

SUMMER VILLAGE OF
WEST COVE
Land Use Bylaw
No. 417-16



Adopted August 25, 2016

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PART 1 - GENERAL

1.1 TITLE

This Bylaw may be referred to as “The Summer Village of West Cove Land Use Bylaw.”

1.2 SCOPE

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

1.3 PURPOSE

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Summer Village of West Cove and to achieve the orderly and economic development of land, and further to:

- a) divide the municipality into districts;
- b) prescribe and regulate the use(s) for each district;
- c) establish a method of making decisions on applications for development permits including the issuing of development permits;
- d) provide the manner in which notice of the issuance of a development permit is to be given;
- e) establish a method of making decisions on applications for subdivision approval in accordance with the provisions of the Municipal Government Act and its regulations;

- f) establish the number of dwelling units permitted on a parcel of land;
- g) implement the statutory plans of the Summer Village of West Cove;
- h) establish the Development Authority and the office of the Development Officer for the Summer Village of West Cove.

1.4 PREVIOUS BYLAW

No provisions of any other Bylaws with respect to districting, development control, and land use classifications shall hereafter apply to any part of the Summer Village described in this Bylaw.

1.5 METRIC AND IMPERIAL MEASUREMENTS

Whenever dimensions are present or calculations are required, the metric 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.

1.6 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT

1. This Bylaw is enacted under the Municipal Government Act, as amended. This Bylaw is intended to be read in conjunction with the Municipal Government Act, with amendments to the time of the reading. Reference should be made to the Act and its regulations with respect to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw, if these are not set out in this Bylaw.
2. The Municipal Government Act references contained in certain sections of the Bylaw are not enacted as part of this Bylaw and may be revised, as required, by the Development Officer without the adoption by Council of an amending Bylaw.

1.7 EFFECTIVE DATE

The effective date of this Bylaw shall be the date of the third and final reading thereof.

1.8 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required in this Bylaw, or to obtain any other permit, license, or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

1.9 DEFINITIONS OR MEANINGS

In this Bylaw:

“ACCESSORY BUILDING” - means a building which is separate from the principal building on the parcel where both are located and which the Development Authority decides is incidental to that of the principal building, and includes garages, sheds, boathouses and guest houses.

“ACCESSORY BUILDING OR USE - LAKESHORE” - means an accessory building, structure or use located immediately adjacent to a lakeshore or lake tributary or within the actual water-body proper, and includes but is not limited to a boathouse, pier, dock, seawall, boat launch or boardwalk;

“ACCESSORY USE” - means a use of a building or land which the Development Authority decides is incidental and subordinate to the principal use of the parcel on which it is located;

“ACT” - means MUNICIPAL GOVERNMENT ACT R.S.A. 2000, Chapter M-26, as amended, and the regulations pursuant thereto;

“AND” - means both, does not mean and/or;

“AMENITY AREA” - means an area which shall be provided subject to the regulations of this Bylaw and which must be developed for the active or passive

recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership;

“AMENITY AREA - PRIVATE OUTDOOR” - means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve;

“AREA OF COPY” - means the entire area within a single common continuous perimeter enclosing the extreme limits of the advertising message, announcement or decoration on the sign, and shall be for the purpose of area calculation square or rectangular in shape;

“AREA REDEVELOPMENT PLAN” - means a plan accepted or adopted by Council as an area redevelopment plan pursuant to Section 634 of the Municipal Government Act;

“AREA STRUCTURE PLAN” - means a plan accepted or adopted by Council as an area structure plan pursuant to Section 633 of the Municipal Government Act;

“BACKLOT” - means a lot which has other developable property between it and the lake, but does not include lots where the only property existing between them and the lake is a road, environmental reserve, or park reserve;

“BED AND BREAKFAST OPERATION” - means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in three or fewer guest rooms.

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

“BUILDING” - includes anything constructed or placed on, in, over or under land, but does not include a highway, road, or a bridge that forms part of a highway or road;

“BUILDING 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;

"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;

"CANOPY SIGN" - see SIGN, CANOPY;

"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;

"CHATTEL" - means a moveable item of personal property;

"CORNER" - means the intersection of any two property lines of a parcel;

"CORNER PARCEL" - see PARCEL, CORNER;

"COUNCIL" - means the Council of the Summer Village of West Cove;

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

"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;

"DECK" - means a hard surfaced (usually wooden) area usually adjoining a dwelling unit; no more than 0.6 m. (1.97 ft.) high above grade, for outdoor living;

"DESIGNATED OFFICER" - means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Municipal Government Act and this Bylaw;

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

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

"DEVELOPMENT" – means:

- a) an excavation or stockpile and the creation of them,
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,
- c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- d) a change in the intensity of use of land or building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

“DEVELOPMENT AUTHORITY” - means a Development Authority established pursuant to Section 624 of the Municipal Government Act;

“DEVELOPMENT OFFICER” - means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for 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 a 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, substantial construction activity or a non-conforming use or conforming use has ceased;

“DISCRETIONARY USE” - means a use of land or buildings provided for in the District Regulations of this Bylaw, for which a development permit may be issued with or without conditions;

“DOUBLE FRONTING PARCEL” - means a corner parcel which is not a flanking parcel, but also includes a parcel which abuts two public streets (except alleys as defined in the Highway Traffic Act, as amended), which are parallel or nearly parallel where abutting the parcel;

“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;

“DWELLING” - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single detached dwellings, but does not include temporary living accommodations;

“DWELLING UNIT” - means a self-contained living premise with cooking, eating, living, sleeping and/or sanitary facilities for domestic use of one or more individuals;

“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;

“EXTENSIVE AGRICULTURE” - means a system of tillage which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming;

“EXTENSIVE LIVESTOCK OPERATION” - means a farming operation involving the rearing of livestock either in conjunction with or separate from an extensive agricultural operation, where the density of animals on the subject lot is less than is required to be classified by Alberta Agriculture and Food and Rural Development as an intensive livestock operation;

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

“FLANKING PARCEL” - means a corner parcel on which a side boundary is abutting onto a street and where all other parcels which are within 9.1 m. (30.0 ft.) of the parcel have no front boundary on the same street;

“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;

“FLOOD PLAIN” - means the highest elevation of the level of floodwaters occurring in the 1:100 year flood event as established from time to time by Alberta Environment and Parks;

“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;

“FREESTANDING SIGN” - see SIGN, FREESTANDING;

“FRONT YARD” - see YARD, FRONT;

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

“GARAGE” - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;

“GARAGE SUITE” - means a single storey accessory dwelling, which is located above a detached garage. A Garage Suite is accessory to a building in which the principal use is a single detached dwelling. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. A garage suite does not include Secondary Suites or garden suites.

“GARDEN SUITE” - means a single storey dwelling, which is located in a building separate from the principal use which is a single detached dwelling. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. This use class does not include secondary suites or garage suites.

“GRADE” – means the ground elevation established for the purpose of regulating the number of storeys 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;

“GROSS LEASEABLE AREA” - means the total floor area of the building contained within the outside surface of the exterior and basement wall, but excludes mechanical and utility rooms, public washrooms, and stairwells;

“GUEST HOUSE” - means an accessory building, used seasonal or part time which may contain sleeping facilities or additional facilities, and may be in addition, but is secondary to the principal dwelling. The guest house may not be rented for accommodation;

“HABITABLE ROOM” - means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family

rooms and dens, excluding NON-HABITABLE ROOMS which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements and cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

“HALF STOREY” - see STOREY, HALF;

“HARD SURFACE” - means a roadway, lane, or parking stall with a cement, asphalt, or compacted gravel surface;

“HIGH WATER MARK” – means the line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined in the Surveys Act). Its location is synonymous with what is commonly known as the ordinary high water mark. In most cases, it is a distinct line formed by the normal, long-continued action or presence of surface water along the land at the edge of the lake (not affected by occasional periods of drought or flooding).

“HOME OCCUPATION” - means an occupation carried on within a dwelling unit or manufactured home and 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;

“INDOOR EATING ESTABLISHMENT” - means an establishment where a combination of food and non-alcoholic drink are intended to be consumed within the confines of the establishment;

“INTERIOR PARCEL” - see PARCEL, INTERIOR;

“LAKEFRONT DWELLING” - means dwellings whose properties extend to the lakeshore or that are only separated from the lakeshore by a road, municipal reserve, or environmental reserve;

“LANDSCAPING” - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture, but does not include changes in grade, stockpiling, or excavation;

“LANE” - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m. (32.8 ft.) in width 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;

“LIVING ROOM” - means any room in a dwelling unit used primarily for the social activities of the occupants and which is designed for general living whether or not combined with specific activities such as dining, food preparation or sleeping;

“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;

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

“LOT - LAKEFRONT” - means those lots that extend to the lakeshore, are adjacent to the lakeshore, or would be if not separated from the lakeshore by roads, municipal reserves or environmental reserves. Excludes any existing park or reserve land, public roadways or public utility lots;

“MAJOR” - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively large size will, at the discretion of the Development Authority, have a large impact on surrounding uses, or which is intended to serve a larger area;

“MANUFACTURED HOME” – means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick built dwellings, modular homes, mobile homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards;

- a) a minimum roof pitch of 5.0 cm. (2.0 in.) of vertical rise for every 30.5 cm. (12.0 in.) of horizontal run (2.0:12.0 pitch);
- b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- c) have a minimum roof overhang or eaves of 30.5 cm. (1 ft.) from the primary surface of each façade;
- d) have a minimum length width (or width length) ratio of 2.0:1.0;
- e) meets the National Building Code of Canada CAN/CSA A277 standard; and

f) constructed after January 1, 1996.

“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, at the discretion of the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

“MINOR EATING OR DRINKING ESTABLISHMENT” - means development where prepared food and beverages (both non-alcoholic and alcoholic) are offered for sale to the public, for consumption within the premises. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms;

“MOBILE HOME” – means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA A277 standard, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home, temporary living accommodation or single detached dwelling as described in this Bylaw. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling;

“MODULAR HOME” - means a dwelling which is prefabricated or factory built and which is assembled on the parcel in sections, but such sections have neither chassis, nor running gear or its own wheels, and the sections may be stacked side by side or vertically. Furthermore, Modular Home means a dwelling which has a length to width (or width to length) ratio of no greater than 2.0:1. This rule shall not apply to those portions of a dwelling which are deemed by the development authority to be neither deck nor attached garage. A modular home does not include a single detached dwelling, manufactured home, temporary living accommodation, or mobile home;

“MUNICIPAL DEVELOPMENT PLAN” - means a plan adopted by Bylaw as a Municipal Development Plan pursuant to Section 632 of the Municipal Government Act;

“MUNICIPALITY” - means the Summer Village of West Cove;

“NON-CONFORMING BUILDING” - means a building:

- a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- b) 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:

- a) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- b) 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;

“OFF-SITE SIGN” - see SIGN, OFF-SITE;

“OFF-STREET PARKING” - means an off-street facility for the parking of three or more vehicles;

“ON-PARCEL SEWAGE DISPOSAL SYSTEM” - means a method of treating effluent recognized by Alberta Labour and/or Alberta Environment involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition or the actual primary or secondary treatment of sewage effluent on the parcel of its origin and may include a septic tank, holding tank or evapo-transpiration mound system but does not include pit style privies.

“OUTDOOR EATING ESTABLISHMENT” - means an establishment where a combination of food and non-alcoholic drink are normally consumed either outside or inside the confines of the establishment;

“PARAPET WALL” - means that part of an exterior, party wall or fire wall extending above the roof line or a wall which serves as a guard at the edge of a balcony or roof;

“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;

"PARCEL AREA" - means the total area of a parcel;

"PARCEL, CORNER" - means a parcel at the intersection of two abutting streets;

"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;

"PARCEL DEPTH" - means the average distance between the front and rear property lines;

"PARCEL, INTERIOR" - means a parcel which is bounded by only one street;

"PARCEL, LAKEFRONT" - see LOT, LAKEFRONT;

"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;

"PARK" - means a parcel of land designated for public use as municipal reserve land or by Resolution or Bylaw of Council;

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

"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;

"PLACES 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;

"PLANTING" - see LANDSCAPING;

"PORTABLE BUILDING" - means a canvas or tarpaulin moveable garage or shed comprised of a metal frame with the tarpaulin stretched over it, and is designed to be used to shelter chattels from outdoor weather;

"PRINCIPAL BUILDING" - means a building which, in the opinion of the Development Authority,

- a) occupies the major or central portion of a parcel,

b) is the chief or main building among one or more buildings on the parcel, or

c) constitutes by reason of its use the primary purpose for which the parcel is used;

“PRINCIPAL USE” - means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

“PRIVY” - means an indoor and/or outdoor toilet facility and/or outhouse;

“PUBLIC PARK” - means an active or passive public recreation area together with any accessory buildings or uses complimentary to the said recreational purpose;

“PUBLIC USES” - means a building, structure or lot used for public services by the Municipality, by any Department, Commission or Agency of any other Municipal Corporation or Government of Alberta or Canada, or by any Railway Company or Utility;

“PUBLIC UTILITY” - means the right of way for one or more of the following: sanitary and storm water sewerage, telecommunications systems, water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems;

“PUBLIC UTILITY BUILDING” means a building to house a public utility, its office or equipment;

“REAL PROPERTY REPORT” - means a codified standard report adopted by the Alberta Land Surveyor’s Association which contains pertinent information on a parcel of land and the development which exists on the property;

“REAR YARD” - see YARD, REAR;

“RECREATIONAL EQUIPMENT” - means any permanent building, the intended use of which is for either active or passive recreation. Certain types of sidewalk furniture may be classified as recreational equipment at the discretion of the Development Officer;

“RECREATIONAL USE” means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

- a) non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and
- b) means an active or passive recreational use and any facility or building required to carry out said activity;

“RECREATIONAL VEHICLE” - means a portable structure intend as temporary living accommodation for travel, vacation, or recreational use. Typical examples are travel trailers, motor homes, fold-down camping trailer, truck camper, fifth-wheel travel trailer, tent trailer, and tent. Mobile Homes, or conversions of such, are not recreational vehicles as defined under this bylaw.

“RESTAURANT” means a facility for the primary operation of a full service, sit down, eating establishment but excludes the operation of a purely drinking establishment, bar, lounge, pool hall, casino, video lottery terminals and private liquor outlet;

“ROOF SIGN” - see SIGN, ROOF;

“SECONDARY SUITE” – means a development consisting of a Dwelling located within, and accessory to, a structure in which the Principal Use is a Single Detached Dwelling; the second storey of a detached garage; or an accessory building or structure. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the Principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the Principal Building, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the Development or conversion of basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This use class does not include garage suite or garden suite.

“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;

“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;

“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 if specified elsewhere in this Bylaw;

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

“SEWAGE COLLECTION SYSTEM - COMMUNAL” - means a sewerage project for sewage disposal (as defined under Safety Codes Act) which involves the transfer of effluent from its place of origin, such as an On-Site Sewage Collection System, to a central holding area, such as a lagoon, where primary and secondary treatment can occur;

“SEWAGE COLLECTION SYSTEM - ON SITE” - means a method of sewage collection, and treatment recognized under the Safety Codes Act. Sewage containment systems may include impermeable holding tanks for transfer to a communal sewage collection system, septic fields, and evaporation mounds, but does not include any form of outhouse or privy that is not capable of accommodating grey water waste;

“SHORT FORM” - means an abbreviation;

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

“SIGN” - means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event, the specifications, design and location of which must first be approved by the Development Authority;

“SIGN, CANOPY” - means a sign which is part of or attached to the outside edge of a canopy;

“SIGN, FREESTANDING” - means a sign supported by one or more uprights, braces or pylons, and which stands independently of buildings;

“SIGN, OFF-SITE” - means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

“SIGN, PROJECTING” - means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 0.3 m. (1.0 ft.). This does not include a sign attached to the ground;

“SIGN, ROOF” - means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;

“SIGN, UNDER-CANOPY” - means a sign which is attached to the bottom face of a canopy;

“SIGN, WALL” - means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 1.0 m. (3.3 ft.) from the wall, and which does not project above the roof or parapet;

“SINGLE DETACHED DWELLING” – means a complete building intended to be used as a permanent residence not separated from direct access to the outside by another separate or self-contained portion of a building and has a length to width (or width to length) ratio of no more than 2.0:1.0. Does not include a mobile home, manufactured home, or modular home as defined under this Bylaw;

“SPLIT LEVEL” - means a dwelling that has three separate living areas, each separated from the next by one half-store;

“STATUTORY PLAN” - means a municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

“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;

“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;

“STREET” - means a right-of-way no less than 10.0 m. (32.8 ft.) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

“STRUCTURE” - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” - means a subdivision and development appeal board appointed pursuant to the Municipal Government Act;

“SUBDIVISION AUTHORITY” - means a subdivision authority established pursuant to Section 623 of the Municipal Government Act;

“SUBDIVISION OFFICER” means a person authorized to accept, process, and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Municipal Government act;

“TEMPORARY BUILDING” - means a structure that has been permitted to exist for a limited time only;

“TEMPORARY LIVING ACCOMMODATION” - means any recreational vehicle, including holiday trailer, motor home, camper, tent trailer, or tent, situated on a residential lot;

“USE” - means a use of land or a building as determined by the Development Authority;

“UTILITY” - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

“UTILITY BUILDING” - means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

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

“YARD, FRONT” - means that portion of the parcel extending across the full width of the parcel from the front property boundary line of the parcel to the front wall of the main building. In the case of lakefront lots, the front yard is the area between the lake shore property line (or, if the front property line is not a fixed point, the standard mean high water mark as defined by Alberta Environment and Parks) and the wall of the main building facing the lake;

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

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

All other words and expressions have the meanings respectively assigned to them in the Municipal Government Act.

PART 2 – ESTABLISHMENT OF DEVELOPMENT CONTROL AGENCIES

2.1 ESTABLISHMENT OF DEVELOPMENT AUTHORITY

1. The Development Authority for the Summer Village of West Cove is established under this Bylaw pursuant to Section 624 of the Municipal Government Act.

The Development Authority for the Summer Village of West Cove is the person(s) appointed by resolution of Council as Development Officer pursuant to this Bylaw.

2. The office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed, or contracted, by the Summer Village of West Cove.
3. The Development Authority shall be carried out in accordance to powers and duties described in the Municipal Government Act, regulations established under the Act, and this Bylaw, as amended from time to time.
4. For the purpose of the Development Authority, the Development Officer is hereby declared to be an authorized person of the Summer Village of West Cove.
5. The Development Officer shall perform such duties that are specified under this Bylaw.
6. The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register or all applications for development, including the decisions thereon and the reasons therefore.
7. For the purposes of right of entry, the Development Officer is hereby declared an authorized person of Council.
8. For the purposes of Section 542 of the Act, the Development Officer is hereby designated as authorized by the Municipality to discharge the relevant powers and functions.

2.2 ESTABLISHMENT OF SUBDIVISION AUTHORITY

1. The Subdivision Authority is established by the Summer Village of West Cove Subdivision Authority Bylaw, as amended; pursuant to Section 623 of the Act. The Subdivision Authority shall:
 - a) Keep and maintain for the inspection of the public during all reasonable office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available at a reasonable charge as prescribed by Council; and
 - b) Keep and maintain for the inspection of the public during all reasonable office hours, a record of all applications for subdivision approval, including the decisions thereto and the reasons thereto.

2.3 ESTABLISHMENT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

1. The Subdivision and Development Appeal Board for the Summer Village of West Cove, as established through the Summer Village of West Cove Subdivision and Development Appeal Board Bylaw, as amended, shall perform the duties and functions as described in the Bylaw and the Act.
2. The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, stop order appeal, and subdivision application appeal.

2.4 AMENDMENT OF THE LAND USE BYLAW

2. The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
3. A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
 - c) a statement of the specific amendment requested;

- d) the purpose and reason for the application;
 - e) if the application is for a change of district, the legal description of the lands, or a plan showing the location and dimensions of the lands;
 - f) the applicant's interest in the lands;
 - g) an application fee to be determined by resolution of Council;
 - h) the cost of advertising for the public hearing; and
 - i) such other information as the Development Officer or Council deems necessary to assess the motive of the application.
4. Upon receipt of a completed application along with all information required to process the application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than ten (10) days' notice to the applicant advising that he may appear before Council at that time, and speak to the application. The Development Officer shall place an application for amendment before the council within sixty (60) days of its receipt.
5. The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
- a) refer the application for further information; or
 - b) pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
 - c) pass first reading of an alternate amendment to this Land Use Bylaw.
6. Following first reading to an amending bylaw, Council shall:
- a) establish the date, time and place for a public hearing on the proposed bylaw;
 - b) outline the procedure to be followed by anyone wishing to be heard at the public hearing; and

- c) outline the procedure by which the public hearing will be conducted.
7. Following passage of the first reading to an amending bylaw, the Development Officer shall issue notice of the public hearing:
- a) by publication in two issues of a newspaper circulating in the area, the publication date of the second issue being not less than five (5) days preceding the date of the hearing; and
 - b) by mailing notice no less than ten (10) days preceding the date of the hearing to:
 - (i) the applicant, and
 - (ii) to the registered owner of the land, if not the applicant, and the owners of adjacent land if the proposed bylaw will result in a change of district designation.
8. The notice of the public hearing shall provide the following information:
- a) the purpose of the proposed bylaw;
 - b) the date, time and place of the public hearing;
 - c) that the proposed bylaw and any public documents applicable to the proposed bylaw may be inspected at the Summer Village Office at all reasonable times;
 - d) the procedure for the public hearing.
9. Prior to the public hearing, the Development Officer may forward a copy of the proposed bylaw to any Agency or organization the Summer Village determines may have an interest in the proposed amendment.
10. At the public hearing, Council shall hear:
- a) any person or group of persons acting on his or their behalf, who:
 - (i) has complied with the procedures outlined by Council, and
 - (ii) claims to be affected by the proposed bylaw; and

- b) any other person who wishes to make representations and whom Council agrees to hear.

11. Council after considering:

- a) any representations made at the public hearing; and
- b) the Municipal Development Plan, any other Statutory Plan affecting the subject property, and the provisions of the Land Use Bylaw;

may

- (i) make such amendments or changes as it considers necessary to the proposed bylaw, if any, and proceed to pass the proposed bylaw; or
- (ii) defeat the proposed bylaw.

12. Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and/or negotiate a development agreement in respect of the proposal which initiated the application for amendment.

13. After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:

- a) The applicant; and
- b) The registered owner of the land if different from the applicant.

2.5 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.

2.6 FORMS

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

PART 3 – DEVELOPMENT PERMITS

3.1 CONTROL OF DEVELOPMENT

No development other than that designated in Section 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- a) the carrying out of works of improvement, 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 0.9 m. (3.0 ft.) in height in front 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. No electrical or barbed wire fences shall be permitted within the corporate boundaries of the Summer Village;

- 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 Land Use Bylaw;
- i) a portable garden or tool shed not on a fixed foundation on the residential parcel, such building not to exceed 9.3 sq. m. (100.1 sq. ft.) in floor area and 2.5 m. (8.2 ft.) in height;
- j) development exempted from requiring a development permit under the Municipal Government Act;
- k) signs posted or exhibited in a building;
- l) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- m) a statutory or official notice of a function of the Summer Village of West Cove;
- n) traffic signs authorized by the Summer Village of West Cove and/or Alberta Provincial authorities;
- o) 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 0.19 sq. m. (2.0 sq. ft.) in area, subject to all other orders, bylaws and regulations affecting such signs;
- p) 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 single detached dwelling or single detached dwelling parcel does not exceed 0.56 sq. m. (6.0 sq. ft.) in area, and
 - (ii) such signs for a multiple dwelling parcel, a commercial parcel does not exceed 3.0 sq. m. (32.0 sq. ft.); and
 - (iii) such sign shall not be illuminated;
- q) 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) the 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 responsibility for removal;
- r) 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 1.1 sq. m. (12.0 sq. ft.) in area, and

- (ii) there shall be a limit of one sign for each side of the land or buildings on a different street;
- s) 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 3.0 sq. m. (32.0 sq. ft.) in area, and
 - (ii) there shall be a limit of one sign 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;
- t) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- u) hard surfacing of any yard area for the purpose of providing vehicular access from a public roadway to an on-site parking stall provided that such hard surfacing does not cause storm drainage to flow onto adjacent properties;
- v) erection of radio towers, antennas, poles, etc. not exceeding 4.5 m. (15.0 ft.) in height from grade provided that the structure is not located in the front yard or on public land (i.e. lakefront or beach areas);
- w) a fire pit;
- x) flagpoles shall be permitted in the front yard, so long as same are not erected on public land;
- y) a home office, provided that the following are adhered to:

- (i) No individual other than the permanent resident of the dwelling unit operates the home office;
- (ii) No client or customer is received in the dwelling unit for business purposes;
- (iii) The home office does not generate any pedestrian or vehicular traffic;
- (iv) There are no on-site exterior signs or advertisements of the home office;
- (v) No materials, goods or finished products for business purposes are stored on-site;
- (vi) The home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit.

3.3 SAME OR SIMILAR USES

The uses which are listed in the permitted and discretionary use 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 Authority may, at his/her discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

3.4 DEVELOPMENT PERMIT APPLICATIONS

1. An application for a development permit shall be made to the Development Authority in writing:
 - a) on the form prescribed by Council and may be accompanied by;

- (i) a scaled parcel plan in duplicate showing the legal description, the front, rear, and side yards and provision for off-street loading and vehicle parking,
 - (ii) a 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, and
 - (vii) such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development.
- b) the Development Authority may refuse to accept an application for a development permit where the information required by Section 3.4.1(a) has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application; and
- c) the Development Authority may review an application and make a decision without all of the information required by Section 3.4.1(a), if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
2. A non-refundable processing fee, the amount of which being determined by Council from time to time, shall accompany each application for a development permit. Where the development has initiated prior to the Development Permit being issued, the fee for the said permit is double the normal rate.
 3. 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.
 4. In the case where an application for a development has been refused by the Development Authority or ultimately after appeal pursuant to Part 3 of this

Bylaw, the submission of another application for development by the same applicant or any other applicant,

a) on the same parcel, and

b) for the same or similar use;

may not be made for at least six (6) months after the date of refusal.

3.5 DEVELOPMENT PERMITS AND NOTICES

1. A permit issued pursuant to this part shall come into effect:

a) after the twenty-first (21) day of the date of the issue of the Notice of Decision by the Development Officer on the application for development permit (14 day appeal period and 7 days for mailing in province); or

b) if an appeal is made, on the date that the appeal is finally determined and the permit may be modified or nullified thereby.

Any development proceeded with by the applicant prior to the expiry of the above is done solely at the risk of the applicant.

2. On the same date 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 the applicant to post a notice of the decision 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.

3. 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, nor carried out with reasonable diligence as determined by the Development Officer, 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.
4. The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.
5. If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
6. Notwithstanding other provisions of Section 3.4.1 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

3.6 DECISION ON DEVELOPMENT PERMIT APPLICATIONS

1. Permitted and Discretionary Use Applications.

An application for development permit shall be considered by the Development Authority who shall:

- a) Approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw, or
- b) Approve, with or without conditions, or refuse an application for a discretionary use, or
- c) Refuse an application for a use which is neither a permitted nor a discretionary use.

2. Variance Provisions:

- a) The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
 - (i) the proposed development would not,

- A. unduly interfere with the amenities of the neighbourhood, or
 - B. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
- (ii) the proposed development conforms to the uses prescribed for that land or building in this Bylaw,

b) Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.

3. Development Permit Refusals:

When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

4. Temporary Permits:

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

3.7 DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS

In accordance with Section 684 of the Municipal Government 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 Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

3.8 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

1. If, after a development permit has been issued, the Development Authority becomes aware that:
 - a) the application for the development contains a misrepresentation;
 - b) facts concerning the application or the development were not disclosed at the time the application was considered;
 - c) the development permit was issued in error; or
 - d) the conditions of Development Permit Approval are not being complied with to the satisfaction of the Development Authority,the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

2. A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

3.9 CONTRAVENTION

1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
 - a) the Municipal Government Act or the regulations; or
 - b) a development permit or subdivision approval; or
 - c) the Land Use Bylaw;

the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all 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 as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.
2. Where 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 under Section 645 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where 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 registered as a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Municipal Government Act.
3. Where a notice is issued under Subsection (1), the notice shall state the following and any other information considered necessary by the Development Authority:
- a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
 - b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
 - c) A time frame in which the contravention must be corrected prior to the Summer Village pursuing action; and

- d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

3.10 BYLAW ENFORCEMENT, PENALTIES AND FINES

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

1. A person who:

- a) contravenes any provision of the Act or the regulations under the,
- b) contravenes this Bylaw,
- c) contravenes an order under Section 3.9 of this Bylaw and/or Section 645 of the Municipal Government Act,
- d) contravenes a development permit or subdivision approval or condition attached thereto, and/or,
- e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,

is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.

2. If a person is found guilty of an offense under this Section or Section 557 of the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:

- a) the Act and the regulations under the Act,
- b) this Bylaw,

- c) an order under this Section and/or Section 645 of the Act, and/or
 - d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
3. Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
- a) delivered personally to the person or their agent it is directed to; or
 - b) mailed by certified mail to the last known address of the person it is directed to.
4. If a person is found guilty of an offense under Subsections (1) or (2), the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Summer Village of West Cove Land Use Bylaw, or a development permit, as the case may be.
5. Where a person is guilty of an offence under Subsection (1) or (2), the person is liable upon conviction to a fine of not less than \$2,500.00 and of not less than \$500.00 for every day that the offence continues.

3.11 DEVELOPERS' RESPONSIBILITY

- 1. A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits and/or approvals required in connection with the proposed development.
- 2. The person to whom a development permit has been issued may be required to notify the Development Officer:

- a) following the preliminary layout of the site, but prior to the commencement of actual development therein; and
 - b) upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
3. The Development Officer may require that further to Section 3.11.2(a), the applicant arrange with the Development Officer for an on-site inspection before commencing construction.
 4. The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
 5. The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other material on adjacent properties without permission in writing from adjacent property owners.
 6. Sections 3.11.4 and 3.11.5 may be enforced pursuant to Section 3.10. Any costs incurred as a result of damage or neglect to public property may be collected where letters pursuant to Section 3.11.
 7. The Development Officer may require a Real Property Report relating to the building for which a permit is applied.
 8. A development permit is not transferable without the prior consent of:
 - a) the Development Officer, if the permit was issued by the Development Officer; or
 - b) the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

PART 4 – GENERAL DEVELOPMENT REGULATIONS

4.1 PRINCIPAL BUILDING OR USE

A maximum of one (1) principal building or principal use shall be considered a permitted use within any land use district. All other buildings or uses shall be considered discretionary.

4.2 DWELLING UNITS ON A PARCEL

1. Subject to Sections 4.9 and 4.10, no more than one dwelling shall be placed upon a single parcel in a residential district within the corporate boundaries of the Summer Village of West Cove;

4.3 BUILDING ATTACHED TO A PRINCIPAL BUILDING

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

4.4 BUILDING ORIENTATION AND DESIGN

The design, character and appearance of any building, or series of buildings, structure or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to:

- a) amenities such as daylight, sunlight and privacy,
- b) the character of existing development in the district, and

- c) its effect on adjacent parcels.

4.5 RELOCATION OF BUILDINGS

1. No person shall:

- a) place on a parcel a building which has previously been erected or placed on a different parcel, unless the Development Authority approves the placement; or
- b) alter the location on a parcel of a building which has already been constructed on that parcel,

unless the Development Authority approves the alteration.

Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of the Summer Village of West Cove after July 1, 2011.

2. An application to "relocate" a building may require:

- a) a colour photograph of the building,
- b) a statement of the present location of the building,
- c) a notification of the relocation route, date, and time that the relocation is to take place, and
- d) a complete site plan showing all buildings located or to be located on the lot.

3. The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.

4. The Development Authority may require; when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
5. Any renovations and any conditions imposed by the Development Authority to a relocated 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.
6. When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
7. In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
8. An approval shall not be granted under Subsection (1) unless the Development Authority is satisfied that:
 - a) The placement or location of the building would meet the requirements of this Bylaw; and
 - b) The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

4.6 EXCAVATION, STRIPPING AND GRADING

1. In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
2. Pursuant to subsection (1) and in addition to the requirements of Section 3.1 of this Bylaw, development permit applications for landscaping shall be accompanied by a landscaping plan and indicate any existing or proposed retaining wall construction.

3. The landscaping plan shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.6 cm. (3.0 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
4. In any commercial or industrial land use district, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Authority.
5. In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 sq. m. (2000.0 sq. ft.) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.
6. As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
7. As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to the Summer Village of West Cove, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

4.7 PROJECTIONS OVER YARDS

1. Projections on foundation walls and footings or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
2. Projections over yards for accessory buildings and garages shall be in accordance with Section 4.8 of this Bylaw.
3. Dwelling Unit eaves shall be considered part of the dwelling and may project over a yard provided the projection is no closer than 1.2 m. (3.9 ft.) to a property boundary adjoining a privately owned lot.

4.8 GARAGES AND ACCESSORY BUILDINGS

1. In residential districts detached garages and accessory buildings shall be located according to the following:
 - a) The maximum total combined floor area of all accessory buildings upon the site shall be 130.0 sq. m. (1399.3 sq. ft.),
 - b) A garage shall be no closer to the front property line than 6.1 metres (20 ft). All other accessory buildings shall be no closer to the front property line than the principal dwelling, whichever is less.
 - c) a minimum of 2.0 m. (6.56 ft.) from the principal building,
 - d) an accessory building shall be situated so that the exterior wall is at least 1.2 m. (3.90 ft.) from the side boundaries and 1.0 m. (3.28 ft.) from the rear boundary of the parcel,
 - e) A garage shall be no more than 7.3 metres (24 ft.) in height, and may be higher than the principal dwelling. The maximum height of a garden suite shall be 7.3 metres (24 ft.) The maximum height of all other accessory buildings shall be 4.3 metres (14 ft.) or no higher than the principal dwelling, whichever is less.
 - f) where an accessory building is a garage, vehicle access doors shall be a minimum of 6.1 m. (20.0 ft.) from the property line with the roadway or lane,
 - g) no roof overhang shall be situated within 0.3 m. (1.0 ft.) of the side and rear property boundary, and
 - h) an accessory building shall be located in such a manner that it does not encroach upon easements and rights-of-way.
2. An accessory building shall not be used as a dwelling, subject to Section 4.9.

3. Notwithstanding any other provision of this Bylaw, a maximum of one garage per lot may be considered a “permitted” use, and no more than 4 sheds per lot may be permitted.
4. No accessory buildings are permitted unless there a principal building has been erected, or the principal building is permitted and erected simultaneously.

4.9 GARAGE AND GARDEN SUITES

1. A Garage Suite shall be developed as an integral part of a detached garage where the principal building is a single detached dwelling.
2. Only one secondary suite, garage suite or garden suite may be developed in conjunction with a principal building on a site.
3. A Garage Suite shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
4. The minimum site width for a site with a garage suite or a garden suite shall be 12.0 m. (39.4 ft.).
5. The maximum height of a garage suite shall be 7.3 m. (24.0 ft.), or the height of the principal building, whichever is the lesser.
6. The maximum height of a garden suite shall be 7.3 m. (24.0 ft.).
7. The maximum floor area for garage and garden suites shall be 60.0 sq. m. (645.8 sq. ft.).
8. The minimum floor area of a garage suite or garden suite shall be 30.0 sq. m. (322.9 sq. ft.).
9. The minimum side yard setback shall be:
 - a) For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.

- b) For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.
 - c) On a corner site where a Garage Suite or Garden Suite abuts a flanking street, other than an alley, the minimum street side yard setback shall not be less than that provided for the principal building.
10. The minimum distance between a detached garage containing a Garage Suite, or Garden Suite and the principal building on the same site shall be 4.0 m. (13.1 ft.).
11. A minimum of one parking stall shall be provided in addition to the required number of parking stalls for the principal building.
12. No decks on Garage Suite or Garden Suite roofs shall be allowed.
13. Balconies shall be allowed as part of a Garage Suite developed above a detached garage only where the balcony faces the alley or a flanking street.
14. Windows contained within the Garage Suite portion of the detached garage shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
- a) Off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting site;
 - b) Strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - c) Placing larger windows such as living room windows, to face an alley, a flanking street, or the larger of any side yard abutting another property.
15. A Garage Suite or Garden Suite shall not be allowed within the same site containing a Secondary Suite, Group Care Facility or Limited Group Home, or Home Occupation.

16. Where Garage Suites are discretionary within the applicable district, the Development Authority may exercise discretion in considering a Garage Suite having regard to:

- a) Compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
- b) The effect on the privacy of adjacent sites; and
- c) The policies and guidelines for Garage Suites contained in a Statutory Plan for the area.

17. Garage and Garden Suites shall only contain rooms from sleeping accommodation, a small common area, and bathroom facilities.

Compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density

4.10 SECONDARY SUITES

1. A secondary suite shall be operated as an accessory use only and shall not change the residential character of the principal dwelling involved.
2. A development permit for a secondary suite expires upon transfer of ownership of land upon which the secondary suite is located. All new owners shall be required to secure all necessary approvals prior to recommencement of the use.
3. A secondary suite shall not contain more than fifty percent (50%) of the total floor area of the principal dwelling.
4. On-site parking shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the secondary suite.
5. Required parking stall(s) shall not be allowed on public roadways.

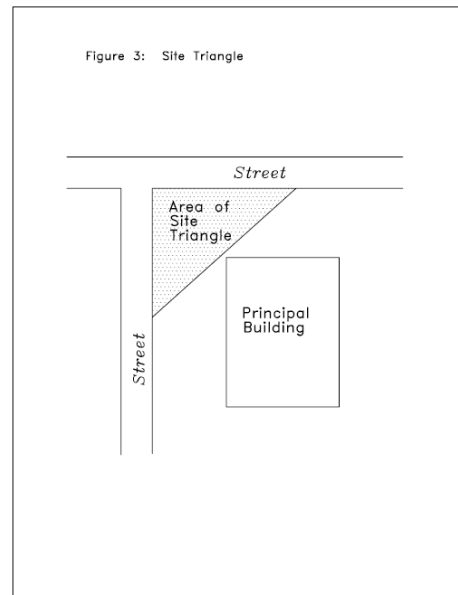
6. Prior to its use as an approved secondary suite the property owner shall be required to meet all applicable safety code requirements.
7. The applicant shall provide an original copy of a fire inspection report to the Development Officer, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a Secondary Suite.

4.11 CORNER AND DOUBLE FRONTING PARCELS

In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.

4.12 CORNER SIGHT TRIANGLES

1. A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 m. (20.0 ft.) from the point where they intersect.
2. On laneways, the sight triangle shall be formed by a straight line drawn between two points on the exterior boundaries of the said site 3.05 m. (10.0 ft.) from the point where they intersect.
3. On any corner site, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m. (3.0 ft.) in height above the lowest street grade adjacent to the intersection.
4. On any corner site, no finished grade shall



exceed the general elevation of the street line by more than 0.6 m. (2.0 ft.) within the area defined as the sight triangle.

5. When a lot has more than one front yard line (corner lot), the front yard requirement shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

4.13 BUILDING DEMOLITION

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

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

- b) the final reclamation of the parcel,

that is satisfactory to the Development Authority.

4.14 OFF-STREET PARKING REQUIREMENTS

1. A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of parking stalls or loading spaces required on the total parcel for which addition or change in use is proposed.

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

- a) Principal residential dwelling – 2 spaces per dwelling,

- b) Garage suite or secondary suite – 1 space per additional dwelling unit.

4.15 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

1. All matters related to unsightly property, improper storage of vehicles, parking of commercial vehicles over 5,500.0 kg. (12,125.42 lbs.) shall be addressed through

the Municipal Government Act and bylaws adopted by Council other than this Land Use Bylaw.

2. The following prohibited or restricted developments shall be subject and addressed in accordance with this Bylaw:
 - a) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
3. Subject to Section 4.14(1) no person shall keep or permit in any part of a yard in a residential land use district:
 - a) any dismantled or wrecked vehicle;
 - b) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district.
4. In all land use districts, garbage shall be stored in weather and animal proof containers screened from adjacent parcels and public thoroughfares to the satisfaction of the Development Officer, and shall be in a location easily accessible for pickup.
5. Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.
6. In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on site, on public property, or on any other site, by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.

4.16 FENCES

1. RESIDENTIAL DISTRICTS

- a) In any residential district, except as herein provided:
 - (i) No fence shall be constructed that is:

- A. Higher than 1.83 m. (6.0 ft.) for that portion of the fence that does not extend forward beyond the foremost portion of the principal building on the parcel; and
 - B. Higher than 0.91 m. (3.0 ft.) for that portion of the fence that extends into the front yard beyond the foremost portion of the principal building on the parcel.
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- b) Development Authority approval is required for fence construction at heights in excess of those provided for in Section 3.2 of this Bylaw and shall require an approved development permit.
 - c) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Summer Village of West Cove.

4.17 HOME OCCUPATIONS

- 1. Home occupations (Home Based Businesses) shall comply with the following provisions:
 - a) Home occupations shall not be allowed on a site unless a dwelling is located on the site on which the home occupation is to be located.
 - b) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the home occupation is or has become detrimental to amenities of the neighborhood in which it is located or if there is any change or intensification of the home occupation as originally approved.

- c) The Development Authority may, in its sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
- d) No home occupation shall substantially change the principal character of external appearance of the dwelling involved or of any accessory buildings.
- e) Home occupations shall be incidental and subordinate to the principal use of the dwelling and/or garage and shall not be conducted within any other structures on the property.
- f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
- g) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- h) 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.
- i) 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.
- j) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the district in which the home occupation is located.
- k) Only one (1) commercial vehicle, of a haul capacity not exceeding 5,500.0 kg. (12,125.42 lbs.) shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be kept on site unless they are located within an accessory building.
- l) Home occupations shall not involve:

- (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - (ii) any use that would in the opinion of the Development Authority, materially interfere with or affect the used, enjoyment, or value of neighboring properties.
- m) The number of non-resident employees or business partners working on site shall not exceed one (1) at any time. No more than two people shall be working at the home occupation site at any time.
- n) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or garage.
- o) The home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in the Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
- p) The dwelling or garage in which a home occupation is located may have one fascia sign placed on the structure, providing that the sign does not exceed 0.4 sq. m. (4.3 sq. ft.) in area. No other signage will be permitted.

4.18 BED AND BREAKFAST OPERATIONS

In addition to all other provisions and requirements of Section 4.17 of this Bylaw, the following additional requirements shall apply to home based business in the form of bed and breakfast operations:

- a) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Summer Village of West Cove.
- b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.

- c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- d) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 4.14(2) of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

4.19 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS

1. A total maximum of any two (2) recreational vehicles, be they holiday trailers, motor homes, campers, tent trailers or tents, may be situated, either occupied or unoccupied for storage purposes, on a residential parcel provided that a permanent Single Detached Dwelling exists on the parcel. Such recreational vehicle(s) must be located on-site on a parking stall or in another location on-site in a manner satisfactory to the Development Authority;
2. No recreational vehicles, be they holiday trailers, motor homes, campers, tent trailers, or tent may be parked on any residential parcel where no permanent Single Detached Dwelling exists on the parcel, except that any person in possession of a valid Development Permit for the construction of a Single Detached Dwelling may be granted a Temporary Development Permit, for a period not to exceed twelve (12) consecutive months, to place a single (1) recreational vehicle on the parcel. An extension to the Temporary Development Permit, for no more than an additional twelve (12) months, may be granted at the discretion of the Development Authority.
3. At no time may a person store any derelict recreation vehicle on a property. Dereliction may be assessed by inoperability, immobility, excessive rust, decay or damage, fluid leaks, abandonment, lack of registration, or any or all of these.

4.20 GENERAL SIGN REGULATIONS

1. All temporary signs shall be regulated and controlled through a separate Municipal Sign Bylaw.

2. No sign of an advertising, directional or information, 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 by the Development Officer.
3. Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by this Bylaw or the Development Officer.
4. In considering a development application for a sign the Development Officer shall have due regard for the amenities of the area and the design of the proposed sign.
5. No sign, other than one providing a public service and deemed appropriate by the Development Officer shall be permitted to locate on a public right of way or reserve.
6. No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.
7. There shall be a minimum clearance height of 2.5 m. (6.0 ft.) above finished grade to the bottom of any sign projecting over a public right-of-way or sidewalk.
8. No sign shall project more than 1.5 m. (5.0 ft.) above the top of any main wall or parapet to which it is affixed, unless in the opinion of the Development Officer it has been designed as an integral part of the building.
9. No sign shall project more than 1.5 m. (5.0 ft.) out from the face of any building to which it is affixed unless, in the opinion of the Development Officer it has been designed as an integral part of the building.
10. The Development Officer may refuse to allow any sign which is deemed to be offensive in nature or inappropriate in design.
11. The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.
12. The Development Officer may require the removal of any sign which, in his opinion is or has become unsightly or is in such state of disrepair as to constitute a hazard.

4.21 SIGNS IN COMMERCIAL DEVELOPMENTS

Where commercial buildings are permitted the following regulations shall apply:

- a) For each principal building, one identification sign; not to exceed 3.0 sq. m. (32.29 sq. ft.) in area.
- b) Signs may be detached if they do not exceed a height of 2.0 m. (6.56 ft.) or project into any required setback area.
- c) Where a sign is not detached, it shall be placed flat against the building or be designed as part of an architectural feature thereof, or as a canopy sign.
- d) One wall sign only will be permitted to indicate the name and nature of the occupancy for each tenancy within the development. The sign shall not exceed a total area of 0.9 sq. m. (9.68 sq. ft.) of copy for each lineal metre of building occupancy.
- e) If the occupancy is on a corner, one wall sign will be permitted for each face.
- f) If the building includes a canopy, each tenant will be permitted one under-canopy sign of no more than 0.5 sq. m. (5.38 sq. ft.).

4.22 KEEPING OF ANIMALS

1. No person shall keep or permit to be kept in any part of any yard in any Land Use District any livestock.
2. No person shall keep or permit to be kept in any part of any yard in any Land Use District any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration, unless said keeping occurs within the confines of an approved kennel.
3. In addition to this Section, the regulations in the Residential Districts respecting the keeping of animals will apply

4.23 SEA CANS

No Sea Cans may be placed upon any lot within the corporate limits of the Summer Village of West Cove.

4.24 FIRE PITS

Within the corporate limits of the Summer Village of West Cove, fire pits must:

- a) Be at least 3.0 m. (10.0 ft.) from buildings, property lines and anything else that could catch fire.
- b) Be less than 0.6 m. (2.0 ft.) high.
- c) Be less than 1.0 m. (3.0 ft.) wide.
- d) Have enclosed sides made from bricks, concrete or heavy-gauge metal.



PART 5 – LAND USE DISTRICTS AND REGULATIONS

5.1 ESTABLISHMENT OF DISTRICTS AND LAND USES

1. For the purposes of this Bylaw the Summer Village of West Cove is divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R	Residential
R2	Residential -
US	Urban Services
P	Parks

UR	Urban Reserve
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2. The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map.
3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
 - a) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
 - b) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 - c) In circumstances not covered by 3a or 3b the location of the district boundary shall be determined by:
 - (i) Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
 - (ii) 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.
4. Where the application of the above rules does not determine the exact location of the boundary of a district, 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.
5. After Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
6. Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

5.2 R – RESIDENTIAL

1. General Purpose of District

This district is generally intended to accommodate single detached dwellings and modular homes.

2. Permitted Uses

- Single Detached Dwelling
- Modular home
- Secondary Suites
- Buildings and uses accessory to permitted uses
- Recreational Vehicles and Temporary Living Accommodations

Discretionary Uses

- Day homes
- Major Home Occupations
- Parks and playgrounds
- Public or quasi-public uses
- Public utilities required to serve the immediate area
- Show homes
- Buildings and uses accessory to discretionary uses.
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

3. Parcel Coverage

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

4. Minimum Floor Area (not including attached garage)

Shall be no less than 74.3 sq. m. (800.0 sq. ft.).

5. Maximum Height

The height of all structures shall not exceed 9.45 m. (31.0 ft.) and is subject to the provision of this Bylaw.

6. Minimum Parcel Area

All new parcels to be created shall have a minimum parcel area not less than 557.4 sq. m. (6000.0 sq. ft.).

7. Minimum Front Yard Setback

- a) Lakefront lots: at the discretion of the Development Officer, but not less than 8.0 m. (26.2 ft.).
- b) All other cases: 6.1 m. (20.0 ft.).
- c) For accessory buildings see Section 4.8.

8. Minimum Side Yard Setback

- a) Minimum of 1.5 m. (5.0 ft.).
- b) For accessory buildings see Section 4.8.

9. Minimum Rear Yard Setback

- a) Minimum of 1.5 m. (5 ft.), except in the case of garages as in Section 4.8.
- b) For accessory buildings see Section 4.8.

5.3 R 2 – Residential

(1) General Purpose of District

This district is generally intended to provide for vehicle parking, but does include a garage.

(2) Permitted Uses

- Parking Lot

Discretionary Uses

- Other uses which, in the opinion of the Development Authority, are similar to the permitted use.

5.4 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

- Day care facility
- Library
- School

Discretionary Uses

- Accessory Building & Use
- Cemetery
- Extended Medical Treatment Facility
- Protective & Emergency Services
- Parks and playgrounds
- Places of public assembly
- Public uses
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

3. Development Regulations for Permitted and Discretionary Uses

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

5.5 P – PARKS

1. General Purpose of District

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

2. Permitted Uses

- Parks and playgrounds
- Publicly owned minor recreation and cultural facilities

Discretionary Uses

- Commercial recreation facility
- Major recreation and cultural facility
- Schools
- Buildings and uses accessory to discretionary uses
- Other uses which, in the opinion of the Development Authority, are similar to the permitted and discretionary uses.

3. Development Regulations:

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

5.6 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

- Extensive agriculture
- Parks
- Single detached dwelling, modular home, or manufactured home on existing parcels only.

Discretionary Uses

- Any use or building which, in the opinion of the Development Officer, will not prejudice the possibility of conveniently and economically subdividing the area for urban development.

3. Development Regulations for Permitted and Discretionary Uses

- a) No subdivision shall be permitted except as required in the Act, or for municipal purposes.
- b) All development regulations shall be at the discretion of the Development Authority.
- 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.

(3) Parcel Coverage

Coverage of all buildings may be 80%, provided that adequate provision is made for on-site 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 m² (4,000 ft²), 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.

(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 9.45 m (31.0 ft.).

(8) Minimum Front Yard Setback

No front yard setback shall be required.

(10) Adjacent Developments

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

(11) Parking and loading shall be provided in accordance with the provisions of this Bylaw.

5.7

EXAMPLES OF BUILDING PLACEMENT UPON RESIDENTIAL LOTS

Figure 1 – One or Two Storey Dwelling, and Detached Garage Residential District

Front and Rear Setbacks

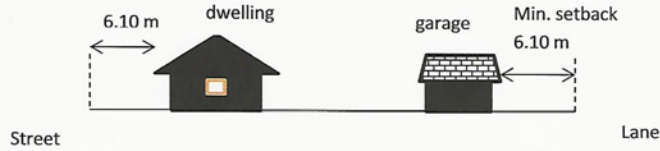


Figure 2 – Max. Building Heights – Dwelling, Guest House / Garage

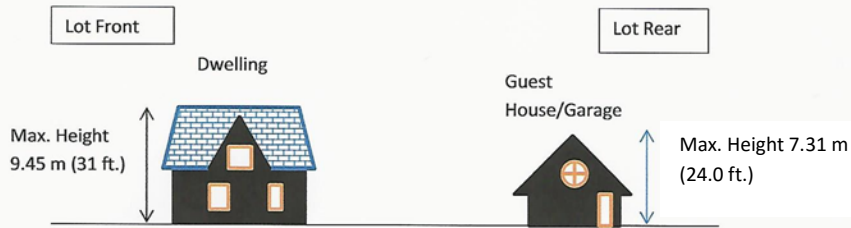


Figure 3 – Typical Residential Plot Site Plan Showing Setbacks –Front Detached Garage

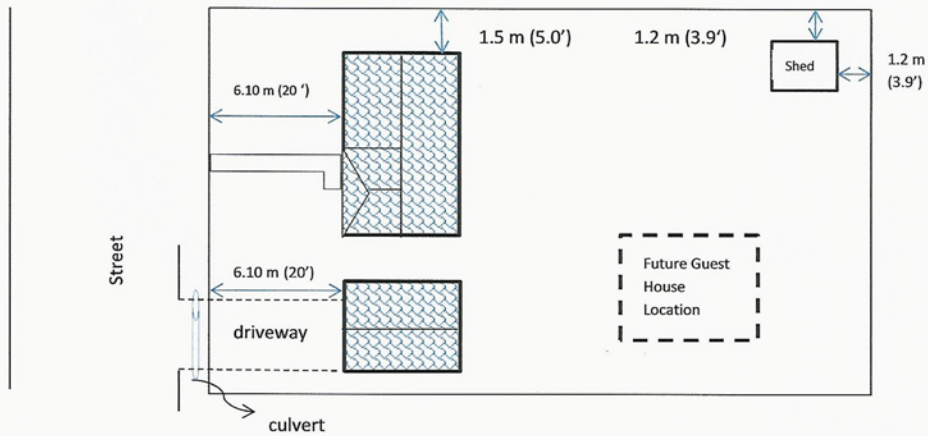


Figure 4– Typical Residential “Lakefront” Showing Buildings and Setbacks

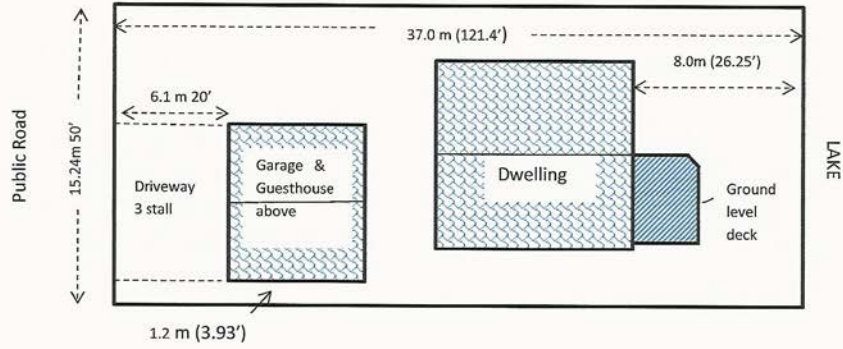
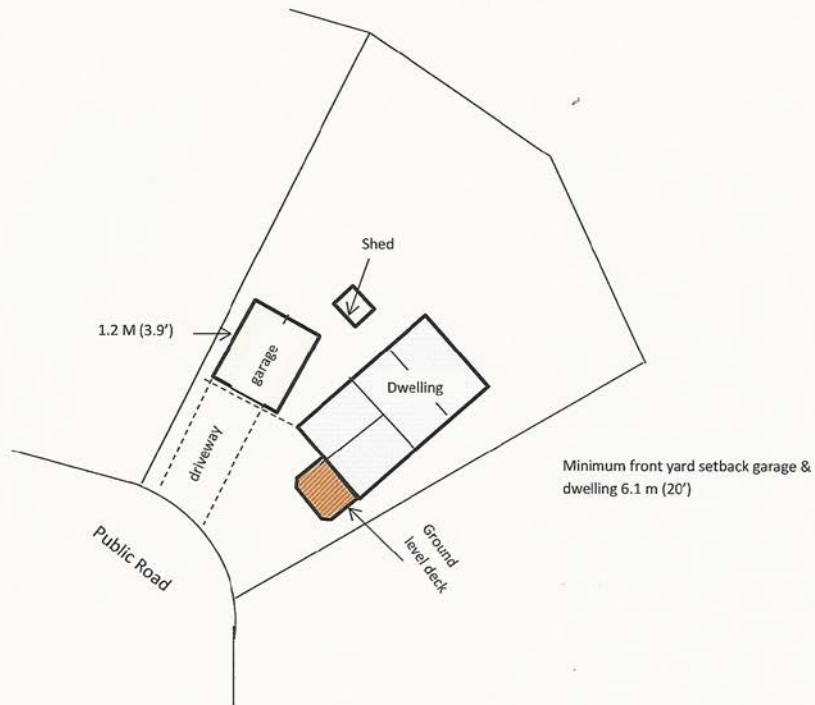


Figure 5 – Irregular shaped Residential Lot – Showing buildings including shed in side yard



PART 6 – ADMINISTRATION

6.1 SCHEDULES

Schedule A is part of this Bylaw. Schedule A is the Land Use Bylaw Map.

6.2 REPEALING EXISTING CONTROLS

Bylaw No. 293-10, as amended, is hereby repealed.

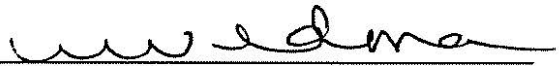
6.3 DATE OF COMMENCEMENT

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THE 5th_DAY OF July, AD 2016.

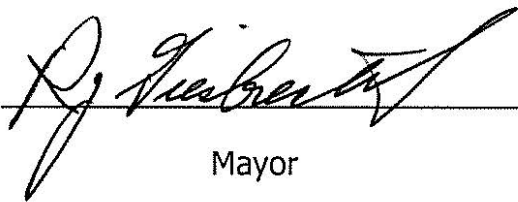


Mayor



Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THE 25th_DAY OF August, AD 2016.

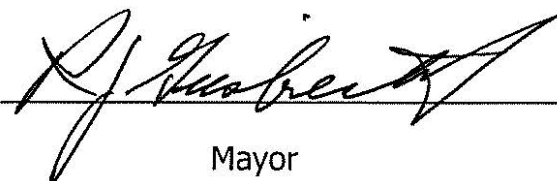


Mayor



Chief Administrative Officer

READ A THIRD AND FINAL TIME IN COUNCIL THE 25th_DAY OF August, AD 2016.



Mayor



Chief Administrative Officer

