

Summer Village of Norris Beach

DEVELOPMENT PERMIT BYLAW NO. 129

WHEREAS the Council of the Summer Village of Norris Beach deems it desirable to enact a Bylaw to establish reasonable development permit fees and penalties that are comparable with similar fees and penalties in other municipalities, and

WHEREAS the Council of the Summer Village of Norris Beach deems it desirable to enact a Bylaw to provide clarification and quick reference to items included in the Land Use Bylaw, and

WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26 as amended or repealed and replaced from time to time, provides that a Council may pass bylaws pertaining to planning and development.

NOW THEREFORE, the Council of the Summer Village of Norris Beach pursuant to the authority conferred upon it by the Province of Alberta enacts as follows:

Section 1 – TITLE, PURPOSE and SCOPE

- 1.1 This Bylaw shall be known as the “*Development Permit Bylaw*”.
- 1.2 The purpose of this Bylaw is to:
 - (a) clarify when development permits are required;
 - (b) ensure equitable fees, as compared to other jurisdictions, for reviewing plans and specifications for developments and the issuance of development permits;
 - (c) set out penalties for the failure to obtain a development permit and for failure to adhere to the requirements of a development permit.
- 1.3 This Bylaw shall not conflict with the Land Use Bylaw (LUB). In the event of perceived conflict with the LUB, the LUB shall take precedence.

Section 2 – DEFINITIONS

In this Bylaw, unless the context otherwise requires:

“**Major Works of Renovation**” means internal or external building related renovations, including basement development or the addition of new siding to a building, valued at more than \$10,000 regardless of actual costs to the homeowner.

“**Structural Renovations**” means addition or removal of a building’s support (bearing) walls or the addition or removal of square footage (area of the building) or new attachments or removals of attachments to adjoining buildings.

Additional terms used in this Bylaw remain as defined by the Summer Village’s Land Use Bylaw.

Section 3 – INTERPRETATIONS

Developments Requiring a Development Permit

- 3.1 No development other than that designated below shall be undertaken within the Municipality unless an application for it has been approved and a Development Permit has been issued. (*See Land Use Bylaw #73, Section 8.1*)
- 3.2 For the purposes of this section, signs, posters and billboards are deemed to be developments and require a development permit. (*See Land Use Bylaw #73, Section 8.3*)
- 3.3 Demolition and/or removal of main buildings or accessory buildings require a development permit, but no fee shall be charged. (*See Land Use Bylaw #73, Section 8.2*)
- 3.4 Developments requiring a permit include the installation of driveways and culverts on municipal lands including road allowances. (*See Land Use Bylaw #73, Section 8.2 and Residential Driveway and Culverts Bylaw #131*)
- 3.5 Major Works of Renovation or Structural Renovations as defined in Section 2 of this Bylaw.
- 3.6 Excavations are deemed to be developments. This includes the installation of a sewer system. Note that the sewer system itself is governed by provincial legislation. (*See Land Use Bylaw #73, Section 8.4 and Wastewater Bylaw #123*)
- 3.7 Digging a well is considered to be a development although there will be no development permit fee.
- 3.8 A development permit and approvals from senior governments is required for any proposed changes to the shoreline of Pigeon Lake. Note: excavation related to shoreline development also requires a permit. (*See Land Use Bylaw #73, Section 8.5*)

Development Not Requiring a Development Permit

- 3.9 No development permit is required for:
 - a) work in, on, or under a road or utility lot or right-of-way by a government or by a franchised utility company; (*See Land Use Bylaw #73, Section 9.1*)
 - b) the completion and subsequent use of a development which was lawfully under construction at the date this bylaw comes into effect; (*See Land Use Bylaw #73, Section 9.2*)
 - c) the continuation of a lawful use of building or land which was in effect at the date this Bylaw comes into effect (but any conditions attached to a development permit issued under a former bylaw continue to apply under this bylaw and the LUB); (*See Land Use Bylaw #73, Section 9.3*)
 - d) the normal maintenance of or repair to any building or structure provided that such work does not include *Structural Alterations* or *Major Works of Renovation*, or alterations to the exterior appearance of a building. However, be aware that other permits such as a *building permit* may be required for alterations to plumbing, electrical, heating or mechanical systems; (*See Land Use Bylaw #73, Section 9.4*)
 - e) the construction and maintenance of gates, fences, walls or other means of enclosure less than 1.5 metres (5 feet) in height in front yards and 2 metres (7 feet) in height elsewhere as allowed by the Land Use Bylaw; (*See Land Use Bylaw #73, Section 9.5 and Schedule C, Section 1.2.3*)

- f) a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued under this Bylaw; and which temporary building shall be removed within thirty (30) days of the completion of construction as authorized by the Development Permit. (*See Land Use Bylaw #73, Section 9.7*)
- g) exterior steps; (*See Land Use Bylaw #73, Section 9.6*)
- h) roof repairs such as replacement of shingles or their underlay;
- i) any landscaping where the proposed grades will not adversely affect the subject or adjacent properties, or the environment, or obstruct the adjacent property's view of the adjacent environment, (*See Land Use Bylaw #73, Section 9.9*)
- j) And where the proposed grades will not result in any changes to the flow of water off the Lot, except where landscaping forms part of a development which requires a Development Permit. (*See Land Use Bylaw #73, Schedule E and various other Sections*)
- k) the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under provincial or federal legislation provided that such signs,
 - bear the name of the person responsible for the sign,
 - are removed within one day of the election date, and
 - do not obstruct or impair vision or traffic,(*See Land Use Bylaw #73, Section 9.8*)
- l) one sign on internal lots, or two signs on corner lots, advertising the land for sale or rent provided that such signs are a maximum of 1.0 square metre in size, (*See Land Use Bylaw #73, Section 9.10 and Sign Bylaw #104*)
- m) name and address signs (*See Land Use Bylaw #73, Section 9.11*), and
- n) developments exempted under sections 618 or 619 of the Municipal Government Act; (*See Land Use Bylaw #73, Section 9.12*)

Submission of a Development Permit

3.10 An applicant for a development permit shall submit an application in a form prescribed by the Development Authority. The application shall be signed by the Owner or a person authorized by the Owner, who may be required to submit evidence of such authority. (*See Land Use Bylaw #73, Section 11*) ***See the Development Permit Policy for application form.***

Cost of a Development Permit

3.11 The cost of a development permit shall be in accordance with Schedule "A", attached.

Term of a Development Permit

3.12 Development authorized by a development permit must commence within six (6) months from the date of issue and construction must be completed within twelve (12) months from the date of issue. Extensions may be granted at the sole discretion of the Development Authority. (*See Land Use Bylaw #73, Section 19*)

Section 4 – ENFORCEMENT AND PENALTIES

- 4.1 Contraventions of this Bylaw shall be managed by the Development Authority in accordance with the contravention requirements of the Land Use Bylaw. Any person who contravenes any article of this Bylaw or the Land Use Bylaw is guilty of an offence, and is subject to the penalty set out in Schedule “B” of this Bylaw.
- 4.2 Council may retain legal counsel to prosecute for offences under this Bylaw.

Section 5 - RESPONSIBILITY OF THE OWNER

- 5.1 The Owner shall not deviate nor authorize any deviation from the requirements of the code adopted by the Alberta Building Regulation, pursuant to the *Safety Codes Act*, as it may be amended from time.
- 5.2 The Owner shall not deviate nor authorize any deviation from the requirements or the conditions of the development permit without first obtaining permission in writing to do so from the Development Authority.
- 5.3 When a development permit is issued it shall be accompanied by a placard to be visibly posted by the Owner on the property during the entire period of construction. The current address of the project and the Summer Village’s permit number must be displayed in such a fashion as to be clearly legible from the street. Failure to display this information in the manner outlined is an offense under this bylaw.
- 5.4 The Owner shall ensure that the plans and specifications upon which the issuance of a development permit was based are available continuously at the project site during working hours for inspection by the Safety Code Inspectors.
- 5.5 In recognition of the fact that the resources of the Summer Village are limited and that the Summer Village is therefore unable to carry out inspections at such a level as to ensure compliance with all relevant legislative standards, neither the issue of a permit nor inspections made shall in any way relieve the Owner of a building from full responsibility for carrying out the project or having the project carried out in accordance with the requirements of the code adopted by the Alberta Building regulation pursuant to the *Safety Codes Act*, as it is amended from time to time, this Bylaw, the Land Use Bylaw and any other relevant legislation.

Section 6 - SEVERABILITY

Should any section or part of this Bylaw be found to have been improperly enacted, and/or be declared invalid, void, illegal or otherwise not enforceable, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall remain valid and enforceable as if the section or part found to be improperly enacted had not been included as part of this Bylaw.

Section 7 - REPEAL OF EXISTING BYLAW

The enactment of this Bylaw repeals Bylaw #105

Any other Development Permit Bylaws and amendments thereto, are also hereby repealed.

- 7.1 As of the effective date of this Bylaw the establishment of the fees listed in Schedule A rescinds the fees for the same item or purpose listed in any other bylaws that may exist.
- 7.2 As of the effective date of this Bylaw the establishment of the penalties listed in Schedule B rescinds the penalties for the same offense listed in any other bylaws that may exist.

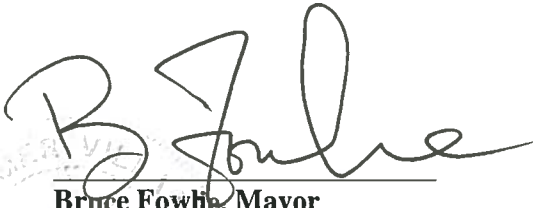
Section 8 - EFFECTIVE DATE

This bylaw shall take effect on the date of the third and final reading.

Read a first time this 18th day of January, 2013.

Read a second time this 6th day of April, 2013.

Read a third time and passed this 8th day of June, 2013.



Bruce Fowhe, Mayor
Summer Village of Norris Beach



Sylvia Roy, CAO
Summer Village of Norris Beach

SCHEDULE “A”
DEVELOPMENT PERMIT - FEES
Effective June 8, 2013

1.	Review of plans and issuance of development permits for new construction and additions to dwellings, garages, sunrooms, guest houses, decks, fireplaces, etc. – permitted uses.	Basic filing fee \$ 75.00 PLUS \$10.00 per \$10,000 value of construction. Total minimum charge \$125.00.
2.	Review of plans and issuance of development permits - any discretionary uses or variances.	Basic filing fee \$ 75.00 PLUS \$10.00 per \$10,000 value of construction. Total minimum charge \$175.00.
3.	Major works of renovation or landscaping	Basic filing fee \$ 75.00
4.	Excavation and/or lot grading	No fee if included in original permit. <i>Excavation for a building without a permit is considered a violation (see Schedule B- Penalties).</i>
5.	Driveways and culverts	No charge as per Land Use Bylaw #73 <i>(see Driveways & Culverts Bylaw)</i>
6.	Permit extension prior to expiry, with no revisions	No charge
7.	Permit extension with revisions	New application fees apply
8.	Compliance Certificates	<i>see Fees & Charges Bylaw</i>
9.	Issuance of stop work order	No charge
10.	Subdivisions – contact West Central Planning Agency	As per West Central Planning Agency
11.	Area Structure Plans	To be provided by applicant.
12.	Demolition of a Building	No charge
13.	Building relocation into or out of Summer Village – based on size, weight, complexity, and impact on public roads and infrastructure. <i>Additional travel expenses for Development Authority may apply.</i>	\$ 100.00 minimum \$ 250.00 maximum Provincial approval also required.
14.	Request for convening of Special meeting of Council, Planning or Appeal Boards	\$ 500.00
15.	Application to Development Appeal Board	\$ 250.00
16.	Shoreline Development – shoreline landscaping, retaining walls and gabion cages or baskets	Basic filing fee \$ 75.00. Approval must also be granted through Alberta Environment.
17.	Signs – Temporary or Permanent	<i>see Sign Bylaw</i>
18.	Security deposits	As per various Summer Village Bylaws or at the discretion of the Development Authority.

Note: Fees are for Development ONLY and do not include Building permits (gas, electrical, plumbing, or mechanical) as required by the Alberta Safety Code.

SCHEDULE "B"
DEVELOPMENT PERMIT - PENALTIES
Effective June 8, 2013

- 1. Any person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine as specified in the Land Use Bylaw (LUB).
- 2. In lieu of being proceeded against by prosecution for the failure to adhere to the requirements of this Bylaw, a person may pay to the Municipal Office the sums identified on the violation tag in accordance with the schedule below:

<u>Offense</u>	<u>Fine</u>
1. Failure to obtain a development permit:	Double the permit fee
2. Failure to adhere to any of the requirements of the development permit:	Same as Original permit fee
3. Failure to display the development permit at the job site.	\$50.00
4. Repeated offenses	Double the Original Penalties Described Above

Note: Any other penalties remain in accordance with the Land Use Bylaw