

BYLAW 60-12

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 8-93 OF THE SUMMER VILLAGE OF BURNSTICK LAKE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FOR AMENDMENTS TO THE LAND USE BYLAW 8-93 DATED 11TH DAY OF MAY 1993

PURSUANT to the provisions of the Municipal Government Act, Chapter M-26.1, Revised Statutes 2000, Council of the Summer Village of Burnstick Lake in the Province of Alberta (hereinafter called the "Council") has adopted Land Use Bylaw No. 8-93; and

WHEREAS the Council deems it desirable to amend Land Use Bylaw No. 8-93;

NOW THEREFORE the Council hereby enacts that Land Use Bylaw No. 8-93 be amended as follows:

1. Section 6.3.2. Discretionary Uses, is amended by adding to the list of discretionary uses the following two additional discretionary uses:

Decks for lake access
Stairs for lake access

2. Section 6.3.3. Regulations is amended by adding the following additional sections (d), (e), (f), (g), (h), (i), (j), (k), (l) (m),(n), (o) and (p) as follows:

- d. Decks and stairs near the shoreline will be allowed on the municipal reserve with the approval of Council and provided an agreement is entered into between the municipality and the owner that ensures that there is reasonable safety, aesthetics, environmental sensitivity, reasonable distance from the lake and no compromise of Village ownership of the reserve lands.
- e. Council or the Development Officer may establish special conditions and requirements for construction of decks. These shall be outlined in the development permit along with the following conditions:
 - i. Surface shall be either natural pressure treated wood, preservable wood, unfinished or stained in earth tone colors, or other materials that blend in with the natural amenities of the area;
 - ii. Maximum height of the deck surface shall be no more than 30 centimeters (12 inches) above the highest point of land;
 - iii. Maximum surface area of the deck shall be 13.37 metres (144 sq. ft.);
 - iv. Excavation may be permitted if there are extenuating circumstances to support the excavation and it receives approval from the Development Officer.
- f. Council or the Development Officer may establish special conditions and requirements for construction of stairways. These shall be outlined in the development permit along with the following conditions:
 - i. Stairways shall be constructed only to preserve the bank's integrity and to prevent erosion of the bank or shoreline

- ii. Surface shall be either natural pressure treated wood, or preservable wood, unfinished or stained in earth tone colors that blend in with the natural amenities of the area;
 - iii. Trees shall not be cut down to create a deck;
 - iv. Excavation may be permitted if there are extenuating circumstances to support the excavation and it receives approval from the Development Officer.
- g. There shall be a limited number of decks and stairways allowed on the shoreline. For this reason, residents are urged to share ownership of decks. When two decks are side by side, there shall be a minimum distance of 4.57 metres (15 feet) between the two.
- h. All applications shall provide a photo of where the proposed decks will go on the shoreline. The photo shall include the proposed location precisely identified and flags placed on the ground outlining the entire perimeter of the deck and stairway.
- i. All applicants must also post a sign at the proposed location noting that a deck/stairway is being proposed for the flagged area. The sign shall be weather proofed and identify the phone number and e-mail of the development officer to call for information.
- j. Once constructed, the owner is responsible to place the address on the deck. This will only include cabin number and close or crescent name.
- k. The deck and/or stairway owner shall indemnify the Municipality and save the Municipality harmless from all claims for damages the Municipality is required to pay to the owner or owner's lawful users of the deck and stairs arising from any negligence in the construction or maintenance of the deck and stairs. The Owner shall maintain for the duration of the Agreement and at his expense, a minimum liability insurance policy in an amount determined by Council and name the Summer Village of Burnstick Lake an additional named insured.
- l. It is the intention of the Municipality and the Owner that the Owner is to take responsibility for any required construction and maintenance of the deck and stairs and the costs thereof, and to take the responsibility for the payment of any liability incurred by the Municipality to the Owner and other lawful users of the deck and stairs resulting from negligence in the construction or maintenance of the deck in order to as closely as possible put the Owner in the same legal position with the Municipality and others as the Owner would be if the deck were wholly within the boundaries of the Owner's land;
- m. Use of deck or stairway will not be allowed until a compliance report has been issued by the development officer that ensure all the above and other conditions are met.
- n. All residents in a cul de sac will be notified by letter and the permits approved will be posted by the Hall.
- o. The process for repair is the property owner(s) responsibility. If the deck and stairs are in poor repair, the Summer Village will engage in consultation with the property owner(s) and if required, the Summer Village will repair or replace and charge back to the owner(s).
- p. Development must be completed in one year, from date of approval.

3. Transitional

a. This Bylaw comes into effect on the date of its THIRD and FINAL reading.

b. Bylaw 58-09 is repealed on the date of the THIRD and FINAL reading of Bylaw 60-12.

READ A FIRST TIME THIS 12th DAY OF MAY, A.D. 2012

MAYOR

CAO

PUBLIC HEARING HELD: October 13, 2012.

READ A SECOND TIME THIS 13th DAY OF October, A.D. 2012.

READ A THIRD AND FINAL TIME THIS 13TH DAY OF October, A.D., 2012.

MAYOR

CAO