

Summer Village of Castle Island

Land Use Bylaw ~~2010-01~~ 2025-01



May, ~~2010~~ _____, 2025

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This Bylaw comes into effect on the date of the third reading and signed.

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Public Hearing: May 22, 2010

Second Reading: May 22, 2010

Third Reading: May 22, 2010

Mayor
Calvin Smith

Chief Administrative Officer
~~Shelley Marsh~~ Wendy Wildman

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PART 1 – PURPOSE AND ~~MEANINGS~~ DEFINITIONS

SECTION 1 – PURPOSE

The purpose of this Bylaw is to serve the vision of the Summer Village of Castle Island to provide for sustainable development by regulating the use of land in the Summer Village of Castle Island and by preserving the Summer Village's unique environment as a Single-Family Community.

SECTION 2 – ~~MEANINGS~~ DEFINITIONS

(1) In this Bylaw:

ACCESSORY BUILDING – means a building which is separate from the principal building on the site where both are located and which is normally subordinate to, and the use of which is incidental to that of the principal building and which includes such buildings as a garage, guesthouse and boathouse.

ACCESSORY USE – means a use of a building or land which is normally incidental to and subordinate to the principal use of the site on which it is located.

ACT – means the Municipal Government Act (MGA) 2000, Statute of Alberta as amended, and the regulations pursuant thereto.

BOATHOUSE – means an accessory building designed and used primarily for the storage of watercraft(s) and which may be designed in such a way as to permit the direct removal of these watercraft(s) from the water to the structure which may or may not have a guest house or garage for additional use.

BUILDING – means any structure, erection, sign or fixture that may be built or placed on land.

BUILDING HEIGHT – means the vertical distance between grade and the highest point of a building, excluding elevator housing, a mechanical housing, a ventilating fan, a chimney, and flagpole or similar device not structurally essential to the building.

CARPORT – means a roofed structure used for storing or parking of not more than two private vehicles which has not less than forty (40%) percent of its total perimeter open and unobstructed.

CORNER – means the intersection of any two property lines of a site.

COUNCIL – means the Council of the Summer Village of Castle Island.

DEVELOPER – means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

DEVELOPMENT – means development as defined in the Municipal Government Act, and includes the following:

- (i) The carrying out of any construction or excavation, or other operations in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings, or premises. For the purposes of this Bylaw, development also means the demolition of a building;
- (ii) In a building or on a site used for dwelling purposes, any increase in the number of families occupying and living in the building or on the site;
- (iii) The placing of refuse or waste material on any land;
- (iv) The use of the land for the storage or repair of motor vehicles or other machinery or equipment;
- (v) The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw is enacted;
- (vi) The more frequent or intensive use of land for any type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;
- (vii) The drilling of a water well and/or the installation of a cistern for domestic use;
- (viii) The installation of a holding tank or transfer tank for domestic use;
- (ix) The erection of a fence or gate which is no higher than 1.8 meters (6 feet) in height and provided that such a fence or gate does not obstruct the vision of persons using the road abutting the lot;
- (x)

- (xi) Hard-surfacing of any yard area greater than nineteen (19) square meters on a lot for the purpose of providing vehicular access from a public roadway to on-site parking, provided that such hard-surfacing does not drain onto adjacent properties. Drainage from hard-surfacing must be contained on the property owner's lot.

DEVELOPMENT APPEAL BOARD – means the Development Appeal Board appointed pursuant to the Act.

DEVELOPMENT OFFICER AND COUNCIL – means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for the development under this Land Use Bylaw.

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

DISCONTINUED – means the time at which, in the opinion of the Development Officer and Council, substantial construction activity or a non-conforming use, or a conforming use has ceased.

DISTRICT – means an area of the Summer Village of Castle Island marked off for certain use to establish the regulation of how land may be developed.

DWELLING – means any building for domestic use with cooking, eating, living, sleeping and sanitary facilities, intended as a permanent or semi-permanent residence.

EASEMENT – means a right to use land, generally for access to other property or as a right-of-way for a public utility.

EXCAVATION – means any breaking of ground, except common household gardening and ground care.

FAMILY UNIT – means a single person occupying a dwelling, or two or more persons related by heredity, marriage, a common-law relationship or adoption who together are occupying a dwelling; or not more than two unrelated persons occupying a dwelling.

FENCE – means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, decoration or unauthorized access.

FLOOR AREA – means the greatest horizontal area of a building above grade within the outside surface of exterior walls and the centerline of fire walls, but not including the floor areas of basements, attached garages, sheds, open porches, or breezeways.

FOUNDATION – means the lower portion of a building which may be concrete, masonry, and/or wood which includes the footings that transfer the weight of and loads on a building to the ground.

FRONTAGE – means the length of the lot boundary facing the lake.

GARAGE – means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles which may or may not contain a guest house and/or boathouse for additional use.

GRADE – means the ground elevation established for the purpose of regulating the number of stories and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GUEST HOUSE – means an accessory building used for seasonal or part-time sleeping accommodation and **not containing a kitchen.**

HOME BUSINESS – means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building or accessory building for which remuneration or profit is normally accepted.

IMPERVIOUS SURFACE RATIO – means the ratio of the area of the site covered by building, porches, hard surfaced driveways, parking areas and patio, divided by the total site area.

LOT – means a part of a registered plan of subdivision identified by number and dimensions which is separately described in a certificate of title.

MODULAR HOME – means a finished section(s) of a completed dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, and installation of cabinets, floor covering, fixtures, heating system and exterior finishes.

MUNICIPALITY – means the Summer Village of Castle Island.

NON-CONFORMING BUILDING – means a building:

- (i) That is lawfully constructed or lawfully under construction at the date that a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective and;
- (ii) That on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not comply with the Land Use Bylaw.

NON-CONFORMING USE – means a lawful specific use:

- (i) Being made of land or a building or intended to be made of a building lawfully under construction, at the date a Land Use Bylaw or any amendment thereof affecting the land or building becomes effective and;
- (ii) That on the date the Land Use Bylaw or any amendment thereof becomes effective, does not, or in the case of a building under construction, will not comply with the Land Use Bylaw.

OCCUPANCY – means the use or intended use of a building or part thereof for the shelter or support of persons or property.

PARCEL – means the aggregate of 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.

PERMITTED USE – means the use of land or a building provided for in Schedule ‘B’ of 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.

PRINCIPAL BUILDING – means a building which, in the opinion of the Development Officer and Council:

- (i) Occupies the major or central portion of a site;
- (ii) Is the chief or main building among one or more buildings on a site; or
- (iii) Constitutes by reason of its use, the primary purpose for which the site is used

there shall be no more than one principle building on each site unless specifically permitted otherwise in this Bylaw.

PRINCIPAL USE – means the primary purpose, in the opinion of the Development Officer and Council, for which a building or site is used.

RECREATIONAL VEHICLE – means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether or not it has been modified so as to no longer be mobile or capable of being mobile, and includes but is not limited to holiday trailers, tent trailers, truck campers, camper vans and motor homes, but does not include mobile homes.

SETBACK – means the perpendicular distance as measured between that part of a building nearest to the front, side or rear property line of the building site.

SHORT-TERM RENTAL – means accommodations provided to members of the public in a host's property, in exchange for money, for a period of less than 90 consecutive days. They are generally tourist accommodations that are often found in residential or resort areas. They may be advertised via online platforms such as Airbnb, VRBO, Expedia and FlipKey, and may also be advertised on other web forums including Facebook Marketplace, or found in classified ads in newspapers;

SIGN – means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

SITE – means one or more lots or parcels for which an application for a development permit is being made.

SITE AREA – means the total area of a site.

SITE BOUNDARIES – means those boundaries which bound the site.

SITE, COVERAGE – means the combined area of all buildings on the lot, measured at the level of the lowest elevation containing habitable rooms and including all porches, and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections, such areas shall include stair wells, and all other space within a building except inner or outer courts.

SITE, DEPTH – means the average horizontal distance between the front and rear site boundaries.

STORAGE SHED – means a small freestanding structure used for storage.

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

YARD, FRONT – means that portion of the site extending across the full width of the site from the front property boundary of the site to the nearest portion of the exterior wall of the principal building.

YARD, REAR - means that portion of the site extending across the full width of the site from the rear property boundary of the site to the nearest portion of the exterior wall of the principal building.

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

- (2) Notwithstanding the meanings above, the Act takes precedence in a case of dispute on the meanings of all works or clauses.

PART 2 – ESTABLISHMENT OF THE OFFICE OF DEVELOPMENT OFFICER

SECTION 3 – DEVELOPMENT OFFICER

- (1) The office of Development Officer is hereby established and shall be filled by a person or persons appointed by resolution of Council
- (2) The Development Officer shall:
 - (a) Receive and present to Council applications for a development permit;
 - (b) Make available for inspection:
 - (i) A copy of this Bylaw as amended, and
 - (ii) A register of all applications including the decisions rendered on them and the reasons therefore;

- (c) Carry out their duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and
- (d) Perform such duties as established to enforce this bylaw in conformance with the Act

PART 3 – DEVELOPMENT PERMITS

SECTION 4 – PERMIT FEES

The Development Permit application fee shall be as established by ~~resolution~~ Bylaw of Council.

SECTION 5 – WHERE A PERMIT IS REQUIRED

- (1) Except as provided in Section 5, Subsection 2, no person shall commence any development unless the applicant has been issued a development permit in respect thereof;
- (2) A development permit is not required for development of the type described as follows:
 - a. The maintenance or repair of any building if the work does not include structural alterations, or
 - b. The completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed within the time limit of such a permit or within twelve months of the effective date of this Bylaw, whichever is earlier, or
 - c. The completion, alternation, 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, or
 - d. The erection or placement of a temporary building or sign, the sole purpose of which a development permit has been granted, provided the temporary building or sign is removed within thirty days of substantial completion or as determined by the Development Officer and Council, or

- e. The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under provincial or federal legislation, provided that:
 - i. Such signs are removed within three (3) days of the election date, and
 - ii. The consent of the property owner or occupant is obtained, and
 - iii. Such signs do not obstruct or impair vision or traffic, and
 - iv. Such signs are not attached to fences or utility poles, and
 - v. Such signs indicate the name and address of the sponsor and the person responsible for removal, or
- f. Landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit, or
- g. One sign on a lot, advertising a residential property for sale ~~or rent~~ may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one day after the sale or rental agreement has been entered into. Such signs shall be a maximum of zero point six (0.6) square meters and shall be placed or erected no closer than three (3) meters from a public right-of-way, or
- h. The erection of internet receivers, towers, satellite dishes, electronic equipment, flag poles and other poles not exceeding four point five (4.5) meters from grade. If attached to a structure the attachment must not exceed three (3) meters above the highest point on the structure, or
- i. The erection of a fence or gate which is no higher than one point eight (1.8) meters in height and provided that such a fence does not obstruct the vision of persons using the road abutting the lot or the view of the lake in the front yard of the adjacent lot.
- j. Garden shed less than or equal to 10 square meters (10 m²), less than 2.4 meters in height

SECTION 6 – APPLICATION FOR DEVELOPMENT PERMIT

- (1) Every application for development permit shall be made to the Development Authority in writing:
 - (a) and be made in the form prescribed as Form A;

- (b) be signed by the registered owner or his agent where a person other than the owner is authorized by the owner to make application. The correctness of information supplied shall, when required by the Development Officer and Council, be verified by a Statutory Declaration;
- (c) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer and Council;
- (d) include site plans in triplicate at a scale satisfactory to the Development Officer and Council, showing all of the following:
 - (i) Front, side and rear yards;
 - (ii) outlines of the roof overhangs on all buildings;
 - (iii) north point;
 - (iv) legal description of the property;
 - (v) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screen areas where provided;
 - (vi) the height and horizontal dimensions of all buildings, existing and proposed;
 - (vii) the lowest floor elevation in either the basement or main floor in the principal dwelling and accessory buildings where applicable;
 - (viii) site coverage and impervious surface ratio;
 - (ix) any other pertinent information or tests required by the Development Officer and Council respecting the site or adjacent lands.
- (e) For any principal or accessory development, or any work taking place within the setbacks set forth in Schedule 'A' or upon the request of the Development Officer the following shall be provided with an application for a development permit:
 - (i) proof of ownership or authority to apply for a development permit;

- (ii) a written computation of the
 - a) site area;
 - b) floor areas for each floor;
 - c) gross and net floor areas; and
 - d) floor area ratio;
 - (iii) plans detailing floor plans, elevations and perspectives of the proposed development and including a description of exterior finishing materials;
 - (iv) a property survey by an Alberta Land Surveyor which includes the front, rear and side boundaries and the square meter area of the lot;
- (f) An application for a home-based business use shall include a description of the home based business.
- (2) The Development Officer and Council may require an Irrevocable Letter of Guarantee or Irrevocable Letter of Credit from the developer to secure performance of any of the conditions of a development permit.
- (3) An application for development permit shall be considered by the Development Officer and Council who shall:
 - (a) approve, with or without conditions, an application for permitted use where the proposed development conforms to this Bylaw, or
 - (b) approves, with or without conditions, or refuses an application for discretionary use, or
 - (c) refuse an application for a use which is neither a permitted use or a discretionary use.
- (4) The Development Officer and Council may impose such conditions on the approval of an application as, in their opinion, are necessary to ensure the orderly and economical development of land within the Municipality.
- (5) The Development Officer and Council may require, with respect to a development that, as a

condition of issuing a development permit, the applicant enter into an agreement with the Municipal Council to pay for the construction of utilities that are necessary to serve the development.

- (6) Where an application for a development permit is approved with conditions the Development Officer and Council may, before issuing the Development Permit, require the applicant or the owner of the land affected by the Development Permit to enter into an agreement with the Municipality to ensure compliance with the conditions, and such an agreement may be protected by Caveat registered by the Municipality.
- (7) Where an application for a development permit has been refused, another application for a development permit on the same site for the same use or similar use of land may not be submitted by the same or any other applicant until at least six months after the date of the refusal by the Development Officer and Council.

SECTION 7 – NOTICE OF PROPOSED DEVELOPMENT

- ~~(1) The Development Officer and Council shall notify by email, from the official Municipality directory listing, the adjacent property owners that a proposal of development is being applied for and the notice will state:~~

~~—— (a) — the proposed use of the building or site, and~~

~~—— (b) — that an application respecting the proposed use will be considered by the Development Officer and Council, and~~

~~—— (c) — that any person who objects to the proposed use of the site may deliver to the Development Officer and Council a written statement of the objection within seven (7) days of the day of notification to such use indicating:~~

~~—— (i) — The full name of the person registering the objection and the address for service of any notice to be given in respect of the objection, and~~

~~—— (ii) — the reasons for the objection to the proposed use, and~~

~~—— (iii) — a non-refundable fee, as outlined in the Fee Bylaw, must accompany the objection~~

- (1) A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the**

written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

- (2) When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when a applicant picks up a copy of the decision. The Development Authority shall ensure a notice is posted by the landowner of the decision immediately adjacent to the municipal address sign on the lot where it is visible from a public road.
- (3) In addition to 7.1 and 7.2, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance to any regulation has been granted**, the Development Authority shall:
 - a) send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent landowners within 100.0 meters (300.0 feet) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
 - b) ensure a notice is posted by the landowner of the decision immediately adjacent to the municipal address sign on the lot where it is visible from a public road; and
 - c) post a notice of the decision on the Summer Village's website; and may
 - d) sent a notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- (4) The notice indicated in Section 7.2 and 7.3 shall state:
 - a) the legal description and the street address of the site of the proposed development;
 - b) the uses proposed for the subject development;
 - c) any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - d) the date the development permit was issued; and
 - e) how an appeal might be made to the Subdivision and Development Appeal Board

and the deadline for such appeal

- (5) Except for those permits described in Section 7.2 hereof, a permit granted pursuant to this Section does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (6) Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.

SECTION 8 – NOTICE OF DECISION

- (1) The decision of the Development Officer and Council on application for a development permit shall be given to the applicant in Form A;
- (2) If a Development Officer and Council refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal;

SECTION 9 – EFFECTIVE DATE OF PERMIT

- (1) When a development permit has been issued by the Development Officer, it shall not be valid unless and until any conditions of approval have been met.
- (2) A development permit expires if the development authorized by the development is not commenced within twelve (12) months from the date that the development permit was issued.
- (3) The Development Officer may extend the period for commencement of a development set out in Section 9, Subsection 2 for up to twelve (12) additional months provided that the application for the extension is received before the existing development permit expires.

SECTION 10 – ISSUANCE OF DEVELOPMENT PERMIT

- (1) The Development Officer and Council shall issue a development permit to the applicant immediately after completion of all of the following:

- (a) approval or conditional approval of the application by the Development Officer and Council, or approval or conditional approval after appeal to the Development Appeal Board;
- (b) the delivery of an Irrevocable Letter of Guarantee or an Irrevocable Letter of Credit, if required, pursuant to Section 6, Subsection 2;
- (c) the execution and delivery of the agreement if required, pursuant to Section 6, Subsection 6; and
- (d) the payment of the development permit fee as required pursuant to Section 4.

SECTION 11 – CONDITIONS OF DEVELOPMENT PERMIT

- (1) a person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building, plumbing, heating and electricity, and all other permits required in connection with the proposed development;
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property;
- (3) The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners;
- (4) Section 11, Subsections 2 and 3 may be enforced pursuant to Section 14. Any costs incurred as a result of neglect to public property may be collected where letters have been required pursuant to Section 10, Subsection (1b);
- (5) The Development Officer and Council may require a property survey by an Alberta Land Surveyor relating to the building for which a permit is applied.

SECTION 12 – DEVELOPMENT APPEALS

- (1) An application for a development permit shall be deemed to be refused when the decision of the Development Officer and Council is not made within forty (40) days of receipt of the application;
- (2) Where a Development Officer and Council:

- (a) refuses or fails to issue a development permit to a person, or,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under **Section 645 of the Act**,

The person applying for the permit or affected by the order, as the case may be, may appeal to the Development Appeal Board in accordance with the Act; **the decision in accordance with Section 685(2) of the Act.**

~~(3) A person referred to in Section 12, Subsection 1 or any other person affected by an order, decision or development permit of the Development Officer and Council may appeal to the Development Appeal Board by serving a written notice of the appeal on the Development Appeal Board within fourteen (14) days after the order, decision or development permit was issued;~~

~~(4) The Notice of Appeal shall be in three (3) copies, and shall be addressed to the Secretary of the Development Appeal Board, shall contain the particulars set out on the form, and shall be served upon the Secretary of the Development Appeal Board by mail or delivery at his/her home/office; and~~

~~(5) The development appeal will be considered, and the Public Hearing will be held by the Development Appeal Board pursuant to the requirements of the Act.~~

(3) Despite Sections 12(1) and 12(2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.

(4) Despite Sections 12(1), 12(2) and 12(3), if a decision with respect to a development permit application in respect of a direct control district:

- (a) is made by a Council, there is no appeal to the Subdivision and Development Appeal Board; or**
- (b) is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of Council, and if the Board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.**

- (5) An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the *Act* shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the *Act* and the *Land and Property Rights Tribunal Act*.
- (6) An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the *Act* shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- (7) An appeal with respect to an application for a development permit may be made by a person identified in Section 12(2) may be made by serving a written notice of appeal to the Board hearing the appeal:
 - (a) within 21 days after the date on which the written decision is given; or
 - (b) if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the *Act*), within 21 days after the date the period or extension expires; or
 - (c) with respect to an order under Section 645 of the *Act*, within 21 days after the date on which the order is made.
- (8) An appeal with respect to an application for a development permit may be made by a person (Identified in Section 12(2) by serving a written notice of appeal to the Board hearing the appeal within 21 days after the date on which the written decision is given.
- (9) An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- (10) An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
 - (a) the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
 - (b) the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
 - (c) the name, contact information and address of the appellant; and

- (d) the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- (11) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:
 - (a) in the case of a person referred to in Section 12(2) the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
 - (b) in the case of a person referred to in Section 12(2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the Land Use Bylaw.

SECTION 13 – SUBDIVISION APPEALS

- (1) The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
 - (a) by the applicant for the approval;
 - (b) by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - (c) by the Council of the municipality in which the land to be subdivided is located if the Council, a Designated Officer of the Municipality or the Municipal Planning Commission of the Municipality is not the Subdivision Authority; or
 - (d) by a School Board with respect to:
 - (i) the allocation of municipal reserve and school reserve or money in place of the reserve;
 - (ii) the location of school reserve allocated to it; or
 - (iii) the amount of the school reserve or money in place of the reserve.

- (2) An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the *Act* shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the *Act* and the *Land and Property Rights Tribunal Act*.
- (3) An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the *Act* shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- (4) An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.

PART 4 – GENERAL REGULATIONS

SECTION 14 – NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

- (1) Non-conforming buildings may not be enlarged. Non-conforming buildings must be brought into compliance for renovations, remodeling or rebuilding greater than fifty (50) percent of floor area or value of the building, whichever is greater.
- (2) The Act shall apply in the case of Non-Conforming Uses and Non-Conforming Buildings.

SECTION 15 – UNAUTHORIZED DEVELOPMENT, BYLAW ENFORCEMENT AND PERMIT VALIDITY

- (1) A development permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site;
- (2) A development once commenced is not to be discontinued or suspended for a period or periods totaling more than six (6) months unless the Development Officer and Council has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained, the development permit shall be considered to have lapsed;
- (3) If, at any time while this Bylaw is in effect, it appears expedient to Council (upon finding that a permit has been approved by fraud or misrepresentation), the Council by resolution may suspend

or revoke the original approval;

- (4) In the case of suspension pursuant to Section 14, Subsection 3, if and when the development has been modified to comply with the original and intended approval, the Council may, by resolution authorize the resumption of the development; and
- (5) The Act shall apply in case of contravention of this Bylaw.

SECTION 16 – RIGHT OF ENTRY

An authorized person may enter into or upon the land or building within the Municipal boundary for the purpose of ensuring compliance with this Land Use Bylaw.

SECTION 17 – AMENDMENTS AND VALIDITY OF BYLAW

- (1) This Bylaw and any amendment thereto shall be enacted in conformance with the statutory plans as adopted or amended;
- (2) The requirement and procedure for amendment or repeal of this Bylaw or any part thereof is established by the Act.
- (3) The validity of this Bylaw and its amendments are governed by the Act;
- (4) The Public Hearing to be held with respect to a proposed Bylaw to amend or repeal this Bylaw or any part thereof shall be held not less than fourteen days after the notification;
- (5) 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, although the Council may determine the whole or part of the application fee shall be returned to the applicant.
- (6) If it appears to the Development Officer and Council that any proposed amendment is at variance with statutory plan they shall so advise the applicant.

PART 4 – SITE REGULATIONS

SECTION 18 – HOME BUSINESS

- (1) the home business shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;
- (2) there shall be no outside storage of materials, commodities, or finished products;
- (3) there shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception;
- (4) a home business shall not employ a person on the premises other than a resident of the dwelling;
- (5) no commodity other than the product or service of the home occupation shall be sold on the premises;
- (6) any vehicles parked on-street or off-street as a result of the home occupation shall not, in the opinion of the Development Officer, be a source of inconvenience to adjacent landowners;
- (7) the home business shall not, in the opinion of the Development Officer, be a source of interference with or affect the use, enjoyment or value, of neighboring properties by way of excessive noise, smoke, steam, traffic, odor, dust, vibration, or refuse matter which would not commonly be found in the neighborhood;
- (8) a permit issued for a home business is liable for recall after thirty (30) days and is valid for one (1) calendar year

SECTION 19 – SHORT-TERM RENTALS

Short-Term Rentals are neither “Permitted” nor “Discretionary” Use within any land use district within the Summer Village of Castle Island.

SECTION 20 – POLLUTION CONTROL

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer and Council, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of:

noise	radiation hazards
vibration	fire and explosive hazards
traffic	heat, humidity and glare
smoke	refuse matter
odor	waste or water-borne waste
toxic and noxious matter	water or steam
dust, and other particulate matter	

SECTION 21 – FENCING

No electrified or barbed wire fences will be permitted.

SECTION 22 – OBJECTIONABLE ITEMS IN YARDS

- (1) household garbage shall be stored in weather-proof and animal-proof containers and shall be in a location easily accessible for pickup;
- (2) no person shall keep or permit in any part of a yard in any residential district:
- (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days, or
 - (b) any vehicle weighing in excess of four thousand (4,000) kilograms gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle, or
 - (c) any object which, in the opinion of the Development Officer and Council, is unsightly or tends to adversely affect the amenities of the district, or
 - (d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any

longer than reasonable necessary to complete a particular stage of construction work.

SECTION 23 – ON SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin excavation for the foundation nor commence the development until the Development Officer and Council is satisfied that such services or improvements will be undertaken.

SECTION 24 – UTILITY EASEMENTS

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

- (1) in the opinion of the Development Officer and Council the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and
- (2) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 25 – SITE GRADING

In all cases, site grades shall be established with regard to preventing drainage from one site to the next.

SECTION 26 – STORAGE OF CONSTRUCTION EQUIPMENT

Site storage of equipment is restricted to the length of time needed for construction as per the Development Permit.

SECTION 27 – BUILDINGS ON A LOT

There shall be no more than one (1) dwelling and two (2) accessory buildings. Two (2) accessory buildings may be either a boathouse, guest house or garage or a combination of the above and not to exceed to a maximum of two (2). Storage sheds may be erected on a lot so long as they do not exceed the maximum

coverage per lot.

SECTION 28 – LOT SIZE

- (1) No residential lot shall be less than one thousand one hundred eighty one (1,181) square meters in area.
- (2) The number of residential lots shall not exceed twenty (20). A lot created for residential use after the date of adoption of this Bylaw must be Lake Front and shall have a mean width of no less than twenty three (23) meters and an area of not less than two thousand two hundred thirty (2,230) square meters.

SECTION 29 – LAND USE DISTRICTS

The Municipality is hereby divided into the following districts: (see Schedule B)

<u>Short Form</u>	<u>District Designation</u>
R	Residential
P	Park & Reserve
8U	Access to the Lake

SECTION 30 – LAND USE DISTRICT MAP

- (1) Land Use district specified under Section 27 are described on the LAND USE DISTRICT MAP (Schedule B) which is an integral part of this Bylaw.
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following guidelines shall apply:
 - (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
 - (i) the parcel boundaries, or
 - (ii) the Municipal boundaries
 - (b) District boundaries are referenced specifically to items indicated in Clause (a) shall

be determined on the basis of the scale of the map.

- (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to confirm to the certificate of title or the plan of survey when registered in a land titles office. Prior to registration, the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares (See Schedule A).

SECTION 31 – INTERPRETATION

If any part of this Bylaw is held to be invalid by a decision of a Court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 32 – CONTINUATION OF CONDITIONS

A condition attached to a Development Permit issued under a former Land Use Bylaw continues under this Bylaw.

SECTION 33 – REPEAL OF EXISTING BYLAWS

Bylaw 1999-02, the former Land Use Bylaw, and amendments thereto, are repealed.

SECTION 34 – FEES AND FORMS

Fees and forms referred to in this Bylaw shall be established by ~~resolution~~ **Bylaws** of Council.

SECTION 35 – DATE OF COMMENCEMENT

This Bylaw comes into effect on the date of third **and final** reading **and signed**.

First Reading: _____ April 22, 2010

Public Hearing: _____ May 22, 2010

~~Second Reading: May 22, 2010~~

~~Third Reading: May 22, 2010~~

~~Mayor, Katherine Hunter~~
Mayor, Calvin Smith

~~Administrator, Shelley March~~
Chief Administrative Officer, Wendy Wildman

SCHEDULE “A”

1. Regulations for the Residential District (R)

1(1) Permitted Uses

The following uses are permitted:

- (a) Principle building (no more than one per lot)
 - (i) The total floor area of a single family dwelling shall not be less than fifty-five (55) square meters
 - (ii) Neither the width or length of the dwelling shall be less than six point four (6.4) meters
- (b) Accessory buildings (maximum two (2) per lot)
- (c) Storage Sheds
- (d) Recreational Vehicle
 - (i) Limited to one (1) recreational vehicle,
 - (ii) Subject to the required set-backs and thirty (30) percent of land use
 - (iii) Recreational vehicles that have been modified so as to no longer be mobile or capable of being mobile are not allowed.

1(2) Discretionary Uses

- (a) Home Based Business
 - (i) Home based businesses that are not visited by a significant number of clients to the lot are permitted.

1(3) Maximum Lot Coverage

- (a) The maximum total floor area of all buildings cannot exceed thirty (30) percent of the area of the lot.
- (b) The maximum impervious surface ratio of a lot cannot exceed fifty (50) percent of the area of the lot.

1(4) Maximum Allowable Height

The maximum allowable height of any structure is two (2) stories not to exceed ten (10) meters.

1(5) Yards and Setbacks

The following minimum yards and setbacks are required;

Front Yard	eight (8) meters
Rear Yard	main buildings - six (6) meters, accessory buildings – three (3) meters
Side Yard	two (2) meters

1(6) Accessory Buildings

An accessory building may be built on any lot subject to Section 24 provided that:

- (a) all required yards and setbacks are maintained,
- (b) the total floor area of all buildings cannot exceed thirty (30) percent of the area of the lot, and
- (c) all accessory buildings shall be located in the rear yard and in the rear half of the lot with the exception of a boathouse which may be located in the front yard with approval of the

Development Officer, and

- (d) storage sheds cannot exceed eleven (11) square meters in area and two point four (2.4) meters in height.

1(7) Sanitation

- (a) no development permit shall be issued for any building until the Development Officer and Council is satisfied that there are satisfactory arrangements for the disposal of sewage.
- (b) Holding and transfer tanks – the regulations of the Alberta Department of Labor, Plumbing Inspection Branch and the County of Lac Ste. Anne, shall govern the installation of holding and transfer tanks.
- (c) any new dwelling shall be connected to the Regional Sanitary Force Main

1(8) Relocation of Buildings

- (a) Any person making application to relocate an existing building on a lot as a main or accessory building shall:
 - (i) make the usual application for a Development Permit
 - (ii) provide photographs of the building showing each elevation and the general condition of the building,
 - (iii) state the present location and use of the building.
- (b) The Development Officer and Council may, at their discretion, inspect the building, or cause the building to be inspected by a person they appoint, and shall determine the suitability of the building for the proposed use.
- (c) The Development Officer and Council may, at their discretion, require that certain works of structural alteration, repair, or maintenance of the building and preparation of the proposed site be carried out as a condition of the issuance of the permit.
- (d) If these works are to be completed after the building is moved onto the proposed site, the

Development Officer and Council may require that a bond be posted, equal to the cost of the necessary work. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not completed.

Any travel or other costs incurred by the Development Officer and Council in processing a development permit for a moved-in-building shall be added to the fee for the development permit.

2. **Regulations for a Park District (P)**

2(1) Permitted Uses

- (a) public parks and recreation areas with any necessary buildings

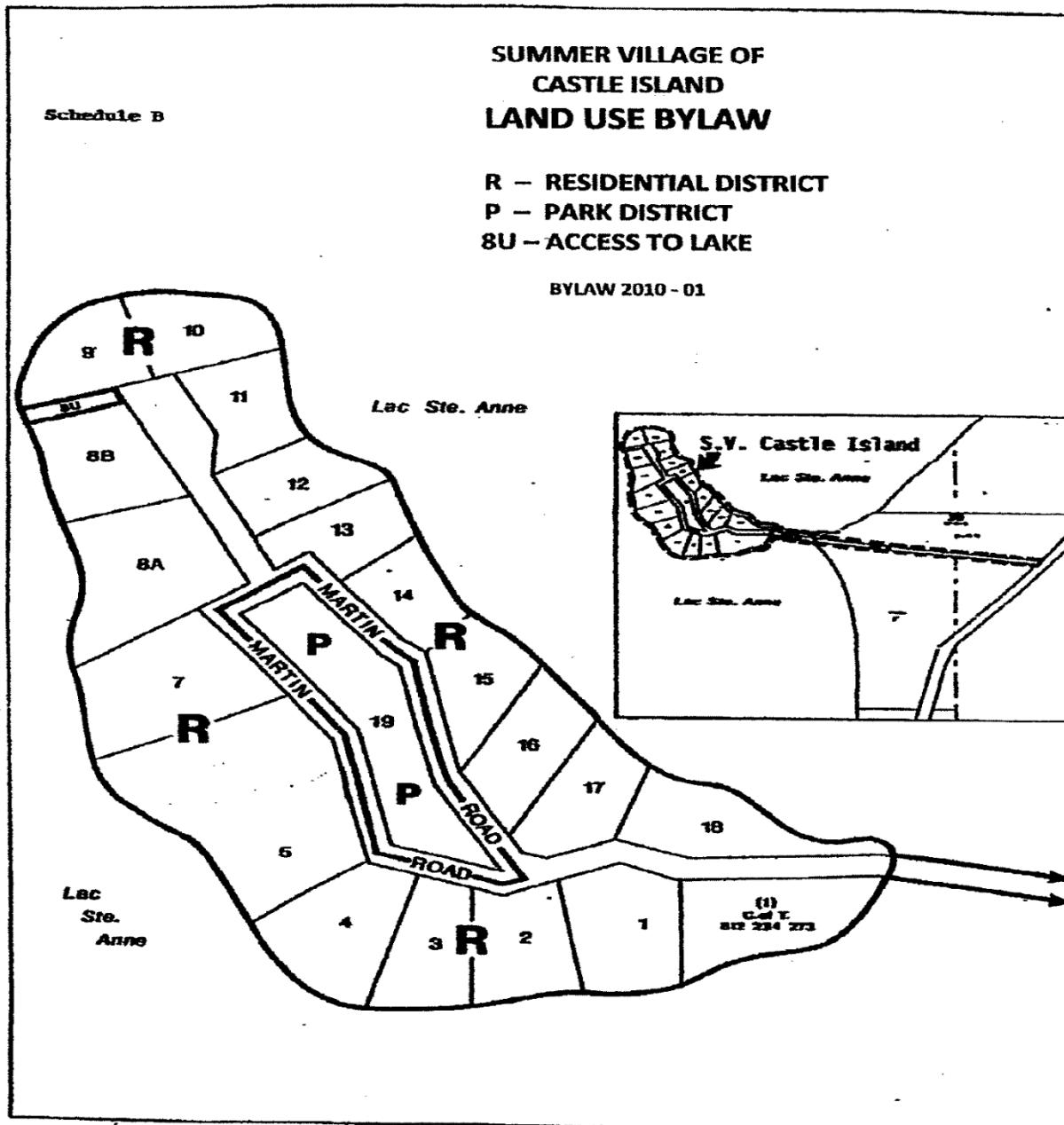
2(2) Yards and Setbacks

As for Residential District (R).

2(3) Sanitation

As for Residential District (R).

Schedule "B"



Schedule "C"

Punitive Clause

- 1) Development Permit;
 - (a) any work requiring a Development Permit begun before permit is issued shall result in an automatic fine of five hundred dollars (\$500.00).
 - (b) a continued violation of Section 1, Subsection 4 a) twenty-four (24) hours after notification shall result in an additional fine of five thousand dollars (\$5,000.00).
- 2)
 - (a) Council shall notify the owner of the property of the violation and give them thirty (30) days to correct the situation after which time Council shall impose a five hundred dollar (\$500.00) fine.
 - (b) If the violation continues, Council shall notify the owner of the property of the violation and give them an additional fifteen (15) days to correct the situation after which time Council shall impose an additional two thousand five hundred dollar (\$2,500) fine.
 - (c) If the violation continues, Council shall notify the owner of the property of the violation and give them an additional fifteen (15) days to correct the situation after which time Council shall impose an additional five thousand dollar (\$5,000.00) fine.
 - (d) If the violation continues, the Council shall correct the situation and charge the full cost of the correction to the owner.
- 3) All fines are to be paid within thirty (30) days of receipt. If unpaid, all fines shall be added to the owners' tax bill.

FORM A
Application Number _____
SUMMER VILLAGE OF CASTLE ISLAND
LAND USE BYLAW #2025-01
APPLICATION FOR A DEVELOPMENT PERMIT

I/We hereby apply for a development permit for the use noted below:

Name of Applicant(s): _____ Phone: _____

Permanent Address: _____

Address of property to be developed: Lot _____ Block _____ Plan _____

Registered owner of property to be developed: _____

Existing use of property: _____

Proposed use of property: _____

A site plan must be attached to this application, showing the location of existing and proposed buildings on the land. Minimum yards are:

Front: eight (8) meters **Side:** two (2) meters **Rear:** six (6) meters **Rear for Accessory:** three (3) meters

NOTICE OF DECISION RE: ABOVE APPLICATION

Date of Issue: _____

Expiry Date: _____

The above application has been:

Approved: _____ Subject to the following condition(s): _____ Refused: _____

The permit which has been refused or conditionally approved may be appealed to the Development Appeal Board.

Roll # _____

Receipt # _____