

SUMMER VILLAGE OF GRANDVIEW THE LAND USE BYLAW

BYLAW NO. 291

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

1. Title

This is the Land Use Bylaw for the Summer Village of Grandview and is referred to as the Land Use Bylaw or this Bylaw.

2. Repeal of Existing Bylaw

Land Use Bylaw 232 and associated Land Use District Maps, and any amendments thereto, are hereby repealed and shall cease to have effect on the day that this Bylaw comes into effect.

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 and provide means whereby plans and related matters may be prepared and adopted to achieve the orderly, economical, and beneficial Development, and use of land and patterns of human settlement, and to maintain and improve the physical environment with which patterns of human settlement are situated in the Municipality. This Bylaw is intended to maintain and enhance the natural resources provided through the Pigeon Lake ecosystem by minimizing possible negative impacts of Development, and to protect and ensure sustainable use of water resources by minimizing or mitigating any negative impacts of development on water quality, flow and supply deterioration, soil erosion and groundwater quality and availability while facilitating public access and enjoyment and protecting any sensitive fisheries habitat and other aquatic resources of Pigeon Lake.

4. Application

The provisions of this Bylaw come into effect on third reading, and thereafter no new application for a Development Permit shall be evaluated under Bylaw 232. Applications to amend an application for a Development Permit being considered by the Development Authority after this Bylaw comes into effect must comply with the provisions of this Bylaw.

5. Interpretation

5.1 In this Bylaw:

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

Act means the *Municipal Government Act R.S.A. 2000, c.M-26 (MGA)* and regulations, as amended from time to time.

Back Lot means a Lot which is not a Lakefront Lot.

Back Yard means the Yard extending across the full width of a Back Lot from the rear wall of the Main Building situated on the property to the rear Property Line, as shown on Figure 1. Only Back Lots have Back Yards.

Boat House means an Accessory Building that is a single-storey structure used primarily for the storage of boats and associated equipment.

Building means anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road.

Building Height means the vertical distance between the Building Height Baseline and the highest point of a Building—excluding elevator housings, mechanical housings, roof stairway entrances, ventilating fans, skylights, chimneys, smoke stacks, fire walls, parapet walls, flagpoles, or similar devices not structurally essential to the Building.

Building Height Baseline means the average of the pre-development Grades at the two corners of the building foundation where the Grade was the highest before any changes in Grade occurred.

Corner means the intersection of any two Property Lines of a Lot.

Corner site or Corner Lot means a site at the intersection of two abutting streets.

Council means the Council of the Municipality.

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

Development means:

- (i) an excavation or stockpile or the creation of either of them,
- (ii) a Building or an addition to or replacement or repair of a Building or the construction or placing of any of them in, on, or under land,
- (iii) a change in the 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,
- (iv) 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.

Development Permit means a certificate or document, issued by the Development Authority, under this Bylaw and authorizes a Development, but does not mean a building permit.

Discretionary Use means the use of land or a Building for which a Development Permit may be issued at the discretion of the Development Authority with or without conditions.

Dwelling means any Building or structure used primarily for human habitation but does not include a Recreational Vehicle or Guest House.

Excavation means any breaking of ground, except common household gardening and ground care and work undertaken by the Municipality or a public utility.

Front Yard means a Yard extending across the full width of a Lot from the road line of the Lot to the nearest wall of the Main Building situated on the Lot.

Garage means an Accessory Building or part of the Main Building, designed and used primarily for the storage of vehicles and/or boats.

Guest House means a permanent Accessory Building which has sleeping accommodation and may have a bathroom, but cannot have cooking facilities, and is not intended to be used as a self-contained Dwelling, but which provides overflow accommodation for the Main Building on the Lot.

Grade means the elevation at any part of the Lot.

Ground means the surface of the ground.

Home Business means a business carried on in a Dwelling which

- i. does not change the external appearance of residential character of the Dwelling except for one sign no larger than one square metre, and
- ii. is carried on only by the residents of the Dwelling, and
- iii. includes but is not limited to bed and breakfast operations.

Lakefront Lot means a Lot which is adjacent to the lake shore or which would be adjacent if it were not for an intervening strip of reserve land owned by the Municipality.

Lake Yard means a Yard extending across the full width of a Lakefront Lot between the lake side of the Main Building and the lake shore Property Line. Only Lakefront Lots have Lake Yards.

Lane means a public thoroughfare, whether or not developed for travel, the right-of-way which is not more than 10 metres and not less than 6 metres in width.

Large Lot is a lot located in the Large Lot Residential District.

Legal Bank is the demarcation line between the bed and shore of the lake and the upland as determined by an Alberta Land Surveyor.

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

Main Building means a Building in which the Main Use of the site is conducted.

Main Use means the primary purpose for which a Building or site is used, as determined by the Development Authority.

Mobile Home means a structure that is manufactured off-site, is capable of being moved from one place to another by being towed or carried, provides living accommodation for one or more people, and can be connected to utilities. A Mobile Home is typically long and narrow, with a simple rectangular plan, a low roof pitch, and narrow eaves.

Modular Building means a prefabricated Building partially constructed off-site and assembled on-site, and which when completed appears indistinguishable from a site-built Building.

Municipality means the Summer Village of Grandview.

Non-Conforming Building means a Building:

- (i) that is lawfully constructed or lawfully under construction at the date this Bylaw affecting the Building or land on which the Building is situated becomes into effect, and
- (ii) that on the date this Bylaw becomes into effect does not, or when constructed will not comply with this Land Use Bylaw.

Non-Conforming Use means a lawful specific use

- (i) being made of land or a Building or intended to be made of a Building lawfully under construction at the date of this Bylaw or any amendment thereof affecting the land or Building comes into effect, and
- (ii) that on the date the Bylaw comes into effect does not, or in the case of a Building under construction, will not comply with this Bylaw .

Owner means the registered owner, or occupant, or other person responsible for a Lot within the boundaries of the Municipality.

Permitted Use means the use of land or a Building for which, if it conforms to this Bylaw, a Development Permit shall be issued with or without conditions.

Property Line means a property boundary shown on a plan of subdivision. For Lakefront Lots which do not have reserves between the lake and the property, the Legal Bank forms the Property Line.

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

Real Property Report means a report prepared by an Alberta Land Surveyor showing, among other things, the location of improvements on a Lot.

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

Setback means the perpendicular distance measured between closest edge of a Building to the adjacent Property Line of the Lot.

Side Yard means a Yard extending from the nearest wall of the main Building to the side Property Line.

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

Site Coverage means the combined area of all Buildings of the Lot, measured at ground level, including but not limited to, porches and verandas, open or covered, but excluding open and enclosed terraces at Grade, steps, cornices, eaves and similar projections.

Subdivision and Development Appeal Board (SDAB) means the board appointed by bylaw pursuant to the Act.

Unightly Condition:

- (i) in respect of a structure, means in the opinion of the Development Authority, a structure whose exterior shows signs of significant physical deteriorations, and
- (ii) in respect of land, means, in the opinion of the Development Authority, land that shows signs of a serious disregard for maintenance or upkeep.

Yard means that part of a Lot upon or over which no Main Building is erected and as further defined by Figure 1.

- 5.2 Words using masculine gender include feminine gender and words using feminine gender include masculine gender.
- 5.3 Where a term defined in legislation and also in this Bylaw, and the definitions differ, the definition in the Act shall prevail.
- 5.3 In accordance with Alberta Land Titles and Building Code practice, all dimensions in this Bylaw are given in metric measure.
- 5.4 Where this Bylaw requires interpretation, the decision shall be that of the Development Authority or, on appeal, the Subdivision and Development Appeal Board.

6. Establishment of Districts

- 6.1 For the purposes of this Bylaw the following Land Use Districts are established:
 - Residential
 - Large Lot Residential
 - Municipal and Public

7. Schedules

Schedules A (Map of Land Use Districts), B (General Regulations), C (Regulations for Land Use Districts), D (Penalties), and E (Relationship to the Pigeon Lake Management Plan) form part of and have the full force of this Bylaw.

8. Development Authority

- 8.1 The office of the Development Authority is hereby established and shall be filled by a person or persons appointed by the resolution of Council. If no person is appointed, the Chief Administrative Officer shall act as the Development Authority.
- 8.2 The Development Authority may also be referred to as the Development Officer.
- 8.3 The Development Authority shall:
 - 8.3.1 receive, consider and decide on applications for a Development Permit,
 - 8.3.2 ensure that Development is carried out in accordance with a Development Permit,
 - 8.3.3 make available for inspection
 - i) a copy of this Bylaw as amended, and
 - ii) a list of all applications and the decisions rendered on them,
 - 8.3.4 ensure that this Bylaw is posted on the Municipality's website and that copies can be purchased by the public at a reasonable price, and
 - 8.3.5 perform such additional duties as may be established by this Bylaw or by the direction of Council to enforce this Bylaw in conformance with the Act.
- 8.4 For the purposes of the Act, the person holding the office of the Development Authority is a designated officer of the Municipality.

9. Subdivision and Development Appeal Board

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

10. Development Requiring a Development Permit

- 10.1 No Development other than that not requiring a Development Permit as provided in Section 11 shall be undertaken within the Municipality unless an application for Development has been approved and a Development Permit has been issued. A placard provided by the Development Authority which gives details of the Development Permit must be posted in a visible location near the entrance of the Lot before any work commences and remain posted during the construction period.

10.2 To provide clarity in this Bylaw, Developments that require a Development Permit include but are not limited to the following:

- (i) an excavation or stockpile or the creation of either of them,
- (ii) the grading of a Lot,
- (iii) a Building or an addition to or replacement or repair of a Building or the construction or placing of any of them in, on, or under land or the construction of any other structure including decks and fences,
- (iv) a change in the use of the intensity of use of land or of a Building, or an act done in relation to land or a Building that results in or is likely to result in a change in the use or intensity of use of the land or Building,
- (v) the demolition or removal of a Building,
- (vi) any retaining wall or erosion protection or modification to the shoreline or any removal of vegetation from the shoreline,
- (vii) any modification of the municipal road allowance including the installation of culverts or modification to the ditch,
- (viii) any sign, temporary Building or moveable Building except as specified in Section 11,
- (ix) any fence, deck or retaining wall,
- (x) the excavation for and installation of a private sewer system,
- (xi) the cutting down of healthy trees.

11. Development Not Requiring a Development Permit

No Development Permit is required for

- i) work in a road or utility Lot by a government or by a franchised utility company,
- ii) the completion and subsequent use of a Building which was lawfully under construction at the date this Bylaw comes into effect,
- iii) the continuation of a lawful use of Building or land which was in effect at the date this Bylaw comes into effect (but any conditions attached to a Development Permit issued under the former bylaw continue to apply under this Bylaw),
- iv) the maintenance or repair of any Building or structure, provided that such work does not include structural alterations or major works of renovation and provided that such Building or structure does not encroach on adjoining property including the lakeshore. Examples of work requiring

no Development Permit include roof re-shingling, window replacement (for same size), and door replacement (for same size). Note that a building permit may be required for alterations to plumbing, electrical, or heating systems.

- v) exterior steps,
- vi) 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.
- vii) the erection of campaign Signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under provincial or federal legislation provided that such Signs
 - i) bear the name of the person responsible for the Sign,
 - ii) are removed within one week of the election date, and
 - iii) do not obstruct or impair vision or traffic,
- viii) landscaping where there is no change in Grade,
- ix) one sign on internal Lots, or two Signs on Corner Lots, advertising the land for sale or rent provided that each sign does not exceed 1.0 square metre in size,
- x) name and address signs which may not extend into the road allowance by more than one metre and which do not obstruct or impair vision or traffic,
- xi) Development exempted from this Bylaw under the Act,
- xii) patios and decks less than 60 cm at the point highest above Ground and where the patios or decks do not create a privacy concern with an adjacent Lot.
- xiii) the repair or replacement of a non-encroaching fence that is built on the same line as a conforming fence and which meets the height requirements of this Bylaw.
- xiv) the pruning and maintenance of trees and the removal of dead or dying trees

12. Non-Conforming Buildings and Uses

- 12.1 If a Building or land use is not allowed for in this Bylaw, but was legally in existence at the date of passage of this Bylaw, it may continue legally as a Non-Conforming Building or Use pursuant to the Act, and remains subject to any conditions imposed by a former development permit.

12.2 Pursuant to the Act, the Development Authority is authorized to allow minor development in a Non-Conforming Building.

13. Applying for a Development Permit

13.1 An application for a Development Permit shall be made to the Development Authority in writing on a standard form and may require any of the following as determined by the Development Authority:

- 13.1.1 An accurate, scaled plan showing the location of all existing Buildings, vehicle access and parking, utility lines, gas and electricity lines, wells, water lines, sewer lines, septic tanks and fields, any existing encroachments and for Lakefront Lots, this plan shall also show the Legal Bank and any lakeshore reserve owned by the Municipality;
- 13.1.2 A site plan of the proposed Development drawn to scale showing location of all Buildings and the location of proposed parking and access;
- 13.1.3 Floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions and the location of all exterior windows, doors and other openings in the Buildings and other improvements located and proposed to be located on the site;
- 13.1.4 A grading and drainage plan including the existing and proposed Grade if a change in Grade is proposed;
- 13.1.5 A plan showing the existing vegetation and any vegetation which is proposed to be removed;
- 13.1.6 A statement of existing and proposed Main Use and statement of ownership of land and interest of the applicant therein;
- 13.1.7 The estimated commencement and completion dates;
- 13.1.8 The estimated cost of the project or contract price; and
- 13.1.9 The required application fee.
- 13.1.10 A construction management plan which provides details about how the site will be managed during construction for the preservation of natural vegetation and top soils, and for the protection of the roads and infrastructure of the Municipality. The construction management plan must include proposed management strategies for minimizing and controlling erosion, noise, mud and sediment laden runoff.

13.2 The Development Authority may require additional information necessary to make a decision, including but not limited to a Real Property Report prepared by an Alberta Land Surveyor, and a drawing or rendering of the finished Building also showing the Buildings on adjacent Lots, and an application for a Development Permit is not complete until this additional information has been supplied.

13.3 The Development Authority shall consider and decide on all applications for a Development Permit.

14. Giving Notice to Adjacent Land Owners

14.1 Before approving a Development Permit for a Discretionary Use, or where a provision of the Bylaw is proposed to be relaxed or varied, the Development Authority shall give written notice of the proposed Development to owners of all properties within 50 metres.

14.2 After giving notice as required under the previous section, the Development Authority shall wait 14 days to receive the comments of those people who were notified.

14.3 In deciding on the application, the Development Authority shall consider all concerns reported to him.

15. Decision

15.1 The decision of the Development Authority on an application for a Development Permit shall be given in writing on a standard form and mailed or handed to the applicant and to any other person who has filed an interest in the application.

15.2 In making a decision, the Development Authority shall either

15.1.1 approve the application unconditionally, or

15.1.2 impose conditions considered appropriate, permanently or for a limited period of time, or

15.1.3 refuse the application.

15.3 The Development Authority may require as a condition of issuing a Development Permit that the applicant

15.3.1 amend the proposal to conform with this or other bylaws,

15.3.2 pay an off-site levy or redevelopment levy imposed by bylaw,

15.3.3 enter into an agreement pursuant to of the Act concerning servicing of the site,

15.3.4 register an easement to protect a utility line,

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- 15.3.5 repair any municipal improvements that may be damaged as a result of the Development,
 - 15.3.6 finish a Building or other Development within a stated time,
 - 15.3.7 grade a Lot to the satisfaction of the Municipality and provide a final grading certificate,
 - 15.3.8 supply parking to meet the requirements of this Bylaw, or
 - 15.3.9 deposit cash, a letter of credit, or a performance bond guaranteeing that any of the above conditions are met, or
 - 15.3.10 provide an Alberta Land Surveyor's real property report when the footings are complete but before framing starts,

and where necessary such agreements or easements may be registered on the title of the property by means of a caveat.

- 15.4 Where an application for a Development Permit has been refused initially or on appeal, the Development Authority may, at his discretion, refuse to accept another application for a permit on the same property and for the same or similar use of land by the same or any other applicant for 12 months after the date of the previous refusal, unless the circumstances have changed substantially.

16. Compatibility with Neighbourhood

- 16.1 The design, construction, and appearance of every Building and structure shall be compatible with nearby Buildings, and shall not unreasonably infringe on the privacy of adjacent landowners, or unduly reduce the value of nearby property, and the Development Authority may require changes to a design, or refuse a Development Permit, if in his opinion a proposed Development would be detrimental to the neighbourhood or would have an undue negative impact on the natural environment including but not limited to the aquatic environment of the lake, even if the proposed use is permitted under Schedule C.
- 16.2 If it appears to the Development Authority that a proposed Dwelling may be occupied by more than one family, or may contain more than one set of living quarters, or is designed so that it may be converted into a multi-family Dwelling, the Development Authority may refuse to issue a Development Permit, or may require changes to the proposed Development before issuing a Development Permit, and in making this decision the Development Authority may consider among other things the number, size, and location of finished or roughed-in plumbing, stairways, furnaces and air ducts, furnace controls, firewalls, exterior and interior doors, patios, decks, balconies, driveways, and garages.

17. Relaxing and Varying the Bylaw

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

- 17.1 the proposed Development would not
 - 17.1.1 unduly interfere with the amenities of the neighbourhood, or
 - 17.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- 17.2 the proposed Development conforms with the use prescribed for the land or building of this Bylaw,

and the Development Authority may do this only if the adjacent property owners have been informed by mail and do not object in writing within 14 days of the mailing.

18. When a Development Permit Comes into Effect

- 18.1 A Development Permit does not come into effect until
 - i) 14 days after the date the Development Permit is issued unless this period is waived by the Development Authority,
 - ii) the plans for the building have been approved by the person appointed by Council as Building Inspector and a building permit has been issued by that person,whichever is later.
- 18.2 If an appeal is filed against a Development Permit, the Permit is suspended until the appeal is heard or abandoned.

19. Giving Notice of a Decision

- 19.1 The decision of the Development Authority on an application for a Development Permit shall be in writing and shall be mailed or otherwise sent to the applicant, and the developer shall post the site with the placard supplied by the Development Authority prior to commencing construction and throughout the construction period.
- 19.2 The notice shall indicate that any person affected by the issuance of the Development Permit has the right to appeal the decision of the Development Authority, and shall state how an appeal may be launched.
- 19.3 When the Development Authority refuses to issue a Development Permit, the decision shall contain reasons for the refusal.

20. Failure to Make a Decision

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

21. Life of a Development Permit

- 21.1 If the Development authorized by a Development Permit is not commenced within 6 months from the date of issue, the Development Permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- 21.2 If the Development authorized by a Development Permit is not completed within 12 months from the date of issue, the Development Permit is deemed void, unless an extension to this period has previously been granted by the Development Authority.
- 21.3 Despite sections 21.1 and 21.2,
- i. at the discretion of the Development Authority, a Building may be constructed in stages over a period of time exceeding one year provided that the applicant submits a construction schedule as part of the application for a Development Permit.
 - ii. In the event that construction of the Building is not completed within the effective time period of the Development Permit the Development shall be deemed to be in contravention of that Development Permit and the Land Use Bylaw whereby the Development Authority may
 - o issue another Development Permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or
 - o invoke stop order provisions of the Act.
- 21.4 If it appears to the Development Authority that a Development Permit has been obtained by misrepresentation, the Development Authority may revoke the Development Permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as the applicant may appeal a stop order under provisions of the Act.

22. Appeals

- 22.1 Any person affected by an order, decision, or Development Permit made or issued by the Development Authority may appeal to the Subdivision and Development Appeal Board.
- 22.2 Notice of Appeal shall be addressed to the Secretary of the Subdivision and Development Appeal Board, shall contain reasons for the appeal, and shall be served upon the Secretary by mail or by delivery at the municipal office.

22.3 In administering the appeal process, the Development Authority shall follow the procedure set out in the Act.

23. Decision of the Appeal Board

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

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

24. Conformity with a Development Permit

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

25. Contravention of this Bylaw

25.1 Where the Development Authority finds that a Development or use of land or Buildings is not in accordance with the Act, or regulations thereunder, or a Development Permit or a subdivision approval, or this Bylaw, he may proceed to issue a stop order in accordance with the Act, or otherwise proceed under the Act.

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

25.3 A violation tag may be issued to such person either

22.3.1 personally; or

22.3.2 by mailing a copy to such person at his last known post office address or address indicated on the Development Permit issued to that person for that Development; or

22.3.3 by the Pigeon Lake Protective Services.

25.4 The violation tag shall be in a form approved by the Chief Administrative Officer and shall state:

25.4.1 the name of the person;

- 25.4.2 the offence;
 - 25.4.3 the appropriate penalty for the offence as listed in Schedule D;
 - 25.4.4 that the penalty shall be paid within 30 days of the issuance of the violation tag; and
 - 25.4.5 any other information as may be required by the Municipality.
- 25.5 Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by the Development Authority provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 25.6 Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the violation tag.
- 25.7 Nothing in this Bylaw shall prevent the Development Authority from immediately issuing a violation tag.
- 25.8 In cases where a violation tag has been issued and the penalty specified on a violation tag has not been paid within the prescribed time, then the Development Authority is hereby authorized and empowered to issue a violation tag pursuant to *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time.
- 25.9 Notwithstanding section 25.2 of this bylaw, the Development Authority is hereby authorized and empowered to immediately issue a violation tag pursuant to *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended from time to time, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this Bylaw.

26. Amending this Bylaw

- 26.1 A person may apply to have this Bylaw amended, by applying in writing, giving reasons in support of the application, and paying the requisite fee.
- 26.2 Council may at any time initiate an amendment to this Bylaw.
- 26.3 An application to change the districting of any land may be initiated only by the owner of that land, or by Council.

27. Fees and Forms

- 27.1 The amount of any fee required under this Bylaw shall be set by Council in a separate bylaw.
- 27.2 Any form required to administer this Bylaw may be adopted by Council by resolution.

28. Continuity of Development Permits

A condition attached to a Development Permit issued under a previous bylaw continues under this Bylaw.

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

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

30. Annexed Land

Any land annexed to the municipality after the effective date of this Bylaw shall be deemed designated Large Lot Residential unless a different classification is given by an amendment to this Bylaw.

31. Date of Commencement


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

Read a first time this 15th day of February, 2014.

Public Hearing held this 26th day of April, 2014.

Read a second time this 26th day of April, 2014.

Read a third time and passed this 28th day of April 2014.



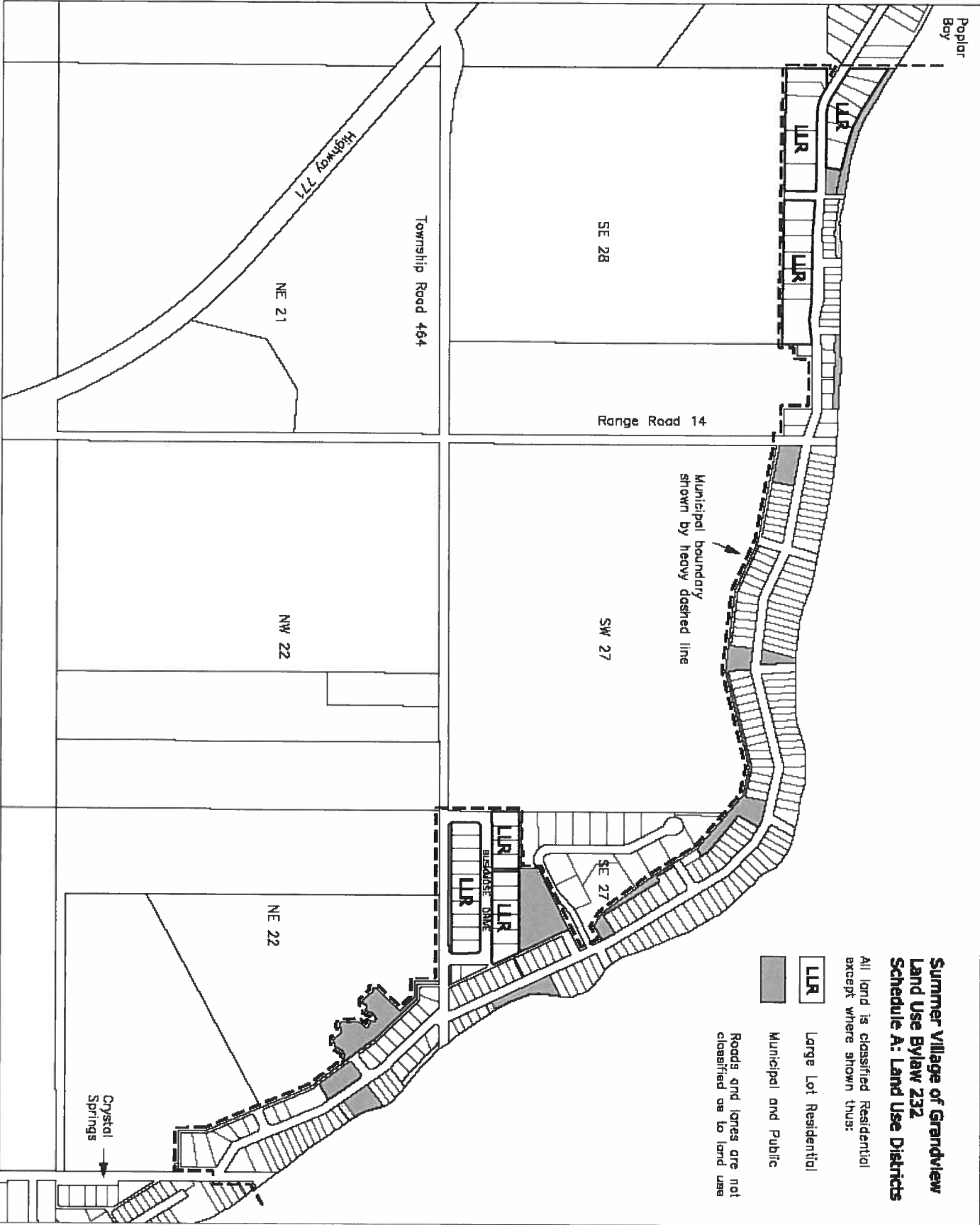
Don Davidson, Mayor
Summer Village of Grandview



Sylvia Roy, Chief Administrative Officer
Summer Village of Grandview



Schedule A: Land Use Districts



Schedule B: General Regulations

1. Lot Dimensions and Areas

- 1.1 A Lot which is smaller than required by Schedule C of this Bylaw, but to which a separate title was registered at the Land Titles Office on the date this Bylaw comes into effect, is nevertheless a conforming Lot.
- 1.2 Lot size requirements do not apply to utility Lots or public parks or lands owned by the Municipality.
- 1.3 Lot size requirements in Schedule C shall not prevent:
 - i) the adjustment of a Property Line where no additional Lots are created, or
 - ii) the re-subdivision of a Lot formed by the consolidation of two previously existing Lots,and the resulting Lots are conforming lots under this Bylaw.

2. Moved-in Buildings

- 2.1 A person wishing to move an existing Building on to a Lot shall make an application for a Development Permit, state the present location of the Building, and provide photographs showing each side and the general condition of the Building.
- 2.2 The Development Authority may, at his discretion, inspect the Building, or cause it to be inspected by another person, and determine the suitability of the Building for the proposed use.
- 2.3 The Development Authority may, at his discretion, require that the Building be improved to meet the requirements of this Bylaw and the Alberta Building Code.
- 2.4 A Mobile Home which is to be used as the Main Dwelling on a Lot shall be placed on a permanent foundation with the wheels removed.
- 2.5 If the work required under section 2.3 or 2.4 of this schedule is to be done after the Building is to be moved to the new site, the Development Authority may require that a performance bond or other security be posted, equal to the estimated cost of the necessary work. The security shall be released when the work is satisfactorily completed, but shall otherwise be forfeited.
- 2.6 Any travel or other costs incurred by the Development Authority in processing an application for a Development Permit for a moved-in Building shall be added to the fee for the Development Permit.

3. Site drainage and Land Clearing

- 3.1 No land shall be cleared, filled or raised, and no grading or drainage work or modifications to ditches on property owned by the Municipality shall be undertaken, unless a Development Permit has been issued.
- 3.2 Land shall be graded so that excess water flows towards the lake, a soakaway, or a street or lane. Water shall not be diverted to flow from a property onto a neighbouring property. Where a natural watercourse exists for runoff from spring melting or rainstorms, the development plan must account for these runoff volumes without diverting the water to neighboring lots. Rain water from eaves shall not be piped directly into the lake.
- 3.3 A private driveway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the roadside ditch, a culvert shall be installed to the specifications of the Municipality. The roadside ditch on property owned by the Municipality must be preserved in its pre-Development state for at least two thirds of the width of the Lot.
- 3.4 A Development application for a new Building shall include a grading and drainage plan. This plan must show both the pre-Development and proposed Grades.
- 3.5 Any culvert used in the approach to a Lot or to carry water offsite shall have a diameter as specified by the Development Authority and must be at least as large as the immediate upstream culvert.

4. Sanitation

- 4.1 Where a Development is proposed on a site which is serviced with a septic field, that septic field must be replaced with a holding tank as a condition of the Development Permit.
- 4.2 Wastewater from a residence shall be collected in a holding tank until it is pumped out and carried away for disposal in a manner acceptable to the Regional Health Authority, Alberta Environment, and the Plumbing Inspection Branch of Alberta Labour.
- 4.3 Any new privy or outhouse constructed within the Municipality must collect wastewater material in a holding tank which is pumped out for disposal off-site.

5. Fences

- 5.1 No gates, fences, walls or other means of enclosure shall be constructed higher than 1.0 metres on the sides of Lake Yards, and 1.8 metres elsewhere, as shown on Figure 1. Lake Yard fences parallel to the shoreline are not allowed.

- 5.2 Despite section 5.1, the Development Authority may allow a higher fence in a Side Yard if this appears to be necessary in the opinion of the Development Authority to ensure privacy.
- 5.3 The Development Authority may require that fences be built lower than set out in section 5.1 if in his opinion that requirement is necessary to give passing motorists adequate visibility at corners.
- 5.4 No electric or barbed wire fence shall be constructed in the Municipality.

6. Objectionable Objects in Yards

No person shall keep or permit in any part of a Yard in any residential district

- 6.1 any commercial vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle,
- 6.2 any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
- 6.3 any excavation, storage or piling up of materials required during the construction stage unless all safety measures are undertaken as required by provincial regulations. Such material must be removed within 30 days after construction is complete or at the discretion of the Development Authority.

7. Corner Lots

Where a Lot is at the corner of two streets, or uses a lane as its main access, the Development Authority may apply Front Yard Setback rules to any side of the Lot which is used for access.

Schedule C: District Regulations**1. Regulations for the Residential District****1.1 Permitted Uses**

The following uses are permitted in the Residential District:

- 1.1.1 New single detached Dwellings of conventional or modular construction.
- 1.1.2 Decks constructed at the same time as the Dwelling, shown on the plans of the Dwelling, and included in the Development Permit for the Dwelling.
- 1.1.3 Guest Houses.
- 1.1.4 Fences and walls that conform to the height restrictions specified in Schedule B, Section 5. Lakeshore fences are not permitted.
- 1.1.5 Works and Buildings owned and operated by a public utility.
- 1.1.6 Accessory Buildings incidental to the above uses.

The Development Authority, under the authority of Section 16 of this Bylaw, may require changes to a proposed Development if, in his opinion, it is not compatible with nearby buildings, or unreasonably infringes on the privacy of adjacent landowners.

1.2 Discretionary Uses

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

- 1.2.1 Decks added to an existing Dwelling
- 1.2.2 Moved-in Buildings (see Schedule B, section 2).
- 1.2.3 Mobile Homes, in the opinion of the Development Authority, are compatible in style and quality with nearby the neighbourhood.
- 1.2.3 Home businesses which, in the opinion of the Development Authority, are compatible with the residential purpose of the neighbourhood, and which have adequate on-site parking.
- 1.2.4 The use or storage of Recreational Vehicles as set out in section 1.8.
- 1.2.5 Unattended public utility structures serving the immediate neighbourhood.
- 1.2.6 Municipal operations.
- 1.2.7 Buildings accessory to the above uses.

- 1.2.8 Hot tubs but only if they are situated at least 10 metres from the Legal Bank. Swimming pools are not permitted within the Municipality.
- 1.2.9 Signs, other than those exempted by Section 8 of this Bylaw.

1.3 Minimum Lot Sizes

Any new Lot shall have a width of at least 15 metres, a depth of at least 36 metres and an area of at least 540 square metres.

1.4 Height of Buildings

- 1.4.1 Main Buildings: No Main Building shall exceed 8.5 metres above the Building Height Baseline.
- 1.4.2 Accessory buildings: No Accessory Building shall exceed 5.5 metres in height above the Building Height Baseline.
- 1.4.3 Despite 1.4.2, a Guest House built over a Garage may be up to 7.5 metres above the Building Height Baseline.

1.5 Density of Development

- 1.5.1 No more than one Main Building and no more than one Guest House shall be placed on a Lot.
- 1.5.2 The Site Coverage on a lot shall not exceed 40% of the area of the Lot, interpreted as follows:
 - i. Where part of the Lot has been lost to erosion, the area used for calculating ground coverage for the purpose of approving any new Development shall be the current area, and
 - ii. Despite the definition of "Building" in the Act, patios, parking pads, and other impervious surfaces at Grade will not be included in the calculation of Site Coverage.
- 1.5.3 The area of a Lot covered by impervious surfaces, other than Buildings, shall be kept to a minimum and shall not exceed 10% of the area of the Lot.

1.6 Yards and Setbacks

1.6.1 Main buildings shall have the following Setback:

- i) Lake 10 metres from the Legal Bank, but not closer to the Legal Bank than the average Setback of the adjacent residences.
- ii) Road 6 metres
- iii) Side 1.5 metres

1.6.2 Boat houses shall have the following Setback:

- i) Lake Boathouses are not permitted in Lake Yards
- ii) Road 0.6 metres
- ii) Side 0.6 metres

1.6.3 Garages shall have the following Setback:

- i. Lake Not applicable: see section 1.7.2
- ii. Road 6 metres (but see note below)
- iii. Side 0.6 metres

The Development Authority may reduce the Setback from a Garage to the road to as little as 0.6 metres provided that the adjacent property owners offer no objection, that this reduction will not result in vehicles overhanging the Property Line when parked in front of the Garage doors, that the eaves do not extend over the Property Line and that sufficient parking is provided on the Lot.

1.6.4 Other Accessory Buildings shall have the following Setback:

- i. Lake 3 metres: see Section 1.7.2
- ii. Road 0.6 metres
- iii. Side 0.6 metres

1.6.5 The separation of all Buildings and Setbacks must conform to building code and fire regulations.

1.6.6 Yard and Setback requirements apply to decks and patios constructed 0.6 metres or more above Ground, but not to steps.

1.6.7 Cantilevered extensions, bay windows, air vents, chimneys, eaves, and other features extending outside the building footings shall not intrude more than 0.6 metres (two feet) into the side yards required by sections 1.6.1 to 1.6.4 but in no event shall any part of a Building be less than .5 m from a Property Line.

1.7 Accessory Buildings

Garages, storage sheds, Boathouses, and other Accessory Buildings may be built on any Lot provided that

- 1.7.1 all required Yards and Setbacks are maintained,
- 1.7.2 no Accessory Buildings larger than 9 m² in area and 3.5 m in height are built in any lake yard, and
- 1.7.3 the Site Coverage conforms with the maximum set out in section 1.5.2 above.

1.8 Recreational Vehicles

- 1.8.1 One Recreational Vehicle may be located on a Lot at any time, and no Development Permit is required.
- 1.8.2 Additional Recreational Vehicles may be located on a Lot for up 14 days, and no Development Permit is required.
- 1.8.3 Additional Recreational Vehicles may be located on a Lot for more than 14 days provided that a Development Permit has been obtained. A Development Permit shall not be issued if the Lot does not have a holding tank for the collection of wastewater.
- 1.8.4 All Recreational Vehicles which produce wastewater must be connected directly to a holding tank unless such vehicle contains a self-contained holding tank. If the waste water from a Recreational Vehicle is not disposed of in a manner satisfactory to the Development Authority, he may issue a stop order in accordance with the Act requiring the wastewater disposal system to be improved or may require the Recreational Vehicle to be removed, and the Development Authority may impose a penalty.

1.9 Guest Houses

- 1.9.1 Guest Houses shall be of new, conventional construction and of good appearance. A Mobile Home or Recreational Vehicle shall not be used as a Guest House.
- 1.9.2 A Guest House shall contain only one storey unless it is built over a Garage.
- 1.9.3 A Guest House shall not contain a kitchen.
- 1.9.4 Sleeping accommodation above a Garage or other Accessory Building is deemed to be a Guest House, and where such accommodation exists, no free-standing Guest House shall be constructed on the Lot.

1.10 Screening and Privacy

If a deck or hot tub is, in the opinion of the Development Authority, likely to overlook an adjacent Lot, or otherwise infringe on the privacy of neighbours, he may require that it be screened.

1.11 Parking

All Developments must provide vehicular access to the Lot and off-street parking for at least two vehicles.

1.12. Shoreline Development

Shoreline Development is prohibited other than that as described in this section and the shoreline must be left in its natural state to the maximum possible amount with allowance for access. Any retaining wall built in the Lake Yard must have a Setback at least 3 metres from the Legal Bank. Any erosion protection must consist only of a single layer of local rocks which must not be used to form a retaining wall. All shoreline Development requires the prior additional approval of the provincial government.

1.13 Other Requirements

- 1.13.1 No material impregnated with creosote shall be used in any construction or landscaping.
- 1.13.2 For those areas of the Municipality where, in the opinion of the Development Authority, a steep bank exists adjacent to the lake, any Development must be done in consideration of protecting this bank with excavations minimized. The Development Authority may require a special study by a qualified engineer prior to approving a Development in this area.
- 1.13.3 All Lake Yard Developments and Building placements must consider ice heaves and ice damage.
- 1.13.4 Before any Development occurs, all boundaries which may be infringed by that Development must be clearly marked. Encroachments on adjoining properties including property owned by the Municipality are not permitted.
- 1.13.5 Excavations in the Lake Yard must be re-vegetated with natural indigenous species or other vegetation if approved by the Development Authority as soon as possible after exposure to prevent sediments and nutrients from entering the lake.
- 1.13.6 The Development Authority will require low-impact development strategies to be used for all Developments within the Municipality as a means of reducing runoff laden with sediment and nutrients from entering the lake.
- 1.13.7 All excavated material other than material needed for an approved Grading of the Lot must be removed from the Development area.
- 1.13.8 Tree cover and natural indigenous vegetation greatly contribute to the character of the Municipality and the protection of the water quality in the lake. Development Permits may contain conditions that require protection of tree cover and natural indigenous vegetation, and replacement of indigenous tree species proposed to be removed during construction and Development or which have previously been removed. For existing developments, any removal

of existing tree cover and indigenous vegetation, other than as provided in Section 11 xiv, requires a development permit.

- 1.13.9 Every lot with development requires a sign showing the residential street address number with characters large enough to be easily readable from the street.
- 1.13.10 To encourage a dark-sky environment, all outdoor spotlights and yard lights should be either switched off or regulated by motion sensors whenever artificial light is not needed for outdoor activities.

2. Regulations for the Large Lot Residential district

- 2.1 The regulations for the Large Lot Residential District are identical to those for the Residential District except as set out below.
- 2.2 Every Lot shall have a width of at least 30 metres, a depth of at least 60 metres, and an area of at least 1850 square metres.
- 2.3 The combined Site Coverage of all Buildings on a Lot shall not exceed 25% of the area of the Lot.

3. Regulations for the Municipal and Public District

3.1 Permitted Uses

The following uses are permitted in the Municipal and Public District:

Public utilities, municipal reserves, parks, environmental reserves, pathways and recreation areas.

3.2 Discretionary Uses

The following uses may be allowed in the Park District, other than in Environmental Reserves, at the discretion of Summer Village Council:

- 3.2.1 Works and buildings owned and operated by a public utility or by the municipal, provincial or federal government.
- 3.2.2 Public parking in designated areas.

Schedule D: Penalties

1. Any person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 and in default of payment to imprisonment for not more than 30 days.
2. In lieu of being proceeded against by prosecution for a breach of this Bylaw, a person may pay to the Municipal Administrator the sum of \$100 for the first offence and \$150 for the second or subsequent offence.
3. Notwithstanding clauses 1 and 2 of this Schedule, for any unapproved Development, the Development Authority may also require the Development to be removed and the land returned to its previous condition.

Schedule E: Inter-municipal referrals under the Pigeon Lake Management Plan

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

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

Recreational developments: If a municipality receives a proposal to create

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

a summer village will refer the proposal to all municipalities with whom it shares a boundary, and

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

(* "lots" includes condo units)

Other developments: If a municipality receives a proposal for

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

a summer village will refer the proposal to all municipalities with whom it shares a boundary, and

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

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

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

Figure 1
Summer Village of Grandview
Definitions of Yards

