SUMMER VILLAGE OF
SEBA BEACH ALBERTA

SUMMER VILLAGE OF SEBA BEACH

LAND USE BYLAW
NO. 2-2008

September 2008

SUMMER VILLAGE OF SEBA BEACH

BYLAW NO. 2-2008

BEING A BYLAW TO ADOPT THE LAND USE BYLAW OF THE SUMMER VILLAGE OF SEBA BEACH

WHEREAS the Municipal Government Act, R.S.A. 2000, as amended requires a municipality to adopt a Land Use Bylaw; and

AND WHEREAS a new Land Use Bylaw has been prepared for the Summer Village, replacing the existing Land Use Bylaw;

NOW THEREFORE the Council of the Summer Village of Seba Beach, duly assembled, hereby enacts as follows:

1. That Bylaw No. 3-98, as amended, being the current Land Use Bylaw of the Summer Village of Seba Beach, is hereby repealed.

2. That the attached Schedule "A", being the new Land Use Bylaw of the Summer Village of Seba Beach, is hereby adopted.

Read a first time this 21st day of January, A.D., 2008

Mayor

CAO

Read a second time this 21st day of January, A.D., 2008

Mayor

CAO

Read a third time and finally passed this 26th day of February A.D., 2008

Mayor

CAO

TABLE OF CONTENTS

Page

PART I - GENERAL 1

SECTION 1 SHORT TITLE 1
SECTION 2 SCOPE 1
SECTION 3 PURPOSE 1
SECTION 4 METRIC AND IMPERIAL MEASUREMENTS 1
SECTION 5 DEFINITIONS 1
SECTION 6 ESTABLISHMENT OF A DEVELOPMENT OFFICER 11
SECTION 7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD 11
SECTION 8 ESTABLISHMENT OF FORMS 11
SECTION 9 AMENDMENT AND VALIDITY OF BYLAW 12
SECTION 10 SECTIONS FOUND TO BE INVALID 12

PART II - DEVELOPMENT PERMITS AND CONTRAVENTION 12

SECTION 11 PURPOSE OF DEVELOPMENT PERMITS 13
SECTION 12 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT 13
SECTION 13 APPLICATION FOR A DEVELOPMENT PERMIT 15
SECTION 14 SAME OR SIMILAR USES 19
SECTION 15 DEVELOPMENT PERMITS AND NOTICES 19
SECTION 16 PAYMENT OF TAXES 20
SECTION 17 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS 21
SECTION 18 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS 21
SECTION 19 CONTRAVENTION 21

PART III - DEVELOPMENT APPEALS 23

SECTION 20 SUBDIVISION AND DEVELOPMENT APPEAL BOARD 23
SECTION 21 OFFENCES AND PENALTIES 23
SECTION 22 OTHER LEGISLATION 25

PART IV - SUPPLEMENTARY REGULATIONS 26

SECTION 23 BUILDING REGULATIONS 26
SECTION 24 CORNER SITES (SITE TRIANGLES) 30
SECTION 25 YARD REGULATIONS 31
SECTION 26 AUTOMOBILE REGULATIONS 33
SECTION 27 HOME OCCUPATIONS 38

TABLE OF CONTENTS (continued)

Page

SECTION 28 FLOOD PRONE LANDS 40
SECTION 29 ENVIRONMENTALLY SENSITIVE LANDS 40
SECTION 30 LANDSCAPING 41
SECTION 31 MOVED IN BUILDINGS 41
SECTION 32 KEEPING OF ANIMALS 41
SECTION 33 SIGNS 42
SECTION 34 RESIDENTIAL DEVELOPMENT 44
SECTION 35 ON-SITE SEWAGE CONTAINMENT SYSTEMS 45

PART V - LAND USE DISTRICTS AND REGULATIONS 46

SECTION 36 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP 46
SECTION 37 R1A - RESIDENTIAL - SINGLE DETACHED (CLASS A 48
SECTION 38 R1B - RESIDENTIAL - DETACHED FAMILY (SHALLOW LAKEFRONT PARCELS) 50
SECTION 39 C1 - COMMERCIAL - OFFICE, RETAIL AND SERVICE 52
SECTION 40 CR - COMMERCIAL RECREATION 53
SECTION 41 US - URBAN SERVICES 54
SECTION 42 P - PARKS AND RECREATION 55
SECTION 43 UR - URBAN RESERVE 55

FIGURES

FIGURE 1: DEVELOPMENT PERMIT PROCESS 15
FIGURE 2: SITING OF ACCESSORY BUILDINGS 24
FIGURE 3: SITE TRIANGLES 27
FIGURE 4: REQUIRED YARDS 29
FIGURE 5: SITING OF FENCES 29
FIGURE 6: PARKING LOT LAYOUT 32
FIGURE 7: SIGNS 40

SCHEDULE “A” FORMS

SCHEDULE “B” LAND USE MAPS

PART I - GENERAL

SECTION 1 SHORT TITLE

This Bylaw may be cited as “The Summer Village of Seba Beach Land Use Bylaw.”

SECTION 2 SCOPE

No development shall hereafter be carried out within the boundaries of the municipality except in conformity with the provisions of this Bylaw.

SECTION 3 PURPOSE

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

The purpose of this Bylaw is to, amongst other things:

(1) divide the municipality into districts;

(2) prescribe and regulate the use(s) for each district;

(3) establish a method of making decisions on applications for development permits including the issuing of development permits; and

(4) provide the manner in which notice of the issuance of a development permit is to be given.

SECTION 4 METRIC AND IMPERIAL MEASUREMENTS

Whenever dimensions are present or calculations are required, the metric or imperial dimensions, values or results shall be used. The imperial equivalents provided in parenthesis after each reference to metric units of measurements are approximate and intended for information only.

SECTION 5 DEFINITIONS

(1) In this Bylaw:

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

(b) **"ACT"** - means THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, as amended, and the regulations pursuant thereto;

(c) **"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;

(d) **"BUILDING"** - means anything constructed or placed on, in, over, or under land, but does not include a highway or public road or related developments;

(e) **"BUFFER"** means a row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

(f) **"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;

(g) **"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;

(h) **"CARETAKER'S RESIDENCE"** - means a single detached dwelling or modular home secondary to the principal use on the property and occupied by a person or family responsible for the maintenance and security of that parcel;

(i) **"CLINIC"** – means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services;

(j) **"CORNER"** - means the intersection of any two property lines of a parcel;

(k) **"CORNER PARCEL"** - means a parcel adjacent to two or more streets;

(l) **"COUNCIL"** - means the Council of the Summer Village of Seba Beach;

(m) **"CURB CUT"** - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

(n) **"DAY CARE FACILITY"** - means a facility and program for the provision of care, maintenance and supervision for four or more children under the age of fifteen years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty-four (24)

consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare;

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

(p) **"DEVELOPMENT"** - means:

(i) an excavation or stockpile and the creation of either of them;

(ii) a building or addition to, or replacement, or repair, or a building and the construction or placing in, on, over, or under land or any of them;

(iii) a change in the use of land or a building or an act done in relation to and or a building that results in, or is likely to result in a change in the use of land or building; or

(iv) 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;

(q) **"DEVELOPMENT AUTHORITY"** - means the authority(s) established by Council through a Development Authority Bylaw and may include one or more Development Officer(s);

(r) **"DEVELOPMENT OFFICER"** - means the person(s) appointed as Development Officer in accordance with the Development Authority Bylaw;

(s) **"DEVELOPMENT PERMIT"** - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

(t) **"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;

(u) **"DRIVE-IN BUSINESS"** - means an establishment which services customers traveling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations and drive-in restaurants;

(v) **"DRINKING ESTABLISHMENT"** - means an establishment of any kind in which customers are served alcoholic beverages, either with or without food, for consumption either on the premises or off the premises;

(w) **"EASEMENT"** - means a right to use land, generally for access to other property or as a right-of-way for a public utility and is registered to a Certificate of Title;

(x) **"EXTENSIVE AGRICULTURAL USE"** - means any method used to raise crops or rear livestock either separately or in conjunction with one another in unified operation, but does not include a confined feeding operation such as a feedlot or hog barn or an intensive agricultural use such as a sod farm;

(y) **"FENCE"** - means a vertical physical barrier constructed to prevent visual interior or unauthorized access or to provide sound abatement or decoration;

(z) **"FLANKAGE"** - means the side yard of a parcel which is adjacent to two public roads;

(aa) **"FLOOR AREA"** - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass-line of exterior walls and the centre-line of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

(ab) **"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;

(ac) **"FRONTAGE"** - means the length of the boundary line of a parcel adjacent to a public road. Where a parcel is adjacent to two or more public roads, the Development Officer, at his sole discretion, will determine which boundary line shall be considered for frontage;

(ad) **"GARAGE"** - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;

(ae) **"GRADE"** - means the ground elevation at the four corners of the subject parcel. If there are more than four corners of a subject parcel (due to the irregularity of the boundary and/or dimensions of the parcel), then grade shall mean the ground elevation at four points on the boundary of the parcel, which points shall be determined at the sole discretion of the Development Authority. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each corner or point;

(af) **"GROUP CARE FACILITY"** - means a facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled or are undergoing rehabilitation,

and are provided services to meet their needs. This use includes supervised facilities such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes, and psychiatric care facilities. These facilities are not intended to include major institutional care facilities such as hospitals;

(ag) **"GUESTHOUSE"** – means an accessory building or that part of an accessory building used for seasonal or part time sleeping facilities. The guesthouse may not be rented for accommodation;

(ah) **"HEIGHT"** - means the vertical distance between grade and the highest point of a building; excluding 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;

(ai) **"HOME OCCUPATION"** - means an occupation carried on within a dwelling which is not visible or noticeable in any manner from outside the dwelling. Such occupation is an accessory use and is secondary to the residential occupancy and does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types - minor home occupations and major home occupations;

(aj) **"INTENSIVE RECREATIONAL USE"** - means a facility oriented recreational land use. Without restricting the generality of the foregoing, this shall include serviced campgrounds, picnic grounds, marinas, lodges, swimming beaches, boat launches, parks, hotels, recreational vehicle campgrounds, and golf courses;

(ak) **"LANDSCAPING"** - means lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

(al) **"LANE"** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) and is not less than 6.0 m (19.7 ft.) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Highway Traffic Act;

(am) **"LOADING SPACE"** - means an off-street space on the same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

(an) **"MAINTENANCE"** - means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but

will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;

(ao) **"MINOR"** - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, as determined at the sole discretion of the Development Officer, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

(ap) **"MOBILE HOME"** - means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as accommodation for a single household. This definition shall include a dwelling that would otherwise be considered to be a single detached dwelling if the dwelling's ratio of depth vs. width (or width vs. depth) were greater than 2:1, or if one of those dimensions (depth or width) were less than 6.1 m (20 ft.), or if, in the sole opinion of the Development Authority, the dwelling will look like a mobile home, in which case the dwelling shall be considered to be a mobile home. A mobile home must be built to Canadian Standards Association Z240 standards. A mobile home may be a single structure (single-wide) or two parts which when put together (double-wide) comprise a complete dwelling;

(aq) **"MODULAR HOME"** - means a factory fabricated unit or a number of parts of a unit, designed to be transported on a truck and assembled on site to appear as a single detached dwelling and be fixed permanently onto a foundation;

(ar) **"MUNICIPALITY"** - means the Summer Village of Seba Beach;

(as) **"OFF-STREET PARKING"** - means an off-street hard surfaced facility for the parking of two or more vehicles;

(at) **"ON-SITE SEWAGE DISPOSAL SYSTEM"** - means a non-municipal on-site sewage containment system that satisfies regulations made pursuant to the Alberta Safety Codes Act, R.S.A. 2000, which may include a holding tank, septic tank, or evaporation mound;

(au) **"PARCEL"** - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

(av) **"PARCEL COVERAGE"** - means the combined area, measured at 1.0 m (3.0 ft.) above grade, of all buildings on a parcel excluding all features which would be permitted under this Bylaw as projections into required yards;

(aw) **"PARCEL DEPTH"** - means the average distance between the front and rear property lines;

(ax) **"PARCEL WIDTH"** - means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

(ay) **"PARKING FACILITY"** - means a paved or graveled area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

(az) **"PARKING STALL"** - means a space set aside for the parking of one vehicle;

(ba) **"PERMITTED USE"** - means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;

(bb) **"PLACE OF WORSHIP"** - means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

(bc) **"PRINCIPAL BUILDING OR USE"** - means the primary building or use for which the parcel is ordinarily used. Garages, lofts, boathouses and similar building or uses on parcels which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one principal building or use on a single parcel;

(bd) **"PROFESSIONAL, FINANCIAL, OFFICE AND BUSINESS SUPPORT SERVICES"** - means development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, doctors, architects, offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering and similar office support services, banks, credit unions, loan offices and similar financial uses, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;

(be) **"PROFESSIONAL SERVICES"** - means development primarily used for the provision of professional government or professional consulting services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors and architects;

(bf) **"PROPERTY LINE"** - means the boundary line of a parcel;

(bg) **"PUBLIC ROAD"** - means land shown as a road on a plan of survey that has been filed or registered in a land titles office or a highway as defined in the Highway Traffic Act, R.S.A. 2000, and includes a bridge forming part of the road or highway and any structure incidental to the road or highway;

(bh) **"RECREATIONAL VEHICLE"** – means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The base entities are travel trailer, camping trailer, truck camper, fifth wheel, and motor home;

(bi) **"RENOVATION"** – means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;

(bj) **"RESTAURANT"** - means development where food and/or non-alcoholic beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in business. Restaurants include cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in businesses. Restaurants shall not contain within them a drinking establishment;

(bk) **"RETAIL STORE"** - means development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. Retail stores do not include developments where gasoline, new or used motor vehicles, heavy agricultural and/or industrial equipment are sold or rented;

(bl) **"SEMI-DETACHED DWELLING"** - means two attached dwellings, side by side, under one roof;

(bm) **"SEPARATION SPACE"** - means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the parcel boundaries of a dwelling unit;

(bn) **"SERVICE STATION"** - means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

(bo) **"SETBACK"** – means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building as specified in this Bylaw. Where the parcel boundary is curved due to the curvature of a public road or for other reasons, the midpoint of the facing wall or portion of the building may be used as a basis to calculate the setback distance;

(bp) **"SHORELINE"** - means the bed and shore of a water body, as determined pursuant to the Surveys Act;

(bq) **"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;

(br) **"SINGLE DETACHED DWELLING"** - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a permanent residence not separated from direct access to the outside by another structure other than such building which is, pursuant to this Bylaw, defined as a mobile home;

(bs) **"SITE TRIANGE"** - means that area on a corner parcel between a straight line drawn between two points on the boundaries of a parcel located 6.1 m (20 ft.) from the point where the boundaries intersect, and that point where the boundaries intersect;

(bt) **"SPLIT LEVEL DWELLING"** - means a dwelling that has three separate living areas, each separated from the next by one half-storey;

(bu) **"STATUTORY PLAN"** - means a general municipal plan, area structure plan or area redevelopment plan adopted pursuant to the Act;

(bv) **"STOREY"** - means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

(bw) **“STOREY, HALF”** - means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

(bx) **“STREET”** - means a public road no less than 10.0 m (32.8 ft.) in width which is constructed and developed for the use of vehicular and pedestrian traffic, but does not include a lane as defined in the Highway Traffic Act;

(by) **“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”** - means the Subdivision and Development Appeal Board established and appointed pursuant to the provisions of the municipality’s Subdivision and Development Appeal Board Bylaw and the Act;

(bz) **“TEMPORARY BUILDING”** - means a building that is allowed to exist for a limited time only;

(ca) **“TRAFFIC ISLAND”** - means an area or space officially set aside within a street, lane or parking lot as prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times;

(cb) **“USE”** - means a use of land or a building as determined by the Development Officer in accordance with this Bylaw;

(cc) **“UTILITY BUILDING OR USE”** - means the components of a sewage, storm water or solid waste disposal system, telecommunication, electrical power, water, gas or oil distribution system designed for servicing the public;

(cd) **“WATER DISTRIBUTION SYSTEM”** - means a waterworks system (as defined in the Environmental Protection and Enhancement Act) that serves 2 or more dwelling units;

(ce) **“YARD”** - means a space between the property boundaries of the parcel and the exterior walls of the principal building on the parcel. Yards shall generally remain unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise allowed in this Bylaw;

(cf) **“YARD, FRONT”** - means that portion of a parcel extending across the full width of the parcel from the property boundary line of the parcel adjacent to a public road to the front wall of the principal building, except that on a parcel with a lakefront yard, the portion of the parcel normally considered to be the front yard shall be considered to be the rear yard;

(cg) **"YARD, LAKEFRONT"** – means the area between that property line of a parcel which is a shoreline, or which is separated from a shoreline either by a Reserve parcel or by a public road or by a road on a Plan of Survey and the wall of the principal building. Notwithstanding any other provision of this Bylaw to the contrary, where a parcel has a lakefront yard, the yard opposite the lakefront yard (which would normally be considered to be a front yard if it is adjacent to a road) shall be considered to be a rear yard for the purposes of definitions of yards and yard and setback requirements;

(ch) **"YARD, REAR"** – means that portion of a parcel extending across the full width of the parcel from the property boundary of the parcel directly opposite the boundary line adjacent to a public road to the exterior wall of the building, except that on a parcel with a lakefront yard, the portion of the parcel adjacent to a public road which is normally considered to be the front yard shall be considered to be the rear yard;

(ci) **"YARD, SIDE"** - means that portion of a parcel extending from the front yard to the rear yard and lying between the property boundaries ~~y~~ of the parcel which are neither adjacent to or directly opposite a public road and the nearest portion of the exterior wall of the building;

and all other words and expressions have the meaning respectively assigned to them by the Act, by any other applicable Statute of Alberta, and in common law.

SECTION 6 ESTABLISHMENT OF A DEVELOPMENT OFFICER

(1) The office of the Development Officer is established through the municipality's Development Authority Bylaw.

(2) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:

(a) keeping and maintaining for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto, and

(b) keeping a register of all applications for development including the decisions thereon and the reasons therefore.

SECTION 7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board shall perform such duties as specified in the Subdivision and Development Appeal Board Bylaw, this Bylaw, and the Act.

SECTION 8 ESTABLISHMENT OF FORMS

For the purpose of administering the provisions of this Land Use Bylaw, the Council shall, by resolution, authorize the preparation and the use of such forms and notices as it may deem necessary.

SECTION 9 AMENDMENT AND VALIDITY OF BYLAW

(1) If it appears to the Development Officer that any proposed amendment to this Bylaw is at variance with a statutory plan he shall advise the applicant in writing that an amendment must be made to the statutory plan before the proposed amendment can be processed.

(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 resolution of Council; and

(b) the costs for advertising for the public hearing, which is to be borne by the applicant,

although the Council may determine that the whole or part of the application fee be returned to the applicant.

(3) Upon first reading of any bylaw amending this Land Use Bylaw, the Development Officer shall refer a copy of said amending bylaw to Parkland County for comment.

SECTION 10 SECTIONS FOUND TO BE INVALID

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

PART II - DEVELOPMENT PERMITS AND CONTRAVENTION

SECTION 11 PURPOSE OF AND REQUIREMENT FOR DEVELOPMENT PERMITS

(1) Development permits are required to ensure that all development is achieved in an orderly manner and in keeping with the municipality's overall development strategy.

(2) Except as noted in Section 12 below, no development shall take place within the municipality without a development permit having first been obtained.

SECTION 12 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

Subject to conformity with all other provisions of this Bylaw, the following developments shall not require a development permit.

(a) the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations or additions;

(b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;

(c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;

(d) the erection or construction of gates, fences, walls or other means of enclosure less than 1.5 m (5.0 ft.) in height in front yards or lakefront yards and less than 1.8 m (6.0 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure;

(e) the erection or placement of a temporary building, 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 is removed within thirty (30) days of substantial completion or as determined by the development officer;

(f) 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;

(g) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;

(h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Bylaw;

(i) a portable garden or tool shed not on a fixed foundation in the rear yard of a residential parcel, such building not to exceed 9.3 m^2 (100.10 $ft.^2$) in floor area and 2.5 m (8.2 ft.) in height, provided that it conforms to the required setbacks for accessory buildings in this Bylaw;

(j) development specified in the Act (Section 618), which includes:

  (i) a highway or road,

  (ii) a well or battery within the meaning of the Oil and Gas Conservation Act,

  (iii) a pipeline or an installation on structure incidental to the operation of a pipeline, or

  (iv) any other thing specified by the Lieutenant Governor in Council by regulation;

(k) a statutory or official notice of a function of the Summer Village of Seba Beach;

(l) traffic signs authorized by the Summer Village of Seba Beach and/or Alberta provincial authorities;

(m) a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 1.12 m^2 (12.1 $ft.^2$) in area, subject to all other orders, bylaws and regulations affecting such signs;

(n) the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:

  (i) such signs for any dwelling or dwelling parcel does not exceed 0.46 m^2 (5.0 $ft.^2$) in area, and

  (ii) such signs for a multiple dwelling parcel, a commercial parcel, or an industrial parcel does not exceed 0.8 m^2 (9.0 $ft.^2$), and

  (iii) such signs shall not be illuminated;

(o) 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 fourteen (14) days after 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 are not attached to trees or utility poles, and

(v) such signs indicate the name and address of the sponsor and the person responsible for removal;

(p) signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:

(i) such signs shall not exceed 1.12 m^2 (12.1 $ft.^2$) in area, and

(ii) there shall be a limit of one sign for each side of the land or buildings on a different street;

(q) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:

(i) such signs do not exceed 1.12 m^2 (12.1 $ft.^2$) in area, and

(ii) there shall be a limit of one sign not including signs related to public safety for each boundary of the property under construction which fronts onto a public street, and

(iii) such signs shall be removed within fourteen (14) days of occupancy;

(r) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation; and

(s) the demolition of any development for which a development permit is not required pursuant subsections (a) to (r) above.

SECTION 13 APPLICATION FOR A DEVELOPMENT PERMIT

(1) An application for a development permit shall be made to the Development Officer in writing;

(a) on the form prescribed by Council and, at the discretion of the Development Officer, shall be accompanied by:

(i) a scaled parcel plan in duplicate showing the legal description, the front, rear and side yards, location of property boundaries (i.e., survey pins), and provision for off-street loading and vehicle parking,

(ii) scaled floor plans, elevations and sections in duplicate,

(iii) a statement of existing and proposed uses,

(iv) a statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances,

(v) the estimated commencement and completion dates,

(vi) the estimated cost of the project or contract price,

(vii) in the case of a building to be moved in, photographs of the building demonstrating its current state and status, and

(viii) such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development;

(b) the Development Officer may refuse to accept an application for a development permit where the information required by Section 13(1)(a) has not been supplied or where, in the opinion of the Development Officer, the quality of the material supplied is inadequate to properly evaluate the application; and

(c) the Development Officer may deal with an application and make a decision without all of the information required by Section 13(9)(a), if it is the opinion of the Development Officer that a decision on the application can be properly made without such information.

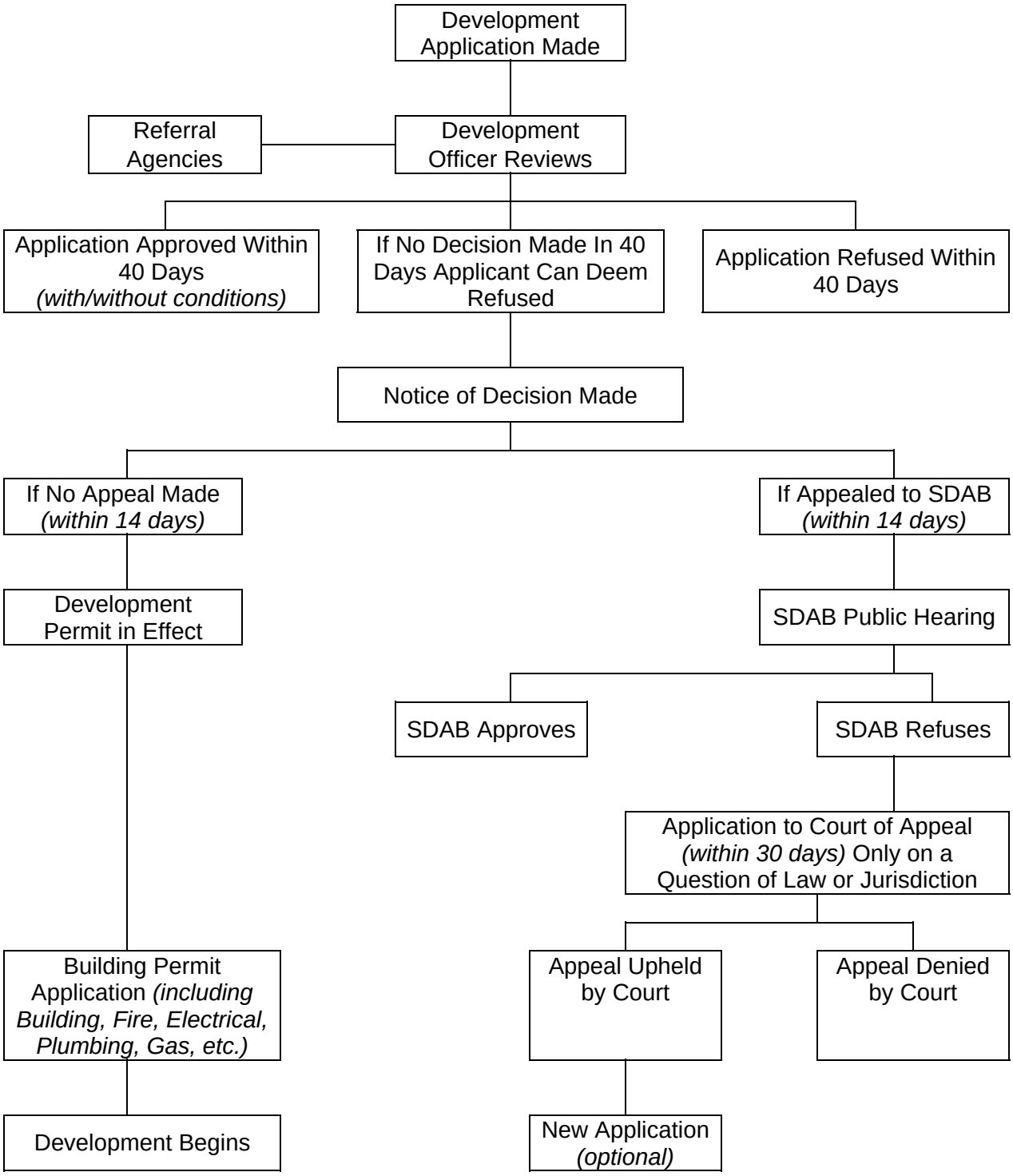
(2) Each application for a development permit shall be accompanied by a non-refundable processing fee, as determined by Council from time to time.

(3) The Development Officer shall refer any application to an adjacent municipality or any other agency or person which in his opinion may provide relevant comments or advice respecting the application.

(4) For a permitted use in any district subject to Section 13(5), the Development Officer shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use bylaw.

(5) The Development Officer may approve an application for a development permit notwithstanding that the proposed development does not comply with this Land Use Bylaw if, in the opinion of the Development Officer:

FIGURE 1: DEVELOPMENT PERMIT PROCESS



Note: This diagram is for information purposes only.

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighborhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and

(b) the proposed development conforms with the use prescribed for that land or building in this Land Use Bylaw.

(6) Limitations on Variance Provisions:

In approving an application for a permit under Subsection (5), the Development Officer shall adhere to the following:

(a) a variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same district; and

(b) the general purpose and intent of the appropriate district.

(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 the Summer Village of Seba Beach to do any or all of the following:

(a) to construct or pay for the construction of a public roadway required to give access to the development;

(b) to construct or pay for the construction of:

(i) a pedestrian walkway system to serve the development, or

(ii) 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;

(c) to install or pay for the installation of utilities that are necessary to serve the development;

(d) to construct or pay for the construction of:

(i) off-street or other parking facilities, and

(ii) loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy imposed by bylaw; and

(f) to provide security, in a fashion satisfactory to the municipality, that the works indicated within the agreement will be carried out.

(8) The municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of the development agreement against the Certificate of Title for the land that is the subject of the development, with the said caveat being discharged when the agreement has been complied with.

(9) In the case where an application for a Development Permit has been refused pursuant to this Bylaw, by the Subdivision and Development 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 or may not be accepted by the Development Officer, at his sole discretion, for twelve (12) months after the date of the previous refusal;

SECTION 14 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 15 DEVELOPMENT PERMITS AND NOTICES

(1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision or development permit is received as described in Section 15(3) below. For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit.

(2) Where an appeal is made pursuant to Part III of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit decided on by the Board.

ANY DEVELOPMENT PROCEEDED WITH BY THE APPLICANT PRIOR TO THE EXPIRY OF THE ABOVE IS DONE SOLELY AT THE RISK OF THE APPLICANT.

(3) Immediately after a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:

(a) mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected; and/or

(b) require a notice of the decision to be posted conspicuously on the property for which the application has been made; and/or

(c) publish in a newspaper circulating in the municipality a notice of the decision, or

(d) if the proposed development is for a permitted use and is in total conformity with this Bylaw, place a notice of the decision in a prominent place in the Village Office.

(4) The notices issued pursuant to Section 15(3) shall indicate:

(a) the date a decision on the development permit application was made;

(b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, or Council; and

(c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 20 of this Bylaw.

(5) If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, of the date of decision of the Subdivision and Development Appeal Board or the date of the decision of the Alberta Court of Appeal, nor come, in the opinion of the Development Officer, to the point of substantial completion within twelve (12) months, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.

(6) The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.

(7) If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.

SECTION 16 PAYMENT OF TAXES

A condition of all development permits shall be that all tax arrears be paid in full prior to construction or commencement of the proposed development or that alternate arrangements be made to the satisfaction of the Summer Village.

SECTION 17 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS

In accordance with the Act, an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Officer, is not made within forty (40) days of the completed application being received by the Development Officer unless the applicant and the Development Officer have mutually entered into an agreement to extend the forty (40) day period.

SECTION 18 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

(1) If, after a development permit has been issued, the Development Officer becomes aware that:

(a) the application for the development contains a misrepresentation; or

(b) facts concerning the application or the development were not disclosed at the time the application was considered; or

(c) the development permit was issued in error;

the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

(2) If a person fails to comply with an order under the Act (Section 545), the Development Officer may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.

(3) A person whose development permit is suspended or canceled under this section may appeal to the Subdivision and Development Appeal Board.

SECTION 19 CONTRAVENTION

(1) Where the Development Officer finds that a use is not in accordance with the Municipal Government Act, this Land Use Bylaw, or a development permit issued thereunder, the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, the person responsible for the contravention, or all or any of them to:

(a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or

(b) demolish, remove or replace the development; or

(c) take such other measures specified in the notice so that the development or use of the land or buildings is in accordance with the Act and its regulations, a development permit, subdivision approval or this Land Use Bylaw as the case may be, within the time specified by the notice.

(2) If a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take action as is necessary to carry out the order.

(3) When the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land.

(4) For the purposes of entering and inspecting land or buildings as described in the Municipal Government Act, the Development Officer is hereby declared to be an "authorized person."

(5) Violation Tickets

(a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.

(b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the County.

(c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of $100.00 for a first offence and $150.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.

(d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.

(e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

(f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than $200.00, plus court costs, for each offence.

PART III - DEVELOPMENT APPEALS

SECTION 20 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Subdivision and Development Appeal Board for the Summer Village of Seba Beach, as established by Bylaw, shall perform the duties and functions described in the Municipal Government Act

(2) The Subdivision and Development Appeal Board shall review all applications for development appeal, stop order appeal, and subdivision appeal.

(3) **Appeal Procedure**

(a) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority:

(i) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application or the extension to this period referred to in Section 7 above, or

(ii) issues a development permit subject to conditions, or

(iii) issues an order under Section 19 of this Bylaw.

(b) Notwithstanding subsection (a) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.

(c) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Subdivision and Development Appeal Board.

(d) An appeal shall be made by serving a written notice of appeal, together with reasons for the appeal and the appeal fee as established by resolution of Council, to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:

(i) the date notice of the order, decision or permit issued by the Development Authority was received in accordance with Section 15 of this Bylaw; or

(ii) the forty (40) day period referred to in subsection 1.(a) has expired.

(4) **Appeal Hearing**

(a) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and

Development Appeal Board shall hold an appeal hearing respecting the appeal.

(b) The Secretary to the Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:

(i) the appellant;

(ii) the Development Authority from whose order, decision or development permit the appeal is made;

(iii) those adjacent land owners who were notified under Section 15 and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and

(iv) such other persons as the Subdivision and Development Appeal Board specify.

(c) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:

(i) The application for the development permit, the decision and notice of appeal; or,

(ii) The order of the Development Authority under Section 19 of this Bylaw.

(d) At the appeal hearing referred to in subsection (4), the Subdivision and Development Appeal Board shall hear:

(i) The appellant or any other person acting on his/her behalf;

(ii) The Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;

(iii) Any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his/her behalf; and

(iv) Any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his/her behalf.

(5) **Decision**

(a) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.

(b) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:

(i) to a judge of the Court of Appeal; and

(ii) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

SECTION 21 OFFENCES AND PENALTIES

(1) A person who,

(a) contravenes any provision of this Land Use Bylaw;

(b) fails to comply with any provision or requirement of this Land Use Bylaw;

(c) contravenes a development permit or fails to comply with a condition attached thereto; or

(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 and a fine in accordance with the Act.

(2) Where a person is found guilty of an offense under this Land Use Bylaw, the Alberta Court of Appeal may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw or a development permit, or condition attached thereto.

SECTION 22 OTHER LEGISLATION

Compliance with the requirements of this Land Use Bylaw does not except any person from:

(a) the requirements of any federal, provincial or municipal legislation; and

(b) complying with an easement, covenant, agreement or contract affecting the development.

PART IV - SUPPLEMENTARY REGULATIONS

SECTION 23 BUILDING REGULATIONS

(1) Guest Houses

(a) In residential districts guest houses shall be located according to the following:

(i) A maximum of one (1) guest house is allowed on a parcel.

(ii) Must be located in the rear yard and rear half of the property.

(iii) For a guest house situated over a garage a rear yard setback shall be provided of not less than 1.5 m. Where the principal door of the garage faces a roadway, the garage shall bet setback 6.0 m from the boundary of the parcel adjacent to the roadway.

(iv) Side yards shall total at least 10% 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.

(v) No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.

(vi) A guest house shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

(2) Garages and Other Accessory Buildings

(a) In residential districts, all accessory buildings except guest house, including detached garages shall be located according to the following:

(i) No accessory building shall be located within a front yard or a lakefront yard except that accessory buildings used exclusively as boathouses may, at the sole discretion of the Development Authority, be located within lakefront yards.

(ii) An accessory building shall be situated so that it provides a minimum side and rear yard of at least 1.0 m (3.28 ft.), except for guest houses which shall be site in accordance with Section 23(1).

(iii) Notwithstanding any other provision of this Bylaw to the contrary, where the principal door of a garage faces a roadway, the garage

shall be set back 6.0 m from the boundary of the parcel adjacent to the roadway.

(iv) An accessory building shall not be more than 4.45 m (14.6 ft.) in height, unless it is a guest house on the second floor over a garage, in which case the accessory building shall not exceed the height provided for the principal building within the district.

(v) No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.

(vi) An accessory building shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

(b) Except for guest houses, an accessory building shall not be used as a dwelling.

(c) A guest house shall be secondary to the principal residential use on the parcel.

(d) Notwithstanding any other provision of this Bylaw to the contrary, existing dwelling units in garages or other accessory buildings that comply with the setback requirements of this Bylaw shall be allowed and shall be considered to conform to this Bylaw.

(e) A guest house shall be secondary to the principal residential use on the parcel.

(3) Temporary Living Accommodation

In residential districts:

(a) At no time may a recreational vehicle, holiday trailer, motor home, camper or tent trailer be situated on a residential parcel unless that parcel is developed with a Single Detached Dwelling.

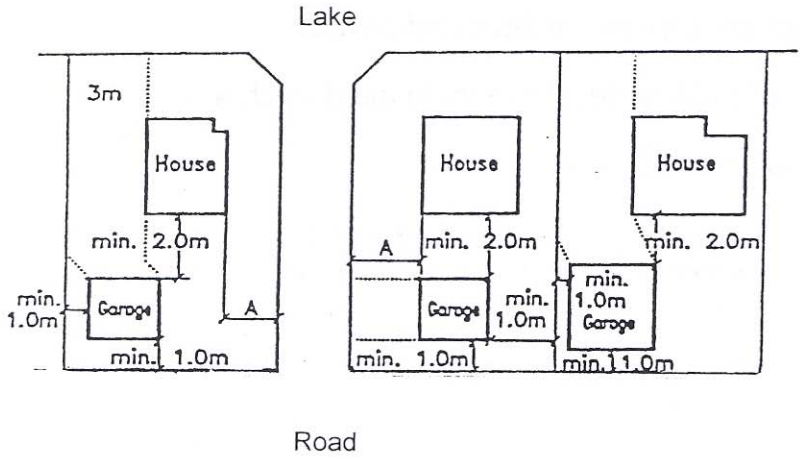
(b) On a residential parcel that is developed with a Single Detached Dwelling, a maximum of one (1) recreational vehicle, holiday trailer, motor home, camper or tent trailer may be situated and occupied on a residential parcel provided that it:

(i) is occupied for no longer than seventy-two (72) hours total within a thirty (30) day period, or extended periods as authorized by the Development Authority; and

(ii) is located within a required parking stall or on the site in a manner satisfactory to the Development Authority.

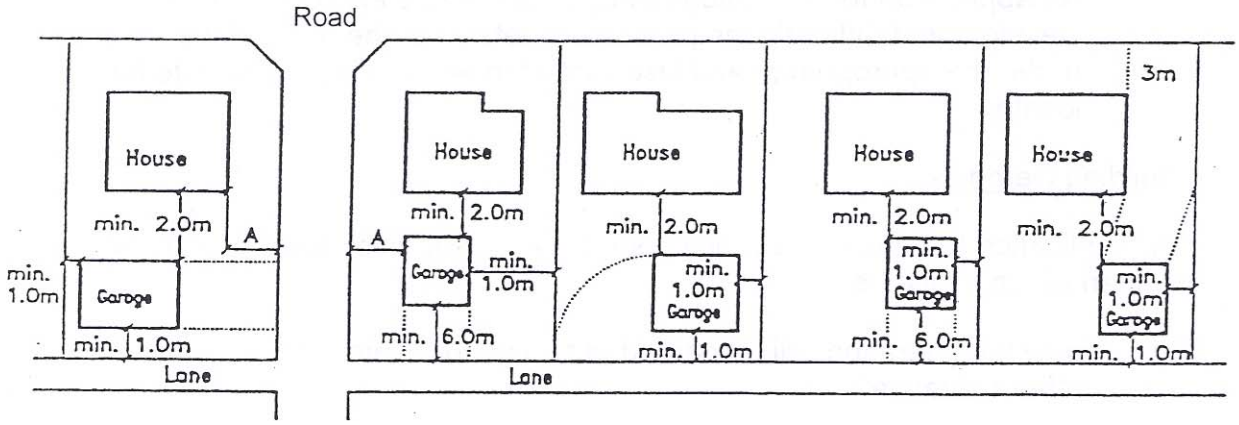
FIGURE 2: SITING OF ACCESSORY BUILDINGS

LANELESS SUBDIVISION



A – No Closer than Principal Dwelling

LANE SUBDIVISION



(4) <u>Building Attached to Principal Building</u>

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

(5) Building Orientation and Design

(a) The design, character and architectural appearance of any building or sign proposed to be erected or located in any district must be acceptable to the Development Officer having due regard to:

(i) amenities such as daylight, sunlight and privacy,

(ii) the character of existing development in the district, and

(iii) its effect on adjacent parcels.

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

(6) Relocation of Buildings

(a) No person shall:

(i) place on a parcel a building which has previously been erected or placed on a different parcel, or

(ii) alter the location on a parcel of a building which has already been constructed on that parcel,

unless a development permit has been issued.

(b) An application for a development permit may be approved by the Development Officer if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.

(7) Building Demolition

An application to demolish a building shall not be approved without a statement or plan which indicates:

(i) how the operation will be carried out so as to create a minimum of dust or other nuisance,

(ii) how to deal with utility connections, and

(iii) the final reclamation of the parcel,

which is satisfactory to the Development Officer.

(8) Fences in Lakefront Yards

Notwithstanding any other provision of this Bylaw to the contrary, no fence or other structure other than a boathouse shall be located within 7.62 m (25.ft.) of a property line which is a shoreline.

(9) Fences

Notwithstanding any other provision of this Bylaw to the contrary, no fence, wall, or other means of enclosure shall exceed:

(a) 1.67 m. (5.5 ft.) in height in front yards or lakefront yards, or

(b) 2.5 m. (8.2 ft.) in height in other yards.

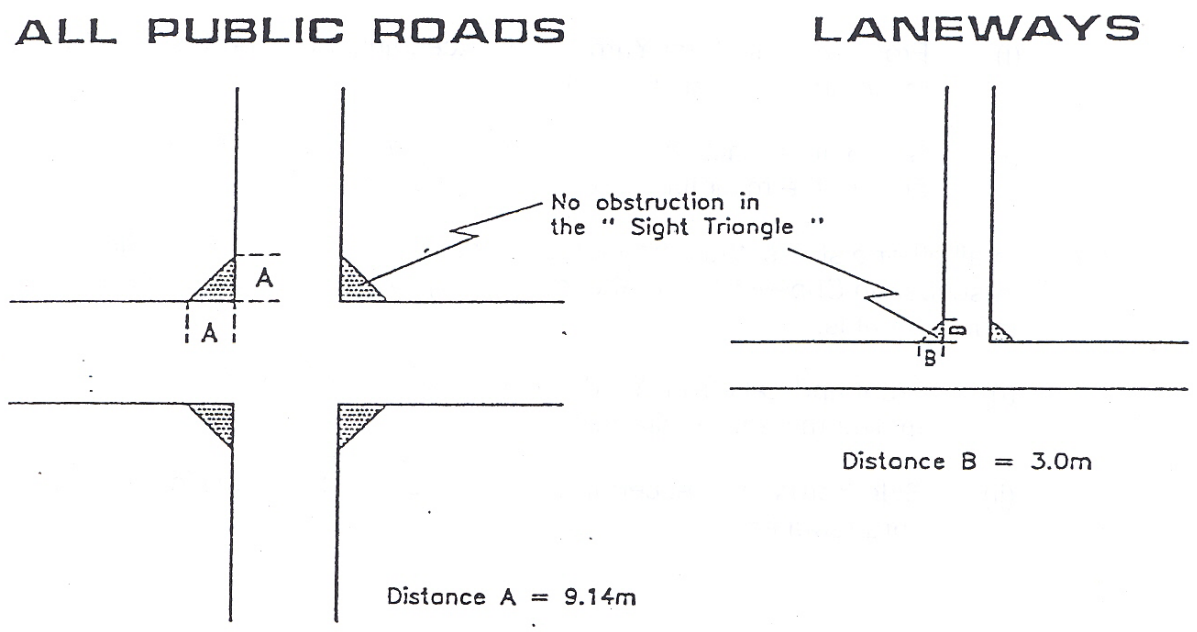
SECTION 24 SIGHT TRIANGLES

(1) 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 m (3 ft.) in height above the lowest street grade adjacent to the intersection.

(2) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2 ft.) within the area defined as a sight triangle.

(3) When a parcel has more than one front yard line (corner parcel), the front yard requirements shall apply to all front yards, but, at the discretion of the Development Officer, one front yard may be considered a side yard.

FIGURE 3: SIGHT TRIANGLES



SECTION 25 YARD REGULATIONS

(1) Corner Sites

(a) A road indicated on a Plan of Survey which is adjacent to a Lake shall not be considered to be a public road or a street pursuant to this Bylaw.

(b) In a residential area, a parcel abutting two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

(c) In all cases, the location of buildings on corner parcels shall be subject to approval by the Development Officer who shall take into account the location of existing adjacent buildings or the required setback on adjacent parcels where a building does not exist.

(d) At the discretion of the Development Officer one of the front yards on corner sites with more than one front yard may be considered a side yard for setback purposes.

(2) Projections Over Yards

(a) In all districts, no person shall allow any portion of a principal or accessory building to project over or onto the required minimum front yard, required minimum side yard, or required minimum rear yard except for a chimney, balcony, sill, cornice, deck, canopy, bay or bow window, cantilevered section of building, or any other feature which, in the opinion of the Development Officer, is similar.

(b) In all residential districts, the amount that a principal or accessory building may project into a minimum yard requirement are:

(i) Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft.) into the minimum yard requirement.

(ii) Side Yards: Including un-enclosed steps or eaves, not exceeding 50% of the minimum side yard requirement.

(c) In all other districts, the amount that a principal or accessory building may project into a minimum yard requirement is:

(i) Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft.) into the minimum yard requirement.

(ii) Side Yards: Not exceeding 0.6 m (1.9 ft.) into the minimum side yard requirement.

(d) No portion of a building unless otherwise provided for under this Bylaw shall project into a public road or street or other parcel.

(e) When determining setbacks, they shall be calculated from the facing wall, attached deck or porch.

FIGURE 4: REQUIRED YARDS

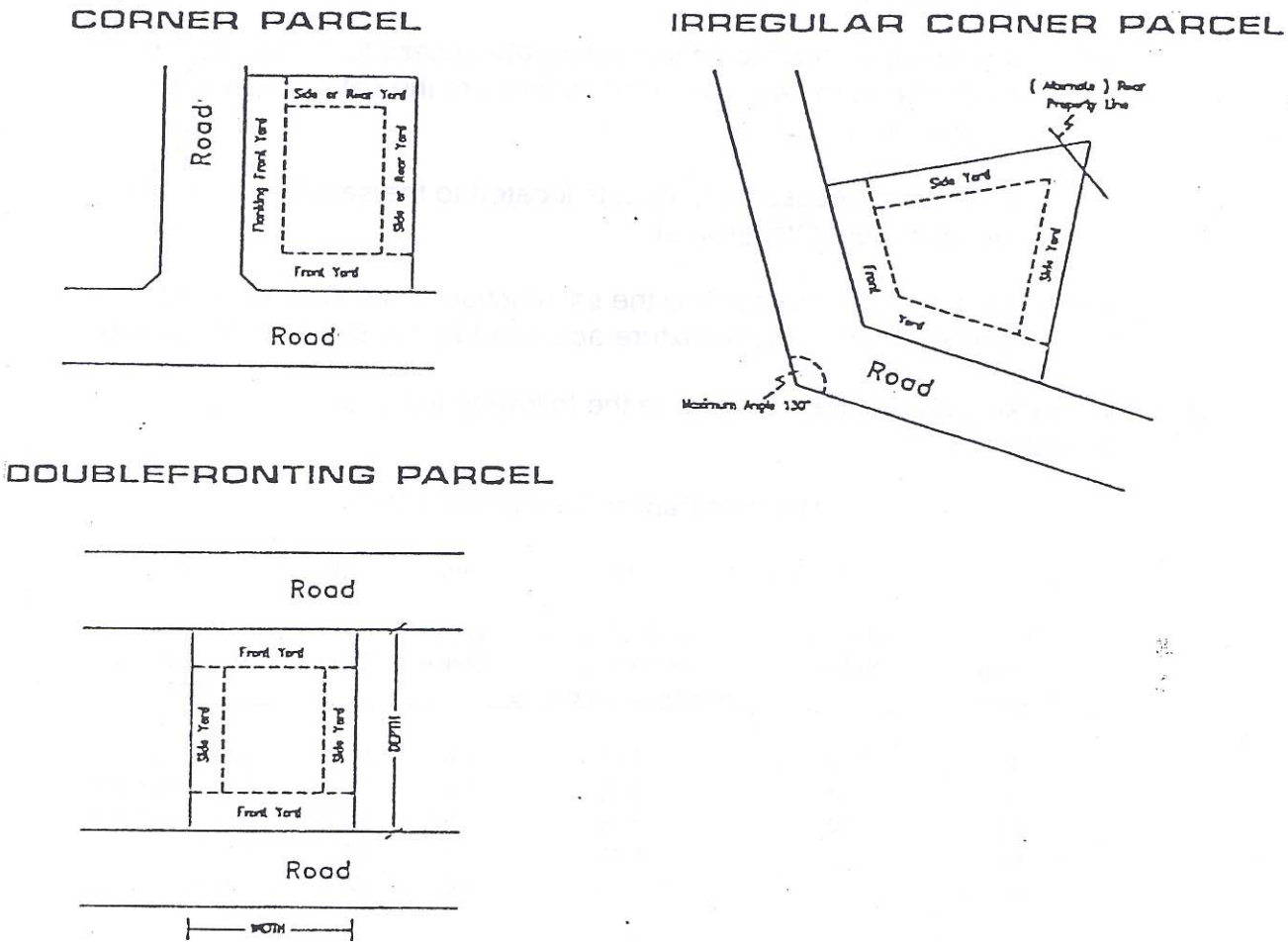
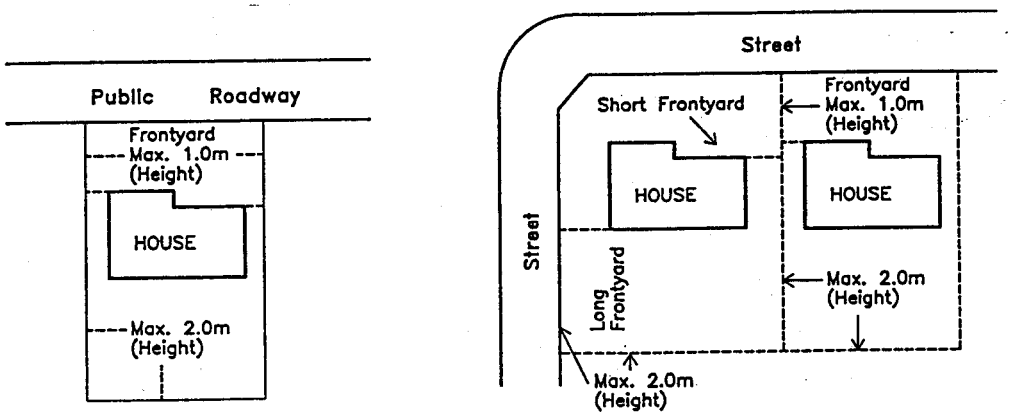


FIGURE 5: SITING OF FENCES



SECTION 26 AUTOMOBILE REGULATIONS

(1) Off-Street Automobile Parking

(a) An off-street parking area:

(i) shall not be located within 1.0 m (3.28 ft.) of a parcel line common to the parcel and to a public road;

(ii) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times to the satisfaction of the Development Officer;

(iii) shall have necessary curb cuts located to the satisfaction of the Development Officer; and

(iv) shall be hard-surfaced to the satisfaction of the Development Officer or of a gravel mixture approved by the Development Officer.

(b) All parking areas shall conform to the following minimum parking standards:

Minimum Parking Standards (in M)

(a)	(b)	(c)	(d)	(e)	(f)
Parking Angle in Degrees	Width of Space	Depth of Space Perpendicular to Maneuvering Aisle	Width of Space	Overall Depth	Width of Maneuvering Aisle
0	3.05	3.05	7.01	9.14	One Way 3.66
30	3.05	5.18	5.49	14.02	One Way 3.66
45	3.05	5.79	3.87	15.24	One Way 3.66
60	3.05	6.10	3.14	18.29	One Way 6.10
90	3.05	6.10	3.05	18.29	One Way 7.32

(2) Required Number of Off-Street Parking Spaces

(a) The minimum number of off-street parking spaces required for each building class shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Officer. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

Residential

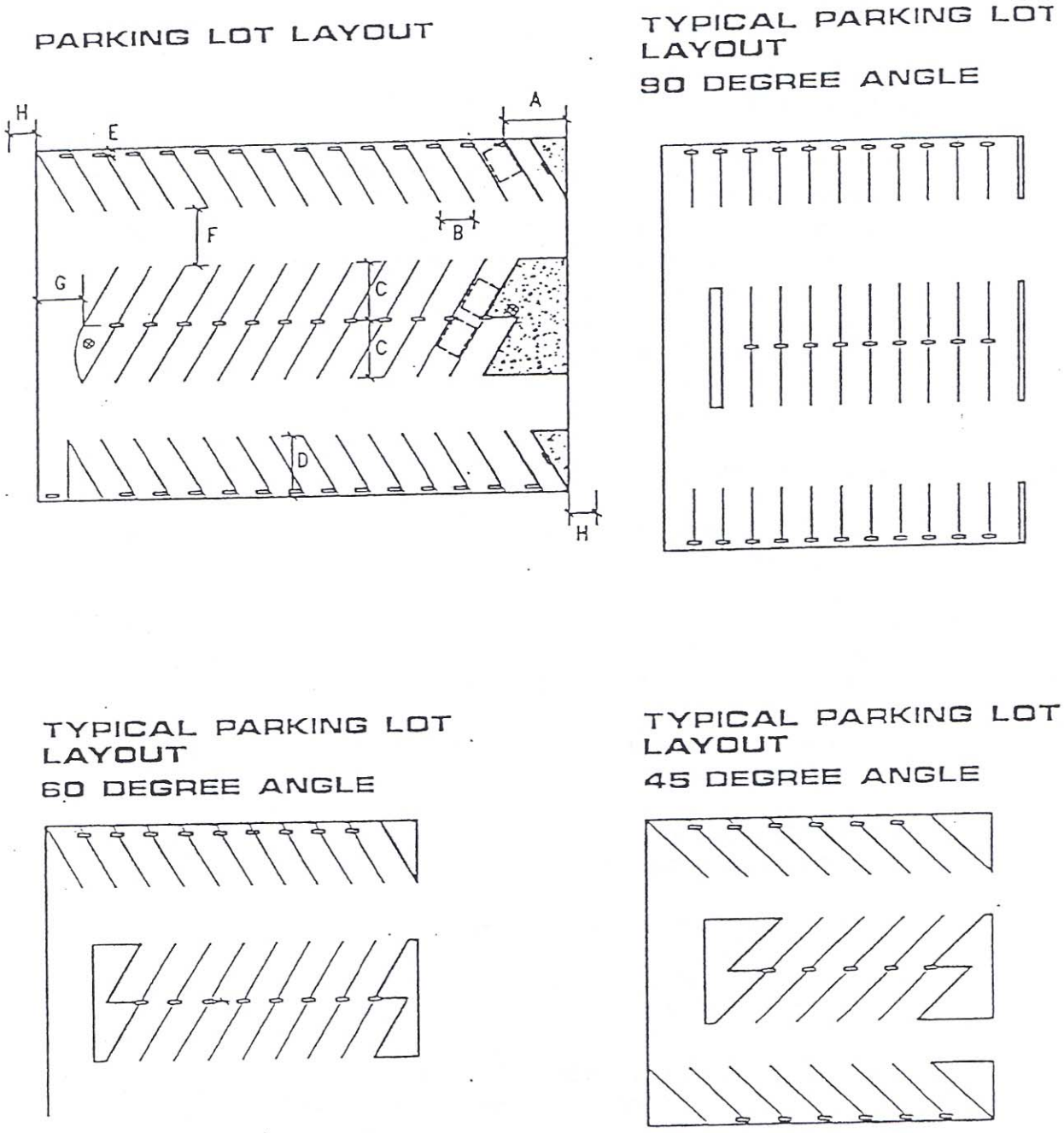
Modular homes or single detached dwellings	2 per dwelling
Guesthouse	1 per guesthouse

Commercial

Business, public administration and offices other than clinics	1 per 40.0 m^2 (430.0 $ft.^2$) of gross leasable area
Clinics	1 space for each 30.0 m^2 (323.0 $ft.^2$) of gross leasable area or 3 spaces for each full or part-time professional, whichever is greater
Retail, personal service, equipment and repair shops with a gross leasable floor area of 1000.0 m^2 (10,764.0 $ft.^2$) or less	1 per 30.0 m^2 (323.0 $ft.^2$) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of between 1000.0 m^2 and 4000.0 m^2 (10,764.0 $ft.^2$ and 43,057.0 $ft.^2$)	1 per 20.0 m^2 (215.0 $ft.^2$) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of more than 4000.0 m^2 (43,057.0 $ft.^2$) on one parcel	1 per 17.0 m^2 (183.0 $ft.^2$) of gross leasable area
Restaurants	1 for each 6.0 m^2 (65.0 $ft.^2$) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater
Drive-in businesses and car washing establishments	8 except where more are required under other requirements of this section

Take Out Restaurants (food exclusively taken off-parcel)	1 for each 13.0 m^2 (140.0 $ft.^2$) of gross floor area plus 1 for each three employees on maximum shift
Hotels and motels	1 per sleeping unit and 1 space per three employees on maximum shift
<u>Places of Public Assembly</u>	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 m^2 (75.0 $ft.^2$) used by the patrons, whichever is greater
<u>Schools</u>	
Elementary schools and junior high schools	1 per school hour employee, plus 5
Senior high schools which do not include an auditorium, gymnasium or swimming pool	1 per school hour employee plus 1 for every twenty students
<u>Hospitals and Similar Uses</u>	
Hospitals, sanatoriums, group care facilities, nursing homes, convalescent homes and senior citizens lodges.	1 per 100.0 m^2 (1,076.0 $ft.^2$) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater.

FIGURE 6: PARKING LOT LAYOUT



(b) Where a development on a parcel contains 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.

(3) Communal Parking Facilities

Parking may be provided on a parcel other than the parcel of the principal use provided that it is in accordance with the following regulations:

(a) On other than residential property and subject to the approval of the Development Officer, an owner of land or a group of such owners may pool his or their required off-street parking spaces within one or more communal parking facilities and may thereby collectively fulfill the required number of off-street parking spaces.

(b) Where a group of uses is served by a communal parking facility, the requirement for such a facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.

(4) Off-Street Loading Spaces

(a) Off-street loading spaces shall be required for all non-residential development.

(b) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.

(c) An off-street loading space shall be at least 4.0 m (13.12 ft.) in width, 8.0 m (26.24 ft.) in length, with height of 4.0 m (13.12 ft.).

(d) Hard-surfacing shall be required where an off-street parking facility is required to be hard-surfaced.

(e) Number of off-street loading spaces:

(i) in a retail, industrial, warehouse or similar development of less than 465.0 m^2 (5,000.0 $ft.^2$) of gross floor area, one space;

(ii) two spaces for between 465.0 m^2 (5,000.0 $ft.^2$) and 2,323.0 m^2 (25,000 $ft.^2$) of gross floor area, and one additional space for each additional 2,323 m^2 (25,000 $ft.^2$) or function thereof;

(iii) office buildings, places of public assembly, institution, club or lodge, school, or any other use one space up to 2,787.0 m^2 (30,000 $ft.^2$) of gross floor area and for each additional 2,787 m^2 (30,000 $ft.^2$) or fraction thereof, one additional space; and

(iv) neighbourhood commercial stores, one loading space.

SECTION 27 HOME OCCUPATIONS

(1) Home Occupations

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

(a) A major home occupation shall comply with the following regulations:

(i) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.

(ii) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.

(iii) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.

(iv) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).

(v) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.

(b) A minor home occupation shall comply with the following regulations:

(i) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.

(ii) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

(c) All home occupations shall comply with the following requirements:

(i) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.

(ii) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.

(iii) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30 m^2 (323 $ft.^2$), whichever is less, of the dwelling unit for business usage. Except as noted in subsection (vi) herein, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.

(iv) No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.

(v) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.

(vi) Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one identification sign on the parcel or the dwelling, providing that the sign does not exceed 0.93 m^2 (10.0 $ft.^2$) in area.

(vii) In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

(viii) Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

(ix) Home occupations shall not involve:

A. activities that use or store hazardous material in quantities exceeding those found in a normal household; or

B. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

SECTION 28 FLOOD PRONE LANDS

(1) Development on land which may be subject to flooding shall be discouraged, especially on lands which are with the 1:100 year flood plan, as determined by Alberta Environmental Protection and the Summer Village of Seba Beach.

(2) Residential development on lands which have been identified as a flood area by the Development Authority shall be prohibited.

(3) In flood areas, new development shall not be allowed unless the proposed development is directly related to a recreational or lake use, such as picnic tables, boat docks, launch ramps, etc.

(4) 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 wherein the landowner waives any rights to compensation for damages, registered against the certificate of title for the subject property.

(5) 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 29 ENVIRONMENTALLY SENSITIVE LANDS

(1) Development on lands which are designated or deemed by the Development Officer to be environmentally sensitive by reason of slopes, flood-susceptibility, or treed areas shall be discouraged.

(2) When reviewing an application for development on the environmentally sensitive lands described in Subsection (1) above, 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 geotechnical perspective; and

(d) comments and recommendations from relevant Provincial departments and private agencies.

(3) As part of the development permit application, the Development Officer may require a geotechnical study or hydrogeological study, prepared by a qualified engineer, addressing the proposed development, the extent of any flood-susceptible areas, and the stability of any slopes. The study will establish, among other things, flood-susceptible areas, flood-proofing elevations, slope stability enhancement techniques (including the means to ensure slope stability

during the construction process and during occupancy afterwards), and building setbacks from property lines based upon land characteristics of the subject parcel.

(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 the measures recommended in the geotechnical or hydrogeological study be taken to ensure that development not occur in such a manner as to be either flood-susceptible or subject to erosion or subsidence hazard, and

(b) the registration of a restrictive covenant against the certificate of title for the subject property related to implementation of the recommendations of the geotechnical or hydrogeological study during development and afterward.

SECTION 30 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 31 MOVED IN BUILDINGS

(1) Any renovations and any conditions imposed by the Development Officer to a moved in building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.

(2) When reviewing development permit applications for moved-in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.

(3) In the case of a building to be relocated, it shall, in the opinion of the Development Officer, be compatible, with respect to age and appearance, with the buildings in the receiving neighborhood once all required renovations and improvements have been completed.

(4) The Development Officer may require, as a condition of the approval of a development permit for a moved in building, that any works be undertaken to satisfy the requirements of this Section 31, and, further, that appropriate guarantees be provided that such works shall be undertaken within a specified period of time.

SECTION 32 KEEPING OF ANIMALS

(1) No person shall keep or permit to be kept in any part of the yard in the Village:

(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 no act as a nuisance or reduce the amenities of he area; and

(b) any pets or domestic animals on a commercial basis, except for an approved pet store or kennel.

SECTION 33 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 (including residential identification signs), direction, and warning;

(b) signs relating 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^2 (12 $ft.^2$) and is limited to one such sign per parcel ~~lot~~; and

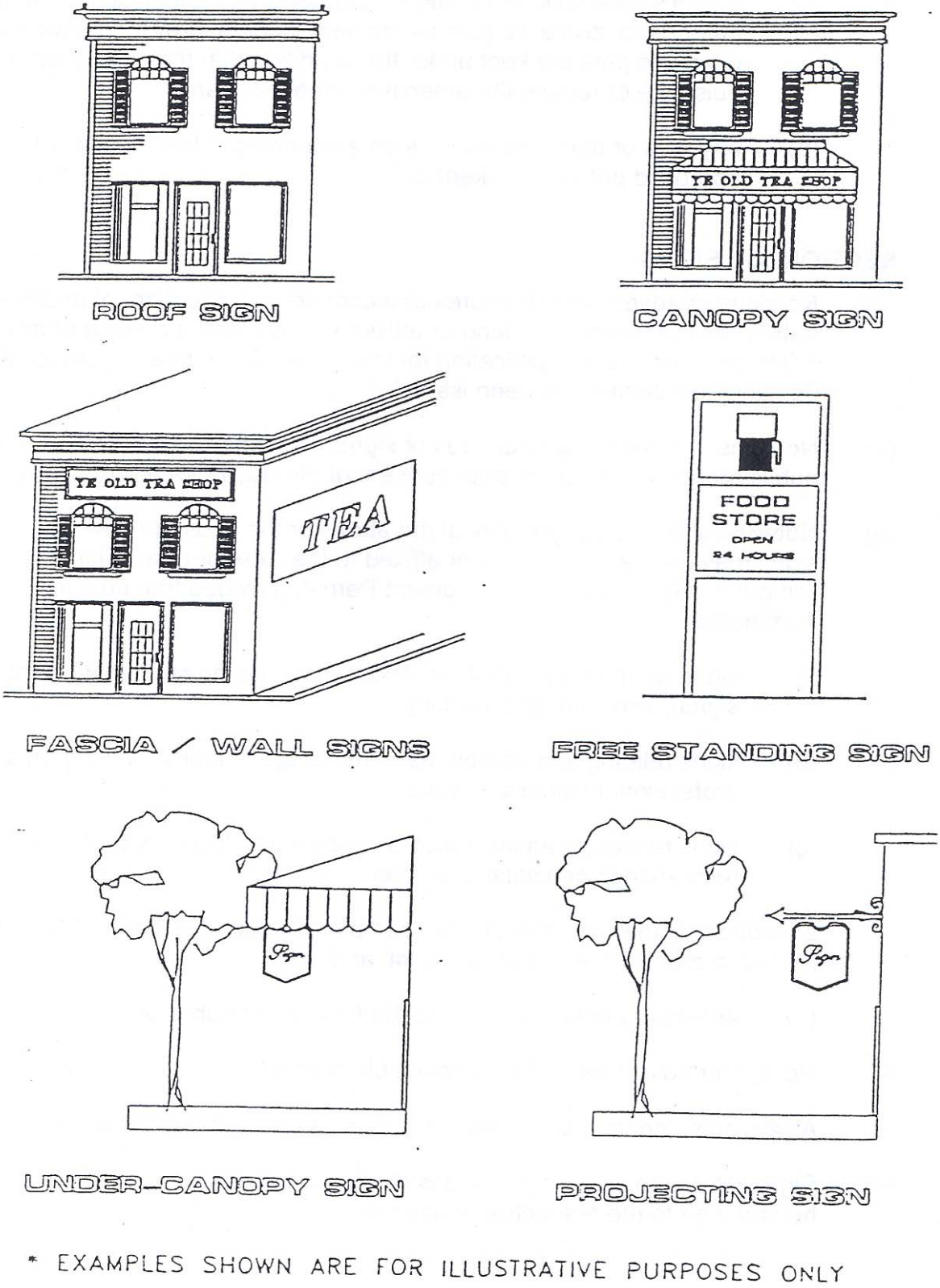
(d) advertisements in relation to the function of public or quasi-public bodies.

(4) No sign or advertisement shall resemble or conflict with a traffic sign.

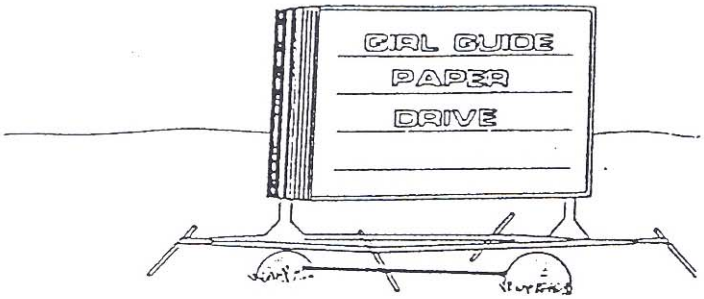
(5) All advertisements shall be kept in a clean, safe, and tidy condition.

(6) Signs related to home occupations shall be limited to 1.0 m^2 (155 $in.^2$) and must be attached to the respective residence.

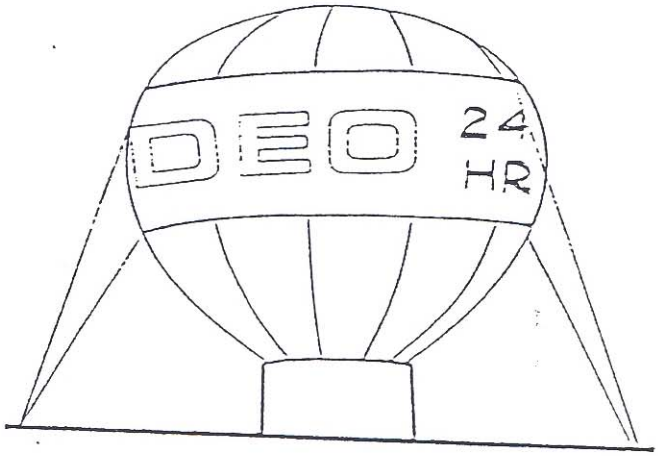
FIGURE 7: SIGNS



* EXAMPLES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY



TEMPORARY / PORTABLE SIGN



TEMPORARY / INFLATABLE SIGN

BILLBOARD SIGN

* EXAMPLES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY

(7) No signs or advertising structures of any kind shall be allowed ~~permitted~~ adjacent to a highway unless the prior approval or the local road authority has been obtained.

SECTION 34 RESIDENTIAL DEVELOPMENT

Single detached dwellings and modular homes are the only residential dwellings allowed within the municipality. Mobile homes shall not be allowed.

SECTION 35 ON-SITE SEWAGE CONTAINMENT SYSTEMS

All development within the Village must satisfy the Regulations of the Alberta Safety Codes Act in the matter of water supply and sanitary sewage disposal.

PART V - LAND USE DISTRICTS AND REGULATIONS

SECTION 36 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP

(1) For the purpose of this Bylaw the Summer Village of Seba Beach is divided into the following districts:

Short Form	District Designation
R1A	Residential (Class A)
R1B	Residential (Class B)
C1	Commercial - Office, Retail and Service
CR	Commercial Recreation
US	Urban Services
P	Parks and Recreation
UR	Urban Reserve

(2) For the purposes of this Bylaw, the R1A and R1B Districts shall collectively be considered to be Residential Districts.

(3) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.

(4) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1 Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.

Rule 2 Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the parcel line.

Rule 3 In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined by:

(a) where dimensions are set out on the Land Use District Map, by the dimensions so set; or

(b) where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

(5) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

(6) After the Council has fixed a district boundary pursuant to the provisions of subsection (5), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

(7) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

SECTION 37 R1A - RESIDENTIAL - SINGLE DETACHED (Class A)

(1) General Purpose of District

This district is generally intended to accommodate single unit residential dwellings with a minimum parcel size as outlined in the Subdivision Regulation.

(2) Permitted Uses

- **M**inor home occupation
- **M**odular home
- **S**ingle detached dwelling
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **D**ay care facility
- **M**ajor home occupation
- **P**ark and playground
- **B**uildings and uses accessory to discretionary uses

(3) Parcel Coverage

Parcel coverage of all buildings shall not exceed 40% of the total parcel area.

(4) Minimum Floor Area (not including attached garage) for single detached dwellings and modular homes

Shall be no less than 92.9 m^2 (1000.0 $ft.^2$).

(5) Maximum Height

The height of all structures shall not exceed 9.0 m (29.5 ft.) and is subject to the provisions of this Bylaw.

In consideration of any relaxation or variance of this regulation, the Development Authority shall take careful note of the heights of surrounding development, and shall ensure that any development exceeding this regulation is not higher than existing development in an area.

(6) Minimum Parcel Depth

No new parcel shall be created which has a minimum parcel depth which when combined with the minimum parcel width would result in a minimum parcel area less than that stated in Section 27(7), depending on existence or non-existence of a water collection system and a sewage collection system (as defined in the Subdivision Regulation and this Bylaw).

(7) Minimum Parcel Area No new parcel for a dwelling shall be created which has an area less than:

(a) If not served by either a sewage collection system or a water distribution system, a minimum of 1,858.0 m^2 (20,000 $ft.^2$) of developable land~~.~~

(b) If served by a water distribution system but not a sewage collection system, a minimum of 1393.5 m^2 (15,000 $ft.^2$) of developable land.

(c) If served by a sewage collection system but not a water distribution system, a minimum of 929.0 m^2 (10,000 $ft.^2$) of developable land.

(d) If served by both a sewage collection system and a water distribution system, a minimum of 696.5 m^2 (7500 $ft.^2$).

(8) Minimum Front Yard Setback

The minimum front yard setback shall be at the discretion of the Development Officer who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.5 m (25.0 ft.).

(9) Minimum Lakefront Yard Setback

The minimum lakefront yard setback shall be at the discretion of the Development Officer who shall have concern for development or potential development on adjacent parcels, but in no case shall a lakefront yard setback be less than 7.5 m (25.0 ft.).

(10) Minimum Side Yard Setback

(a) Side yards shall total at least 10% 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.

(11) Minimum Rear Yard Setback

A rear yard setback shall be provided of not less than 1.5 m (5.0 ft.).

(12) Guest houses

Guest houses shall be as provided under Section 23 (1).

(13) Garages and Accessory Buildings

Garages and accessory buildings shall be as provided under Section 23 (2).

SECTION 38 R1B - RESIDENTIAL - DETACHED FAMILY (Shallow Lakefront Parcels)

(1) General Purpose of District

This district is generally intended to provide regulations in an area where existing lots are smaller. It is not intended to apply this District to new development areas, but only to apply it to existing small lot areas.

(2) Permitted Uses

- **M**inor home occupation
- **M**odular home
- **S**ingle detached dwelling
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **D**ay care facility
- **M**ajor home occupation
- **P**ark and playground
- **P**ublic use
- **B**uildings and uses accessory to discretionary uses

(3) Parcel Coverage

Parcel coverage of all buildings shall not exceed 55% of the total parcel area.

(4) Minimum Floor Area (not including attached garage) for single detached dwellings and modular homes

Shall be no less than 55.7 m^2 (600.0 $ft.^2$).

(5) Maximum Height

The height of all structures shall not exceed 9.0 m (29.5 ft.) and is subject to the provisions of this Bylaw.

In consideration of any relaxation or variance of this regulation, the Development Authority shall take careful note of the heights of surrounding development, and shall ensure that any development exceeding this regulation is not higher than existing development in an area.

(6) Minimum Parcel Area No new parcel for a dwelling shall be created which has an area less than:

(a) If not served by either a sewage collection system or a water distribution system, a minimum of 1,858.0 m^2 (20,000 $ft.^2$) of developable land.

(b) If served by a water distribution system but not a sewage collection system, a minimum of 1393.5 m^2 (15,000 $ft.^2$) of developable land.

(c) If served by a sewage collection system but not a water distribution system, a minimum of 929.0 m^2 (10,000 $ft.^2$) of developable land.

(d) If served by both a sewage collection system and a water distribution system, a minimum of 696.5 m^2 (7500 $ft.^2$).

(7) Minimum Front Yard Setback

Shall be at the discretion of the Development Officer 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.).

(8) Minimum Lakefront Yard Setback

The minimum lakefront yard setback shall be at the discretion of the Development Officer who shall have concern for development or potential development on adjacent parcels, but in no case shall a lakefront yard setback be less than 7.5 m (25.0 ft.).

(9) 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.

(10) Minimum Rear Yard Setback

A rear yard setback shall be provided of not less than 1.5 m (5.0 ft.).

(11) Guest houses

Guest houses shall be as provided under Section 23 (1).

(12) Garages and Accessory Buildings

Garages and accessory buildings shall be as provided under Section 23 (2).

SECTION 39 C1 - COMMERCIAL - OFFICE, RETAIL AND SERVICE

(1) General Purpose of District

This district is generally intended to provide for office, retail and personal service outlets.

(2) Permitted Uses

- **B**usiness and professional office
- **B**usiness support service
- **G**overnment service
- **H**ousehold appliance repair and service
- **L**ibrary
- **R**estaurant
- **R**etail store
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **C**aretaker's residence
- **C**linic
- **D**ay care facility
- **G**as Bar
- **P**ark and playground
- **P**ublic use
- **S**ervice station
- **U**ses which, in the opinion of the Development Officer, are similar to the listed permitted and discretionary uses
- **B**uildings and uses accessory to discretionary uses

(3) Parcel Coverage

Parcel coverage of all buildings may be 80%, provided that adequate provision is made for parking, loading and garbage facilities.

(4) Minimum Parcel Area

No new parcel shall be created by subdivision with an area of less than 371.6 m^2 (4,000 $ft.^2$), or a width of less than 6.0 m (19.7 ft.), or a depth of less than 30.0 m (98.4 ft.).

(5) Minimum Rear Yard

None required provided that adequate provision is made for parking, loading and garbage facilities. Notwithstanding this Section, all garages and other accessory buildings shall satisfy the requirements of Section 22(1) of this Bylaw.

(6) Minimum Side Yard

None required unless abutting a residential district. The side yard required where the parcel abuts a residential district shall be 1.5 m (4.9 ft.) or 40% of the height of the building, whichever is greater. Where one is provided, no side yard shall be less than 1.5 m (4.9 ft.).

(7) Maximum Height

Shall not exceed 12.0 m (39.4 ft.).

(8) Access

No parcel shall be created which does not have access to an alley at one side or the rear.

SECTION 40 CR - COMMERCIAL RECREATION

(1) General Purpose of District

The general purpose of this district is to accommodate recreational uses which are considered appropriate and compatible with other developments in the Summer Village.

(2) Permitted Uses

- **I**ntensive recreational use
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **I**nstitutional use
- **P**ark and playground
- **P**ublic use
- **B**uildings and uses accessory to discretionary uses

(3) Development Regulations for Recreational Vehicles in Intensive Recreational Developments

For the purposes of this District, “site” means a smaller portion of the entire development site which is designated for leasehold tenure and has not been subdivided by plan of survey.

(a) Parcel Coverage

Parcel coverage of all buildings and development shall not exceed 15% of the total site area.

(b) Minimum Site Area Per Recreational Vehicle - No less than 240 m^2 (2,583 $ft.^2$).

(c) Minimum Site Depth - No less than 20.0 m (65.6 ft.).

(d) Minimum Site Width - No less than 12.0 m (39.3 ft.).

(e) Minimum Titled Area - 2.0 ha (4.9 ac.).

(4) General Regulations

(a) All accessory structures such as patios, porches, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the design and construction complement the principal structure

(b) Notwithstanding the regulations in this Bylaw, all site and development regulations shall be at the discretion of the Development Officer. The design, siting, landscaping, screening, and buffering shall be considered in order to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts and land uses.

SECTION 41 US - URBAN SERVICES

(1) General Purpose of District

This district is generally intended to establish an area for the development of institutions or community services.

(2) Permitted Uses

- **L**ibrary
- **M**unicipal offices and buildings
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **C**emetery
- **C**linic
- **D**ay care facility
- **F**ire hall
- **P**ark and playground
- **P**lace of public assembly
- **P**olice station
- **P**ublic use
- **U**ses which, in the opinion of the Development Officer, are similar to the listed permitted and discretionary uses
- **B**uildings and uses accessory to discretionary uses

(3) Development Regulations for Permitted and Discretionary Uses

All parcel 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 incompatibility with development in abutting districts.

SECTION 42 P - PARKS AND RECREATION

(1) General Purpose of District

This district is generally intended to establish an area for recreational and leisure activities.

(2) Permitted Uses

- **P**ark and playground
- **P**ublicly owned minor recreation and cultural facilities
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **M**ajor recreation and cultural facility
- **B**uildings and uses accessory to discretionary uses

(3) Development Regulations

All parcel 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 incompatibility with development in abutting districts.

SECTION 43 UR - URBAN RESERVE

(1) General Purpose of District

This district is generally intended to reserve, for urban development, those areas of the municipality which are rural in character.

(2) Permitted Uses

- **M**odular home
- **P**ark
- **S**ingle detached dwelling
- **B**uildings and uses accessory to permitted uses

Discretionary Uses

- **N**one

(3) Development Regulations for Permitted and Discretionary Uses

(a) No subdivision shall be approved other than for Municipal purposes or urban expansion.

(b) All development regulations shall be at the discretion of the Development Officer.

(c) No subdivisions or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications and utilities policies.

SCHEDULE “A”

FORMS

Development Services
for the
Summer Village of Seba Beach

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

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 _____

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: 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 5: 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 fourty (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.

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

TYPE OF SEWAGE DISPOSAL	
	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 the Development Authority
- ♦ 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 Seba Beach
Freedom of Information and Protection of Privacy Coordinator
Box 190
Seba Beach, Alberta
T0E 2B0
(780) 797-3863

RIGHT OF ENTRY

File No: _____

I authorize the Development Authority of the Summer Village of Seba 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 <u>NOT</u> 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.

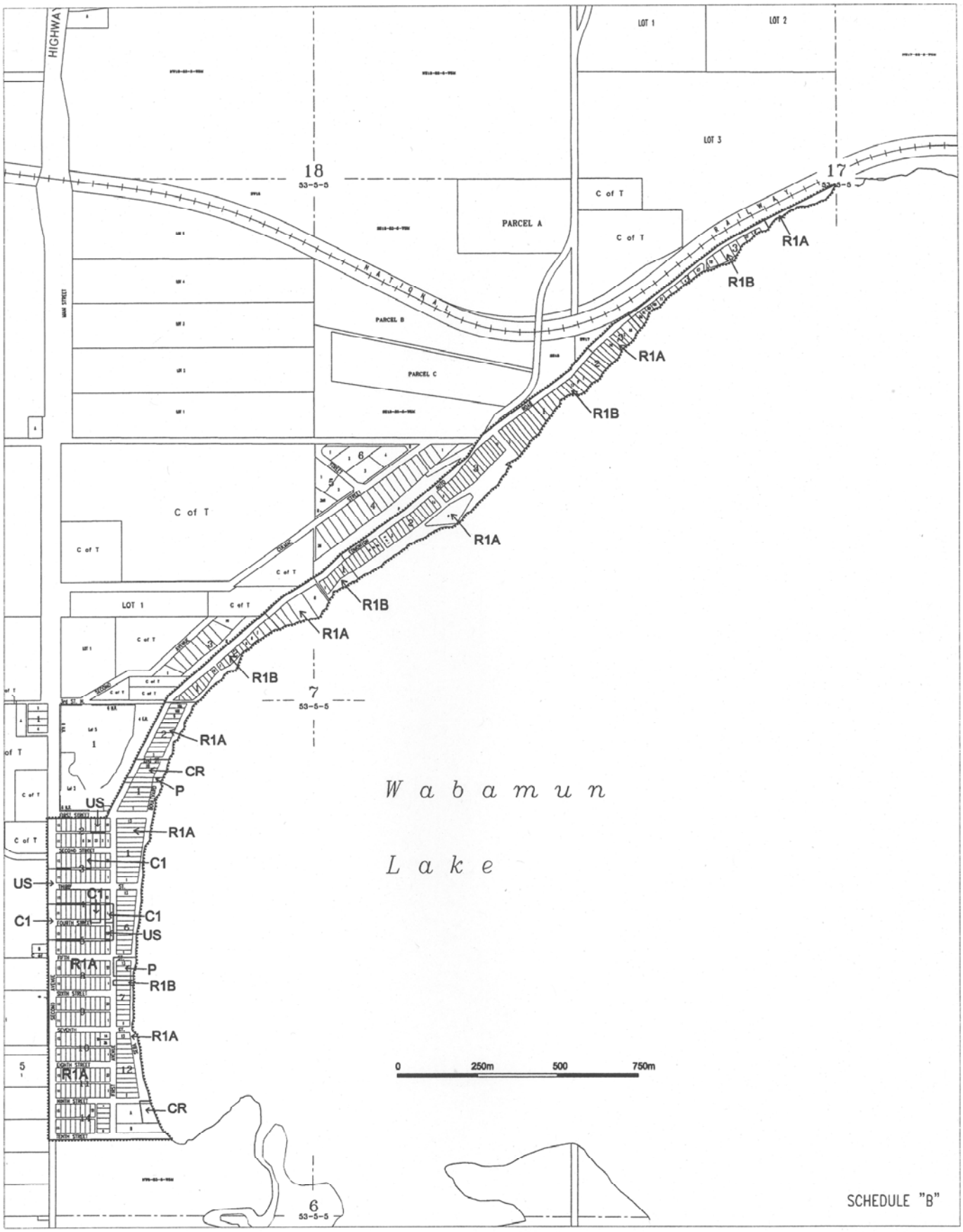
SIGNED: _____
Registered Owner

_____
Registered Owner

DATE: _____

SCHEDULE “B”

LAND USE MAP



SCHEDULE "B"

R1A – Residential – Single Detached
R1B – Residential – Shallow Lakefront
C1 – Commercial (Office, Retail & Service)
CR – Commercial Recreation
US – Urban Services
P – Parks and Recreation

SUMMER VILLAGE OF SEBA BEACH
Land Use Bylaw

Land Use District Map

Updated: December 2007