

# SUMMER VILLAGE OF LARKSPUR

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## Larkspur Land Use Bylaw Bylaw 12-3

**The intent of this bylaw is to provide the maximum flexibility to use the lake lots for one's enjoyment while considering the needs of the Summer Village, other owners and visitors to the lake.**

1. Title

This bylaw is the Larkspur Land Use Bylaw and will be referred to as such.

2. Repeal and Replacement:

Bylaw No. 31 (the "Previous Land Use Bylaw"), is hereby repealed in its entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and thereafter, no application for a Development Permit shall be evaluated under the previous Land Use Bylaw, whether the application respecting same was received before the enactment of this Bylaw or not.

Public Hearing held on the 14<sup>th</sup> day of July, 2012

Read a first time on the 27<sup>th</sup> day of July, 2012

Read a second time on the 24<sup>th</sup> day of August, 2012

Read a third time on the 28<sup>th</sup> day of September, 2012

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Mayor

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Administrator

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# 1 Interpretation

(1) Words and phrases shall have the same meaning as in the “Municipal Government Act”.

(2) In this Bylaw,

- (a) “accessory building or use” means a building or use which is subordinate and incidental to the main building.
  - (i) accessory buildings include but are not restricted to tool sheds, garden sheds, boathouses, pump out structures, garages, carports, and privies;
- (b) “accessory use” means a use of land or building which is subordinate and is normally incidental to any use of land or use of the Principal Building lawfully occurring on a Site;
- (c) “Act” means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and all amendments thereto and substitutions therefore;
- (d) “adjacent landowners” means owners of land that is contiguous to the land that is the subject of an application; and includes owners of land that would be contiguous except for a public roadway, rail or utility right-of-way, river or stream;
- (e) “appeal” means a development appeal or a subdivision appeal, as the case may be, to the Subdivision and Development Appeal Board;
- (f) “backshore lot” means any lot in the Summer Village that is not a lakeshore lot;
- (g) “Board” means Subdivision and Development Appeal Board, as appropriate to the context;
- (h) “boat house” means an accessory building designed and used primarily for the storage of boats and accessories;
- (i) “building height” means the distance from grade level at the exterior wall to the highest point of a building, excluding chimneys, skylights, ventilation fans or similar devices which are not structurally essential to the building;
- (j) “corner lot” means a lot having frontage on two or more streets;
- (k) “Council” means the Council of the Summer Village of Larkspur;
- (l) “developer” means an owner, agent or any person, firm or company is required to, or has obtained a development permit;
- (m) “development” means
  - (i) an excavation or stockpile;
  - (ii) the construction, replacement, enlargement, or structural alteration of a building;
  - (iii) 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 land or building;
- (iv) the placing of refuse or waste material on any land;
  - (v) the use of land for the storage or repair of motor vehicles or other machinery or equipment, and;
  - (vi) the erection of signs;
- (n) “Development Officer” means person or persons designated by Council to carry out the duties described in this bylaw and in the Act;
  - (o) “development permit” means a document authorizing a development, issued pursuant to this bylaw;
  - (p) “district” means a designated area of the Summer Village within which certain uniform requirements and regulations govern the use of land, and the placement, spacing and size of structures;
  - (q) “dwelling” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base, and includes prefabricated and modular homes but does not include mobile homes or park models;
  - (r) “dwelling unit” means a building or self-contained portion of a building containing one or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking and access to toilet facilities;
  - (s) “excavation” means removal of ground, except common household gardening and ground care;
  - (t) “floor area” means the total area taken up by the habitable portions of a building including all interior living spaces and supporting structures, but excluding basements, carports, garages, sheds and decks, as determined from the exterior dimensions of the building;
  - (u) “garage” means an accessory building or a part of the main building, designed and used primarily for the storage of motor vehicles;
  - (v) “grade” means the elevation or slope of the natural or finished level of the ground;
  - (w) “guest suite” means the freestanding or integral guest sleeping accommodation with access to toilet facilities but NO cooking or dining facilities;
  - (x) “home occupation” means a business operating on a lot in the Summer Village;
  - (y) “lakeshore lot” means a lot which faces onto Long Island Lake and has any part of its frontage directly onto the lake or onto the buffer strip of municipal reserve or environmental reserve land that is located along the lakeshore;
  - (z) “mobile home” means a structure that is manufactured to be moved from one point to another by being towed or carried and which provides accommodation for one or more persons and can be connected to utilities;
  - (aa) “non-conforming building or use” means a building that was lawfully constructed, or is lawfully

- under construction, or a use being made of, or intended to be made of land or a building, that do not or will not comply with a land use bylaw or land use bylaw amendment on the date that the bylaw or amendment come into effect;
- (bb) “nuisance” means anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses;
  - (cc) “order” means a notice of action required to ensure compliance, issued in writing by the Development Officer;
  - (dd) “Park Model” means a structure that is manufactured to be moved from one point to another by being towed or carried and which provides accommodation for one or more persons and can be connected to utilities;
  - (ee) “permitted use” means a use of land or buildings in a Land Use District in respect of which a Development Permit must be issued by the Development Officer, with or without conditions;
  - (ff) “principal building” means a building in which is carried out the principal use of the land on which it is placed;
  - (gg) “public building” means a building which is used for public administration and services and includes uses such as assembly, instruction, recreation, culture, and community activities;
  - (hh) “public utility” means a systems or facilities for the:
    - (i) production and distribution of electricity;
    - (ii) distribution of natural gas or oil;
    - (iii) storage, transmission, treatment, distribution or supply of water,
    - (iv) collection, treatment, movement or disposal of sewage;
    - (v) provision of telephone services that are owned or operated by a utility company, the municipality, or the Crown;
  - (ii) “pump out structure” means an accessory building used to house the pump out connection for an effluent holding tank and/or a toilet facility;
  - (jj) “recreational vehicle” means a vehicle primarily designed as temporary living quarters for recreational camping or travelling, which either has its own motor power or that can be mounted to or drawn by another vehicle;
  - (kk) “reserve” means Summer Village reserve lands as detailed on the subdivision plans;
  - (ll) “setback” means the distance that a development must be set away from a property line as measured to the wall of said development;
  - (mm) “site” means one or more adjacent lots in respect of which an application for a Development Permit is being made;
  - (nn) “structural alteration” means the construction or reconstruction of supporting elements of a building or other structure;

- (oo) “Subdivision and Development Appeal Board” means a subdivision and development appeal board appointed pursuant to the Act;
- (pp) “substandard lot” means a lot created by legal subdivision prior to 1992 , which is smaller than the minimum permitted lot size as specified in this bylaw;
- (qq) “Summer Village” means the Sumer Village of Larkspur;
- (rr) “temporary dwelling” means a dwelling located on a lot where a permanent dwelling is to be constructed.;
- (ss) “width” means the shorter of the two major dimensions typically used to describe a rectangular lot;
- (tt) “yard” means a part of a parcel upon which no main building is erected and includes front, rear, and side yards and:
  - (i) in the case of lakeshore lots, the front yard is the yard between the house and the lakeshore property line.
  - (ii) in the case of backshore lots, NOT abutting either Larkspur Drive or Sunrise Drive the front yard is the yard between the house and the Crescent ( road ) property line.
  - (iii) in the case of backshore lots abutting either Larkspur Drive or Sunrise Drive the front yard is the yard between the house and Larkspur Drive or Sunrise Drive as the case may be.

## **PART 1**

### **PURPOSE, SCOPE AND COMPLIANCE WITH OTHER LAWS**

#### **2 PURPOSE**

- (1) The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Summer Village of Larkspur.
- (2) This Bylaw must, among other things;
  - (a) Divide the Summer Village into districts;
  - (b) Describe the purposes for which the land and buildings may be used within each district
  - (c) Establish the office of one or more Development Officers;
  - (d) Establish the method of making decisions on applications for development permits and for the issue of development permits, and;
  - (e) Establish the procedure for notifying landowners likely to be affected by a development

#### **3 SCOPE**

- (1) No development shall be carried out within the boundaries of the Summer Village except in accordance with this Bylaw.
- (2) Headings and titles appearing in this Bylaw shall be deemed to form a part of the text of this Bylaw.
- (3) The authority for this Bylaw is provided by the Alberta Municipal Government Act, Revised Statutes of Alberta 2000, and all amendments thereto and substitutions therefore.
- (4) Words and phrases appearing in this Bylaw which are otherwise defined in the Municipal Government Act shall bear the meaning prescribed by the Act.
- (5) Each clause of this Bylaw is independent of each and other clauses. If any clause of this Bylaw be declared invalid, that clause shall be severed and all other clauses shall remain in force.

#### **4 COMPLIANCE WITH OTHER LAWS**

- (1) Compliance with this Bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal laws, and respecting any easements, covenants, agreements or contracts affecting the land or the development.
- (2) All required permits, such as building, gas, plumbing and electrical permits must be obtained from an accredited agency.

## **PART 2**

### **DEVELOPMENT ADMINISTRATION**

#### **5 DEVELOPMENT AUTHORITY**

- (1) The development Authority for the Summer Village shall be that designated officer, municipal planning commission or other person or organization designated as such by the Council, by Bylaw, from time to time.
- (2) In addition, the Development Authority shall be the designated officer of the Summer Village as contemplated in the Act.
- (3) The responsibilities of the Development Authority may be concurrently shared between the Development Officer and the Subdivision Authority at the choice of the Council of the Summer Village.

#### **6 DEVELOPMENT OFFICER**

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

#### **7 DUTIES OF A DEVELOPMENT OFFICER**

- (1) The Development Officer shall:
  - (a) administer this bylaw and receive, consider and decide upon all development permit applications in accordance with the provisions of this Bylaw and the Act;
  - (b) make available for inspection by the public a copy of this bylaw, and copies of all Development Permit applications made and all Development Permits issued hereunder and a register of all applications, including decisions made and reasons for these decisions;
  - (c) ensure that copies of this bylaw can be purchased at reasonable cost;
  - (d) exercise development duties and authorities on behalf of the Summer Village in accordance with the Act and this Bylaw;
  - (e) be declared an authorized person of Council;
  - (f) carry out other duties as Council may specify; and
  - (g) collect fees according to a scale to be established by Council

#### **8 VARIANCE AUTHORITIES**

- (1) Subject to the provisions of Section 8 (3), the Development Authority may, with respect to any Development Permit application, vary the requirements of the development control requirements of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural

alteration of a non-conforming building, where the proposed development would not, in the Development Authority's opinion;

- (a) unduly interfere with the amenities of the neighbourhood; and
  - (b) materially interfere with or affect the use, enjoyment or value of neighboring properties, and the proposed development would conform to the use prescribed for the subject land or building in this Bylaw; and
  - (c) the proposed development conforms to the use prescribed for that land or building in this Bylaw.
- (2) Where an applicant requests or requires the Development Authority to exercise its variance powers pursuant to this Section, the Summer Village shall, at the sole cost and expense of the applicant.
- (a) post or cause to be posted for no less than seven (7) consecutive days a notice at a conspicuous location on the Site, clearly visible from the adjacent roadway, advising the public of the variance or variance request or variance required; and
  - (b) provide all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 100 meters of the boundaries of the Site with detailed written notice of the variance or variances requested or required, and the Development Authority shall not exercise its variance powers unless and until these preconditions are completed to the satisfaction of the Development Authority. The foregoing notwithstanding, the Development Authority may, at any time prior to exercising the same, consult with property owners who may be affected by a proposed exercise of the Development Authority's variance powers.
- (3) The Development Authority is not authorized to vary any development control requirements which addresses:
- (a) the minimum size of the new lot;
  - (b) the number of dwelling units that may exist on a lot; and/or
  - (c) alter home occupation restrictions.

## **9 SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- (1) The Subdivision and Development Appeal Board is hereby established to deal with appeals in accordance with the Act. The members of the board, one of whom may be a member of Council, shall be appointed by the Summer Village Council by Bylaw in accordance with the Act.
- (2) When an appeal is received, a tribunal of board members shall be selected by Council resolution to hear the appeal. The majority of the members of the tribunal shall not be members of Council. The appointed tribunal shall act as the Board for the purposes of the hearing for which they were selected and their term of office shall extend to the time when the tribunal issues a decision in relation to the appeal which prompted their appointment. A majority of the members of the tribunal then currently holding office constitutes a quorum of the tribunal.
- (3) Hearings before the tribunal shall be open to the public, but following the close of a hearing, the tribunal shall deliberate and arrive at its decision in camera. All appeals shall be conducted in accordance with the Act.
- (4) Prior to commencement of a hearing, the members of the tribunal shall elect, from amongst their number, a Chairperson who shall preside at the hearing. Subject to the provisions of the Act and this Bylaw, the tribunal shall be the master of its own proceedings.
- (5) A decision of the tribunal is final when it is issued in writing and all decisions of the Board shall be signed by the Chairperson or by another member of the tribunal on the Chairperson's behalf.

## **10 FEES**

- (1) Council may from time to time establish such fees as are required for the purpose of administering this bylaw.

## **11 FORMS**

- (1) Council may authorize the preparation and use of such forms and notices as are required for the purpose of administering this bylaw.

## **PART 3**

### **DEVELOPMENT APPLICATION PROCESS**

#### **12 CONTROL OF DEVELOPMENT**

- (1) No development other than that designated in Section 13 shall be undertaken within the Summer Village unless a development permit has been obtained.

#### **13 DEVELOPMENT NOT REQUIRING A PERMIT**

- (1) The following development shall not require a development permit:
  - (a) the repair or maintenance of any building provided the work does not include structural alterations;
  - (b) the completion of a building which was lawfully under construction, or for which a permit had lawfully been issued, on the date that this Bylaw comes into effect;
  - (c) the use of any such buildings as referred to Section 13(1)(b) for the purpose for which construction was commenced;
  - (d) the construction, alteration or maintenance of fences, gates, walls, or other enclosures, except on corner lots, less than 1.83 meters in height;
  - (e) a temporary building which is incidental to the construction or alteration of a principal building for which a permit has been issued;
  - (f) the maintenance and repair of public buildings or public utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled;
  - (g) a portable sign or notice relating to the sale or lease of land or buildings, sale of goods by auction, carrying out of construction, or the announcement of any local event not exceeding 3.0 square meters and limited in display to the period of completion of sale, lease, construction or event;
  - (h) patios and sidewalks;
  - (i) accessory buildings which conform with the accessory building location criteria;
  - (j) pump out structures.
- (2) A Development Permit may be required for any of the items in subsection 13(1) as a result of an application for a Safety Code Permit.

## **14 APPLICATION FOR DEVELOPMENT**

- (1) An application for a development permit shall be made to the Development Officer in writing, on the form approved by Council, and signed by the property owner or authorized agent of the registered owner, and shall be accompanied by:
  - (a) a site plan showing the following:
    - (i) the legal description of the property;
    - (ii) the front, rear and side yards;
    - (iii) any provision for off-street parking;
    - (iv) entrance and exit points to the site; and
    - (v) location and dimensions of existing and proposed buildings;
  - (b) a statement of uses;
  - (c) a statement of ownership of land and the interest of the applicant therein;
  - (d) the estimated starting and completion dates;
  - (e) the estimated cost of the project or contract price;
  - (f) a description of proposed drainage; and
  - (g) an application fee.
- (2) The Development Officer may request more information where, in his/her opinion, the information supplied is not adequate to properly evaluate the application.
- (3) The Development Permit Application will not be considered to be complete and fully submitted until the Development Officer has all the information, including drawings, test results, surveyors' reports and other information necessary to properly evaluate the application.

## **15 DECISION**

- (1) In making a decision, the Development Officer may approve the application, may approve the application with, or without, conditions or refuse the application.
- (2) The Development Officer may refer an application to an adjacent Municipality or any other agency or person which in his/her opinion may provide relevant comments or advice respecting the application.

- (3) Where a proposed use of land or a building is not provided for in any district in this Bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
- (4) The Development Officer may approve an application for a development permit if the proposed development does not comply with this Bylaw, if;
  - (a) he/she is satisfied that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - (b) the proposed development conforms with the use prescribed for the land or building.
- (5) The Development Officer may allow minor variances where site constraints or other factors that prevent the developer from meeting the standards of the Bylaw. Subject to Section 8 of this Bylaw.
- (6) A decision of the Development Officer on an application for a development permit shall be given in writing.
- (7) When a Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (8) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after the Development Authority receives the application. The applicant may appeal the decision as though the application had been refused.
- (9) Where a permit is refused, the Development Officer may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for at least six months after the date of the initial refusal.

## **16 CONDITIONS OF A DEVELOPMENT PERMIT**

- (1) A development permit does not come into effect until 15 days after the notification of the decision. Any development undertaken by the applicant prior to the expiry of this period is done so solely at the risk of the applicant.
- (2) When an appeal is made, a development permit does not come into effect until the appeal has been determined, at which time the permit may be approved, modified or rejected.
- (3) A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Officer considers to be an unsightly or unsafe condition.
- (4) The applicant may be responsible for any damages to public or private property occurring as a result of development.

- (5) When an application for a Development Permit has been approved by the Development Officer, that Development Permit will not be valid until all conditions, except those of a continuing nature, have been fulfilled and the statutory period for filing of an appeal has expired.
- (6) When a Development Appeal is filed against the issuance of a Development Permit or against the imposition of any condition on a Development Permit, the Development Permit shall be suspended pending the withdrawal of the appeal or the final decision by the Board. Where a subsequent appeal to the Court of Appeal, the Development Permit shall be suspended pending the final decision of the Court of Appeal.
- (7) A Development Permit shall expire and shall no longer be valid after two years from the date of its issuance, if construction has not commenced. For the purposes of this subsection, construction includes, but is not limited to, site preparation or excavation.

## **17 PUBLIC NOTIFICATION**

- (1) When a permit has been issued, the Development Officer shall immediately:
  - (a) post, or cause to be posted, a notice of the decision on the property for which the permit has been granted. Such notice shall be posted at a conspicuous location on the site clearly visible from the adjacent roadway; and
  - (b) mail a notice to all registered property owners within 100 meters of the subject property; and/or
  - (c) 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.

## **18 DEVELOPMENT AGREEMENT**

- (1) The Development Officer may require that as a condition of issuing a development permit, the applicant enter into an agreement to:
  - (a) construct or pay for the construction of public roadways, pedestrian walkways, or parking areas; and/or
  - (b) install or pay for the installation of utilities; and/or
  - (c) pay an off-site levy or redevelopment levy imposed by a bylaw.
- (2) To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met

## **19 ENFORCEMENT**

- (1) Where the Development Officer finds that a development or use of land or buildings is not in accordance with the Act, the regulations, a development permit, subdivision approval or the Land Use Bylaw, may 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; or
  - (b) demolish, remove or replace the development; or
  - (c) take such other measures as may be required to ensure compliance with the Act, the regulations, a development permit, subdivision approval, or the Land Use Bylaw, as the case may be.
- (2) Where a person does not comply with an order, Council or a person appointed by it may enter upon the land or building and take such action as is necessary to carry out the order.
- (3) Where Council or a person appointed by it carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax against the property.
- (4) A person who does not comply with this Bylaw is guilty of an offence and is liable upon conviction to a fine of not more than \$10,000 or imprisonment of not more than one year or to both imprisonment and a fine.

## **20 AMENDMENT OF BYLAW**

- (1) Any person may apply to have this Bylaw amended, by applying in writing to Council.
- (2) All applications for amendment shall be accompanied by:
  - (a) the required application fee, but if the proposed amendment is adopted, Council may determine that all or part of the fee be refunded;
  - (b) a certificate of title for the land affected by the proposed amendment, and a statement of the applicant's interest in the land;
  - (c) if required, drawings shall be to scale, accurate, explicit and complete; and
  - (d) any other information as required by the Development Officer.
- (3) Council may refer the application for Bylaw amendment to such agencies as it considers necessary for comment.
- (4) All amendments to this Bylaw shall be made by Council by a bylaw.

- (5) Any amendments to this bylaw shall be in accordance with the procedures for public participation set forth in the Act.

## **PART 4**

### **APPEALS**

#### **21 APPEALS PROCESS**

- (1) Anyone affected by an order or discussion made or issued by the Development Officer may appeal the order or decision to the Subdivision and Development Appeal Board by serving written notice to the Secretary of the Subdivision and Development Appeal Board within the time period prescribed by the Act.

## **PART 5**

### **LAND USE REQUIREMENTS**

The following regulations apply to development in all districts, unless otherwise specified

#### **22 NUMBER OF DWELLING UNITS**

- (1) Only one dwelling unit shall be permitted on a lot.

#### **23 NON-CONFORMING BUILDINGS AND USES**

- (1) A non-conforming use of land or building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with this Bylaw.
- (2) A non-conforming use of a part of a building may be extended throughout the building, but the building shall not be enlarged or added to, and shall undergo no structural alterations
- (3) A non-conforming use of a part of a lot shall not be extended to any other part of the lot, and no additional buildings shall be constructed while the non-conforming use continues.
- (4) A non-conforming building shall not be enlarged, added to, rebuilt or structurally altered except as may be:
  - (a) necessary to make it a conforming building;
  - (b) necessary for the routine maintenance of the building;
  - (c) required by Statute or Bylaw; and
  - (d) approved by the Development Officer; or

- (e) in accordance with the powers possessed by the Development Officer pursuant to the Act and Section 8 (1) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of its value, the building shall not be rebuilt except in accordance with this Bylaw.
- (6) A change of ownership, tenancy or occupancy of land or a building shall not be considered to affect its use.

## **24 SUBSTANDARD LOTS**

- (1) Development on existing substandard lots is permitted provided the applicant complies with all requirements.

## **25 SITE CONDITIONS**

- (1) To the maximum extent feasible, trees and shrubs shall be retained on a site. Where landscaping is required, it shall be carried out within a reasonable time period following the completion of construction.
- (2) Any landscaping or topographic reconstruction shall be such that the finished surface contours do not direct surface drainage onto an adjoining lot or roadway.
- (3) The applicant must take measures to ensure soil erosion is at a minimum at all times and that soil stability and drainage are satisfactory.

## **26 SITE GRADING**

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

## **27 PRESERVATION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY**

- (1) The Development Officer shall ensure that the design, siting, finish, and architectural appearance of all buildings have regard for the amenities and character of existing development in the Summer Village, and that the landscaping of the site causes minimal environmental disruption,

## **28 BUILDING DEMOLITION**

- (1) The demolition of a building shall be carried out so as to minimize dust, noise, or other nuisance, and the site must be suitability reclaimed.

## **29 FENCES WALLS, HEDGES AND ENCLOSURES**

- (1) A development permit is not required for any fence, wall, hedge or other enclosure that is
  - (a) less than 1.83 meters in height;
  - (b) less than .91 meters in height if within 6.1 meters of the intersection of lanes, streets, or a lane and a street;
- (2) Notwithstanding any other provision contained in this Bylaw, landscaping, erection of fences, walls or other means of enclosure on a comer lot shall be to the satisfaction of the Development Officer to ensure that vision around the comer is not hindered.
- (3) Electric and barbed wire fences shall not be permitted, except in extreme situations where the Development Officer is convinced that there is no other viable option. If such a situation arises a variance may be considered, in this case the variance notification area shall be extended to include the entire Summer Village. A Development Permit shall be required for the construction fences of this style.

## **30 DECKS**

- (1) The construction of a deck shall not require a development permit as long as setback provisions of this Bylaw are observed.

## **31 SANITARY FACILITIES**

- (1) All new dwellings shall be provided with sanitary facilities to the satisfaction of the Summer Village.

## **32 PARKING AND ACCESS**

- (1) The construction of a driveway on private property shall not require a development permit, provided adequate drainage is maintained.
- (2) The construction of an approach to a lot from any Summer Village road will require the written approval of the Development Officer before construction begins. All costs associated with the subject approach shall be the responsibility of the lot owner.

### **33 OBJECTS PROHIBITED OR RESTRICTED IN YARDS**

- (1) No person shall keep in their yards:
  - (a) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the Summer Village;

### **34 NUISANCE**

- (1) No use or activity shall be undertaken which in the opinion of the Development Officer constitutes a nuisance. Sites shall be maintained in a safe condition.

### **35 ACCESSORY BUILDINGS**

- (1) The siting of an accessory building shall be in accordance with the required setbacks.
- (2) The following guidelines shall apply to all accessory buildings:
  - (a) no accessory building shall be located in a front yard, except boathouses and/or water toy storage buildings may be located in the front yard of a lakeshore lot;
  - (b) a garage and/or pump out structure may be permitted in the front yard;
  - (c) the minimum side yard setback shall be .91 meters as measured to the wall of the structure in question;
  - (d) the minimum rear yard setback shall be .91 meters as measured to the wall of the structure in question;
  - (e) Protrusions such as eaves may extend into the setback but not cross the property line [See Section 46(3)(e)].
- (3) Where a building is attached to the main building by a roof, structure, floor or foundation, it shall be considered part of the main building and not an accessory building.

### **36 SIGNS**

- (1) Any permanent sign or advertising structure shall require a development permit, and
- (2) no sign shall be larger than 0.56 square meters;
- (3) only one sign shall be permitted per lot;
- (4) no sign that might obscure traffic or be confused with a traffic sign shall be permitted;
- (5) a temporary sign will be permitted without a development permit; and
- (6) a sign identifying the property and/or owners will be permitted without a development permit.

### **37 RECREATIONAL VEHICLES**

- (1) No more than two recreational vehicles shall be permitted on a regular basis on a lot.
- (2) No recreational vehicle shall be kept on a lot for more than 10 days, throughout the year, without the current years' Authorization as issued by the Development Officer under the terms and conditions set out in the Summer Village Recreational Vehicle Policy.
- (3) Any recreational vehicle used as a residence/dwelling/accommodation will require an Authorization, for the current year, issued by the Development Officer at a fee prescribed by Council.
- (4) Weekend visitors are exempt from the provisions of section 37, provided that their Recreational Vehicle is on the lot for less than 10 days throughout the year.

### **38 MOBILE HOMES AND PARK MODELS**

- (1) Mobile homes and Park Models shall have CSA certification.
- (2) All Mobile Homes and Park Models shall be skirted from the ground to floor level.

### **39 TEMPORARY DWELLINGS**

If a temporary dwelling has been permitted to be located on a lot to facilitate the construction of a permanent dwelling, on completion of the permanent dwelling it must be:

- (1) converted to a guest suite,
- (2) converted to an accessory building or
- (3) removed from the lot.

### **40 HOME OCCUPATIONS**

- (1) Home occupations, where allowed under this By-Law, shall comply with the following special provisions:
  - (a) Home occupations shall not be allowed on a site unless a dwelling unit 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 his opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood 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 his/her sole discretion, place time limits on the period for which a development permit for a home occupation is valid.
  - (d) No home occupation shall change the principal character or 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.

- (f) No more than 20% or 30 square meters, whichever is less, of the dwelling unit shall be occupied by the home occupation.
- (g) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
- (h) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- (i) 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.
- (j) Home occupations shall not include a Bed and Breakfast operation or similar ventures.
- (k) Home occupations shall not include commercial dog kennels or similar ventures.
- (l) 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.

#### **41 RELOCATED BUILDINGS**

- (1) Any person making application to relocate an existing building onto a lot, in the Summer Village, as a main or accessory building shall
  - (a) make the usual application for a Development Permit and
  - (b) provide photographs of the building showing each elevation and the general condition of the building, and
  - (c) state the present location of the building, and
  - (d) state the intended use of the building.
- (2) The Development Officer may, at their discretion, inspect the building or cause the building to be inspected by a person they appoint, and shall determine the suitability of the building for the proposed use and or location.
- (3) The Development Officer may, at his/her discretion, require 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 issue of the permit.

- (4) If these works are to be done after the building is relocated to the proposed site, the Development Officer may require that a performance bond in favour of the Summer Village be posted in favour of the Summer Village be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not completed in accordance with the requirements of the Development Permit.
- (5) Any travel or other costs incurred by the Development Officer in processing a development permit for a building relocation shall be calculated at the current rates and paid in advance of the inspection, by the applicant.

#### **42 SATELLITE DISHES**

- (1) The installation of a satellite dish does not require a development permit.

#### **43 RESERVE LAND**

- (a) Private development on municipal reserve and environmental reserve lands is strictly prohibited.

### **PART 6**

#### **LAND USE DISTRICTS**

#### **44 LAND USE DISTRICTS**

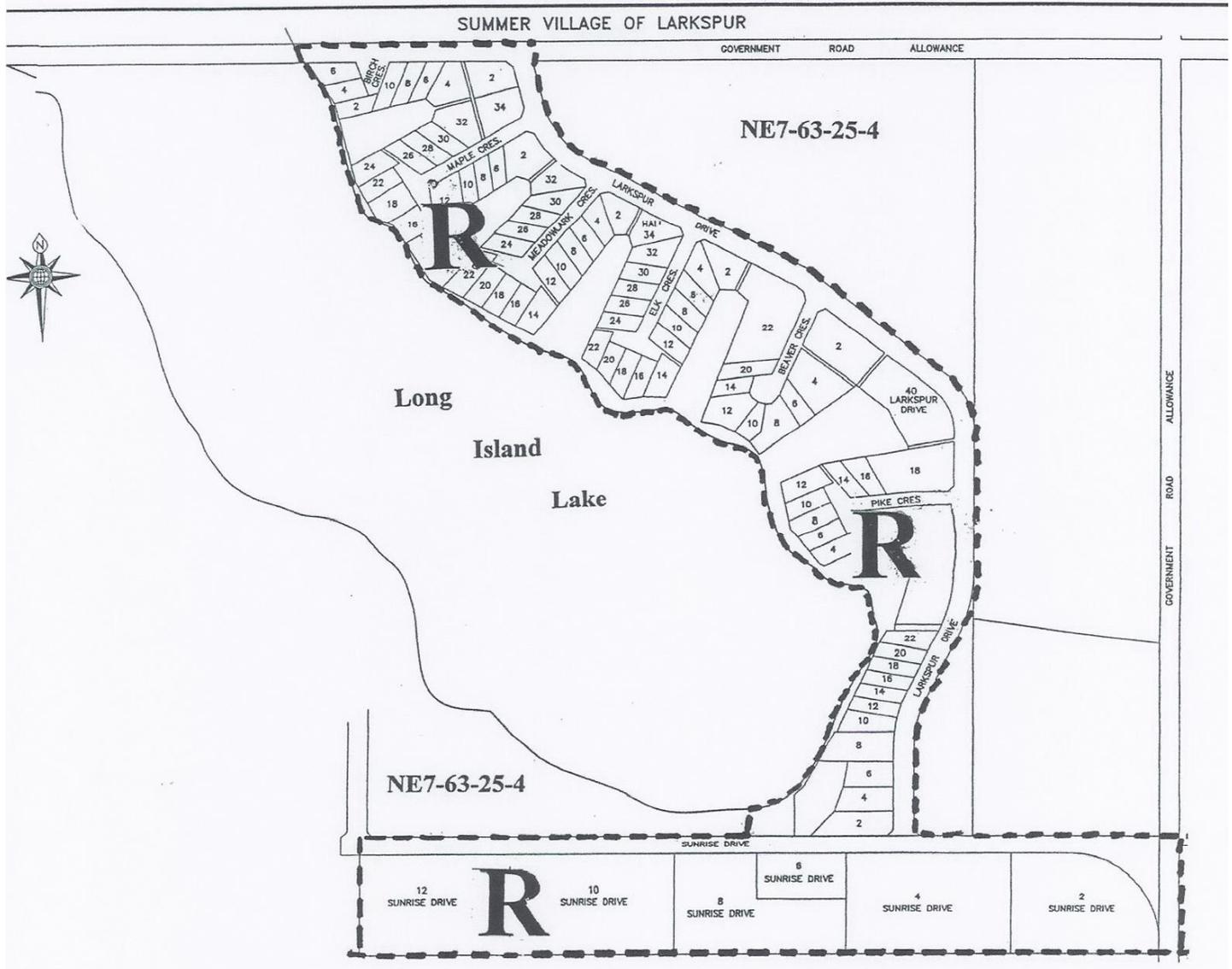
- (1) Establishment of Land Use Districts

- (a) The Summer Village of Larkspur is hereby divided into the following land use districts:

R - Residential District

- (b) The boundaries of these districts are shown in Section 45.

**R Residential District**  
(entire Summer Village one district)



**46 R – RESIDENTIAL DISTRICT**

(1) Permitted Use

- (a) One single family detached dwelling
- (b) Accessory buildings and uses
- (c) Municipal parks and reserve lands

## (2) Discretionary Uses

- (a) Mobile homes and Park Models
- (b) Guest suite
- (c) Home occupations
- (d) Municipal recreation facilities
- (e) Temporary dwelling
- (f) Other similar uses as approved by the Development Officer

## (3) Regulations

- (a) Minimum lot size
  - (i) Single family dwellings and mobile homes
    - 1. Minimum lot width – 152 meters
    - 2. Minimum lot area – 6,967 square meters
    - 3. Development will be permitted on existing substandard lots provided all other requirements of the Bylaw are met and
    - 4. All other uses as determined by the Development Officer are met.
- (b) Minimum yard dimensions
- (c) Single family dwellings, mobile homes, park models and recreational vehicles
  - (i) Front yard – 4.87 meters
  - (ii) Side yard – 1.52 meters
  - (iii) Rear yard - .91 meters
- (d) Accessory buildings
  - (i) Front yard – 4.87 meters
  - (ii) Side yard – .91 meters
  - (iii) Rear yard - .91 meters
- (e) The foregoing provisions of this Section notwithstanding;

- (i) Verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to 1.0 meter into any required Front Yard; and
- (ii) Eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay, oriel or similar windows) and other architectural features which are of a similar character may project up to 0.6 meters into any required yard.
- (iii) All other uses as determined by the Development Officer.

#### **47 FUTURE SUBDIVISION**

- (1) No further new lot subdivision shall be allowed in the Summer Village of Larkspur.