the Development Authority, constitutes a nuisance by reason of the generation of noise, vibration, dust, smoke, smell, toxic or noxious matter, traffic, radiation, fire, explosions, heat, humidity.
- 5.11.2 Sites and buildings shall be maintained in a safe condition, free from rubbish and debris.

## 5.12 ACCESSORY BUILDINGS

### **Accessory buildings whether on permanent foundation or on a movable frame/substructure fall under this bylaw**

- 5.12.1 The construction or relocation of an accessory building on a permanent foundation shall require a development permit.
- 5.12.2 The following guidelines shall apply to all accessory buildings:
  - (a) in the case of corner lots, no accessory building shall be located in the side yard having street frontage within 7.62 metres (25 ft.) of an intersection of streets, lanes or a street and a lane; any accessory use constructed on a permanent concrete foundation shall be located at least 1 metre (3.3 ft) from any property line.
  - (b) the minimum side yard setback shall be 1 metre (3.30 ft);
  - (c) the minimum yard setback shall be  
1 metre (3.30 ft); Facing road or lane  
4 metres (13.6 ft); Facing lakefront;
  - (d) the height of an accessory building shall not exceed 5 metres (16.4 ft);
  - (e) an accessory building shall not be located any closer than 2 metres (6.6 ft); to a main building;
  - (e) no privies shall be allowed on lots without compliance to bylaw 140-2013
  - (f) the total area of the accessory building shall not exceed 12 percent of the site area.
- 5.12.3 The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Authority. The siting of accessory buildings on all other lots shall be in accordance with Section 5.12.2.
- 5.12.4 Where a building is attached to the main building by a roof, structure, floor or foundation, it shall be considered part of the main building and not an accessory building.
- 5.12.5 An accessory building shall not be used as a dwelling.

**5.12.6** The siting of a garage as an accessory building shall be in accordance with section 5.12.2c of this bylaw.

### **5.13 SIGNS**

Any permanent sign or advertising structure shall require a development permit, and

- (a) no sign shall be larger than 0.6 metres ( 6 sq ft);
- (b) only one sign shall be permitted per lot; and
- (c) no sign that might obscure traffic or be confused with a traffic sign shall be permitted.

### **5.14 MOBILE and MANUFACTURED HOMES**

**5.14.1** Mobile & Manufactured homes shall have CSA certification and must conform to current building codes and require an occupation certificate.

**5.14.2** Mobile & Manufactured homes shall have hitches and wheels removed, and shall be placed on a secure foundation or base.

**5.14.3** A development permit shall be required for all accessory buildings and additions.

**5.14.4** All Mobile & Manufactured homes shall be skirted from the ground level to floor level.

**5.14.5** Mobile & Manufactured homes may not be older than 15 years at the time they are moved into the Summer Village and require an inspection prior to being moved.

### **5.15 HOME BUSINESS**

**5.15.1** A home business shall be clearly incidental to the main residential use of a lot and shall not change or disrupt the residential character of the municipality.

**5.15.2** No major home businesses are allowed. Major home business is defined as having employees not living at the site.

**5.15.3** 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;
- (c) require no outside storage of materials, goods or equipment; and
- (d) do not display advertising other than that permitted under Section 5.13.
- (e) do not generate traffic uncharacteristic to residential usage.

### **5.16 RELOCATED BUILDINGS**

**5.16.1** The relocation of a building into or within the municipality shall require a development permit.

**5.16.2** The building must be inspected by a certified building inspector to attest to its condition prior to issuing a development permit.

**5.16.3** The building must conform to building standards and it requires an occupation certificate.

**5.17 MUNICIPALLY-OWNED LAND**

**5.17.1** Private development on municipal reserve or environmental reserve land is strictly prohibited.

**5.17.2** Private development on municipally owned land including road allowances is strictly prohibited.

**5.17.3** The cutting and/or removal of trees or under-brush from municipally-owned land is strictly prohibited, unless prior written permission is received from Council.

**5.17.4** The temporary placement of any structure, object or materials on municipally owned land is prohibited, unless prior written permission is received from Council.

**5.18 RECREATIONAL VEHICLES, TRAILERS, CAMPERS**

**5.18.1** Recreation vehicles commonly referred to as “Motorhomes”, “Travel Trailers” or “Campers” are allowed on private property for temporary use only. Use as continuous housing adjacent to a permanent structure is not allowed. Temporary or Seasonal storage is allowed when contained entirely within the lot.

**PART 6. LAND USE DISTRICTS AND REGULATIONS**

**6.1 ESTABLISHMENT OF LAND USE DISTRICTS**

The Summer Village of Bonnyville Beach has the following land use districts:

- R - Residential
- P - Public Reserve

The boundaries of these districts are shown on the Land Use District Map. (attached)

**6.2 RESIDENTIAL DISTRICT (R)**

The purpose of this district is to provide an area for low-density residential development in the form of detached, single-family dwelling and associated uses.

**6.2.1 Permitted Uses**

- single family dwellings
- accessory buildings and uses

**6.2.2 Discretionary Uses**

- mobile homes
- public parks, playgrounds and recreational facilities
- home occupations
- institutional, public or quasi-public facilities
- boat launching and docking facilities
- any use that is similar, in the opinion of the Development Authority, to be permitted or as discretionary uses described above.

### 6.2.3 Regulations

(a) Lot size:

The minimum width of lots shall be 30M (100 ft.)

The minimum lot area shall be 1115 square metres (12,000 square feet).

(b) Principal buildings shall not be higher than 25 feet ( 8 metres), measured from the highest point of land on which the building is situated, to the highest point of the structure, not including extrusions (chimneys, aerials, etc.).

(c) Yard requirements:

The minimum yard setbacks for principal buildings shall be:

front yard - 10 % of the lot length

side yard - 10% of the lot width

rear yard - (back lot)- 1M (3.3 ft)

rear yard - (lakefront lot) 10% of the lot length measured from the front pin.

The siting of principal buildings on irregularly shaped lots shall be as approved by the Development Authority.

The siting of all accessory buildings shall be according to Part 5.12 of this bylaw.

(d) Lot coverage

Principal buildings and accessory buildings combined shall not cover more than 75% of the lot.

(e) Floor Area:

The minimum total floor area of single family dwellings shall be 95 square metres (1000 square feet) for a permanent dwelling and 55 square metres ( 600 square feet) for a seasonal dwelling.

(f) Notwithstanding the above, development on existing lots which do not meet the minimum lot size requirements may be permitted by the Development Authority. The minimum yard dimensions, minimum floor area and maximum heat requirements shall be determined by the Development Authority.

## 6.3 PUBLIC RESERVE DISTRICT (P)

The purpose of this district is to preserve and protect the environment while providing areas for public recreation access to the shoreline.

### 6.3.1 Permitted Uses

- public recreation

### 6.3.2 Regulations

(a) Private development in this district is strictly prohibited.

(b) Public development in this district is strictly limited to the maintenance, improvement, or replacement of existing public structures and facilities.

## 7 ENFORCEMENT

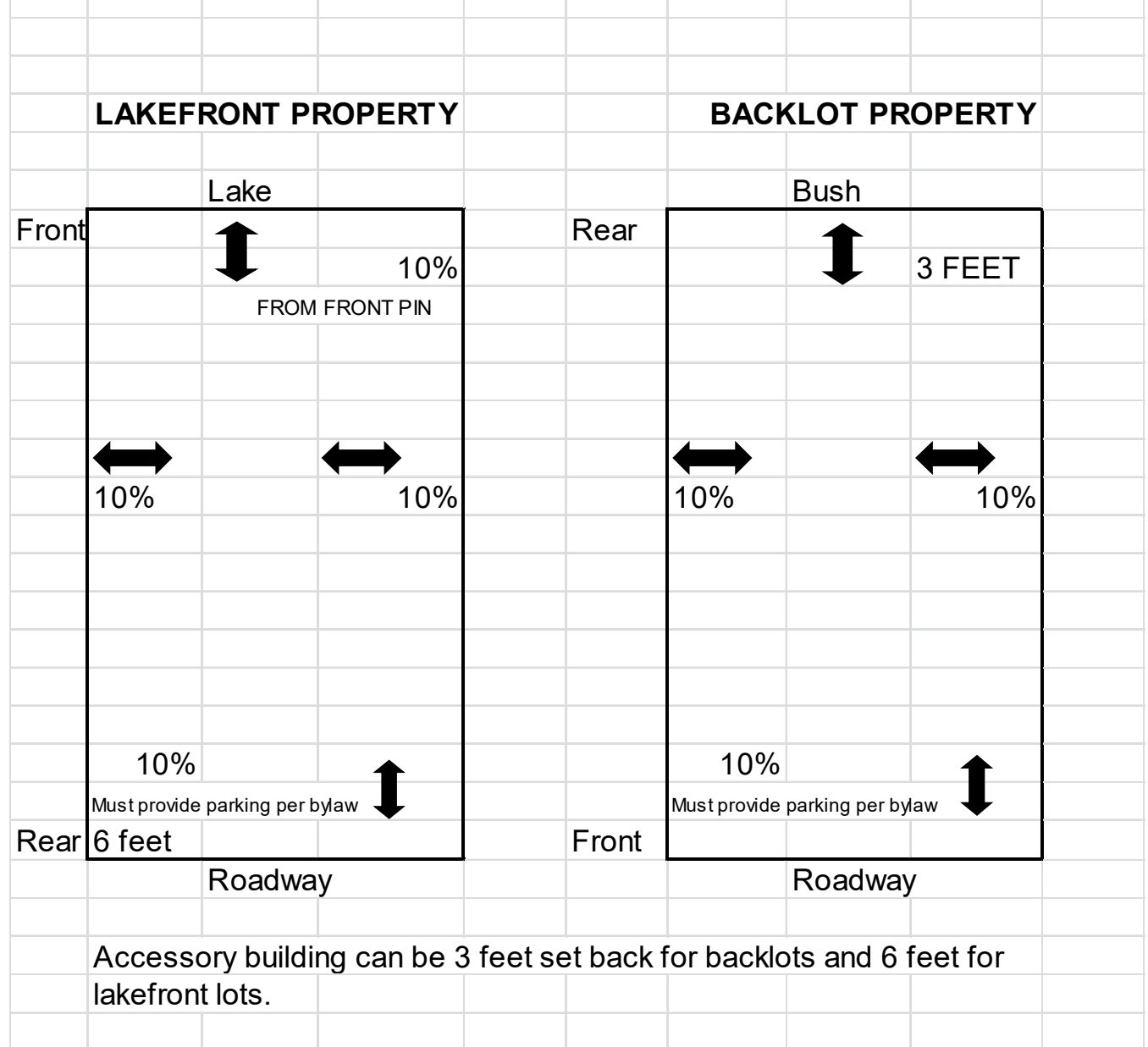
- 7.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, the regulations, a development permit, subdivision approval or the land use bylaw, he/she may order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all of them, to:
- (a) stop the development or use of the land or buildings, or;
  - (b) demolish, remove or replace the development, or;
  - (c) take such other measures as may be required to ensure compliance with the Act, the regulations, a development permit, subdivision approval, or the land use bylaw, as the case maybe. [645][ 1 ]
- 7.2 Where a person does not comply with an order, a designated officer may enter upon the land or building and take such action as is necessary to carry out the order. [542][4]
- 7.3 Where a designated officer carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax on the property.
- 7.4 A person who does not comply with this bylaw is guilty of an offence and is liable upon conviction to a fine of not more than \$10,000.00 [7][i][ii]

**PART 8. Forms & Diagrams**

**YARD REQUIREMENTS**

**FIGURE 1**

**Land Use Bylaw**



## PART 9: LAND USE BYLAW AMENDMENTS

### 9.1 APPLICATION TO AMEND THE BYLAW

1. Council may at any time amend or repeal this Bylaw by directing the Development Authority to initiate an amendment.
2. A person may apply to have this bylaw amended, by applying in writing to Council, furnishing reasons in support of the application and paying the fee required.
3. All applications for amendment of the Land Use Bylaw shall be made to Council (by way of Administration) and shall be accompanied by the following:
  - 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:
    - i. the legal description of the lands;
    - ii. a plan showing the location and dimensions of the lands; and
    - iii. a copy of the Certificate of Title.
  - d. the applicant's interest in the lands;
  - e. an application fee, as determined by resolution of Council;
  - f. the cost of advertising for the public hearing;
  - g. if requested by the Development Authority, drawings that are to scale, accurate, and complete.
  - h. such other information as the Development Authority or Council deems necessary to assess the motive of the application.
4. Upon receipt of an application for amendment to this Bylaw, the Development Authority shall determine when the application will be placed before the Council and shall issue not less than ten (10) days' notice to the applicant advising that he/she may appear before Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt of the completed application by the Development Authority, including any requested supporting documents.
5. Council, during deliberation of the Bylaw amendment application, may refer the application to such agencies as considered necessary for comment.
6. Council may request such information as it deems necessary to reach a decision on the proposed amendment.
7. All costs incurred by the municipality during the processing of an amendment shall be borne by the applicant.

### 9.2 PUBLIC HEARING AND DECISION

1. The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
  - a. refer the application for further information; or
  - b. pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
  - c. pass first reading of an alternate amendment to this Land Use Bylaw; or
  - d. call a public hearing prior to giving first reading to a bylaw to amend this Land Use bylaw.
2. All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the requirements the Municipal Government Act with regard to the holding of a public hearing.



**PART 10 Repeal of bylaw 143-2014**

Bylaw #143-2014, the Land Use Bylaw, as amended is repealed on \_\_\_\_\_, \_\_\_\_\_, 202x upon final reading of this bylaw.

**PART 11 ENACTMENT**

11.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Chief Administrative Officer or designates.

**READ A FIRST TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 202X.

**READ A THIRD TIME** this \_\_\_\_\_ day of \_\_\_\_\_, 202X.

**SIGNED AND PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 202X.

\_\_\_\_\_  
Mayor Grant Ferbey

\_\_\_\_\_  
CAO Lionel P. Tercier

**APPENDIX A. DEFINITIONS**

**ACCESSORY BUILDING OR USE** - a building or use which is subordinate and incidental to the main building or use, located on the site. For the purposes of this bylaw, accessory buildings include, but are not restricted to tool sheds, garden sheds, boathouses, garages, carports, privies and satellite dishes;

**ACT** - The Municipal Government Act, Chapter M-26. 1, as amended;

**ADJACENT LANDOWNERS** - owners of land that is contiguous to the land that is the subject of an application; and includes owners of land that would be contiguous except for a public roadway, rail or utility right-of-way, river or stream;

**APPEAL BOARD** - a Subdivision and Development Appeal Board established in accordance with Section 627 of the Municipal Government Act;

**BACK LOT** - any lot in the municipality that is not a lakeshore lot;

**BUILDING** - any structure that may be built or placed on land;

**BUILDING ENVELOPE** - that area of a residential lot, the boundaries of which are determined by setback requirements, where construction of principal buildings and/or accessory buildings is permitted;

**BUILDING HEIGHT** - the distance from grade level at the exterior wall to the highest point of a building, excluding chimneys, skylights, ventilation fans, flagpole, antenna or similar devices or features which are not structurally essential to the building;

**CARPORT** - an accessory building or part of the principal building consisting of a roofed enclosure used for the storage of motor vehicles, with at least 40% of the total perimeter open and unobstructed;

**CAVEAT** - a formal notice expressing an interest in a parcel registered against the title to that parcel;

**CORNER LOT** - a lot having frontage on two or more streets;

**COUNCIL** - the Council of the Summer Village of Bonnyville Beach

**DECK** - a raised open platform, with or without rails, attached to a principal building.

**DEVELOPER** - an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

**DEVELOPMENT** –

- (a) an excavation or stockpile;
- (a) the construction, replacement, enlargement, or structural alteration of a building;
- (b) 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 land or building;
- (c) a change in the intensity of use of land or a building or an act done in relation to land or a in, or is likely to result in a change in the intensity of use of the land or building;
- (d) the placing of refuse or waste material on any land;
- (e) the use of land for the storage or repair of motor vehicles or machinery or equipment;
- (f) the erection of signs;

- DEVELOPMENT AUTHORITY** - person or persons designated by Council to carry out the duties described in this bylaw and in the Act;
- DEVELOPMENT PERMIT** - a document authorising a development, issued pursuant to this bylaw;
- DISCRETIONARY USE** - the use of land or a building provided for in a land use bylaw for which a development permit may be issued;
- DISTRICT** - a designated area of the municipality within which certain uniform requirements and regulations govern the use of land, and the placement, spacing and size of structures;
- DWELLING** - any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base, and includes prefabricated and modular homes, but does not include mobile homes;
- DWELLING UNIT** - a building or self-contained portion of a building containing one or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking and access to toilet facilities;
- EXCAVATION** - any breaking of ground, except common household gardening and ground care;
- FENCE** – a vertical, physical barrier constructed to provide aesthetic decoration, visual screening, sound abatement, or to prevent unauthorised access;
- FLOOR AREA** - 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;
- GARAGE** - an accessory building or a part of the main building, designed and used primarily for the storage of motor vehicles;
- GRADE** - the average elevation of the natural or @shed level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan;
- HOME BUSINESS** - an occupation conducted within a building on a residential lot, which is clearly secondary to the residential use of the site and does not change the building’s exterior character;
- LAKESHORE LOT** - a lot which faces onto a Lake and has any part of its frontage directly onto the lake or onto the buffer strip of municipal reserve or environmental reserve that is located along the lakeshore;
- LANE** - a registered public roadway which provides alternate access to a lot;
- LOT** –
- (a) a quarter section;
  - (b) a river, a lake or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed in a Land Titles Office; or
  - (c) a part of a parcel where boundaries are described in a certificate of title;
- MAY** - means the action is not obligatory;
- MAJOR HOME BUSINESS** - an occupation conducted on a residential lot, which employs persons not living in the domicile. Or requires equipment or storage clearly visible at odds to the residential use of the site. Or change to the building’s exterior character inconsistent with purely residential application;
- MOBILE or MANUFACTURED HOME** - a structure that is manufactured to be moved from one point to another by being towed or carried and which provides accommodation for one or more persons and can be connected to utilities;
- MUNICIPALITY** - the Summer Village of Bonnyville Beach
- NON-CONFORMING BUILDING OR USE** - a building that was lawfully constructed, or is lawfully under construction, or a use being made of, or intended to be made of land or a building, that does not or will not comply with a land use bylaw or land use bylaw amendment on the date that the bylaw or amendment come into effect;

**NUISANCE** - anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses;

**ORDER** - a notice requiring compliance issued in writing by the Development Authority under Section 3.8 of this bylaw;

**PATIO** - a hard surface created by laying cement, bricks, tiles or blocks directly on to the ground;

**PERMITTED USE** - the use of land or a building provided for in a land use bylaw for which a development permit shall be issued;

**PRINCIPAL BUILDING** - a building in which is carried out the principal use of the land on which it is placed;

**PUBLIC BUILDING** - a building which is used for public administration and services and includes uses such as assembly, instruction, recreation, culture, and community activities;

**PUBLIC UTILITY** - systems or facilities for the:

- (a) production and distribution of electricity;
- (b) distribution of natural gas or oil;
- (c) storage, transmission, treatment, distribution or supply of water;
- (d) collection, treatment, movement or disposal of sewage;
- (e) provision of telephone services that are owned or operated by a utility company, the municipality, or the crown;

**RECREATIONAL VEHICLE** – travel trailer, camper or motor home

**ROADWAY** - any road, street, avenue or other access maintained by the municipality, wherever located, which provides main access to a lot;

**SETBACK** - the distance that a development, or a portion -of it, must be set away from a property line, measured from the outer extremity of the development;

**SHALL** - means the action is obligatory;

**SIGN** - an object or device intended to advertise or call attention to any person, place, thing or event;

**STREET** - a registered public roadway;

**STRUCTURAL ALTERATION** - the construction or reconstruction of supporting elements of a building or other structure;

**SUBDIVISION APPROVING AUTHORITY** - the person or authority empowered to approve a subdivision;

**SUBSTANDARD LOT** - a lot created by legal subdivision prior to this bylaw coming into effect which is smaller than the minimum permitted lot size as specified in this bylaw;

**TEMPORARY DWELLING** - a dwelling located on a site where a permanent dwelling is under construction. The temporary dwelling shall be removed upon completion and occupancy of the permanent dwelling;

**WALKWAY** - a public right-of-way for pedestrian use only, which is registered as a walkway or as reserve;

**YARD** - a part of a parcel upon which no main building is erected and includes front, rear, and side yards (see illustration) in the case of lakeshore lots, the front yard is the yard between the house and the existing roadway;

and all other words and expressions shall have the meanings assigned to the in the Act.

