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# **SUMMER VILLAGE OF POINT ALISON**

## **LAND USE BYLAW**

### **BYLAW NO.10-157**

*J*  
**December, 2010**

## TABLE OF CONTENTS

	<b>Page Number</b>
<b>PART ONE – GENERAL</b>	
1.1 Title	1
1.2 Scope	1
1.3 Purpose	1
1.4 Metric and Imperial Measures	1
1.5 Interpretation	2
1.6 Establishment of Districts	13
1.7 Establishment of Land Use District Regulations	14
<b>PART TWO – AGENCIES</b>	
2.1 Development Authority	15
2.2 Subdivision and Development Appeal Board	15
2.3 Council	15
<b>PART THREE – DEVELOPMENT PERMITS, RULES AND PROCEDURES</b>	
3.1 Control of Development	16
3.2 Development Not Requiring a Development Permit	16
3.3 Non-Conforming Buildings and Uses	18
3.4 Permission for Development	19
3.5 Permission for Demolition	23
3.6 Development Permits and Notices	24
<b>PART FOUR – APPEALS</b>	
4.1 Appeal Procedure	26
4.2 Appeal Haring	26
4.3 Decision	27
<b>PART FIVE – ENFORCEMENT, AMENDMENT, AND ADMINISTRATION</b>	
5.1 Contravention	28
5.2 Amendment of the Land Use Bylaw	29
5.3 Forms	31
5.4 Amending Bylaws	31
5.5 Schedules	31
5.6 Repealing Existing Controls	31
5.7 Date of Commencement	32
<b>SCHEDULE A – LAND USE DISTRICT MAP</b>	<b>33</b>
<b>SCHEDULE B – SCHEDULE OF LAND USE DISTRICT REGULATIONS</b>	
<b>PART ONE – GENERAL PROVISIONS</b>	
1.1 Subdivision of Land	34
1.2 Top Soil Excavation	34
1.3 Utility Easements	34
1.4 On-Site and Off-Site Services	34
1.5 Landscaping, Grading, and Shadowing	35

<b>1.6</b>	<b>Projection into Yards</b>	<b>35</b>
<b>1.7</b>	<b>Objects Prohibited or Restricted in Yards</b>	<b>36</b>
<b>1.8</b>	<b>Protection from Exposure Hazards</b>	<b>36</b>
<b>1.9</b>	<b>Building Appearance and Design</b>	<b>37</b>
<b>1.10</b>	<b>Relocation of Buildings/Moved-in Buildings</b>	<b>37</b>
<b>1.11</b>	<b>Demolition of Buildings</b>	<b>38</b>
<b>1.12</b>	<b>Flood Susceptible Lands</b>	<b>38</b>
<b>1.13</b>	<b>Off-Street Vehicular Parking</b>	<b>38</b>
<b>1.14</b>	<b>Gates/Fences/Walls/Hedges</b>	<b>39</b>
<b>1.15</b>	<b>Accessory Buildings</b>	<b>40</b>
<b>1.16</b>	<b>Recreational Vehicles</b>	<b>40</b>
<b>1.17</b>	<b>Home Occupations</b>	<b>41</b>
<b>1.18</b>	<b>Dwelling Units on a Lot</b>	<b>42</b>
<b>1.19</b>	<b>Guest Houses</b>	<b>42</b>
<b>1.20</b>	<b>Keeping of Animals</b>	<b>43</b>
<b>1.21</b>	<b>Fire Pits</b>	<b>43</b>
<b>1.22</b>	<b>Uses not Allowed</b>	<b>43</b>

**PART TWO – DISTRICT REGULATIONS**

<b>2.1</b>	<b>Residential (R) District</b>	<b>45</b>
<b>2.2</b>	<b>Park (P) District</b>	<b>47</b>

# **BYLAW NO. 10-157**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Summer Village of Point Alison duly assembled, hereby enacts as follows:

### **PART ONE - GENERAL**

#### **1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of Point Alison.

#### **1.2 Scope**

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

#### **1.3 Purpose**

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish the office of Development Authority;
- (4) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (5) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (6) to establish the number of dwelling units permitted on a parcel of land.

#### **1.4 Metric and Imperial Measures**

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for

persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

## 1.5 Interpretation

In this Bylaw

- (1) "**accessory building**" means a building which is separate and subordinate to the principal building on a lot, the use of which is incidental to that of the principal building and is located on the same lot;
- (2) "**accessory use**" means a use of a building or of land which is customarily incidental and subordinate to the principal use or building and is located in the same lot with such principal use or building;
- (3) "**Act**" means the Municipal Government Act, 2000, as amended;
- (4) "**adjacent land**" means land that is contiguous to a particular lot and includes:
  - (a) land that would be contiguous if not for a highway, road, river or stream, and
  - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3(4)(b) of Part One of this Bylaw;
- (5) "**advertisement**" means any word, letter, model, picture, symbol, logo, device or representation on a sign, whether illuminated or not, which is, wholly or in part, for the purpose of advertisement, announcement or direction;
- (6) "**basement**" means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (7) "**bed and breakfast establishment**" means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of two (2) rental bedrooms, with or without meals, are provided for remuneration to members of the public;
- (8) "**boarding house**" means a building, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public;
- (9) "**boat house**" means an accessory building for sheltering a boat or boats;
- (10) "**building**" includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
- (11) "**campground**" means an area where spaces for tenting, as opposed to the parking and use of recreational vehicles, is allowed;

- (12) "**canopy**" means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (13) "**care facility**" means a development which provides resident care service in a dwelling unit to individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Care facilities include foster or boarding homes for children and group homes;
- (14) "**carport**" means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (15) "**chattel**" means a movable item of personal property;
- (16) "**commercial use**" means a development where goods and/or services are either sold or rented to the public. Commercial uses include retail and wholesale sales and services, restaurants, offices except for the offices of the municipality, financial services, professional services, and entertainment services, but do not include home occupations;
- (17) "**corner lot**" means a lot with boundary lines on two separate roads, at the boundaries of which the roads intersect, or with a boundary line on a single road that curves at an angle of sixty (60) degrees or more at the subject lot;
- (18) "**corner site**" means a part of a lot adjacent to two separate roads or lanes, or any combination of them, or adjacent to a single road or lane that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or lane right-of-way boundary lines and a straight line joining points on the road or lane right-of-way boundary line a distance of 6.0 m (19.7 m) from their intersection;
- (19) "**Council**" means the Council of the Summer Village of Point Alison;
- (20) "**child care operation**" means a child care operation within a dwelling unit that serves any number of children and is operated either under contract with a Family Day Home Agency or independently as a private babysitting facility;
- (21) "**deck**" means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.);
- (22) "**developer**" means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

- (23) **"developable area"** means that portion of a lot or site which is not subject to a potential flood hazard as described in Section 1.16 of Part One of Schedule B of this Bylaw, which is not covered by an easement preventing construction, and which is not affected by the minimum required yards and/or setbacks of this Bylaw;
- (24) **"development"** means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or 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 includes:
- (e) any increase in the number of households occupying and living in any building or on any lot, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any lot, including any increase in the number of dwelling units in a building or on a lot; or
  - (f) the placing of refuse or waste material on any land; or
  - (g) the resumption of the use for which a lot or a building had previously been utilized;
  - (h) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
  - (i) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
  - (j) the placement of an already constructed or a partially constructed building on a parcel of land; or
  - (k) the use of a lot or a part of a lot for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the lot in any way; or
  - (l) the more frequent or intensive use of a lot or a part of a lot for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the lot in any way; or
  - (m) the removal of topsoil; or
  - (n) the erection of a sign or signs; or
  - (o) the demolition of any building.
- (25) **"Development Authority"** means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (26) **"development permit"** means a document authorizing a development issued

pursuant to this Bylaw. A development permit will normally include a plan or drawing or a set of plans or drawings, specifications, or other documents. This permit is separate and distinct from a building permit or any other permit or approval required under any other municipal bylaw or provincial legislation or regulation;

- (27) "**discontinued**" means the time at which, in the sole opinion of the Development Authority, substantial construction activity, or a non-conforming use or conforming use, or the use of a non-conforming building or conforming building has ceased;
- (28) "**discretionary use**" means the use of a lot or a building provided for in this Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made;
- (29) "**dwelling**" means any building used for human habitation and which is supported on a foundation or base which includes a kitchen. This definition shall include Type A and Type B single detached dwellings, secondary dwellings, and multi-family dwellings, but does not include a park model or a guest house;
- (30) "**dwelling, single detached**" means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. This term includes a dwelling that would be considered to be a manufactured home, a modular dwelling, or a site built dwelling but does not include park models;
- (31) "**dwelling, single detached, Type A**" means a single detached dwelling containing only one (1) kitchen, either modular or site-built, for which the ratio of depth vs. width (or width vs. depth) is less than 3:1, the roof pitch is equal to or greater than 1:4, and the depth of eaves is equal to or greater than 30 cm (1.0 ft.);
- (32) "**dwelling single detached, Type B**" means a single detached dwelling containing only one (1) kitchen, either modular or site-built, for which the ratio of depth vs. width (or width vs. depth) is equal to or more than 3:1, the roof pitch is less than 1:4, or the depth of eaves is less than 30 cm (1.0 ft.);
- (33) "**dwelling unit**" means a complete dwelling or self-contained portion of a dwelling or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit. A dwelling unit does not contain more than one room, which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen;
- (34) "**easement**" means a right to use land, generally for access to other property or as a right-of-way for a public utility;



- (35) "**excavation**" means any breaking of ground, except common household gardening and ground care;
- (36) "**family**" means two (2) or more persons related by heredity, blood, marriage, a common-law relationship or adoption;
- (37) "**fence**" means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (38) "**fire pit**" means a hole or pit dug into the ground or made from stones, masonry, or similar materials, for having a fire. Normally the fire may be used for cooking or warmth; however, no particular purpose for the fire is required for the fire pit to be considered a fire pit;
- (39) "**floor area**" means the total of the floor areas of every room and passage way contained in a building, but not including the area of the basement, attic, walls, attached garages, sheds, open porches or breezeways, or any portion of the building where the floor and ceiling are separated by less than 2.0 m (6.6 ft.);
- (40) "**foundation**" means the lower portion of a building, and includes the footings which transfer the weight of and loads on a building to the ground. Though normally below grade, a foundation may be above or at grade;
- (41) "**garage**" means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles. A garage may include a carport;
- (42) "**grade**" means the ground level adjacent to the exterior of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building at a distance of 1.0 m (3.3 ft.) outside the exterior walls of the building;
- (43) "**ground floor area**" means the greatest horizontal area of a building above grade within the outside surface of exterior walls, or within the glassline of exterior walls and the centerline of fire walls, but not including the floor areas of basements, attached garages, sheds, open porches, or breezeways;
- (44) "**guest house**" means an accessory building or a part of an accessory building which is used for human habitation and which contains a bedroom or bedrooms, which may contain bathroom facilities, but which does not include a kitchen;
- (45) "**habitable room**" means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms and dens, excluding non-habitable rooms which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas, and rooms in basements used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

- (46) **"height, building"** means the vertical distance measured from the average elevation at grade at the four corners of the building being measured, to the highest part of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;
- (47) **"height, wall"** means the vertical distance measured from the average elevation at grade at the two corners of the wall being measured, to the highest part of the roof structure above the wall, exclusive of any accessory construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;
- (48) **"home occupation, major"** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling and/or within the accessory buildings associated with that dwelling by at least one permanent resident of said dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A major home occupation does not include adult entertainment services, day homes, bed and breakfast establishments, dating or escort services, or veterinary services;
- (49) **"home occupation, minor"** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling, but not within any accessory buildings associated with that dwelling, by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A minor home occupation does not include adult entertainment services, bed and breakfast establishments, dating or escort services, or veterinary services;
- (50) **"household"** means:
- (a) a person, or
  - (b) a family, or
  - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;
- (51) **"industrial uses"** means development used for one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or transshipment of

materials, finished goods, products, or equipment;

- (52) **"institutional use"** means development for the purpose of education or health service. Uses include but are not limited to public and private schools, hospitals, nursing homes, and senior citizen lodges, but do not include detoxification centres or remand and/or correction centres;
- (53) **"intensive recreational use"** means high density recreational activity such as, but not limited to, a campground, picnic ground, marina, lodge, swimming beach, boat launch, park, hotel, recreational vehicle park, and golf course;
- (54) **"kennel"** means any building in which more than two (2) dogs or cats or any other pets are maintained, boarded, bred, trained, cared for, or kept for the purposes of sale, or in which more than two (2) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
- (55) **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (56) **"line, front"** means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (57) **"line, rear"** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a road;
- (58) **"line, side"** means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (59) **"livestock"** means livestock as defined in the Alberta Agricultural Operation Practices Act;
- (60) **"lot"** means:
- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision, or
  - (d) a parcel of land described in a certificate of title containing one or more lots or parts of lots that are described on a Plan of Survey or other plan of subdivision. For the purposes of this Bylaw, reference to "lot" shall not mean a lot on a Plan of Survey or other plan of subdivision unless the title contains only one such lot;

- (61) **"lot area"** means the total area of a lot;
- (62) **"lot coverage"** means the combined area, measured at 1.0 m (3.3 ft.) above grade, of all buildings on a lot excluding all features which would be allowed under this Bylaw as projections into required yards;
- (63) **"lot width"**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (64) **"maintenance"** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the floor area of any dwelling unit or the internal volume of any building;
- (65) **"manufactured home"** means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label AND an Alberta Municipal Affairs label that certifies compliance to the ABC. A manufactured home does not include a park model;
- (66) **"modular dwelling"** means a single detached dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction, and includes both manufactured and mobile homes. A modular dwelling does not include a park model;
- (67) **"multi-family dwelling"** means a dwelling containing three (3) or more dwelling units;
- (68) **"municipality"** means the Summer Village of Point Alison;
- (69) **"non-conforming building"** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (70) **"non-conforming use"** means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land

- or building becomes effective, and
- (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (71) "**nuisance**" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;
- (72) "**occupancy**" means the use or intended use of a building or a part thereof for the shelter or support of persons or property;
- (73) "**offensive**" or "**objectionable**" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation; fire or explosion hazard; heat; humidity; glare; or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or become a nuisance, or hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure;
- (74) "**owner**" means:
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
- (b) in the case of any other land, the person shown as the owner of a parcel of land on the municipality's assessment roll;
- (75) "**park**" means an outdoor area where passive and active recreation activities may take place, and which may include the placement of recreational equipment;
- (76) "**park model**" means a recreational vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which can be relocated from time to time; which has a maximum length of 12.8 m (42.0 ft.) and a maximum width of 3.66 m (12.0 ft.), excluding all extensions, pull outs, tip outs, etc.;
- (77) "**parking stall**" means a space on a lot set aside for the parking of one (1) vehicle;
- (78) "**patio**" means any developed surface adjacent to a building which surface is less than 0.6 m (2.0 ft.) above grade;
- (79) "**permitted use**" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied and all of the considerations and requirements of the Development Authority are or will be met;

- (80) "**place of worship**" means a building wherein people regularly gather for worship and related religious, philanthropic or social activities. Typical uses include churches, chapels, convents, kingdom halls, monasteries, mosques, synagogues, and temples. Places of worship may also contain facilities for eating and drinking establishments as an accessory use and, from time to time, part of a place of worship may be used as an entertainment establishment;
- (81) "**principal building**" means a building in which, in the sole opinion of the Development Authority, the main or principal use of the lot on which it is erected is conducted;
- (82) "**principal use**" means the use which, in the sole opinion of the Development Authority, is the main or principal use of the lot on which the use is located;
- (83) "**public utility**" means a public utility, as defined in the Act, except for those public utilities described as being utility services in this Bylaw;
- (84) "**public utility building**" means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- (85) "**public use**" means a development used for the purposes of public assembly or culture, or providing government services to the public. It includes government buildings, libraries, and community halls. Buildings containing public uses may also contain facilities for an accessory use;
- (86) "**real property report**" means a survey and report prepared by an Alberta Land Surveyor which certifies the location of all improvements on a lot;
- (87) "**recreational equipment**" means a development for either active or passive recreation which is not within an enclosed building. Recreation equipment includes swing sets, baseball diamonds, soccer fields, outdoor recreation sets, playgrounds, and the like;
- (88) "**recreation facility**" means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;
- (89) "**recreational vehicle**" means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The basic entities are travel trailers, camping trailers, truck campers, 5<sup>th</sup> wheels, and motor homes;

- (90) **"recreational vehicle park"** means a development which is designed for or intended to be used for the temporary location of more than one recreational vehicle. A recreational vehicle park may include a campground;
- (91) **"renovation"** means; an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (92) **"road"** means a right-of-way of no less than 10.0 m (32.8 ft.) in width on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include a lane;
- (93) **"sea can"** means a container, generally used for storage purposes, that includes but is not limited to sea, land, and rail shipping containers. For the purposes of this Bylaw a sea can is considered to be an accessory building and shall be subject to all of the regulations of an accessory building;
- (94) **"secondary suite"** means an additional dwelling unit located within a single detached dwelling;
- (95) **"setback"** means the distance between an lot boundary and the nearest point on the exterior wall of a building on the lot;
- (96) **"sign"** means any building or structure carrying an advertisement. Any building or structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs;
- (97) **"site"** means a lot or a number of lots, or a portion of a lot or a number of lots, on which development exists or is proposed;
- (98) **"site built"** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished on location using stock materials;
- (99) **"storey"** means the habitable space between the upper face of one floor and then ext above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;
- (100) **"Subdivision and Development Appeal Board"** means the Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw and appointed by Council;
- (101) **"Subdivision Authority"** means the Subdivision Authority established by the municipality's Subdivision Authority Bylaw and appointed in accordance with the

provisions of that Bylaw;

- (102) **"temporary building"** means a building that has been allowed to be located and/or used for a limited time only;
- (103) **"temporary use"** means a use that has been allowed to be located and/or operate for a limited time only;
- (104) **"use"** means a use of land or a building as determined by the Development Authority;
- (105) **"utility services"** means development for sewage treatment plants, garbage transfer stations, power stations, incinerators, and recycling plants;
- (106) **"vehicle, heavy"** means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight of 1500 kg (3300 lbs.), or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;
- (107) **"yard"** means a part of a lot upon or over which no main building is erected;
- (108) **"yard, front"** means a yard extending across the full width of a lot from the front line to the nearest wall of the principal building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (109) **"yard, rear"** means a yard extending across the full width of a lot from the nearest wall of the principal building situated on the lot to the rear line of the lot;
- (110) **"yard, side"** means a yard extending from the nearest wall of the principal building situated on a lot to the side line, and lying between the front and rear yards on the lot;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

## **1.6 Establishment of Districts**

- (1) For the purpose of this Bylaw, the Summer Village of Point Alison is divided into the following Districts:
  - Residential – R
  - Park District – P
- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A hereto.
- (3) Where uncertainty exists as to the boundaries of Districts as shown on the Land



Use District Map, the following rules shall apply:

- Rule 1. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
  - Rule 2. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
  - Rule 3. Where a boundary is shown as approximately following the shoreline of a waterbody, it shall be deemed to follow such line and in the event of change in the shoreline, it shall be deemed as moving with same.
  - Rule 4. In circumstances not covered by Rule 1, Rule 2, or Rule 3, the location of the boundary shall be determined:
    - (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
    - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (4) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (5) After the Council has fixed a District boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## **1.7 Establishment of Land Use District Regulations**

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto, which Schedule is hereby adopted to be part of this Bylaw, and which may be amended in the same manner as any other part of this Bylaw.

## **PART TWO - AGENCIES**

### **2.1 Development Authority**

- (1) The Development Authority for the Summer Village of Point Alison is hereby established.
- (2) The Development Authority shall be appointed by resolution of the Council.
- (3) The Development Authority shall perform such duties that are specified in this Bylaw.
- (4) The Development Authority shall also:
  - (a) keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge;
  - (b) make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;
  - (c) collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council;
  - (d) be declared to be the designated officer for the purposes of Section 542 of the Act; and
  - (e) sign any order, decision, approval, notice or other thing it makes or gives.

### **2.2 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

### **2.3 Council**

The Council shall perform such duties as are specified for it in this Bylaw.

# **PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES**

## **3.1 Control of Development**

- (1) No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (2) No use defined in this Bylaw which is not listed as either a permitted or a discretionary use in this Bylaw is allowed within the municipality.

## **3.2 Development Not Requiring a Development Permit**

The following development shall not require a development permit:

- (1) the carrying out of works of improvement, maintenance, renovation, or repair to any building, provided that such works do not include structural alterations or works of renovation that would require a building permit;
- (2) the completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the said approval;
- (3) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Section 1.14 of Schedule B hereof;
- (5) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided that the temporary building is removed within thirty (30) days of substantial completion of the building for which the permit has been issued, as determined by the Development Authority;
- (6) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (7) a single storey accessory building with a floor area not more than 9.3 sq. m (100 sq. ft.) and a height not more than 2.5 m (8.2 ft.), provided that the accessory

building is not a garage or a boat house, and further provided that the accessory building satisfies the setback requirements for accessory buildings in the District in which it is located and in Section 1.15 of Schedule B of this Bylaw;

- (8) development which is exempted from requiring a development permit pursuant to the Act;
- (9) the following signs:
  - (a) signs posted or exhibited within a building that are not visible from outside the building;
  - (b) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
  - (c) a statutory or official notice of a function of the municipality;
  - (d) traffic signs authorized by the municipality and/or provincial authorities;
  - (e) signs posted or exhibited solely for the identification of the land or building on which the signs are displayed, or to give directions to visitors, including personal signs identifying the occupants, and signs indicating the street address of a building or lot, if the total area of the signs on a lot does not exceed 0.3 sq. m (3.23 sq. ft.) in area, subject to all other orders, bylaws, and regulations affecting such signs;
  - (f) a maximum of two (2) on-site signs relating to the sale of the land on which the signs may be erected or attached, provided that
    - (i) such signs on any lot in any Residential (R) District do not exceed 0.46 sq. m (5.0 sq. ft.) in area each, and
    - (ii) such signs on any lot in any other District do not exceed 0.8 sq. m (9.0 sq. ft.) in area each, and
    - (iii) such signs are not illuminated;
  - (g) campaign signs for federal, provincial, municipal, or school board elections on lots for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:
    - (i) such signs are removed within fourteen (14) days after the election date,
    - (ii) the consent of the lot owner and/or occupant is obtained,
    - (iii) such signs do not obstruct or impair visibility or traffic,
    - (iv) such signs are not attached to trees or utility poles,
    - (v) such signs indicate the name and address of the sponsor and the person responsible for the sign's removal.
  - (h) signs on land or buildings used for public uses, provided that:
    - (i) such signs do not exceed 1.10 sq. m (12.0 sq. ft.) in area each, and
    - (ii) there are no more than one (1) sign for each side of the land or buildings on a different road;
  - (i) signs of building contractors relating to construction work in progress on the lot on which the signs are erected, provided that:
    - (i) such signs do not exceed 3.0 sq. m (32.0 sq. ft.) in area each,
    - (ii) there are no more than one (1) sign for each side of the land or buildings on a different road, and

- (iii) such signs are removed within fourteen (14) days of occupancy of the building which has been constructed.
- (10) landscaping where the proposed grades will not adversely affect the subject or adjacent lots, including the hardsurfacing of part of a lot to provide vehicular access from a road to a garage or carport, but not including changes in grade, stockpiling, or excavation;
- (11) the keeping of animals as outlined in Section 1.20 of Schedule B of this Bylaw; or
- (12) the demolition or removal of any building or use for which erection or use a development permit would not be required pursuant to subsections (4) through (11) above, both inclusive.

### **3.3 Non-Conforming Buildings and Uses**

- (1) If a development permit has been issued on or before the day on which this Land Use Bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(7) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the

building may not be repaired or rebuilt except in accordance with this Bylaw.

### **3.4 Permission for Development**

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (a) a Real Property Report prepared by an Alberta Land Surveyor for the site showing:
    - (i) the site's legal description,
    - (ii) the boundaries of the site including the boundaries of any lots that may make up the site,
    - (iii) all of the existing buildings on the site,
    - (iv) elevations and heights of existing buildings and floors relative to grade elevations,
    - (v) the existing front, rear, and side yards, if any,
    - (vi) existing access and egress points to the site;
  - (b) a site plan in duplicate showing:
    - (i) the location and heights of all of the proposed buildings on the site, relating them to the existing buildings by showing the distances between them,
    - (ii) elevations of proposed buildings and floors relative to grade elevations;
    - (iii) the proposed front, rear, and side yards, if any of proposed buildings,
    - (iv) the location of any temporary storage facilities, buildings, sea cans, etc. to be used during the construction period,
    - (v) any provision for vehicle standing and parking stalls, and
    - (vi) proposed access and egress points to the site;
  - (c) existing and proposed grades on the subject lot and on adjacent lots and roads, and an indication of where and how storm water is to be directed;
  - (d) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way; and
  - (e) an indication of how potable water is to be supplied to the development and sanitary sewage is to be disposed of from the development, including the location of existing and proposed cisterns and holding tanks, their capacities, and accesses to them, including the means whereby trucks are to access them for filling or emptying them;
  - (f) an indication of the estimated cost of the development and of its components;
  - (g) an indication of the existing and proposed uses;
  - (h) an indication of the ownership of the land and the interest of the applicant;
  - (i) the estimated commencement and completion dates;
  - (j) a fee as established by Council.
- (2) The Development Authority may also require additional information in order to

assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:

- (a) outlines of roof overhangs on all existing and proposed buildings;
  - (b) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the ground floor in the principal and accessory buildings;
  - (c) a shadowing plan of the proposed development, showing the areas that would be shaded from the sun by the existing and proposed development on the lot at various times during the year and during the day;
  - (d) the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - (e) future development plans for a site which is to be partially developed through the proposed development permit, especially if the permit application is for an accessory building when there is no principal building on the subject lot;
  - (f) in the case of a proposed home occupation, information concerning the nature of the business, the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - (g) in the case of the placement of an already constructed or partially constructed building on a site, including a Type B single detached dwelling, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building and information regarding conformity with regulations made pursuant to the Alberta Safety Codes Act;
  - (h) any other information or tests required by the Development Authority, at his sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
  - (i) a statutory declaration indicating that the information supplied is accurate.
- (3) The Development Authority may also require with an application for a development permit information prepared by a Professional Engineer describing the potential of a subject site being flooded from any rise in the elevation of Lake Wabamun, the elevation of the water table at various points on the subject lot, the potential subsidence or erosion of a subject site, and the ground compaction of a subject site, and further information describing the mitigative measures necessary to eliminate the defined flood, subsidence, erosion hazard or to resolve any ground compaction concerns.
- (4) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.

- (5) The Development Authority shall:
  - (a) receive and review all applications;
  - (b) refer any development permit application for comment or input to any agency of the provincial or federal government, any utility, or any private agency, which, in his sole discretion, he believes may have an interest in the proposed development;
  - (c) consider and decide on all applications for a development permit;
- (6) In making a decision, the Development Authority may:
  - (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions considered appropriate,
  - (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (7) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations 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, if, in the opinion of the Development Authority:
  - (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (8) The Development Authority may require that as a condition of issuing a development permit, the applicant undertake construction in accordance with and complete the site plans, landscaping plans, drainage plans, engineering plans, and grading plans submitted, undertake any remedial measures recommended or required by any engineering or environmental screening reports provided to the Development Authority during the development permit application process.
- (9) The Development Authority may require that as a condition of issuing a development permit, the applicant undertake grading and/or landscaping to satisfy any of the requirements of Part One of Schedule B of this Bylaw.
- (10) For the development of an accessory building where there is no principal building on the subject lot, the Development Authority may require that as a condition of issuing a development permit, the accessory building be removed after a set period of time if the further development of a principal building has not occurred.
- (11) The Development Authority may require that as a condition of issuing a development permit, the applicant provide verification, by a person appointed by the Summer Village, or certification by either an engineer or an Alberta Land Surveyor, in the form of an engineer's report, a Real Property Report, or some



other report that the Development Authority believes will indicate that the works have been satisfactorily completed, that the site plans, landscaping plans, drainage plans, engineering plans, and grading plans submitted, and remedial measures recommended or required by any engineering reports provided have been completed in accordance with the Development Authority's approval.

- (12) The Development Authority may require that as a condition of issuing a development permit, the applicant provide verification that regulations or legislation affecting any matter which is not within the jurisdiction of the municipality or the Development Authority has been satisfied.
- (13) The Development Authority may require, as a condition of issuing a development permit, that sanitary sewage from the proposed development be disposed of by being first stored in a holding tank, and then being pumped out into and transported by truck to another location, rather than by any form or system that would result in the placement of sanitary sewage or any material or liquid either under or on the ground.
- (14) The Development Authority may also 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 roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development,
  - (b) install or pay for the installation of public utilities other than telecommunications systems or works,
  - (c) to pay an off-site levy, and/or
  - (d) to give security to ensure that the terms of the agreement noted herein are carried out.
- (15) The Development Authority may, on behalf of the municipality, register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of the development agreement against the certificate of title for the lot that is the subject of the development agreement, with the said caveat being discharged when the agreement has been completed.
- (16) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority shall not accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal at his sole discretion.
- (17) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.

- (18) 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 by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this subsection.
- (19) The Development Authority may suspend or revoke a development permit where:
  - (a) the applicant fails to comply with the conditions of the approval of a permit, or
  - (b) development on the lot is undertaken contrary to the terms or conditions of a permit, or
  - (c) the application for the development permit contained incorrect information, or information which was subsequently found to be incorrect, or
  - (d) the development permit was issued in error.
- (20) Any person who undertakes any development without a development permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing being issued by the Development Authority, and shall not resume such development unless a development permit has been issued or the development permit is reinstated.

### **3.5 Permission for Demolition**

- (1) In addition to the requirements indicated in Section 3.4, an application for a development permit for the demolition of a building shall include the following information:
  - (a) the value of the building,
  - (b) the alternatives to demolition if the building is of historic or architectural value,
  - (c) the purpose of the building demolition and the type of structure to replace the demolished building,
  - (d) a work schedule of the demolition and site cleanup,
  - (e) the destination of debris materials, and
  - (f) the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development.
- (2) The Development Authority may also require the applicant to complete a Hazardous Materials Assessment Report before consideration of the development permit application for demolition of a building shall commence.
- (3) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements,

require that the applicant undertake any and all actions he deems, in his sole opinion, necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

### **3.6 Development Permits and Notices**

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision or development permit is received as described in Section 3.6(3) of this Bylaw. For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued, the Development Authority shall immediately:
  - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (b) immediately mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected.
- (4) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within twelve (12) months of commencement, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority. In such a case the applicant is not entitled to a fee rebate. If the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- (5) Where an appeal is made pursuant to Part Four of this Bylaw, the periods referenced in Section 3.6(4) above shall not commence until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (8) When an application for a development permit has been approved by the Development Authority, the development permit shall not be valid unless and until:
  - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and

- (b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in Part Four.
- (9) When an application for a development permit has been approved by the Subdivision and Development Appeal Board, the development permit shall not be valid unless and until:
- (a) the Board has issued its decision, and
  - (b) any conditions of approval, save those of a continuing nature, have been fulfilled.
- (10) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision to the Court of Appeal, such notice shall operate to suspend the development permit.

The final determination of an appeal to the Court of Appeal shall operate to validate, amend or revoke, as the case may be, a development permit suspended under this Section.

- (11) The Development Authority may suspend or revoke a development permit:
- (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
  - (c) within fourteen (14) days of issue of the permit, where the permit was issued in error.

## PART FOUR - APPEALS

### 4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues a development permit for a discretionary use, or for a permitted use, or
  - (d) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by Council
  - (a) within nineteen (19) days after the date the order, decision or permit issued by the Development Authority was mailed in accordance with Section 3.5(3)(b)(ii) of this Bylaw; or
  - (b) within fourteen (14) days after the date the order, decision or permit issued by the Development Authority was publicized in accordance with the other methods indicated in Section 3.5(3) of this Bylaw; or
  - (c) within fourteen (14) days after the forty (40) day period referred to in subsection (1)(a) has expired.

### 4.2 Appeal Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those adjacent land owners who were notified under Section 3.5(3)(c) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and

- (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1, as the case may be.
- (4) at the appeal hearing referred to in subsection (1), the Board shall hear:
  - (a) the appellant or any other person acting on behalf of the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on behalf of that person; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on behalf of that person.

### **4.3 Decision**

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

# PART FIVE – ENFORCEMENT, AMENDMENT, AND ADMINISTRATION

## 5.1 Contravention

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
  - (a) the Act or the regulations made thereunder, or
  - (b) a development permit or subdivision approval, or
  - (c) this Bylaw,the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to
  - (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - (ii) demolish, remove or replace the development, and/or
  - (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,within the time frame specified by the notice, as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where any person obstructs or hinders the Development Authority or any other person in the exercise or performance of his powers or duties under the Act, that obstructing or hindering person shall be guilty of an offence and liable to a fine or to imprisonment in accordance with Provincial legislation.
- (5) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

- (7) **Violation Tickets**
- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
  - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Summer Village.
  - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
  - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
  - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
  - (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## **5.2 Amendment of the Land Use Bylaw**

- (1) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.
- (2) A person may apply to have this Bylaw amended, by applying on the form provided by the municipality, paying the fee therefore as established by Council, and providing:
  - (a) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land,
  - (b) a statement of the specific amendment requested,
  - (c) the purpose and reason for the application,
  - (d) if the application is for a change of district, the legal description of the lands,
  - (e) drawings showing the subject site, the dimensions of the site, and the proposed use and development to be proposed on the site, if applicable,
  - (f) a statement indicating the suitability of the lands for the proposed District and/or development, and
  - (g) such other information as the Development Authority or Council deems necessary to assess the application.



- (3) Upon receipt of an application for amendment to this Bylaw, the Development Authority shall determine when the application will be placed before Council and shall advise the applicant of that date, at which time, at the discretion of Council, the applicant may be allowed to present his application. An application for amendment shall be placed before Council within one hundred and twenty (120) days of its receipt by the Development Authority.
- (4) At the same time as forwarding the application for amendment to Council, the Development Authority may, at its sole discretion, refer the application for further information to any person or agency it wishes.
- (5) In considering an application for amendment to this Bylaw, the Council may, at its sole discretion, refer the application for further information to any person or agency it wishes, and instruct the Development Authority to do so on its behalf.
- (6) In its first consideration of an application for amendment to this Bylaw, the Council may also, at its sole discretion:
  - (a) pass first reading to the proposed amendment, with or without modifications, or
  - (b) pass first reading to an alternate amendment, or
  - (c) not pass first reading.
- (7) Following its first consideration, the Council shall establish the date, time and place for a Public Hearing on the proposed amendment, and the procedures to be used during that Public Hearing.
- (8) Following establishment of the date, time and place for a Public Hearing, the Development Authority, on behalf of the municipality, shall issue a notice of the Public Hearing:
  - (a) by publication in two (2) issues of a newspaper circulating within the municipality, the publication date of the second issue being not less than five (5) days preceding the date of the Hearing, and
  - (b) by mailing notice no less than ten (1) days preceding the date of the Hearing to:
    - (i) the applicant, and
    - (ii) if the proposed bylaw would result in a change of District designation, the registered owner of the land (if different from the applicant) and the owners of adjacent land.
- (9) The notice of the Public Hearing shall provide the following information:
  - (a) the purpose of the proposed amendment,
  - (b) the date, time and place of the Public Hearing, and
  - (c) that the proposed amendment and any public documents applicable to the proposed amendment may be inspected at the office of the municipality at all reasonable times.

- (10) At the Public Hearing, the Council shall hear:
  - (a) any person or group of persons acting on his or their behalf, who:
    - (i) has complied with the procedures outlined by Council, and
    - (ii) claims to be affected by the proposed amendment, and
  - (b) any other person who wishes to make representations and whom the Council agrees to hear.
  
- (11) After considering any representations made at the Public Hearing, any information received from referral, and any other information it deems reasonable, the Council may:
  - (a) make such changes or modifications as it considers reasonable and/or necessary to the proposed amendment, if any, and either
  - (b) proceed to pass the proposed Bylaw implementing the amendment, or
  - (c) defeat the proposed Bylaw implementing the amendment.
  
- (12) Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
  
- (13) After third reading of the Bylaw, the Development Authority shall send a copy of it to:
  - (a) the applicant,
  - (b) the registered owner of the land if different from the applicant, and
  - (c) any other agency the Development Authority sees fit.

### **5.3 Forms**

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality.
- (2) All applications for a development permit pursuant to this Bylaw shall be made to the Development Authority on the form provided by the municipality.

### **5.4 Amending Bylaws**

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

### **5.5 Schedules**

Schedules A and B are part of this Bylaw.

### **5.6 Repealing Existing Controls**

Bylaw No. 101, as amended, is hereby repealed.

**5.7 Date of Commencement**

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

READ A FIRST TIME IN COUNCIL THIS 2nd DAY OF December, A.D. 2010

  
Mayor

  
Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS 2nd DAY OF December, A.D. 2010

  
Mayor

  
Chief Administrative Officer



READ A THIRD TIME IN COUNCIL THIS 2nd DAY OF December, A.D. 2010

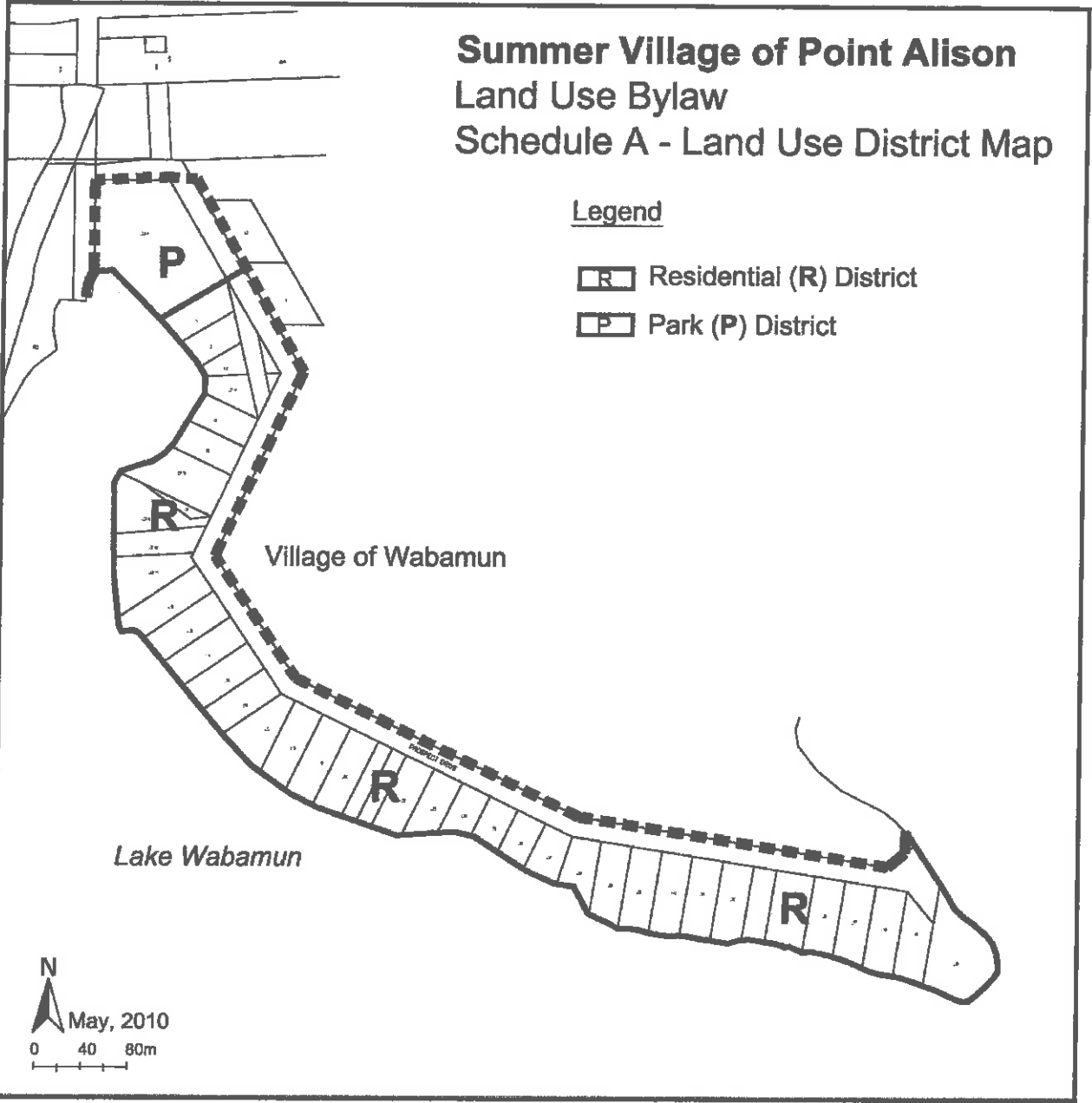
  
Mayor

  
Chief Administrative Officer

# Summer Village of Point Alison Land Use Bylaw Schedule A - Land Use District Map

Legend

-  Residential (R) District
-  Park (P) District



# **SCHEDULE B – SCHEDULE OF LAND USE DISTRICT REGULATIONS**

## **PART ONE – GENERAL PROVISIONS**

### **1.1 Subdivision of Land**

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.

### **1.2 Top Soil Excavation**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, a minimum topsoil coverage in accordance with approved grading plans as approved by the Development Authority and the affected area shall be landscaped to the satisfaction of the Development Authority.

### **1.3 Utility Easements**

No permanent building other than a fence shall be construed or placed on an easement unless:

- (1) in the opinion of the Development Authority, the building will not restrict access to the easement for the purpose of installation and maintenance of any utility within the easement, and
- (2) written consent has been obtained from the person or agency for whose use the easement has been granted.

### **1.4 On-Site and Off-Site Services**

- (1) Where any on-site services or improvements or any off-site local improvements are required to service a proposed development, a developer shall not begin any development or excavation for a foundation until the Development Authority has indicated, in writing, that he is satisfied that such services or improvements will be undertaken.
- (2) No development permit shall be issued for a development to be served by individual sewage disposal and water supply systems without a condition that once approvals for such systems have been received, copies of the approvals will be filed with the Development Authority.

## **1.5 Landscaping, Grading, and Shadowing**

- (1) Storm water from a lot is not to be directed onto adjoining lots. Every owner/ developer shall landscape their lot such that surface water does not drain onto neighbouring lots.
- (2) Landscaping plans for a lot shall indicate existing vegetation on a lot, vegetation that is to be removed, and what vegetation is to be planted, together with all “hard” landscaping, that is, walkways, patios, sitting areas, benches, pools, gazebos, etc. The basic principals to be considered by the Development Authority in dealing with a landscaping plan are that:
  - (a) vegetation which must be removed for buildings or surface structures such as hard landscaping may be removed, but it should effectively be replaced by new vegetation,
  - (b) vegetation forming a buffer and/or a visual barrier between development on the subject lot and both the boundaries of adjacent lots, the adjacent road, and Lake Wabamun should be retained, enhanced or replaced, and
  - (c) the cost of landscaping a development is to be equal to approximately 10% of the cost of the development. In calculating the cost of landscaping, the Development Authority shall include, as a credit against the 10% figure, a value for the landscaping on the subject site which is to be retained through the development process.
- (3) Any area to be landscaped may, at the discretion of the Development Authority, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.
- (4) When landscaping or planting is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within the time period indicated by the Development Authority within his approval of the development permit.
- (5) The basic principal to be considered by the Development Authority in dealing with shadowing is a development on one lot is not to shadow the living area on adjacent lots in such a manner that the Development Authority, in his sole opinion, believes would interfere with the use, enjoyment, or value of the adjacent lots.

## **1.6 Projection into Yards**

- (1) Except as provided in this part, and except for fences as noted in Section 1.4(1) of this Schedule, no portion of a building shall be located or project into a required yard.

(2) Front Yards

The following features may project into a required front yard or rear yard:

- (a) steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.5 m (4.9 ft.);
- (c) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

(3) Side Yards

The following features may project into a required side yard; except where a side yard of 3.0 m (9.8 ft.) is required for vehicular passage:

- (a) steps, chimneys and decks, provided such projection does not exceed 50% of the width of the required side yard;
- (b) eaves, gutters and sills or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- (c) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 0.6 m (1.9 ft.);
- (d) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

- (4) No portion of a building shall project into a road.

## 1.7 Objects Prohibited or Restricted in Yards

No person shall keep or permit in any part of any yard in any Residential District:

- (1) any dismantled, wrecked, or unlicensed vehicle for more than fourteen (14) successive days;
- (2) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
- (3) any excavation, storage or piling up of materials unless required for immediate construction;
- (4) any heavy vehicle; or
- (5) any debris, rubbish, garbage, or solid waste; or
- (6) any development or storage or activity which, in the sole opinion of the Development Authority, is or may be or may become offensive, objectionable, or a nuisance by reason of the generation of noise, vibration, dust or other particulate matter, smoke, odour, toxic or noxious matter, radiation, fire or explosion hazards, heat, humidity, glare, refuse, waste (either in air, in water or on land), water, or steam or any other substance or energy or any of them.

## **1.8 Protection from Exposure Hazards**

- (1) Liquid Petroleum Gas containers shall be located in accordance with regulations under the Fire Code Act.
- (2) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- (3) Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and the appropriate Provincial legislation or regulations.
- (4) No anhydrous ammonia storage shall be allowed in the municipality.

## **1.9 Building Appearance and Design**

- (1) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.
- (2) The design, character and appearance of any building or sign must be acceptable to the Development Authority having regard to:
  - (a) amenities such as daylight, sunlight and privacy on the subject site and on adjacent sites,
  - (b) the character of existing development in the area of the proposed development,
  - (c) the effect of the proposed development on adjacent lots,
  - (d) the scale of the proposed development relative to adjacent development and the municipality as a whole.

## **1.10 Relocation of Buildings/Moved-in Buildings**

- (1) No person shall:
  - (a) place on a lot a building which has previously been erected or placed on a different lot, or
  - (b) alter the location of a building on a lot which has already been constructed on that lot,unless a development permit has been issued.
- (2) An application for a development permit to relocate or move in an existing building may be approved by the Development Authority under the same circumstances and subject to the same conditions as might apply should the building to be relocated or moved in be constructed on the proposed site. In addition, the Development Authority may also require that the building be renovated, altered, or repaired so as to conform to the design, character, and appearance of existing buildings near the subject lot or of any other design,



character, and appearance that the Development Authority, at his sole discretion, may deem reasonable and/or necessary.

- (3) Any renovations, alterations, or repairs set out as a condition of approval of the permit to satisfy the requirements of subsection (2) above shall be completed within one (1) year of the issuance of subject development permit.
- (4) In making a decision on a development permit application to relocate or move in an already constructed or partially constructed building, the Development Authority shall consider whether the building is or can be made compatible with the character of the neighbourhood in which it is proposed to be located, and may refuse a development permit if the building, in his sole opinion, is or will be incompatible with the neighbourhood.

### **1.11 Demolition of Buildings**

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

- (1) how the demolition will be carried out so as to create a minimum of dust or other nuisance, and
- (2) the final reclamation of the site, which is satisfactory to the Development Authority.

### **1.12 Flood Susceptible Lands**

- (1) Notwithstanding any other provision of this Bylaw to the contrary, no development of dwellings or of accessory buildings to dwellings other than fences, patios and similar buildings may be allowed on lands which, in the opinion of the Development Authority, may be subject to a flood hazard during a 1:100 year flood event or as a result of a 1:100 year high water elevation of any water body, including, but not limited to, Lake Wabamun.
- (2) For the purposes of this Bylaw, the 1:100 year high water elevation of Lake Wabamun shall be 725.42 m (2380 ft.), asl.
- (3) The Development Authority shall require that no dwellings within the municipality be constructed such that their ground floors are below the elevation of 726.42 m (2383.25 ft.) (providing 1.0 m (3.28 ft.) of freeboard above the flood elevation noted in Subsection (2) above), and, further, that a minimum of 2.0 m (6.6 ft.) of the ground adjacent to all dwellings be at a minimum elevation of the same 726.42 m (2383.25 ft.).
- (4) Development on lands which are, in the sole opinion of the Development Authority, suspected to be in an area of high water table shall be prohibited from having basements.

### 1.13 Off-Street Vehicular Parking

When any new development is proposed, off-street vehicular parking stalls or garage spaces shall be provided in accordance with the following:

- (1) Location and Standards of Parking Stalls
  - (a) All parking stalls or garage spaces:
    - (i) shall not be located within 1.0 m (3.3 ft.) of a lot boundary line,
    - (ii) shall be constructed so that adequate access to, and exit from each parking stall is provided at all times to the satisfaction of the Development Authority, and
    - (iii) shall have accesses to roads located and constructed to the satisfaction of the Development Authority.
  - (b) All off-street vehicular parking stalls shall be a minimum of 3.0 m (9.8 ft.) x 9.0 m (29.5 ft.) in size.
- (2) Surfacing and Drainage
  - (a) Parking stalls must be paved or of a gravel mixture as approved by the Development Authority.
  - (b) Each parking stall shall be so graded and drained as to dispose of all storm water runoff to the municipal roadway or lake shore, or to retain the storm water on site. Drainage shall only be allowed to enter the roadway if approved by the Development Authority.
- (3) Required Number of Parking Stalls
  - (a) The minimum number of parking stalls required for each development, shall be calculated from Table 1.
  - (c) In the case of the multiple use of a lot, the Development Authority shall calculate the number of parking stalls required for each individual use, and the total shall be deemed to be the number required for the lot.

**Table 1: Number of Parking Stalls**

<b>Use of Building or Development</b>	<b>Minimum Number of Parking Stalls</b>
<b><u>Residential Uses</u></b>	
All dwellings	2 per dwelling unit
Guest houses	1 per guest house
Minor home occupations	as required by the Development Authority

### 1.14 Gates/Fences/Walls/Hedges

- (1) Notwithstanding any regulation respecting required yard to the contrary in this

Bylaw, a gate, fence, wall or hedge may be constructed along a boundary line of a lot except within a corner site.

- (2) No gate, fence or wall in any District shall be allowed to be higher than grade in a rear yard, that is, within the area between the principal building on a lot and the rear line.
- (3) In addition to Subsection (2) above, no gate, fence or wall in any District shall be:
  - (a) higher than 1.83 m (6.0 ft.) in a required front yard, or
  - (b) higher than 1.83 m (6.0 ft.) in a side yard, or
  - (b) higher than 0.9 m (3.0 ft.) within corner sites.

### **1.15 Accessory Buildings**

- (1) Unless specifically allowed in the District in which the accessory building is located, and unless specifically developed to include a dwelling unit, or unless within a guest house, an accessory building shall not be used, either in whole or in part, as a dwelling or a dwelling unit.
- (2) No accessory building other than a fence, pool, deck, or patio shall be located:
  - (a) within 6.0 m (19.7 ft.) of a front line,
  - (b) within 2.0 m (6.6 ft.) of a side line, except that that setback shall be increased by 0.1 m (0.33 ft.) for every 0.1 m (0.33 ft.) that the wall height of the accessory building exceeds 3.0 m (9.84 ft.),
  - (c) in any rear yard unless, in the sole opinion of the Development Authority, the accessory building is located so as to not affect the view of Lake Wabamun from an adjacent lot,
  - (d) within any easement or right-of-way.
- (3) No accessory building shall exceed 5.2 m (17.0 ft.) in height, nor the height of the principal building on the lot, whichever is the lesser.
- (4) The siting of an accessory building on an irregularly-shaped lot shall be as required by the Development Authority.
- (5) Unless they are attached to the principal building by a roof or an open or enclosed structure, towers and antennae for any purpose shall be considered accessory buildings and shall be subject to all the requirements within this Bylaw for accessory buildings.
- (6) Where any building, including any tower or antennae, is attached to the principal building on a lot by a roof or an open or enclosed structure or a part of a building, it is to be considered a part of the principal building and not an accessory building, and will be subject to all the requirements of the principle building.
- (7) No sea cans are allowed within the municipality except for temporary storage during the construction of an approved development. The presence of the sea can

shall be indicated on the application for the development permit to which the sea can is related.

## **1.16 Recreational Vehicles**

- (1) No person shall keep or permit in any part of any yard in any Residential District any unoccupied recreational vehicle (that is, a recreational vehicle that is “stored” on the lot) outside of a garage.
- (2) No person shall keep or permit in any part of any yard in any Residential District any recreational vehicle that is used as a dwelling or a dwelling unit.
- (3) No person shall keep or permit in any part of any yard in any Residential District any recreational vehicle that is:
  - (a) unlicensed, or
  - (b) located outside an approved parking stall.
- (4) A person may keep or permit the placement of one (1) recreational vehicle on a lot that satisfies the requirements of Subsections (1), (2), and (3) above for up to four (4) days without obtaining a development permit.
- (5) A person may keep or permit the placement of one (1) recreational vehicle on a lot that satisfies the requirements of Subsections (1), (2), and (3) above for between four (4) and fourteen (14) days after obtaining a development permit.
- (6) A person may keep or permit the placement of a second recreational vehicle on a lot that satisfies the requirements of Subsections (1), (2), and (3) above for a maximum of fourteen (14) days after obtaining a development permit.
- (7) A person may keep or permit the placement of any more than two (2) recreational vehicles on a lot only after obtaining a development permit. Though the Land Use Bylaw allows for the placement of more than two (2) recreational vehicles on a lot, the approval of such permits for any period longer than four (4) days will not normally be granted.
- (8) The placement of any number of recreational vehicles on any lot for any purpose for any period exceeding four (4) days shall be allowed only on the basis of the issuance of a development permit, which issuance shall be entirely at the discretion of the Development Authority who, in consideration of the application, shall consider all of the regulations and requirements of this Bylaw that he believes relevant, including the establishment of a time period during which the recreational vehicle may be allowed, and the history of such developments within the municipality.

## 1.17 Home Occupations

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

- (1) A major home occupation shall not be allowed within the municipality.
- (2) A minor home occupation shall comply with the following regulations:
  - (a) The minor home occupation shall not employ any person on-site other than residents of the dwelling. Nor shall the business be such that any clients more than one (1) in each week come to the dwelling.
  - (b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
  - (c) The home occupation shall not create any nuisance or anything of an offensive or objectionable nature.
  - (d) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - (e) A home occupation shall not change the principal character or external appearance of the dwelling involved. There shall be no exterior signage, display or advertisement.
  - (f) No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site.
  - (g) 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.
  - (h) 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.
  - (i) Home occupations shall not involve:
    - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
    - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## 1.18 Dwelling Units on a Lot

No permit shall be issued for more than one (1) dwelling unit on a lot.

## 1.19 Guest Houses

- (1) A guest house shall:
  - (a) only be allowed in those Districts in which guest houses are indicated as a

- (b) permitted or a discretionary use,
  - (b) be located with the same minimum required yards as for a principal building on a lot,
  - (c) have no more bedrooms within it than the principal dwelling on the lot,
  - (d) contain sleeping and bathroom facilities but not kitchen facilities,
  - (d) have full utility services separate from those of the principal dwelling,
  - (f) comply with the Alberta Building Code and all other Provincial and Municipal regulations, and
  - (g) be provided with parking stalls in accordance with Table 1: Number of Parking Stalls.
- (2) The lot on which a secondary dwelling is located shall:
- (a) be limited to one (1) guest house, and
  - (b) not be subdivided (in title) as a result of the presence of a guest house.
- (3) A single detached dwelling must exist on a lot prior to the approval of a development permit for a guest house.

### **1.20 Keeping of Animals**

- (1) No person shall keep or permit to be kept in any part of any yard in any Land Use District any livestock.
- (2) No person shall keep or permit to be kept in any Residential District any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration, whether or not said keeping occurs within the confines of a kennel.

### **1.21 Fire Pits**

- (1) A fire pit may be allowed as an accessory use or building or structure to a Type B single detached dwelling without an approved development permit only if:
  - (a) all setbacks are provided as required for all accessory buildings,
  - (b) the fire pit has a minimum sand base of 15.25 cm (6 in.),
  - (c) the fire pit is contained by concrete blocks or some other non-combustible and non-heat transferring material,
- (2) To develop a fire pit that does not satisfy the design standards indicated in Subsection (1) above, a development permit is required before any development of a fire pit occurs. Further, under these circumstances, the Development Authority will have full discretion to approve, refuse, or approve with conditions, either permanently or for a period of time, any application for a development permit for a fire pit.

## **1.22 Uses not Allowed**

For the sake of clarity, the following uses and developments are not allowed within the municipality:

- (1) bed and breakfast establishments,
- (2) boarding houses,
- (3) campgrounds,
- (4) care facilities,
- (5) commercial uses,
- (6) child care operations,
- (7) industrial uses,
- (8) institutional uses,
- (9) intensive recreational uses,
- (10) kennels,
- (11) livestock,
- (12) major home occupations,
- (13) mobile homes,
- (14) multi-family dwellings,
- (15) places of worship,
- (16) recreation facilities,
- (17) recreational vehicle parks,
- (18) secondary suites,
- (19) single detached dwellings, Type B, or
- (20) utility services,

together with all other uses and developments not defined within this Bylaw

# PART TWO – DISTRICT REGULATIONS

## 2.1 Residential (R) District

The general purpose of this District is to allow the development of single detached dwellings, Type A and associated uses on lots.

### (1) Permitted Uses

- (a) Office of the municipality
- (b) Single detached dwellings, Type A
- (c) Buildings and uses accessory to permitted uses, other than those listed as discretionary uses

### (2) Discretionary Uses

- (a) Boat houses
- (b) Guest houses
- (c) Minor home occupations
- (d) Public uses
- (e) Public utilities that have no office or workshop as a part of the development
- (f) Buildings and uses accessory to discretionary uses

### (3) Regulations

#### (a) Subdivision Requirements

The minimum lot area for any development shall be that which was legally in effect at the time of registration of the lot.

#### (b) Development Requirements

##### (i) Number of dwelling units on a lot

- (A) No more than one single detached dwelling, Type A shall be allowed on a lot
- (B) No more than one secondary dwelling shall be allowed on a lot, except that if there is a secondary suite within the single detached dwelling, no secondary dwelling shall be allowed
- (C) No more than one secondary suite shall be allowed on a lot, except that if there is a secondary dwelling on the lot, no secondary suite shall be allowed

##### (ii) Minimum yards

- (A) Principal buildings and secondary dwellings
  - Front – where the Principal Building includes a garage – 6.0 m (19.7 ft.)
  - where the Principal Building does not include a garage – 8.0 m (26.25 ft.)



- Rear – 8.0 m (26.25 ft.)
  - Side – 2.0 m (6.6 ft.), plus 0.1 m (0.33 ft.) for every 0.1 m (0.33 ft.) that the wall height of the principal building exceeds 3.0 m (9.84 ft.). Table 2 shows several relevant situations.
- (B) Accessory buildings except for fences and boat houses (see Section 1.15 of Schedule B)
- Front – 6.0 m (19.7 ft.) *Note that, together with Subsection 2.1(3)(b)(ii)(A) above, this may result in an accessory building being located closer to the road than a principal building.*
  - Rear – 6.0 m (19.7 ft.) unless, in the sole opinion of the Development Authority, the accessory building is located so as to not affect the view of Lake Wabamun from an adjacent lot,
  - Side – 2.0 m (6.6 ft.), plus 0.1 m (0.33 ft.) for every 0.1 m (0.33 ft.) that the wall height of the accessory building exceeds 3.0 m (9.84 ft.). Table 2 shows several relevant situations.
- (C) Where an accessory part of a building is attached and/or part of a principal dwelling (such as an attached garage – that is, a garage attached to a dwelling), the accessory portion of the building is permitted to adhere to the setback requirements of freestanding accessory buildings, allowing for a stepped setback layout of 8.0 m (26.25 ft.) for the principal part of the building and 6.0 m (19.7 ft.) for the accessory part of the building. Where the accessory building and the principal building share a common front setback line, the principal building minimum setback of 8.0 m (26.25 ft.) shall be utilized for both buildings.
- (iii) Maximum building height – 9.0 m (29.5 ft.), except where otherwise indicated in this Bylaw
  - (iv) Maximum lot coverage – 30%
  - (v) Minimum floor area – for Type A single detached dwellings  
– 75 sq. m (807 sq. ft.)
  - (vi) Other development requirements - as required by the Development Authority

**Table 2: Minimum Side Yards**

<b><u>Height of Wall</u></b>	<b><u>Minimum Side Yard</u></b>
Up to 3.0 m (9.84 ft.)	2.0 m (6.6 ft.)
3.1 m (10.2 ft.)	2.1 m (6.9 ft.)
3.5 m (11.5 ft.)	2.5 m (8.2 ft.)
4.0 m (13.1 ft.)	3.0 m (9.84 ft.)
5.0 m (16.4 ft.)	4.0 m (13.1 ft.)
6.0 m (19.7 ft.)	5.0 m (16.4 ft.)
7.0 m (23.0 ft.)	6.0 m (19.7 ft.)
8.0 m (26.25 ft.)	7.0 m (23.0 ft.)
9.0 m (29.5 ft.)	8.0 m (26.25 ft.)

## **2.2 Park (P) District**

The general purpose of this District is to allow the development of parks and public uses and associated uses on lots.

### **(1) Permitted Uses**

- (a) Parks**
- (b) Public uses**
- (c) Buildings and uses accessory to permitted uses, other than those listed as discretionary uses**

### **(2) Discretionary Uses**

- (a) Boat houses**
- (b) Public utilities that have no office or workshop as a part of the development**
- (c) Buildings and uses accessory to discretionary uses**

### **(3) Regulations**

- (a) Subdivision Requirements – same as within the Residential (R) District**
- (b) Development Requirements – same as within the Residential (R) District**