

**SUMMER VILLAGE OF CRYSTAL SPRINGS  
IN THE PROVINCE OF ALBERTA**

**BYLAW NO. 208**

**A BYLAW OF THE SUMMER VILLAGE OF CRYSTAL SPRINGS IN THE PROVINCE  
OF ALBERTA TO AMEND BYLAW 176, THE LAND USE BYLAW**

**WHEREAS** the *Municipal Government Act* R.S.A. 2000, c. M-26, and amendments thereto, authorizes the Council of a Municipality to pass and amend bylaws; and

**WHEREAS** the Council of the Summer Village of Crystal Springs deems it necessary to amend Bylaw No.176, The Land Use Bylaw;

**NOW THEREFORE**, the Council of the Summer Village of Crystal Springs duly assembled and pursuant to the provisions of the said *Municipal Government Act* and amendments thereto, enacts the following as the Crystal Springs Land Use Bylaw:

## **1.0 SECTION 1 - DEFINITIONS AND INTERPRETATION**

### **1.1 Title:**

This By-law is THE LAND USE BY-LAW for the Summer Village of Crystal Springs in the Province of Alberta and will be referred to as such.

### **1.2 Repeal and Replacement:**

By-law No. 176 as amended by By-law No. 176-1 and By-law No. 176-2 (the “Previous Land Use By-law”), is hereby repealed in its entirety and replaced with this By-law. The provisions of this By-law come into effect upon enactment, and, thereafter no application for a Development Permit shall be evaluated under the Previous Land Use By-law whether the application was received before the enactment of this By-law or not.

### **1.3 Headings:**

Headings and titles appearing in this By-law shall be deemed to form a part of the text of this By-law.

### **1.4 Items Included:**

This By-law includes the text contained herein and:

- a) **Schedule “A”:** General Regulations for all districts within the Summer Village of Crystal Springs
- b) **Schedule “B”:** District Regulations for Residential, Park and Commercial District within the Summer Village of Crystal Springs
- c) **Schedule “C”:** Penalties and Fees relating to this By-law within the Summer Village of Crystal Springs
- d) **Schedule “D”:** Intermunicipal Referrals under the Pigeon Lake Management Plan
- e) **Schedule “E”:** Land Use Districts Map appended as Schedule “E” divides the geographic area of the Summer Village into distinct Land Use Districts.
- f) **Figure 1:** Yard and fence requirements in the Residential District
- g) **Figure 2:** Setbacks for single and two storey buildings in the Residential district

**1.5 Interpretation:**

- a) Where a term is defined in legislation and also in this By-law, and the definitions differ, the definition in legislation prevails. All words and expressions not defined in this By-law will have the meaning assigned to them in the act
- b) In accordance with Alberta Land Titles and Building Code practice, all dimensions in this By-law 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.
- c) Where this By-law requires interpretation, the decision shall be that of the Development Authority or, on appeal, the Subdivision and Development Appeal Board.

**1.6 Definitions, General:**

The following words will have the following meanings:

**Accessory** means, in relation to a use, building or structure: subordinate, customarily incidental and exclusively devoted to a principal use, building or structure expressly permitted by this By-law on the same lot.

**Act** means the *Municipal Government Act (MGA), 2000*, Chapter M-26, as amended from time to time.

**Appeal** means Development Appeal or Subdivision Appeal, and:

- (i) **Development Appeal** means an appeal under Section 685 of the Act, and
- (ii) **Subdivision Appeal** means an appeal under Section 678 of the Act.

**Board** means the Subdivision & Development Appeal Board (SDAB) established by By-law 210.

**Boat House** means an accessory building used for the storage of boats and associated other watercraft and equipment.

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

**Car Port** means an accessory building used for storing or parking private vehicles that has not less than 40 percent of its total perimeter open and unobstructed.

**Council** means the municipal Council of Crystal Springs.

**Development** means:

- (i) An excavation or stockpile and the creation of either of them, or
- (ii) A building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,
- (iii) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (iv) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**Development Permit** means a document that is issued under a Land Use By-law and authorizes a development.

**Discretionary Use** means the use of land or buildings for which a development permit may be issued at the discretion of the Development Authority with or without conditions.

**Dwelling or Dwelling Unit** means a self-contained living premises consisting of one or more rooms with cooking, eating, living, sleeping and sanitary facilities for domestic use, but does not include a mobile home, recreational vehicle or guest house.

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

**Front** of a lot means the part closest to the lake.

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

**Grade** of a lot means the average elevation of the four corners of the lot.

**Guest House** means an accessory building consisting of one or more rooms with sleeping accommodation and which may include sanitary facilities, but which does not contain cooking or eating facilities, and which is not intended to comprise a self-contained unit, but is intended for overflow accommodation for the main dwelling on the site.

**Lot** means one or more parcels of land for which a single title has been issued.

**Main Building** means a building which is the principal building of all buildings on the site and demonstrates by its intended function the main use of the site on which it is located.

**Mobile Home or Manufactured Home** means a structure that is designed to be occupied without a permanent foundation capable of being moved from one place to another, provides year round living accommodation for one or more people, and can be connected to utilities.

**Modular Home** means a pre-fabricated building partially constructed off-site and assembled on-site on a permanent foundation, and which when completed appears indistinguishable from a site-built house.

**Municipality** means the Summer Village of Crystal Springs.

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

- (i) Is lawfully constructed or is lawfully under construction at the date a land use By-law or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- (ii) That on the date the land use By-law or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use By-law or amendment

**Non-Conforming Use** means a lawful specific use

- (i) Being made of land or a building or intended to be made of a building lawfully under construction at the date of a land use By-law or any amendment thereof affecting the land or building becomes effective, and
- (ii) That on the date the land use By-law or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use By-law or amendment thereof.

**Permitted Use** means the use of land or buildings for which, if it conforms to and is in compliance with the By-law and the Act, a development permit must be issued by the Development Authority with or without conditions.

**Rear** of a lot means the part farthest from the lake.

**Recreational Vehicle** means a mobile unit that is designed to be used as temporary living or sleeping accommodations, 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.

**Site** means one or more contiguous lots on which a Development exists or occurs or for which an application for a Development Permit is made.

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

**Storey** means each portion of a building, at or above grade, included between the surface of any floor and the surface of the floor above it, or if there is not floor above it, then the space between the floor and the ceiling, including any space where the floor to ceiling height is greater than or equal to 1.8 m.

***Unightly Condition*** means:

- (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
- (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

***Yard*** means a required open space of a site upon or over which no 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

- (i) A lakefront lot, in which case the front yard is the area between the main building and the lakeside property line.

***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, generally furthest from the lakeshore.

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

## **1.7 Establishment of Districts**

For the purposes of this By-law the following land use districts are established:

**R – Residential**

**P – Park**

**C – Commercial**

In case of doubt about the boundaries of a land use district, the decision of Council recorded by resolution will govern.

## **2. SECTION 2 – ADMINISTRATION**

### **2.1 Development Authority**

The Development Authority for the municipality will be designated by a person or persons appointed by the resolution of Council. If no person is appointed, the Chief Administrative Officer will operate as the Development Authority as per Section 542 of the Act.

### **2.2 Duties of the Development Authority shall be to:**

- a) Receive, consider and decide on applications for a development permit in accordance with the provision of the By-law and the Act;
- b) Make available for inspection
  - (i) A copy of this By-law, and
  - (ii) A list of all applications and the decision rendered on them and the reasons for those decisions;
- c) Ensure that copies of this By-law are available to the public at a reasonable cost;
- d) Administer the appeal process; and,
- e) Exercise development powers and perform duties on behalf of the Summer Village in accordance with this By-law and the Act.
- f) For the purpose of administering the provisions of this By-law, the Chief Administrative Officer or the designate shall specify and prepare such forms and notices as may be necessary and expedient. Any such forms or notices are deemed to have the full force and effect of this Land Use By-law in the execution of the purpose for which they were designed, authorized and issued.
- g) 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.

### **2.3 Establishment of Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board established by By-law 208 shall perform such duties as are specified in By-law 210 and in Section 686 of the Municipal Government Act.

### **2.4 Control of Development**

All development in the municipality, other than that designated in **Section 2.10 (Development Permits Not Required)**, requires a development permit.

## **2.5 Non-Conforming Buildings and Uses**

- a) If a building or land use is not allowed for in this By-law, but was legally in existence at the date of passage of this By-law, 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.
- b) Pursuant to Section 643(5) (C) of the Act, the Development Authority is authorized to allow minor development in a non-conforming building

## **2.6 Compatibility with Neighbouring Development**

- a) The design, construction and appearance of every building and structure must 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 a proposed development would be detrimental to the municipality, even if the proposed use is a permitted use under **Schedule "B"**. Among other things, the Development Authority may consider the style of architecture, the materials to be used, the placement of the building on the lot, and the effect of the proposed building on privacy of neighbours.
- b) 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 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.

## **2.7 Development Permit Application**

An application for a development permit is initiated by submission to the Summer Village of a standard form accompanied by:

- a) The signature of the registered owner of the site or by the authorized agent of the registered owner;
- b) Sufficient details as to the proposed use and occupancy of all parts of the Site and of all buildings located or proposed to be located there to enable the Development Authority to determine compliance with this By-law;



- c) Site plans to a scale, in a form to the satisfactory of the Development Authority demonstrating:
- (i) The location and dimensions of all required Yards;
  - (ii) The location and horizontal dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (iii) The location and horizontal dimensions of all roof overhangs, balconies and other projections from buildings located and proposed to be located on the Site; calculations of Site Coverage;
  - (iv) The locations of all municipal services to and within the Site, including gas, water, electricity, sewer, and other utility lines, wells, and buried waste water facilities;
  - (v) Details as to the landscaping proposed for the Site;
  - (vi) the flow of surface drainage across the lot ensuring that surface runoff water does not discharge from the site to an adjacent property; and,
  - (vii) Parking areas, driveways and the location of all proposed accesses onto public roads.
- d) Floor plans, elevations and other drawings as the Development Authority may require, all to a scale, in a form to the satisfactory of the Development Authority, demonstrating:
- (i) The height and other dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (ii) cross sections of foundations, including all height and horizontal dimensions; and where a building is proposed to have a floor below grade level,
  - (iii) A cross-section of the site showing present lake level, historic maximum lake level, and the elevations of floors, footings, sewer lines and systems; and,
  - (iv) Static water table levels at the proposed building site;
  - (v) The location of all exterior windows, doors and other openings in the buildings and other improvements located and proposed to be located on the Site; and,
  - (vi) A drawing of the exterior finishes and treatments to be incorporated in the Development and photos of buildings on adjacent lots.
- e) The estimated commencement and completion dates;
- f) The estimated cost of the project or contract price;

- g) Additional information the Development Authority may required to make a decision, including but not limited to a Real Property Report prepared by an Alberta Land Surveyor; and,
- h) The required application fee.

**2.8 Duties with respect to Development Permit Applications:**

- a) The Development Authority must review each Development Permit application submitted to the Summer Village and confirm it is complete in accordance with the requirements of this By-law.
- b) Before issuing a development permit, the Development Authority must give written notice of the proposed development to the owners of all land within 60 metres (200 feet), and to such other people as she considers necessary. The notice shall include a statement of proposed uses, and a site plan showing the locations of all buildings. Notice shall be given directly to the said property owners, even if their property is in another municipality.
- c) Notice required by this By-law must 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.
- d) After giving notice as required under the previous section, the Development Authority must wait 14 days to receive the comments of those people who were notified.
- e) When deciding on an application, the Development Authority must consider all concerns reported.
- f) Where an application is for a Permitted use, and complies with all the provisions of this Bylaw, the Development Authority must issue a development permit, either without conditions, or with such conditions as are required to comply with this Bylaw.
- g) The development Authority must refuse a Development Permit application for the development of a Permitted Use or a Discretionary Use if the Development does not otherwise comply with this By-law unless a variance is granted in accordance with **Section 2.9 (Variance Power)** of this By-law, in which case the proposed Development will be deemed to constitute a Discretionary Use.
- h) The Development Authority may refuse or approve, with or without conditions, a Development Permit application for the Development of a Discretionary Use.

- i) The Development Authority must refuse a Development Permit application for the Development of a use which is neither a Permitted Use nor a Discretionary Use in the applicable Land Use District.
- j) Within 5 days after a decision on a development permit application, a Development Authority must send a notice by regular mail of the decision to the applicant. If the application is refused the Development Authority must include reasons for such refusal.
- k) After approving a development permit for a discretionary use of land, or where a provision of the By-law is relaxed or waived, the Development Authority must give written notice of the proposed development to the owners of all immediate adjacent property owners and such other property owners as is considered advisable.
- l) The said notice shall indicated that any person affected by the issuance of the permit has the right to appeal, and shall state how an appeal may be launched.
- m) The Development Authority may require 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.
- n) Where any Development Permit application is approved, and the remaining requirements and provisions of this By-law have been complied with and met, the Development Authority must:
  - (i) Attach to the Development Permit the written reasons for the granting of any variance given in accordance with **Section 2.9 (Variance Power)**;
  - (ii) Provide by mail to all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 metres of the boundaries of the Site a copy of the Development Permit; and
  - (iii) Direct the posting at a conspicuous location on the Site, a copy of the Development Permit which will remain until the earlier of the expiry of the Development Permit or the completion of the Development described; and,
- o) 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 with the Summer Village to do all or any of the following:
  - (i) To construct or pay for the construction of a road required to give access to the development;

- (ii) To construct or pay of the construction of a pedestrian walkway system to serve the Development or connect the pedestrian walkway system serving adjacent sites, or both;
  - (iii) To install or pay for the installation of public utilities that are necessary to service the Development;
  - (iv) To construct or pay for the construction of off-street or other parking facilities;
  - (v) To pay any off-site levy or redevelopment levy imposed by By-law;
  - (vi) To give security or a performance bond to ensure that the terms of any agreement entered into pursuant to hits Section are carried out and/or to reimburse the municipality for any damage caused to local improvements as a result of development;
  - (vii) And the Development Authority may register a caveat on the title of the property to evidence this agreement.
- p) The Development Authority may refuse to accept another application where an application has been refused initially or on appeal 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 refusal, unless circumstances have changed substantially.
- q) Failure to make a decision: Unless the applicant grants a time extension, an application for a development permit may be deemed to be refused when a decision is not issued by the Development Authority within 40 days of the application being deemed complete, and the applicant may appeal as though the application had been refused.

## **2.9 Variance Powers:**

- a) Subject to the provisions of **Section 2.9 b)**, the Development Authority may, with respect to any Development Permit application vary the requirements of the Schedules A and B of this By-law where the proposed Development would not, in the Development Authority's opinion:
- (i) Unduly interfere with the amenities of the neighbourhood, or
  - (ii) Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - (iii) The proposed Development with the use prescribed for the subject land or building in this By-law.
- b) But the Development Authority may only do this if the neighbours, having been informed by mail, do not object in writing within 14 days of the mailing.

**2.10 Development Permits Not Required:**

Development permit is not required for:

- a) The completion and subsequent use of a building which was lawfully under construction at the date this By-law comes into effect (but any conditions attached to a development permit continue to apply);
- b) The continuation of a lawful use of building or land which was in effect at the date this By-law comes into effect (but any conditions attached to a development permit issued under the former By-law continue to apply under this By-law);
- c) Work in a road or utility lot by a government or by a franchised utility company;
- d) The maintenance or repair to any building or structure provided that such work does not include structural alterations or result in an addition;
- e) The construction of a single-storey accessory structure no greater than 10 square meters (107.6 ft<sup>2</sup>) in Site Coverage provided its area will be considered calculating aggregate Site Coverage, and provided that it conforms with the yard and setback distances set out in Schedule B;
- f) 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 By-law;
- g) Landscaping, provided that the proposed grades and surface drainage patterns of and from the site will not adversely affect the subject or adjacent properties;
- h) The demolition of a building or structure;
- i) 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 square meter in size;
- j) The erection of campaign signs for public office on private properties for no more than 30 days, or such other time as regulated under provincial or federal legislation provided that such signs are removed promptly on the completion of the election date and do not impair vision or traffic;
- k) Gates, fences, walls or privacy screens less than 1.0 meter (3.28 feet) in height in any front yard (except lakefront, for which fences are not allowed);

- l) Name and address signs;
- m) Development exempted from this By-law under Sections 618 or 619 of the Act;
- n) A deck or patio at ground level;
- o) Exterior steps; and,
- p) The continuation of a legal nonconforming use under section 643 of the Act.

**2.11 Conditions of a Development Permit**

- a) If the proposed development is for a new building, the owner or developer must provide a Real Property Report, prepared by an Alberta Land Surveyor after the footing has been installed, but before any flooring or framing work has commenced, and in the case of a slab foundation, before concrete is poured, certifying that the building under construction meets the yard and setback requirements of the Land Use By-law and the Alberta Building Code.
- b) A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building, sewers, water mains, electricity and highways, and all other permits required in connections with the proposed development.
- c) The Applicant shall be financially responsible during construction for any damage by the applicant, his servants, suppliers, agents or contractors to any public property. The applicant shall repair, reinstate, or pay for the repair or reinstatement to original condition of any street, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility.
- d) The applicant shall take precautions, including the placement of silt fences or traps, to prevent soil or debris from being spilled on public streets, lanes sidewalks, and the lake, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- e) Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village as a result of neglect to public property may be collected from the applicant.

- f) The applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.
- g) The applicant is responsible for ascertaining that the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings, where applicable, is high enough to ensure a gravity flow connection to the design or existing sewer elevations at the property line. In the event that gravity sewer flow is not possible or desirable; the applicant is responsible for installing a pump to discharge sewage in accordance with the Alberta Building Code and Plumbing Regulations.
- h) To post in a location visible from both directions the municipal address of the property.

## **2.12 Following Approval of the Development Authority**

- a) A Development Permit comes into effect immediately if all proposed development is for a permitted use and the By-law was not relaxed or varied.
- b) 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 permit has been issued by that person.
- c) A Development Permit for a discretionary use, or for which a provision of the By-law 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 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;
- d) The Development Permit will not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled;
- e) When a Development Appeal is filed against the issuance of a Development Permit or against any condition on a Development Permit, the Development Permit will be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board. Where a subsequent appeal is taken to the Court of Queen's Bench pursuant to Section 688 of the Act, the Development Permit will be further suspended and deemed invalid pending the final decision of the Court and the completion of any process directed by the Court.

- f) Unless an extension has previously been granted by the Development Authority, a Development Permit will expire and will no longer be valid after 1 year from the date of its issuance or within an extended period granted by a Development Officer if:
- (i) No substantial construction has been initiated (for purposes of this subsection, construction includes, but is not limited to, site preparation or excavation);
  - (ii) The exterior of the building is not completed within twelve months of the date of issue; or
    - a. The development is not completed within 12 months or carried out with reasonable diligence;
    - b. In which case, subject to new information being submitted as to the timing and completion date of the development, another development permit with a specified expiry date will be issued or Sections 645 and 646 of the Act will be invoked.
  - (iii) Despite the preceding section, at the discretion of the Development Authority, a building may be constructed in stages over a period of time exceeding one year providing that the applicant submits a construction schedule as part of the application.
  - (iv) All construction relative to a Development Permit shall be completed within one year following the issuing or within one year following the final decision of the Board. The Development Authority may, on application made prior to the expiry of this one year period and at its discretion, extend the period for one more year; and,
  - (v) If a Development Permit is issued for a Site for which any other Development Permit has been previously issued, all previous Development Permits will be invalid to the extent the physical aspects of the newly approved Development conflict or could not occur simultaneously on the Site in conformity with the provision of this By-law.
  - (vi) The Development Authority may modify, suspend or cancel a development permit which apparently has been obtained by fraud or misrepresentation, or by failure to disclose pertinent information, or been issued in error.
  - (vii) If a development permit has been revoked, 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.
  - (viii) Any decision made under this By-law 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.



**2.13 Issuance of Compliance Certificates**

- a) The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee.
- b) The applicant shall pay all costs associated with the preparation of the Real Property Report, which must meet the requirements of the Development Authority. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is required.
- c) In determining whether a Compliance Certificate can be issued for a site, the Development Authority shall rely on the Real Property Report provided by the applicant. The Development Authority shall not undertake independent site inspections.
- d) The Development Authority may issue a Compliance Certificate when, in their opinion, the building(s) located on a site, and shown on the Real Property Report, are located in accordance with the setback regulations of this By-law and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.
- e) The Development Authority may refuse to issue a Compliance Certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this By-law and/or the yards specified in any development permit which may have been issued for the site.
- f) The Development Authority and the Summer Village shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the Real Property Report.

**2.14 Contravention of this By-law**

- a) Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, or regulations there under, or a development permit or a subdivision approval, or this By-law, a Stop Order may be issued in accordance with the Act, or the Development Authority or a designated

officer (i.e. Pigeon Lake Protective Services) may proceed under Sections 645 and 646 of the Act.

- b) The Development Authority or a designated officer (i.e. Pigeon Lake Protective Services) are authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this By-law.
- c) A violation tag may be issued to such person:
  - (i) Either personally; or
  - (ii) By mailing a copy to such person at their last known address or address indicated on the development permit issued to that person.
- d) The violation tag shall be in a form approved by the municipal administrator and shall state:
  - (i) The name of the person,
  - (ii) The offence,
  - (iii) The appropriate penalty for the offence as set out by resolution of Council and listed in Schedule D,
  - (iv) That the penalty shall be paid within 30 days of the issuance of the violation tag, and
  - (v) Any other information as may be required by the municipality

## **2.15 Pigeon Lake Protective Services**

- a) Where a contravention of this By-law 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.
- b) 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.
- c) Nothing in this By-law shall prevent the Development Authority or designate from immediately issuing a violation tag.
- d) 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 or designate is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, as amended or repealed and replaced from time to time.

- e) Notwithstanding Section 2.15 d) of this By-law, the Development Authority or designate is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this By-law.
- f) Penalties and Fees set out in Schedule D may be amended from time to time by a resolution of Council.

**2.16 Amending the By-law**

- a) A person may apply to have this By-law amended, by applying in writing, giving reasons in support of the application, and paying the requisite fee.
- b) Council may at any time initiate amendment to this By-law
- c) An application to change the districting of any land may be initiated only by the owner of that land, or by Council.
- d) The application process is covered under Section 692 of the Municipal Government Act.

**2.17 Continuity of Development Permits**

- a) A condition attached to a development permit issued under a previous By-law continues under this By-law.

**2.18 Requirements of Other Authorities**

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

**2.19 Development Permit Fees:**

- a) The Council may by resolution impose a fee or a schedule of fees for Development Permit applications; applications will only be considered once the fees have been paid to the Summer Village.

**2.20 Date of Commencement**

- a) This By-law comes into effect upon the date of third reading.

**2.21 Severability**

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

**2.22 Repeal**

- a) Bylaw #176 and amendments thereto are hereby repealed.

READ a first time this 2<sup>nd</sup> day of May, 2012

Public Hearing held this 26<sup>th</sup> day of May, 2012

READ a second time this 14<sup>th</sup> day of June, 2012

READ a third time and passed this 27<sup>th</sup> day of July, 2012.



\_\_\_\_\_  
Doris Bell, Mayor  
Summer Village of Crystal Springs



\_\_\_\_\_  
Sylvia Roy, CAO  
Summer Village of Crystal Springs

### **SECTION 3 - SCHEDULE "A": GENERAL REGULATIONS**

#### **3.1 Lot Dimensions and Areas**

- a) A lot which is smaller than required by **Schedule "C"** of this By-law, but to which a separate title was registered at the land Titles Office on the date this By-law comes into effect, is nevertheless a conforming lot.
- b) Lot size requirements do not apply to utility lots or public parks.
- c) Despite **Schedule "B"**, the boundary between two existing lots may be adjusted to accommodate buildings on the site, and the resulting lots are conforming lots under this By-law.
- d) **Schedule "C"** will not prevent:
  - (i) The adjustment of a property line where no additional lots are created, or
  - (ii) The re-subdivision of a lot formed by the consolidation of two previously existing lots, but in this case the setbacks for all the existing buildings on these lots must conform to the current By-law.

#### **3.2 Corner Lots**

- a) Where a lot is at the corner of two streets, the Development Authority:
  - (i) May rule which side of the lot is the front for the purposes of building setbacks and use of yards, or
  - (ii) May apply front yard rules to any side of the lot that abuts a street.

#### **3.3 Moved-in Buildings**

- a) The relocation of an existing building to a Site as either a Main Building or an Accessory Building constitutes a Development of that Site. Where a building is to be relocated to a Site, the use to which the building is intended to be put:
  - (i) must be listed in this By-law as a Permitted Use or a Discretionary Use available for that Site; and,
  - (ii) is deemed to be a Discretionary Use for purposes of the relocation of that building.
- b) A person wishing to move an existing building onto a lot will apply for a development permit, state the present location of the building and provide photographs showing each side and the general concision of the building.

- c) The Development Authority may require an inspection of the building, and determine the suitability of the building for the proposed use.
- d) The Development Authority may require the building be improved to meet the requirements of this By-law and the Alberta Building Code.
- e) If the work required by the previous section 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 will be released when the work is satisfactorily completed, but will otherwise be forfeit.
- f) Any travel or other costs incurred by the Development Authority in processing an application for a moved-in building will be added to the fee for the Development Permit.

### **3.4 Site Drainage**

- a) If grading or land alteration will change drainage patterns or adversely affect neighbouring property or roadways, a development permit is required.
- b) Land will be graded so that excess water flows into Pigeon Lake, a soakaway, or a street or lane. Water will not be diverted to flow from one property onto a neighbouring property unless a drainage scheme is agreed in writing between the two property owners and the municipality.
- c) A private driveway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the roadside ditch, a culvert will be installed to the specifications of the municipality.
- d) Any culvert that carries water from offsite must have a diameter of at least 300mm (12 inches), and must be at least as large as the immediately upstream culvert.
- e) A development application for a new building shall include a grading plan.

### **3.5 Fences**

- a) Gates, fences, walls or other means of privacy screening must not be constructed higher than 1.0 meters (3 feet) above ground level, or higher than 1.8 meters (6 feet) elsewhere.
- b) Fences must not be constructed across the lakefront area of a lot.

- c) Electric and barbed wire fences must not be constructed within the municipality.

### **3.6 Environmental Protection**

- a) Under Section 3 of the Public Lands Act title to the beds and shores of all permanent and naturally occurring bodies of water, and all naturally occurring rivers, streams, watercourses and lakes, is vested in the Crown in right of Alberta.

### **3.7 Objectionable Objects in Yards**

- a) Sites and buildings in all districts shall be maintained in a clean and tidy condition.
- b) Garbage shall be stored in weather and animal proof containers and stored in a location easily accessible for pickup
- c) No person shall keep or permit in any part of a yard in any residential district
  - (i) Any dismantled or wrecked or unlicensed vehicles for more than fourteen successive days, or
  - (ii) Any vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle, or
  - (iii) 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
  - (iv) Any excavations, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work, or
  - (v) Construction or demolition materials not being used specifically for the permitted construction or repairs of the buildings on the property.
- d) The Development Authority is authorized to follow Sections 545 and 546 of the Municipal Government Act in dealing with dangers or unsightly property.

#### **4. SECTION 4 - SCHEDULE "B": DISTRICT REGULATIONS**

##### **4.1 Regulations for the Residential District**

The general purpose of this District is to provide for low density, single-family residential land use in a rural lakeside setting.

- a) The following uses are permitted in the Residential District:**
  - (i) new single detached dwellings, limited to one per lot, including new modular homes but excluding mobile homes
  
- b) Discretionary Uses**
  - (i) Public utility services,
  - (ii) Moved-in buildings ,
  - (iii) Accessory Buildings to the above uses
  
- c) Heights of Buildings**
  - (i) No building is to exceed 9 meters (30 feet) in height above ground, measured from grade to the peak of the roof.
  - (ii) All other buildings on a lot are limited to one storey, to a maximum of 22 feet (6 metres) but usable space may be developed in a pitched roof with dormers over a garage, as shown in Figure 2.
  - (iii) Accessory buildings are restricted to a maximum height of 14 feet (4.3 metres)

##### **4.2 Density of Residential Development**

- a)** No more than one dwelling must be placed on a lot.
- b)** The combined ground coverage of all building on a lot must not exceed 40% of the area of the lot, interpreted as follows:
  - (i) Where part of the lot has been lost to erosion, the area used for calculating ground coverage will be the original surveyed area, not the reduced are, and
  - (ii) Despite the definition of building in the Act, patios, parking pads and other hard surfaces at ground level are not included in the calculation of building are.
- c)** Every lot must have a minimum width of 15.24 metres (50 feet).

##### **4.3 Yards and Setbacks**

- a)** All buildings must be set back the following distances from property lines, as illustrated on Figures 1 and 2:

Front property line:           Single and one-and-a-half storey buildings: 8 metres (26 ft)  
  Two storey buildings: 10 metres (33 ft)



- Rear property line: Single and one-and-a-half storey buildings: 6 metres (20 ft)  
Two storey buildings: 10 metres (33 ft)
- Side property line: Two storey buildings: 3 metres (10 ft)  
Single and one-and-a-half story buildings:
- 2 metres (6.5 ft) if the exterior wall of the building has a fire rating of one hour or more, or
  - 3 metres (10 ft) if the exterior wall of the building has a fire rating of less than one hour.
- Building separation: All buildings must be separated by a clear space of at least 3 metres (10 ft).
- Boathouses: Despite the foregoing, single storey boathouses may be constructed no closer than 1 metre (3 ft) to property boundaries.
- Roadside Property Line: 1.0 metres (3.28 feet), except that where the vehicle doors of a garage face a road or lane abutting the lot, the garage shall be no closer than 6 metres (20 feet) to the road or lane.

- b) Yard and setback requirements apply to decks, but not to steps or patios.
- c) Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the building footings will not intrude more than 0.5 metres (20 inches) into the side yards required by **Section 4.3 a)**.
- d) The heat exchanges unit and exhaust fan of a built-in air conditioner must meet the setbacks required for buildings.

#### **4.4 Guest Houses and Accessory Buildings**

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

- a) All required yards and setbacks are maintained.
- b) The combined ground coverage of all buildings on the lot conforms with the maximum set out in **Section 4.2 (b)**.
- c) All accessory buildings will be built in the rear yard, and within the rear half of the parcel, except that, on lake front parcels, boathouses may be built in the front yard, and on back parcels, garages may be built in the front yard.

- d) Guest houses shall be of new, conventional construction and of good appearance. A mobile home or recreational vehicle shall not be used as a guest house.
- e) Guest houses shall not be constructed in the front yard of a lot, nor in front of the front walls of the main buildings on the two adjacent lots.
- f) Guest houses shall not contain a kitchen.
- g) Sleeping accommodation in or above a garage or other accessory building is deemed to be a guest house, and where such accommodation exists, no other guest house shall be constructed on the lot.

#### **4.5 Recreational Vehicles**

- a) A recreational vehicle (RV) may be used as the primary residence on a lot for a maximum of 24 months, and in that case, a development permit is required as for a house of conventional construction.
- b) In addition to a primary residence, a single RV may be located and occupied on a lot for a maximum of 5 days without a development permit.
- c) A development permit is required if an RV is to be located on a lot for more than 3 days. The permit includes the license number of the RV, and the date by which the RV is to be removed, which shall be no more than 21 days after the date on which the permit was issued. Only one such permit shall be issued in any calendar year for a given RV.
- d) A development permit is required before additional RVs are located on a lot.
- e) Any development permit for an RV must set out how waste water is to be handled.
- f) An RV is deemed to be an accessory building for the purposes of sections 1.6.2 (lot coverage), 1.7 (yards and setbacks), and 1.8.4 (location on the lot).
- g) Where there is an RV on a lot and the owner applies for a development permit for a conventional house, the development permit for the house shall specify whether or not the RV may remain, for a period not to exceed 24 months starting at the date of development permit approval.
- h) An RV owned by the owner of a lot may be stored unoccupied on that lot without a Development Permit indefinitely provided that it meets the requirements of sections 1.6.2 (lot coverage), 1.7 (yards and setbacks), and 1.8.4 (location on the lot).

- i) RVs are a Discretionary Use in the Residential district and neighbors have the right to appeal to the Subdivision and Development Appeal Board as per **Section 2.8 I)**. (The appeal cost is \$250 per application)

#### **4.6 Home Business**

Home Business means a Development consisting of the use of a minor portion of an approved Residential Development by a resident of the Main Building as an office for a business which meets the following criteria:

- a) The business use is secondary to the residential use of the building in which it is located;
- b) Is not visited by a significant number of clients;
- c) Has adequate on-site parking;
- d) Does not change the external appearance or residential character of the building except for one sign no larger than 1 m<sup>2</sup>;
- e) Is carried on only by residents of the site, and
- f) Has a valid Business License (By-law #177).

#### **4.7 Garages**

- a) Garages attached to the main dwelling must not have a floor area greater than 50% of the floor area of the main dwelling.

#### **4.8 Screening and Privacy**

- a) Gates, fences, walls and other privacy screening higher than 1.0 metres (3.28 feet), fences are not allowed across the lakefront of a lot.
- b) If a deck is likely to overlook an adjacent lot, or otherwise infringes on the privacy of neighbours, the development authority may require it to be screened.

**5. SECTION 5 - REGULATIONS FOR PARK DISTRICT**

**5.1 Permitted Uses**

- a) Public parks and recreation areas with any necessary buildings
- b) Public utility buildings and operations serving the community.

**5.2 Yards and Setbacks**

- a) As for Residential District

**5.3 Sanitation**

- a) As for Residential District

**5.4 Storage**

- a) No private watercraft, recreational vehicles, trailers or other equipment will be stored on municipal property or the adjacent road allowances for a period of more than 72 hours except as provided in 5.4 (b).
- b) Boat lifts may be stored in a designated park from October 15<sup>th</sup> until June 15<sup>th</sup> provided that the owner is clearly identified on a tag attached to the lift.

**6. SECTION 6 - REGULATIONS FOR THE COMMERCIAL DISTRICT**

**6.1 Permitted Uses**

- a) Retail Stores

**6.2 Discretionary Uses**

- a) One dwelling per parcel, which may be either a freestanding building or an apartment within a commercial building.

**6.3 Site Areas, Yards and Setbacks, Sanitation, Moved-in Buildings**

- a) As for Residential District

**6.4 Accessory Buildings**

- a) All necessary yards and setbacks are maintained
- b) The total floor area of all buildings on site does not exceed 50% of the area of the parcel, and
- c) All buildings are separated by a clear space of at least 3 meters (10 feet)

**6.5 Parking**

- a) Each commercial establishment will provide adequate off-street parking spaces for the exclusive use of customers. Each parking stall will have a minimum size of 3 x 6 meters and will be graded and surfaced with gravel, asphalt or concrete to provide an all-weather surface.

**7. SECTION 7 - SCHEDULE "C": PENALTIES AND FEES**

**7.1** 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.

**7.2** 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><u>Offense</u></b>	<b><u>Fine</u></b>
1. Failure to obtain a development permit.	\$250.00
2. Failure to adhere to the requirements of the development permit.	\$500.00
3. Failure to adhere to the site drainage requirements	\$250.00
4. Failure to adhere to the sanitation requirements	\$250.00
5. Failure to adhere to yard storage requirements	\$250.00
6. Failure to adhere to park/reserve storage requirement	\$250.00
7. Failure to adhere to garbage requirement	\$100.00
8. Failure to obtain a recreational vehicle permit	\$250.00
9. Failure to adhere to other Bylaw requirements	\$250.00

**Fees**

1. Appeal to Subdivision and Development Appeal Board	\$250.00
2. Amending the Land Use Bylaw	\$250.00
3. Purchase hard copy of Land Use Bylaw	N/C

**8. SECTION 8 - SCHEDULE "D": 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.

**9. SECTION 9 - SCHEDULE "E": LAND USE DISTRICTS**

- a) Map of the Summer Village showing land use districts
- b) Any land that is subsequently annexed may be zoned as determined by Council at that time.

Summer Village of Crystal Springs  
Land Use Bylaw No. 208

Schedule E: Land Use Districts

All land within the Summer Village  
is classified as Residential  
EXCEPT as shown on this map:

- C Commercial
- P Park and Reserve

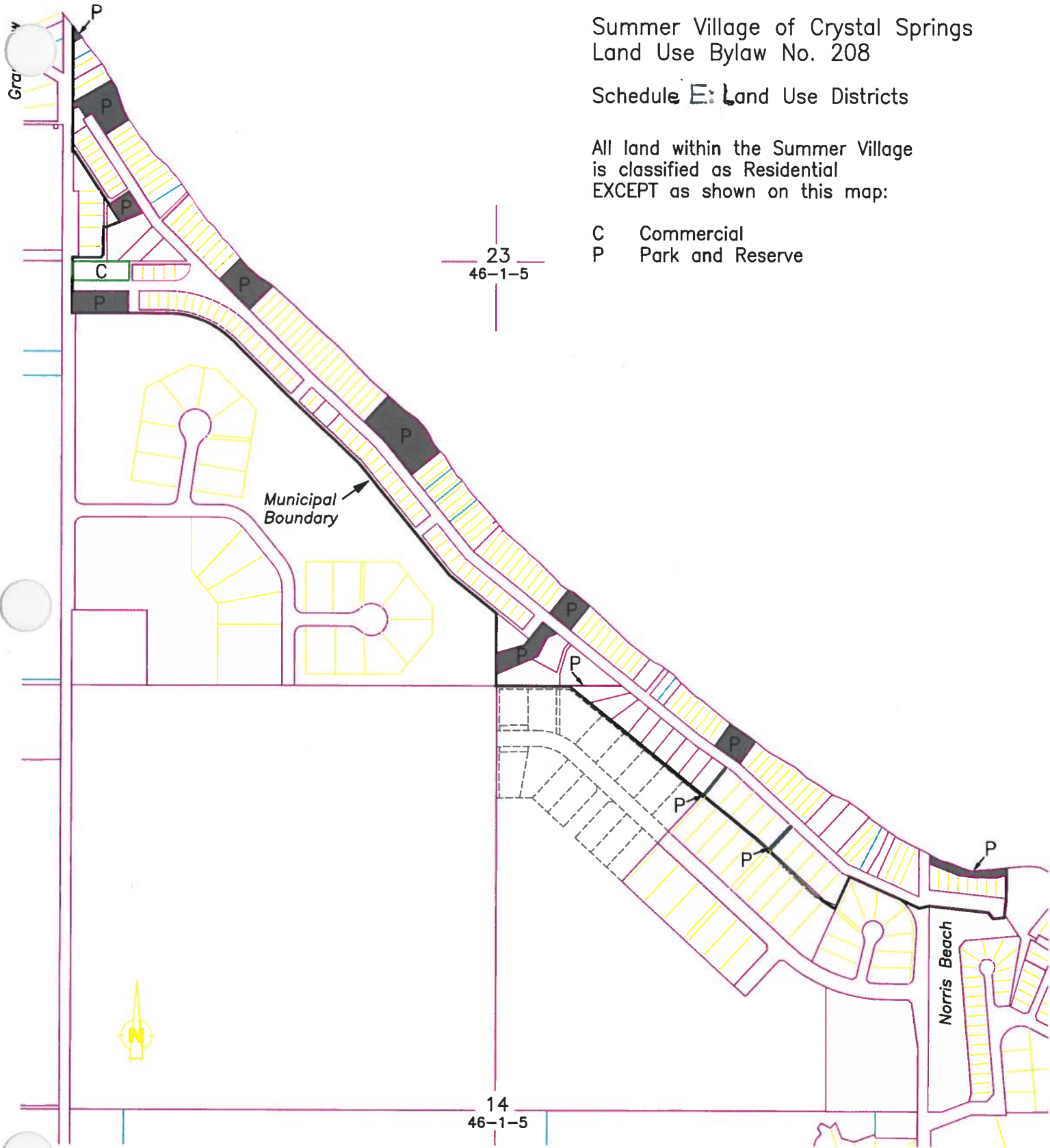




Figure 1  
Yard and fence requirements in the Residential district

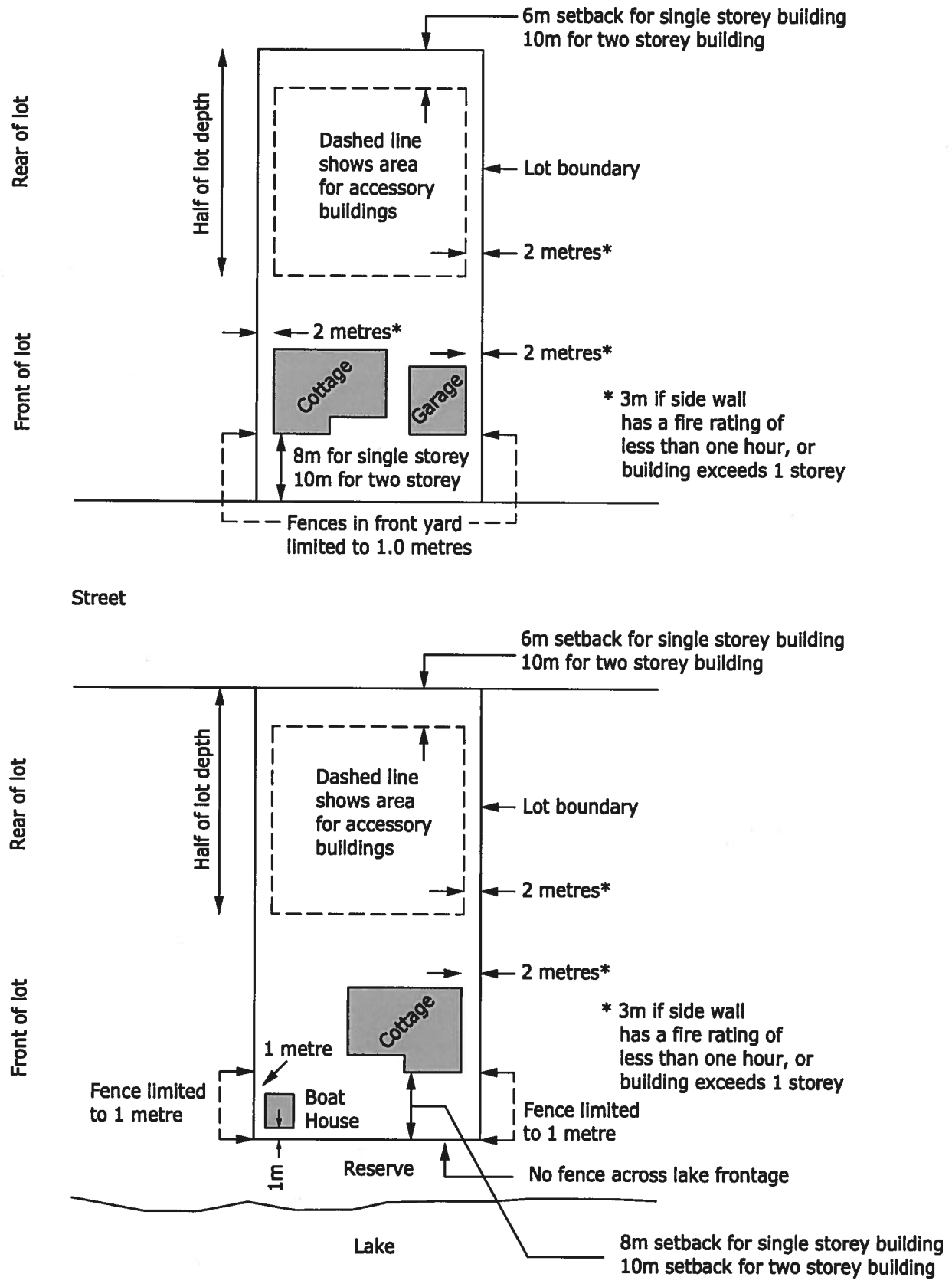
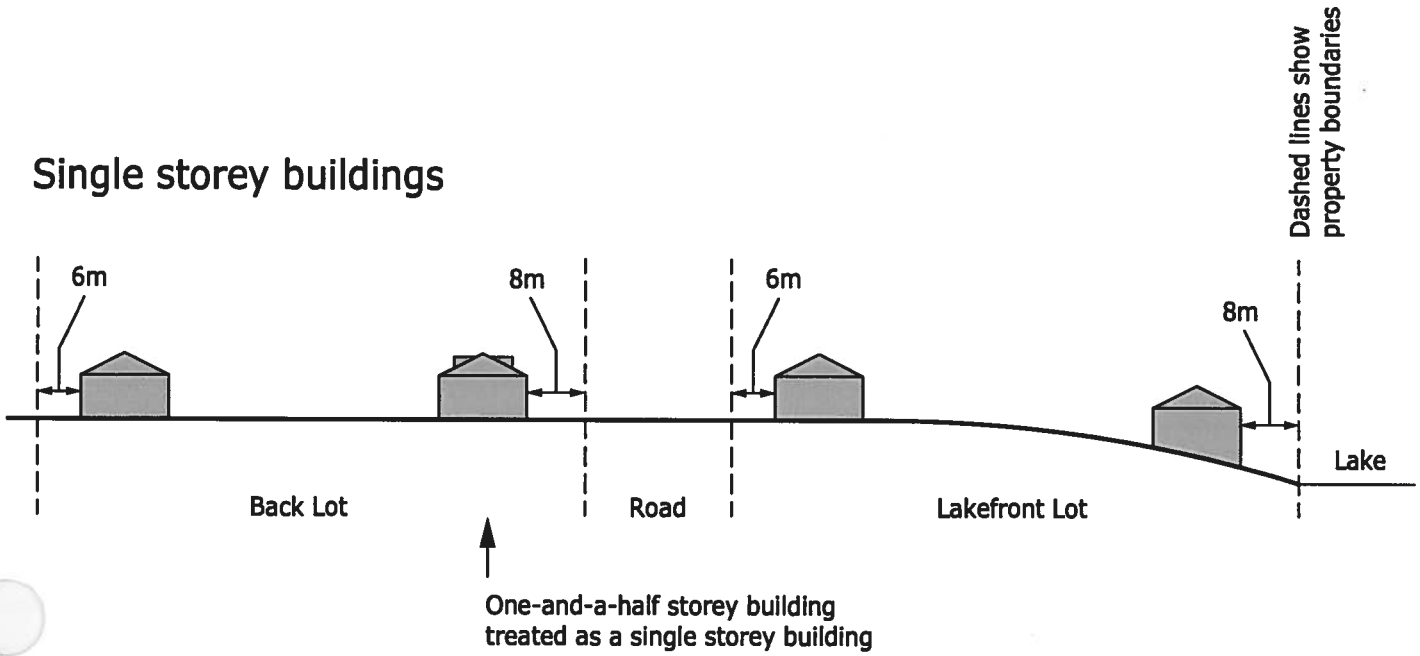
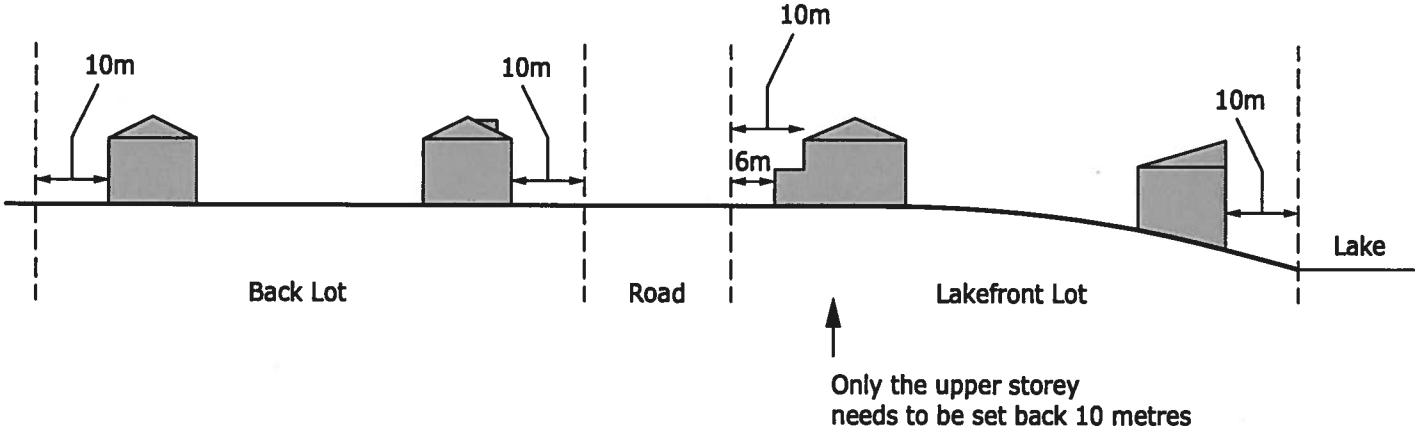


Figure 2  
Setbacks for single and two storey buildings  
in the Residential district

### Single storey buildings



### Two storey buildings



Note: only one two-storey building is allowed on a lot