BYLAW NO. 189

Being a Bylaw of the Summer Village of Kapasiwin.

WHEREAS the Planning Act, 1980, R.S.A. Chapter P.9, authorizes the Council of a municipality to enact a Bylaw to regulate the use and development of land and buildings.

THEREFORE the Municipal Council repeals all prior Zoning, and Building Bylaws and, on the date of the final passing of this Bylaw, enacts as follows:

READ A FIRST TIME THE 29th DAY OF April 1985.

READ A SECOND TIME THE 10th DAY OF September 1986, (as amended).

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF September 1986, (as amended)

MAYOR

MUNICIPAL SECRETARY

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PART I - TITLE AND MEANINGS

SECTION 1 **TITLE**

This Bylaw may be referred to as THE SUMMER VILLAGE OF KAPASIWIN LAND USE BYLAW.

SECTION 2 **MEANINGS**

(1) In this Bylaw:

ACCESSORY BUILDING -
means buildings which are separate from the principal building on the site where both are located and which the Development Officer decides is normally subordinate to, and the use of which is incidental to that of, the principal building and which, without limiting the generality of the foregoing, may include: - boathouse, bunkhouse, carport, coal shed, gazebo, greenhouse, guesthouse, ice house, pumphouse, storage shed, tool shed and wood shed.

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

ACT -
means THE PLANNING ACT, 1980 as amended, and the regulations pursuant thereto.

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

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

CANOPY -
means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

CARPORT -
means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40 percent 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 site.

CORNER SITE -
see SITE, CORNER.

COUNCIL -
means the Council of the municipality (Summer Village of Kapasiwin).

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

DEVELOPMENT -
means development as defined in the Act, and includes the following:

(i) the carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and, without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw development also means the demolition of a building;

(ii) in a building or on a site used for dwelling purposes, any increase in the number of families occupying and living in the building or on the site, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the site;

(iii) the placing of refuse or waste material on any land;

(iv) the use of the land for the storage or repair of motor vehicles or other machinery or equipment;

(v) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw is enacted;

(vi) the more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way;

(vii) grading, quarrying, clearance of trees and vegetation and modification of the shoreline through the dumping of rocks, soil or sand or by constructing sea walls or similar structures.

DEVELOPMENT APPEAL BOARD -
means the development appeal board appointed pursuant to Section 33 of The Planning Act, 1980 or Council where it is the development appeal board pursuant to Section 33(2).

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

DEVELOPMENT PERMIT -
means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or 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 a conforming use has ceased.

DISCRETIONARY USE -
means a use of land or buildings provided for in the District Schedules of this Bylaw, for which a development permit <u>may</u> be issued with or without conditions.

DWELLING -
means any building or structure used principally for human habitation and which is supported on a permanent foundation or base and does not include multiple dwellings, apartments, horizontal multiple dwellings, and does not include trailers or mobile homes.

DWELLING UNIT -
means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

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

FAMILY -
means a single person occupying a dwelling unit; or two or more persons related by heredity, marriage, a commonlaw relationship or adoption who together are occupying a dwelling unit; or not more than five unrelated persons occupying a dwelling unit as a single housekeeping unit.

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

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

FOOTPATH EASEMENT -
means a right-of-way for a footpath 1.5m (4.5 ft.) in width generally following the top of bank line marked on Plan No. 5674 H.W., registered at the Land Titles Office and granted by virtue of easement instrument registered against certain titles to parcels within the Municipality as instrument No. 1420 A.T., and being a right-of-way granted in favour of the property owners of the Municipality and their invitees for the purpose of a continuous and uninterrupted footpath.

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

FRONT YARD -
see YARD, FRONT.

FRONTAGE -
means the length of a street boundary from which principal access is gained.

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

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.

HALF STOREY -
see STOREY, HALF

LANE -
means a public thoroughfare for vehicles, the right-of-way which does not exceed 10m (33 ft.) and not less than 6m (19.7 ft.) in width, and which provides a secondary means of access to a parcel or parcels.

LOT -
means a part of a parcel of land the boundaries of which are separately described in a Certificate of Title or are shown on a registered plan of subdivision.

MUNICIPALITY -
means the Summer Village of Kapasiwin;

NATURAL RESERVE -
means all lands within the Municipality and all undeveloped road allowances that are in their natural state.

NON-CONFORMING BUILDING -
means a building 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 that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw.

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

PARCEL -
means the aggregate of the one or more areas of land described in a Certificate of Title or are shown on a registered plan of subdivision.

PARKING FACILITY-
means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot.

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 the District Schedules of this Bylaw for which a Development Permit shall be issued with or without conditions upon an application having been made which conforms to the Land Use Bylaw.

PRINCIPAL BUILDING -
means a building which, in the opinion of the Development Officer:

(i) occupies the major or central portion of the site;

(ii) is the chief or main building among one or more buildings on the site; or

(iii) constitutes by reason of its use the primary purpose for which the site is used;

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

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

PRIVY -
means an outdoor toilet facility consisting of a holding tank fitted for pumpout service with above grade superstructure.

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 recreational equipment at the discretion of the Development Officer.

REGIONAL PLAN -
means the Regional Plan or Ministerial Regional Plan required by the Act.

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

SHORT FORM -
means an abbreviation

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

SIGN, FREESTANDING -
is a sign supported by one or more uprights, braces or pylons and which stands independently of buildings.

SITE -
means one or more lots or parcels for which an application for a Development Permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

SITE AREA -
means the total area of a site.

SITE BOUNDARIES -
means those boundaries which bound the site as determined by the Development Officer.

SITE, CORNER -
means a site at the intersection of two abutting streets provided that the intersection of the two streets is less than one hundred and thirty-five (135) degrees. A site abutting upon a curved street or streets shall be considered a corner site if the arc of the inside boundary of the street is less than 45m (147.6 ft.) in radius over an angle of more than 135 degrees.

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

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

SITE, INTERIOR -
means a site which is bounded by only one street.

TRAVEL TRAILER -
means a recreation vehicle which is not used as a permanent structure on the site.

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

YARD, FRONT -
means that portion of the site abutting the lake on lakefront properties and abutting the street or avenue on all other properties extending across the full width of the site from the front property boundary of the site to the exterior wall of the building.

YARD, REAR -
means that portion of the site not abutting the lake on lakefront properties and not abutting the street or avenue on all other properties extending across the full width of the site from the rear property boundary of the site to the exterior wall of the building.

YARD, SIDE -
means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the roof eave of any building.

(2) Notwithstanding the meanings above, the Planning Act, R.S.A. 1980 takes precedence in a case of dispute on the meanings of all words or clauses.

PART II - ESTABLISHMENT OF THE OFFICE OF DEVELOPMENT OFFICER

SECTION 3 **DEVELOPMENT OFFICER**

(1) The office of Development Officer is hereby established and shall be filled by a person or persons appointed by resolution of the Council.

(2) The Development Officer shall

a) receive, consider and decide on applications for a Development Permit; and

b) make available for inspection

(i) a copy of this Bylaw as amended; and

(ii) a register of all applications including the decisions rendered on them and the reasons therefore; and

c) ensure that copies of this Bylaw can be purchased by the public at a reasonable cost; and

d) carry out his duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and

e) perform such duties as established to enforce this Bylaw in conformance with the Act.

PART III - DEVELOPMENT PERMITS

SECTION 4 **PERMIT FEES**

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

SECTION 5 **WHERE A PERMIT IS REQUIRED**

(1) Except as provided in Subsection (2), no person shall commence any development unless he has been issued a Development Permit in respect thereof.

(2) A Development Permit is not required for development of the type described as follows;

a) the maintenance or repair of any building if the work does not include structural alterations; or

b) the completion of a development which was under construction in accordance with a lawful Development Permit issued at the effective date of this Bylaw provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of this Bylaw whichever is earlier; or

c) the completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land; or

d) the erection or placement of a sign designating the owner of property; or

e) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer; or

f) the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under Provincial or Federal legislation provided that:

(i) such signs are removed within one day of the election date; and

(ii) the consent of the property owner or occupant is obtained; and

(iii) such signs do not obstruct or impair vision or traffic; and

(iv) such signs are not attached to fences or utility poles; and

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

g) the erection of a fence or gate which is no higher than 1.8m (6 ft.) in height provided that there is no contravention of this or any other Bylaw of the Municipality and provided that such a fence or gate does not in the opinion of the Development Officer obstruct the vision of persons using roads abutting the parcel; or

h) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a Development Permit, such as driveways, parking areas, or sidewalk construction; or

i) one sign on internal lots, or two signs on corner lots advertising a residential property for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one day after the sale or rental agreement has been entered into. Such signs shall be a maximum of $0.6m^2$ (6.5 ft.^{2}) and shall be placed or erected no closer than 3m (9.8 ft.) from a public right-of-way.

SECTION 6 APPLICATION FOR DEVELOPMENT PERMIT

(1) Every application for Development Permit shall

a) be made in the form prescribed as FORM A;

b) be signed by the registered owner or his agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;

c) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;

d) include site plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following

(i) front, side and rear yards,

(ii) outlines of the roof overhangs on all buildings,

(iii) north point,

(iv) legal description of property,

(v) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,

(vi) the height and horizontal dimensions of all buildings, existing and proposed,

(vii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,

(viii) any other pertinent information or tests required by the Development Officer respecting the site or adjacent lands.

(ix) on all lakefront lots or lots where flooding may occur, the 1-in-100 year floodline as determined by survey (725.42 metres (2380 ft. asl) contour),

(x) the location of all natural tree areas and how they will be affected by the proposed development.

(2) Notwithstanding the requirements of Section 6.1(d) an application for a Development Permit, may comprise such material and information as the Development Officer may at his discretion deem appropriate for the circumstances.

(3) An application for a Development Permit shall be considered by the Development Officer 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 use or a discretionary use.

(4) Notwithstanding Subsection 3(c), the Development Officer may approve or conditionally approve an application for a Development Permit for a use not prescribed as a permitted or discretionary use if, in his opinion,

a) the proposed development would not

(i) unduly interfere with the amenities of the neighbourhood; or

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

and

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

(5) The Development Officer may impose such conditions on the approval of an application as, in his opinion are necessary

a) to ensure the orderly and economical development of land within the Municipality.

(6) Where an application for a Development Permit is approved with conditions the Development Officer may, before issuing the Development Permit, require the applicant or the owner of the land affected by the Development Permit to enter into an agreement with the Municipality to ensure compliance with the conditions, and such an agreement may be protected by Caveat registered by the Municipality.

(7) Where an application for a Development Permit has been refused, another application for a Development Permit on the same site for the same or similar use of land may not be submitted by the same or any other applicant until at least six (6) months after the date of the refusal by the Development Officer.

SECTION 7 **NOTICE OF PROPOSED DEVELOPMENT**

(1) Prior to an application being considered for a discretionary use or pursuant to Section 6(4), the Development Officer shall require as a condition, prior to consideration of the application, that the applicant display for no less than seven days in a conspicuous place on the site (and no further from the street or streets abutting the site than the Development Officer directs), a notice or notices setting out the proposed use in a form prescribed by the Development Officer.

(2) The Development Officer shall notify the owners of adjoining properties upon receipt of an application for a discretionary use. The notice required by the Development Officer pursuant to Subsection (1) shall state

a) the proposed use of the building or site; and

b) that an application respecting the proposed use will be considered by the Development Officer; and

c) that any person who objects to the proposed use of the site may deliver to the Development Officer a written statement of his objection to such use indicating

(i) his full name and the address for service of any notice to be given to him in respect of the objection; and

(ii) the reasons for his objection to the proposed use.

The statement must be received by the Development Officer not later than the day specified in the notice.

SECTION 8 **NOTICE OF DECISION**

(1) The decision of the Development Officer on an application for a Development Permit shall be given to the applicant in FORM A.

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

(3) When an application for a Development Permit is approved for a discretionary use or pursuant to Section 6(4):

a) a notice shall be mailed forthwith to all assessed owners of properties within 60m (196.9 ft.) of the site and to those assessed property owners who in the opinion of the Development Officer may be affected. This notice shall indicate

(i) the date the Development Permit was issued, and

(ii) that an appeal may be made by a person affected by the decision by serving written notice of the appeal on the Development Appeal Board within fourteen (14) days after the date the Development Permit was issued.

SECTION 9 **EFFECTIVE DATE OF PERMIT**

(1) Where an appeal on a permit granted pursuant to this Bylaw can be considered by the Development Appeal Board, it does not come into effect until thirty (30) days after the date an order, decision or Development Permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is at the risk of the applicant.

(2) Where an appeal is made to the Development Appeal Board a Development Permit which has been granted shall not come into effect until a decision on the appeal has been rendered which would allow the issuance or refusal of the permit.

SECTION 10 **ISSUANCE OF DEVELOPMENT PERMIT**

(1) The Development Officer shall issue a Development Permit to the applicant immediately after completion of all the following:

a) approval or conditional approval of the application by the Development Officer, or approval or conditional approval after appeal to the Development Appeal Board, and

b) the payment of the Development Permit fee as required pursuant to Section 4.

SECTION 11 **CONDITIONS OF DEVELOPMENT PERMIT**

(1) A person to whom a Development Permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building and electricity, and all other permits required in connection with the proposed development.

(2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

(3) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes or the footpath Wapameg Avenue, and shall not place soil or any other materials on adjoining properties without permission in writing from adjoining property owners.

(4) Subsections 2 and 3 may be enforced pursuant to Section 13.

(5) The Development Officer may require a Surveyor's Certificate relating to the building for which a permit is applied for.

(6) Except at the discretion of the Development Officer, no building shall be used or occupied and no change in the existing occupancy classification of a building shall be made until substantial completion as determined by the Development Officer has been undertaken.

SECTION 12 **DEVELOPMENT APPEALS**

(1) An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer is not made within thirty (30) days of receipt of the application.

(2) Where a Development Officer

a) refuses or fails to issue a Development Permit to a person, or

b) issues a Development Permit subject to conditions, or

c) issues an order under the Act,

the person applying for the permit or affected by the order, as the case may be, may appeal to the Development Appeal Board in accordance with the Act.

(3) A person referred to in Subsection (1) or any other person affected by an order, decisions or Development Permit of the Development Officer may appeal to the Development Appeal Board by serving a written notice of the appeal on the Development Board within fourteen (14) days after the order, decision or Development Permit was issued.

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

(5) The development appeal will be considered, and the public hearing will be held by the Development Appeal Board in the manner prescribed in the Development Appeal Board Bylaw, and pursuant to the requirements of the Act.

PART IV - GENERAL REGULATIONS

SECTION 13 UNAUTHORIZED DEVELOPMENT, BYLAW ENFORCEMENT AND PERMIT VALIDITY

(1) A Development Permit shall lapse after one year from the date of issuance unless development has commenced on the site.

(2) If, at any time while this Bylaw is in effect, it appears expedient to the Council (upon finding that a permit has been approved by fraud or misrepresentation) the Council by resolution may suspend or revoke the original approval.

(3) In the case of suspension pursuant to Subsection (2) if, and when the development has been modified to comply with the original and intended approval, the Council may by resolution authorize the resumption of development.

(4) The Act, and specifically Sections 81 and 82 of the Act shall apply in case of contravention of this Bylaw.

(5) The Act, and specifically Sections 154 and 155 of the Act shall apply in the case of fines, penalties and Orders of Compliance.

SECTION 14 RIGHT OF ENTRY

An authorized person may enter into or upon any land or building within the Municipal boundary, pursuant to Section 43 of the Act, for the purpose of ensuring compliance with this Land Use Bylaw.

SECTION 15 AMENDMENT AND VALIDITY OF BYLAW

(1) This Bylaw and any amendment thereto shall be enacted in conformance with the Regional Plan, General Municipal Plan or statutory plans as adopted or amended.

(2) If it appears to the Development Officer that any proposed amendment is at variance with the Regional Plan, General Municipal Plan or any other statutory plan he shall advise the applicant in writing that an amendment must be made to those statutory plans before the proposed amendment can be processed.

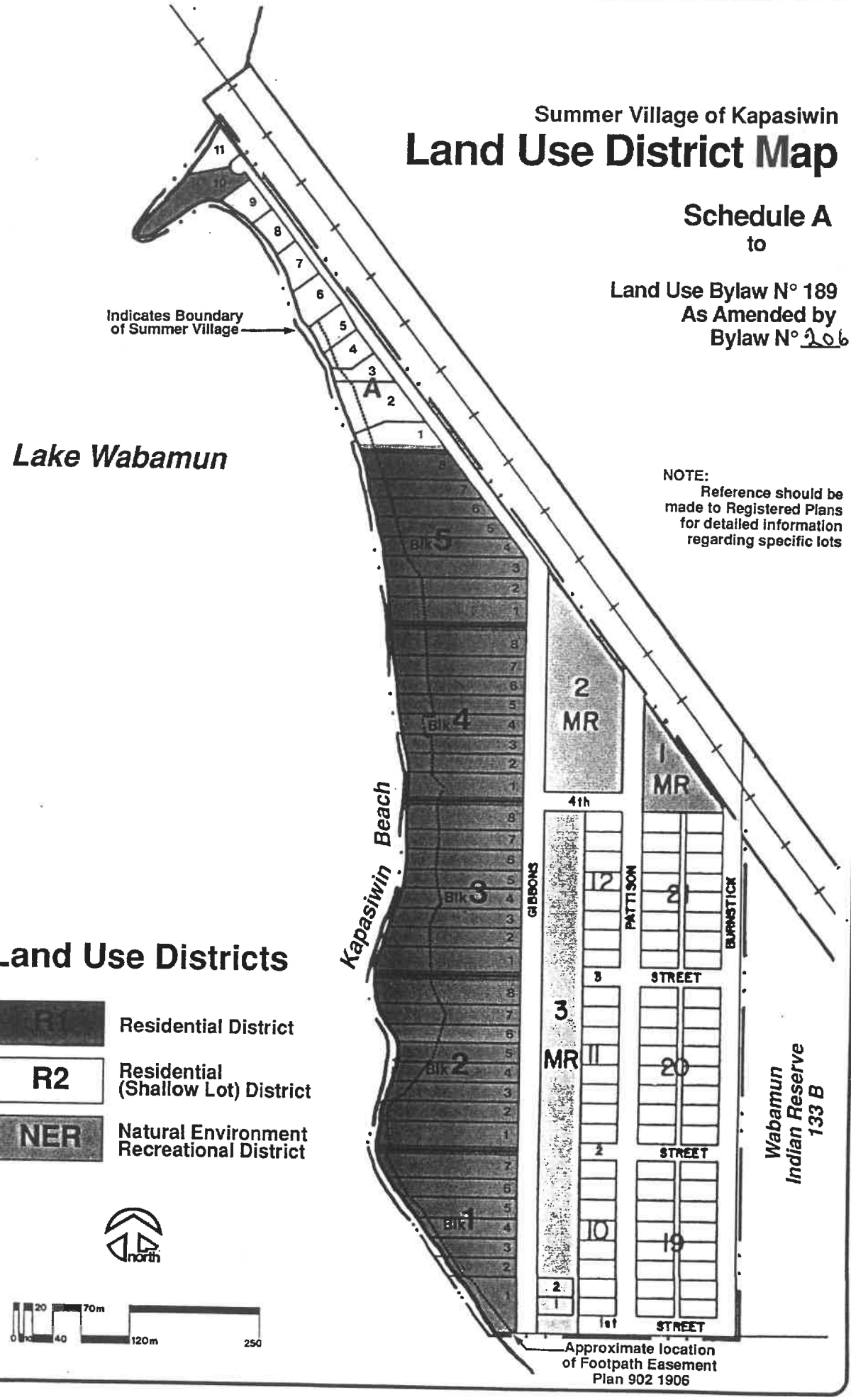
(3) The requirement and procedure for amendment or repeal of this Bylaw or any part thereof is established by the Act and in particular by Sections 139 to 142 inclusive of the Act.

Summer Village of Kapasiwin

Land Use District Map

Schedule A
to

Land Use Bylaw N° 189
As Amended by
Bylaw N° 206



Land Use Districts

R1	Residential District
R2	Residential (Shallow Lot) District
NER	Natural Environment Recreational District

(4) The validity of this Bylaw and its amendments are governed by the Act and in particular by Section 143 of the Act.

(5) The public hearing to be held with respect to proposed Bylaw to amend or repeal this Bylaw or any part thereof shall be held not less than fourteen (14) days after the publication of a notice in two issues of a newspaper circulating in the area as required in the Act.

(6) When application is made to the Council for an amendment to this Bylaw, it shall be accompanied by

a) an application fee, to be determined by resolution of Council; and

b) the cost of advertising for the public hearing, which is to be borne by the applicant,

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

PART V - SITE REGULATIONS

SECTION 16 POLLUTION CONTROL

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

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

(2) Sites and buildings in all Districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

SECTION 17 FENCING

(1) No electrified or barbed wire fences will be permitted.

SECTION 18 OBJECTIONABLE ITEMS IN YARDS

(1) Garbage shall be stored in weather-proof and animal-proof containers and screened from adjacent sites and public thoroughfares.

(2) No person shall keep or permit in any part of a yard in any Residential District

a) any dismantled or wrecked vehicle for more than fourteen (14) successive days; or

b) any vehicle weighing in excess of 45000 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle;

c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; or

d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

SECTION 19 **ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS**

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

(2) No Development Permit shall be issued for a development to be served by private sewer and water systems until the specifications for the systems have been approved by the appropriate Provincial Departments.

SECTION 20 **UTILITY EASEMENTS**

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

a) in the opinion of the Development Officer the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and

b) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 21 **SITE GRADING**

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

SECTION 22 **DWELLING UNITS ON A LOT**

No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit per lot.

SECTION 23 **GARAGES AND ACCESSORY BUILDINGS**

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

(2) Accessory buildings used for sleeping accommodation are permitted but shall not contain full facilities for the storage and preparation of food.

SECTION 24 **DEVELOPMENT BELOW THE 725.42m ASL CONTOUR**

All new development below the 725.42 metre asl contour shall be constructed at the risk of the owner and all applicants shall be advised of flood potential by the Development Officer.

PART VI - THE ESTABLISHMENT OF DISTRICTS AND SCHEDULES

SECTION 25 LAND USE DISTRICTS

The Municipality is hereby divided into the following Districts: (See Schedule A)

Short Form	District Designation
R1	Residential
R2	Residential (Shallow lakefront lots)
NER	Natural Environment Recreation

SECTION 26 LAND USE DISTRICT MAP

(1) Land Use Districts specified under Section 26 are described in the short form on the LAND USE DISTRICT MAP (Schedule A) which is an integral part of this Bylaw.

(2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any District, the following guidelines shall apply:

a) Where District boundaries are shown to approximate the following, they shall be deemed to

(i) the parcel boundaries, or

(ii) the Municipal boundaries.

b) District boundaries not referenced specifically to items indicated in Clause (a), shall be determined on the basis of the scale of the map.

c) Where land use Districts have been established in accord with a proposed subdivision of land, the Districts shall be understood to conform to the Certificate of Title or the plan of survey when registered in a Land Titles Office. Prior to registration, the district boundary shall be determined on the basis of the scale of the map.

(3) The District Regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

SCHEDULE A

1. Regulations for the R.1 Residential District

1.1 Permitted uses

The following uses are permitted:

a) One Dwelling Unit on a parcel.
b) Accessory buildings.

1.2 Site Areas

a) the minimum site for any building or land use shall be that which was legally in force under the Act or its predecessors at the time of registration of the lot, except that this may be relaxed by the Development Appeal Board on the advice of the Alberta Department of Environment.
b) the total ground floor area of all buildings does not exceed 30% of the area of the lot; and
c) the Development Officer may require that there be adequate clearance between all buildings.

1.3 Yards and Setbacks

The following minimum yards and setbacks are required for principal buildings:

Front yard: 8 metres (26.2 ft.) from the easterly limit of the footpath easement in the case of parcels subject to the said Footpath Easement

For all other parcels the setback shall be at the discretion of the Development Officer.

Side yard: 2 metres (6.6 ft.)
Rear yard: 6 metres (19.7 ft.)

The following minimum yards and setbacks are required for Accessory Buildings:

Front Yard: See requirements of Section 1.4 of this Schedule A.
Side Yard: 0.6 metres (2 ft.)
Rear Yard: 0.6 metres (2 ft.)

1.4 Accessory Buildings

All accessory buildings are to be built on the rear half of the lot except boathouses, pumphouses and gazebos in accordance with the setbacks outlined above.

1.5 Sanitation

a) No Development Permit shall be issued for any building until the Development Officer is satisfied that there are satisfactory arrangements for the disposal of sewage.

b) Privies

(i) No privy shall be constructed closer than

- 5 metres (16.4 ft.) to a street or lane
- 2 metres (6.6 ft.) to any other property line
- 10 metres (32.8 ft.) to any dwelling
- 20 metres (65.6 ft.) from the lake
- 15 metres (49.2 ft.) from any well

(ii) Where the foregoing preclude any location for a privy, the Development Officer may issue a permit for construction in the location deemed most suitable.

(iii) A privy, where not constructed as part of the main building, shall be screened by a tight or latticed wall, not less than 2 metres (6.6 ft.) in height, on the front and both sides, provided that where, in the opinion of the Development Officer, a privy is adequately screened by trees or shrubs, this subsection shall not apply.

c) Septic tanks, disposal fields and holding tanks

The regulations of the Alberta Department of Labour, Plumbing Inspection Branch, shall govern the installation of holding tanks and septic systems, the operation of existing septic tanks and the location of disposal fields.

d) No new earth closet toilet shall be constructed in the Municipality.

1.6 Relocation of Buildings

a) Any person making application to relocate an existing building on a lot as a main or accessory building shall:

(i) make the usual application for a Development Permit,

(ii) provide photographs of the building showing each elevation and the general condition of the building, and

(iii) state the present location and use of the building.

b) The Development Officer may, at his discretion, inspect the building or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.

c) The Development Officer may, at his discretion, require that certain works of structural alterations, repair, or maintenance of the building and preparation of the proposed site be carried out as a condition of the issuance of the permit.

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

2. Regulations for the R.2 - Residential District (Shallow lakefront lots)

2.1 Permitted Uses

The following uses are permitted

a) One Dwelling Unit on a parcel.
b) Accessory buildings.

2.2 Yards and Setbacks

The following minimum yards and setbacks are required for principal buildings:

Front yard: 8 metres (26.2 ft.) from the easterly limit of the footpath easement in the case of parcels subject to the said Footpath Easement

For all other parcels the setback shall be at the discretion of the Development Officer.

Side yard: 2 metres (6.6 ft.)
Rear yard: 6 metres (19.7 ft.)

The following minimum yards and setbacks are required for Accessory Buildings:

Side Yard: 0.6 metres (2 ft.)
Front yard and rear yard setbacks are discretionary.

2.3 All other provisions of the R1 Residential District shall apply in this District.

3. Regulations for NER - Natural Environmental Recreational District

3.1 Permitted Uses

a) Natural reserve

b) Historical sites registered or classified under the Historical Resources Act.

c) Lands and Property, the use and development of which is or may be subject to superior legislation including Lands and Property held by the Government of Canada in Right of Her Majesty.

(i) a Development Permit is not required for any use in this District which is consistent with those uses, activities and operations prescribed in the appropriate superior legislation.

d) Recreation facilities that are already developed or are yet to be developed by the Municipality.

3.2 Discretionary Uses

a) Cross-country ski trails and summer walking trails

b) Municipal Services as may be required, and authorized by the Council of the Municipality.

3.3 Yards and Setbacks

As for R1 Residential District.

3.4 Sanitation

As for R1 Residential District.

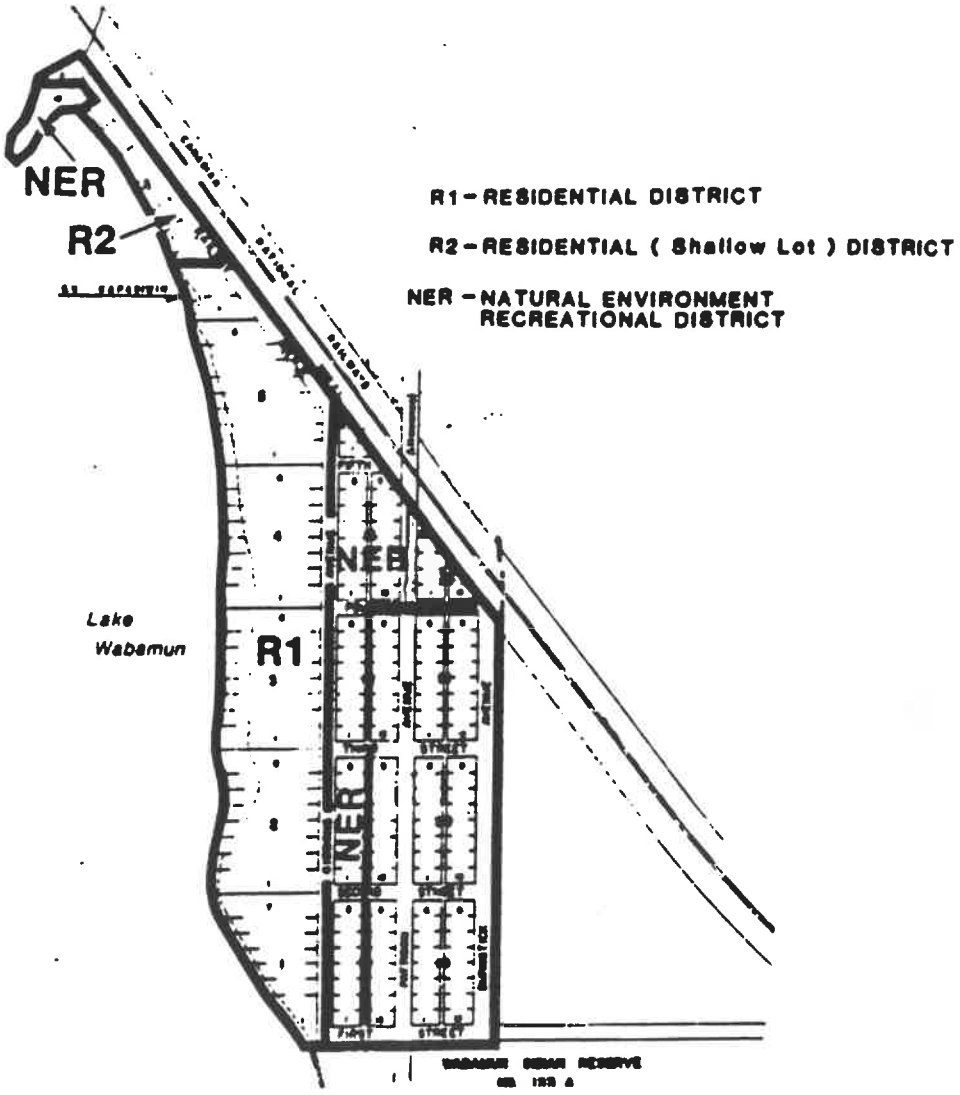
LAND USE DISTRICT MAP

(SCHEDULE A)

SUMMER VILLAGE OF KAPASIWIN

LAND USE BY-LAW NO. 189

(AS AMENDED)



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