

**MEWATHA BEACH LAND USE BYLAW
BYLAW NO. 01-08**

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**MEWATHA BEACH LAND USE BYLAW
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SECTION 1 – DEFINITIONS AND INTERPRETATION

1.1 Title:

This Bylaw is the **MEWATHA BEACH LAND USE BYLAW** and will be referred to as such.

1.2 Repeal and Replacement:

- (1) Bylaw No. 2/98 (the “Previous Land Use Bylaw”), is hereby repealed in its entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no application for a Development Permit shall be evaluated under the Previous Land Use Bylaw whether the application respecting same was received before the enactment of this By-Law or not.
- (2) Any other Bylaws of the Summer Village relative to the establishment and operation of a Development Appeal Board or a Subdivision and Development Appeal Board (the “Previous Appeal Bylaws”) are hereby repealed in their entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no Development Appeal shall be pursued under the Previous Appeal Bylaws whether the Development Appeal was filed before the enactment of this Bylaw or not.

1.3 Items Included:

This Bylaw includes the text contained herein and the Land Use Districts Map appended hereto as Schedule “A”.

1.4 Headings:

Headings and titles appearing in this Bylaw shall be deemed to form a part of the text of this Bylaw.

1.5 The Land Use Districts Map:

The Land Use Districts Map appended hereto as Schedule “A” divides the geographic area of the Summer Village into distinct Land Use Districts. In the event of any dispute arising as to the geographical extent of any Land Use District or as to the precise location of the boundary of any Land Use District, the following rules shall apply:

- (1) where a Land Use District boundary is shown as approximately following the centre of any roadway, it shall be deemed to follow the centre line thereof;
- (2) where a Land Use District boundary is shown as approximately following the boundary of a Site, the Site boundary shall be deemed to be the boundary of the Land Use District for that portion of the Land Use District boundary, which approximates the Site boundary;
- (3) where a Land Use District boundary is shown as approximately following the corporate limits of the Summer Village, it shall be deemed to be following corporate limits of the Summer Village; and
- (4) where a Land Use District boundary is shown as approximately following the shore line of Skeleton Lake, it shall be deemed to follow such shore line, and, in the event of any movement in such shore line, it shall be deemed to move with the same.

1.6 Definitions, General:

Words and phrases appearing in this Bylaw which are otherwise defined in the Act shall bear the meaning prescribed by the Act. Subject thereto, the following words shall bear the following meanings, unless the context requires otherwise, namely:

- (1) “Accessory Building” mean a building or structure located on the same Site as a Principal Building, which building is subordinate to and is of a type normally incidental to the Principal Building and the use of which building is subordinate to and is normally incidental to the use of the Principal Building;
- (2) “Accessory Use” means a use of land or a building which is subordinate to and is normally incidental to any use of land or use of the Principal Building lawfully occurring on a Site;

- (3) “Act” means the *Municipal Government Act*, RSA 2000, Chapter M-26 and all amendments thereto and substitutions therefore;
- (4) “Appeal” means a Development Appeal or a Subdivision Appeal, as the case may be, and:
 - (a) “Development Appeal” means an appeal taken pursuant to section 685 of the Act; and
 - (b) “Subdivision Appeal” means an appeal taken pursuant to section 678 of the Act;
- (5) “Board” means the Subdivision and Development Appeal Board established at Section 2.8 of this Bylaw;
- (6) “Boathouse” means an Accessory Building that is close and accessible to the water, the purpose of which is the storage of boats and related equipment;
- (7) “Building Height” means the vertical distance between the horizontal plane through Grade and a horizontal plane through:
 - (a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
 - (b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof or a roof having a slope of more than 20 degrees; provided that, in all such cases, the ridge line of the roof shall not extend more than 1.5 meters above the maximum permitted Building Height of the Land Use District;
- (8) “Carport” means an Accessory Building (which may or may not be attached to the Principal Building) used for parking not more than two private motor vehicles and which has not less than 40 percent of its total perimeter open and unobstructed;
- (9) “Council” means the municipal council of the Summer Village;
- (10) “Development” means development as defined in the Act;

- (11) “Discretionary Use” means a use of land or buildings in a Land Use District in respect of which a Development Permit may be issued at the discretion of the Development Authority, with or without conditions;
- (12) “Dwelling Unit” means a self-contained living premises consisting of one or more rooms with cooking, eating, living, sleeping and sanitary facilities for domestic use, but does not include a Recreational Vehicle nor a Guest Cottage;
- (13) “Garage” means an Accessory Building (which may or may not be attached to the Principal Building but which does not share footings with the Principal Building) used for parking not more than three private motor vehicles;
- (14) “Guest Cottage” means an Accessory Building consisting of one or more rooms with sleeping accommodation and which may contain sanitary facilities, but which does not contain cooking or eating facilities and which is not intended to comprise a self-contained unit, but is intended to provide overflow accommodation for the Principal Building located on the Site;
- (15) “Grade” means the elevation of a Site employed for purposes of determining Building Height. In determining Grade, the Development Authority shall select from the following methodologies that one which best ensures compatibility with neighboring developments, namely:
 - (a) if the applicant can show by reference to reliable surveys that the pre-Development elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Authority may determine Grade by calculating the average of the highest and lowest elevation on the Site; or
 - (b) the Development Authority may determine Grade by calculating the average of the pre-Development elevations at the corners of the Site as shown on a reliable survey; or
 - (c) the Development Authority may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site;
- (16) “Lot” means one or more parcels of land in respect of which a single Certificate of Title has been issued;

- (17) “Permitted Use” means a use of land or buildings in a Land Use District in respect of which a Development Permit must be issued by the Development Authority, with or without conditions, provided that the same is otherwise in strict compliance with and conformity to the provisions of this Bylaw and the Act;
- (18) “Principal Building” means a building which:
- (a) is the chief or main building amongst all buildings on a Site; and
 - (b) exemplifies, by reason of its character and intended function, the primary use of the Site upon which it is located;
- (19) “Recreational Vehicle” means a mobile unit which is designed to be used as temporary living or sleeping accommodation, and includes, but is not limited to, holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include a Mobile Home;
- (20) “Site” means one or more contiguous Lots in respect of which an application for a Development Permit is being made;
- (21) “Site Coverage” means the total horizontal area of all buildings or structures on a Site which are located at or higher than 3.25 ft. (1.0 m) above Grade calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This calculation shall not include:
- (a) steps, eaves, cornices, and similar, minor projections;
 - (b) driveways, aisles and parking areas or pads unless they comprise part of a structure which extends 3.25 ft. (1.0 m) or more above Grade; or
 - (c) unenclosed inner and outer courts, terraces and patios where these are less than 3.25 ft. (1.0 m) above Grade.
- (22) “Storey” means each portion of a building 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 situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 6 ft. (1.82 m) above Grade, such basement shall be considered a Storey for the purpose of this Bylaw;

- (23) “Storey, Half” means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 meters above the floor of such Storey;
- (24) “Summer Village” means the Summer Village of MEWATHA BEACH;
- (25) “Yard” means a required open space running the full length or width of a Site, as the case may be, unoccupied and unobstructed (except to the extent otherwise permitted by this Bylaw) by any structure or portion of a structure at or above 3.25 ft.(1.0 m) above Grade. See figure “C” on page 29.

The “Front Yard” on a lakeshore lot is the yard between the house and the lakeshore property line. The front yard of a back lot is the area between the street and the house.

The “Rear Yard” of a lakeshore lot is the area between the rear of the house and the street. The rear yard on a back lot is the area between the back of the house and the rear property line.

The “Side Yards” are the Yards commencing at the Site boundaries perpendicular to the Front Yard and the Rear Yard and extending into the Site from each such Site boundary.

In the case of a “Corner Lot”, the shorter of the two boundary lines adjacent to the road shall be considered the front line.

1.7 Land Use Definitions:

The following definitions apply to the uses of land and buildings referred to in this Bylaw, namely:

- (1) “Single Detached Housing” means Development consisting of a single Principal Building containing only one Dwelling Unit and associated Accessory Buildings;

- (2) “Office in the Home” or “Home Based Business” means a Development consisting of the use of a minor portion of an approved Single Detached Housing Development by a resident of the Principal Building as an office for a business which business meets the following criteria, namely:
 - (a) the business use is secondary to the residential use of the building in which it is located;
 - (b) the business, its signs and its operations are undetectable from the exterior of the property; and
 - (c) except for residents of the Principal Building, no employees of the business may use any portion of the Site or any improvement thereon as a workplace;
- (3) “Overflow Parking Facilities” means Development designed to provide parking for public or private events.

SECTION 2 – ADMINISTRATION

2.1 Development Authority:

The Development Authority for the Summer Village shall be that designated officer, municipal planning commission or other person or organization designated as such by the Council, by bylaw, from time to time. In addition, the Development Authority shall be the designated officer of the Summer Village contemplated at Section 542 of the Act.

2.2 Duties of Development Authority:

The Development Authority shall:

- (1) receive, consider and decide upon all Development Permit applications in accordance with the provisions of this Bylaw and the Act;
- (2) make available for inspection by members of the public a copy of this Bylaw and ensure that copies of this Bylaw are available for purchase at a reasonable price;
- (3) make available for inspection by members of the public copies of all Development Permit applications made and all Development Permits issued hereunder; and

- (4) exercise development powers and perform duties on behalf of the Summer Village in accordance with the Act and this Bylaw.

2.3 Duties With Respect to Development Permit Applications:

The Development Authority:

- (1) shall review each Development Permit application submitted to the Summer Village and confirm that the same is complete in accordance with the requirements of this Bylaw;
- (2) shall approve, without conditions or with such conditions as required to ensure compliance with this Bylaw, a Development Permit application for the development of a Permitted Use, provided that such Development complies with all of the provisions of this Bylaw;
- (3) shall refuse a Development Permit application for the development of a Permitted Use or a Discretionary Use if the Development does not otherwise comply with this Bylaw unless a variance is granted in accordance with Section 2.4 of this Bylaw, in which latter case the proposed Development shall be deemed to constitute a Discretionary Use in any event;
- (4) may refuse or approve, with or without conditions, a Development Permit application for the Development of a Discretionary Use;
- (5) shall refuse a Development Permit application for the Development of a use which is neither a Permitted Use nor a Discretionary Use in the applicable Land Use District;
- (6) shall, where any Development Permit application is refused, provide notice of such refusal in writing to the applicant together with the Development Authority's reasons for such refusal;
- (7) shall, where any Development Permit application is approved and the remaining requirements and provisions of this Bylaw have been complied with and met:
 - (a) attach to the Development Permit as a part of the Development Permit written reasons for the granting of any variance given in accordance with Section 2.4;

- (b) issue the Development Permit to the applicant;
 - (c) provide by regular mail to all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 meters of the boundaries of the Site a copy of the Development Permit;
or
 - (d) cause to be posted at a conspicuous location on the site a copy of the Development Permit which posting shall remain until the earlier of the expiry of the Development Permit or the completion of the Development described therein; and
- (8) may require as a condition of issuing a Development Permit that the applicant enter into an agreement with the Summer Village to do all or any of the following:
- (a) to construct or pay for the construction of a road required to give access to the Development;
 - (b) to construct or pay for the construction of a pedestrian walkway system to serve the Development or pedestrian walkways to 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;
 - (c) to install or pay for the installation of public utilities that are necessary to serve the Development;
 - (d) to construct or pay for the construction of off-street or other parking facilities;
 - (e) to pay any off-site levy or redevelopment levy imposed by Bylaw;
 - (f) to give security to ensure that the terms of any agreement entered into pursuant to this Section are carried out.

2.4 Variance Powers:

- (1) Subject to the provisions of Section 2.4(c), the Development Authority may, with respect to any Development Permit application, vary the requirements of the Development Control Regulations of this Bylaw where the proposed Development would not, in the Development Authority's opinion:
 - (a) unduly interfere with the amenities of the neighborhood; nor
 - (b) materially interfere with or affect the use, enjoyment or value of neighboring properties, and the proposed development would conform with the use prescribed for the subject land or building in this Bylaw.
- (2) Where an applicant requests or requires the Development Authority to exercise its variance powers pursuant to this Section, the Summer Village shall, at the sole cost and expense of the applicant:
 - (a) post for no less than seven (7) consecutive days a notice at a conspicuous location on the Site, clearly visible from the adjacent roadway, advising the public of the variance or variances requested or required; or
 - (b) provide all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 metres of the boundaries of the Site with detailed, written notice of the variance or variances requested or required, and the Development Authority shall not exercise its variance powers unless and until these preconditions are completed to the satisfaction of the Development Authority. The foregoing notwithstanding, the Development Authority may, at any time prior to exercising the same, consult with property owners who may be affected by a proposed exercise of the Development Authority's variance powers.
- (3) The provisions of Section 2.4(a) notwithstanding, the Development Authority is not authorized to vary any Development Control Regulation which addresses:
 - (a) Building Height; nor
 - (b) the number of Dwelling Units that may exist on a Site.

2.5 Development Permits:

- (1) Except as provided herein, no person shall commence, or cause or allow to be commenced nor carry on, or cause or allowed to be carried on a Development without a Development Permit therefore issued under the provisions of this Bylaw.
- (2) A Development Permit issued under the provisions of this Bylaw shall not be required for any of the following:
 - (a) maintenance of or repairs to a building if the work to be undertaken does not include any structural alterations and does not result in the addition of a Dwelling Unit;
 - (b) the erection of a single Storey Accessory Building comprising no greater than 10.0 square metres in Site Coverage; provided that the area of the same shall be considered in calculating aggregate Site Coverage for the Site;
 - (c) the erection of a temporary structure, the sole purpose of which is incidental to the carrying out of a Development for which a Development Permit has been issued hereunder, provided that the same is removed promptly upon completion of the said Development;
 - (d) landscaping where the existing grade of and the existing surface drainage pattern of and from the Site is not materially altered;
 - (e) the demolition of a building or structure where a Development Permit has been issued hereunder for a new Development on the same Site and the demolition of an existing building or structure is implicit in that Development Permit;
 - (f) the erection on a Site of a temporary sign of modest proportions advising that the Site is for sale or for rent, provided the sign is removed promptly upon the sale or rental of the Site, as the case may be;

- (g) the erection on a Site of a temporary sign in connection with an election for public office, provided the sign is removed promptly upon the completion of the election;
 - (h) the erection of a fence or gate no higher than 0.9 metres in any Front Yard or 1.5 metres in any Side Yard or in any Rear Yard;
 - (i) the installation, repair or maintenance of a public utility (as defined in the Act) within or upon a road or a public utility lot;
 - (j) activities otherwise exempted by the Act from the requirement for a Development Permit; and
 - (k) work being pursued under the authority of a Development Permit issued pursuant to the Previous Land Use Bylaw.
- (3) When an application for a Development Permit has been approved by the Development Authority, such Development Permit shall not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled and until the statutory period for the filing of an appeal against the issuance of such Development Permit has expired.
- (4) When a Development Appeal is filed against the issuance of a Development Permit or against the imposition of any condition on a Development Permit, the Development Permit shall be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board, as the case may be. Where a subsequent appeal is taken to the Court of Appeal, the Development Permit shall be further suspended and deemed invalid pending the final decision of the Court of Appeal and the completion of any process directed by the Court of Appeal.
- (5) A Development Permit shall expire and shall no longer be valid after one year from the date of its issuance if no substantial construction pursuant thereto has been initiated. For purposes of this Subsection, construction includes, but is not limited to, site preparation or excavation.
- (6) All construction relative to a Development Permit shall be completed within one year next following the issuance of that Development Permit or within one year next following the final decision of the Board in relation thereto, as the case may be. The

Development Authority may, on application made prior to the expiry of such one year period and at its discretion, extend the said period for one further year.

- (7) If a Development Permit is issued for a Site in respect of which any other Development Permit has been previously issued, all previous Development Permits shall be invalid to the extent the physical aspects of the newly approved Development conflict with the same or to the extent the newly approved Development could not occur simultaneously upon the Site in conformity with the provisions of this Bylaw.

2.6 Development Permit Applications:

Every application for Development Permit shall:

- (1) be initiated by the submission to the Summer Village of a standard form application document adopted from time to time by resolution of Council;
- (2) be signed by the registered owner of the Site or by the authorized agent of the registered owner;
- (3) contain sufficient details as to the proposed use and occupancy of the Site and of all buildings located or proposed to be located thereon to enable the Development Authority to determine compliance with this Bylaw;
- (4) include site plans to scale and a survey in a form and to a standard that is satisfactory to the Development Authority demonstrating:
 - (a) the location and dimensions of all required Yards;
 - (b) the location and horizontal dimensions of all buildings and other improvements located and proposed to be located on the Site;
 - (c) the location and horizontal dimensions of all roof overhangs, balconies and other projections from buildings located and proposed to be located on the Site;
 - (d) calculations of Site Coverage;

- (e) the locations of all municipal services to and within the Site;
 - (f) details as to the landscaping proposed for the Site; and
 - (g) parking areas, driveways and the location of all proposed accesses on to public roads;
- (5) include elevations and other drawings as the Development Authority may require, all to a scale, in a form and to a standard satisfactory to the Development Authority demonstrating:
- (a) the height and other dimensions of all buildings and other improvements located and proposed to be located on the Site;
 - (b) the location of all exterior windows, doors and other openings in the buildings and other improvements located and proposed to be located on the Site; and
 - (c) the exterior finishes and treatments to be incorporated in the Development; and
- (6) include any other drawings, plans, information, tests or surveyors' reports regarding the Site, the proposed Development or the potential impact of the proposed Development on neighboring properties as may be directed by this Bylaw or as the Development Authority may, in its discretion, direct.

2.7 Development Permit Fees:

The Council may, by resolution, impose a fee or a schedule of fees for the making of any Development Permit application, and no application for Development Permit will be considered complete until such fee has been paid to the Summer Village.

2.8 Appeals:

- (1) The Subdivision and Development Appeal Board is hereby established to deal with Appeals in accordance with the Act. The members of the Board shall be three in number, the majority of whom shall not be members of Council, and shall, subject to the provisions of the Act, be appointed by Resolution of Council on an *ad hoc* basis as and when any Appeal is received. The Board

members' terms of office shall extend to the time when the Board issues a decision in relation to the Appeal which prompted their appointment. A majority of the members of the Board then currently holding office constitutes a quorum of the Board.

- (2) Hearings before the Board shall be open to the public, but following the close of a hearing, the Board shall deliberate and arrive at its decision *in camera*. All Appeals shall be undertaken and conducted in accordance with the Act.
- (3) Prior to the commencement of a hearing, the members of the Board shall elect from amongst their number a Chairperson who shall preside at the hearing. Subject to the provisions of the Act and this Bylaw, the Board shall be the master of its own proceedings.
- (4) A decision of the Board is final when it is issued in writing and all decisions of the Board shall be signed by the Chairperson or by another member of the Board on the Chairperson's behalf

SECTION 3 – DEVELOPMENT CONTROL REGULATIONS, GENERAL

3.1 Site Grading:

- (1) Where substantial grading of a Site is undertaken separate and apart from any other development of or on that Site, the grading shall be deemed to be a Development and shall require a Development Permit. Grading will be considered substantial if the same may substantially affect drainage patterns on the Site or may cause any adverse impact on neighboring properties or roadways.
- (2) In every case, whether Site grading forms a separate part of an overall Development or constitutes a Development in and of itself, Site grades shall be established:
 - (a) in a manner satisfactory to the Development Authority;
 - (b) in a manner designed to prevent any adverse impact on neighboring properties or roadways; and

- (c) in compliance with any applicable Drainage or Grading Plans adopted by the Summer Village.

3.2 Relocation of Buildings:

The relocation of an existing building to a Site as either a Principal Building or an Accessory Building constitutes a Development of that Site. Where a building is to be relocated to a site, the use to which the building is intended to be put:

- (1) must be listed in this Bylaw as a Permitted Use or a Discretionary Use available for that Site; and
- (2) shall be deemed to be a Discretionary Use for purposes of the relocation of that building.

3.3 Engineering Requirements and Other Referrals:

- (1) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may direct that the applicant for a Development Permit provide a certificate or other report from an engineer or other professional person in relation to a proposed Development or any aspect of it. In such circumstances, the costs of complying with the Development Authority's direction shall be borne by the applicant, and the applicant's application for a Development Permit shall be deemed incomplete until such time as the direction has been complied with.
- (2) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may refer an application to Alberta Environmental Protection or to any other governmental authority for their comments prior to issuing a Development Permit and may, thereafter, impose a condition on any Development Permit issued that the applicant comply with such requirements of the referral agency as the Development Authority may deem appropriate in the circumstances.

3.4 Appearance of Buildings:

The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Authority, shall not threaten public health or safety and shall be compatible with

the general standard of design and construction in the immediate neighborhood of the Site.

3.5 Sewage Disposal:

All buildings, facilities and Developments undertaken on a Site shall comply with the Safety Codes Act for the Province of Alberta.

3.6 Potable Water Supply:

Every application for a Development Permit in respect of a residential use shall contain a detailed proposal as to how the Development is to be provided with a supply of potable water, and no Development for residential use shall be permitted unless the same shall be supplied with potable water.

3.7 Guest Cottages:

- (1) Guest Cottages shall be of permanent, conventional construction.
- (2) Guest Cottages shall be constructed behind the rear face of the principal building on a site.
- (3) A guest cottage may be developed as a stand-alone accessory building or may be incorporated into any other accessory building on a site provided all requirements of this bylaw applicable to such accessory building are complied with.

3.8 Mobile Homes:

Mobile Homes less than 16 (sixteen) feet wide or older than ten years or that is not CSA or similarly approved are not permitted.

3.9 Recreational Vehicles:

- (1) Except during the period of construction of a principal building on that site, a recreational vehicle shall not be utilized as a principal building or as a guest cottage for the residential use of a Site.
- (2) Provided the same does not, in the opinion of the Development Authority, present an unsightly condition on a Site, and

provided the same is stored to the rear of the principal building, one, unoccupied recreation vehicle may be stored on a site.

- (3) Where more than one recreational vehicle is to be maintained on a parcel for more than 21 consecutive days it shall require a development permit and shall be located in a manner satisfactory to the Development Officer. Permits shall not be issued for more than one recreational vehicle per developed parcel or two recreational vehicles per vacant parcel.

SECTION 4 – LAND USE DISTRICTS

4.1 R1 RESIDENTIAL DISTRICT

(1) General Purpose:

The purpose of this District is to provide for low density, residential land use in a lakeside setting.

(2) Permitted Uses:

- (a) Single detached housing.
- (b) Accessory buildings

(3) Discretionary Uses:

- (a) Office in the home;
- (b) Public Utility Services.

(4) Development Control Regulations:

- (a) The maximum site width shall be 100 ft. (30.48 m).
- (b) The maximum number of dwelling units that may be located on a lot is one
- (c) The maximum building height for a principal building shall be 29 ft. (8.83 m)
- (d) The maximum building height for an accessory building shall be a maximum of 20 ft. (6 m).

- (e) The maximum site coverage for all buildings shall be 35% of the Site Area. In the case of any site exceeding 149 ft. (45.72 m) in depth, the Development Authority shall direct that buildings be designed and located on the Site in a manner that will, in the opinion of the Development Authority, avoid excessive massing at any particular location on the Site and distribute the impact of construction more evenly over the developable areas of the Site. Windows in a principal residence shall be offset so that they do not directly face the windows of the adjacent residence.
- (f) The minimum Front Yard shall be 25 ft. (7.62 m) deep.
- (g) The minimum Rear Yard shall be:
 - (i) in the case of a Principal Building, 25 ft. (7.62 m) deep; and
 - (ii) in the case of Accessory Buildings, 3 ft. (.91 m) deep except where the vehicle doors of a Garage or the vehicle entrance of a Carport face the rear of a Site, in which case the minimum Rear Yard in respect of that Garage or Carport shall be 16 ft. (4.88 m.) deep.
- (h) The minimum Side Yards:
 - (i) shall be a minimum of 5 ft. (1.52 m) deep, each; and
 - (ii) shall in total, comprise no less than 10% of the width of the site
- (i) The foregoing provisions of this Section notwithstanding:
 - (i) verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to 3.25 ft. (1.0 m) into any required Front Yard or Rear Yard; and
 - (ii) eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay,

oriel or similar windows) and other architectural features which are of a similar character may project up to 1.5 ft (0.6 m) into any required Yard.

- (j) Accessory Buildings (other than garages) shall be located no further forward on a Site than the front line of the Principal Building.
- (k) Landscaping shall be provided to the satisfaction of the Development Authority, and Sites in this District shall be landscaped in a manner complementary to and consistent with the lakeside residential character of the District.

5. Non-Conforming Buildings and Uses

- (a) 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.
- (b) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.
- (c) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (d) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.
- (e) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (i) to make it a conforming building,

- (ii) for routine maintenance of the building, if the development authority considers it necessary, or
 - (iii) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.
- (f) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
- (g) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

(6) Site Conditions

- (a) Development shall not be permitted on slopes exceeding 15%, where slope is measured over that portion of the site on which the development is to be located.
- (b) 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.
- (c) To the maximum extent possible, trees and shrubs shall be retained in their natural conditions on a site. Where landscaping is required, it shall be carried out within a reasonable time period following the completion of construction.
- (d) Garbage shall be kept in weatherproof and animal-proof containers, screened from adjacent sites and roads.
- (e) Any landscaping or topographic reconstruction shall be such that the finished surface contours do not change the surface drainage.

(7) Preservation and Enhancement of Environmental Quality

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

(8) Building Demolition

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

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

(9) Fences/Walls/Hedges/Enclosures

- (c) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (d) No fence, wall, hedge or other enclosure shall be higher than:
 - (i) 6.0 ft. (1.82 m) in rear yards;
 - (ii) 6.0 ft. (1.82 m) in side yards, except on corner lots where it shall not be higher than 3.0 ft. (0.91 m) in the side yard adjacent to a road;
 - (iii) 3.0 ft. (0.91 m) in front yard;
 - (iv) 3.0 ft. (0.91 m) within 20.0 ft. (6.15 m) of the intersection of lanes, roads, or a lane and a road.
- (e) Electric and barbed wire fences shall not be permitted except on land abutting on farmland, and these shall require a development permit.

(10) Sanitary Facilities

All dwellings shall be provided with sanitary facilities to the satisfaction of Provincial regulations.

(11) Parking and Access

A minimum of 2 off-street parking spaces shall be provided per lot.

(12) Objects Prohibited or Restricted in Yards

No person shall keep or allow in any part of any yard any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive successive days;

(13) Keeping of Animals

No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels within the municipality

(14) Nuisance

(a) No use or activity shall be undertaken which, in the opinion of the Development Authority, may constitute a nuisance by reason of the generation of noise, vibration, dust, smoke, smell, toxic or noxious matter, traffic, radiation, fire, explosions, heat, humidity, glare, waste, water or steam.

(b) sites and buildings shall be maintained in a clean and tidy condition, free from rubbish and debris.

4.2 R RESERVE**(1) General Purpose:**

The purpose of this District is to provide for areas where no active Development will occur.

(2) **Permitted Uses:**

- (a) Nature Preserve
- (b) Municipal uses or development

(3) **Discretionary Uses:**

None

(4) **Development Control Regulations:**

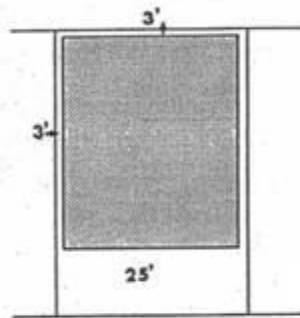
- (a) Except for fencing at the perimeter of a Site and except for public utilities (as defined in the Act) passing through a Site and municipal structures, no improvements or structures of any nature or kind may be erected or brought onto the lands.
- (b) Improvements or structures existing on a Site at the date this district is applied may remain as non-conforming buildings within the meaning of the Act, and the Development Authority is authorized to issue any necessary Development Permits for the repair, maintenance and refurbishing of the same, even to the extent some structural alterations may be required.
- (b) This district may be applied to lands owned by the Summer Village and may be applied to other lands within the Summer Village only with the consent of the owner of those lands.
- (c) Due to environmental and situational factors, no further new lot development shall be allowed in the Summer village of Mewatha Beach.

Figure "A"

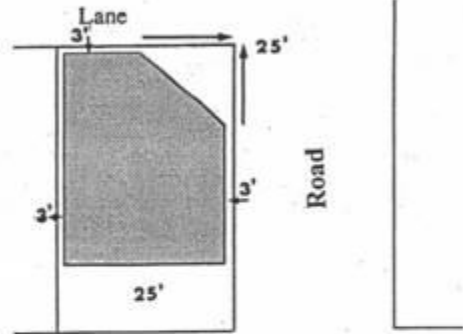
LOCATION OF ACCESSORY BUILDINGS (EXCEPT GARAGES)

These sketches show permitted building envelopes. The shaded areas are those areas of the lot where accessory buildings may be located.

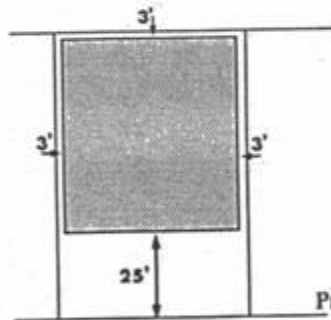
BACK LOTS (INTERIOR)



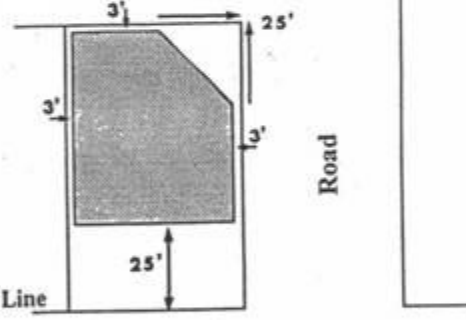
BACK LOTS (CORNER)



Road



Road



Property Line

Lakeshore Environmental or Municipal Reserve

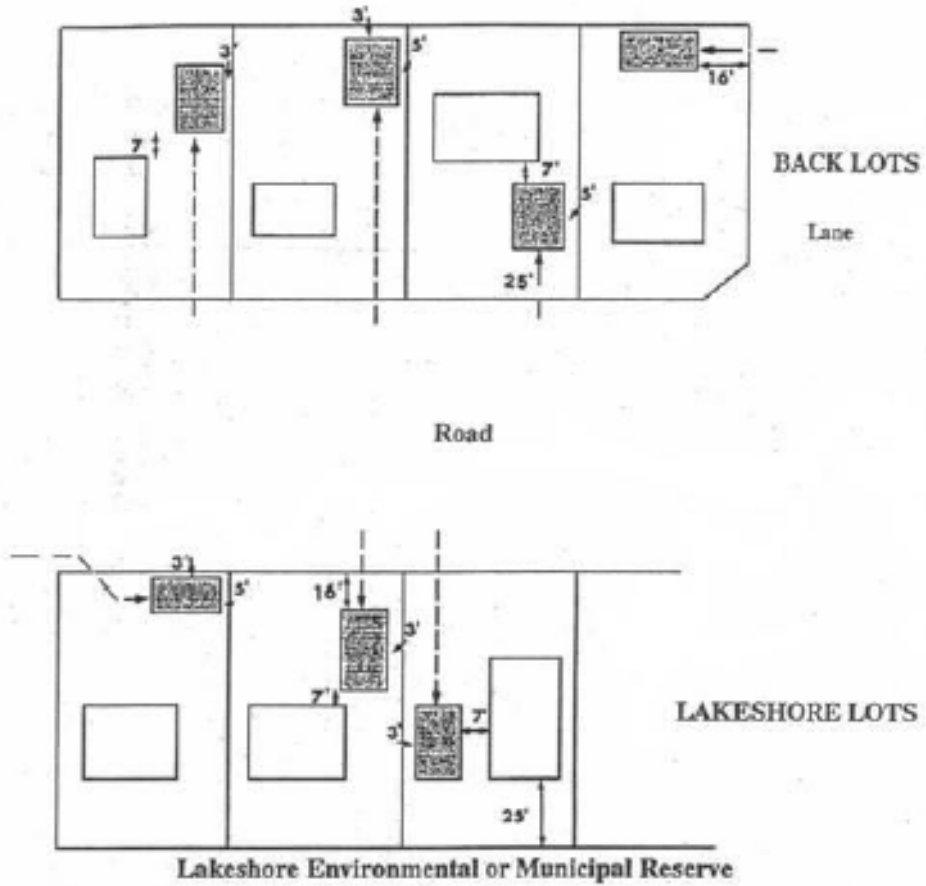
**LAKESHORE LOTS
(Interior)**

**LAKESHORE LOTS
(Corner)**

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

Figure "B"

LOCATION OF GARAGES



Metric Conversion
 3' = .91 m
 5' = 1.52 m
 16' = 4.88 m
 25' = 7.62 m

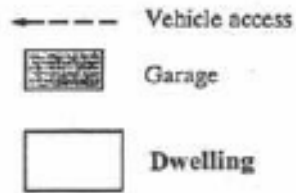
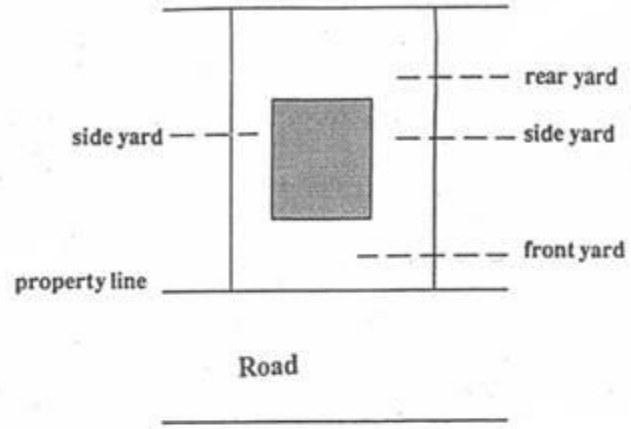


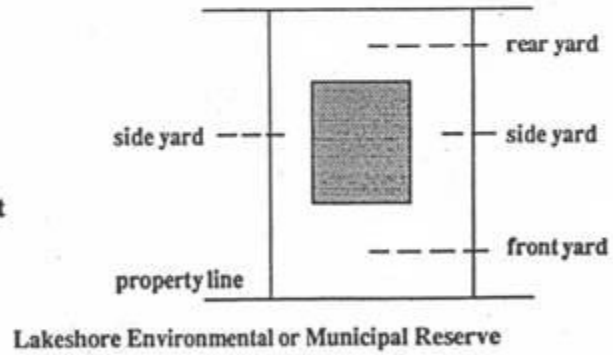
Figure "C"

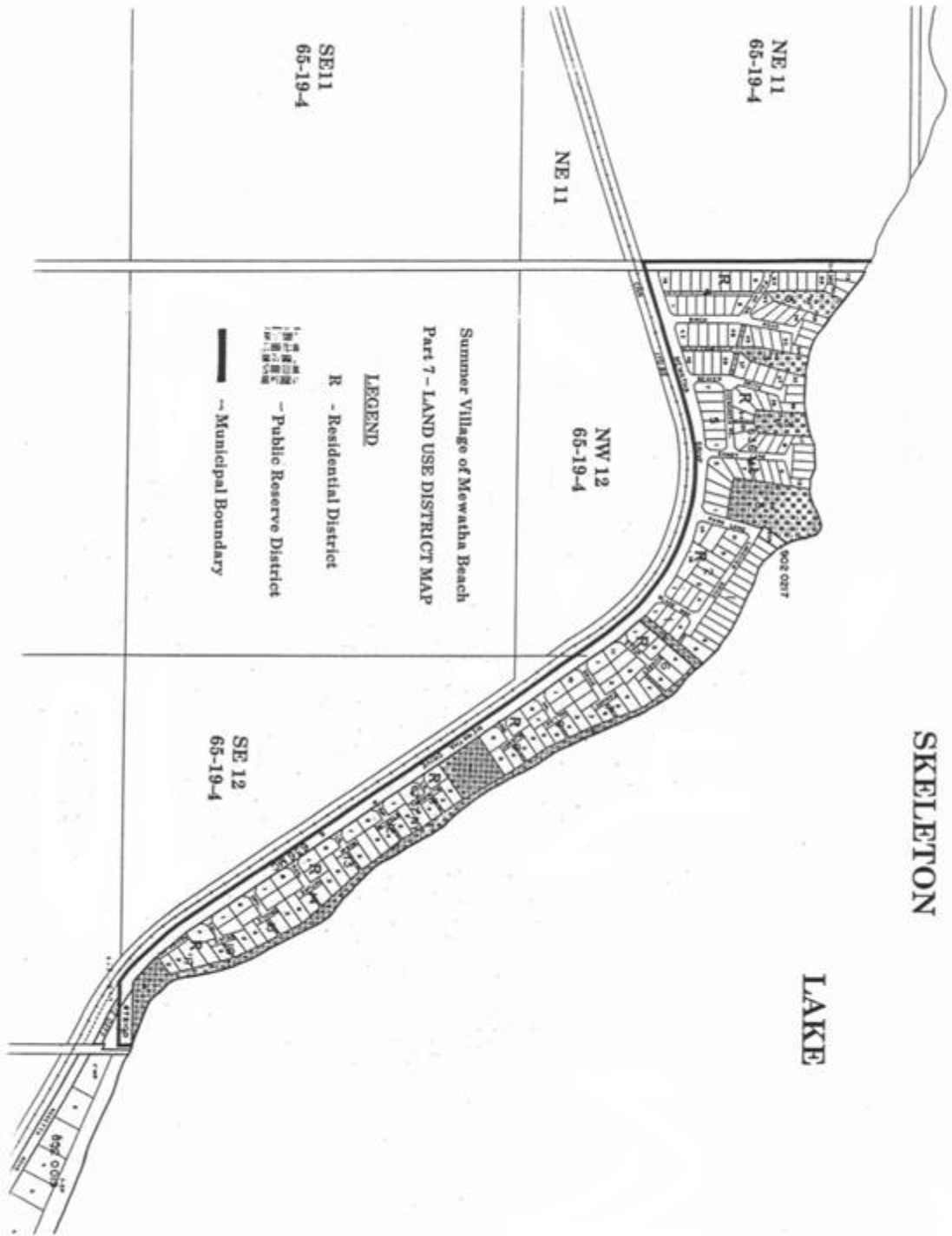
DEFINITION OF YARDS

Back Lot



Lakeshore Lot





FORMS

**THESE FORMS
ARE NOT PART OF
BY-LAW**

BUT ARE INCLUDED HERE FOR INFORMATION

**SUMMER VILLAGE OF MEWATHA BEACH
APPLICATION FOR DEVELOPMENT PERMIT**

FORM A

FEE: As set out by Council - \$40.

Application No _____

Double: if work started before application submitted.

I/We hereby apply for a Development Permit for the use noted below and in accordance with the accompanying plans and supporting information, **(A drawing of building location and distance from property lines and distance between buildings and a photograph of the lot showing existing development, if any must be submitted.)**

Proposed Development (Construction). (eg. 24ft. By 36ft. Cabin together with 10ft. By 24ft. Deck)

Applicant: _____

Mailing Address: _____ Telephone: _____

Registered Owner (if different)

Mailing Address: _____ Telephone: _____

Address of property to be developed: (e.g. 10 Mewatha Drive)

LOT _____ **BLOCK** _____ **REGISTERED PLAN** _____

Existing use of property: (eg residential) _____

Proposed use of property: (e.g. residential) _____

Proposed Yard Setbacks:

Main Building

FRONT _____

SIDE _____

REAR _____

FLOOR AREA _____

Estimated Commencement Date _____

Estimated Cost of project or Contract Price: _____

Accessory Buildings

FRONT _____

SIDE _____

REAR _____

FLOOR AREA _____

Estimated CompletionDate _____

DECLARATION

I/We hereby declare that the above 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 is required, if different from applicant.

Signature of applicant

Signature of landowner

Date

Date

FORM "B"

PERMIT NO. _____

**SUMMER VILLAGE OF MEWATHA BEACH
NOTICE OF DECISION ON DEVELOPMENT PERMIT**

Applicant: _____

Address: _____ **Telephone:** _____

Address of property to be developed: _____

Proposed Development:

Lot _____ **Block** _____ **Registered Plan No.** _____

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 15 days after the Date of Issue of 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) The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Subdivision and 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 of Issue of Notice of Decision.
- (b) Should an appeal be made against the decision, the development permit shall not come into effect until the appeal has been determined by the Subdivision and Development Appeal Board. Should the Subdivision and Development Appeal Board approve the issue of the Development Permit, the permit shall be considered valid from the date of the Subdivision and Development Appeal Board decision and subject to any Subdivision and Development Appeal Board conditions.
- (c) This permit is valid for a period of 18 months from the date of issue or the date of an approved decision of the Subdivision and Development Appeal Board. If the development authorized by this development permit is not started within six months from the date of issue, the Development Officer may declare the permit void, unless an extension has been granted.
- (d) 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
Notice of Decision

Signature of Development Officer

THIS IS NOT A BUILDING PERMIT! You will require a building permit. Electrical, gas and plumbing permits may be required as well. These permits can be obtained from **Inspections Group Inc. 12010 – 111th Ave., Edmonton, AB T5G 0E6. Phone 780-454-5048.**

FORM "C"

PERMIT NO. _____

**SUMMER VILLAGE OF MEWATHA BEACH
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.** _____

The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Subdivision and Development Appeal Board. 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 of Issue of Notice of Decision.

Date of Decision

Date of Issue of
Notice of Decision

Signature of Development Officer

**Mailing Address of the
Summer Village:**

FORM "D"
NO. _____

PERMIT

**SUMMER VILLAGE OF MEWATHA BEACH
NOTICE OF APPEAL HEARING**

This is to notify you that an appeal has been made to the Subdivision and 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. _____

The decision___ APPROVED___ APPROVED WITH CONDITIONS___ REFUSED
a development permit for the following reason(s):

(continue on reverse if necessary)

PLACE OF HEARING: _____

TIME OF HEARING: _____

DATE OF HEARING: _____

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard a the meeting shall submit the written briefs to the Secretary of the Subdivision and Development Appeal Board, at the address of the Summer Village, not later than _____.

Date of Issue of Notice

Signature of Secretary
Subdivision and Development Appeal Board

Mailing address for the Subdivision and Development Appeal Board:

FORM "E"

PERMIT NO. _____

**SUMMER VILLAGE OF MEWATHA BEACH
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.** _____

was considered by the Subdivision and Development Appeal Board on _____, _____. The decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

Date of Issue of Notice

Signature of Secretary
Subdivision and Development Appeal Board

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.