



Summer Village of Burnstick Lake

LAND USE BYLAW NO. 8/93

Office Consolidation

May 1993

Prepared by:

The Summer Village of Burnstick Lake

Important Notice:

This document is a consolidation of the original Land Use Bylaw and amending bylaws into a single publication for the convenience of users. The official Bylaw and all amendments are available at the Summer Village of Burnstick Lake.

Office Consolidated Version Date: October 31, 2012

| Bylaw Number | Purpose | Effective Date |
|--------------|--|----------------|
| 29 – 1998 | Administrative Amendments | Mar. 3/98 |
| 36 – 1999 | Administrative Amendments | Jun. 3/99 |
| 49 – 2003 | Sewage Disposal System Restrictions | Aug. 9/04 |
| 53 – 2005 | Dev. Not requiring permit, Site conditions | Apr. 26/05 |
| 60 – 2012 | Decks and stairs for lake access | Oct. 13/12 |

**SUMMER VILLAGE OF BURNSTICK LAKE
PROVINCE OF ALBERTA
LAND USE BYLAW NO 8-93**

WHEREAS the Planning Act R.S.A 1980 with amendments authorizes the Council of the summer village to enact a land use bylaw to regulate and control the use and development of land and buildings within the summer village.

AND WHEREAS the Council of the Summer Village of Burnstick Lake desires to adopt a land use bylaw,

NOW THEREFORE the Summer Village of Burnstick Lake repeals Land Use Bylaw 99 of the Municipal District of Clearwater with amendments and adopts this as the Summer Village of Burnstick Lake Land Use Bylaw.

Read a first time the 13th day of April, 1993

Public Hearing held the 11th day of May, 1993

Read and second time the 11th day of May, 1993

Read a third and final time the 11th day of May, 1993.

“Lloyd Cumming” Mayor

“Sharon Plett” Municipal Administrator

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**SUMMER VILLAGE OF BURNSTICK LAKE
PROVINCE OF ALBERTA
LAND USE BYLAW NO 8-93 and amendments
(office consolidation copy)**

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 Burnstick Lake 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;
- (b) describe the purpose for which land and buildings may be used within each district;
- (c) establish the office of Development Officer;
- (d) establish a method of making decisions on applications for development permits including the issuing of development permits; and

1.2 SCOPE

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

1.3 COMPLIANCE WITH OTHER BYLAWS

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. Note: References in brackets [] in this document show the applicable sections of the Municipal Government Act R.S.A. 1994 as amended.

(29-98)

PART 2 - ADMINISTRATION

2.1 DEVELOPMENT OFFICER

The office of the Development Officer is hereby established and shall be filled by a person or persons appointed by council.

2.2 DUTIES OF DEVELOPMENT OFFICER

The Development Officer shall:

- (a) administer this bylaw and receive, consider and decide upon all development permits;
- (b) make available for inspection by the public a copy of this bylaw, and a register of all applications, including decisions made and reasons for these decisions;
- (c) ensure that copies of this bylaw can be purchased at reasonable cost;
- (d) be declared an authorized person of Council pursuant to Section 624 of the Municipal Government Act; and (29-98)
- (e) carry out the duties as Council may specify.

2.3 DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board has been previously established by the Summer Village of Burnstick Lake Bylaw 18-95 and amendments thereto. (29-98)

2.4 FEES

Council may by resolution establish such fees as are required for the purpose of administrating this bylaw.

2.5 FORMS

The forms and notices required for the purpose of administering this bylaw shall be as established in Part 8.

2.6 AMENDMENTS

- 2.6.1 Any person may apply to have this bylaw amended, by applying in writing to Council on the form prescribed in this bylaw.

2.6.2 All applications for amendment shall be accompanied by:

- (a) the required application fee, but if a bylaw respecting the proposed amendment is not given first reading, Council may determine that all or part of the fee be refunded.
- (b) a certified copy of title for the land affected by the proposed amendment and a statement of the applicant's interest in the land;
- (c) if required, drawings shall be to scale, accurate, explicit and complete; and
- (d) any other information as required by Council.

2.6.3 Council may refer the application for bylaw amendment to such agencies as it considers necessary for comment.

2.6.4 All amendments to this bylaw shall be made by Council by bylaw, in accordance with the procedures for public participation in bylaws set forth in Section 230 of the Municipal Government Act.

(29-98)

PART 3 – DEVELOPMENT AND APPLICATION PROCESS**3.1 CONTROL OF DEVELOPMENT**

No development other than that designated in Section 3.2 shall be undertaken within the summer village unless a development permit has been obtained.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

- (a) the repair or maintenance of any building provided the work does not include structural alterations;
- (b) the completion of a building which was lawfully under construction or for which a permit has lawfully been issued on the date that this bylaw comes into effect;
- (c) the construction, alteration or maintenance of fences, gates, walls, or other enclosures (except on corner lots) less than 1 m (3.28 ft) in height in front yards; (as per general land use regulations in Part 5.6)
- (d) a temporary building which is incidental to the construction or alteration of a principal building for which a permit has been issued, provided the temporary building is removed when the principal building is occupied;
- (e) the maintenance and repair of public buildings of public utilities and utility installations carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled; an
- (f) patios and sidewalks;
- (g) decks that are less than 0.6 m (2 ft.) in height from grade and not enclosed by any materials, other than a rail or banister; (53-05)
- (h) a maximum of two accessory buildings having an area less than 9.5 m² (102.22 sq. ft.) each;
- (i) one temporary on-site commercial sign intended for advertising the sale or lease of a dwelling or property;
- (j) antenna structures for receiving television or radio signals attached to a building, not exceeding 10 m (32.81 ft.) in height above ground level, but does not include satellite dishes having a diameter greater than 0.6 m (2ft.); (53-05)

- (k) development specified in Section 618 of the Act which includes: (29-98)
 - (i) a highway or public roadway
 - (ii) a well or battery within the meaning of the Oil and Gas Conservation Act;
 - (iii) a pipeline or an installation or structure incidental to the operation of a pipeline;
 - (iv) any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Alberta, or a municipal corporation.

3.3 DEVELOPMENT APPLICATION

- 3.3.1 An application form for a development permit (Form A) shall be completed and submitted to the Development Officer and shall be accompanied by:
 - (a) a site plan drawn to scale and clearly showing site boundaries; the location of existing and proposed buildings; the use or intended use of all areas of the site not covered by buildings including decks, fences, driveways, paved areas, easements, utility lines, and major landscaping features including trees, shrubs, and planed areas; existing and proposed setbacks from property lines; and those portions of the site which shall be left in their natural state;
 - (b) a floor plan, elevations and wall sections; and
 - (c) an application fee.
- 3.3.2 The Development Officer may request more information where, in his opinion, the information supplied is not adequate to properly evaluate the application.
- 3.3.3 The Development Officer may refuse to accept an application for a development permit where the information required by section 3.3.1 has not been supplied or where, in the opinion of the Development Officer, the quality of the information supplied is not adequate to properly evaluate the application.

3.3.4 DECISION

- 3.4.1 The Development Officer shall approve, with or without conditions, an

- application for a permitted use in a District where the proposed development conforms in every respect with the bylaw.
- 3.4.2 The Development Officer may approve, with or without conditions, or may refuse an application for
- (a) a permitted use where the proposed development does not conform in every respect to this bylaw, and
 - (b) a discretionary use.
- 3.4.3 The Development Officer may require that, as a condition of issuing a development permit for a discretionary use in a District,
- (a) the use conform to any or all provisions of this bylaw;
 - (b) measures be taken or the development used in a manner that ensures that
 - (i) the development is orderly,
 - (ii) any impact upon adjacent uses is mitigated,
 - (iii) the safety and free movement of pedestrians and vehicular traffic on adjacent public roadways is not prejudiced,
 - (iv) the use is developed in an aesthetic and environmentally sound manner, and
 - (v) the use is developed in conformance with any applicable statutory plan policies.
- 3.4.4. The Development Officer may refer an application to an adjacent municipality or any other agency or person which in his opinion may provide relevant comments or advice respecting the application.
- 3.4.5. A decision of the Development Officer on an application for a development permit shall be given in writing, (Form C.) [S640(2)(d)] (29-98)
- 3.4.6. When a Development Office refuses an application for a development permit, the decision shall contain reasons for the refusal. [S684] (29-98)
- 3.4.7 Where an application for a development permit is refused, the Development Officer may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for at least six months after the date of

the initial refusal unless the reasons for the refusal have been adequately addressed or the circumstances of the application have changed significantly. [S640(5)]

(29-98)

3.4.8 An application for a development permit shall, at the option of the applicant, be deemed to be refused when the Development Officer fails to make a decision within 40 days of receiving the application, unless the applicant and Development Officer have entered into an extension agreement. [S640(2)]

(29-98)

3.5 CONDITIONS OF DEVELOPMENT PERMIT

3.5.1 A development permit does not come into effect until 21 days after the date the development permit is issued.

3.5.2 When an appeal is made, a development permit does not come into effect until the appeal has been determined, at which time the permit may be approved, modified or rejected.

3.5.3 If the development authorized by a permit is not started within 12 months from the date of the permit's issue, and carried out with reasonable diligence, the Development Officer may declare the permit void, unless an extension has been granted.

3.5.4 A development, once begun, shall not be abandoned, or left in what the Development Officer considers to be unsightly or unsafe condition, and shall be completed within 24 months or approval of the application, unless an extension has been granted.

3.6 PUBLIC NOTIFICATION

3.6.1 On the date a development permit is issued, the Development Officer shall:

- (a) post notice of the decision on the property for which the permit has been granted; and/or
- (b) mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected.

3.6.2 If the Development Officer approves a development permit in accordance with Section 5.21, notice of this decision shall be sent to all adjacent landowners.

3.7 DEVELOPMENT AGREEMENT

3.7.1 The Development Officer may require subject to approval by Council, 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 public roadways required to give access to the development, pedestrian walkways, or parking areas; and/or
- (b) install or pay for the installation of utilities that are necessary to serve the development; and/or
- (c) pay an off-site levy or redevelopment levy imposed by bylaw [S647] [S648(1)]

(29-98)

3.7.2 To ensure compliance with the development agreement, the summer village may register a caveat against the certificate of title to the property that is being developed. This caveat shall be discharged when the agreement has been complied with. [S650(2)(3)]

(29-98)

3.8 ENFORCEMENT

3.8.1 Where the Development Officer finds that in 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 may order the registered owner, 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; or
- (b) demolish, remove or replace the development; or
- (c) take other such 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 may be. [S645(1)]

(29-98)

3.8.2 Where a person does not comply with an order, Council or a person appointed by it may enter upon the land or building and take such action as is necessary to carry out the order. [S542(4)]

(29-98)

3.8.3 Where Council or a person appointed by it carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax against the property. [S646]

(29-98)

3.8.4 A person who

- (a) contravenes this bylaw,
- (b) contravenes an order under Section 3.8.1,
- (c) contravenes a development permit, or
- (d) obstructs or hinders any person in the exercise or performance of his powers or duties under this bylaw, is guilty of an offence and is liable upon conviction to a fine of not more than \$500. [S7(I)(ii)]

(29-98)

3.8.5 If a person is found guilty of an offence under section 3.8.4 and the Act, the court may, in addition to any other penalty impose, order the person to comply with:

- (a) the Act or this bylaw,
- (b) an order under section 3.8.1, or
- (c) a development permit or condition attached to a development permit.

3.9 PERMIT CANCELLATION

3.9.1 The Development Officer may cancel a development permit if:

- (a) the permit was issued in error, or
- (b) the permit was issued on the basis of incorrect information.

PART 4 DEVELOPMENT APPEAL PROCESS

4.1 PROCEDURE FOR APPEALS

4.1.1 An appeal to the Subdivision and Development Appeal Board may be made by

- (a) an applicant for a development permit where the Development Officer
 - (i) refuses or fails to issue a permit, or
 - (ii) issues a permit subject to conditions
- (b) a person upon whom the Development Officer served an order under Section 3.8 of this bylaw;
- (c) any other person affected by an order, decision or development permit made or issued by the Development Officer. The procedures for appeal as prescribed by the Act are outlined in the Subdivision and Development Appeal Board Bylaw.

(29-98)

4.1.2 An appeal shall be commenced by serving a written notice of appeal on the Subdivision and Development Appeal Board within 14 days after,

- (a) in the case of an appeal made by a person referred to in Sections 4.1.1(a) and (b) the date on which the person is notified of the order or decision or the issuance of the development permit;
- (b) the 40 day period referred to in Section 3.4.6 has expired; or
- (c) in the case of an appeal made by a person referred to in Section 4.1.1(c), the date on which the notice of the issuance of the permit was given in accordance with Section 3.6.

4.1.3 A notice of an appeal shall be accompanied by a fee in an amount established by Council, by resolution. The fee set shall be adjusted, from time to time, in accordance with the costs of hearing appeals. Council may refund all or a portion of the fee at its discretion, based on the nature of the reason of the appeal.

4.2 DECISION

4.2.1 The decision of the Subdivision and Development 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 sought to be appealed.[S688(2)]

(29-98)

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 [S640(2)(e)] (29-98)

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. [S643(2)] (29-98)

5.2.2 A non-conforming use of a 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. [S643(3)] (29-98)

5.2.3 A non-conforming use of a part of a lot shall not be extended or transferred in whole or part to any other part of the lot, and no additional buildings shall be constructed while the nonconforming use continues. [S643(4)] (29-98)

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, or
- (b) as may be necessary for the routine maintenance of the building.

5.2.5 If a non-conforming building is damaged or destroyed to the extent of more than 75% of its value above its foundation, the building shall not be repaired or rebuilt except in accordance with this bylaw [S643(6)] (29-98)

5.2.6 A change of ownership, tenancy or occupancy of land or a building shall not be considered to affect its use. [S643(7)] (29-98)

5.2.7 If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a

- non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw. (53-05)
- 5.2.8 When a building is a non-conforming building solely by reason of its encroachment into a required front, side, or rear yard, the designated officer may allow an extension of, or an addition to, the building, if such extension or such addition is a lateral extension or addition or will not in itself constitute a further encroachment into any required yard, and if such extension or addition complies with the provisions of this By-law. (53-05)
- 5.2.9 A building that encroaches into a required front, side or rear yard by reason of conversion from imperial unit of measurement, as contained within Bylaw 8-93 to metric units, or by reason of subsequent amendments that change the front, side or rear yard requirements for building is considered to be a conforming building. (53-05)
- 5.2.10 Notwithstanding Section 5.2.1 a new use or a new building that is in conformity with the land use district for the lot may be allowed to occupy or be constructed on the lot while a non-conforming use or building occupies the lot. (53-05)

5.3 SITE CONDITIONS

- 5.3.1 Development proposed on a portion of the lot having a grade in excess of 15% shall have a soil bearing and subsistence report, prepared by a professional engineer stating that the soil conditions can support the development, submitted with the application for development approval. (53-05)
- 5.3.2 Unless satisfactory design and development measures are taken, the applicant shall provide evidence that the land to be developed is not characterized by soil instability, poor drainage or flooding.
- 5.3.3 To the maximum extent possible, trees and shrubs shall be retained on a site. Where landscaping is required, it shall be carried out within 24 months following the completion of construction.
- 5.3.4 No person shall remove topsoil in excess of 6 m³ (7.85 cu. yds.) without first obtaining a development permit.
- 5.3.5 Garbage shall be kept in weatherproof and animal-proof containers, screened from adjacent sites and public thoroughfares.

- 5.3.6 Where clearing of trees and shrubs has been authorized for the purposes of building construction, the parcel shall be graded to ensure that water does not drain directly on to adjoining property except for municipal or environmental reserve or public utility lots. (53-05)

5.4 DEVELOPMENT DESIGN AND THE PRESERVATION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

- 5.4.1 The Development Officer is to be guided by the characteristics and natural setting of Burnstick Lake in reviewing and approving the design, location and architectural appearance of development requiring development permits. (53-05)

- 5.4.2 The quality of development, with respect to building appearance, such as exterior finishes or materials used and style, and its location on the lot together with landscaping features and general site amenities must be compatible with and equal to or better than the standard of surrounding development. (53-05)

- 5.4.3 Where possible, new development should not negatively impact views and vistas of existing development on adjoining properties. (53-05)

- 5.4.4 Development should not have a negative impact on municipal and recreational amenities. (53-05)

5.5 BUILDING DEMOLITION

The demolition of a building having an area greater than 9.5m² (102.22 sq. ft.) shall require a permit. Such a permit shall not be approved without a written statement indicating:

- (a) how the demolition will be carried out so as to minimize dust, noise or other nuisance.
- (b) how the site will be reclaimed.

5.6 FENCES/WALLS/HEDGES/ENCLOSURES

- 5.6.1 No fence, wall, hedge or other enclosure shall be higher than 1 m (3.28 ft.) in height.

5.6.2 Electric and barbed wire fences shall not be permitted.

5.7 DECKS, PATIOS AND BALCONIES

5.7.1 The construction of a deck or patio of which any part of it is enclosed or more than 0.6 m (2 ft.) in height shall require a development permit. (53-05)

5.7.2 Decks which include a built-in firepit are not allowed.

5.8 SANITARY FACILITIES

All dwellings shall be provided with sanitary facilities to the satisfaction of the local health authorities and Alberta Labour.

(a) Sewage disposal systems shall be restricted to on site holding tank and pump out system constructed in accordance with the requirements of the Alberta Private Sewage Systems Standard of Practice 1999 and amendments thereto. (49-03)

(b) Section 5.8(a) shall apply to new building construction and replacement of existing septic fields only. Existing septic systems, built before third reading of this blaw, shall be permitted for the life of the respective septic field as long as they pass legally mandated inspections and until they require repair or replacement. (49-03)

5.9 ACCESS TO PROPERTY pit

The construction of a driveway shall require a development permit and shall be constructed in accordance with municipal standards adopted by resolution of Council.

5.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

No person shall keep or maintain in their yards:

- (a) any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days;
- (b) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the summer village;
- (c) any fur bearing animals, fowl or livestock other than domestic pets;
- (d) oversize vehicles that obstruct the view of other property owners;
- (e) any bulk fuel storage such as gasoline or diesel fuel, but excluding

propane tanks;

- (f) any commercial vehicle loaded or unloaded with a gross vehicle weight rating in excess of 4000 kg. (8818.50 lbs.);
- (g) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

5.11 NUISANCE

No use or activity shall be approved which, in the opinion of the Development Officer, constitutes a nuisance such as the generation of noise, vibration, dust, smoke, smell, toxic or noxious matter, traffic, radiation, fire explosions, heat, humidity, glare, waste, water or steam.

5.12 ACCESSORY BUILDINGS

- 5.12.1 The construction or relocation of an accessory building shall require a development permit.
- 5.12.2 The siting of an accessory building on an irregularly shaped parcel shall be as approved by the Development Officer.
- 5.12.3 Where a balcony that is less than 2.5 m (8.2 ft) or deck that is greater than 0.6 m (2 ft.) above grade, and is either freestanding or attached or supported by the principle structure or is a structure that is either freestanding or attached to the principal building and is enclosed by walls of 1.2 m. (4 ft) in height for more than 33 % of the perimeter of the structure, it shall be considered to be an accessory building and included in the area calculation for site coverage. A landing is not considered to be an accessory building for purposes of this section. Exceptions to this rule may be granted given the topography of the site.

(53-05)

5.13 SIGNS AND ADVERTISING STRUCTURES

Subject to Section 3.2(i), any commercial sign or advertising structure, whether temporary or permanent, shall require a development permit, and

- (a) shall be no more than 0.5 m² (5.38 sq. ft.), and
- (b) only one shall be permitted per lot; and

(c) shall not be permitted is it might obscure traffic or be confused with a traffic sign; and

(d) shall not be illuminated.

5.14 RECREATIONAL VEHICLES

5.14.1 No more than one recreational vehicle shall be permitted on a regular basis on a lot.

5.14.2 No recreational vehicle shall be kept and occupied on a lot for more than 14 consecutive days.

5.14.3 The parking of private recreation vehicles, which includes all terrain vehicles, or the riding or driving of all terrain vehicles and motor vehicle, other than those areas so designated for such purpose, on Municipal or Environmental Reserve lots or Public Utility lots is prohibited.

(53-05)

5.15 MOBILE HOMES

Mobile homes are not permitted.

5.16 HOME OCCUPATIONS

5.16.1 A home occupation shall be clearly incidental to the main residential use of a lot and shall not change or disrupt the residential character of the summer village.

5.16.2 All permits issued for home occupations shall be granted for a period of one year. The Development Officer may revoke a permit if he considers that the use is or has become detrimental to the residential character of the summer village.

5.16.3 Home occupations are limited to those uses which:

- (a) do not create or become a public nuisance;
- (b) do not employ persons other than the residents of the building in which they take place;
- (c) are not visible from outside the building;
- (d) require no outside storage of materials, goods or equipment;
- (e) do not display advertising other than a single sign not larger than one square meter.

5.17 MOVED-IN BUILDINGS

- 5.17.1 Any person making application to move an existing building onto a lot as a main or accessory building shall:
- (a) make the usual application for a Development Permit;
 - (b) provide photographs of the building showing each elevation and the general condition of the building; and
 - (c) state the present location and use of the building.
- 5.17.2 The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- 5.17.3 The Development Office may, at his discretion, require that certain works of structural alterations, repair, or maintenance of the building and preparation of the proposed site be carried out as a condition of the issuance of the permit.
- 5.17.4 If these works are to be done after the building is moved in to the proposed site, the Development Officer may require that security in the form of cash or a letter of credit in the amount of Two Thousand Dollars (\$2000). The security shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not completed in accordance with the requirements of the development permit.
- (53-05)
- 5.17.5 Any travel or other costs incurred by the Development Officer in processing a development permit for a moved-in building shall be added to the fee for the Development Permit.

5.18 ANTENNA STRUCTURES INCLUDING SATELLITE DISHES

- 5.18.1 The installation of antenna structures shall require a development permit excluding satellite dishes greater than 0.6 m (2 ft) in diameter.
- (53-05).
- 5.18.2 No advertising shall be permitted on an antenna structure.
- 5.18.3 Antenna structures shall not be illuminated.

5.19 RESERVE LAND

- 5.19.1 Private development on community reserve and recreation lands or public utility lands is strictly prohibited.

- 5.19.2 Private development on municipally owned lands including road allowances is strictly prohibited.
- 5.19.3 All community, municipal, utility or environmental reserves shall be maintained in their natural state unless developed by the summer village for public purposes or as provided in Section 5.19.4 and 5.19.5 below.
- 5.19.4 The cutting and/or removal of trees or underbrush from municipally owned land is prohibited, unless prior written permission is obtained from council.
- 5.19.5 The temporary placement of any structure, object or materials on municipally owned land is prohibited, unless prior written permission is obtained from council.
- 5.19.6 In order to develop municipal reserves or environmental reserves for public purposes, the summer village must acquire the formal approval of not less than two-thirds majority of electors.

5.20 ANCILLARY LIVING ACCOMMODATIONS

- 5.20.1 Ancillary living accommodations may be developed on a residential site in accordance with the requirements of this bylaw, including the following:
- (a) they must be of similar design, construction and exterior finishing materials as the principal dwelling unit on the site; and
 - (b) the extent of their construction shall be limited to washroom and sleeping facilities only; and
 - (c) the maximum floor area shall be 20 m² (215.28 sq. ft.); and
 - (d) only one building used for this purpose may be constructed on a lot and only when a dwelling unit exists on the lot; and
 - (e) the setback requirements for principal buildings are met; and
 - (f) limited to one storey.

5.21 VARIANCES

- 5.21.1 Notwithstanding the provisions of the sections of this bylaw other than Section 5.21, the following variances of the requirements may, at the discretion of the Development Officer and having regard to Section 5.21.2(a), (b) and (c), be deemed to comply with this bylaw if:

- (a) the proposed development provides not less than 90% of any stated minimum standard and meets the minimum requirements of the Act and any regulations thereto, and
- (b) the proposed development does not provide in excess of 110% of any maximum standard, but the application of said variance shall be clearly stated on any permit or notice in regard to the proposed development.

5.21.2 When an existing building does not comply with the required floor area, height, side, front or rear yard setback requirements, an extension or an addition to that building may be allowed by the Development Officer provided the existing infringement does not constitute a public hazard and such extension or addition will not in itself constitute a further encroachment into any required yard or other minimum and/or maximum requirement and the proposed development would not:

- (a) unduly interfere with the amenities of the neighbourhood; or
- (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
- (c) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

5.21.3 If the Development Officer does approve a development permit in accordance with Section 5.21.2, it shall be a requirement that Notice of this Decision shall be sent to all adjacent ratepayers with 14 clear days notice of the decision in order than anyone affected may appeal the Decision to the Subdivision and Development Appeal Board.

(29-98)

5.22 FORMS, NOTICES AND FEES

5.22.1 For the purposes of administering the provisions of this Bylaw, Council, by Resolution, may authorize the preparation and the use of such forms, notices and fee schedules as in its discretion it may deem necessary. Any such forms, notices or fees are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized, and issued.

(53-05)

5.22.2 The forms, notices and fee schedules authorized by Council pursuant to this bylaw may be posted, issued, mailed, served or delivered in the course of the Development Officer's duties

(53-05)

PART 6 LAND USE DISTRICTS AND REGULATIONS

6.1 ESTABLISHMENT OF LAND USE DISTRICTS

The Summer Village of Burnstick Lake is hereby divided into the following land use districts:

- R – Residential District
- C – Community Reserve and Recreational District
- U – Public Utility District

The boundaries of these districts are shown on the Land Use District Map which forms part of this bylaw. In case of uncertainty as to the boundaries of a land use district, the following rules apply:

1. Where a boundary is shown as following a street or stream, it shall be deemed to follow the centre line there-of.
2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
3. Where rules 1 and 2 do not apply, the boundary shall be determined:
 - (a) where dimensions are set out on the Land Use District Map, by these dimensions, or
 - (b) where no such dimensions are set out, by measurement and use of the scale shown on the land Use District Map.

Where the boundary of a land use district cannot be determined by the above rules, the decision of Council shall govern.

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 dwellings and associated uses.

6.2.1 PERMITTED USES

- single family dwellings
- accessory buildings and uses

6.2.2 DISCRETIONARY USES

- antenna structures, including satellite dish antennae
- home occupations
- ancillary living accommodations

signs

6.2.3 REGULATIONS

- (a) Lot Size Minimum lot size in subdivisions existing at the date of adoption of this bylaw shall be 850 m² (0.21 ac.) Minimum size of lots created after the date of adoption of this bylaw shall be 1860 m² (0.40 ac.)
- (b) Building Height:
Principal buildings (dwelling units) shall not be higher than 10 m (32.8.0 ft.) from grade.
(53-05)
- (c) Accessory buildings and Ancillary Living Accommodations shall not be higher than 5 m (16.4 ft.) from grade. This height may be exceeded if the roof pitch is required to match the dwelling and there is no obstruction of views or vistas to adjoining residential lots.
(53-05)
- (d) Minimum Floor Area of a principal building shall be 46.5 m² (500.34 sq. ft.)
- (e) Minimum Depth of Front Yard
Principal Buildings - 7 m (22.96 ft.)
Accessory Buildings - 7 m (22.96 ft.) except for garages whose side wall faces the street which shall be 4.5 m (14.75 ft.)
Ancillary Living Units - 7 m (22.96 ft.)
(53-05)
- (f) Minimum Depth of Side Yard
All Buildings - 2 m (6.56 ft.) or as required by the Alberta Building Code, whichever is greater
(53-05)
- (g) Minimum Depth of Rear Yard
(i) Principle Buildings: 7 m (22.96ft.)
(ii) Accessory Buildings: 1.2 m (4 ft.)
(53-05)
- (h) Minimum Distance Between Buildings All Buildings - 2 m (6.56 ft.)
- (i) Coverage of Site
All buildings - shall cover not more than 35% of the total area of the lot

- (j) Sanitation shall be provided in accordance with Section 5.8 (53-05)

- (k) Parking

A minimum of 2 off-street parking stalls at least 2.5 m (8.20 ft.) wide by 5.5 m (18.04 ft.) long with space for maneuvering on the lot shall be developed for each dwelling unit and each unit of ancillary living accommodation.

6.2.4 PROJECTION INTO YARDS

- (a) Notwithstanding the setback provisions within this District, the following features or elements are allowed to project into the following yards:

| Feature | Yard Affected | Projection Permitted |
|--|----------------|--|
| Sills, cornices, eaves, gutters chimneys, or pilasters | All | 0.6 m (2 ft.) |
| Steps and Staircases (greater than 0.3 m (1ft.) in height) | Front and Rear | 1.5 m (5 ft.) |
| | One Side Yard | 1.2 m (4 ft.) |
| Landings, Staircases and Steps less than 0.6 m (2 ft.) in height | Front and Side | 1.5 m. (5 ft.) |
| | Rear | 2 m (6 ft.) |
| Bay and Similar Windows | Front and Rear | 1 m. (3 ft.) |
| | One Side Yard | 0.6 m (2 ft.) |
| Balconies | Rear | 2 m. (6.5 ft.) |
| | Front | 1.4 m. (4 ft.) |
| Decks and Patios | Front | 2 m. (6 ft.). |
| | Rear and Side | To Property Line |
| Driveways, sidewalks, and similar features at grade or less than 100 mm (4 in.) above grade; fences and landscaping elements, and retaining walls less than 0.6 m. (2 ft.) in height | All | No Limits but must be inside the property lines. |

- (b) In addition to those features listed in 6.2.4 (a), a projection into any designated yard may be allowed for a building feature such as cantilevered bays and sun windows, dining room alcoves and similar elements provided the feature does not encroach more than 0.6 m (2 ft.) into any yard and the projecting facade does not exceed:
 - i) 30% to a maximum of 3.66 m (12 ft.) in width, whichever is greater, of the exterior surface wall area exposed to the yard in which the feature is located for internal sites.
 - ii) 40% to a maximum of 4.87 m (16 ft.) in width, whichever is greater, of the exterior surface wall area exposed to the yard facing a street and in which the feature is located.

and such encroachment complies with the Alberta Safety Code.
- (c) The minimum distances required for yards do not apply to:
 - i) exterior finishing materials applied to principal buildings provided the material does not encroach more than 10 cm. (4 in.) into any yard;
 - ii) construction wholly beneath the surface of the ground.

(53-05)

6.3 COMMUNITY RESERVE AND RECREATION DISTRICT - C

The purpose of this district is to provide publicly owned lands for community, recreational, environmental and institutional facilities of a service nature.

6.3.1 PERMITTED USES

None

6.3.2 DISCRETIONARY USES

- Accessory Buildings
- Antenna Structures, including Satellite Dishes
- Community Buildings and Facilities
- Decks for lake access (60-12)
- Picnic Areas
- Playgrounds
- Public Parks
- Recreational Clubs and Facilities
- Signs
- Sports Fields
- Hiking Trails
- Bike Trails
- Swimming Pools
- Stairs for lake access (60-12)

Tennis Courts

6.3.3 REGULATIONS

- (a) Setbacks shall be determined by the Development Officer having regard to the location of adjacent uses to that the development is set-back a sufficient distance to ensure that it will not be visually intrusive or have an adverse impact upon or by those adjacent uses.
- (b) Building height shall be no more than 10 m (32.8 ft.) (53-05)
- (c) Sanitation shall be provided in accordance with Section 5.8. (53-05)
- (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. (60-12)
- (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. (60-12)
- (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. (60-12)

- (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. (60-12)
- (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. (60-12)
- (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. (60-12)
- (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. (60-12)
- (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. (60-12)
- (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; (60-12)
- (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. (60-12)
- (n) All residents in a cul de sac will be notified by letter and the permits approved will be posted by the Hall. (60-12)

- (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). (60-12)
- (p) Development must be completed in one year, from date of approval. (60-12)

6.4 PUBLIC RESERVE DISTRICT - U

The purpose of this district is to provide publicly owned lands for utility facilities.

6.4.1 PERMITTED USES

None

6.4.2 DISCRETIONARY USES

Public Utility Installations and Facilities

6.4.3 REGULATIONS

- (a) Setbacks shall be determined by the Development Officer having regard to the location of adjacent uses so that the development is set-back a sufficient distance to ensure that it will not be visually intrusive or have an adverse impact upon or by those adjacent uses.
- (b) Building Height shall be no more than 10 m (32.8 ft.). (53-05)
- (c) Sanitation shall be provided in accordance with Section 5.8. (53-05)

PART 7 DEFINITIONS

ACCESSORY BUILDINGS 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 limited to tool sheds, garden sheds, garages, carports, privies, and satellite dishes.

ACT – the Municipal Government Act R.S.A. 1994, as amended.

(29-98)

ADJACENT LANDOWNERS – owners of the 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 or public walkway, rail or utility right-of-way, river or stream. Adjoining properties has a corresponding meaning.

(53-05)

ANCILLARY LIVING ACCOMMODATIONS - a building which is not a dwelling unit and which is used exclusively for sleeping accommodation additional to that contained in the dwelling unit.

ANTENNA STRUCTURES – (public or private) structures, including satellite dishes, used for the purpose of transmitting, relaying or receiving television, radio, microwave and other similar signals.

BALCONY – a projecting platform elevated greater than 0.6 metres (2 ft.) from grade and usually surrounded by a railing, attached to or extending horizontally from one or more main walls of a building with one side greater than 1.2 metre (4 ft.) in width open to the elements. It may be cantilevered from the building or supported from below.

(53-05)

BASEMENT – means the portion of a building or structure which is wholly or partially below grade and its ceiling no more than 1.8 m (6 ft.) above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of this Bylaw.

(53-05)

BUILDING – any thing constructed or placed on , in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

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.

CHATTEL – a movable item of personal property.

CORNER LOT – a lot having frontage on two or more streets.

COUNCIL – the council of the Summer Village of Burnstick Lake.

DECK – an uncovered (without roof) and non walled platform which the top surface is less than 0.6 m (2 ft.) above grade and greater than 1.8 sq. m. (20 sq. ft.) in area. It may be attached to or cantilevered from a building or free standing and supported from below and may have railing.

(53-05)

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 and the creation of either of them;
- (b) the construction, replacement, enlargement, or structural alteration of a building;
- (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 land or building.
- (d) a change in the intensity 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 intensity of use of the land or building, or;
- (e) the erection of signs.

DEVELOPMENT APPEAL BOARD – a development appeal board appointed pursuant to Section 33 of the Planning Act.

DEVELOPMENT OFFICER – person or persons appointed by Council to carry out the duties described in this bylaw and in the Act.

DEVELOPMENT PERMIT – a document authorizing 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 unauthorized 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.

FRONTAGE - Lots which have frontages on two parallel streets are recognized as having two front yards and the development shall comply with the front yard setbacks for the respective district. A corner lot is not considered to be a double frontage lot. Lot frontage or a front yard is determined by the majority of the lots within the block with the narrowest width fronting on a street; an entrance to a building does not determine a front yard.

(53-05)

FRONT YARD – is that portion of a site abutting the *street* front lot line extending across the full width of the site, situated between the front lot line and a line of the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

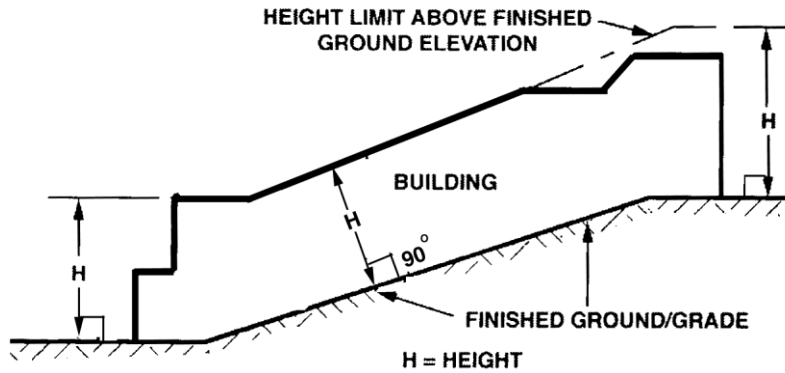
(53-05)

GARAGE – an accessory building or a part of the main building, designed and used primarily for the storage of motor vehicles.

GRADE – the 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.

(53-05)

HEIGHT - when used with reference to a building or structure, is the vertical distance measured at right angles to the finished grade level to the highest point of a building excluding a roof stairway entrance, elevator shaft, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or parapet wall, a flagpole, antenna or similar device not structurally essential to the building. (See Illustration)



(53-05)

HOME OCCUPATION – 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.

LANDING – a projecting platform at or above grade, and located at a entrance to a structure and may be attached to or extending horizontally from one or more main walls of a building with one side no greater than 1.5 metre (5 ft.) in width open to the elements and no more than 1.8 sq. m. (20 sq. ft.) in area. It may be cantilevered from the building or supported from below and may have a rail and steps leading to the platform

(53-05)

LOT –

- (a) a quarter section;
- (b) a river or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed in a Land Titles Office;
- (c) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or;
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

MAY – means the action is not obligatory.

MOBILE 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 Burnstick Lake.

NON-CONFORMING BUILDING OR USE – a building that was lawfully constructed, or is lawfully under construction, or an use being made of, or intended to be made of land or a building, that do not or will not comply with the land use bylaw or land use bylaw amendment on the date that the bylaw or amendment comes into effect.

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

OCCUPIED – when a building is used as a dwelling unit, even though it may not be technically completed.

ORDER – a notice requiring compliance issued in writing by the Development Officer under Section 3.8 of this bylaw.

PATIO – a hard surface created by laying cement, bricks, tiles, or blocks directly in or on the ground. The feature is uncovered (without roof) and non walled.

(53-05)

PERMITTED USE – the use of land or a building provided for in this land use bylaw for which a development permit shall be issued if the use otherwise conforms to this bylaw.

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 of facilities for the:

- (a) production or 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;
- (f) provision of alarms or early warning systems;
- (g) provision of emergency response facilities and equipment (36-99)

REAR YARD – is that portion of a site that is opposite to the street and abuts the rear lot line extending across the full width of the site, situated between the rear lot line and a line of the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

(53-05)

RECREATION VEHICLE – a vehicle primarily designed as temporary living quarters for recreational camping or traveling, which either has its own motor power or is mounted to or drawn by another vehicle.

REGISTERED OWNER –

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- (b) in the case of any other land,
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is subject of a caveat registered against the certificate of title, or
 - (ii) in the absence of a person described in paragraph (I), the person registered under the Land Titles Act as the owner of a fee simple estate in the land.

SETBACKS, FRONT, REAR, SIDE YARD – is the horizontal distance measured at right angles to the boundary of the parcel, lot or block of land, between the main wall of the building, structure or development above grade.

(53-05)

SHALL – means the action is obligatory.

SIDE YARD – is that portion of a site abutting a side lot line extending from the front yard to the rear yard. The side yard shall be situated between the side lot line and a line on the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

(53-05)

SIGN – an object or device intended to advertise or call attention to any person, place, thing or event.

SINGLE FAMILY DWELLING – a building containing only one dwelling unit.

SITE COVERAGE – means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at a point at grade directly below the outside surface of the exterior walls of the structure at the first story floor level, including projections less than 2.5 m. (8 ft.) above finished grade which includes and is not limited to supported balconies, open or closed in and covered porches and veranda, covered terraces and all other spaces within a building, excluding, eaves, cornices, landings, steps and similar projections, and un-enclosed inner and outer courts and un-enclosed and uncovered decks and patios which are less than 0.6 m. (2 ft.) above grade.

(53-05)

STOREY – means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building that is situated between the top of any floor and the ceiling above it.

(53-05)

STOREY FIRST – means the storey with its floor closest to grade and having a ceiling more than 1.8 m (6 ft.) above grade. Within the context of this Bylaw. **WALKOUT BASEMENT** has the same meaning.

(53-05)

STREET – a registered public roadway.

STRUCTURE – means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

(53-05)

STRUCTURAL ALTERATION – the construction or reconstruction of supporting elements of a building or other structure.

TEMPORARY DWELLING – a dwelling which is occupied for a limited period of time while a permanent dwelling is constructed on the same lot.

VEHICLE – a device propelled by any power other than muscular power on or by which a person or thing may be transported on a highway but does not include a motor cycle, moped, or an off highway vehicle as defined in the “Off Highway Vehicle Act”.

WALKWAY – a public right-of-way for pedestrian use only, which is, for the purpose of this bylaw, considered as part of the Community Reserve and Recreation District (C).

YARD – means any open space on site and generally is the distance between the property or lot boundary to:

- a) the foundation of the principal structure; or
- b) exterior finishing materials of an accessory building; or
- c) the prescribed land use district yard setback distance.

(53-05)

ALL OTHER WORDS AND EXPRESSIONS SHALL HAVE THE MEANING ASSIGNED TO THEM IN THE ACT.

Form A

APPLICATION NO. _____

**SUMMER VILLAGE OF BURNSTICK LAKE
APPLICATION FOR DEVELOPMENT PERMIT**

I/We hereby apply for a Development Permit in accordance with the accompanying plans and supporting information. A site plan shall be submitted with this application. It shall be drawn to scale and shall clearly show site boundaries, lot dimensions and area, the location of existing and proposed buildings, the use or the intended use of all areas of the site not covered by buildings including decks, fences, driveways, paved areas, easements, utility lines and major landscaping features including trees, shrubs and planted areas, existing and proposed setbacks from property lines, and those portions of the site which shall be left in their natural state.

NOTE: This is an application for a development permit only. Provincial statutes including but not restricted to the building code, electrical, plumbing and gas codes, and health and environmental regulations shall also apply, and a separate building permit may be required.

APPLICANT INFORMATION:

Applicant: _____

Address: _____ Telephone: _____

Registered Owners of land (if different): _____

Address: _____ Telephone: _____

LAND INFORMATION:

Address of property to be developed: _____

Lot: ____ Block: ____ Registered Plan No: _____ C of T. _____

Existing Use of Property: _____

DEVELOPMENT INFORMATION:

Proposed Development (state exactly what it is you plan to do)

Estimated start date: _____ Estimated completion date: _____

Estimated value of project/construction: _____

DECLARATION

I/We hereby declare that the above noted information is, to the best of my/our knowledge, factual and correct. I/We hereby give consent to allow authorized persons to enter the above land with respect only to this application.

Note: Signature of Registered Landowner, or their letter of authorization, if required if different from Applicant.

Applicant

Date

Form B

PERMIT NO. _____

**SUMMER VILLAGE OF BURNSTICK LAKE
DEVELOPMENT PERMIT**

Applicant: _____

Address: _____ Telephone: _____

Address of property to be developed: _____

Proposed Development: _____

Lot: ____ Block: ____ Registered Plan No: _____ C of T _____

Decision: ____ APPROVED subject to the standard conditions (below)
____ APPROVED subject to the standard conditions plus special conditions (attached)
____ REFUSED for the reasons contained in the attached letter

THESE ARE STANDARD CONDITIONS FOR ALL DEVELOPMENT PERMITS

- (a) Development or construction shall not begin until 21 days after the Date of Issue of the Notice of Decision;
- (b) The development or construction shall comply with any conditions contained herein;
- (c) The development or construction shall be carried out in accordance with the plans contained in the development permit application;
- (d) All applicable permits shall be obtained.

IMPORTANT NOTICES REGARDING DEVELOPMENT PERMITS

- (a) A person who does not comply with the conditions of the development permit, including complying with the completion date, (unless an extension is applied for and approved) is liable to a fine of not more than \$ 500.00
- (b) The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Development Appeal Board, in accordance with Part 4 of the Land Use Bylaw. The appeal shall be made in writing, and shall be delivered either in person or by mail to the Summer Village office not later than 14 days after the date notice of the issuance of the development permit is given.
- (c) Should an appeal be made against the decision, the development permit shall not come into effect until the appeal has been determined by the Development Appeal Board. Should the Development Appeal Board approve the Issue of the Development Permit, the permit shall be considered valid from the date of the Development Appeal Board conditions.
- (d) This permit is valid for a period of 12 months from the date of issue or the date of an approved decision of the Development Appeal Board. If, after 12 months, the development or construction has not been started or carried out with reasonable diligence, this permit shall be invalid.
- (e) This is a development permit only. It is not a building permit. The applicant is required to ensure that the proposed development or construction complies with all applicable municipal, provincial and federal laws.

Date of Decision

Date of Issue of Development Permit

Signature of Development Officer _____

**SUMMER VILLAGE OF BURNSTICK LAKE
NOTICE OF DECISION OF THE DEVELOPMENT OFFICER**

This is to notify you of a decision of the Development Officer whereby a development permit has been issued authorizing the following development:

Address of property: _____

Lot: _____ Block _____ Registered Plan No: _____ C of T _____

The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Development Appeal Board. The appeal shall be made in writing and shall be delivered either in person or by mail to the Summer Village not later than 14 days after the date notice of the issuance of the development permit is given.

Date of Decision

Date of Issue of Development Permit

Signature of Development Officer

Mailing Address of the Summer Village:

**SUMMER VILLAGE OF BURNSTICK LAKE
NOTICE OF APPEAL HEARING**

This is to notify you that an appeal has been made to the Development Appeal Board against a decision with respect to Permit No. _____ which involves a development described as follows:

Applicant: _____

Address of property: _____

Lot: _____ Block: _____ Registered Plan No: _____ C of T _____

The decision _____ APPROVED _____ APPROVED WITH CONDITIONS
_____ REFUSED a development permit. The conditions of approval/reasons for refusal were as follows:

(continue on reverse if necessary)

A PUBLIC HEARING OF THE APPEAL HAS BEEN ARRANGED AS FOLLOWS:

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any persons served with this notice have the right to be heard at the meeting. The Development Appeal Board shall also hear the appellant and any other person who claims to be affected by the order or decision and that the Board agrees to hear.

Date of Issue of Notice

Signature of Secretary, Development Appeal Board

Mailing address for the Development Appeal Board: _____

PERMIT NO. _____
SUMMER VILLAGE OF BURNSTICK LAKE
NOTICE OF APPEAL DECISION

This is to notify you that an appeal against the

_____ APPROVAL

_____ APPROVAL WITH CONDITIONS

_____ REFUSAL

of a development permit with regard to the following: _____

Applicant: _____

Address of property: _____

Lot: _____ Block: _____ Registered Plan No: _____ C of T _____

was considered by the Development Appeal Board on _____, 20__.

The decision of the Development Appeal Board with regard to the appeal is as follows:

Date of Issue of Notice

Signature of Secretary Development Appeal Board

IMPORTANT NOTICE

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject ONLY to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal shall be made to a judge of the Court of Appeal within 30 days after the issue of the order, decision, permit or approval that is being appealed.

(29-98)

**SUMMER VILLAGE OF BURNSTICK LAKE
APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW**

I/We hereby apply to amend the Land Use Bylaw. The prescribed fee shall be submitted with this application.

APPLICANT INFORMATION

Applicant: _____

Address: _____ Telephone: _____
(if more than one applicant, list on reverse and all sign below)

LAND INFORMATION

Address of property affected by proposed amendment: _____

Lot: _____ Block: _____ Registered Plan No: _____ C of T _____

Existing use of property: _____
(attach additional sheets to this form if other properties are affected by proposed amendment)

AMENDMENT INFORMATION

Page Number(s) of Bylaw: _____ Section Number(s) _____

Proposed Amendment

From: _____

To: _____

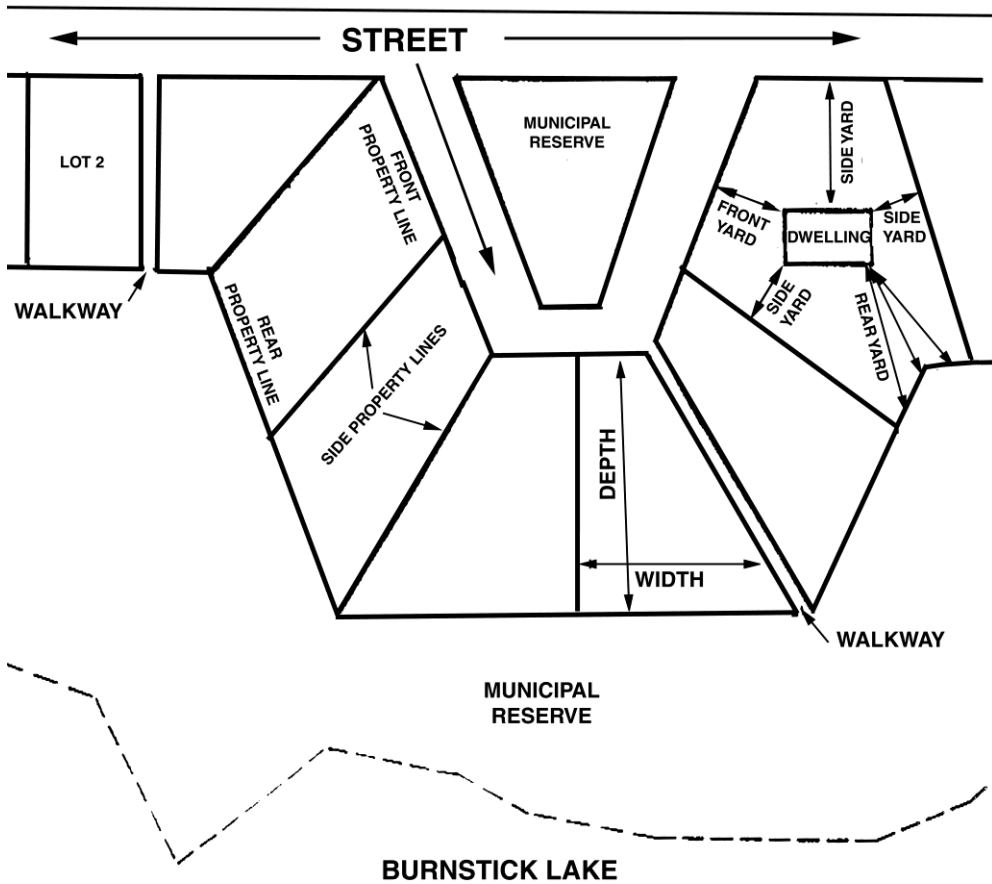
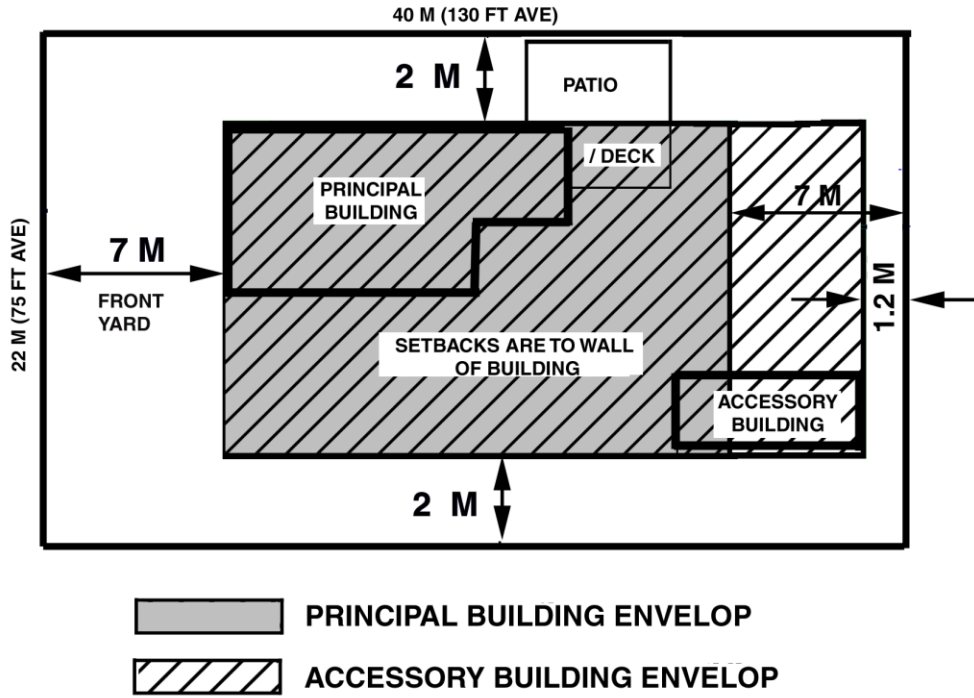
Give reasons for the proposed amendment (attach additional sheet if necessary)

Signature of Applicant

Date

**APPENDIX A
LAND USE MAP**

**APPENDIX B
YARD SETBACK ILLUSTRATION**



**APPENDIX C
DEVELOPMENT APPEAL BOARD**