

SUMMER VILLAGE OF MA-ME-O BEACH

Bylaw 273, the Land Use Bylaw

Incorporating amendments up to and including Bylaw 314, August 2008

Pursuant to Part 17 of the Municipal Government Act, the Council of the Summer Village of Ma-Me-O Beach in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Purpose

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.

2. Interpretation

2.1 In this Bylaw:

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

Accessory Use 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.

Act means the Municipal Government Act.

Building Height means the vertical grade between grade and highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.

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 that 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.

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 and ground care.

Fence means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access.

Floor Level means cannot be above grade.

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

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

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.

Grade 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.

The grade of an adjacent lot is defined as the average elevation of the corners of the main building on the adjacent lot.

Height of a building means the vertical distance from grade to the highest point on the building, excluding chimneys and aerials.

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 visited by a significant number of clients,

does not change the external appearance of residential character of the dwelling except for one sign no larger than one square metre, and

is carried on only by the residents of the dwelling,

and includes bed and breakfast operations.

Lane means a public thoroughfare for vehicles, the right-of-way which does not exceed 10 metres and not less than 6 metres in width, and which, normally provides a secondary means of access to a lot or lots,

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

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 lowered or carried, provides 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 Ma-Me-O Beach.

Non-Conforming Building means a building that:

is lawfully constructed or is lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and

that on the date the land use bylaw or any amendment thereof becomes effective does not, when constructed will not, comply with the land use bylaw or amendment.

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 at the date of a land use bylaw or any amendment thereof affecting the land or building becomes effective, and

that on the date the land use 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 other than the registered owner 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 for a lot of land within the municipal boundaries.

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

Park Model means a smaller style of mobile home designed for seasonal use in a resort community.

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

Person Responsible for a Recreation Vehicle means the owner or occupant of the lot, or the owner or occupant of the recreational vehicle.

Public Utility Building means a building defined in the Act 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 perpendicular distance as measured between that part of a building nearest 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 upon a curved street or streets shall be considered a

corner site if the arc of the inside boundary of the street is less than 45 metres in radius over an angle of more than 135 degrees.

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

Special Event means an occasion of temporary duration typically attended by friends of family not usually resident on the lot, including but 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, except in the case of

a lakefront lot, in which case the front yard is the area between the main building and the lake side property line, or

a lot which uses a lane as its main access, in which case the front yard is the area between the main building and the property line adjacent to the lane.

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.

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

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

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

3. Establishing of Districts

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

Residential
Park
Commercial

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

4. Regulations

Schedules A (map of land use districts), B (general regulations) and C (regulations for land use districts) form part of and have the full force of this bylaw.

5. Development Authority

- 5.1 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.
- 5.2 The Development Authority shall:
 - 5.2.1 receive, consider and decide on applications for a development permit,
 - 5.2.2 ensure that development is carried out in accordance with a development permit,
 - 5.2.3 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,
 - 5.2.4 ensure that copies of this bylaw can be purchased by the public at a reasonable cost,
 - 5.2.5 administer the appeal process, and
 - 5.2.6 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.
- 5.3 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. Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by bylaw 250 shall hear and decide on appeals against a decision (or lack of decision) of the Development Authority.

7. Development Requiring a Development Permit

- 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 Development includes demolition or removal, and a development permit is required, but no fee shall be charged for issuing the permit.
- 7.3 The following are deemed to be developments:

7.3.1 Posters, billboards and signs

7.3.2 Waste water systems

7.3.3 Any work done on or adjacent to the lake shore property line of a lake front lot.

8. Development Not Requiring a Development Permit

Subject to section 7 above, no development permit is required for

- 8.1 work in a road or utility lot by a government or by a franchised utility company,
- 8.2 the completion and subsequent use of building or land 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 (but any conditions attached to a development permit issued under the former bylaw continue to apply under this bylaw),
- 8.4 the maintenance 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 alternations to electrical, water, and heating systems),
- 8.5 gates, fences, walls or other means of enclosure less than 5 feet high,
- 8.6 exterior steps,
- 8.7 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,
- 8.8 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
 - 8.8.1 bear the name of the person responsible for the sign,
 - 8.8.2 are removed within one day of the election date, and
 - 8.8.3 do not obstruct or impair vision or traffic,
- 8.9 landscaping where the proposed grades will not adversely affect the subject or adjacent properties,
- 8.10 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 32 square feet in size,
- 8.11 name and address signs, and

8.12 development exempted from this bylaw under section 618 or 619 of the Act.

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 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.

9.2 Pursuant to Section 643(5)(c) of the Act, the Development Authority is authorized to allow minor development in a nonconforming building.

10. Applying for a Development Permit

10.1 An application for a development permit shall be made to the Development Authority in writing on a standard form and shall be accompanied by:

10.1.1 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;

10.1.2 a site plan of the proposed development drawn to scale showing the location of all buildings and the location of proposed parking and access;

10.1.3 floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions;

10.1.4 in the case of a house, an architect's rendering of the finished building also showing the buildings on adjacent lots;

10.1.5 a grading and drainage plan;

10.1.6 a statement of use;

10.1.7 a statement of ownership of land and interest of the applicant therein;

10.1.8 the estimated commencement and completion dates;

10.1.9 the estimated cost of the project or contract price; and

10.1.01 the required application fee.

10.2 The Development Authority may require additional information if in her opinion this is necessary to make a decision.

10.3 The Development Authority shall consider and decide on all applications for a development permit.

11 Giving Notice to Neighbours

11.1 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 300 feet and such other property owners as she considers advisable. As required by the Act, notice shall be given directly to affected property owners even if the properties are not within the municipality.

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

11.3 In deciding on the application, the Development Authority shall consider all concerns reported to her.

12 Decision

12.1 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.

12.2 In making a decision the Development Authority shall either

12.1.1 approve the application unconditionally, or

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

12.1.3 refuse the application.

12.3 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

12.4 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, and 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.

12.5 Where an application for a development permit has been refused initially or on appeal, the Development Authority may, at her 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.

13. Compatibility with Neighbouring Development

- 13.1 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 her opinion a proposed development would be detrimental to the municipality, even if the proposed use is a permitted use under Schedule C.
- 13.2 If it appears to the Development Authority that a proposed dwelling may be occupied by more than one family, or may contain more than one set of living quarters, or is designed so that it may be converted into a multi-family dwelling, the Development Authority may refuse to issue a development permit, or may require changes to the proposed development before issuing a permit, and in making this judgment 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.

14 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 her opinion,

- 14.1 the proposed development would not
- 14.1.1 unduly interfere with the amenities of the neighbourhood, or
 - 14.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- 14.2 the proposed development does not conflict with the use prescribed for the land or building of the bylaw,

but the Development Authority may only do this if the neighbours immediately affected give their consent in writing.

15. When a Development Permit Comes into Effect

- 15.1 A development permit comes into effect immediately if all proposed development is for a permitted use and the bylaw was not relaxed or varied.
- 15.2 Despite the preceding section, a development permit involving construction does not come into effect until the plans for the building have been approved by the person appointed by Council as Building inspector and a building has been issued by that person.

- 15.3 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 days period is done solely at the risk of the applicant.
- 15.4 If an appeal is filed against a development permit, the permit is suspended until the appeal is heard or abandoned.

16. Giving Notice of a Decision

- 16.1 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.
- 16.2 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 300 feet and such other property owners as she considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
- 16.3 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.
- 16.4 When the Development Authority refuses to issue a development permit, the decision shall contain reasons for the refusal.

17. Failure to Make a Decision

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

18. Life of a Development Permit

- 18.1 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.
- 18.2 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.
- 18.3 Despite sections 18.1 and 18.2

18.3.1 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.

18.3.2 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 whereby 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.

18.4 If it appears to the Development Authority that a development has been obtained by misrepresentation, she may revoke the development permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a Stop Order under section 645 of the Act.

19. Appeals

19.1 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.

19.2 Notice of Appeals shall be addressed to the Secretary of the SDAB, shall contain reasons for the appeal, and shall be served upon the Secretary by mail or by delivery at the municipal office.

19.3 In administering the appeal process, the Development Authority shall follow the procedure set out in Section 686 of the Act.

20. Decision of the Appeal Board

20.1 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.

20.2 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.

21. Conformity with a Development Permit

The Development Authority or her designate may, during construction, inspect any building for which a development permit has been issued, and may, at her 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 footing.

22 Contravention of this Bylaw

- 22.1 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, she may proceed to issue a Stop Order in accordance with the Act.
- 22.2 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.
- 22.3 A violation tag may be issued to such person
- 22.3.1 either personally; or
- 22.3.2 by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.
- 22.4 The violation tag shall be in a form approved by the municipal administrator and shall state:
- 22.4.1 the name of the person;
- 22.4.2 the offence;
- 22.4.3 the appropriate penalty for the offence as set out by resolution of Council from time to time and listed at Schedule D attached;
- 22.4.4 that the penalty shall be paid within 30 days of the issuance of the violation tag; and
- 22.4.5 any other information as may be required by the municipality.
- 22.5 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.
- 22.6 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.
- 22.7 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.
- 22.8 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 11 of the Provincial Offences Procedure Act, 1988 Ch. P- 21.5, as amended or repealed and replaced from time to time.

22.9 Notwithstanding section 22.2 of this bylaw, the Development Authority is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part 11 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. Amending the Bylaw

23.1 A person may apply to have this Bylaw amended, by application in writing, giving reasons in support of the application, and paying the requisite fee.

23.2 Council may at any time initiate amendment to this Bylaw.

23.3 An application to change the districting of any land may be initiated only by the owner of that land, or by Council.

24. Fees and Forms

24.1 The amount of any fee required under this Bylaw shall be set by resolution of Council.

24.2 Any form required to administer this Bylaw may be adopted by Council by resolution.

25. Repeal of Pre-Existing Bylaws

Bylaw 255 and all previous land use bylaws, zoning bylaws, and development control bylaws are repealed.

26. Continuity of Development Permits

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

27 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, the Development Authority shall refer it to other municipalities as set out in that Schedule.

28 Protection of Agricultural Operations

28.1 Pursuant to section 639.1 of the Act [comes into effect in 2002], the municipality will consider the protection of agricultural operations when administering this bylaw.

28.2 Pursuant to section 640(2)(e) of the Act [comes into effect 2002], the municipality will notify its ratepayers of any agricultural operation which exists or may start within half a mile of the municipal boundary, and the method of notification shall be established by resolution of council.

29 Date of Commencement

This Bylaw comes into effect upon the date of third reading this 13th day of July, 2001.

This bylaw repeals Land Use Bylaws No. 255 and Land Use Bylaw 185

Read a first time April 21, 2001

Read a second time July 13, 2001

Read a third time July 13, 2001

"Original signed by"

Al Greenslade, Mayor
Summer Village of Ma-Me-O Beach

"Original signed by"

Kathy Graber, Administrator
Summer Village of Ma-Me-O Beach

Schedule B: General Regulations

1. Lot Dimensions and Areas

- 1.1 Every lot shall have a width of at least 66 feet, a depth of at least 122 feet, and an area of at least 8,052 square feet.
- 1.2 Every lot shall abut a road with a width of at least 66 feet.
- 1.3 A lot which does not comply with section 1.1 or 1.2, but to which a separate title was registered at the Land Titles Office on 1 September 1995, is nevertheless deemed to be a conforming lot.
- 1.4 Sections 1.1 and 1.2 do not apply to utility lots or public parks.
- 1.5 Notwithstanding sections 1.1 and 1.2, the boundary between two existing lots may be adjusted to accommodate buildings on the site, and the resulting lots are conforming lots.

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 her 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 A mobile home which is to be used as the main dwelling on a lot shall be placed on a permanent foundation with the wheels removed.
- 2.4 The Development Authority may, at her discretion, require that the building be improved to meet the requirements of this bylaw and the Alberta Building Code.
- 2.5 If the work required under section 2.3 or 2.4 is to be done after the building is to be 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 forfeit.
- 2.6 Any travel or other costs incurred by the Development Authority in processing and application for a development permit for a moved-in building shall be added to the fee for the development permit.

3. Site Drainage

- 3.1 Water shall not be permitted to flow from one property on to a neighbouring property unless a drainage scheme is agreed in writing between the two owners and the municipality.

- 3.2 A development application for a new building shall include a grading plan.
- 3.3 A development permit is required before any land is raised or re-graded.
- 3.4 A private driveway across a boulevard shall be constructed so as not to interfere with the natural flow or absorption of water.

4. Sanitation

- 4.1 Arrangements for the disposal of waste water shall meet the standards of the Regional Health Authority and the Plumbing Inspection Branch of Alberta Labour.
- 4.2 The Development Authority may refuse to issue a Letter of Compliance for any property if the waste water disposal system does not conform with section 4.1 above.
- 4.3 No new privy or earth closet shall be constructed within the municipality.

Schedule C: District Regulations

1. Regulations for the Residential District

1.1 Permitted Uses

The following uses are permitted in the Residential District:

- 1.1.1 Single family dwellings of conventional construction, occupied by a single household. *[Bylaw 314]*
- 1.1.2 Unattended utility structures serving the immediate neighbourhood.
- 1.1.3 Public parks and recreation areas.
- 1.1.4 Accessory buildings to the above uses.
- 1.10.1 Guest Houses: Sleeping accommodation in or above a garage or an area of any other accessory building is deemed to be a guest house and where such accommodation exists, no free standing guest house shall be constructed on the lot.

1.2 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.
- 1.2.3 The use or storage of recreational vehicles as set out in section 1.9 below.
- 1.2.4 Fences and walls over 5 feet high, (Fences under that height do not need a development permit.)
- 1.2.5 Churches.
- 1.2.6 Guest houses, subject to section 1.10
- 1.2.7 Institutional and public uses *[Bylaw 298]*
- 1.2.8 Swimming pools *[Bylaw 298]*

1.3 Minimum Dwelling Size

A permanent dwelling shall have a finished floor area of at least 800 square feet.

1.4 Height of Buildings

1.4.1 Main buildings: Special Regulations for Beachfront (Front Row)

Those parts of a main building situated between 20 and 50 feet of the front (lakeside) of the lot shall be no higher than 28 feet above grade.

Those parts of a main building situated further than 50 feet from the (lakeside) of the road at the front of a lot shall be no higher than 16 feet above grade. (See Drawing Schedule C)

1.4.2 Main Building Second and Third Row:

No main building shall exceed 28 feet in height above grade. *[Bylaw 298]*

1.4.3 Accessory buildings (including guest houses):

No Accessory building shall exceed 16 feet in height above grade. *[Bylaw 298]*

Guest house setbacks will be the same as main building.

1.5 Density of Residential Development

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

1.5.2 The combined ground coverage of all buildings on the lot shall not exceed 50% 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:

Front: 20 feet

Side: 5 feet (1.6.5 below regarding Cantilevers)

Rear: 20 feet

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

Side: 2 feet

Rear: 2 feet (but also see section 1.8 below regarding garages)

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

- 1.6.4 Yard setback requirements apply to decks constructed one foot or more above grade, but not to steps or at-grade patios.
- 1.6.5 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending must adhere to 5 feet setbacks.

1.7 Accessory Buildings

Garages or storage shed, may be built on any lot provided that;

- 1.7.1 all required yards and setbacks are maintained;
- 1.7.2 no accessory building is constructed in a front yard;
- 1.7.3 the combined ground coverage of all accessory buildings on the lot does not exceed 700 square feet on a 33 foot wide lot, and 1400 square feet on a 66 foot wide lot, and for lot widths larger or smaller than 66 feet wide, ground coverage will be pro-rated [*Bylaw 298*]; and
- 1.7.4 the combined ground coverage of all buildings conforms with the maximum set out in section 1.5.2 above.
- 1.7.5 height is 16 feet

1.8 Garages

NOTE: Fire code would not allow conversion of a garage to a guest house.

A detached garage shall be built a minimum of 2 feet from the property line adjacent to the road or lane which is used for access.

1.9 Recreational Vehicles

- 1.9.1 No recreational vehicle shall be stored, parked or otherwise located on any lot of land within the boundaries of the municipality for more than 7 consecutive days (1.9.6)
- 1.9.2 Notwithstanding section 1.9.1, recreational vehicles located on a lot within the boundaries of the municipality on the date that this bylaw was passed and which have been so located for a period of two months or more prior to the date that
- 1.9.3 this bylaw was passed, and which are being used as a dwelling or guest house, shall be treated as if constituting a non-conforming use pursuant to the Municipal Government Act, but only so long as a development permit for that recreational vehicle is applied for by the owner or occupant of the property prior to July 1, 2001.
- 1.9.4 (i) It shall be a requirement in every development permit application pursuant to section 1.9.2 that the person applying provide a detailed description of the system for sewage and waste water disposal presently in place, or to be installed, on the recreational

vehicle, subject to the development permit for the approval by the Development Authority.

- (ii) It shall be a condition of every development permit issued pursuant to section 1.9.2 that the person applying have, or put in place within 30 days of the date of the approval of the development permit, a sewage and waste water disposal system that has been approved by the Development Authority.

1.9.5 Notwithstanding Section 1.9.2, no more than one recreational vehicle shall be located on a lot at any time.

1.9.6(i) A recreational vehicle may be parked on a lot and used as a temporary accommodation during construction of the primary dwelling on that lot so long as a valid development permit has been obtained for the construction of that dwelling.

1.9.6(ii)(ii) Upon completion of the construction, the owner of the lot or person responsible for the recreational vehicle shall have 30 days in which to remove the recreational vehicle from the lot.

1.9.6(iii) A recreational vehicle located on a lot pursuant to section 1.9.5.(i) shall have a system for sewage and waste water disposal in place that has been approved by the development authority, prior to the moving of the recreational vehicle onto the lot.

1.9.7(i) For the purpose of a special event, an owner or occupant of a lot shall be permitted to park more than one recreational vehicle on a lot where:

- (a) the event is hosted or organized by the owner or occupant of that lot;
- (b) the presence of recreational vehicles parked on a lot pursuant to this section shall not exceed seven (7) days; and
- (c) Recreational vehicles have not previously been parked on that lot pursuant to this section within the preceding 6 months.

1.9.7(ii) The Development Authority may, in her sole discretion, authorize the temporary parking of recreational vehicles for an additional period of time outside that set by section 1.9.6.(i) upon application by the owner or occupant of the lot.

1.9.8(i) Where a recreational vehicle is authorized to be located on a lot pursuant to sections 1.9.2, 1.9.5, or 1.9.6, that recreational vehicle must be parked in the rear portion of the lot unless authorized by the development authority, in writing, to be located elsewhere on that lot.

1.9.8(ii) The decision to grant such authorization shall be at the development authority's discretion, and shall be subject to the yard and setback requirements established under this bylaw.

1.10 Guest Houses:

1.10.1 Guest houses shall be of new, conventional construction and good appearance.

1.10.2 Guest houses shall be constructed only in the rear yard of a lot.

1.10.3 Sleeping accommodation in or above a garage or any other accessory building is deemed to be a guest house and where such accommodation exists, no free-standing guest house shall be constructed on the lot.

1.10.4 A guest house shall not be rented or leased except to a person who is concurrently renting or leasing the main building.

1.10.5 Setbacks for guest houses will be the same as the main building.

2. Regulations for the Commercial District

2.1 Permitted Uses

The following uses are permitted in the Commercial district:

- 2.1.1 Retail stores which do not sell alcohol.
- 2.1.2 Services to people and to businesses, other than those listed as discretionary in section 2.2 below.
- 2.1.3 Unattended utility structures serving the immediate neighbourhood.
- 2.1.4 Public parks and recreation areas
- 2.1.5 Churches, halls, and institutional uses.
- 2.1.6 One apartment within a commercial or institutional building.
- 2.1.7 Buildings accessory to the above uses.

2.2 Discretionary Uses

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

- 2.2.1 Moved-in buildings (see section B, section 2)
- 2.2.2 Food services
- 2.2.3 Gasoline sales
- 2.2.4 Buildings accessory to the above uses.
- 2.2.5 Outside storage of goods or vehicles.
- 2.2.6 Fences and walls over 5 feet in height.
- 2.2.7 Signs

2.3 Yard and setbacks

Buildings shall be set back the following distances from property lines:

Front: 20 feet.

Side: 5 feet

In other cases, buildings must be set back 5 feet from the side property line

Rear: A 20 foot setback is required to provide off-street parking.

2.4 Height of buildings

No building shall exceed 28 feet in height.

2.5 Parking

Every commercial or institutional building shall provide parking for staff and clients sufficient that enjoyment of and access to neighbouring lots is not reduced. Nearby on-street parking may fulfill this requirement if the Development Authority is satisfied that it is not used by pre-existing businesses and institutions.

2.6 Loading

Before issuing a development permit, the Development Authority must be satisfied that loading will not unreasonably interfere with pedestrian or vehicle traffic on adjacent streets and lanes.

3. Regulations for the Park District

3.1 Permitted Uses

The following uses are permitted in the Park District:

Public parks and recreation areas and any necessary buildings.

Public utility installations serving the immediate area.

3.2 Discretionary Uses

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

Municipal Offices

Fire Station

3.3 Other Regulations

Discretionary uses, lot size, setbacks, height of buildings, and sanitation shall be as required by the Development Authority.

Schedule D: Penalties

1. Any person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine of not more than two hundred and fifty dollars (\$250.00) and in default of payment to imprisonment for not more than thirty (30) days.
2. In lieu of being proceeded against by prosecution for a breach of this bylaw a person may pay to the Municipal Administrator the sum of one hundred dollars (\$100.00) for the first offence and one hundred and fifty dollars (\$150.00) for the second [or subsequent] offence for non payment of the permit.
3. Where the offence is the illegal placement or use of a mobile home or recreational vehicle, the fine shall be set by the length of the mobile home or recreational vehicle, using the following table:

Overall Length of vehicle	Fine	Overall Length of vehicle	Fine
Feet	Dollars	Feet	Dollars
8	62	31	241
9	70	32	249
10	78	33	257
11	86	34	265
12	93	35	273
13	101	36	280
14	109	37	288
15	117	38	296
16	125	39	304
17	132	40	312
18	140	41	319
19	148	42	327
20	156	43	335
21	164	44	343
22	171	45	350
23	179	46	358
24	187	47	366
25	195	48	374
26	202	49	382
27	210	50	389
28	218		
29	226		
30	234		

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

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

A municipality which receives a request for redistricting (rezoning), subdivision approval, development permit, or approval of an area structure plan within the management plan area (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;

a village will refer the proposal to all municipalities with whom they share a boundary, and

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

(* lots includes condo units)

Other developments: If municipality receives a proposal for

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

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

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

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