

Summer Village of Poplar Bay: Bylaw 161

With amendments up to and including Bylaw 195, 15 February 2006

Pursuant to Part 17 of the Municipal Government Act, the Council of the Summer Village of Poplar Bay in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Purpose

The purpose of this bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly, economic, and beneficial development and use of land.

2. Interpretation

2.1 In this Bylaw:

Accessory Building means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A building which does not share footings with the main building on the lot is deemed to be an accessory building even if it is connected to the main building by a roof, breezeway, deck, patio, or other at grade or above grade connection.

Accessory Use means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot.

Act means the Municipal Government Act.

Boat House means a structure used for the storage of boats and associated equipment.

Building Height means the vertical grade between grade and 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.

Car Port 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.

Corner means the intersection of any two property lines of a site.

Corner site see Site, Corner.

Council means the Council of the municipality.

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

Development Permit means a permit issued by the Development Authority that authorizes development.

Development means:

an excavation or stockpile and the creation of either of them;

a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, or under land;

a change in the use of land or of 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 intensity of use of the land or building, and

a change in the intensity of use of land or of 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 intensity of use of the land or building.

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, but does not mean a building permit.

Discretionary Use means the use of land or a building for which a development permit may be issued with or without conditions.

Dwelling or Dwelling Unit means any building or structure used primarily for human habitation.

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

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

Frontage means the length of a street boundary from which main access is gained.

Garage means an accessory building or part of the main building, designed and used primarily for the storage of motor vehicles.

Guest House means a permanent accessory building which has sleeping accommodation and may have a bathroom, but does not have cooking facilities, and is not intended to be used as a self-contained dwelling, but which provides overflow accommodation for the main dwelling on the lot.

Grade means the elevation of the crown of the road adjacent to that lot, or the average elevation of the two adjacent lots, whichever is lower.

The grade of an adjacent lot is defined as the average elevation of the corners of the main building on the adjacent lot.

Height of a building means the vertical distance from grade to the highest point on the building, excluding chimneys and aerials.

He/She/Him/Her/Them are to be read interchangeably as the context requires.

Home Business means a business carried on in a dwelling which

is not visited by a significant number of clients,

does not change the external appearance of residential character of the dwelling except for one sign no larger than one square metre, and

is carried only by the residents of the dwelling, and includes bed and breakfast operations.

Lane means a public thoroughfare for vehicles, the right-of-way which does not exceed 10 metres (33 feet) and not less than 6 metres (20 feet) in width, and which normally provides a secondary means of access to a lot or lots.

Lot means an individual lot for which a title has been issued, or, where two or more lots are 'tied' for assessment purposes, or are included in a single title, the area encompassed by the several lots.

Main Building means a building in which is conducted the main or principal use of the site on which it is erected.

Main Use means the primary purpose, in the opinion of the Development Authority, for which a building or site is used.

Mobile Home means a structure that is manufactured off-site, is capable of being moved from one place to another by being towed or carried, provides year round living accommodation for one or more people, and can be connected to utilities.

Modular Building means a prefabricated building partially constructed off-site and assembled on-site.

Municipality means the Summer Village of Poplar Bay.

Non-Conforming Building means a building that:

is lawfully constructed or is lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

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 or amendment.

Non-Conforming Use means a lawful specific use

being made of land or a building or intended to be made of a building lawfully under construction a the date of a land use bylaw or any amendment thereof affecting the land or building becomes effective, and

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 or amendment thereof.

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

Occupant means any person other than the registered owner who is in possession of a lot, and includes but is not restricted to a lessee, licensee, tenant, or agent of the owner.

Owner means the registered owner, occupant, or person responsible for a lot within the municipal boundaries.

Parcel of land means the aggregate of the one or more areas of land described in a certificate of title.

Park Model means a smaller style of mobile home designed for seasonal use in a resort community.

Permitted Use means the use of land or a building for which, if it conforms with the bylaw, a development permit shall be issued with or without conditions.

Person Responsible for a Recreational Vehicle means the owner or occupant of the lot, or the owner or occupant of the recreational vehicle.

Public Utility Building means a building defined in the Act in which the proprietor of the public utility maintains its offices and/or maintains or houses any equipment used in connection with the public utility.

Real Property Report means a drawing prepared by an Alberta Land Surveyor showing the location of improvements on a lot.

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

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

Sewer System means a system for disposing of sewage to include human excreta, or the water-carried wastes from drinking, bathing, laundering, or food processing (taken from the *Alberta Private Sewage Standard of Practice*, January 1999) [Bylaw 166]

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

Site, Corner means a site at the intersection of two abutting streets where the intersection of the two streets is less than 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 45 metres (148 feet) in radius over an angle of more than 135 degrees.

Site Coverage means the combined area of all buildings on the lot, measured at the level of the lowest containing habitable or usable rooms, including porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections.

Special Event means an occasion of temporary duration typically attended by friends of family not usually resident on the lot, including but not limited to anniversaries, birthdays, weddings, funerals, or reunions, but not including an event of a commercial nature whether held for profit or for a non-profit purpose.

Subdivision and Development Appeal Board means the subdivision and development appeal board appointed by bylaw pursuant to Section 627 of the Act.

Yard means that part of a lot upon or over which no main building is erected.

Yard, Front means a yard extending across the full width of a lot from the road line of the lot to the nearest wall of the main building situated on the lot, except in the case of

a lakefront lot, in which case the front yard is the area between the main building and the lake side property line, or
a lot which uses a lane as its main access, in which case the front yard is the area between the main building and the property line adjacent to the lane.

Yard, Back or Rear means the yard extending across the full width of the lot from the rear wall of the main building situated on the property to the rear property line.

Yard, Side means a yard extending from the nearest wall of the main building to the side property line.

- 2.2** All other words and expressions have meaning assigned to them in the Act.
- 2.3** Where a term is defined in legislation and also in this bylaw, and the definitions differ, the definition in legislation prevails.
- 2.4** In accordance with Alberta Land Titles and Building Code practice, all dimensions in this bylaw are given in metric measure, and where an Imperial measure is given for the convenience of the user, it is not exact, and in case of dispute the metric measure shall govern.

3. Establishment of Districts

3.1 For the purposes of this bylaw the following land use districts are established:

- Residential
- Low Density Residential
- Agricultural

3.2 In case of doubt about the boundaries of a land use district, the decision of council, recorded as a resolution, shall govern.

4. Regulations

Schedules A (map of land use districts), B (general regulations) and C (regulations for land use districts) form part of and have the full force of this bylaw.

5. Development Authority

5.1 The office of the Development Authority is hereby established and shall be filled by a person or persons appointed by the resolution of Council. If no person is appointed, the Municipal Administrator shall act as Development Authority.

5.2 The Development Authority shall:

- 5.2.1** receive, consider and decide on applications for a development permit,

- 5.2.2** ensure that development is carried out in accordance with a development permit,

- 5.2.3** make available for inspection

- a copy of this bylaw as amended, and

- a list of all applications and the decisions rendered on them and the reasons for those decisions,

- 5.2.4** ensure that copies of this bylaw can be purchased by the public at a reasonable cost,

- 5.2.5** administer the appeal process, and

5.2.6 perform such additional duties as may be established by this bylaw or by the direction of Council to enforce this bylaw in conformance with the Act.

5.3 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the municipality.

6. Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by Bylaw ___ shall hear and decide on appeals against a decision (or lack of decision) of the Development Authority.

7. Development Requiring a Development Permit

7.1 No development other than that designated in Section 8 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

7.2 Development includes demolition or removal, and a development permit is required, but no fee shall be charged for issuing the permit.

7.3 Posters, billboards and signs are deemed to be developments.

7.4 An excavation for a sewer system is deemed to be a development.
(Note that the system itself is governed by provincial legislation)

7.5 Pursuant to an agreement between the municipality and Public Lands Division of Alberta Agriculture, a development permit is required for any proposed changes to the shoreline of Pigeon Lake.

7.6 Repealed [Bylaw 166]

8. Development Not Requiring a Development Permit

No development permit is required for

8.1 work in a road or utility lot by a government or by a franchised utility company,

8.2 the completion and subsequent use of a building which was lawfully under construction at the date this bylaw comes into effect,

8.3 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 the former bylaw continue to apply under this bylaw),

8.4 the maintenance or repair to any building, or structure provided that such work does not include structural alterations or major works of renovation (but note that a building permit may be required for alterations to plumbing, electrical, or heating systems),

8.5 gates, fences, walls or other means of enclosure less than 2.0 metres (7 feet) [Bylaw 166] in height in front yards and 2 metres (7 feet) in height elsewhere,

8.6 exterior steps,

- 8.7 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.
- 8.8 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,
- 8.9 landscaping where the proposed grades will not adversely affect the subject or adjacent properties,
- 8.10 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,
- 8.11 name and address signs, and
- 8.12 development exempted from this bylaw under sections 618 or 619 of the Act.

9. Non-Conforming Buildings and Uses

- 9.1 If a building or land use is not allowed for in this Bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming building or use pursuant to section 643 of the Act, and remains subject to any conditions imposed by a former development permit.
- 9.2 Pursuant to Section 643(5)(c) of the Act, the Development Authority is authorized to allow minor development in a nonconforming building.

10. Applying for a Development Permit

- 10.1 An application for a development permit shall be made to the Development Authority in writing on a standard form and shall be accompanied by:
 - 10.1.1 A Real Property Report prepared within the last five years showing the location of all buildings, vehicle access and parking, utility lines, gas and electricity lines, wells, water lines, sewer lines, septic tanks, disposal fields and sumps;
 - 10.1.2 A site plan of the proposed development drawn to scale showing location of all buildings and the location of proposed parking and access;
 - 10.1.3 Floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions;
 - 10.1.4 In the case of a house, an architect's rendering of the finished building also showing the buildings on adjacent lots;
 - 10.1.5 A grading and drainage plan;
 - 10.1.6 A statement of use;

- 10.1.7 A statement of ownership of land and interest of the applicant therein;
- 10.1.8 The estimated commencement and completion dates;
- 10.1.9 The estimated cost of the project or contract price; and
- 10.1.01 The required application fee.
- 10.2 The Development Authority may require additional information if in her opinion this is necessary to make a decision.
- 10.3 The Development Authority shall consider and decide on all applications for a development permit.
- 11. Giving Notice to Neighbours
 - 11.1 Before approving a development permit for a discretionary use of land, or where a provision of the bylaw is proposed to be relaxed or waived, the Development Authority shall give written notice of the proposed development to the owners of all properties within 100 metres (330 feet) and such other property owners as she considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
 - 11.2 After giving notice as required under the previous section, the Development Authority shall wait 14 days to receive the comments of those people who were notified.
 - 11.3 In deciding on the application, the Development Authority shall consider all concerns reported to her.
- 12. Decision
 - 12.1 The decision of the Development Authority on an application for a development permit shall be given in writing on a standard form and mailed or handed to the applicant and to any other person who has expressed an interest in the application.
 - 12.2 In making a decision the Development Authority shall either
 - 12.1.1 approve the application unconditionally, or
 - 12.1.2 impose conditions considered appropriate, permanently or for a limited period of time, or
 - 12.1.3 refuse the application.
 - 12.3 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
 - 12.4 The Development Authority may require as a condition of issuing a development permit that the applicant enter into an agreement under section 650 of the Act to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw; and may require that a performance bond or letter of credit be deposited with the Development Authority to reimburse the municipality for any damage caused to local improvements as a result of development, or to ensure that

the development is completed in accordance with the development permit, and this agreement may be registered on the title of the property by means of a caveat.

- 12.5 Where an application for a development permit has been refused initially or on appeal, the Development Authority may, at her discretion, refuse to accept another application for a permit on the same property and for the same or similar use of land by the same or any other applicant for 6 months after the date of the previous refusal, unless the circumstances have changed substantially.

13. Compatibility with Neighbouring Development

- 13.1 The design, construction, and appearance of every building and structure shall be compatible with other buildings and structures in the municipality, and the Development Authority may require changes to a design or refuse a development permit if in her opinion a proposed development would be detrimental to the municipality, even if the proposed use is a permitted use under Schedule C.
- 13.2 If it appears to the Development Authority that a proposed dwelling may be occupied by more than one family, or may contain more than one set of living quarters, or is designed so that it may be converted into a multi-family dwelling, the Development Authority may refuse to issue a development permit, or may require changes to the proposed development before issuing a permit, and in making this judgement the Development Authority may consider among other things the number, size, and location of finished or roughed-in plumbing, stairways, furnaces and air ducts, furnace controls, firewalls, exterior and interior doors, patios, decks, balconies, driveways, and garages.

14. Relaxing and Varying the Bylaw

The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in her opinion,

- 14.1 the proposed development would not
- 14.1.1 unduly interfere with the amenities of the neighbourhood, or
 - 14.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- 14.2 the proposed development does not conflict with the use prescribed for the land or building of the bylaw,

but the Development Authority may only do this if the neighbours immediately affected give their consent in writing.

15. When a Development Permit Comes into Effect

- 15.1 A development permit comes into effect immediately if all proposed development is for a permitted use and the bylaw was not relaxed or varied.
- 15.2 Despite the preceding section, a development permit involving construction does not come into effect until the plans for the building have been approved by the person appointed by Council as Building Inspector and a building permit has been issued by that person.

- 15.3 A development permit for a discretionary use, or in respect of which a provision of the bylaw has been relaxed or waived, does not come into force until 14 days after the date of its issue, and during this time any person claiming to be affected by the proposed development may appeal the decision of the Development Authority. Any development proceeded with by the applicant prior to the expiry of the 14 day period is done solely at the risk of the applicant.
- 15.4 If a valid appeal is filled against a development permit, the permit is suspended until the appeal is heard or abandoned.

16. Giving Notice of a Decision

- 16.1 The decision of the Development Authority on an application for a development permit shall be in writing and shall be mailed or otherwise sent to the applicant.
- 16.2 After approving a development permit for a discretionary use of land, or where a provision of the bylaw is relaxed or waived, the Development Authority shall give written notice of the proposed development to the owners of all properties within 100 metres (330 feet) and such other property owners as she considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
- 16.3 The said notice shall indicate that any person affected by the issuance of the permit has the right to appeal, and shall state how an appeal may be launched.
- 16.4 When the Development Authority refuses to issue a development permit, the decision shall contain reasons for the refusal.

17. Failure to Make a Decision

An application for a development permit may, at the opinion of the applicant, be deemed to be refused when a decision is not issued by the Development Authority within 40 days, and the applicant may appeal as though the application had been refused.

18. Life of a Development Permit

- 18.1 If the development authorized by a development permit is not *commenced* within 6 months from the date of issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- 18.2 If the development authorized by a development permit is not *completed* within twelve months from the date of issue, or carried out with reasonable diligence, the development permit is deemed void, unless an extension to this period has previously been granted by the Development Authority.
- 18.3 Despite sections 18.1 and 18.2,
- 18.3.1 at the discretion of the Development Authority, a building may be constructed in stages over a period of time exceeding one year provided that the applicant submits a construction schedule as part of the application for a development permit.
- 18.3.2 In the event that construction of the building is not completed within the effective time period of the development permit the development shall be deemed to be in contravention of that development permit and the Land Use Bylaw whereby the Development Authority may

issue another development permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or

invoke Sections 645 and 646 of the Act.

18.4 If it appears to the Development Authority that a development permit has been obtained by misrepresentation, she may revoke the development permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a Stop Order under section 645 of the Act.

19. Appeals

19.1 Any person affected by an order, decision, or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

19.2 Notice of Appeal shall be addressed to the secretary of the SDAB, shall contain reasons for the appeal, and shall be served upon the Secretary by mail or by delivery at the municipal office.

19.3 In administering the appeal process, the Development Authority shall follow the procedure set out in Section 686 of the Act.

20. Decision of the Appeal Board

20.1 The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.

20.2 A decision by the Subdivision and Development Appeal Board is final and binding subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

21. Conformity with a Development Permit

The Development Authority or her designate may inspect any building for which a development permit has been issued during construction, and may, at her sole discretion, require that the person to whom a development permit has been issued provide a Real Property Report showing the location of the footings of any new building before continuing with construction above the footings.

22. Contravention of this Bylaw

22.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, or regulations thereunder, or a development permit or a subdivision approval, or this bylaw, she may proceed to issue a Stop Order in accordance with the Act, or otherwise proceed under sections 645 and 646 of the Act.

22.2 The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.

22.3 A violation tag may be issued to such person

- 22.3.1 either personally; or
 - 22.3.2 by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.
- 22.4 The violation tag shall be in a form approved by the municipal administrator and shall state:
- 22.4.1 the name of the person;
 - 22.4.2 the offence;
 - 22.4.3 the appropriate penalty for the offence as set out by resolution of Council from time to time and listed at Schedule D attached;
 - 22.4.4 that the penalty shall be paid within 30 days of the issuance of the violation tag; and
 - 22.4.5 any other information as may be required by the municipality.
- 22.5 Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 22.6 Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the violation tag.
- 22.7 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.
- 22.8 In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, then the Development Authority is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, 1988 ch.P-21.5, as amended or repealed and replaced from time to time.
- 22.9 Notwithstanding section 22.2 of this bylaw, the Development Authority is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this bylaw.
23. Amending the Bylaw
- 23.1 A person may apply to have this Bylaw amended, by applying in writing, giving reasons in support of the application, and paying the requisite fee.
 - 23.2 Council may at any time initiate amendment to this Bylaw.
 - 23.3 An application to change the districting of any land may be initiated only by the owner of that land, or by Council.
24. Fees and Forms

24.1 The amount of any fee required under this Bylaw shall be set by resolution of Council.

24.2 Any form required to administer this Bylaw may be adopted by Council by resolution.

25. Repeal of Pre-Existing Bylaws

Bylaw P-1 and all previous land use bylaws, zoning bylaws, and development control bylaws are repealed.

26. Continuity of Development Permits

A condition attached to a development permit issued under a previous bylaw continues under this bylaw.

27. Relationship of this Bylaw to the Pigeon Lake Management Plan

Any decision made under this bylaw must be compatible with the 2000 Pigeon Lake Management Plan, and if a proposal falls within the scope of Schedule E, the Development Authority shall refer it to other municipalities as set out in that Schedule.

28. Protection of Agricultural Operations

28.1 Pursuant to section 639.1 of the Act [comes into effect in 2002], the municipality will consider the protection of agricultural operations when administering this bylaw.

28.2 Pursuant to section 640(2)(e) of the Act [comes into effect in 2002], the municipality will notify its ratepayers of any agricultural operation which exists or may start within half a mile of the municipal boundary, and the method of notification shall be established by resolution of council.

29 Geographical Jurisdiction

Land annexed to the Village falls under the jurisdiction of this bylaw immediately upon annexation. [Bylaw 177]

30. Date of Commencement [Re-numbered by Bylaw 177]

30.1 Section 28 of this bylaw comes into effect on 1 April 2002.

30.2 All other parts of this bylaw come into effect upon the date of third reading.

**Read a first time 11 April 2002
Read a second time 18 September 2002
Read a third time 24 October 2002**

Original signed by:

Tim Carmichael, Mayor

Kathy Graber, Administrator

Schedule A: Land Use Districts

All land within the Village is zoned Residential.

Any land which is subsequently annexed may be zoned Residential, Low Density Residential, or Agricultural, as determined by Council at that time.

Schedule B: General Regulations

1. Lot Dimensions and Areas

1.1 A lot which is smaller than required by Schedule C of this bylaw, but to which a separate title was registered at the Land Titles Office on the date this bylaw comes into effect, is nevertheless a conforming lot.

1.2 Lot size requirements do not apply to utility lots or public parks.

1.3 Despite Schedule C, the boundary between two existing lots may be adjusted to accommodate buildings on the site, and the resulting lots are conforming lots under this bylaw.

1.4 Schedule C shall not prevent:

1.4.1 the adjustment of a property line where no additional lots are created, or

1.4.2 the re-subdivision of a lot formed by the consolidation of two previously existing lots.

2. Moved-in Buildings

2.1 A person wishing to move an existing building on to a lot shall make an application for a development permit in the normal way, state the present location of the building, and provide photographs showing each side and the general condition of the building.

2.2 The Development Authority may, at her discretion, inspect the building, or cause it to be inspected by another person, and determine the suitability of the building for the proposed use.

2.3 The Development Authority may, at her discretion, require that the building be improved to meet the requirements of this bylaw and the Alberta Building Code.

2.4 A mobile home which is to be used as the main dwelling on a lot shall be placed on a permanent foundation with the wheels removed.

2.5 If the work required under section 2.3 or 2.4 is to be done after the building is to be moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work. The bond shall be released when the work is satisfactorily completed, but shall otherwise be forfeit.

2.6 Any travel or other costs incurred by the Development Authority in processing an application for a development permit for a moved-in building shall be added to the fee for the development permit.

3. Site drainage

3.1 No land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued for the work.

3.2 Land shall be graded so that excess water flows into the lake, a soakaway, or a street or lane. Water shall not be diverted to flow from one property on to a

neighbouring property unless a drainage scheme is agreed in writing between the two property owners and the municipality.

3.3 A private driveway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the roadside ditch, a culvert shall be installed to the specifications of the municipality.

3.4 A development application for a new building shall include a grading plan.

3.5 Any culvert which carries water from offsite shall have a diameter of at least 300mm.

4. Sanitation

4.1 Arrangements for the disposal of waste water shall meet the standards of the Regional Health Authority and the Plumbing Inspection Branch of Alberta Labour.

4.2 The Development Authority may refuse to issue a Letter of Compliance for any property if the waste water disposal system does not conform with section 4.1 above.

4.3 No new privy or earth closet shall be constructed within the municipality.

5. Fences

5.1 No electric fence shall be constructed within the municipality.

5.2 No barbed wire fence shall be constructed except

5.2.1 on land used for agriculture, or

5.2.2 where required by the Alberta Building Code [Bylaw 166]

6. Pollution Control

6.1 No storage or activity may be undertaken which, in the opinion of the Development Authority 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, glare, smoke, waste matter, toxic and noxious matter, traffic, water or steam.

6.2 Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

7. Objectionable Objects in Yards

7.1 Garbage shall be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup.

7.2 Outside storage areas shall be screened from adjacent sites and thoroughfares.

- 7.3 No person shall keep or permit in any part of a yard in any residential district**
- 7.3.1 any dismantled or wrecked or unlicensed vehicle for more than fourteen successive days, or**
 - 7.3.2 any vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle,**
 - 7.3.3 any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or**
 - 7.3.4 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.**

8. Corner Lots

Where a lot is at the corner of two streets, the Development Authority

- 8.1 may rule which side of the lot is the front for the purposes of building setbacks and use of yards, or**
- 8.2 may apply front yard rules to any side of the lot which abuts a street.**

Schedule C: District Regulations

1. Regulations for the Residential District

1.1 Permitted Uses

The following uses are permitted in the Residential District:

- 1.1.1 New single detached dwellings of conventional construction.
- 1.1.2 Public parks and recreation areas.
- 1.1.3 Guest houses.
- 1.1.4 Accessory buildings to the above uses (including recreational buildings).

1.2 Discretionary Uses

The following uses may be allowed in the Residential District at the discretion of the Development Authority:

- 1.2.1 Moved-in buildings (see Schedule B, section 2).
- 1.2.2 Mobile and modular homes.
- 1.2.3 Home businesses which, in the opinion of the Development Authority, are compatible with the residential purpose of the neighbourhood, and which have adequate on-site parking.
- 1.2.4 Repealed [Bylaw 166]
- 1.2.5 Gates, fences, walls, and other means of enclosure higher than 2.0 metres (7 feet) [Bylaw 166] in front yards and 2 metres (7 feet) elsewhere. *[Fences under that height do not need a development permit.]*
- 1.2.6 Unattended utility structures serving the immediate neighbourhood.
- 1.2.7 Municipal operations.
- 1.2.8 Buildings accessory to the above uses.

1.3 Minimum Lot Sizes

Every lot shall have a width of at least 30 metres (99 feet), a depth of at least 60 metres (197 feet), and an area of at least 1850 square metres (19,910 sq feet) *[to conform with plumbing regulations where sewage is disposed of on-site]*

1.4 Height of Buildings

1.4.1 Main buildings:

No main building shall exceed 8.5 metres (28 feet) above grade in height, measured from the grade of the street to the peak of the roof.

[Bylaw 195]

1.4.2 **Accessory buildings: No accessory building shall exceed 5 metres (16.5 feet) in height, measured from the grade of the street to the peak of the roof.** [Bylaw 195]

1.4.3 **Despite 1.4.2, a guest house built over a garage may be up to 8.5 metres (28 feet) in height, measured from the grade of the street to the peak of the roof.** [Bylaw 195]

1.5 **Density of Residential Development**

1.5.1 **No more than one main dwelling and one guest house shall be placed on a lot.**

1.5.2 **The combined ground coverage of all buildings on a lot shall not exceed 30% of the area of the lot.**

1.6 **Yards and Setbacks**

1.6.1 **Main buildings and guest houses shall be set back the following distances from property lines:**

Front: 6 metres (20 feet)

Side: 1.5 metres (5 feet), or half the height from the grade of the street to the eaves on that side of the building, whichever is greater [Bylaw 195]

Rear: 6 metres (20 feet)

Before any framing has commenced, a Real Property Report or a Letter of Assurance issued by an Alberta Land Surveyor must be provided to the Summer Village certifying that the footings are placed in accordance with the approved Development Permit. [Bylaw 195]

1.6.2 **Accessory buildings shall be set back the following distances from all property lines:**

Front: No accessory buildings shall be located in a front yard. [Bylaw 186]

Side: 1.5 metres (5 feet)

Rear: 1.5 metres (5 feet), except that where the vehicle doors of a garage face a road or lane abutting the lot, the garage shall be no closer than 6 metres (20 feet) to the road or lane.

Before any framing has commenced, a Real Property Report or a Letter of Assurance issued by an Alberta Land Surveyor must be provided to the Summer Village certifying that the footings are placed in accordance with the approved Development Permit. [Bylaw 166]

1.6.3 **All buildings shall be separated by a clear space of at least 3 metres (10 feet) unless a waiver has been obtained under the Alberta Building Code.**

- 1.6.4 Yard and setback requirements apply to decks constructed 300mm (twelve inches) or more above grade, but not to steps or patios.
- 1.6.5 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the building footings shall not intrude more than 0.5 metres (20 inches) into the side yards required by section 1.6.1.

1.7 Accessory Buildings

A guest house, garage, storage shed, or boathouse may be built on any lot provided that

- 1.7.1 all required yards and setbacks are maintained,
- 1.7.2 the combined ground coverage of all accessory buildings on the lot does not exceed 100 square metres (1075 sq feet), and
- 1.7.4 the combined ground coverage of all buildings on the lot conforms with the maximum set out in section 1.5.2 above.

1.8 Recreational Vehicles

Deleted [Bylaw 166]

1.10 Guest houses

- 1.10.1 Guest houses shall be of new, conventional construction and of good appearance. A mobile home or travel trailer shall not be used as a guest house.
- 1.10.2 Guest houses shall be constructed in the rear of the lot and behind the rear walls of the main buildings on the adjacent lots.
- 1.10.3 Guest houses shall contain only one storey unless they are built over a garage.
- 1.10.4 Guest houses shall not contain a kitchen.
- 1.10.4 Sleeping accommodation above a garage or other accessory building is deemed to be a guest house, and where such accommodation exists, no freestanding guest house shall be constructed on the lot.
- 1.10.5 The total usable floor area of a guest house shall be no more than 50 square metres (538 sq feet).

2. Regulations for the Low Density Residential District

No land will be zoned as LDR at present. This zone may be applied to land not yet annexed, where lakefront densities are inappropriate. Having the rules written now will help landowners outside the village plan their developments.

The regulations for the Low Density Residential District are identical with those for the Residential District except as follows:

- 2.1 Residential lots shall be at least 8,000 square metres (2 acres) in area with a minimum width of 60 metres (200 feet).**
- 2.2 The minimum front and rear yard for all buildings is 15 metres (50 feet) and the minimum side yard is 6 metres (20 feet).**
- 2.3 No more than 10% of the area of the lot shall be covered by buildings.**
- 2.4 At the discretion of the Development Authority, a recreational vehicle may be used as the main dwelling on a lot, but in that case no other recreational vehicle shall be parked on the lot whether occupied or unoccupied, and no guest house shall be constructed on the lot.**

3. Agricultural District

[No land will be zoned Agricultural at present. This zone may be applied to land not yet annexed]

3.1 Permitted Uses

The following uses are permitted in the Agricultural district:

3.1.1 Agriculture, but not including crop spraying, or the keeping of livestock other than household pets in reasonable numbers.

3.1.2 Municipal uses and buildings

3.1.3 Buildings and uses accessory to the above uses.

3.2 Discretionary Use

The following uses may be allowed in the Agricultural District at the discretion of the Development Authority:

3.2.1 One residence on each lot

3.2.2 Utility buildings

3.2.3 Buildings and uses accessory to the above uses.

3.3 Lot size

Lots shall be at least 32 hectares (80 acres) in size, but a smaller lot which is annexed into the municipality after the effective date of this bylaw is nevertheless a conforming lot.

Schedule D: Penalties

1. **Repealed [Bylaw 166]**
2. **Any person who violates any provision of this by-law is guilty of an offence and liable on summary conviction to a fine of not more than \$300.00.**
3. **Repealed [Bylaw 166]**

Schedule E: Intermunicipal referrals under the Pigeon Lake Management Plan

The municipalities in the Pigeon Lake drainage basin have agreed as follows:

A municipality which receives a request for redistricting (rezoning), subdivision approval, development permit, or approval of an area structure plan within the management plan area (see attached map) will refer the proposal to other municipalities in the following cases, and will wait a reasonable length of time to receive their concerns before making a decision. The management plan suggests three weeks, but more time may be needed depending on the timing of council meetings.

Recreational developments: If a municipality receives a proposal to create

- o any number of lots* on previously unsubdivided lakeshore;
- o six or more adjacent lots* anywhere in the drainage basin; or
- o a commercial recreation development such as a golf course, RV park, riding establishment, motocross operation;

a village will refer the proposal to all municipalities with whom they share a boundary, and

a county will refer the proposal to all municipalities within one mile of the subject land.

(* lots includes condo units)

Other developments: If a municipality receives a proposal for

- o an intensive livestock operation;
- o an industrial or extractive operation (except for well sites, batteries, and pipelines, which do not require municipal planning approval); or
- o land drainage or stream improvements, or major changes to a shoreline

a county will refer the proposal to all municipalities in the drainage basin.

Optional referrals: Proposals listed above will automatically be referred, but a municipality may refer any proposal to neighbouring jurisdictions if it thinks there may be effects outside the immediate area.

Who is responsible: All municipalities will make their own referrals, except that where WCPA administers the subdivision approval process for a municipality, the agency will make the subdivision referral on behalf of the municipality.

Resolution Regarding the Protection of Agricultural Operations

Section 640(2) of the Municipal Government Act requires a municipality to

- (e) establish a method of providing written notice to owners of land adjacent to an agricultural operation***

so that those owners are forewarned of the possibility of noise, dust, odours, traffic, late working hours, and other nuisances associated with farming operations.

Council notes that all lots in the village are adjacent to or close to farm land.

The municipal administrator is therefore directed to include a copy of this resolution in the annual tax notice mailed to every property owner.