

## SUMMER VILLAGE OF POPLAR BAY

### BYLAW #240 DEVELOPMENT PERMIT BYLAW

#### A BYLAW OF THE SUMMER VILLAGE OF POPLAR BAY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CHARGING FEES FOR THE ISSUANCE OF DEVELOPMENT PERMITS

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

WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26 as amended or repealed and replaced from time to time provides that a Council may pass bylaws pertaining to planning and development.

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

#### SECTION 1 – TITLE, PURPOSE and SCOPE

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

#### SECTION 2 – DEFINITIONS

**"Major Works of Renovation"** means internal or external building related renovations, including basement development or the addition of new siding to a building, costing more than \$10,000.

**"Structural Renovations"** means addition to, modification of, and/or removal of a building's support (bearing) walls and/or the addition or removal of square footage (area of the building) and/or new attachments or removals of attachments to adjoining buildings.

Additional terms used in this Bylaw remain as defined by the Summer Village LUB.

#### SECTION 3 – INTERPRETATIONS

This section is provided as clarification and quick reference to items included in the Land Use Bylaw.

## **Developments Requiring a Development Permit**

3.1 No development other than that designated as **Not Requiring a Development Permit** (below) shall be undertaken in the Summer Village unless an application for it has been approved and a development permit has been issued. Examples of Developments requiring a Permit include, but are not limited to:

- a) Demolition or removal of a building or accessory building
- b) Waste water disposal systems
- c) Any work done on or adjacent to the lake shore property line of a lake front lot
- d) Posters, billboards and signs

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

3.2 No development other than that designated below shall be undertaken within the Summer Village unless an application for it has been approved and a development permit has been issued.

No development permit is required for:

- e) work in or on a road or utility lot or right-of-way by a government or by a franchised utility company;
- f) the maintenance of or repair to any building or structure provided that such work does not include *Structural Alterations* or *Major Works of Renovation*. Note that other permits such as a *building permit* may be required for alterations to plumbing, electrical, or heating systems;
- g) gates, fences, walls or other means of enclosure less than 5 feet high
- h) exterior steps;
- i) a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued under this Bylaw;
- j) the erection of campaign signs for federal, provincial, municipal or school board elections on private properties in accordance with the "Land-Use Bylaw";
- k) landscaping where the land is not filled or raised and no grading or drainage changes are undertaken and where the proposed grades will not adversely affect the subject or adjacent properties;
- l) one sign on internal lots or two signs on corner lots, advertising the land for sale or rent provided that such signs are a maximum of 32 square feet in size;
- m) name and address signs; and
- n) developments exempted under sections 618 or 619 of the Municipal Government Act;

3.3 When a development permit is issued it shall be accompanied by a placard to be visibly posted by the Owner on the property. The current address of the project and the Village's permit number must be displayed in such a fashion as to be clearly legible from the street. Failure to display this information in the manner outlined is an offense under this bylaw.

3.4 An applicant for a development permit shall submit an application in a form prescribed by the Development Authority. The application shall be signed by the Owner or a person authorized by the Owner, who may be required to submit evidence of such authority.

3.5 The Owner shall ensure that the plans and specifications upon which the issue of a development permit was based are available continuously at the project site during working hours for inspection by the Safety Code Inspectors, Development Authority or other person nominated by the Municipality.

## **Cost of a Development Permit**

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

### **Term of a Development Permit**

- 3.7 Development authorized by a development permit must commence within six (6) months from the date of issue and construction must be completed within twelve (12) months from the date of issue unless an extension to this period has previously been granted by the Development Authority.

## **SECTION 4 – ENFORCEMENT AND PENALTIES**

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

## **SECTION 5 - RESPONSIBILITY OF THE OWNER**

- 5.1 The Owner shall not deviate nor authorize any deviation from the requirements of the code adopted by the Alberta Building Regulation, pursuant to the *Safety Codes Act*, as it may be amended from time.
- 5.2 The Owner shall not deviate nor authorize any deviation from the requirements of or the conditions of the development permit without first obtaining permission in writing to do so from the Development Authority.
- 5.2 In recognition of the fact that the resources of the Village are limited and that the Village is therefore unable to carry out inspections at such a level as to ensure compliance with all relevant legislative standards, neither the issue of a permit nor inspections made shall in any way relieve the Owner of a building from full responsibility for carrying out the project or having the project carried out in accordance with the requirements of the code adopted by the Alberta Building regulation pursuant to the *Safety Codes Act*, as it is amended from time to time, this Bylaw, the LUB and any other relevant legislation.

## **SECTION 6 - SEVERABILITY**

- 6.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

## **SECTION 7 – REPEAL OF BYLAWS**

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


**SECTION 8 – EFFECTIVE DATE**

This Bylaw comes into effect on the date of the third reading.

READ a first time this 27<sup>th</sup> Day of March, 2015

READ a second time 27<sup>th</sup> Day of March, 2015

READ a third time and finally passed this 17<sup>th</sup> Day of April, 2015

  
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Debra McDaniel, Mayor  
Summer Village of Poplar Bay

  
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Sylvia Roy, CAO  
Summer Village of Poplar Bay



**Bylaw #240 - SCHEDULE "A"**

**DEVELOPMENT PERMIT FEES**

**Effective March 27th, 2015**

1	Review of plans and issuance of development permits for permitted uses – including but not limited to: new construction and/or additions to dwellings, garages, sunrooms, guest houses, decks, fireplaces	Basic fee of \$75.00 plus \$10.00 per \$10,000 of construction value. Minimum fee \$125
2	Review of plans and issuance of development permits for discretionary uses or variances.	Basic fee of \$75.00 plus \$10.00 per \$10,000 of construction value. Minimum fee \$125
3	Major Works of Renovation or Landscaping	Basic Filing Fee of \$75.00
4	Excavation or Lot Grading	No fee if included in original permit. Otherwise see #3
5	Driveways and Culverts ( <i>Ensure Culvert Policy is provided if applicable</i> )	No charge
6	Shoreline Development – landscaping, retaining wall, etc. <b>NOTE:</b> Alberta Environment approval also required	Basic fee of \$75.00
7	Building relocation into or out of Summer Village - based on size, weight, complexity, and impact on public roads <i>Additional travel expenses for the Development Authority may apply.</i>	Minimum \$75.00 basic fee Maximum of \$250.00
8	Application to Development Appeal Board	\$250.00
9	Request to convene Special Meeting of Council, or Planning Appeal Boards	\$500.00
10	Demolition of a Building	No charge
11	Permit Extension prior to expiry with no revisions	No charge
12	Permit Extension with revisions	New application fees apply
13	Issuance of a Stop Work Order	No charge
14	Subdivisions and Area Structure Plans	<i>As per West Central Planning</i>
15	Signs – Temporary or Permanent	No charge
16	Security Deposits	<i>As per Individual Summer Village Bylaws</i>
17	Compliance Certificates	<i>See Fees and Charges Bylaw</i>

***NOTE: Fees are for Development Only and do not include Building Permits (gas, electrical, plumbing) as required under the Alberta Safety Code.***

**Bylaw #240 - SCHEDULE "B"**  
**DEVELOPMENT PERMIT FEES - PENALTIES**  
**Effective March 27<sup>th</sup>, 2015**

Any person who violates any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not more than \$250 and in default of payment to imprisonment for not more than 30 days.

In lieu of being proceeded against by prosecution for a breach of this Bylaw, a person may pay to the Municipal Office the sum of \$100.00 for the first offence and \$150.00 for the second or subsequent offence for non payment of the permit.

Where the offence is the illegal placement or use of a mobile home or recreational vehicle, the fine shall be set by the length of the mobile home or recreational vehicle using the table shown in the LUB.