

BYLAW NO. 203
THE LAND USE BYLAW OF
THE SUMMER VILLAGE OF GOLDEN DAYS

Pursuant to the Municipal Government Act, the Council of the Summer Village of Golden Days in the Province of Alberta, duly assembled, hereby enacts as follows.

1. Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Municipality to achieve the appropriate, orderly and economic development of land, and for that purpose, among other things,

- 1.1 to divide the Municipality into districts,
- 1.2 to prescribe and regulate for each district the purposes for which land and buildings may be used,
- 1.3 to establish the office of Development Authority,
- 1.4 to establish a method of making decisions on applications for Development Permits and issuing Development Permits,
- 1.5 to prescribe a procedure to notify owners of land likely to be affected by the issue of a Development Permit, and
- 1.6 to establish a system of appeals against the decisions of the Development Authority.

2. Interpretation

In this Bylaw:

Accessory Building means a building separate and subordinate to the Main Building, including, but not limited to, garages, storage sheds or storage buildings for boats and other equipment.

Act means the Municipal Government Act, R.S.A. 2000 c. M-26 as amended.

Building includes 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.

Clear Width is the minimum distance between Side Yard property lines where the Main Building is located.

Council means the Council of the Summer Village of Golden Days.

Development means

- (a) an excavation or stockpile and the creation of either of them;
- (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;
- (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 action 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 Authority means a person or persons appointed as the Development Authority pursuant to the provisions of this Bylaw.

Development Permit means a document authorizing a Development issued pursuant to the provisions of this Bylaw. This permit is separate and distinct from a Building Permit.

Discretionary Use means those uses of land or a Building consistent with this Bylaw for which permits may be issued only at the discretion of the Development Authority. A Development Permit may be issued for a Discretionary Use subject to the provisions of this Bylaw or provisions more stringent than in this Bylaw.

Dwelling means any Building or structure used primarily for human habitation and which must be supported on a properly designed permanent foundation extending below ground level.

Floor area means the total area of all floors of all Buildings including Accessory Buildings located on any Lot, excluding the area of basement floors.

Grade of a Lot means the existing undisturbed elevation of the property at its property line.

Grade, for the purposes of determining Building height means the average level at which the existing undisturbed ground intersects the Building foundation.

Guesthouse means a permanent Building, which does contain sleeping accommodation and may have a bathroom, but does not have kitchen facilities, and is not intended to be used as a self-contained Dwelling. A Guesthouse may be a standalone single storey structure or built in combination with an Accessory Building, subject to the provisions of this Bylaw.

Home Business means a business carried on in a Dwelling which

- is not visited by a significant number of clients,
- does not change the external appearance or residential character of the Dwelling except for one sign no larger than 0.5 square metres, and
- is carried on only by the residents of the Dwelling,

Lot means:

- (a) a quarter section;
- (b) a river Lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (c) a settlement Lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
- (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- (e) 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.

Main Building means a Dwelling in which is conducted the main or principal use of the Lot on which it is erected, and which contains living accommodation including kitchen facilities, and bathroom facilities.

Mobile Home means a transportable, single or multi-section single detached Dwelling.

Municipality means the Summer Village of Golden Days.

One and One Half Storey Structure means a Building where the second level cannot exceed 75% of the area of the main floor.

Permitted Use means a use listed in a specific district as a Permitted Use for which the Development Authority must approve a Development Permit for that use if it complies with this Bylaw, subject to whatever conditions may be imposed by the Development Authority pursuant to this Bylaw.

Property Line means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a real property report prepared by an Alberta Land Surveyor.

Recreational Vehicle means a mobile unit that is designed to be used as temporary living or sleeping accommodation, and includes but is not limited to holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include Mobile Homes.

Yard means that part of a Lot upon or over which no Main Building is erected.

Yard, Front means a Yard extending across the full width of the Lot from the front Property Line of the Lot to the front wall of the Main Building. In the event no Main Building is located on the Lot, Yard, Front means a Yard extending across the full width of the Lot from the front Property Line of the Lot to a distance equal to the required front yard set back as defined by this bylaw. On a lake front Lot, the front of the Lot is the side nearest to the lake. Where non-lakefront Lots are served by a developed road, the front of the Lot is that part of the Lot adjacent to the developed road. Where Lots are served by a lane and a road, but the road is undeveloped and the lane is used as the main access to the Lot, the front of such Lot shall be that part of the Lot adjacent to the lane.

Yard, Side means a Yard extending from the sidewall of the Main Building or other permitted Buildings to the side Property Line.

Yard, Rear means a Yard extending across the full width of the Lot from the rear Property Line of the Lot to the rear wall of the Main Building on the Lot. In the event no Main Building is located on the Lot, Yard, Rear means a Yard extending across the full width of the Lot from the rear Property Line of the Lot to a distance equal to the required rear yard set back as defined by this bylaw.

All other words and expressions have the meanings assigned to them in the Act.

3. Establishment of Districts

3.1 For the purpose of this Bylaw the Municipality is divided into the following districts:

R	Residential	DC	Direct Control
IC	Institutional Camp	P	Park
USC	Unsubdivided Cottage	ER	Environmental Reserve

as shown on the map attached as Schedule A, which forms part of and has full force of this Bylaw.

- 3.2 In case of doubt as to the boundaries of a land use district, the decision of Council, in the form of a resolution, shall govern.

4. Regulations

Schedules B, C and D, setting out regulations for land use, form part of and have full force of this Bylaw.

5. Development Authority.

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

- 5.2 The Development Authority shall

5.2.1 receive, consider and decide on applications for a Development Permits,

5.2.2 make available for inspection

5.2.2.1 a copy of this Bylaw as amended, and

5.2.2.2 a register of all applications and supporting documentation including the decisions rendered on them and the reasons for those decisions, subject to the *Freedom of Information and Protection of Privacy Act*,

5.2.3 ensure that copies of this Bylaw can be purchased by the public at a reasonable cost,

5.2.4 perform such duties as are established to enforce this Bylaw in conformance with the Act.

- 5.3 For the purposes of section 542 of the Act, the person or persons holding the office of Development Authority is a *designated* officer of the Municipality.

6. Subdivision and Development Appeal Board

- 6.1 The Subdivision and Development Appeal Board (the "Board") established by Bylaw 150-1995 shall hear and decide on appeals against a decision (or lack of decision) of the Development Authority.

- 6.2 The Board shall be appointed by resolution of Council from time to time, and shall consist of three members of the public, none of whom shall be a councilor of the Municipality.

7. Control of Development

- 7.1 No Development other than that designated in section 8 shall be undertaken within the Municipality unless an application for it has been approved and a Development Permit has been issued.

- 7.2 For the purposes of this section, signs, posters and billboards are deemed to be Developments.

8. *Development Not Requiring a Development Permit*

No Development Permit is required for any of the following:

- 8.1 A land use or Building exempted under sections 618 and 619 of the Act,
- 8.2 The completion and use of a Development which was lawfully under construction at the date this Bylaw comes into effect,
- 8.3 The continuation of a lawful use of Building or land which was in effect at the date this Bylaw comes into effect,
- 8.4 Normal maintenance to any Building or public utility provided that such works do not include structural alterations, renovations, or alterations to the exterior appearance of a Building,
- 8.5 The construction and maintenance of gates, fences, walls or other means of enclosure less than 1 metre in height in a Front Yard and 1.8 metres in height elsewhere (see also section 5 of Schedule B),
- 8.6 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, which temporary Building shall be removed within thirty (30) days of the completion of construction as authorized by the Development Permit,
- 8.7 Landscaping where the proposed Grades will not adversely affect the subject or adjacent properties and where the proposed Grades will not result in any changes to the flow of water off the Lot, except where landscaping forms part of a Development which requires a Development Permit,
- 8.8 Municipal or utility work in, on, or under a road or lane,
- 8.9 A garden or storage shed (limited to one per Lot), not to exceed 15 square metres (161 square feet) and complying with the setback requirements set out in this Bylaw. If in the sole discretion of the Development Authority, a garden or storage shed does not meet what the Development Authority considers to be acceptable standards of the community with respect to appearance, the Development Authority may avail itself of the remedies set out in Article 14 hereof.

9. *Non-Conforming Buildings and Uses*

- 9.1 If a Building or land use is not allowed for in this Bylaw, but was legally in existence at the date of passage of this Bylaw, it may continue as a nonconforming use pursuant to section 643 of the Act.

10. *Permission for Development*

- 10.1 An application for a Development Permit shall be made to the Development Authority on a prescribed application form (including municipal address and legal description of the lands), and shall be accompanied by:
 - 10.1.1 a Real Property Report prepared by an Alberta Land Surveyor certifying the location of any existing Development on the property and a plan drawn to scale showing the location of any proposed Development on the property and detailing the proposed Front, Rear, and Side Yards, locations of all existing or proposed Buildings, and any provision for off-street loading and vehicle parking and access points;

- 10.1.2 construction drawings prepared by a qualified residential design service, including floor plans and elevation drawings showing the proposed Building and Building heights; also in relation to existing Buildings on the subject and neighbouring Lots, and details of the exterior finish;
 - 10.1.3 a grading and drainage plan;
 - 10.1.4 if requested by the Development Authority, a report by a Professional Engineer, certifying that the site is safe as regards flood hazard and slope stability with respect to the Lot in question and adjacent Lots;
 - 10.1.5 a statement of use;
 - 10.1.6 a statement of ownership of land and interest of the applicant therein;
 - 10.1.7 the estimated commencement and completion dates;
 - 10.1.8 the estimated cost of the project or contract price; and
 - 10.1.9 the required application fee, and
 - 10.1.10 any other information the Development Authority deems necessary.
- 10.2 A Development Permit application shall not be considered complete until all the requirements for the application, as set out above, have been submitted.

11. *Decision of the Development Authority*

- 11.1 The Development Authority shall receive, consider and decide on all applications for Development Permits.
- 11.2 The Development Authority may refer an application for a Development Permit to such agencies or authorities as it considers appropriate for comments or recommendations and such agencies and authorities may include but are not limited to the following:
- (a) Alberta Agriculture,
 - (b) Alberta Environmental Protection,
 - (c) Alberta Labour,
 - (d) Alberta Energy,
 - (e) Adjacent Municipalities, and
 - (f) Regional Health Authority.
- 11.3 Within forty (40) days of the receipt of an application for a Development Permit which is completed pursuant to article 10.2 hereof, the Development Authority shall render a decision in writing and mail or otherwise deliver it to the applicant, and the decision shall contain information about the rights to appeal.
- 11.4 A decision by the Development Authority to grant a Development Permit shall, within five (5) days of that decision, be mailed to the owners of immediately adjacent properties to the property which is the subject matter of the Development Permit and/or such other property owners as the

Development Authority considers advisable. The Development Permit shall be posted by the applicant in a conspicuous place on the property which is the subject of the Development Permit.

- 11.5 In making a decision the Development Authority may approve the application unconditionally, or impose conditions as authorized by this Bylaw, permanently or for a limited period of time, or refuse the application.
- 11.6 Where the Development Authority refuses to issue a Development Permit, it must give reasons.
- 11.7 The Development Authority may require that, as a condition of a Development Permit being issued, the Applicant enter into an agreement with the Municipality to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the Development,
 - (b) to construct or pay for the construction of
 - (i) a pedestrian walkway system to serve the Development, or
 - (ii) pedestrian walkways to connect the pedestrian walkway system serving the Development with a pedestrian walkway system that serves or is proposed to serve an adjacent Development,or both,
 - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the Development,
 - (d) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and
 - (ii) loading and unloading facilities,
 - (e) to pay an off-site levy or redevelopment levy,
 - (f) to give security to ensure that the terms of the agreement under this section are carried out.
- 11.8 When an application for a Development Permit has been refused initially or on appeal, the Development Authority may, at its discretion, refuse to accept another application for a permit on the same property and for the same or similar use of land by the same or any other applicant for 6 months after the date of the previous refusal, unless the circumstances have changed substantially.
- 11.9 If a proposed Development is for a use not listed as *Permitted* for that district, or if it does not comply in every way with this Bylaw, the Development Authority shall refuse to issue a Development Permit.
- 11.10 Notwithstanding 11.9 above, the Development Authority may, in its discretion, relax a Yard setback requirement if it is satisfied that such relaxation is appropriate and:
- (a) the proposed Development would not:

- (i) unduly interfere with the amenities of the neighborhood, or
- (ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and

(b) the proposed Development conforms with the use prescribed for that land or Building in the land use Bylaw.

11.11 An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when a decision is not issued by the Development Authority within 40 days of an application complying with all the requirements of this Bylaw being made, and the person claiming to be affected may appeal in writing as provided for in this Bylaw as though the application had been refused.

12. Conditions of Development Permit

12.1 The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property. The Development Authority may require a damage deposit or bond for the purposes of securing such financial responsibility.

12.2 The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties.

13. Validity of Permits

13.1 A Development Permit does not come into effect until at least twenty-one (21) days have elapsed from the date it is granted and in any event does not come into effect until the plans for the Building have been approved by an accredited Safety Codes Inspector and all necessary permits pertaining to the construction of the Building have been obtained and copies sent to the Municipality, and posted on site.

13.2 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.

13.3 A Development Permit is valid for one (1) year from the date it comes into effect and work authorized pursuant to a Development Permit must be commenced within six (6) months and completed within twelve (12) months from the date the Development Permit comes into effect. Extensions may be granted at the sole discretion of the Development Authority at a cost of 50% of the original development permit fee.

13.4 If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke or modify the permit and shall have the right to suspend all construction activity on the site.

14. Contravention

14.1 Where the Development Authority finds that a Development or use of land or Buildings is not in accordance with:

14.1.1 the Act or regulations under the Act, or

14.1.2 a Development Permit or subdivision approval, or

14.1.3 this Bylaw,

it may proceed in accordance with section 645 and 646 of the Act and without in any way restricting the generality of the foregoing, it may:

- (i) stop the Development or use of the land or Buildings in whole or part;
- (ii) demolish, remove or replace the Development, or
- (iii) take such other actions as may be required to ensure compliance with the Act, regulations, permit, this Bylaw, or public safety.

14.2 Contravention of this Bylaw is an offence and is subject to a fine not exceeding \$10,000 pursuant to section 566 of the Act.

15. Appeals

15.1 The procedure for appeal against the decision or lack of decision of the Development Authority is set out in section 686 of the Act, and shall be made to the Subdivision and Development Appeal Board (the "Board").

15.2 There is no appeal against a permit for a permitted use, which conforms in every way with this Bylaw (section 685(3) of the Act).

15.3 The Board must hold an appeal hearing within 30 days after receipt of the Notice of Appeal.

16. Decision of the Appeal Board

16.1 The Board:

- (a) may, while carrying out its power, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings;
- (b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence presented at a hearing; and
- (c) shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of this Bylaw.

16.2 When deciding an appeal, the Board:

- (a) must comply with the land use policies and statutory plans and, subject to clause (d), the land use Bylaw in effect;
- (b) must have regard to but is not bound by the subdivision and Development regulations;
- (c) may confirm, revoke, or vary the order, decision or Development Permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an Order or decision or issue or confirm the issue of a Development Permit even though the proposed Development does not comply with the land use Bylaw if, in its opinion,
 - (i) the proposed Development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed Development conforms to the use prescribed for that land or Building in the land use Bylaw.

and this power extends to non-conforming Buildings and uses pursuant to section 643(5)(c) of the Act.

16.3 The Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.

16.4 A decision by the Board is final and binding subject only to an appeal upon a question of jurisdiction or law pursuant to section 688 of the Act.

17. Amendments

17.1 A ratepayer of the Municipality may apply to have this Bylaw amended, by applying in writing, giving reasons for the amendment requested, and paying the appropriate fee.

17.2 An application under 17.1 shall be accompanied by:

- (a) a current certificate of title and written authorization to act on behalf of the owner if submitted by an agent;
- (b) a map showing the proposed change within the context of adjacent land;
- (c) permission for inspection by a designated officer; and
- (d) any additional information the Municipality may require.

17.3 Council may at any time initiate an amendment of this Bylaw.

17.4 An application to change Schedule A, the map of land use districts, may be initiated only by the owner of the land in question, or by Council.

18. Interpretation

18.1 Where both metric and imperial measures are given in this Bylaw, the metric number shall govern. Imperial equivalents are given for convenience only, and may not be precise.

18.2 *He, him, she, her, they, and them* are to be read interchangeably as the context requires.

18.3 If any part of this Bylaw is held to be invalid by a decision of a Court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

19. Continuation of Conditions

19.1 A condition attached to a Development Permit issued under a former land use Bylaw continues under this Bylaw

20. *Repeal of Existing Bylaws*

20.1 Bylaw 169, the former land use Bylaw, and amendments thereto, are repealed.

21. *Fees and Forms*

21.1 Fees and forms referred to in this Bylaw shall be established by resolution of council.

22. *Date of Commencement*

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

First Reading:	May 26, 2005
Public Hearing:	June 11, 2005
Second Reading:	July 18, 2005
Third Reading:	July 18, 2005

Mayor

Administrator

SCHEDULE B: REGULATIONS FOR ALL LAND USE DISTRICTS

1. **Main Building Requirement** The Development of Accessory Buildings and/or Guesthouses will not be permitted unless a Main Building has been constructed on a lot or unless the Development of the Accessory Building and/or Guesthouse is equipped with full indoor plumbing.

2. Designs and Appearance of Buildings

The Development Authority may, at its sole discretion, as a condition of issuing a Development Permit, require changes in the design, appearance and placement of a Building to ensure that it is compatible with the surrounding Buildings and the accepted standards of the community.

3. Grading and Drainage

- 3.1.1 No land shall be cleared, filled or raised, and no grading or drainage may be undertaken, unless a Development Permit has been issued.
- 3.1.2 Water shall not be diverted to flow from one Lot to another unless a drainage scheme is agreed to in writing between the two owners and the Municipality and a Development Permit has been issued.

4. Moved-In Buildings

- 4.1 A person making application to move an existing Building (which shall not include a Mobile Home) into or within the Municipality, shall, in addition to other requirements of the Development Permit:
 - 4.1.1 make the usual application for a Development Permit;
 - 4.1.2 provide photographs showing all sides and the general condition of the Building;
and
 - 4.1.3 state the present location and use of the Building.
- 4.2 The Development Authority may inspect the Building, or cause the Building to be inspected by a person it so appoints, and may issue a Development Permit subject to the condition that the Building be improved once it is moved on site.
- 4.3 The cost of inspection shall be added to the fee for a Development Permit.
- 4.4 The Development Authority may require the developer to provide cost estimates for the works deemed necessary and may require the developer to provide a bond for specific performance of the works within a specific period of time.
- 4.5 A moved-in Building is a Discretionary Use in any district.

5. Signs

- 5.1 All signs other than the following require a Development Permit:
 - 5.1.1 one sign, of not more than 0.5 square metres in area, advertising for sale the property on which it stands,
 - 5.1.2 one name plate, not exceeding 0.5 square metres in area, giving the name of the owner, and/or the name of the property, and/or the municipal address, and/or other pertinent information, and

5.2 No person shall erect a sign that is, in the opinion of the Development Authority, a hazard to person or traffic, or which applies to any past event. **6. Screening And Fencing**

6.1 No fence or screen shall be higher than 1.8 metres (6 feet) above Grade.

6.2 Fences in the Front Yard shall be no higher than 1 metre above the level of the ground at that point and no fencing shall be allowed across the front Property Line for lakefront Lots.

7. Sanitary Sewer Service

Pursuant to Bylaw 120, the Mandatory Sewer Connection Bylaw, all Buildings and facilities producing sewage or grey water must be connected to the municipal sewer system as a condition of any Development Permit. **8. Nuisances and Objectionable Items in Yards**

8.1 All properties shall be kept in a neat and orderly manner and no Yard shall contain loose garbage, wrecked or abandoned vehicles, or other unsightly or dangerous items.

8.2 No animals shall be kept in any district other than common domestic pets to a maximum of three (3) per Lot.

8.3 No person shall keep or permit in any part of a Yard in any Residential district:

- (a) any dismantled or wrecked or unlicensed vehicle for more than 14 successive days, or
- (b) any vehicle weighing in excess of 4500 kg. gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle.
- (c) 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
- (d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

SCHEDULE C: REGULATIONS FOR SPECIFIC LAND USE DISTRICTS

1. *Regulations For the Residential Districts*

1.1 Permitted Uses

The following uses are permitted in the Residential district:

- 1.1.1 single detached Dwellings of new, conventional construction or prefabricated construction, (which shall not include Mobile Homes) installed on a properly designed and permanent foundation, limited to one per Lot,
- 1.1.2 the parking and use of Recreational Vehicles, subject to section 1.7 below,
- 1.1.3 guesthouses, limited to one per Lot and subject to section 1.8 of Schedule C,
- 1.1.4 temporary Dwellings to be occupied by the owner of a Lot while a permanent Dwelling is under construction,
- 1.1.5 Accessory Buildings to a maximum of two per Lot, subject to section 1.8 of Schedule C, and
- 1.1.6 Recreational Accessories are to be included in the over-all site coverage of the lot and shall include but are not limited to hot tubs, swimming pools and saunas, provided there is other approved development on the lot.
- 1.1.7 Development permits will be required to install a hot tub or swimming pool as per the Alberta Building Code, hot tubs for single family dwellings are considered to be swimming pools if the depth of water is greater than 600 mm (24 inches). Proof of two million dollars insurance liability will be required with the development application.
 - 1.1.7.1 A hot tub or swimming pool must be protected from unauthorized access by a fence, wall or enclosure that has a minimum height of 1.8 m (6 feet) and can't be accessed by climbing from the outside. Openings for access through the fence must be protected by:
 - a gate the same height as the fence, and
 - a self closing and self latching device that is capable of being locked and is installed on the inside of the gate at least 1.5 m (5 feet) above the ground level, and
 - is locked at all times when the hot tub or swimming pool is unsupervised.
 - 1.1.7.2 A fence and gate need not be provided around the hot tub if the hot tub:
 - does not exceed 2.4 m (8 feet) across the widest portion of the water surface,
 - is provided with a cover that has the strength to support the weight of an adult walking across the top,
 - has lockable devices to prevent access to the water by unauthorized persons, and
 - has a cover that remains in place and is locked at all times when the hot tub is unsupervised.
- 1.1.8 Public parks and recreation areas.

Attention is drawn to section 2 of Schedule B, under which the Development Authority may require changes to a design if in their opinion a proposed Development is not compatible with the surrounding Buildings and the accepted standards of the community.

1.2 Discretionary Uses

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

1.2.1 Home Businesses.

1.2.2 moved in Buildings (which shall not include Mobile Homes) subject to section 3 of Schedule B.

1.3 Lot Dimensions and Areas

1.3.1 A lake front Lot created for residential use after the date of adoption of this Bylaw shall have a mean width of no less than 23 metres (75 feet) and an area of no less than 1,000 square metres (10,764 square feet).

1.3.2 A rear Lot created for residential use after the date of adoption of this Bylaw shall have a mean width of no less than 30 metres (100 feet) and an area of no less than 1,860 square metres (20,000 square feet).

1.3.3 The minimum Lot width required by this Bylaw shall not prevent

1.3.3.1 the adjustment of a Property Line where no additional Lots are being created, or

1.3.3.2 the re-subdivision of a Lot formed by the consolidation of two or more previously existing Lots.

1.4 Location Of Buildings

1.4.1 *Front and Rear Yards:* All Buildings shall be located at least 8 metres (26 feet) from the front and rear Property Lines unless otherwise permitted in this Bylaw below.

1.4.2 Where a developer wishes to build closer to the front of the Lot than the Main Building on adjacent Lots, the Development Authority may require a larger setback than that required in section 1.4.1. If there is no building on an adjacent site, the required setback of 8 metres shall be maintained.

1.4.3 *Side Yards, all Buildings:* Unless otherwise permitted in this Bylaw, all Buildings shall be located so as to give a Side Yard of:

(a) at least 10% of the Lot width, or

(b) one half the vertical distance from Grade to the highest eave or roofline on that side of the Building,

(whichever is greater).

1.4.4 *Rear Yards, Accessory Buildings and Guest Houses:*

1.4.4.1 A single storey Accessory Building or Guest House shall have a Rear Yard setback of at least two metres.

1.4.4.2 If the main doors of a garage face the rear Property Line, the garage shall be located at least 6 metres (20 feet) from the rear Property Line.

- 1.4.5 *Encroachment into Yards:* Unless specifically excluded in this Bylaw, eaves, bay windows, chimneys, and extensions cantilevered beyond the Building footings may encroach into a required Yard or setback by no more than 0.6 metres (2 feet).
- 1.4.6 *Exterior steps:* Exterior steps may be constructed in a Yard provided that they are no closer than 1 metre to a Property Line.
- 1.4.7 *Location of decks:* If any part of a deck or patio is more than 0.60 metres (2 feet) above Grade, it is governed by the same Yard and setback requirements as a Building. It also requires a handrail as per the Alberta Building Code.
- 1.4.8 *Buildings in Front Yards:* No Accessory Buildings or Guest Houses shall be located in a Front Yard.
- 1.4.9 *Fire separations:* Every Building served by electricity or a heating system shall be located at least 3 metres (10 feet) from every other Building unless a waiver has been obtained under the Alberta Building Code.
- 1.4.10 A Building or structure which is not a direct extension of the Main Building 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.

Figure 1 illustrates the setbacks required under this section.

1.5 Site Coverage and Number of Buildings Per Lot

- 1.5.1 The combined total square footage of upper and lower floors and above grade decks of all Buildings on a Lot shall be no more than 30% of the total area of the Lot.
- 1.5.2 The maximum number of Buildings per Lot including Main Buildings, Guest Houses, Accessory Buildings or any other Buildings, excluding a garden shed as permitted by section 8.9, shall be three. For the purposes of this Bylaw a structure comprising of a combined Accessory Building and Guest House shall be considered one Building.

1.6 Height of Buildings

No Building shall exceed 9 metres (30 feet) in height, measured from Grade to the roof peak, excluding chimneys and aerials.

1.7 Recreational Vehicles

- 1.7.1 Except as permitted under 1.7.3 below, a Recreational Vehicle may be placed on a Lot and used as the principal Dwelling while the permanent Dwelling for which a Development Permit has been issued is under construction.
- 1.7.2 One recreational vehicle may be stored or parked on a Lot but the recreational vehicle shall not be occupied for more than twenty-one (21) days per year while standing on the Lot.
- 1.7.3 Recreation vehicles are only permitted to be stored in the Rear Yard of the Lot.

1.7.4 The Municipality may allow for more than one Recreational Vehicle on a Lot for wan extraordinary event and may issue a temporary permit.

1.7.5 Occupied recreation vehicles shall contain storage facilities for sewage or gray water emanating from the Recreation Vehicle, which storage facilities shall be properly emptied upon the cessation of occupation of the Recreation Vehicle.

1.8 Guest Houses and Accessory Buildings

1.8.1 Guest Houses and Accessory Buildings (which shall not include Mobile Homes) shall be of new, conventional construction or prefabricated construction installed on a properly designed and permanent foundation;

1.8.2 Guesthouses and Accessory Buildings shall be constructed only in the Rear Yard of a Lot, and behind the back walls of the Main Buildings on the two immediate adjacent Lots;

1.8.3 Guesthouses and Accessory Buildings shall have only one storey unless the Guesthouse is built over the Accessory Building;

1.8.4 Stand-alone Guesthouses shall be no larger than 50 square metres (538 sq. ft.); however, if the Guesthouse is constructed above a garage, it shall be no larger than 80 square metres (861 sq. ft.)

1.8.5 Accessory Buildings shall be no larger than 80 square metres (861 sq. ft.)

1.8.6 Sleeping accommodation in or above a garage or any other Accessory Building is deemed to be a Guesthouse and where such accommodation exists, no free-standing Guesthouse shall be constructed on the Lot.

2. ***Regulations for the Institutional Camp District (Camp Bar-V-Nok)***

2.1 Permitted Uses

The following uses are permitted in the Institutional Camp district:

2.1.1 Buildings and uses such as bunkhouses, assembly halls, kitchens, and other Buildings and facilities required for the accommodation, instruction, and recreation of campers or groups affiliated with the organization which owns and operates the facility,

2.1.2 staff residences, to a maximum of one per Lot,

2.1.3 buildings and uses accessory to the above.

2.2 Discretionary Uses

The following uses may be allowed at the discretion of the Subdivision and Development Appeal Board:

2.2.1 recreational vehicles, and

2.2.2 the use of the site and Buildings by campers or groups not affiliated with the organization which owns and operates the facility.

2.3 Density of Development

When issuing a Development Permit, the Development Authority may specify the maximum number of people and vehicles that will be on the site at any time, and any increase in these numbers shall require a new Development Permit.

2.4 Yards and Setbacks

Yards and setbacks in the Institutional Camp district shall be the same as those required in the Residential district.

2.5 Lot Coverage

No more than 20% of the area of a Lot shall be covered by Buildings.

3. ***Regulations for the Unsubdivided Cottage District (Vasa Lodge)***

3.1 Purpose

The purpose of the Unsubdivided Cottage district is to accommodate the existing Development at Vasa Lodge, where the land is not subdivided but where cottages are owned by or allocated to individuals. Annexed hereto and marked as Schedule Y is a map of the existing Lots located in this district. No alterations to the Schedule are to be made without approval of the Development Authority and Council.

3.2 Permitted Uses

The following uses are permitted in the district:

- 3.2.1 single detached Dwellings of new, conventional construction or prefabricated construction, (which shall not include Mobile Homes) installed on a properly designed and permanent foundation, limited to one per Lot,
- 3.2.2 the parking and use of Recreation Vehicles, subject to section 1.7 of the regulations for Residential districts,
- 3.2.3 temporary Dwellings to be occupied by the owner of a Lot while a permanent Dwelling is under construction,
- 3.2.4 one Accessory Building per Lot, subject to sections 1.5.3 and 1.8 of the regulations for Residential districts, and
- 3.2.5 prefabricated hot tubs (which shall not include swimming pools) to be integrated with the Building or deck construction.
- 3.2.6 public parks and public recreation areas.

Attention is drawn to section 2 of Schedule B, under which the Development Authority may require changes to a design if, in their opinion, a proposed Development is not compatible with the surrounding Buildings and the acceptable standards of the community.

3.3 Discretionary Uses

Such other uses as appear to the Development Authority to be compatible with the surrounding land uses.

3.4 Permission For Development

An application for a Development Permit shall be made to the Development Authority in writing in the appropriate form and shall comply with the provisions of Article 10 of this Land Use Bylaw except that instead of a real property report or professional survey as required by 10.1.1, the applicant shall provide the Development Authority with drawings of the property detailing:

1. the location of any Development on the property and/or specifying the location of any proposed Development on the property; and
2. detailing the proposed front, Rear and Side Yards; and
3. locations of all existing Buildings and all existing Buildings on adjacent Lots; and
4. any provision for off street loading and vehicle parking and access points.

The plan submitted shall be certified by the Vasa Land Committee as being accurate in every respect.

3.5 Site Coverage and Number of Buildings Per Lot

3.5.1 No more than 30% of the area of the notional Lots shown on Schedule Y shall be covered by Buildings.

3.5.2 If the Main Building is to have more than one floor, it shall be designed and constructed as a One and One Half Storey Structure, for greater certainty no full two storey structure shall be permitted.

3.6 Location of Buildings

3.6.1 Front and Rear Yards: all Buildings shall be located in relation to front and rear Property Lines as determined by the Development Authority, taking into account the location of Buildings on adjacent Lots.

3.6.2 Side Yards, All Buildings: Unless otherwise permitted below, all Buildings shall provide a Side Yard of at least 10% of the width of the Lot.

3.6.3 Eaves, bay windows, chimneys and extensions cantilevered beyond the Building footings may not encroach into a required Side Yard.

3.6.4 Location of Decks: If any part of a deck or patio is more than 0.3 metres (1 foot) above Grade it is governed by the same Yard and setback requirements as a Building.

3.6.5 Buildings in Front Yards: No Accessory Buildings shall be located in a Front Yard.

3.6.6 Fire Separations: Every Building served by electricity or a heating system shall be located at least 3 metres (10 feet) from every other Building unless a waiver has been obtained under the Alberta Building Code.

3.6.7 Additions: A Building or structure which does not share footings with the Main Building on a 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.

3.7 Height and Size of Buildings

- 3.7.1 No Building shall exceed 7.5 metres (25 feet) in height, measured from Grade to the roof peak, excluding chimneys and aerals.
- 3.7.2 The Main Building on a Lot shall not have a footprint exceeding 102 square metres (1100 square feet) of land coverage.
- 3.7.3 A developer may construct one accessory or secondary one level Building not to exceed 18.6 square metres (200 square feet).
- 3.7.4 The maximum number of Buildings per Lot shall be 2.

4. *Application of Bylaw*

Unless otherwise modified by the specific provisions under regulations for the unsubdivided cottage district, the land use Bylaw of the Summer Village of Golden Days applies to the unsubdivided cottage district.

5. *Direct Control District*

Pursuant to section 641 of the Act, applications for Development in the Direct Control districts shall be referred to and decided by Council. Notwithstanding the above, no subdivision or rezoning of a property presently located in a direct control district shall be permitted:

- (a) Until such time as a new Municipal Development Plan for the Summer Village of Golden Days is completed, in place and adopted by Council;
- (b) An Area Structure Plan for a designated Direct Control district is prepared, presented to Council and adopted by Council.

SCHEDULE D – ENVIRONMENTAL PROTECTION

A healthy shoreline and back lot area in the Summer Village, with abundant native vegetation and tree planting, helps protect water quality, fish and wildlife habitat and protects against erosion, property loss and the environment. Since land covered by trees contributes fewer nutrients to the lake than land that is cleared and since tree cover also protects land from erosion, maintaining tree cover is the best way of maintaining water quality of the lake. Maintaining natural vegetation along water boundaries will also reduce erosion, provide wildlife corridors, filter contaminants and maintain a natural appearance.

A clean and orderly condition and regular maintenance of private property and buildings also supports a pollution free environment and quiet enjoyment for all ratepayers.

1.0 Purpose

- 1.1 The purpose of this schedule is to provide regulations for the preservation of the environment in the Summer Village of Golden Days including, but not necessarily restricted to native trees, vegetation and natural habitat and to regulate the environmental impact of existing properties and future development.
- 1.2 This Schedule shall apply to all lands within the Summer Village of Golden Days.

2.0 Goals

- 2.1 To maintain and where possible to improve the quality of the natural environment in the Summer Village of Golden Days.
- 2.2 To manage the use of Pigeon Lake / Summer Village of Golden Days consistent with environmental safety, public safety, sustainable development and attractive neighborhoods.
- 2.3 To ensure that ground water sources are not depleted or contaminated.
- 2.4 To maximize and preserve natural existing tree cover and vegetation adjacent to lake areas and natural features, to protect against erosion.

3.0 Pollution Control and Maintenance

Refer also to Schedule B, Regulations for all Land Use Districts

- 3.1 In order to maintain the lake environment, no waste solids or liquids or chemicals of any kind shall be allowed to discharge or be discharged into the lake. All ratepayers are required to maintain waste water and grey water systems connected to the Summer Village infrastructure, at all times.
- 3.2 No storage or activity shall be undertaken which in the opinion of the Development Authority constitutes a danger or annoyance to persons on the site, public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, dust and other particulate matter, heat, humidity, glare, smoke, waste matter, toxic and noxious matter, traffic, water or steam.
- 3.3 Landscaped areas including natural areas, privacy screens, fences, gates and refuse storage areas shall be suitably maintained and kept in a neat and orderly manner.
- 3.4 Motorized vehicles shall be restricted to driveways and roads to protect and preserve soft landscaped areas, required yards and landscaping along Summer Village road allowances.

- 3.5 Open fires are under the authority of the County of Leduc and all ratepayers are required to comply with fire bans as applicable. All open fires in the Summer Village shall be contained in a non-combustible pit or enclosure. Under no circumstances shall chemicals or any other products or sources of combustion be burned.

4.0 Environmental Protection

- 4.1 A lot in the Summer Village shall not be cleared unless a Development Permit has been issued by the Development Authority.
- 4.2 After allowing for permitted site coverage for Buildings, driveway access and physical access to the water as set out in paragraph 4.3 of this schedule, no more than 50% of the remaining lot shall be cleared of its existing tree cover and other natural vegetation unless a development permit has been issued, including a landscaping plan showing such material is to be replaced with equivalent or better material. 4.3 No trees or vegetation shall be cleared from within 6M (20 feet) of an existing water feature except to provide physical access to the water feature and only to a maximum width of 3M (10feet) or except where such trees or vegetation are diseased, dying or endangering buildings or property unless a permit has been issued by Alberta Environment.
- 4.4 Steeply sloping banks, ravines, dense tree covered areas (forests) and/or water recharge areas shall be taken into municipal environmental reserve when land is subdivided. Alternatively, an environmental reserve easement may be registered to protect tree cover.
- 4.5 Any lot that has been cleared beyond the requirements of this section nor, without a Development Permit, shall be subject to review and the Development Authority may require the Owner of the land to:
- restore, remediate or replace that which has been cleared, and
 - be subject to penalties pursuant to this Bylaw.
- 4.6 Notwithstanding any of the above, lots requiring remediation such as those encountering peat or other such non-structural or unsatisfactory materials, or requiring disease control may be subjected to clearing and re-vegetating in a manner acceptable to the Development Authority; prior to any activity on site. Such measures shall only be considered by the Development Authority upon receipt of a report prepared by a soils engineer, soils investigation authority or arborist, containing recommendations for remediation and re-vegetation.

5.0 Landscaping and Drainage

- 5.1 Any landscaping required shall be completed within one year of completion of the development.
- 5.2 Landscaped sites shall use native species of ground cover, plant material and trees that are locally hardy to ensure compatibility with the surrounding area. Such trees and planting material shall also be species that are not reliant on fertilizers, herbicides and pesticides for healthy growth or maintenance.
- 5.3 Landscaping and contouring of sites shall follow the natural terrain. No artificial grading shall be permitted that impacts the subject site or any adjacent site. No ponding shall be permitted at property lines. All runoff shall either be contained to recharge the subject site or drained off to the municipal drainage system of swales or culverts where applicable and shall not drain to adjacent properties.
- 5.4 Lawn fertilizers and plant nutrients shall contain 0 phosphates (ie 40-0-0). It is the intention of this Schedule to require ratepayers to be responsible in the use of chemicals near the lake. No chemical product shall be used within 17 metres of the high water mark of the lake.

- 5.5 Hard surfaced paving such as asphalt or concrete (which includes but is not limited to: driveways, patios, and sidewalks) is permitted but may not exceed 10% of the total lot coverage. Notwithstanding the previous, council may, at its sole discretion, approve an additional increase in the site coverage to a maximum of 15%, on a case-by-case basis. In no case shall drainage or runoff from parking areas on a property be allowed to migrate to adjacent properties or to the lake.

6.0 Shoreline Protection

- 6.1 All work contemplated at the shoreline shall first receive approval from Alberta Environment. The approval document or permit shall then be submitted along with suitably prepared drawings and any other documentation that may be required or requested by the Development Authority for a Development Permit. No work shall commence at the shoreline until a Development Permit is awarded.
- 6.2 Imported material used for landscaping or erosion control, such as sand, rock or fill shall be approved by Alberta Environment where applicable, prior to construction. Such material (or construction debris) shall not be placed, spilled or left on public streets or on adjacent properties.
- 6.3 In order to prevent the lake from being polluted by water that passes over or through contaminated ground, all development shall be required to clean up or divert roadside or farm drainage ditches to the satisfaction of the Development Authority.

7.0 Accessories

- 7.1 Docks shall be constructed and maintained in safe condition. Permanent docks of any description are not permitted.
- 7.2 Outdoor, built in, below grade or permanent swimming pools, hot tubs and saunas are permitted and require a permit and must be installed and maintained according to the Alberta Building Code. They must also comply with all yard setbacks.
- 7.3 Hot tubs, swimming pools and spas under 1200 litres are to be drained into the Summer Village infrastructure system. Prior to draining such systems, all chemical dispensers are to be removed several days prior to draining to allow the water to discharge its chemical concentrations naturally into the atmosphere. Hot tubs, swimming pools and spas over 1200 litres must be drained by external sources such as a water truck or vacuum truck. Under no circumstances are hot tubs, swimming pools or spas water allowed to migrate or drain to the lake.

8.0 Guidelines

- 8.1 Further information and reference guides for ratepayers that encourage environmental responsibility, home and property management in a country and lake environment can be found at: www.livingbywater.ca.