

SUMMER VILLAGE OF GRANDVIEW THE LAND USE BYLAW

BYLAW NO. 232

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

1. 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 or above 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.

Back Lot means a lot which is not a lake front lot.

Back or Rear Yard 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, as shown on Figure 1.

Boat House means a single storey structure on a lake front lot, used only for the storage of boats and associated equipment, and does not include a boat hoist.

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

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 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,

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, and

the demolition or removal of a building.

Development Permit means a certificate or document, issued by the Development Authority, 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 means any building or structure used primarily for human habitation.

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

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

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

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

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 of a lot means the average elevation of the four corners of the lot. Where a lake front lot extends to the lake shore and has been reduced by erosion, the elevation used for the two lake front corners shall be the high water mark.

Ground means the actual surface of the ground, which may not be the same as grade as defined above.

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

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.

Lake Front Lot means a lot which is adjacent to the lake shore or which would be adjacent if it were not for an intervening strip of municipally owned park or reserve land.

Lake Yard means a yard extending across the full width of the lot between the lake side of the main dwelling and the lake shore. Only lake front lots have lake yards.

Lane means a public thoroughfare, whether or not developed for travel, the right-of-way which is not more than 10 metres (33 feet) and not less than 6 metres (20 feet) in width.

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 the two or more 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 towed or carried, provides year round living accommodation for one or more people, and can be connected to utilities. A mobile home is typically long and narrow, with a simple rectangular plan, a low roof pitch, and narrow eaves.

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

Municipality means the Summer Village of Grandview.

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, tenant, or agent of the owner.

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

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.

Property line means a property boundary shown on a plan of subdivision, but if a lot has been reduced in size by shoreline erosion, the lake side property line is the actual high water mark.

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 holidays trailers, tent trailers, truck campers, camper vans, and motor homes, but does not include mobile homes.

Setback means the perpendicular distance measured between that part of the footings of a building nearest to the front, side or rear property line of the building site.

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

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

Site, 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 (148 feet) in radius over an angle of more than 135 degrees.

Subdivision and Development Appeal Board (SDAB) means the 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.

- 2.2 All other words and expressions have meaning assigned to them in the Act unless another definition is given in this bylaw.
- 2.3 Where a term is defined in legislation and also in this bylaw, and the definitions differ, the definition in this bylaw prevails.
- 2.4 In accordance with Alberta Land Titles and Building Code practice, all dimensions in this bylaw are given in metric measure, and where an Imperial measure is given for the convenience of the user, it is not exact, and in case of dispute the metric measure shall govern.
- 2.5 Where this bylaw requires interpretation, the decision shall be that of the Development Authority or, on appeal, the Subdivision and Development Appeal Board.

3. Establishment of Districts

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

Residential

Large Lot Residential
Municipal and Public

- 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. Schedules

Schedules A (map of land use districts), B (general regulations), C (regulations for land use districts), D (penalties), and E (relationship to the Pigeon Lake Management Plan) form part of and have the full force of this bylaw.

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 may also be referred to as the Development Officer.
- 5.3 The Development Authority shall:
- 5.3.1 receive, consider and decide on applications for a development permit,
 - 5.3.2 ensure that development is carried out in accordance with a development permit,
 - 5.3.3 make available for inspection
 - o a copy of this bylaw as amended, and
 - o a list of all applications and the decisions rendered on them and the reasons for those decisions,
 - 5.3.4 ensure that copies of this bylaw can be purchased by the public at a reasonable price,
 - 5.3.5 administer the appeal process, and
 - 5.3.6 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.
- 5.4 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 224 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 For the purposes of this bylaw, the following are defined as Developments:

- o the demolition or removal of a building (but no fee shall be charged for issuing the permit)

- o Signs, temporary buildings, and moveable buildings

But note that some signs do not require a permit: see section 8

- o An excavation for a private sewer system (*Note that the system itself is governed by provincial legislation*)

- o A change to the shoreline of the lake.

8. Development Not Requiring a Development Permit

No development permit is required for

- o work in a road or utility lot by a government or by a franchised utility company,

- o the completion and subsequent use of a building which was lawfully under construction at the date this bylaw comes into effect,

- o 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),

- o the maintenance or repair of any building or structure, provided that such work does not include structural alterations or major works of renovation (but note that a building permit may be required for alterations to plumbing, electrical, or heating systems),

- o exterior steps,

- o 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.

- o the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such

other time as regulated under provincial or federal legislation provided that such signs

bear the name of the person responsible for the sign,

are removed within one week of the election date, and

do not obstruct or impair vision or traffic,

- o landscaping where the proposed grades will not adversely affect the subject or adjacent properties,
- o one sign on internal lots, or two signs on corner lots, advertising the land for sale or rent provided that such signs are a maximum of 1.0 square metre in size,
- o name and address signs,
- o development exempted from this bylaw under sections 618 or 619 of the Act,
- o storage sheds covering less than 10 square metres (107 square feet) in area, but these sheds are nevertheless subject to yard and setback requirements applying to accessory buildings, and
- o patios and decks less than 60 cm (two feet) above ground level of the main building on that lot.

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 non-conforming 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 An accurate, scaled plan showing the location of all buildings, vehicle access and parking, utility lines, gas and electricity lines, wells, water lines, sewer lines, septic tanks, and sumps;
 - 10.1.2 A site plan of the proposed development drawn to scale showing location of all buildings and the location of proposed parking and access;

- 10.1.3 Floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions;
 - 10.1.4 A grading and drainage plan;
 - 10.1.5 A statement of use;
 - 10.1.6 A statement of ownership of land and interest of the applicant therein;
 - 10.1.7 The estimated commencement and completion dates;
 - 10.1.8 The estimated cost of the project or contract price; and
 - 10.1.9 The required application fee.
- 10.2 The Development Authority may require additional information necessary to make a decision, including but not limited to a Real Property Report prepared by an Alberta Land Surveyor, and a drawing or rendering of the finished building also showing the buildings on adjacent lots, and an application for a development permit is not complete until this additional information has been supplied.
- 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 other municipalities and to the owners of all properties within **50 metres (164 feet)** and such other property owners as he considers advisable. If any affected property is in another municipality, notice shall be given directly to the owners, and not through the office of the other municipality.
- 11.2 After giving notice as required under the previous section, the Development Authority shall wait 14 days to receive the comments of those people who were notified.
- 11.3 In deciding on the application, the Development Authority shall consider all concerns reported to him.

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
 - 12.4.1 amends the proposal to conform with this or other bylaws,
 - 12.4.2 pays an off-site levy or redevelopment levy imposed by bylaw,
 - 12.4.3 enters into an agreement pursuant to Section 650 of the Act concerning servicing of the site,
 - 12.4.4 registers an easement to protect a utility line,
 - 12.4.5 repairs any municipal improvements that may be damaged as a result of the development,
 - 12.4.6 finishes a building, or landscapes or paves a lot within a stated time,
 - 12.4.7 grades a lot to the satisfaction of the municipality, and provides a final grading certificate,
 - 12.4.8 supplies parking to meet the requirements of the bylaw, or
 - 12.4.9 deposits cash, a letter of credit, or a performance bond guaranteeing that any of the above conditions are met, or
 - 12.4.10 provides an Alberta Land Surveyor's real property report when the footings are complete, but before framing starts,

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

- 12.5 Where an application for a development permit has been refused initially or on appeal, the Development Authority may, at his discretion, refuse to accept another application for a permit on the same property 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 nearby buildings, and shall not unreasonably infringe on the privacy of adjacent landowners, or unduly reduce the value of nearby property, and the Development Authority may require changes to a design, or refuse a

development permit, if in his opinion a proposed development would be detrimental to neighbouring landowners, even if the proposed use is permitted 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 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.
- 13.3 No material impregnated with creosote shall be used in any construction or landscaping.

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 his 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 conforms with the use prescribed for the land or building of the bylaw,

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.

15. When a Development Permit Comes into Effect

- 15.1 A development permit does not come into force until
- o 14 days after the date the permit is issued, or
 - o the plans for the building have been approved by the person appointed by Council as Building Inspector and a building permit has been issued by that person,
- whichever is later.
- 15.2 If a valid appeal is filled 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, and the developer shall post the site for 14 days with a standard placard supplied by the Development Authority.
- 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 to the owners of nearby land as required by section 11.
- 16.3 The 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,
 - o 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.
 - o In the event that construction of the building is not completed within the effective time period of the development permit the development shall be deemed to be in contravention of that development permit and the Land Use Bylaw whereby the Development Authority may
 - o issue another development permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or
 - o invoke Sections 645 and 646 of the Act.

- 18.4 If it appears to the Development Authority that a development permit has been obtained by misrepresentation, he may revoke the development permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board 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 Appeal shall be addressed to the Secretary of the Subdivision and Development Appeal Board, shall contain reasons for the appeal, and shall be served upon the Secretary by mail or by delivery at the municipal office.
- 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 his designate may inspect any building for which a development permit has been issued during construction, and may, at his sole discretion, require that the person to whom a development permit has been issued provide a Real Property Report showing the location of the footings of any new building before continuing with construction above the footings.

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, he may proceed to issue a Stop Order in accordance with the Act, or otherwise proceed under sections 550, 645 and/or 646 of 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;
 - 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 II 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 II of the Provincial Offences Procedure Act, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this bylaw.

23. Amending the Bylaw

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

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

29. Date of Commencement

This bylaw comes into effect upon the date of third reading and repeals Bylaw No's #52, 181, 204, 206, 217, 223, 225.

Read a first time this 29th day of September 2005, A.D.

Public Hearing held this 19th day of November, 2005, A.D.

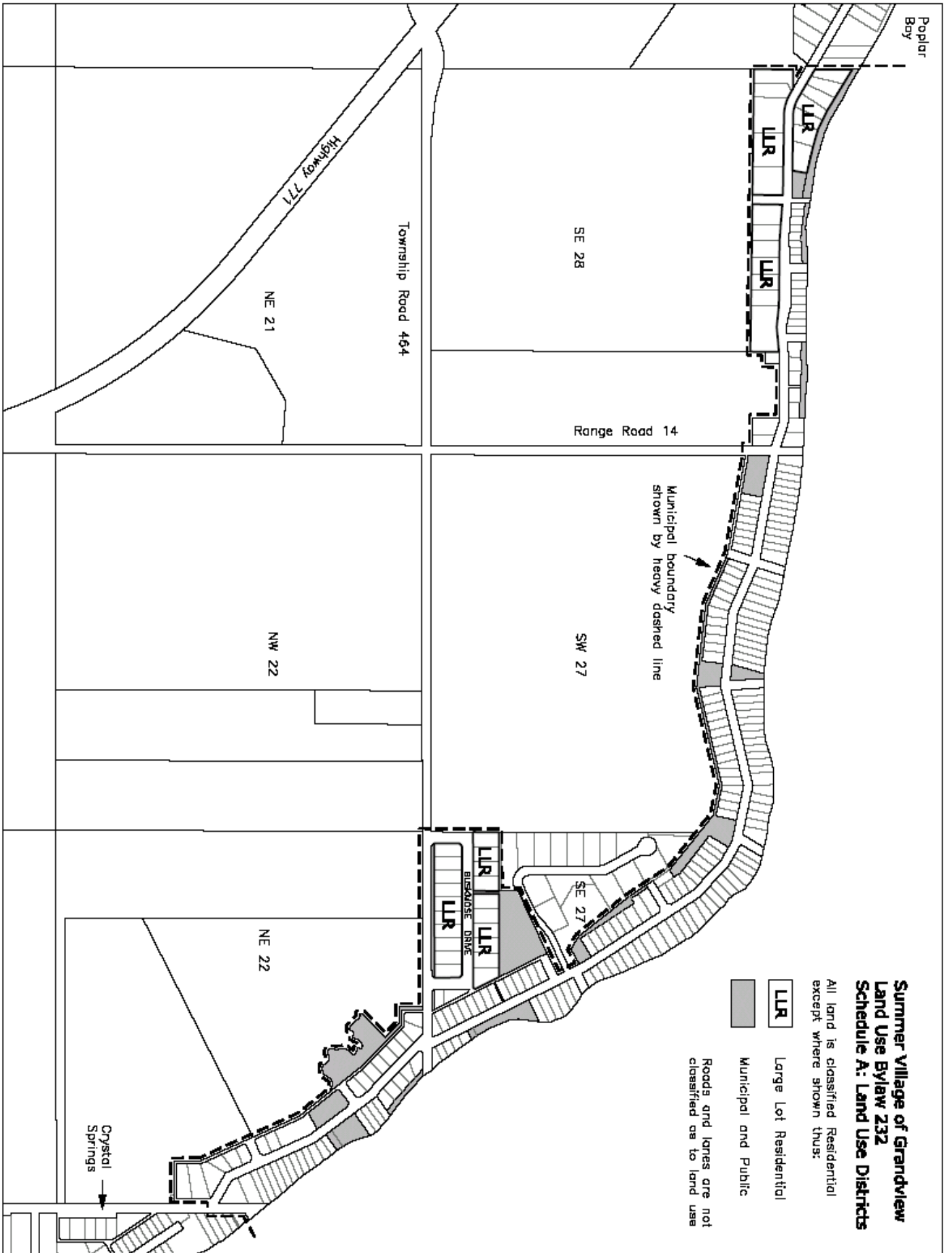
Read a second time this 6th day of April, 2006, A.D.

Read a third time and passed this 6th day of April, 2006, A.D.

Leslie Ellis, Mayor
Summer Village of Grandview

Peter Irwin, Administrator
Summer Village of Grandview

Schedule A: Land Use Districts



Schedule B: General Regulations

1. Lot Dimensions and Areas

1.1 A lot which is smaller than required by Schedule C of this bylaw, but to which a separate title was registered at the Land Titles Office on the date this bylaw comes into effect, is nevertheless a conforming lot.

1.2 Lot size requirements do not apply to utility lots or public parks.

1.3 Lot size requirements in Schedule C shall not prevent:

- o the adjustment of a property line where no additional lots are created, or
- o the re-subdivision of a lot formed by the consolidation of two previously existing lots,

and the resulting lots are conforming lots under this bylaw.

2. Moved-in Buildings

2.1 A person wishing to move an existing building on to a lot shall make an application for a development permit in the normal way, state the present location of the building, and provide photographs showing each side and the general condition of the building.

2.2 The Development Authority may, at his discretion, inspect the building, or cause it to be inspected by another person, and determine the suitability of the building for the proposed use.

2.3 The Development Authority may, at his discretion, require that the building be improved to meet the requirements of this bylaw and the Alberta Building Code.

2.4 A mobile home which is to be used as the main dwelling on a lot shall be placed on a permanent foundation with the wheels removed.

2.5 If the work required under section 2.3 or 2.4 is to be done after the building is to be moved to the new site, the Development Authority may require that a performance bond or other security be posted, equal to the estimated cost of the necessary work. The security shall be released when the work is satisfactorily completed, but shall otherwise be forfeited.

2.6 Any travel or other costs incurred by the Development Authority in processing an application for a development permit for a moved-in building shall be added to the fee for the development permit.

3. Site drainage

- 3.1 No land shall be filled or raised, and no grading or drainage shall be undertaken, unless a development permit has been issued for the work.
- 3.2 Land shall be graded so that excess water flows into the lake, a soakaway, or a street or lane. Water shall not be diverted to flow from one property on to a neighbouring property unless a drainage scheme is agreed in writing between the two property owners and the municipality.
- 3.3 A private driveway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the roadside ditch, a culvert shall be installed to the specifications of the municipality.
- 3.4 A development application for a new building shall include a grading and drainage plan.
- 3.5 Any culvert used in the approach to a lot or to carry water offsite shall have a diameter of at least 400mm (16 inches).

4. **Sanitation**

- 4.1 Sewage from a residence may be treated and disposed of on site provided that the lot has an area of at least 4,000 square metres (one acre), a width of at least 40 metres (131 feet), and the site conditions meet the requirements of the Alberta Private Sewage Systems Standard of Practice 1999 or its successor.
- 4.2 In all other cases, sewage from a residence shall be collected in a holding tank until it is pumped out and hauled away for disposal in a manner acceptable to the Regional Health Authority, Alberta Environment, and the Plumbing Inspection Branch of Alberta Labour.
- 4.3 No new privy or outhouse shall be constructed within the municipality unless the waste material is collected in a sealed tank which is pumped out for disposal off-site.
- 4.4 If the Development Authority has no information about the sewer system serving a lot, he shall record that fact on any Letter of Compliance which he issues.

5. **Fences**

- 5.1 No gates, fences, walls or other means of enclosure shall be constructed higher than 1.0 metres (3 feet 3 inches) in front yards of lake front lots, and 1.8 metres (6 feet) elsewhere, as shown on Figure 1.
- 5.2 Despite section 5.1, a fence up to 1.8 metres high may be built to separate the front yard of a private lot from an adjacent municipally or provincially owned lot.
- 5.3 Despite section 5.1, the Development Authority may allow a higher fence in a side yard if this appears to be necessary to ensure privacy.

- 5.4 The Development Authority may require that fences be built lower than set out in section 5.1 if in his opinion that is necessary to give passing motorists adequate visibility at corners.
- 5.5 No electric or barbed wire fence shall be constructed.
- 5.6 Where the Alberta Building Code or other provincial legislation conflicts with sections 5.1 and 5.2, those sections may be waived or relaxed by the Development Authority.

6. **Objectionable Objects in Yards**

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

- 6.1 any dismantled or wrecked or unlicensed vehicle for more than fourteen successive days, or
- 6.2 any commercial vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle,
- 6.3 any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
- 6.4 any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken.

7. **Corner Lots**

Where a lot is at the corner of two streets, or uses a lane as its main access, the Development Authority may apply front yard setback rules to any side of the lot which is used for access.

Schedule C: District Regulations

1. Regulations for the Residential District

1.1 Permitted Uses

The following uses are permitted in the Residential District:

- 1.1.1 New single detached dwellings of conventional or modular construction.
- 1.1.2 Decks constructed at the same time as the dwelling, shown on the plans of the dwelling, and included in the development permit for the dwelling.
- 1.1.3 Guest houses.
- 1.1.4 Fences and walls no higher than 1.0 metres (3 feet) adjacent to a lake side yard, and no higher than 1.8 metres (6 feet) elsewhere.
- 1.1.5 Works and buildings owned and operated by a public utility.
- 1.1.6 Accessory buildings to the above uses.

Attention is drawn to section 13 of the Bylaw, under which the Development Authority may require changes to a proposed development if, in his opinion, it is not compatible with nearby buildings, or unreasonably infringes on the privacy of adjacent landowners.

1.2 Discretionary Uses

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

- 1.2.1 Decks added to an existing dwelling
- 1.2.2 Moved-in buildings (see Schedule B, section 2).
- 1.2.3 Mobile homes no older than ten years, but older units may be allowed if, in the opinion of the Development Authority, they are compatible in style and quality with nearby residences.
- 1.2.3 Home businesses which, in the opinion of the Development Authority, are compatible with the residential purpose of the neighbourhood, and which have adequate on-site parking.
- 1.2.4 The use or storage of recreational vehicles as set out in section 1.8.
- 1.2.5 Unattended utility structures serving the immediate neighbourhood.
- 1.2.6 Municipal operations.
- 1.2.7 Buildings accessory to the above uses.

1.2.8 Outdoor swimming pools and hot tubs (interior pools and tubs require no development permit).

1.2.9 Signs, other than those exempted by section 8 of the bylaw.

1.3 Minimum Lot Sizes

Every lot shall have a width of at least 15 metres (50 feet), a depth of at least 36 metres (120 feet) and an area of at least 540 square metres (5812 square feet).

1.4 Height of Buildings

1.4.1 Main buildings: No main building shall exceed 8.5 metres (28 feet) above grade.

1.4.2 Accessory buildings: No accessory building shall exceed 5.5 metres (18 feet) in height above grade.

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

1.5 Density of Development

1.5.1 Only one main dwelling and only one guest house shall be placed on a lot.

1.5.2 The combined ground area or footprint of all buildings on a lot shall not exceed 40% of the area of the lot, interpreted as follows:

- o Where part of the lot has been lost to erosion, the area used for calculating ground coverage shall be the original surveyed area, not the reduced area, and
- o 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 area.

1.6 Yards and Setbacks

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

- o Lake 6 metres (20 feet)
- o Road 6 metres (20 feet)
- o Side 1.5 metres (5 feet)

1.6.2 Boat houses shall be set back the following distances from property lines:

- o Lake 0.6 metres (2 feet)
- o Road 0.6 metres (2 feet)
- o Side 0.6 metres (2 feet)

1.6.3 Garages shall be set back the following distances from property lines:

- o Lake Not applicable: see section 1.7.2
- o Road 6 metres (20 feet) (but see note below)
- o Side 0.6 metres (2 feet)

The Development Authority may reduce the setback from a garage to the road to as little as 0.6 metres (2 feet) provided that the neighbours offer no objection, and provided that this will not result in vehicles overhanging the property line when parked in front of the garage doors.

1.6.4 Other accessory buildings shall be set back the following distances from property lines:

- o Lake Not applicable: see section 1.7.2
- o Road 0.6 metres (2 feet)
- o Side 0.6 metres (2 feet)

1.6.5 All buildings shall be separated by a clear space of at least 3 metres (10 feet) unless a waiver has been obtained from the Fire Chief.

1.6.6 Yard and setback requirements apply to decks and patios constructed 0.6 metres (two feet) or more above ground level, but not to steps.

1.6.7 Cantilevered extensions, bay windows, air vents, chimneys, eaves, and other features extending outside the building footings shall not intrude more than 0.6 metres (two feet) into the side yards required by sections 1.6.1 to 1.6.4.

1.7 Accessory Buildings

Garages, storage sheds, boathouses, and other accessory buildings may be built on any lot provided that

- 1.7.1 all required yards and setbacks are maintained,
- 1.7.2 no accessory buildings, other than boathouses, are built in any lake yard, and
- 1.7.3 the combined ground coverage of all buildings on the lot conforms with the maximum set out in section 1.5.2 above.

1.8 Recreational Vehicles

- 1.8.1 Subject to section 13.1 of the bylaw, one recreational vehicle may be located on a lot at any time, and no development permit is required.
- 1.8.2 Additional recreational vehicles may located on a lot for up 14 days, and no development permit is required.
- 1.8.3 Additional recreational vehicles may located on a lot for more than 14 days provided that a development permit has been obtained.

1.8.4 No fee shall be charged for a development permit for a recreational vehicle.

1.8.5 If the waste water from a recreational vehicle is not disposed of in a manner satisfactory to the Development Authority, he may issue a Stop Order requiring the waste water disposal system to be improved, or requiring the recreational vehicle to be removed.

1.10 Guest houses

1.10.1 Guest houses shall be of new, conventional construction and of good appearance. A mobile home or travel trailer shall not be used as a guest house.

1.10.2 Guest houses shall contain only one storey unless they are built over a garage.

1.10.3 Guest houses shall not contain a kitchen.

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

1.11 Screening and Privacy

If a deck is to be higher than 60 cm (2 feet) above the ground, and in the opinion of the Development Authority is likely to overlook an adjacent lot, or otherwise infringe on the privacy of neighbours, he may require that it be screened.

2. **Regulations for the Large Lot Residential district**

- 2.1 The regulations for the Large Lot residential district are identical to those for the residential district except as set out below.
- 2.2 Every lot shall have a width of at least 30 metres (99 feet), a depth of at least 60 metres (197 feet), and an area of at least 1850 square metres (19,910 sq feet).
- 2.3 The combined ground coverage of all buildings on a lot shall not exceed 25% of the area of the lot. Where part of the lot has been lost to erosion, the area used for calculating ground coverage shall be the original surveyed area, not the reduced area.

3. **Regulations for the Municipal and Public District**

3.1 **Permitted Uses**

The following uses are permitted in the Park district:

Municipal parks and recreation areas.

3.2 **Discretionary Uses**

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

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

Schedule D: Penalties

1. Any person who violates any provision of this by-law is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 and in default of payment to imprisonment for not more than 30 days.
2. In lieu of being proceeded against by prosecution for a breach of this by-law, a person may pay to the Municipal Administrator the sum of \$100.00 for the first offence and \$150.00 for the second or subsequent offence.

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

- o any number of lots* on previously unsubdivided lakeshore;
- o six or more adjacent lots* anywhere in the drainage basin; or
- o 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 a municipality receives a proposal for

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

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

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

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

Figure 1
Summer Village of Grandview
Definitions of Yards

