

# **BYLAW NO. 73**

## **A BYLAW OF THE SUMMER VILLAGE OF NORRIS BEACH, IN THE PROVINCE OF ALBERTA, TO CONTROL LAND USE PLANNING AND DEVELOPMENT**

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, Part 2, Section 7 & 8 and Part 17 and amendments thereto, authorizes the Council of a municipality to pass bylaws pertaining to planning and development, and

WHEREAS it is deemed desirable and expedient to provide for the control of orderly development within the boundaries of the Summer Village of Norris Beach for the purposes of maintaining and improving the infrastructure, and

WHEREAS the Council of the Summer Village of Norris Beach considers it desirable and expedient to do so.

NOW THEREFORE the Council of the Summer Village of Norris Beach, in the Province of Alberta, duly assembled, enacts as follows:

### **Section 1 - Name of Bylaw**

1.1 This Bylaw shall be known as “The Land Use Bylaw”

### **Section 2 – Purpose of This Bylaw**

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

### **Section 3 - Definitions**

3.1 In this Bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

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

“*Accessory Use*” means a use separate and subordinate to the main use and incidental to the main use on the lot.

“*Act*” means the Municipal Government Act.

“*Boathouse*” means a structure used for the storage of boats and associated equipment.

“*Car Port*” means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40 percent of its total perimeter open and unobstructed.

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

“*Corner Site*” - see Site, Corner.

“*Council*” means the Council of the municipality.

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

“*Development Permit*” means a permit issued by the Development Authority which authorizes development.

“*Development*” means:

- an excavation or stockpile and the creation of either of them;
- a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, or under land;
- a change in the use of land or of a building, or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building, and
- a change in the intensity of use of land or of a building, or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

“*Development Permit*” means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents, but does not mean a building permit required by the Alberta Safety Codes Act.

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

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

“*Excavation*” means any breaking of ground, except common household gardening, landscaping and ground care. See also Bylaw Section 9 (clause 9.9).

“*Fence*” means a vertical physical barrier constructed to prevent or reduce visual intrusion, noise, or unauthorized access.

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

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

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

“*Grade of an Adjacent Lot*” means the average elevation of the corners of the main building on the adjacent lot.

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

“*Height of a Building*” means the vertical distance from grade to roof peak.

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

“*Home Business*” means a business carried on in a dwelling which is not normally visited by clients, customers or delivery services and does not change the external appearance or residential character of the dwelling. It will only be operated by the residents of the dwelling, and does not include bed and breakfast operations.

“*Lakefront*” means property facing and abutting the lake.

“*Lakefront Lot*” means a lot which abuts the lake shoreline, or which would abut the lake shoreline if it were not for an intervening reserve parcel.

“*Lot*” means (1) an individual lot for which a title has been issued, or (2) two or more lots which are 'tied' for assessment purposes, or (3) two or more lots on a single title.

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

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

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

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

“*Municipality*” means the Summer Village of Norris Beach.

“*Non-Conforming Building*” means a building that:

- is lawfully constructed or is lawfully under construction at the date on which this bylaw or any amendment thereto, affecting the building or land on which the building is situated, becomes effective, and
- on the date this bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw or amendment thereof.

*“Non-Conforming Use”* means a lawful specific use:

- being made of land or a building or intended to be made of a building lawfully under construction on the date which this bylaw or any amendment thereto, affecting the land or building, becomes effective, and
- that on the date this bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw or amendment thereof.

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

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

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

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

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

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

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

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

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

*“Setback”* means the distance from a building to the front, side or rear property line of the building site.

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

*“Site, Corner”* means a site at the intersection of two abutting streets where the intersection of the two streets is less than 135 degrees. A site abutting a curved street or streets is a corner site if the arc of the inside boundary of the street is less than 45 metres (148 feet) in radius over an angle of more than 135 degrees.

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

“*Soakaway*” means a pit filled with sand or gravel into which storm water is directed so that the water may soak into the ground.

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

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

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

“*Yard, Front*” means a yard extending across the full width of a lot from the road line of the lot to the nearest wall of the main building situated on the lot.

“*Yard, Lakefront*” means the part of the *Lakefront Lot* between the lake and the main building. *Yard, Lakefront* only applies to properties abutting the lake.

“*Yard, Back or Rear*” means the yard extending across the full width of the lot from the rear wall of the main building situated on the property to the rear property line which is not a *Lakefront Lot*.

*Note: Yard, Back or Rear, does not apply to Lakefront Lots. (See Frontage, Yard-Front regarding Lakefront Lots)*

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

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

3.3 Where a term is defined in legislation and also in this bylaw, and the definitions differ, the definition in legislation prevails.

3.4 In accordance with Alberta Land Titles and Building Code practice, all dimensions in this bylaw are given in metric measure, and where an Imperial measure is given for the convenience of the user, it is not exact, and in case of dispute the metric measure shall govern.

#### **Section 4 - Establishment of Districts**

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

- Residential
- Reserve or Parks
- Large Lot Residential

The boundaries of each district are shown on the map which is Schedule “A” to this bylaw.

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

### **Section 5 – Schedules and Regulations**

The following schedules form part of and have the full force of this bylaw:

- A (map of land use districts)
- B (general regulations)
- C (district regulations)
- D (penalties)
- E (intermunicipal referrals)
- F (diagram illustrating yards)
- G (fees)

### **Section 6 - Development Authority**

- 6.1 The office of the Development Authority is hereby established and shall be filled by a person or persons appointed by the resolution of Council. If no person is appointed, the Municipal Administrator shall act as Development Authority.
- 6.2 The Development Authority shall:
- 6.2.1 receive, consider and decide on applications for a development permit,
  - 6.2.2 ensure that development is carried out in accordance with a development permit,
  - 6.2.3 make available for inspection a copy of this bylaw as amended, and a list of all applications and the decisions rendered on them and the reasons for those decisions,
  - 6.2.4 ensure that copies of this bylaw can be purchased by the public at a reasonable cost,
  - 6.2.5 administer the appeal process, and
  - 6.2.6 perform such additional duties as may be established by this bylaw or by the direction of Council to enforce this bylaw in conformance with the Act.
- 6.3 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the municipality.
- 6.4 Where this Bylaw calls for a judgement, opinion, or decision, the judgement, opinion, or decision shall be those of the Development Authority.

### **Section 7 - Subdivision and Development Appeal Board**

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

## Section 8 - Development Requiring a Development Permit

- 8.1 No development other than that designated in Section 9 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 8.2 Development includes demolition or removal, installation of driveways on municipal lands and a development permit is required, but no fee shall be charged for issuing the permit.
- 8.3 Posters, billboards and signs are deemed to be developments.
- 8.4 An excavation for a sewer system is deemed to be a development. (*Note that the sewer system itself is governed by provincial legislation.*)
- 8.5 Subject to any agreement between the municipality and Public Lands Division, a separate development permit is required for any proposed changes to the shoreline of Pigeon Lake, which will also require obtaining necessary approvals from senior governments.

## Section 9 - Development Not Requiring a Development Permit

No development permit is required for:

- 9.1 work in or on a road or utility lot or right-of-way by a government or by a franchised utility company,
- 9.2 the completion and subsequent use of a building which was lawfully under construction at the date this bylaw comes into effect,
- 9.3 the continuation of a lawful use of building or land which was in effect at the date this Bylaw comes into effect (but any conditions attached to a development permit issued under the former bylaw continue to apply under this bylaw),
- 9.4 the maintenance of or repair to any building, or structure provided that such work does not include structural alterations or major works of renovation (*but note that a building permit may be required for alterations to plumbing, electrical, or heating systems*),
- 9.5 gates, fences, walls or other means of enclosure less than 1.5 metres (5 feet) in height in front yards and 2 metres (7 feet) in height elsewhere (*but see also Schedule "B", clause 5.3*),
- 9.6 exterior steps,
- 9.7 a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued under this Bylaw,
- 9.8 the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under provincial or federal legislation provided that such signs,
  - bear the name of the person responsible for the sign,
  - are removed within one day of the election date, and
  - do not obstruct or impair vision or traffic,
- 9.9 landscaping where the proposed grades will not adversely affect adjacent properties and the environment, or obstruct the adjacent property's view of the adjacent environment,
- 9.10 one sign on internal lots, or two signs on corner lots, advertising the land for sale or rent provided that such signs are a maximum of 1.0 square metre in size,
- 9.11 name and address signs, and
- 9.12 developments exempted from this bylaw under sections 618 or 619 of the Act.

## **Section 10 - Non-Conforming Buildings and Uses**

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

## **Section 11 - Applying for a Development Permit**

- 11.1 An application for a development permit shall be made to the Development Authority in writing on a standard form and shall be accompanied by:
  - 11.1.1 If requested by the Development Authority, a Real Property Report prepared within the last five years showing the location of all buildings, vehicle access and parking, utility lines, gas and electricity lines, wells, water lines, sewer lines, septic tanks, disposal fields and sumps;
  - 11.1.2 A site plan of the proposed development drawn to scale showing location of all present and future buildings and the location of proposed parking and access;
  - 11.1.3 Floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions;
  - 11.1.4 In the case of a house, an architect's rendering of the finished building also showing the buildings on adjacent lots;
  - 11.1.5 A grading and drainage plan;
  - 11.1.6 A statement of use;
  - 11.1.7 A statement of ownership of land and interest of the applicant therein;
  - 11.1.8 The estimated commencement and completion dates;
  - 11.1.9 The estimated cost of the project or contract price; and
  - 11.1.10 The required application fee.
- 11.2 The Development Authority may require additional information if in his opinion this is necessary to make a decision.
- 11.3 The Development Authority shall consider and decide on all applications for a development permit.



## **Section 12 - Giving Notice to Neighbours**

- 12.1 Before approving a development permit for a discretionary use of land, or where a provision of the Bylaw is proposed to be relaxed or waived, the Development Authority shall give written notice of the proposed development to the owners of all properties within 100 metres (330 feet) and such other property owners as he considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
- 12.2 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.
- 12.3 If a person who was notified under 12.2 (above) objects in writing to the proposed development, the Development Authority must re-evaluate the proposed application and enact a decision as per Section 13.
- 12.4 Notice required by this Bylaw shall be mailed to the Owner of the affected property at the address in the tax roll and may also be given by posting the site.

## **Section 13 - Decision**

- 13.1 The decision of the Development Authority on an application for a development permit shall be given in writing on a standard form and mailed or handed to the applicant and to any other person who has expressed an interest in the application.
- 13.2 In making a decision the Development Authority shall either
  - 13.2.1 approve the application unconditionally, or
  - 13.2.2 impose conditions considered appropriate, permanently or for a limited period of time, or
  - 13.2.3 refuse the application.
- 13.3 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 13.4 The Development Authority may require as a condition of issuing a development permit that the applicant enter into an agreement under section 650 of the Act to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw. This may require that a performance bond or letter of credit be deposited with the Development Authority to reimburse the municipality for any damage caused to local improvements as a result of development, or to ensure that the development is completed in accordance with the development permit, and this agreement may be registered on the title of the property by means of a caveat.
- 13.5 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 for the same or similar use of land by the same or any other applicant for 6 months after the date of the previous refusal, unless the circumstances have changed substantially.
- 13.6 The Development Authority may ask the applicant to provide a letter of understanding that documents the details of the application and the granting of a permit that is not otherwise documented.

## **Section 14 - Compatibility with Neighbouring Development**

- 14.1 The design, construction, and appearance of every building and structure shall be compatible with other buildings and structures in the municipality and the Development Authority may require changes to a design or refuse a development permit if in his opinion a proposed development would be detrimental to the municipality, even if the proposed use is a permitted use under Schedule “C”.
- 14.2 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. Alternatively the Development Authority may require changes to the proposed development before issuing a permit. In making this judgement the Development Authority may consider among other things the number, size, and location of finished or roughed-in plumbing, stairways, furnaces and air ducts, furnace controls, firewalls, exterior and interior doors, patios, decks, balconies, driveways, and garages.

## **Section 15 - 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,

- 15.1 the proposed development would not
- 15.1.1 unduly interfere with the amenities of the neighbourhood, or
  - 15.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- 15.2 the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.

Notes:

- The Development Authority may only approve an application to relax or vary the bylaw if the neighbours immediately affected offer no objection.
- See Bylaw Section 12 - Giving Notice to Neighbours.
- See also section 640 (6) of the *Act*.

## **Section 16 - When a Development Permit Comes into Effect**

- 16.1 A development permit comes into effect immediately if the proposed development is for a permitted use and the bylaw was not relaxed or varied.
- 16.2 Despite the preceding clause, a development permit involving construction does not come into effect until the plans for the building have been approved by the person or firm appointed by Council as Building Inspector and a building permit has been issued by that person or firm.
- 16.3 A development permit for a discretionary use, or in respect of which a provision of the bylaw has been relaxed or waived, does not come into force until 14 days after the date of its issue, and during this time any person claiming to be affected by the proposed development may appeal the decision of the Development Authority. Any development proceeded with by the applicant, prior to the expiry of the 14 day period, is done solely at the risk of the applicant.
- 16.4 If an appeal is filed against a development permit, the permit is suspended until the appeal is heard or abandoned.

## **Section 17 - Giving Notice of a Decision**

- 17.1 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.
- 17.2 After approving a development permit for a discretionary use of land, or where a provision of the bylaw is relaxed or waived, the Development Authority shall give written notice of the proposed development to the owners of all properties within 100 metres (330 feet) and such other property owners as he considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
- 17.3 The said notice shall indicate that any person affected by the issuance of the permit has the right to appeal, and shall state how an appeal may be launched.
- 17.4 When the Development Authority refuses to issue a development permit, the decision shall contain reasons for the refusal.
- 17.5 When a development permit is issued it shall be accompanied by a placard to be visibly posted by the owner on the property during the entire period of construction.

## **Section 18 - Failure to Make a Decision**

An application for a development permit may, at the option 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.

## **Section 19 - Life of a Development Permit**

- 19.1 If the development authorized by a development permit is not *commenced* within 6 months from the date of issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- 19.2 If the development authorized by a development permit is not *completed* within twelve months from the date of issue, or carried out with reasonable diligence, the development permit is deemed void, unless an extension to this period has previously been granted by the Development Authority.
- 19.3 Despite sections 18.1 and 18.2,
- 19.3.1 At the discretion of the Development Authority, a building may be constructed in stages over a period of time exceeding one year provided that the applicant submits a construction schedule as part of the application for a development permit.
- 19.3.2 In the event that construction of the building is not completed within the effective time period of the development permit, the development shall be deemed to be in contravention of that development permit and the Land Use Bylaw, in which case the Development Authority may
- issue another development permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or
  - invoke Sections 645 and 646 of the Act which authorizes the issuance of a *stop order*.
- 19.4 If it appears to the Development Authority that a development permit has been obtained by misrepresentation, he may revoke the development permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board.

## **Section 20 - Appeals**

- 20.1 Any person affected by an order, decision, or development permit made or issued by a Development Authority may appeal to the Subdivision and Development Appeal Board.
- 20.2 A notice of appeal shall be addressed to the Secretary of the Subdivision and Development Appeal Board, and:
- shall contain reasons for the appeal
  - shall be served upon the Secretary by mail or by delivery at the municipal office.
- 20.3 The Secretary of the Subdivision and Development Appeal Board shall acknowledge in writing any appeal received at his office.
- 20.4 In administering the appeal process, the Development Authority shall follow the procedure set out in Section 686 of the Act.

## **Section 21 - Decision of the Appeal Board**

- 21.1 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.
- 21.2 A decision by the Subdivision and Development Appeal Board is final and binding subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

## Section 22 - 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 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.

## Section 23 - Contravention of this Bylaw

- 23.1 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 issue a Stop Work Order in accordance with the Act, or otherwise proceed under sections 645 and 646 of the Act.
- 23.2 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.
- 23.3 A violation tag may be issued to such person;
  - 23.3.1 either personally, or
  - 23.3.2 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.
- 23.4 The violation tag shall be in a form approved by the municipal administrator and shall state;
  - 23.4.1 the name of the person, and
  - 23.4.2 the offence, and
  - 23.4.3 the appropriate penalty for the offence as set out by resolution of Council from time to time and listed at Schedule "D" attached, and
  - 23.4.4 that the penalty shall be paid within 30 days of the issuance of the violation tag, and
  - 23.4.5 any other information as may be required by the municipality.
- 23.5 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.
- 23.6 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.
- 23.7 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.
- 23.8 In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, then the Development Authority is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, 1988 ch.P-21.5, as amended or repealed and replaced from time to time.

- 23.9 Notwithstanding clause 23.2 of this Bylaw, the Development Authority is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this bylaw.
- 23.10 Penalties set out in Schedule “D” may be amended from time to time by a resolution of Council.

#### **Section 24 - Amending the Bylaw**

- 24.1 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.
- 24.2 Council may at any time initiate amendment to this Bylaw.
- 24.3 An application to change the districting of any land may be initiated only by the owner of that land, or by the owner's agent, or by Council.
- 24.4 The procedure for amending this Bylaw is set out in section 692 of the Act.

#### **Section 25 - Fees and Forms**

- 25.1 The amount of any fee required under this Bylaw shall be set by resolution of Council and amended from time to time by resolution of Council.
- 25.2 Any form, map or drawing required to administer this Bylaw may be adopted by Council by resolution and amended from time to time by resolution of Council.
- 25.3 Permit fees set out in Schedule “G” may be amended from time to time by a resolution of Council.

#### **Section 26 - Repeal of Pre-Existing Bylaws**

Bylaws 21, 33, 48, 50, and all previous land use bylaws, zoning bylaws, and development control bylaws are hereby repealed.

#### **Section 27 - Continuity of Development Permits**

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

## **Section 28 - Relationship of this Bylaw to the Pigeon Lake Management Plan**

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

## **Section 29 – Requirements of Other Authorities**

- 29.1.1 A development authorized under this bylaw is subject to provincial and federal law, other bylaws, statutory plans, intermunicipal agreements and any easements, caveats, covenants and other encumbrances on the title of the land in question.
- 29.1.2 Nothing in this Bylaw removes the obligation of a person to obtain other permits, licenses or approvals required by other legislation.

## **Section 30 - Date of Commencement**

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

## **Section 31 – Severability**

Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

READ a first time this 21st day of February, 2004 A.D.

Public Hearing on this 17<sup>th</sup> day of April, 2004, A.D.

READ a second time this 17<sup>th</sup> day of April, 2004, A.D.

READ a third time and finally passed this 17<sup>th</sup> day of April, 2004, A.D.

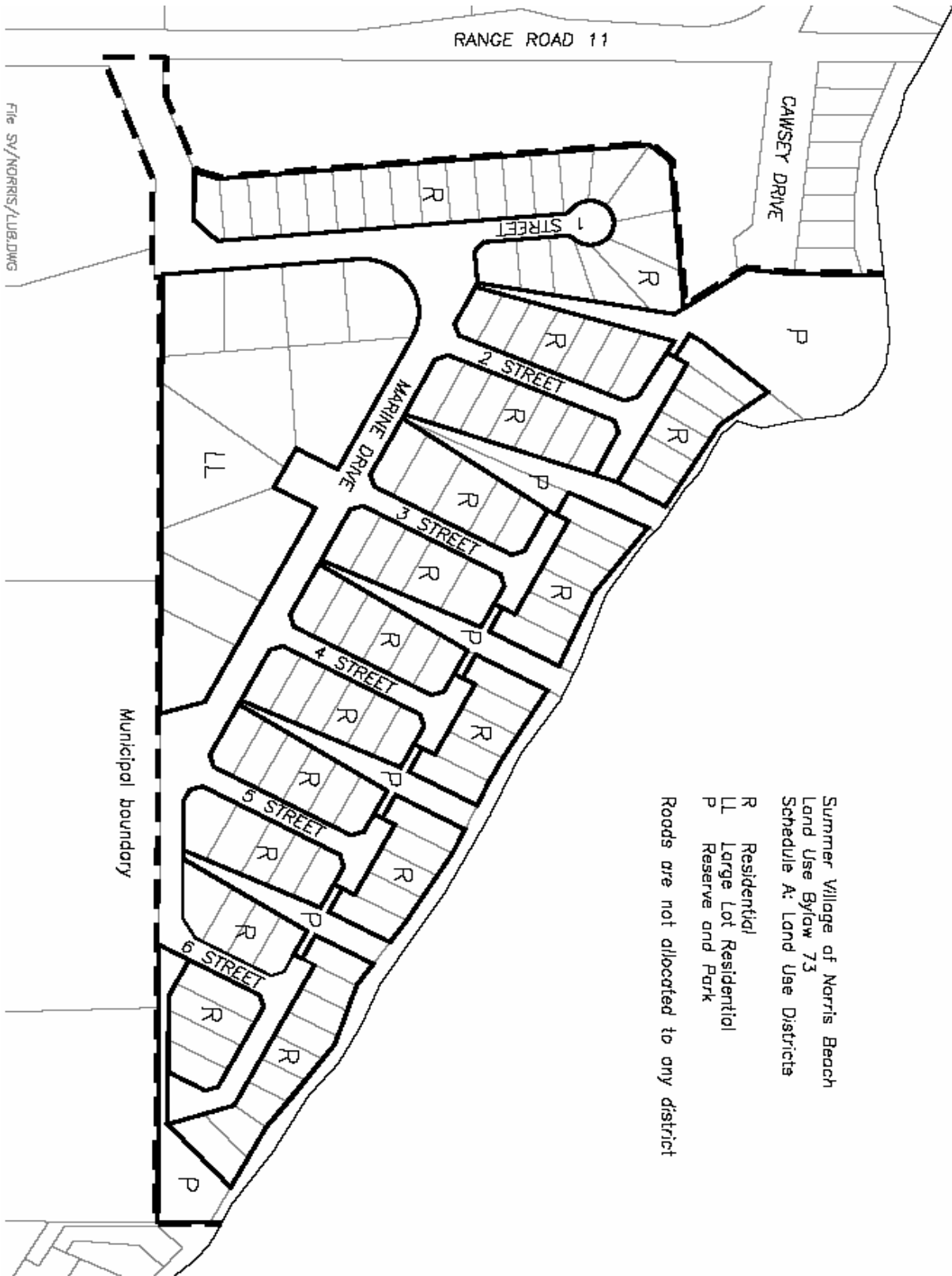
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Brian Keeler, Mayor  
Summer Village of Norris Beach

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Peter Irwin, Chief Administrative Officer  
Summer Village of Norris Beach

**Schedule "A" to Bylaw No. 73 – Summer Village of Norris Beach  
 A BYLAW TO CONTROL TO CONTROL PLANNING AND DEVELOPMENT  
 Land Use Districts within the Summer Village**



Summer Village of Norris Beach  
 Land Use Bylaw 73  
 Schedule A: Land Use Districts

R Residential  
 LL Large Lot Residential  
 P Reserve and Park

Roads are not allocated to any district



## **Schedule “B” to Bylaw No. 73 – Summer Village of Norris Beach**

### **A BYLAW TO CONTROL TO CONTROL PLANNING AND DEVELOPMENT**

#### **General Regulations**

##### **Section 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, reserve land, or public parks.
- 1.3 Despite Schedule “C”, the boundary between two existing lots may be adjusted to accommodate buildings on the site, and the resulting lots are conforming lots under this bylaw.
- 1.4 Schedule “C” shall not prevent:
  - 1.4.1 the adjustment of a property line where no additional lots are created, or
  - 1.4.2 the re-subdivision of a lot formed by the consolidation of two previously existing lots, but in this case the setbacks for all the existing buildings on these lots must conform to the current bylaw.

##### **Section 2 - Moved-in Buildings**

- 2.1 A person wishing to move an existing building on to a lot shall make an application for a development permit in the normal way, state the present location of the building, and provide photographs showing each side and the general condition of the building.
- 2.2 The Development Authority may, at 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 No mobile homes other than existing ones will be permitted. Existing mobile homes are grandfathered as legal nonconforming uses by Section 10 of the bylaw and Section 643 of the Act.
- 2.5 If the work required under clause 2.3 (above) is to be done after the building is moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work. The bond shall be released when the work is satisfactorily completed, but shall otherwise be 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.

### **Section 3 - Site Drainage**

- 3.1 No land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued for the work.
- 3.2 Land shall be graded so that excess clean natural run-off water flows into the lake, a soakaway, or a street. Water shall not be diverted to flow from one lot on to a neighbouring lot unless a drainage scheme is agreed in writing between the two property owners and the municipality.
- 3.3 A private driveway or walkway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water and a culvert shall be installed to the specifications of the municipality.
- 3.4 A development application for a new building shall include a grading plan that includes the placement or location of the driveway or walkway across a boulevard or ditch.
- 3.5 Any culvert which carries water away from a lot or runs across a driveway, walkway, boulevard or ditch shall have a diameter of at least 300mm.

### **Section 4 - Sanitation**

- 4.1 Arrangements for the disposal of waste water shall meet the standards of the *Regional Health Authority* and the *Alberta Municipal Affairs Safety Services, Plumbing Inspection*.
- 4.2 Where no municipal piped sewage system is available, all new dwellings shall be served by a holding tank which is pumped out and the effluent disposed of in a location approved by the *Regional Health Authority*.  
Existing pre-approved systems shall be required to be adequate and functional for the current and future demand conditions. The system must be re-approved for any development changes as per the *Safety Codes Act*.
- 4.3 The Development Authority may refuse to issue a Letter of Compliance for any property if the waste water disposal system does not conform to clauses 4.1 or 4.2 above.
- 4.4 No new privy or earth closet shall be constructed within the municipality. All existing ones should have an internal liner or container capable of being pumped out.
- 4.5 No treated or un-treated sewage including grey water, may be directly pumped out or discharged on the surface of any grounds, on any lot or on any part of the municipality as per the *Regional Health Authority*.

### **Section 5 - Fences**

- 5.1 No electric fence shall be constructed within the municipality.
- 5.2 No barbed wire fence shall be constructed except where required by the Alberta Building Code.
- 5.3 No fence shall be constructed across the lakefront area of a lot.

## **Section 6 - Pollution Control**

- 6.1 No storage or activity may be undertaken which in the opinion of the Development Authority constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, dust and other particulate matter, heat, humidity, glare, smoke, waste matter, toxic and noxious matter, traffic, water or steam.
- 6.2 Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris, and without limiting the generality of this requirement, the following shall not be kept in yards:
  - 6.2.1 unlicensed motor vehicles or trailers, and
  - 6.2.2 construction or demolition materials not being used specifically for the permitted construction or repairs of the buildings on the property, and
  - 6.2.3 garbage, unless in a standard approved container, or
  - 6.2.4 any other inappropriate items that are unsightly or tend to adversely affect the amenities of the district or duly interfere with the neighbours unless specifically named and authorized in a development permit.

## **Section 7 - Objectionable Storage in Yards**

- 7.1 Garbage shall be stored in weather proof and animal proof containers and shall be placed inside or adjacent to the property line in a location easily accessible for pickup.
- 7.2 Outside storage areas shall be screened from adjacent sites and roads.
- 7.3 No person shall keep or permit in any part of a yard in any residential district;
  - 7.3.1 any dismantled or wrecked or unlicensed vehicle for more than fourteen successive days, or
  - 7.3.2 any vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle unless the Owner is a permanent resident with a valid road use permit. *(Note: Road use Permits are required for vehicles weighing 5000 kg and up. See Road Use Bylaw)*
  - 7.3.3 any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
  - 7.3.4 any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and any such excavation, storage or piling up of materials shall persist no longer than reasonably necessary to complete a particular stage of construction work.

## **Section 8 - Corner Lots**

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

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

## Schedule “C” to Bylaw No. 73 – Summer Village of Norris Beach

### A BYLAW TO CONTROL TO CONTROL PLANNING AND DEVELOPMENT

#### District Regulations

#### Section 1 - Regulations for the Residential District

##### 1.1 Permitted Uses

The following uses are permitted in the Residential District:

- 1.1.1 new single detached dwellings of conventional construction, including modular homes,
- 1.1.2 the use and storage of recreational vehicles subject to section 1.8 below,
- 1.1.3 guest houses,
- 1.1.4 accessory buildings to the above uses,
- 1.1.5 the use of vacant privately owned land for recreational purposes.

##### 1.2 Discretionary Uses

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

- 1.2.1 moved-in buildings (See Schedule “B”, Section 2),
- 1.2.2 home businesses which, in the opinion of the Development Authority, are compatible with the residential purpose of the neighbourhood. (See Bylaw Section 3 “Definitions”),
- 1.2.3 gates, fences, walls, and other means of enclosure higher than 1.5 metres (5 feet) in front yards and 2 metres (7 feet) elsewhere. Note: Fences under that height do not need a development permit. Under Schedule “B”, fences are not allowed across the lakefront of a lot,
- 1.2.4 unattended public utility structures serving the immediate neighbourhood,
- 1.2.5 municipal operations,
- 1.2.6 buildings accessory to the above uses,
- 1.2.7 only single story accessory buildings are permitted on the Lakefront or Lakefront Yard,
- 1.2.8 a single recreational vehicle stored unoccupied on a lot provided that it does not duly interfere with the neighbours and provided that the owner of the lot has obtained a temporary annual development permit. (See Schedule “C”, clause 1.8) (See Bylaw Section 12 “Giving Notice to Neighbours”),
- 1.2.9 Side Yard Garages. (See Schedule “C”, clause 1.6),
- 1.2.10 frames made of any materials covered with plastic, vinyl or cloth type materials, used to enclose the frame on all sides including the roof which would resemble a garage or storage building. (See Bylaw Section 12 “Giving Notice to Neighbours”),
- 1.2.11 all accessory buildings located on the Lakefront Yard are discretionary. (See Schedule “C”, clause 1.6),
- 1.2.12 garages placed 1.5 metres (5 feet), from the street side property line are discretionary uses. (See Schedule “C”, clause 1.6),
- 1.2.13 guest houses built overtop of garages placed 1.5 metres (5 feet), from the street side property line are discretionary uses. (See Schedule “C”, clause 1.10).

### 1.3 Minimum Lot Sizes

Lots shall have a width of at least 30 metres (99 feet), a depth of at least 60 metres (97 feet), and an area of at least 1850 square metres (19,910 sq feet, about half an acre).

### 1.4 Height of Buildings

#### 1.4.1 Main Buildings:

No main building shall exceed 8.5 metres (28 feet) above grade.

#### 1.4.2 Accessory Buildings:

No accessory building shall exceed 5 metres (16.5 feet) above grade.

1.4.3 Notwithstanding clause 1.4.2 (above), a guest house built over a garage may be up to 8.5 metres (28 feet) above grade.

### 1.5 Density of Residential Development

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

1.5.2 The combined ground coverage of all buildings on a lot shall not exceed 55% of the area of the lot.

### 1.6 Yards and Setbacks

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

**Lakefront:** 10 metres (30 feet) from the Lakeside property line in the case of a single storey building, or 20 metres (60 feet) in the case of a building over one storey.

All Lakefront Lots will only have Front, Side and Lakefront setbacks. No rear setbacks will apply.

On Lakefront Lots, guest houses may only be built on the street side of the main building provided that Front yard setbacks for guest houses are followed. (See Schedule "C", clause 1.10.3)

**Front:** 6 metres (20 feet) in the case of a single storey building, or 10 metres (30 feet) in the case of a building over one storey.

**Side:** 1.5 metres (5 feet), or half the height from grade to the eaves on that side of the building, whichever is greater.

**Rear:** 6 metres (20 feet)

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

**Lakefront:** 6 meters (20 feet) from the lakeside property line. Only single story accessory buildings are permitted on the Lakefront.

All Lakefront Lots will only have Front, Side and Lakefront setbacks. No rear setbacks will apply.

All accessory buildings in the Lakefront or on the Lakefront Yard are discretionary uses. (See Schedule “C”, Section 1.2 Discretionary Uses)

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

Garages placed 1.5 metres (5 feet), from the street side property line are discretionary uses. (See Schedule “C”, Section 1.2 Discretionary Uses)

**Side:** 1.5 metres (5 feet), except that where the vehicle doors of a garage face a road abutting the lot, the garage shall be no closer than 6 metres (20 feet) to the road. Access from the side of a lot would be at the discretion of the Development Officer. (See Schedule “C”, clause 1.2 Discretionary Uses)

**Rear:** 1.5 metres (5 feet), where the vehicle doors of a garage face the front road abutting the lot. Vehicle access is not available or permitted from the back or rear of any lot.

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

1.6.4 Yard and setback requirements apply to decks constructed 300mm (twelve inches) or more above grade, but not to steps or patios.

1.6.5 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the building footings shall not intrude more than 0.5 metres (20 inches) into the side yards required by clause 1.6.1.

## 1.7 Accessory Buildings

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

1.7.1 all required yards and setbacks are maintained,

1.7.2 the combined ground coverage of all accessory buildings on the lot does not exceed 100 square metres (1075 sq feet), and

1.7.4 the combined ground coverage of all buildings on the lot conforms with the maximum set out in section 1.5.2 above.

## **1.8 Recreational Vehicles**

- 1.8.1 A recreational vehicle shall not be used as the primary or sole dwelling on a lot.
- 1.8.2 Despite clause 1.8.1 (above), a recreational vehicle may be parked and occupied on a lot and used as a temporary dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.
- 1.8.3 Except as permitted under 1.8.6 (below), only one recreational vehicle shall be situated on a lot at any one time.
- 1.8.4 A recreational vehicle may be parked and occupied on a lot for up to fourteen days in a year without a development permit.
- 1.8.5 A recreational vehicle may be parked and occupied on a lot for more than fourteen days in a year provided that a temporary annual development permit has been issued.
- 1.8.6 Upon receiving two weeks notice, the Development Authority may issue a temporary development permit allowing more than one recreational vehicle to be parked and occupied on a lot for an extraordinary event such as a family reunion.
- 1.8.7 A single recreational vehicle may be stored, unoccupied, on a lot provided that it does not duly interfere with the neighbours and provided that the owner of the lot has obtained a temporary annual development permit. (See Schedule “C”, clause 1.2 Discretionary Uses) (See Bylaw Section 12 “Giving Notice to Neighbours”.)
- 1.8.8 All recreational vehicles shall be situated in the rear of the lot when possible. Vehicle access is not available or permitted from the rear of any lot.
- 1.8.9 Before issuing a development permit for a recreational vehicle, the Development Authority must be satisfied that suitable arrangements have been made for the disposal of waste water.
- 1.8.10 A recreational vehicle is subject to Section 2 of Schedule “B” of the bylaw, Moved-in Buildings.

## **1.10 Guest Houses**

- 1.10.1 Guest houses shall be of new, conventional construction and of good appearance.
- 1.10.2 A mobile home or travel trailer shall not be used as a guest house.
- 1.10.3 Guest houses shall be constructed in the rear yard of the lot and behind the rear walls of the main buildings on the adjacent lots. On Lakefront Lots, guest houses may be built on the street side of the main building provided that Front yard setbacks for guest houses are followed. (See Schedule “C”, clause 1.6)
- 1.10.4 Guest houses shall contain only one storey unless they are built over a garage. Guest houses built overtop of garages placed 1.5 metres (5 feet), from the street side property line are discretionary uses. (See Schedule “C”, clause 1.6)
- 1.10.5 Guest houses shall not contain a kitchen.
- 1.10.6 Sleeping accommodation above a garage or other accessory building is deemed to be a guest house, and where such accommodation exists, no freestanding guest house shall be constructed on the lot.
- 1.10.7 The total usable floor area of a guest house shall be no more than 50 square metres (538 sq feet).
- 1.10.8 Guest houses are not permitted on the Lakefront or Lakefront yard of the main building.
- 1.10.9 Guest houses are not permitted over a boathouse.

## **Section 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 in 2.2 below.
- 2.2 All lots shall have a mean width of at least 40 metres (131 feet) and an area of at least 4,000 square metres (43,055 square feet, or about one acre).

## **Section 3 - Regulations for the Reserve or Park Districts**

### **3.1 Permitted Uses**

The following uses are permitted in the Reserve or Park districts:

- 3.1.1 municipally owned parks and recreational uses
- 3.1.2 buildings accessory to the above.

### **3.2 Discretionary Uses**

The following uses may be allowed in the Reserve or Park Districts at the discretion of the Development Authority:

- 3.2.1 utility buildings and structures, and
- 3.2.2 storm water, waste water and potable water management systems,
- 3.2.3 shoreline stabilization.

### **3.3 Other Regulations**

Lot sizes, building sizes and locations are at the discretion of the Development Authority.



**Schedule “D” to Bylaw No. 73 – Summer Village of Norris Beach**

**A BYLAW TO CONTROL PLANNING AND DEVELOPMENT**

**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 by-law, a person may pay to the Municipal Administrator the sums identified on the violation tag in accordance with the schedule below:

<b>Offense</b>	<b>Section</b>	<b>Fine</b>
1. Failure to obtain a development permit.	Bylaw Sect. 8	\$250.00
2. Failure to adhere to the requirements of the development permit.	Bylaw Sect. 23	\$500.00
3. Failure to adhere to the site drainage requirements	Sched. B, Sect. 3	\$200.00
4. Failure to adhere to the sanitation requirements	Sched. B, Sect. 4	\$250.00
5. Failure to adhere to pollution control requirements	Sched. B, Sect. 6	\$250.00
6. Failure to adhere to yard storage requirements	Sched. B, Sect. 7	\$225.00

## Schedule “E” to Bylaw No. 73 – Summer Village of Norris Beach

### A BYLAW TO CONTROL PLANNING AND DEVELOPMENT

#### Intermunicipal Referrals under the Pigeon Lake Management Plan

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

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

##### **Recreational Developments:**

If a municipality receives a proposal to create:

- any number of lots\* on previously unsubdivided lakeshore;
- six or more adjacent lots \* anywhere in the drainage basin; or
- a commercial recreation development such as a golf course, RV park, riding establishment, motocross operation, then
  - a village will refer the proposal to all municipalities with whom they share a boundary and
  - the county will refer the proposal to all municipalities within one mile of the subject land

(\* lots include condo units)

##### **Other Developments**

If a municipality receives a proposal for the following they will refer the proposal to all municipalities in the drainage basin.

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

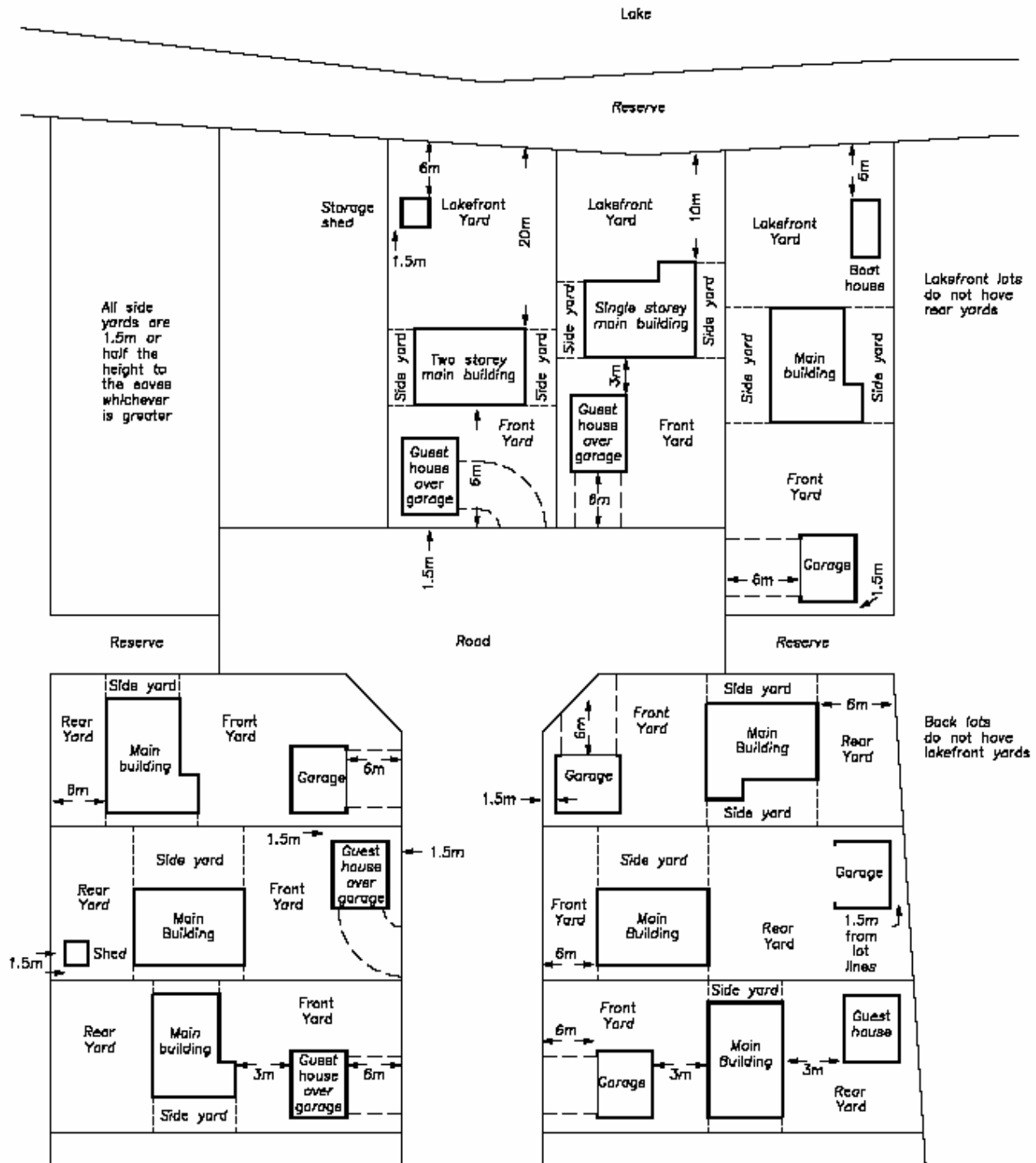
##### **Optional Referrals**

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.

**Schedule "F" to Bylaw No. 73 – Summer Village of Norris Beach  
A BYLAW TO CONTROL TO CONTROL PLANNING AND DEVELOPMENT  
Diagram Illustrating Front, Rear, Side and Lakefront Yards**



**Schedule “G” to Bylaw No. 73 – Summer Village of Norris Beach**

**A BYLAW TO CONTROL TO CONTROL PLANNING AND DEVELOPMENT**

**FEEES**

1. The amount of any fee required under this Bylaw shall be set by resolution of Council and amended from time to time by resolution of Council.
2. Any form required to administer this Bylaw may be adopted by Council by resolution and amended from time to time by resolution of Council.
3. Permit fees set out in Schedule “G” may be amended from time to time by a resolution of Council.

<b><u>Requirement</u></b>	<b><u>Section</u></b>	<b><u>Fee</u></b>
1. Development Permit Fee.	Bylaw Sect.25	\$20.00 per \$10,000 of development costs, minimum of \$100.00

**(Note: The establishment of the above permit fee rescinds the development permit fee listed in Fees Bylaw #71)**