

# PART I - GENERAL

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## SECTION 1 TITLE

This Bylaw may be referred to as the Summer Village of Sunrise Beach Land Use Bylaw.

## SECTION 2 PURPOSE

The purpose of this Bylaw is to:

- (1) divide the municipality into land use districts;
- (2) to prescribe and regulate for each district the purpose for which land and buildings may be used for;
- (3) to establish a method of decision making on applications for development permits and the issuance of development permits;
- (4) to provide a manner in which notice of the issuance of a development permit is given; and
- (5) to facilitate the approval process for applications for subdivision.

## SECTION 3 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT

This Summer village of Sunrise Beach Land Use bylaw has been prepared and adopted in accordance with the provisions of the Municipal Government Act, its regulations, and amendments thereto.

## SECTION 4 DEFINITIONS

- (1) In this Bylaw:

**“ACCESSORY BUILDING OR USE”** - means a use, building, or structure which is separate and subordinate to the principal use of the main building located on the lot, but does not include a residence;

**“ACT”** - means THE MUNICIPAL GOVERNMENT ACT, 1996, as amended, and the regulations pursuant thereto;

**“AMENITY AREA”** - means required space provided and designed for the active or passive recreation and enjoyment of the occupants of a development, which may be for the private use and owned individually or in common. Examples of amenity areas include: patios, balconies, landscaped areas, and communal ranges;

**“APPEAL BOARD”** - means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the Municipal Government Act;

**“AUTHORIZED PERSON”**: - means a person who is authorized by Council under the provisions of the Municipal Government Act to enter upon private property in the Summer Village;

**“BED AND BREAKFAST”** - means the use of part of a residential dwelling for overnight accommodation where breakfast is usually served as part of the accommodating service;

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

**“BUFFER”** - means a row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

**“BUILDING”** - means anything constructed or placed on, in, over, or under land, but does not include a highway or public roadway or related developments;

**“BUILDING HEIGHT”** - means the vertical distance between grade and the highest point of a building that is not an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

**“CANOPY”** - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

**“CARPORT”** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

**“CORNER”** - means the intersection of two or more abutting streets;

**“COUNCIL”** - means the Council of the Summer Village of Sunrise Beach;

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

**“DEVELOPMENT”** - means

- (1) an excavation or stockpile and the creation of either of them;
- (2) a building or addition to, or replacement, or repair, or a building and the construction of placing in, on, over, or under land or any of them;
- (3) a change in the use of land or a building or an act done in relation to land or a building that results in, or is likely to result in a change in the use of land or building; or
- (4) 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 the intensity of use of the land or building.

**“DEVELOPMENT AUTHORITY”** - means the authority established by Council through this Bylaw and may include one or more Development Officers and Council;

**“DEVELOPMENT OFFICER”** - means the person(s) appointed as Development Officer in accordance with this Bylaw;

**“DEVELOPMENT PERMIT”** - means a certificate or document permitting a specified proposed land use;

**“DISCRETIONARY USE”** - means the use of land or a building provided for which a development permit may or may not be issued based upon the merits of the application being made;

**“EXTENSIVE AGRICULTURAL USE”** - means the use of land or buildings for the raising or production of crops, livestock, or poultry; but not restricting the generality of the foregoing, does not include feedlots, intensive hog operations, beekeeping, intensive poultry or fowl operations, sod farm, plant nurseries, livestock yards, or residences;

**“FENCE”** - means a vertical physical barrier constructed to prevent visual intrusion or unauthorized access or sound abatement;

**“FLOOR AREA”** - means the total of the main floor area calculation and passageways contained in a building, but does not include the floor areas of basements, attached garages, carports, sheds, open porches or breezeways;

**“FOUNDATION”** - means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;

**“FRONTAGE”** means the length of a street boundary measured along the front lot line;

**“GARAGE”** means an accessory building or part of the principal building designed and used primarily for the storage of motor vehicles and includes a carport;

**“GUEST HOUSE”** means an accessory building used for seasonal or part-time sleeping accommodation and does not contain facilities such as a kitchen, bathroom, living room or recreation room. Guest houses shall not be used as rental accommodations;

**“HIGH GROUNDWATER TABLE”** means a water table level measuring less than 1.5 m (5.0 ft) from the ground surface;

**“LAKE-FRONT LOT”** - means those properties that extend to the lakeshore or that are only separated from the lakeshore by a road, park or environmental reserve;

**“LANE”** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (33.0 ft) and is not less than 6.0 m (20.0 ft) wide, and which provides a secondary means of access to a parcel or parcels;

**“LIVESTOCK”** – means cattle, swine, poultry, sheep, horses, fish, game, fur bearing animals and similar animals but not to any quantity that would require an approval, authorization or registration as a Confined Feeding Operation, as defined under the Agricultural Operation Practices Act, RSA 2000, Chapter A-7;

**“LOT”** - means a parcel of land, the boundaries of which are separately described in a Certificate of Title which may or may not be shown on a registered plan of subdivision;

**“MAIN BUILDING OR USE”** - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts;

**“MANUFACTURED HOME”** – means a dwelling unit which is constructed with a chassis that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprise a complete dwelling. A manufactured home does not include a mobile home, modular home or single detached dwelling as defined under this Bylaw. Under this Bylaw, a manufactured home features the following design standards:

- i) A minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
- ii) Have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- iii) Have a minimum roof overhand or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
- iv) Have a minimum length width ratio of 2.5:1;

- v) A minimum floor area of 93 sq. metres (1,000 square feet) not including decks, porches or verandahs.; and
- vi) Constructed after January 1, 1991.

**“MOBILE HOME”** – means a dwelling unit, which is constructed with a chassis that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprise a complete dwelling with a minimum of 91 sq. metres (980 sq. feet) in floor area without attached decks, porches or verandahs. A mobile home does not include a manufactured home, modular home or single detached dwelling as defined under this Bylaw;

**“MOBILE HOME, DOUBLE WIDE”** - means a mobile home consisting of two sections separately towable, but designed to be joined together at the site to form one dwelling unit;

**“MOBILE HOME LOT”** - means the leasable or rentable portion of land within a mobile home park which has been reserved for the placement of a mobile home, or in the case of a mobile home subdivision, a lot designed and for sale for the purpose of the placement of a mobile home;

**“MOBILE HOME, SINGLE WIDE”** - means a mobile home consisting of a single unit designated to be towed in a single load;

**“MODULAR HOME”** – means a factory fabricated built dwelling unit, designed to be transported on a truck in sections and assembled on site, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side by side or vertically with a maximum length to width ratio of 2.0:1. A modular home does not include a single detached dwelling, manufactured home or mobile home and shall have a minimum 74.3 square metres (800 sq. feet) in floor area not including decks, porches or verandahs.

**“MODULAR UNIT”** – means prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. Specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be placed in a manner to form one or more complete dwelling units for temporary or year round occupancy, used mainly for industrial use.

**“MOVABLE LIVING ACCOMMODATION”** - living accommodations which may or may not be self-contained, and includes the following: campers, recreational vehicles, holiday trailers and tent trailers;

**“MUNICIPALITY”** - means the Summer Village of Sunrise Beach;

**“NON-CONFORMING BUILDING OR USE”** means a building or use which is regarded as non-conforming in accordance with the provisions of the Act and Section 12 of this Bylaw;

**“OTHER WORDS AND EXPRESSIONS”** - have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act and any other applicable Statute of Alberta

**“PARK OR PLAYGROUND”** means an area of land that is used for recreation purposes and usually includes such facilities as slides, swings, and other playground equipment;

**“PERMITTED USE”** - means the use of land or building provided for in the District Schedules of this Bylaw for which a development permit shall be issued with or without conditions upon application having been made which conforms to the Land Use Bylaw;

**“PARK OR PLAYGROUND”** - means an area of land that is used for recreation purposes and usually includes such facilities as slides, swings, and other playground equipment;

**“PUBLIC ROAD”** - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any structure;

**“PUBLIC USE”** - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations;

**“RECREATION VEHICLE”** – means a portable structure intended as temporary accommodation for travel, vacation, or recreational use. Such structures may include a motor home, fold-down camping trailer, truck camper, or fifth wheel travel trailer. Conventional or converted mobile homes are not recreational vehicles;

**“SEMI-DETACHED DWELLING”** - means two-attached dwellings, side by side, under one roof;

**“SETBACK”** - means the minimum horizontal distance between the site boundary and the nearest point on the exterior wall, chimney, cornice eave, attached deck, etc. of the building, or another part of the building if specified elsewhere in this Bylaw;

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

**“SHORELINE”** - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the waterbody and the vegetation of the surrounding land;

**“SIGN”** - means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction.

**“SINGLE DETACHED DWELLING”** – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self contained portion of a building and has a length to width ratio of no more than 2.0:1. Does not include a mobile home, manufactured, home, or modular home as defined under this Bylaw and shall have a minimum floor area of 74.3 sq. metres (800 sq. feet) not including decks, porches or verandahs.

**“SITE”** - means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed;

**“SITE COVERAGE”** - means, in the case of a residential building or structure, the combined area of all buildings on the lot, measured at the level of the lowest containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases, all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells and all other space within a building except inner and outer courts;

**“TEMPORARY DEVELOPMENT”** - means a development for which a development permit has been issued for a limited time only;

**“YARD”** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

**“YARD, FRONT”** - means that portion of the site extending across the full width of the site from the front property boundary of the site to the exterior wall of the building;

**“YARD, LAKE-FRONT”** - means the yard extending across the full width of a lake-front lot and situated between the lot line closest to the lake and the nearest portion of the principal building;

**“YARD, REAR”** - means that portion of the site extending across the full width of the site from the rear property boundary of the site to the exterior wall of the building; and

**“YARD, SIDE”** - means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building.

(2) Metric and Imperial Measurements:

Where a measurement is provided in this Bylaw in both imperial and metric units and the two measurements do not correspond precisely, the metric measurement shall take precedence for purposes of interpretation of this Bylaw.





## **PART II - DEVELOPMENT CONTROL AGENCIES**

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### **SECTION 5 DEVELOPMENT OFFICER**

- (1) The office of the Development Officer, as established by this Bylaw, shall be filled by a person or persons appointed by Council. The Development Officer and Council shall be the development authority for the Summer Village of Sunrise Beach.
- (2) For the purposes of the Act, the Development Authority is hereby declared to be an authorized person.
- (3) The Development Authority shall:
  - (a) receive, consider and decide on applications for a development permit; and
  - (b) make available for inspection during regular municipal office hours:
    - i) a copy of this Bylaw as amended, and
    - ii) a register of all applications including the decisions rendered on them and the reasons therefore; and
  - (c) ensure that the copies of this Bylaw can be purchased by the public at reasonable cost; and
  - (d) carry out his duties as prescribed in the Act with regard to appeals or designate a person to do the same; and
  - (e) perform such duties as established to enforce this Bylaw in conformance with the Act.



## **PART III - CONTROL OF DEVELOPMENT**

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### **SECTION 6 DEVELOPMENT PERMIT REQUIRED**

No development other than that designated in Section 7 shall be undertaken within the Municipality unless an application for it has been approved and a development permit and a building permit have been issued.

### **SECTION 7 WHERE A DEVELOPMENT PERMIT IS NOT REQUIRED**

The following developments shall not require a development permit but must otherwise conform to all other provisions of this Bylaw:

- (a) The maintenance or repair of any building provided the work does not include structural alterations;
- (b) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer;
- (c) The completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (d) Hard-surfacing of any yard area on a lot for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties;
- (e) The erection of towers, satellite dishes, electronic equipment, flag poles 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;
- (f) Landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- (g) A garden tool shed in the rear of the residential parcel, with such a building not to exceed 9.3m<sup>2</sup> (100.0 ft.<sup>2</sup>) in floor area and 2.5m (8.0 ft.) in height and is in conformity with the other provisions of this Land Use Bylaw.

- (h) The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
  - i) such signs are removed within seven (7) days of the election date, and
  - ii) the consent of the property owner or occupant is obtained, and
  - iii) such signs do not obstruct or impair vision or traffic, and
  - iv) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (i) The erection of a gate or fence which is no higher than 1.83 m (6.0 ft) in height provided that there is not contravention of this or any other Bylaw of the municipality and provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of persons using roads abutting the parcel; or
- (j) One sign on internal lots or two signs on corner lots advertising a residential property for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed fourteen (14) days after the sale or rental agreement has been entered into. Such signs shall be a maximum of 0.6 m<sup>2</sup> (6.4 ft<sup>2</sup>) and shall be placed or erected no closer than 3.0 m (10.0 ft) to a public right-of-way.

## **SECTION 8 APPLICATION FOR DEVELOPMENT PERMIT**

- (1) An application for a development permit shall be made to the Development Officer in writing on the application form (Form A) as prescribed within the schedules forming part of the Bylaw, and shall:
  - (a) be accompanied by a fee set by Council;
  - (b) be signed by the registered owner or their agent where a person other than the owner is authorized by the owner to make application;
  - (c) state the proposed used or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and

- (d) at the discretion of the Development Officer, include site plans or Real Property Report in duplicate at a satisfactory scale showing any or all of the following:
- i) Front, side and rear yards;
  - ii) Outlines of the roof overhangs on all buildings;
  - iii) North point;
  - iv) Legal description of the property;
  - v) Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, onsite water and sewage systems, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
  - vi) Location of water and sewer systems on adjacent properties;
  - vii) The grades of the adjacent streets and lanes;
  - viii) The exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
  - ix) The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable;
  - x) On a vacant parcel in a 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;
  - xi) Any other information or tests respecting the site or adjacent lands which is pertinent to an assessment of the conformity of the proposal to this Bylaw and any other Bylaws or resolutions of Council dealing with development;
- (2) Any of the above requirements may be waived by the Development Officer, based on the type of development which is being proposed and relevant planning considerations; and
- (3) The Development Officer may require the applicant to provide written authorization to enter upon the subject property to verify compliance of all existing and proposed development with this Bylaw.
- (4) The Development Officer may require an irrevocable letter of guarantee or an irrevocable letter of credit from the developer to secure performance of any of the conditions of a development permit.

- (5) The Development Officer may impose such conditions on the approval of an application as, in his opinion are necessary,
- (a) to uphold the intent and objectives of an area structure plan or area redevelopment plan, or
  - (b) to ensure the orderly and economical development of land within the municipality.
- (6) Notwithstanding Subsection (5), the Development Officer may approve or conditionally approve an application for a development that does not comply with this Bylaw if, in his opinion,
- (a) the propose 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 properties, and
    - iii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development or both; and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (7) The Development Officer may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement with Council to do all or any of the following:
- (a) To construct or pay for the construction of:
    - i) a public roadway required to give access to the development, or
    - ii) a pedestrian walkway system to serve the development; or
  - (b) To install or pay for the installation of utilities that are necessary to serve the development; or
  - (c) To construct or pay for the construction of:
    - i) off-street or other parking facilities, and
    - ii) loading or unloading facilities; or
  - (d) To pay off-site levy or redevelopment levy imposed by bylaw.

- (8) Where an application for a development permit is approved with conditions, the Development Officer may, before issuing the Development Permit, require the applicant or owner of the land affected by the development permit to enter into an agreement with the Municipality to ensure compliance with the condition and such an agreement may be protected by Caveat registered by the Municipality.
- (9) In the case where an applications for a Development Permit has been refused pursuant to this Bylaw, by the Appeal board, or the Alberta Court of Appeal, the submission of another application for a development permit on the same property for a same or similar use may not be accepted by the Development Officer for at least six months after the date of the previous refusal.
- (10) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be deemed to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.

## **SECTION 9 SAME OR SIMILAR USES**

The uses which are listed in the permitted and discretionary uses columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Officer may deem that the proposed use conforms to the spirit and intent of the purpose of the land use district and is deemed similar to other uses allowed in that land use district. Notwithstanding, all uses defined as “same or similar uses” shall be discretionary.

## **SECTION 10 DEVELOPMENT PERMIT REFERRALS**

The Development Officer may refer any matter regarding a proposed development for comments to any department or agency that the Development Officer deems necessary. Notwithstanding any other provisions of this bylaw, all variance requests will be directed to council for their review and comment.

## **SECTION 11 NOTICE OF PROPOSED DEVELOPMENT**

- (1) A development permit does not come into effect until fourteen(14) days after a notice of its issuance appears through one or more of the following:
  - (a) a notice published in a locally circulated newspaper,
  - (b) a notice placed conspicuously on the subject property, or
  - (c) a notice provided through mailing to affected person(s) including adjacent landowners.



- (2) When an appeal is lodged against a notice of decision or a decision of the Appeal Board, a granted development permit shall not come into affect until the appeal has been determined and the decision for the subject permit has been revoked, amended, or confirmed.

## **SECTION 12 NON-CONFORMING DEVELOPMENT**

- (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 (6) consecutive months or more, any future use of the land or building shall conform with the regulations of the Land Use Bylaw then in effect.
- (2) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

## **SECTION 13 NOTICE OF DECISION**

- (1) A development permit does not come into effect until fourteen (14) days after a notice of its issuance appears through one or more of the following:
  - (a) a notice published in a locally circulated newspaper,
  - (b) a notice placed conspicuously on the subject property, or
  - (c) a notice provided through mailing to affected person(s) including adjacent landowners.
- (2) Where an appeal is lodged against a notice of decision or a decision of the Appeal Board, a granted development permit shall not come into affect until the appeal has been determined and the decision for the subject permit has been revoked, amended, or confirmed.

## **SECTION 14 EFFECTIVE DATE OF PERMIT**

- (1) Where an appeal on a permit granted pursuant to this Bylaw can be considered by the Appeal Board or Alberta Court of Appeal, the permit does not come into effect until fifteen (15) days after the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is at the risk of the applicant.
- (2) Where an appeal is made to the Appeal Board a development permit which has been granted shall not come into effect until a decision on the appeal has been rendered which would allow the issuance or refusal of the permit.

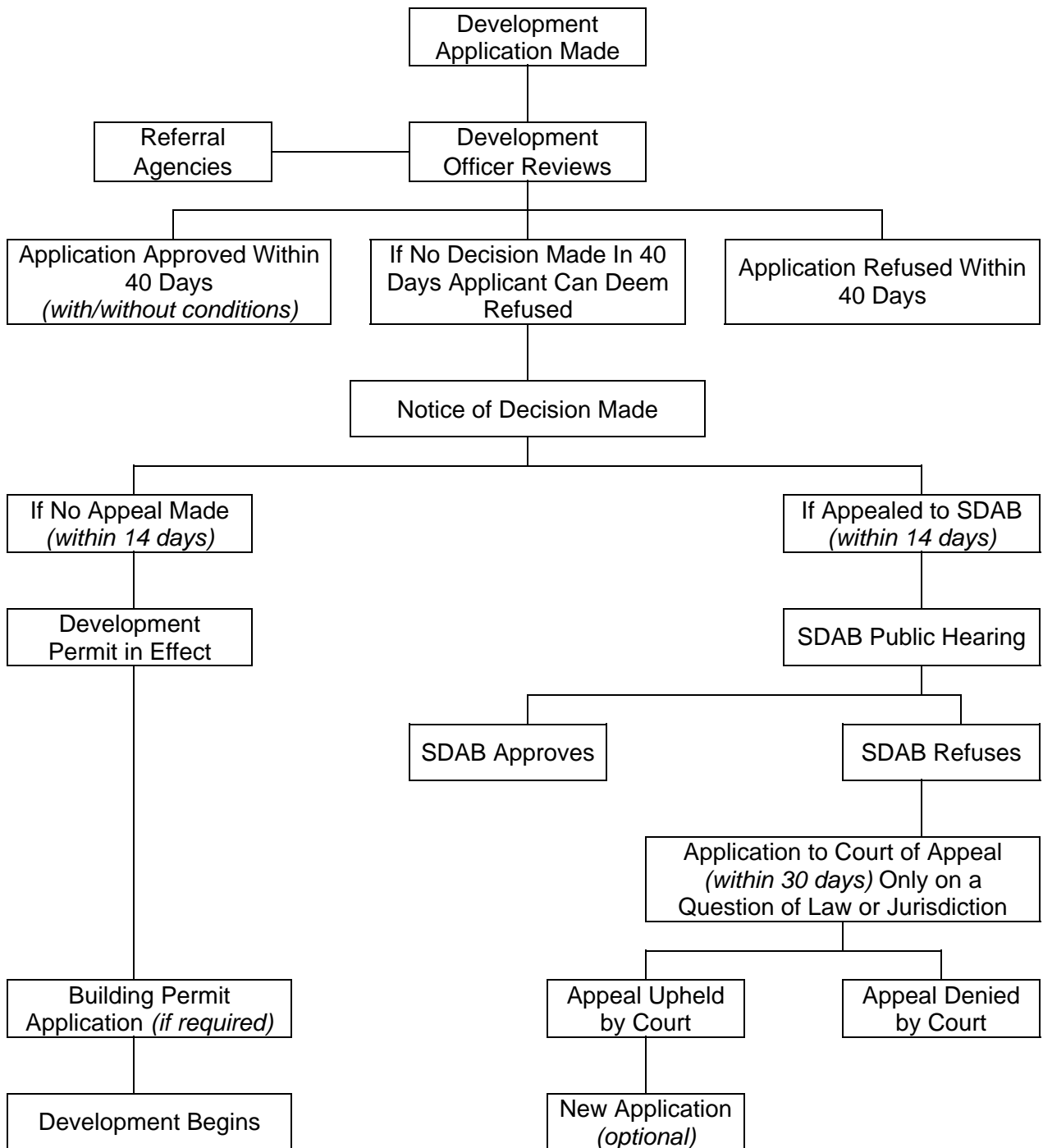
## **SECTION 15    CONDITIONS OF DEVELOPMENT PERMIT**

- (1) A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building and electricity, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- (4) The Development Officer may require a surveyor's certificate relating to the building for which a permit is applied for.

## **SECTION 16    TEMPORARY DEVELOPMENT PERMIT**

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

## DEVELOPMENT PERMIT PROCESS



Note: This diagram is not adopted as part of this Bylaw.

## **PART IV - APPEAL AND AMENDMENT**

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### **SECTION 17 APPEAL BOARD**

- (1) The Appeal Board (Subdivision and Development Appeal Board) for the Summer Village of Sunrise Beach, as established by Bylaw, shall perform the duties and functions described in the Municipal Government Act.
- (2) The Appeal Board shall review all applications for development appeal, stop order appeal, and subdivision appeal.

### **SECTION 18 AMENDMENT AND VALIDITY OF BYLAW**

- (1) This Bylaw and any amendment thereto shall be enacted in conformance with the Act and any Statutory Plans as adopted or amended.
- (2) When application is made to the Council for an amendment to this Bylaw, it shall be accompanied by:
  - (a) an application fee, to be determined by Council,
  - (b) the cost of advertising for the public hearing, which is to be borne by the applicant, and
- (c) Council may determine that the whole or part of the application fee and advertising cost shall be returned to the applicant.



## **PART V - ENFORCEMENT, PENALTIES AND FINES**

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### **SECTION 19 UNAUTHORIZED DEVELOPMENT, BYLAW ENFORCEMENT AND PERMIT VALIDITY**

- (1) A development permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site.
- (2) A development, once commenced, is not to be discontinued or suspended for a period(s) totaling more than six (6) months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained, the development permit shall be considered to have lapsed.
- (3) If, at any time while this Bylaw is in effect, it appears expedient to the Council (upon finding that a permit has been approved by fraud or misrepresentation), the Council may suspend or revoke the original approval.
- (4) In the case of suspension pursuant to Subsection (3), if and when the development has been modified to comply with the original and intended approval, the Council may authorize the resumption of the development.
- (5) A person who,
  - (a) contravenes any provision of this Bylaw;
  - (b) fails to comply with any provision or requirement of this Bylaw;
  - (c) contravenes a development permit, stop order or fails to comply with a condition attached thereto;
  - (d) obstructs or hinders any person in the exercise or performance of his powers or duties under this Land Use Bylaw.

Is guilty of an offense and is liable on summary conviction to a fine as prescribed under the provisions of the Act.
- (6) If a person is found guilty of an offense under this Bylaw, the Alberta court of Appeal may, in addition to any other penalty imposed, order the person to comply with :
  - (a) the Act and the regulations under the Act,
  - (b) this Bylaw,

- (c) an order under the Act or this Bylaw,
- (d) a development person or subdivision approval attached to a development permit or subdivision approval.

## **PART VI GENERAL REGULATIONS**

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### **SECTION 20 POLLUTION CONTROL**

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, vibration, dust and other particulate matter, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam.
- (2) Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lake shore shall be prohibited.
- (3) Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

### **SECTION 21 FENCING**

- (1) No fence, wall, or hedge in a residential district shall be:
  - (a) higher than 3 feet in front yards, site triangles, and lakefront yards;
  - (b) higher than 6 feet in side and rear yards.
- (2) Fences in a non-residential district which do not conform to the standards described in 1(a) and (b) shall require a development permit.
- (3) Height of fences to be determined based upon view from the facing side.
- (4) All fences to be constructed with posts on the inside (facing side) of fence.
- (5) All fences to be consistent with fences on neighbouring properties.
- (6) Electrified or barbed wire fences will be permitted in a non-residential district at the discretion of the development officer.

### **SECTION 22 MOBILE HOMES**

Mobile Homes and Modular Units of any kind are not allowed to be placed on any lot within the corporate boundaries of the Summer Village of Sunrise Beach.



## **SECTION 23 OBJECTIONABLE ITEMS IN YARDS**

- (1) Garbage shall be stored in weather and animal proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup.
- (2) Outside storage areas shall be screened from adjacent sites and thoroughfares.
- (3) No person shall keep or permit in any part of a yard in any residential district:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days, or
  - (b) any vehicle weighing in excess of 45 000 kg (99 000 lbs) gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle, or
  - (c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district, or
  - (d) 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 must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
  - (e) Use of railway ties in any form of development, or
  - (f) Fences created with cable, barbed wire, chains.

## **SECTION 24 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS**

Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin installation of the services until the Development Officer is satisfied that such services or improvements will be undertaken.

## **SECTION 25 UTILITY EASEMENTS**

Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

- (1) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and

- (2) written consent has been obtained from the person for whose use the easement has been granted.

## **SECTION 26 SITE GRADING**

In all cases, site grades shall be established with regard to preventing drainage from one site to the next except where drainage conforms to an acceptable local or subdivision drainage plan which has been approved by Council.

## **SECTION 27 BUILDING ATTACHED TO PRINCIPAL BUILDINGS**

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

## **SECTION 28 CORNER SITES (SITE TRIANGLES)**

- (1) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres (20 feet) from the point where they intersect.
- (2) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 metres (3 feet) in height above the lowest street grade adjacent to the intersection.
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 metres (2 feet) within the area defined as a sight triangle.
- (4) When a lot has more than one front yard line (corner lot), the front yard required shall apply to all front yards, but, at the discretion of the Development Officer, one front yard may be considered a side yard.

## **SECTION 29 PROJECTIONS OVER YARDS**

- (1) Attachments to buildings such as eaves, chimneys, cornices, etc. shall be regarded as part of the main building for the purpose of setbacks from the property lines.
- (2) No eave of an accessory building shall be closer than 0.9m (3 ft.) to any property line, with the structure of any accessory building being no closer than 0.91m (3 ft.) from any property line.

## **SECTION 30 RELOCATION OF BUILDINGS**

- (1) No person shall:
  - (a) place on a lot a building which has previously been erected or placed on a different lot, or
  - (b) alter the location of a building which has already been constructed on that lot, unless the Development Officer approved the placement or alteration.
  - (c) Notwithstanding any other provision of this Bylaw, no mobile homes or manufactured homes may be moved into the corporate boundaries of the Summer Village of Sunrise Beach after September 1, 2011.
  
- (2) Approval shall not be granted under Subsection (1) unless the Development Officer is satisfied that:
  - (a) the placement or location of the building would meet the requirements of this Bylaw, and
  - (b) the building and the lot meet the requirements of this Bylaw and the Land Use District in which it is proposed to be located.

## **SECTION 31 GARAGES AND ACCESSORY BUILDINGS**

- (1) One garage and one storage shed or guesthouse may be built on any lot provided that:
  - (a) all required yards and setbacks are maintained,
  - (b) the total floor area of all accessory buildings does not exceed 93.0 m<sup>2</sup> (1000.0 ft<sup>2</sup>).
  - (c) the total floor area of all buildings does not exceed 30% of the area of the lot,
  - (d) no building shall have less than 1.2m clearance from all other buildings.
  - (e) in the case of lake-front lots, all accessory buildings except boathouses shall be located in the rear yard and the rear half of the lot,
  - (f) in the case of other lots, all accessory buildings shall be located in the rear yard and in the rear half of the lot,

- (g) a boathouse may be built on any lake-front lot provided that the boathouse is located to the satisfaction of the Development Officer,
  - (h) all buildings shall be fixed to the ground,
  - (i) where a garage is used to house a vehicle and where the door faces the roadway, the garage shall be set back 6.1 m (20.0 ft), and
  - (j) garages will be limited to a maximum of two storeys and shall not exceed 4.6 m (15.0 ft).
  - (k) No closer than the front line of the principal building. This regulation may be relaxed for garages and carports only where, at the discretion of the Development Officer, insufficient setbacks exist to place the building in the rear of the yard. In no case however, shall the building encroach beyond the front yard setback.
- (2) (a) No eave of an accessory building shall be closer than 0.91 metres (3.0 feet) to any property line, with the structure of any accessory building being no closer than 0.91 metres (3.0 feet) from any property line.
- (b) An accessory building shall be located in a manner that its side yard is not less than the side yard of the main building on the lot.

## **SECTION 32 ACCESSORY USES**

### (1) Lakeshore Accessory Use:

- (a) Prior to the issuance of a development permit for a lakeshore accessory use, the Development Officer may require a site plan giving information as to exact location in relation to property lines, architectural appearance, construction, materials, standards and access.
- (b) Any lakeshore accessory use which lies only partially within the Summer Village and therefore extends beyond the corporate boundaries of the Summer Village, shall require a development permit for that portion within said corporate boundary.

### (2) Guesthouses:

A guest house shall contain rooms for sleeping accommodation only and if additional rooms or facilities for other than sleeping are contained therein it shall be considered and evaluated as a principal residential dwelling.

## **SECTION 33 DEVELOPMENT ON LANDS CONTAINING A HIGH-WATER TABLE**

- (1) Residential development or any development generating sewage effluent shall not occur on lands containing a high-water table unless and until satisfactory arrangements are made to provide adequate fill or trenching so as to lower the water table to a suitable level. In this respect the Development Officer may require testing to confirm that the water table has been suitably lowered.
- (2) The Development Officer may refer to Alberta Environmental Protection and Alberta Labour for their comments prior to issuing a development permit for filling or trenching for assistance in assessing any water table results.

#### **SECTION 34 BUILDING APPEARANCE**

The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Officer.

#### **SECTION 35 SEWAGE DISPOSAL**

- (1) A development permit shall be required for construction of a sewage collection system.
- (2) No development permit shall be issued for any building or use unless and until the Development Officer is satisfied that the sewage collection system is satisfactory, and any method of sewage disposal shall have provision for collecting gray-water waste.
- (3) The Development Officer will require the approval of any plans or installation standards for an on-site sewage collection system by Alberta Labour - Plumbing Inspection Branch prior to issuing a development permit.
- (4) Every residential dwelling shall provide an on-site sewage collection system consisting of a sealed CSA approved impermeable holding tank of a minimum of 180 litres (475 gallons) capacity.

#### **SECTION 36 WATER SUPPLY**

All wells and potable water cisterns shall require a development permit and shall be excavated in conformance with the Alberta Labour standards and all such other regulations which may apply to their construction.

#### **SECTION 37 MOVED-IN BUILDINGS**

- (1) All development permits for moved in buildings shall be directed to Council for their review, comment, and direction.

- (2) Any person making application to move an existing building onto a lot as a main or accessory building shall:
  - (a) make an 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.
- (3) 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.
- (4) The Development Officer 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) If these works are to be done after the building is moved onto the proposed site, the Development Officer may require that a performance bond be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not done.
- (6) 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.

### **SECTION 38 TEMPORARY LIVING ACCOMMODATION**

- (1) No recreational vehicle (holiday trailers, motor homes, campers or tent trailers) may be situated on a parcel and occupied for more than fourteen (14) consecutive days unless issues a development permit by the Development Officer.
- (2) A permit for temporary living accommodation shall be at the discretion of the Development Authority who shall consider the concerns of adjacent land owners and the nature of the development on adjacent lands.
- (3) At no time may more than two (2) recreational vehicles be parked on a parcel as a temporary living accommodation for a period in excess of 4 consecutive days unless otherwise approved by the Development Officer or Council;

- (4) The above Section 38(3) does not apply to recreational vehicles, that are not occupied and which are not located on a developed parcel for the purpose of storage.
- (5) At no time are R.V.'s to be parked on Summer Village property and used as a temporary or permanent place of residence.

### **SECTION 39 BUILDING EXTERIORS**

- (1) The exterior finish on all buildings shall be of permanent material satisfactory to the Development Officer.

### **SECTION 40 STAGING OF CONSTRUCTION OF RESIDENTIAL DWELLINGS**

- (1) At the discretion of the Development Officer, a dwelling may be constructed in stages over a given period of time exceeding one (1) year provided that the applicant submits as part of the application for a development permit information as to the anticipated commencement and completion date and construction staging of the project.
- (2) The development permit shall be issued subject to the condition that it remains in effect for a specified time period only, the date to be based on the anticipated completion date of construction, at which point the permit shall expire.
- (3) In the event that construction of the dwelling is not completed within the effective time period of the development permit the development shall be deemed to be in contravention of that development permit and the Land Use Bylaw whereby the Development Officer may:
  - (a) issue another development permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or
  - (b) consider the issuance of a stop order regarding the proposed development.

### **SECTION 41 NUMBER OF OFF-STREET PARKING STALLS REQUIRED**

- (1) A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of

parking stalls or loading spaces required on the total site for which the addition or change in use is proposed.

(2) The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

- |     |   |   |
|-----|---|---|
| (a) | <u>Residential Single Detached Dwelling</u>               | 2 spaces per dwelling.  |
| (b) | <u>Commercial Retail, Business, Public Administration</u> | 1 space per 100.0 m <sup>2</sup> of leasable area.  |
|     | Eating Establishments                                     | 1 space per four seating spaces.  |
|     | Hotels, Motels  | 1 space per sleeping unit.  |
| (c) | <u>Institutional Place of Worship</u>                     | 1 per 7.5 seating spaces or 1 per 7.0 m <sup>2</sup> (75.0 ft <sup>2</sup> ) used by the patrons. |
|     | Schools   | 1 space per school hour employee.   |
| (d) | <u>Boat Launches</u>                                      | As required in Subsection (3).  |

(3) Boat launches shall require a minimum of five parking spaces or such greater number as required by the Development Officer based on the size and frequency of use of the launch. Further, boat launch parking areas shall require curbs, markings and landscaping to the satisfaction of the Development Officer.

(4) Where, in the opinion of the Development Officer, municipal parking facilities have previously been provided to specifically serve a proposed project, the number of parking stalls required on a site pursuant to Subsection (2) may be reduced accordingly.

(5) The number of parking stalls required may be reduced where, in the opinion of the Development Officer, the parking required by various users on a site will vary according to time so that all needs as defined in this Bylaw can be met at any given time by a reduced number of stalls.

(6) In the case of a use not specified in Subsection (2), the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.

(7) Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Subsection (2).



- (8) Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- (9) No development shall be permitted unless all parking needs are accommodated on site.

## **SECTION 42 HOME OCCUPATIONS**

- (1) Home occupations shall be limited to those areas which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home occupations shall not be a primary use of the residential building, or garage, and shall not:
  - (a) involve the storage of goods in the public view, a change in appearance of the residence or its accessory buildings, unless approved by the Development Officer,
  - (b) require alterations to the building unless the alterations area approved by the Development Officer, and
  - (c) shall not employ any employees who do not reside on-site.
- (2) Development approval for home occupations business signage shall be at the discretion of the Development Officer.
- (3) Home occupations shall initially be approved for a period not exceeding one year. At that time, the application may be extended at the discretion of the Development Officer, for the period of time that the property is occupied by the Applicant whom the home occupation was approved for.
- (4) All permits for home occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighborhood.
- (5) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.

### Bed and Breakfast Operations

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 7 of this Bylaw.

- (6) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Summer Village of Sunrise Beach.
- (7) A bed and breakfast operation shall be limited to the residential land use districts and shall be contained entirely within the principal building.
- (8) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (9) In addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in this Bylaw, 1(one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

#### **SECTION 43 POTENTIAL FLOOD HAZARD AREAS**

- (1) Development on land which may be subject to flooding may be discouraged, especially on lands which are within the 1:100 year flood-plain, as determined by Alberta Environmental Protection and the Summer Village.
- (2) Any development permit issued development within the 1:100 year flood-plain may have as a condition of approval, a restricted covenant registered against the title of the subject property related to the approved development.
- (3) In reviewing a development permit application for a development on a site which may be subject to flooding or that is located in a designated flood-plain, the Development Officer may consider flood damage reduction measures and may approve the proposed development subject to any or all of the following:
  - I. the usage of piles, posts, or piers to raise the development above the identified flood level;
  - II. “wet flood proofing” standards which allow basements to be flooded without significant damage to the structure;
  - III. other flood damage reduction measures as approved by Canada Mortgage and Housing Corporation;

- IV. diking of the watercourse;
  - V. increased development setbacks from the watercourse;
  - VI. specification of specified development locations and/or orientations;
  - VII. the usage of back-flow prevention valves (stop valves);
  - VIII. any other flood measures deemed necessary by the Development Officer;
  - IX. a certificate from a qualified professional engineer certifying that the design for the proposed development was undertaken with full knowledge of the potential for flooding on the subject property; and
  - X. comments and recommendations from Alberta Environmental Protection.
- (4) In flood hazard areas, new development shall not be allowed unless it complies with the Canada Mortgage and Housing Corporation standards for flood-proofing of buildings.
  - (5) Development in areas with a potential to be flooded may have, at the discretion of the Development Officer, a restrictive covenant related to the approved development registered against the certificate of title of the subject property.
  - (6) Development on lands which have a gross slope in excess of 15% shall be accompanied by a site plan designed and approved by a professional engineer.

#### **SECTION 44 ENVIRONMENTALLY SENSITIVE LANDS**

- (1) Development on lands which are designated or deemed by the Development Officer to be environmentally sensitive shall be discouraged.
- (2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
  - (a) the impact of the proposed development on the subject and surrounding area;
  - (b) the soil types and conditions of the area surrounding the subject property;
  - (c) any information on the past history of the subject property and surrounding area from a geo-technical perspective; and
  - (d) comments and recommendations from Alberta Environmental Protection.

- (3) As part of the development permit application, the Development Officer may require a geo-technical study, prepared by a qualified geo-technical engineer, addressing the proposed development. The geo-technical study will establish building setbacks from property lines based upon land characteristics of the subject property.
- (4) The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:
  - (a) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
  - (b) the registration of a restrictive covenant against the certificate of title of the subject property related to the approved development.

#### **SECTION 45 LANDSCAPING**

Any area to be landscaped may, at the discretion of the Development Officer, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

#### **SECTION 46 KEEPING OF ANIMALS**

- (1) No person shall keep or permit to be kept in any part of the yard in any Summer Village Residential District:
  - (a) animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
  - (b) any pets or domestic animals on a commercial basis, except for an approved pet store or kennel.

#### **SECTION 47 SIGNS**

- (1) No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

- (3) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a Development Permit, provided that no such signs are illuminated:
  - (a) signs for the purpose of identification, direction, and warning;
  - (b) signs related to a person, partnership or company carrying on a profession, business or trade;
  - (c) signs related to an institution of a religious, educational, cultural, recreational, or similar character; provided that the sign does not exceed a maximum of 3.7 m<sup>2</sup> (12 ft<sup>2</sup>) and is limited to one such sign per lot; and
  - (d) advertisements in relation to the function of public or quasi-public bodies.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign.
- (5) All advertisements shall be kept in a clean, safe, and tidy condition.
- (6) Signs related to home occupations shall be limited to 1.0 ft.<sup>2</sup> and must be attached to the respective residence.
- (7) No signs or advertising structures of any kind shall be permitted adjacent to a highway unless the prior approval of the local road authority has been obtained.
- (8) Signs to be placed on a lot on a temporary basis shall be subject to a separate bylaw adopted by the Summer Village of Sunrise Beach.

# PART VII - THE ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

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## SECTION 48 LAND USE DISTRICTS

The municipality is hereby divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R	Residential District
C	Commercial District
P	Recreational District
UR	Urban Reserve District

## SECTION 49 LAND USE DISTRICT MAP

- (1) Land use districts specified under Section 45 are described in the short form on the LAND USE DISTRICT MAP.
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following rules shall apply:
  - (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
    - i) the parcel boundaries, or
    - ii) the municipal boundaries.
  - (b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.
  - (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the Certificate of Title or the plan of survey when registered in a Land Titles Office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

## SECTION 50 R - RESIDENTIAL DISTRICT

### (1) Primary Purpose of District

The primary purpose of this District is to provide for low density stick-built dwellings and modular homes in a lake shore setting.

### (2) Permitted Uses

- **S**ingle detached dwelling
- **M**odular home
- **P**ublic park

### Discretionary Uses

- **A**ccessory use - home occupation
- **P**ublic utility building and operation
- **A**ccessory building
- **H**ome occupation
- **H**olding tank
- **W**ell

### (3) Dwelling Density

No more than one single detached dwelling or modular home may be established on a lot.

### (4) Site Requirements

(a) Coverage of all buildings shall not exceed 30% of the total site area.

(b) Minimum floor area per dwelling unit (not including attached garage) 74.3 m<sup>2</sup> (800.0 ft<sup>2</sup>).

(c) Maximum Height:

The height of structures shall be at the discretion of the Development Officer, but shall not exceed the maximum height that can be effectively serviced by the fire authority.

### (d) Minimum Front Yard Setback:

Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.0 m (22.9 ft).

### (e) Minimum Side Yard Setback:

(a) Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft) and 2.3 m (7.5 ft) for buildings 7.6 m (24.9 ft) or more in height.

(b) Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft) except where an attached garage or carport is provided.

(f) Minimum Rear Yard Setback:

A rear yard setback shall be provided of not less than 8.0 m (26.2 ft)."

(g) Length to Width Ratio

No Dwelling in this district shall have a length to width (or width to length) ratio of greater than 2.0:1. This rule shall not apply to those portions of a dwelling which are deemed by the development authority to be either deck or attached garage.



## SECTION 51 C - COMMERCIAL DISTRICT

(1) Primary Purpose of District

This primary purpose of this District is to allow for the development of commercial and associated uses to service the community.

(2) Permitted Uses

- Retail store
- Eating establishment
- Personal service shop
- Service station
- Motel and hotel
- Public use
- Accessory building and use

Discretionary Uses

- Day care facility
- Drive in
- Dwelling attached to a commercial use
- Recreational use
- Clubhouse or lodge
- Recreation vehicle park
- Church
- Holding tank
- Well

(3) Site Coverage

Coverage of all buildings shall not exceed 50% of the total site area.

(4) Minimum Front Yard Setback

Minimum setback 8.0 m (26.2 ft).

(5) Minimum Side Yard and Rear Yard Setbacks

1.5 m (4.9 ft) when adjacent to a residential district.

(6) Adjacent Developments

The design, siting, landscaping, screening and buffering of all developments shall minimize and compensate for any environmental problems or objectionable aspects imposed upon or occurring from existing or potential development in abutting districts.

## SECTION 52 P - RECREATIONAL DISTRICT

### (1) Primary Purpose of District

The primary purpose of this District is to provide land for the development of recreational pursuits for the use and enjoyment of the residents of and visitors to the Summer Village of Sunrise Beach.

### (2) Permitted Uses

- **R**ecreational use
- **C**hurch
- **P**ublic use
- **A**ccessory building and use

### Discretionary Uses

- **R**ecreation vehicle park
- **H**olding tank
- **W**ell

### (3) Development Regulations

All site regulations shall be at the discretion of the Development Officer. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibilities with development in abutting districts.

### (4) Parking and Loading

The provision for parking and loading shall be at the discretion of the Development Officer except as otherwise specified within this Bylaw.

## **SECTION 53 UR - URBAN RESERVE DISTRICT**

### **(1) Primary Purpose of District**

This primary purpose of this District is to reserve for urban development, those areas of the municipality which are rural in character and may be developed for urban uses in the future.

### **(2) Permitted Uses**

- **E**xtensive agriculture
- **P**ublic park
- **S**mall animal breeding and boarding establishment
- **P**ublic use
- **G**reenhouse or plant nursery
- **S**ingle detached dwelling
- **A**ccessory building or use
- **H**ome occupation
- **M**odular Home

### **Discretionary Uses**

- **N**atural resource development
- **R**ecreational use
- **R**ecreation vehicle park
- **E**xtensive livestock
- **H**olding tank
- **W**ell

### **(3) Development Regulations**

- (a) Minimum side yard, rear yard and front yard setbacks shall be at the discretion of the Development Officer.
- (b) The Development Officer may specify the length of time a use is allowed to remain in this District having regard to the servicing and future development of land.



**SCHEDULE “A”**

**FORMS**





# Summer Village of Sunrise Beach Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4  
Phone (780) 718-5479 Fax (866) 363-3342  
Email: [pcm1@telusplanet.net](mailto:pcm1@telusplanet.net)

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## DEVELOPMENT PERMIT APPLICATION FORM

Application No: \_\_\_\_\_

Permit Fee: \_\_\_\_\_ **Make Cheque Payable to: Tony Sonnleitner**

### **SECTION 1: GENERAL INFORMATION** (completed by all permit applicants)

Applicant \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Owner of Land \_\_\_\_\_  
(if different from above)

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

Interest of Applicant (*if not the Owner*) \_\_\_\_\_  
\_\_\_\_\_

### **SECTION 2: PROPOSED DEVELOPMENT** (completed by all permit applicants)

I/We hereby make application for a Development Permit in accordance with the plans and supporting information submitted.

A brief description of the proposed development is as follows:

Estimated cost of Development \_\_\_\_\_

Legal Description Lot(s) \_\_\_\_\_

Block(s) \_\_\_\_\_

Plan \_\_\_\_\_

Quarter Section \_\_\_\_\_

Street Address \_\_\_\_\_

Estimate Commencement Date \_\_\_\_\_

Estimate Completion Date \_\_\_\_\_

**SECTION 3: SITE REQUIREMENTS** (does not need to be completed if applying only for a permit of sign)

---

Land Use District \_\_\_\_\_

Permitted Use \_\_\_\_\_ ( ) \_\_\_\_\_

Discretionary Use \_\_\_\_\_ ( ) \_\_\_\_\_

**PRINCIPAL BUILDING**

	Proposed	*Bylaw Requirements	*Conforms to Bylaw Requirements (Yes or No)
(1) Area of Site	_____	_____	_____
(2) Area of Building	_____	_____	_____
(3) % Site Coverage by Building	_____	_____	_____
(4) Front Yard Setback	_____	_____	_____
(5) Rear Yard Setback	_____	_____	_____
(6) Side Yard Setback	_____	_____	_____
(7) No. of Off-Street Parking Spaces	_____	_____	_____
(8) Height of Building	_____	_____	_____

Other Supporting Material Attached (e.g., site plan, architectural drawing)

---

**ACCESSORY BUILDINGS, ETC.**

	Proposed	*Bylaw Requirements	*Conforms to Bylaw Requirements (Yes or No)
(1) Area of Site	_____	_____	_____
(2) Area of Building	_____	_____	_____
(3) % Site Coverage by Building	_____	_____	_____
(4) Front Yard Setback	_____	_____	_____
(5) Rear Yard Setback	_____	_____	_____
(6) Side Yard Setback	_____	_____	_____
(7) No. of Off-Street Parking Spaces	_____	_____	_____
(8) Height of Building	_____	_____	_____

Other Supporting Material Attached (e.g., site plan, architectural drawing)

---

***\*To be completed by Development Officer.***



**SECTION 4: SIGN INFORMATION** (This section only needs to be completed if a sign is being proposed)

---

Check One: Permanent  Temporary

Nature of Sign \_\_\_\_\_ Length \_\_\_\_\_ Height \_\_\_\_\_  
Area in Square Footage \_\_\_\_\_ Type of Support \_\_\_\_\_

Electrical: Yes  No  Flashing or Animated: Yes  No

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_ Quarter Section \_\_\_\_\_

Applicants Interested:  Owner of Building  
 Owner of Land Where Sign is Proposed

---

*TO BE COMPLETED BY APPLICANTS FOR PERMANENT SIGN ONLY*

Building Owner \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Occupancy of Building \_\_\_\_\_  
Number of Existing Signs \_\_\_\_\_

---

*TO BE COMPLETED BY APPLICANTS FOR PERMANENT SIGN ONLY*

The Lot is:  A Single Business Occupancy  
 A Multiple Business Occupancy

The sign is proposed to be displayed on the above site for \_\_\_\_\_ days.

Identification No. \_\_\_\_\_ Number of Existing Signs \_\_\_\_\_  
Sign Owners Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

I hereby understand that should the Land Use Bylaw or conditions of this permit be contravened my sign is liable to be impounded and that I shall be responsible for the payment of costs prior to the recovery of the sign from the Municipality.

---

**SIGN OWNER'S SIGNATURE**

**NOTE:** To be valid each application must be signed by the applicant, the sign owner, and the owner of the land (or his agent) upon which the sign is proposed to be placed.

**SECTION 5: AUTHORIZATION**

---

I, \_\_\_\_\_ am \_\_\_\_\_ the registered owner  
\_\_\_\_\_ authorized to act on  
behalf of the  
registered owner

and the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the Municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**SECTION 6: PROCESSING TIME LIMITS**

---

DATE OF ACCEPTANCE OF DEVELOPMENT/SIGN PERMIT APPLICATION FORM

---

*(to be completed by the development officer)*

Where a decision on this application is not made within forty (40) days if the date of acceptance specified above, you may:

- (a) consider this development application to be REFUSED by the Development Officer and appeal this decision to the Development Appeal Board within fourteen (14) days of the date of this refusal; or
- (b) obtain and complete an extension agreement available from the Development Officer to extend the forty (40) day decision period specified to allow the Development Office additional time to reach a decision.

## ADDITIONAL INFORMATION REQUIRED

PLEASE INDICATE BELOW THE TYPE OF SEWAGE DISPOSAL AND WATER SUPPLY TO BE USED ON THE DEVELOPMENT / SUBDIVISION.

<u>TYPE OF WATER SUPPLY</u>	
	DUGOUT
	WELL
	CISTERN & HAULING
	MUNICIPAL SERVICE
	OTHER (Please Specify)

<u>TYPE OF SEWAGE DISPOSAL</u>	
	SEWAGE HOLDING TANK
	SUB-SURFACE DISPOSAL / SEPTIC TANK
	ABOVE GROUND / SEPTIC TANK
	SEWAGE LAGOON
	OUTDOOR PRIVY
	MUNICIPAL SERVICE
	OTHER (Please Specify)

PLEASE INDICATE IF THE ABOVE IS: (A) EXISTING \_\_\_\_\_  
(B) PROPOSED \_\_\_\_\_

(If unsure please check with the local Health Unit or the Plumbing Inspection Branch)

## IMPORTANT NOTES

1. In addition to completing this application in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
  - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provisions for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
  - (b) a scaled floor plan and elevations where construction is proposed;
  - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances.
  - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-returnable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

# **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT NOTICE**

Please be advised that the information contained in your application for:

- Development permit approval
- Subdivision approval
- Re-Districting approval

Is being collected for the purpose of decision making by the Development Authority and the Subdivision Approving Authority. For this purpose, your application may be forwarded to the following people/organizations,

- ◆ Adjacent landowners
  - ◆ Utility Companies
  - ◆ Adjacent Municipality Municipal Offices
  - ◆ Government Departments
  - ◆ Statistics Canada
  - ◆ Other organizations as determined by New Era Municipal Services
  - ◆ Local newspaper for public advertisement

Under the authority of Sections 606, 640(1), 653(4) of the Municipal Government Act, Statutes of Alberta, Chapter M-26.1, as amended and the Subdivision and Development Regulation 212/95.

I, \_\_\_\_\_ have no objections to the above stated procedures being used in the review and decision making process for application no. \_\_\_\_\_.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

For more information contact:

Summer Village of Sunrise Beach  
Freedom of Information and Protection of Privacy Coordinator  
Comp. 63, Site 1, R.R. 1  
Onoway, Alberta  
T0E 1V0  
(780) 967-2873

**RIGHT OF ENTRY**

File No: \_\_\_\_\_

I authorize the Development Authority of the Summer Village of Sunrise Beach and other agencies as designated in Section 653(2) of the Municipal Government Act, 2000 to enter my land for the purpose of conducting a site inspection in connection with my application.

SIGNED: \_\_\_\_\_ Registered Owner

\_\_\_\_\_  
Registered Owner

DATE: \_\_\_\_\_

**Complete this section only if the applicant is NOT the owner of the property being subdivided.**

**AUTHORIZATION FORM**

File No: \_\_\_\_\_

I ( We ), \_\_\_\_\_, being the registered owner(s)  
( Name of Registered Owner(s) )

of \_\_\_\_\_, do hereby authorize  
( Legal Description of Land )

\_\_\_\_\_, to make application for  
( Individual or firm seeking application )

subdivision affecting the above lands.

SIGNED: \_\_\_\_\_ Registered Owner

\_\_\_\_\_  
Registered Owner

DATE: \_\_\_\_\_

**SCHEDULE “B”**

**LAND USE MAP**





# SUMMER VILLAGE OF SUNRISE BEACH LAND USE BYLAW NO. 71-1999

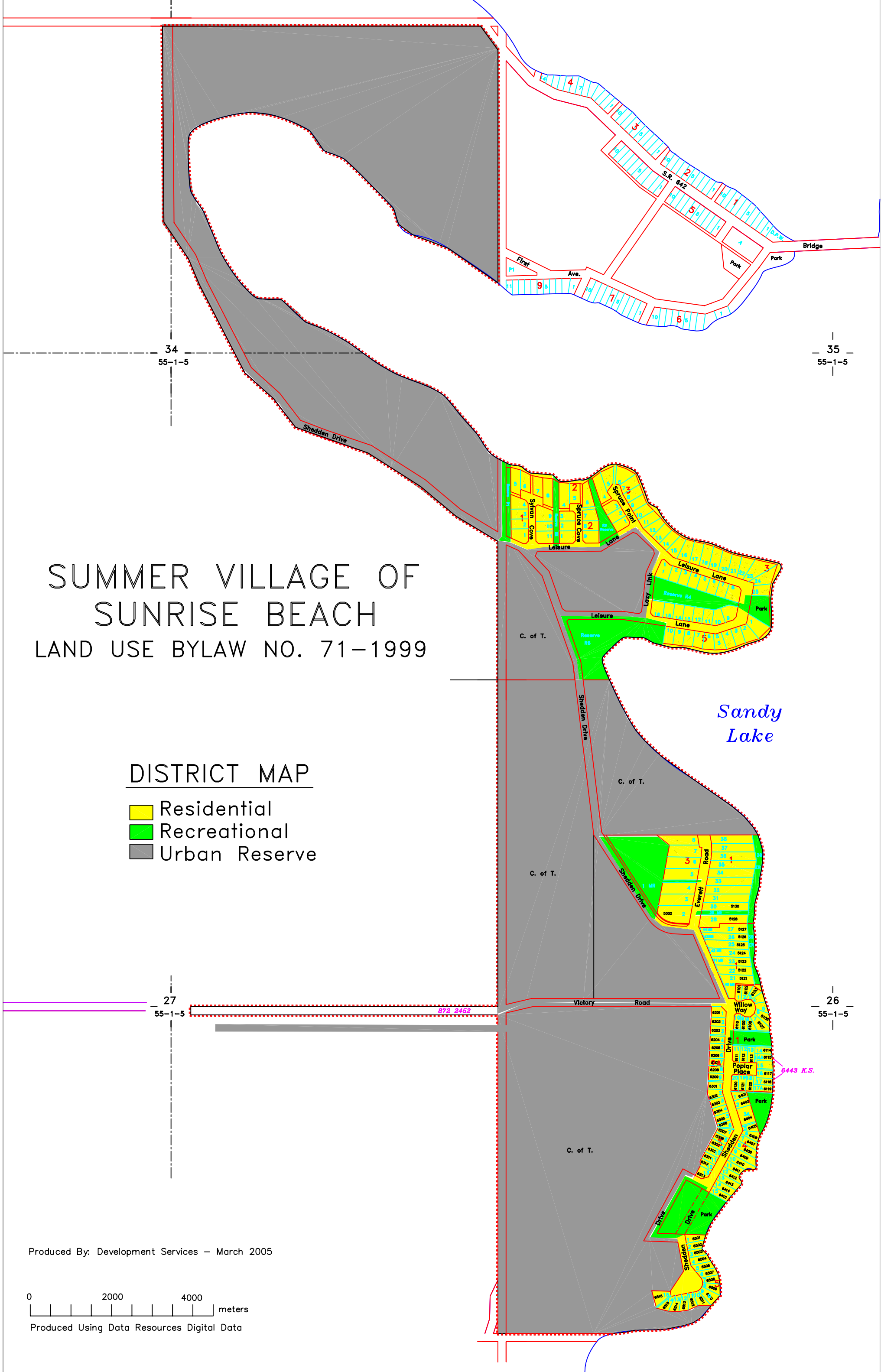
## DISTRICT MAP

- Residential
- Recreational
- Urban Reserve

Produced By: Development Services – March 2005

0 2000 4000 meters

Produced Using Data Resources Digital Data



34  
55-1-5

35  
55-1-5

27  
55-1-5

26  
55-1-5

872 2452

6443 K.S.

**SUMMER VILLAGE OF SUNRISE BEACH**

***LAND USE BYLAW  
NO. 71-1999***

*Prepared by New Era Municipal Services*

*January, 1999*

*Consolidated to September 1, 2011*



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**SCHEDULE "A" FORMS**

**SCHEDULE "B" LAND USE MAP**