

# *Land Use Bylaw*

## *153-15*

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Summer Village of  
White Sands

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## PART ONE: GENERAL

### 1.1 Short Title

This Bylaw may be cited as the **Summer Village of White Sands Land Use Bylaw**.

### 1.2 Purpose

The purpose of this Bylaw is to, amongst other things,

- (1) Divide the municipality into districts;
- (2) Prescribe and regulate the use for each district the purposes for which land and buildings may be used;
- (3) Establish the office of Development Officer;
- (4) Establish a method of making decisions on applications for development permits including the issuing of development permits; and
- (5) Provide the manner in which notice of the issuance of a development permit is to be given.

### 1.3 Definitions

In this Land Use 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 parcel of land, other than a guest house or garage suite.

**“Accessory Use”** means a use that is incidental and subordinate to the main building on a parcel of land.

**“Adjacent Land”** means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream, and in the opinion of the Development Officer any other land.

**“Basement”** means a habitable portion of a building which is partly underground, but does not have more than 50 percent of the distance, between the floor level and the underside of the ceiling joists, above ground elevation.

**“Building”** includes anything constructed or place on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

**“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the Summer Village of White Sands, pursuant to the Municipal Government Act, for the purpose of enforcing the Land Use Bylaw and other Summer Village Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer.

**“Cantilever”** means a structural portion of a building floor, excluding eaves and roof projections, bay windows and fireplace chases, which extends beyond the foundation wall and is not structurally supported from below;

**“Cellar”** means a portion of a structure which is mainly underground, and which has less than 50 percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation.

**“Council”** means the Council of the Summer Village of White Sands.

**“Corner Parcel”** means a parcel where both a front or rear parcel boundary and a minimum of one (1) side parcel boundary abut a road.

**“Detached Dwelling”** means a residential building containing one dwelling unit constructed on site, which is physically separate from any other residential building, and does not include a ready to move dwelling.

**“Development”** means:

- (a) An excavation or stockpile and the creation of either of them, or
- (b) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) A change in the intensity of use of land or a building or an 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 Authority”** means the person or persons appointed pursuant to Development Authority Bylaw No. 54-96.

**“Development Officer”** means a person appointed as Development Officer pursuant to this Land Use Bylaw.

**“Development Permit”** means a document authorizing a development issued pursuant to this Land Use Bylaw.

**“Discretionary Use”** means the use of land or a building provided for in this Land Use Bylaw, which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made.

**“Dilapidated Vehicle”** means any vehicle that is subject to any two of the following items as listed below:

- (a) Not used on a regular basis;
- (b) Does not have a validated license plate attached to it;
- (c) Is lacking one or more major body parts (i.e. fenders, hoods, etc.); and
- (d) Is lacking one or more of its power train parts (i.e. motor, transmission, differential, etc.).

**“District”** means Land Use District.

**“Domestic Pet”** means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but does not include any fur bearing animal, fowl, exotic snake, reptile, or livestock;

**“Driveway”** means a vehicle access route between the carriageway of a road and a use on a parcel.

**“Dwelling Unit”** means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and washroom facilities intended as a permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

**“Fence”** means a physical barrier constructed from typical building material for the purpose of providing privacy and/or preventing unauthorized access.

**“Floor Area”** means for residential building buildings, the total area of all floors on a building measured from the outside of exterior walls including a basement as well as all cantilevers, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings.

**“Front Parcel Boundary”** means, in the case of an interior parcel, the boundary which abuts a street, and in the case of a corner parcel, means the shorter of the two boundaries which abut a street, except for lakeside parcels.

**“Front Yard”** means

- (a) In the case of lakeside parcels, a yard extending across the full width of a parcel from the boundary of the parcel abutting the lake to the front wall of the main building situated on the parcel; or
- (b) In the case of non-lakeside parcels, a yard extending across the full width of a parcel from the boundary of the parcel abutting the street, or in the case of corner parcels, abutting the shortest length of street, to the front wall of

the main building situated on a parcel.

**“Grade”** means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan.

**“Guest House”** means a permanent building which has sleeping accommodation and may have a bathroom, but does not have kitchen or other cooking facilities, which provides overflow accommodation for a detached dwelling located on the same parcel.

**“Home Occupation”** means any occupation, profession or craft carried on by an occupant of a residential building within that same residential building as a use secondary to the residential use of the building and which does not change the character thereof, or have any exterior evidence of such secondary use.

**“Lakeside Parcel”** means any parcel described within: Lots 1-27, Block 4; Lots 11-30, Block 3, Lots 12-17 Block 2; and Lots 18-23, Block 1; all originally created by Plan 4117 MC; Lots 2-5, 12-14: Block 1; all originally created by Plan 782 2467; and Lots 1-11, Block 5; all originally created by Plan 972 1576.

**“Landscaped Area”** means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental planting, fences, walls, and associated earthworks; however, it shall not include areas occupied by garbage, storage, parking lots or driveways.

**“Land Use Bylaw”** means Bylaw 71-98, and amendments thereto.

**“Land Use District”** means an area as described in Schedule C and shown in Schedule A of this Land Use Bylaw.

**“Land Use Policies”** means the policies established by the Lieutenant Governor in Council pursuant to the Municipal Government Act.

**“Lane”** means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office.

**“Livestock”** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, pigs, sheep, swine, goats, bison, and fur-bearing animals;

**“m”** means metres (“m<sup>2</sup>” means square metres).

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

**“Main Floor Area”** shall mean the primary floor area of a building measured at grade;

**“Main Use”** means the principal purpose for which a building or parcel is used.

**“Municipality”** means the Summer Village of White Sands.

**“Municipal Government Act”** means the Municipal Government Act, as amended.

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

- (a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and
- (b) That on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.

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

- (a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use affecting the land or building becomes effective, and

- (b) That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

**“Owner”** means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, or in respect of any property other than land, the person in lawful possession of it.

**“Parcel”** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

**“Parcel of Land”** means:

- (a) Where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office.
- (b) Where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks.
- (c) A quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title.

**“Permitted Use”** means a use of land or a building which is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms with this Land Use Bylaw.

**“Portable Storage Unit”** means a container which is used as a storage vault and includes sea/land/rail shipping containers;

**“Public and Quasi-public Use”** means a use of land or a building for purposes of public administration and service and shall also include a building for the purposes of assembly, instruction, culture, recreation or other community activity.

**“Public Utility”** means a public utility as defined in the Municipal Government Act.

**“Public Utility Building”** means a building in which the proprietor of a public utility maintains an office, or maintains or houses equipment used in connection with the public utility.

**“Ready to Move (RTM) Dwelling”** means a dwelling of a minimum width of 24 ft that has been constructed off site in components or as one unit. Dwellings are transported to the site and assembled to create a permanent dwelling unit.

**“Rear Yard”** means:

- (a) In the case of lakeside parcels, a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the boundary abutting the street; or
- (b) In the case of non-lakeside parcels, a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the shortest boundary of the parcel which does not abut a street.

**“Recreational Vehicle”** means a portable structure designed and built to be carried on a vehicle or to be transported/motorized on its own wheels, and which is intended to provide temporary living accommodation for travel and recreational purposes and which does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license and, without limiting the generality of the foregoing, includes such vehicles as a motorhome, a fifth-wheel, a camper, a travel trailer, a Recreational Vehicle that conforms to the CSA Z-240 Standard for Recreational Vehicles (i.e. a Recreational Vehicle – Park Model Trailer), a tent trailer, but does not include any vehicle or over 2.6 m (8.5 ft) in transit mode width, a RTM dwelling or a Recreational Vehicle – Park Model Recreational Unit.

**“Recreational Vehicle – Park Model Recreational Unit” (or ‘Cottage Model’)** means a Recreational vehicle conforming

to the CSA Z-241 Standard for Park Model Recreational Vehicles, or the equivalent, built on a single chassis mounted on wheels which may be removed. The unit is designed to facilitate occasional relocation using a special tow vehicle and requiring a highway movement permit to tow the unit. It has living quarters for a temporary residence or seasonal use, and must be connected to those public or private utilities necessary for the operation of installed fixtures and appliances, with a maximum CSA approved 50 amp interior electric panel. The transit mode width of this unit exceeds 2.6 m (8.5 ft).

**Recreation Vehicle – Park Model Recreational Units are not allowed within the Summer Village.**

**“Road”** means land:

- (a) Shown as a road on a plan of survey that has been filed or registered in a land titles office, or
- (b) Used as a public road,

and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway.

**“Screen”** means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas.

**“Set Back”** means a distance additional to minimum yard requirements which may be required on parcels adjacent to public roadways.

**“Side Yard”** means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the main building thereon.

**“Sign”** means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

**“Statutory Plan”** means a municipal plan, intermunicipal development plan, area structure plan and area redevelopment plan adopted by a bylaw of the municipality, or an one or more of them.

**“Street”** means any category of road except a lane.

**“Subdivision and Development Appeal Board”** means a board established by Council pursuant to the Municipal Government Act.

**“Subdivision and Development Regulation”** means the Subdivision and Development Regulation as amended.

**“Vehicle”** means a device propelled by any power other than muscular power on or by which a person or thing may be transported on a highway but does not include a motorcycle, moped or an off highway vehicle as defined in the Off Highway Vehicle Act.

**“Yard”** means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**All other words and expressions have the meaning respectively assigned to them in the Municipal Government Act and the Subdivision and Development Regulation.**

#### **1.4 Establishment of Development Officer**

- (1) The office of Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things the keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto; keeping a register of all applications for development, including the decisions thereon and the reasons therefore.

## 1.5 Establishment of Forms

- (1) For the purpose of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.
- (2) Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

## 1.6 Establishment of Supplementary Regulations

Supplementary Regulations are set forth in Schedule B hereto, hereby adopted by reference to be part of this Land Use Bylaw, and to be amended in the same manner as any other part of this Land Use Bylaw.

## 1.7 Establishment of Land Use District Regulations

Land Use District Regulations shall be set forth in the Schedule of Land Use District Regulations, being Schedule C hereto, hereby adopted by reference to be part of this Land Use Bylaw, and may be amended in the same manner as any other part of this Land Use Bylaw.

## 1.8 Establishment of Districts

- (1) For the purpose of this Land Use Bylaw the Summer Village of White Sands is divided into the following Districts: **R-1 Residential; Public Use P; and Environmental Open Space (EOS).**
- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A attached hereto. All roads, water courses and lakes are excluded from the Land Use Districts.

## 1.9 Amendment of the Land Use Bylaw

- (1) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
  - (a) A statement of the specific amendment requested;
  - (b) The purpose and reasons for the application;
  - (c) If the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - (d) The applicant's interest in the lands; and
  - (e) An application fee established by resolution of Council.
- (2) If the amendment is for a redesignation of land, the Development Officer may require:
  - (a) An outline plan for the area to be redesignated, to the level of detail specified by the Development Officer; and
  - (b) Payment of a fee equal to the costs incurred by the Municipality to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline; plan.
- (3) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than 10 days' notice to the applicant advising that he may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.
- (4) The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
  - (a) Refuse the application; or

- (b) Refer the application for further information; or
  - (c) Pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or
  - (d) Defeat first reading of a bylaw to amend this Land Use Bylaw; or
  - (e) Pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.
- (5) Following first reading of an amending bylaw, the Council shall:
- (a) Establish the date, time and place for a public hearing on the proposed bylaw;
  - (b) A bylaw to establish procedures for public hearings has not been passed:
    - (i) Outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
    - (ii) Outline the procedure for conducting the public hearing.
- (6) Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by:
- (a) Publishing notice at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or
  - (b) Mailing or delivering notice to every residence in the area to which the proposed bylaw relates must be postmarked at least 10 days prior to the public hearing.
- (7) Where a notice is given in 6(a), a notice of a public hearing must be advertised at least 5 days before the public hearing occurs.
- (8) A notice must contain:
- (a) A statement of the general purpose of the proposed bylaw and public hearing,
  - (b) The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected,
  - (c) The date, place and time where the public hearing will be held.
- (9) In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection (6),
- (a) include in the notice
    - (i) the municipal address, if any, and the legal address of the parcel of land, and
    - (ii) a map showing the location of the parcel of land,
  - (b) given written notice containing the information described in clause (a) and subsection (6) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and
  - (c) give written notice containing the information described in clause (a) and subsection (6) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (10) If the land referred to in subsection (9)(c) is in the County of Stettler, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of the County of Stettler.
- (11) Notwithstanding subsection (5), of Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the

Land Use Bylaw in principal or substance.

- (12) In the public hearing, the Council:
- (a) Must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by Council, and
  - (b) May hear any other person who wishes to make representations and whom the Council agrees to hear.
- (13) After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may:
- (a) Pass the bylaw;
  - (b) Refer it for further information or comment;
  - (c) Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
  - (d) Defeat the bylaw.
- (14) Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- (15) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
- (a) The applicant;
  - (b) The registered owner of the land if not the applicant;
  - (c) County of Stettler, if it received a copy of the proposed Bylaw pursuant to subsection(9).
- (16) In this section, "owner" means the person shown as the owner of land on the assessment roll prepared pursuant to the Municipal Government Act.
- (17) The Development Officer shall not accept an application for amendment which is identical or similar to an application which was refused by Council, for a period of 3 months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

#### **1.10 Sections Found Invalid**

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in force and effect.

#### **1.11 Measurements**

All measurements in this bylaw are metric. Imperial equivalents are provided for convenience only.

#### **1.12 Establishment of Fees**

The development permit application fee and fees for other matters arising through this land use bylaw shall be established by resolution of Council. Council may at any time by resolution increase, decrease, or establish new fees for matters covered in this Bylaw.

## PART TWO: DEVELOPMENT PERMITS

### 2.1 Control of Development

No development shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### 2.2 Development Not Requiring a Development Permit

The following developments shall not require a development permit provided that such developments comply with all applicable provisions of this Land Use By-law.

- (1) The carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (2) The completion of any development which has lawfully commenced before the passage of this Land Use By-law or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;
- (3) The demolition of any accessory building that has a floor area less than 13.4 m<sup>2</sup> (144 ft<sup>2</sup>);
- (4) The use of any such development as is referred to in subsection (2) for the purpose of which development was commenced;
- (5) The erection or construction of gates, fences, walls or other means of enclosure less than 1.2 m (4 ft) in height in front yards and less than 2 m (6.56 ft) in other yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;
- (6) A temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use By-law;
- (7) The installation, maintenance and repair public works, public services and public utilities;
- (8) One accessory building used as a garden or tool shed, such building does not exceed 13.4 m<sup>2</sup> (144 ft<sup>2</sup>) in floor area and 3.0 m (9.8 ft) in height, such building may require a provincially legislated building permit.
- (9) The erection of one unilluminated sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs:
  - (a) A signboard for the purpose of identification, direction and warning not exceeding 0.2 m<sup>2</sup> (2.15 ft<sup>2</sup>),
  - (b) A temporary signboard or notice, relating to the sale or lease of land or buildings, sale of goods by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 0.5 m<sup>2</sup> (5.38 ft<sup>2</sup>),
  - (c) A flag attached to a single upright flag-pole.
- (10) The use of a vacant parcel for the parking of a maximum of two recreation vehicles (at a given time) for 21 consecutive days or less in any calendar year.
- (11) The use of a parcel developed for a detached dwelling for the parking of a maximum of two recreation vehicles (at a given time).
- (12) Development specified in the Municipal Government Act, which includes:
  - (a) A highway or road,
  - (b) A well or battery within the meaning of the Oil and Gas Conservation Act,

- (c) A pipeline or an installation or structure incidental to the operation of a pipeline, or
- (d) Any other action, person, or thing specified by the Lieutenant Governor in Council by regulation.

### 2.3 Permission for Development

- (1) An application for a development permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:
  - (a) A scaled site plan in duplicate showing the treatment of landscaped areas if required, the legal description, the front, rear, and side yards, if any; any provision for off street vehicle parking and access and egress points to the parcel;
  - (b) Scaled floor plans, elevations and sections in duplicate; and sewage disposal plans;
  - (c) A statement of existing and proposed uses;
  - (d) A copy of Title to the land and, if the applicant is not owner, written consent of the owner to the application;
  - (e) The estimated commencement and completion dates;
  - (f) Such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.
- (2) The Development Officer may refuse to accept an application for a development permit where the information required by subsection 2.3(1)(a-f) has not been supplied or where, in the opinion, the quality of the material supplied is inadequate to properly evaluate the application.
- (3) The Development Officer may deal with an application and make a decision without all of the information required by subsection 2.3(1)(a-f), if he/she is of the opinion that a decision on the application can be properly made without such information.
- (4) Each application for a development permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time by resolution of Council.
- (5) The Development Officer shall:
  - (a) Receive all applications for a development permit; and
  - (b) Refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy and Utilities Board, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility and the proposed development is not, in the opinion of the Development Officer, an infill development; and
  - (c) Consider and decide on applications for a development permit for those uses, listed in Schedule C, which constitute a permitted use in a District.
- (6) For a permitted use in any District:
  - (a) The Development Officer shall approve, with or without conditions, an application for a development permit where the proposed development conforms in every respect to this Land Use By-law, or
  - (b) Subject to the provisions of subsection (6), the Development Officer shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use By-law.
- (7) For a discretionary use in any District:

- (a) The Development Officer may approve, with or without conditions, an application for a development permit where the proposed development conforms in every respect to this Land Use By-law; or
  - (b) Subject to the provisions of subsection (9), the Development Officer shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use By-law.
- (8) The Development Officer may:
- (a) Approve, with or without conditions, an application for a development permit; or
  - (b) Advise that a real property report appears to conform with the Land Use Bylaw;
- notwithstanding that the proposed development or subdivision does not comply with the By-law or is a non-conforming building, if in the opinion of the Development Officer, the proposed development or subdivision or non-conforming building:
- (a) Conforms with the use prescribed for that land or building in this Land Use By-law.
- (9) The Development Officer may require with respect to a development that the applicant submit a Real Property Report to the satisfaction of the Development Officer and enter into an agreement with the municipality to do all or any of the following:
- (a) To construct or pay for the construction of a road required to give access to the development; or
  - (b) To construct or pay for the construction of pedestrian walkway systems; or
  - (c) To install or pay for the installation of utilities other than telecommunications systems or works, that are necessary to serve the development; or
  - (d) To construct or pay for the construction of:
    - (i) Off street or other parking facilities; and
    - (ii) Loading and unloading facilities.
  - (b) To pay an off-site levy or redevelopment levy imposed by by-law; or
  - (c) To give security in the amount of 5% of the project value, as determined by the safety codes valuation of construction value per ft<sup>2</sup> as amended from time to time, for each dwelling unit to ensure that the terms of the agreement under this section are carried out (50% refunded at completion of foundation, 50% refunded upon completion of permanent siding, roofing, windows and doors to dwelling lock-up).
  - (d) To pay to the Municipality the costs for any engineer or other person for materials testing, inspections, monitoring of construction and review of construction drawings, and legal costs and expenses to which the municipality is put in connection with the Development Agreement and the Agreement relates.
- (10) In the case where an application for a development permit has been refused pursuant to this PART, the submission of 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 may not be accepted by the Development Officer for at least 3 months after the date of the final decision.
- (11) Any application for development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer and the person claiming to be affected may appeal in writing as provided for in this PART of this Land Use By-law as though he/she had received a refusal at the end of the period specified in this subsection.

## 2.4 Development Permits and Notices

- (1) A permit issued does not come into effect until 14 days after the date on which notice of issuance of the permit is given under subsection 4, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) The date of issue of any permit shall be the date of notification pursuant to subsection (4).
- (3) Where an appeal is made pursuant to Section 2.6 of this PART, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:
  - (a) Mail a notice of the decision to all persons who reside within 61 m (200 ft) of the proposed development and any other person who in his/her opinion may be affected, and/or
  - (b) Post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (c) publish in a newspaper circulating in the municipality a notice of the decision.
- (5) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or the date of decision of the Development Appeal Board, or carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional 12 months, has previously been granted by the Development Officer.
- (6) A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

## 2.5 Contravention

- (1) For the information of readers, the provisions of this Bylaw may be enforced by way of stop order, injunction or such other relief as may be available under the Municipal Government Act and include those described in the following sections.
- (2) If the Development Officer finds that a development, land use or use of a building is not in conformity with:
  - (a) The Land Use Bylaw, the Municipal Government Act or Subdivision and Development Regulation; or
  - (b) A development permit or subdivision approval;the Development Officer may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to:
  - (c) Stop the development or use of the land or building in whole or in part as directed by the notice;
  - (d) Demolish, remove or replace the development; or
  - (e) Maintain the land and/or building(s) in a safe condition, free from rubbish and debris;
  - (f) Carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, the Municipal Government Act or Subdivision and Development Regulation, a development permit or subdivision approval;

and in such order establish a time for reasonable compliance with such order.

- (2) If a person fails or refuses to comply with an order under subsection (1) or an order of the Subdivision and Development Appeal Board made pursuant to the Municipal Government Act, the municipality may enter on the land or building and take any action necessary to carry out the order, and the cost of such recovery shall be added to the tax roll.
- (3) The municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.

## 2.6 Appeal Procedure

An appeal of an order, a decision or a failure to make a decision of the Development Officer may be made in writing to the Subdivision and Development Appeal Board in accordance with the provisions set forth in the Subdivision and Development Appeal Board By-law.

## 2.7 Offences and Penalties

- (1) A person who contravenes or does not comply with:
  - (a) The Land Use By-law;
  - (b) The Municipal Government Act;
  - (c) The Subdivision and Development Regulation;
  - (d) An order under Section 2(6) of this By-law;
  - (e) A development permit or subdivision approval, or a condition therein;
  - (f) A decision of the Subdivision and Development Appeal Board; or
  - (g) Who obstructs or hinders any person in the exercise or performance of his/her powers or duties under this Land Use By-law;is guilty of an offence.
- (2) A person who is guilty of an offence referred to in subsection (1) above is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) Where a Bylaw Enforcement Officer reasonably believes that a person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offenses Procedures Act, allowing payment of the specified penalty for a particular offense as provided in Schedule "D" of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
- (4) Where a person is convicted of a second, third or subsequent offense under a particular section of this Bylaw, and where that offense has occurred within 12 months after the date of occurrence of the first offense under that section of this Bylaw, the specified penalties applicable upon conviction shall be the amount set out in columns two and three, respectively, of Schedule "D".
- (5) Where the Council or persons appointed by it carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax on the property
- (6) This section shall not prevent any Bylaw Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offense Procedures Act, or from laying of information in lieu of issuing a violation ticket.

- (7) Where a person is found guilty of an offense under this Bylaw, the court may in addition to any other penalty imposed, order the person to comply with this Bylaw, or a development permit or condition attached thereto.
- (8) Development permit applications submitted after site preparation or construction has commenced may be subject to the double fee provisions described in the fee schedule adopted by Council resolution in accordance with section 1.12.

## **2.8 Compliance with other Legislation**

- (1) Compliance with the requirements of this Land Use By-law does not exempt any person from:
  - (a) The requirements of any federal, provincial or municipal legislation; and
  - (b) Complying with any easement, covenant, agreement or contract affecting the development.

## **2.9 Repeal**

This bylaw hereby repeals Land Use By-law No. 71-98 and all amendments.

## **2.10 Date of Commencement**

- (1) This Land Use By-law comes into effect upon the date of it finally being passed.
- (2) Schedules A, B, C and D are deemed to be part of this Land Use By-law.



## SCHEDULE B: SUPPLEMENTARY REGULATIONS

### 1. Air Conditioning Units

- (1) Freestanding air conditioners shall adhere to the following:
  - (a) They shall not be permitted to encroach into the minimum side yard for the principal building;
  - (b) Where possible, they shall be located either in the rear or front yard of the property; and
  - (c) Plans showing installation of sound reduction and/or visual screening shall be required if, in the opinion of the Development Officer, the location of the freestanding air conditioner may affect the quiet enjoyment of adjacent properties including if they are proposed to be located within 5 m (16.4 ft) of a window existing at the date of application on an adjacent lot.

### 2. Buildings

- (1) Accessory Buildings (see definitions section, page 3)
  - (a) Subject to the provisions of subsections (b) to (c) and (e) of this Section, accessory buildings shall be sited having regard to their:
    - (i) Environmental impact, Use, Accessibility; and
    - (ii) Location in relation to other buildings on the parcel and the future use and/or subdivision of the parcel.
  - (b) An accessory building on a parcel abutting the lake or a reserve parcel abutting the lake shall be situated so that:
    - (i) The exterior wall is not, in whole or in part, closer than 2.0 m (6.56 ft) from side, rear and front parcel boundaries.
  - (c) An accessory building on a parcel which does not abut the lake or a reserve parcel abutting the lake shall be situated so that the exterior wall is:
    - (i) 2.0 m (6.56 ft) from side and rear parcel boundaries; and
    - (ii) 9 m (29.5 ft) from the front parcel boundary.
  - (d) An accessory building shall not be more than 6.5 m (21.3 ft) in height.
  - (e) Notwithstanding subsections (b) to (c) of this Section, an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels.
  - (f) Notwithstanding subsection (b) of this section, no accessory building, or portion thereof, shall be erected or placed within the front yard of a lakeside parcel, except for an accessory building described in Part Two, Section 2.2(8) of this Bylaw.
  - (g) Portable Storage Units shall not be allowed within the Summer Village.
  - (h) Any building into which a vehicle may enter shall have a driveway on the parcel of at least 6 m (19.69 ft) in length.
- (2) Building Orientation and Design
  - (a) All detached dwellings, guest houses, RTMs, accessory buildings, unenclosed verandas, porches and balconies erected or placed on a parcel shall be designed and sited such that, in the opinion of the Development Officer, the development will not cause any material loss of privacy, sunlight or daylight enjoyed by the users of adjacent buildings or parcels.
  - (b) All buildings erected or placed on a parcel shall be constructed of new materials only.

### 3. Demolition of Dwelling and Accessory Building Greater than 144 ft<sup>2</sup>

- (1) Upon application for the building demolition, the Development Officer may require a demolition plan detailing the following:
  - (a) footprint of building and site plan of property on which the building is to be demolished;
  - (b) measures to be taken to ensure that the demolition is done in a safe and efficient manner and what measures are to be taken to ensure the disturbance and nuisances (dust, noise, debris, traffic, etc.) as a result of the demolition are mitigated or minimal;
  - (c) timelines for completion of demolition and site restoration project;
  - (d) salvage operation and stockpiling of building demolition material and fill from excavation; and
  - (e) where materials from the site will be hauled to ensure proper disposal.

### 4. Development in Proximity to Oil and Gas wells

- (1) In accordance with the Subdivision and Development Regulation, no building shall be constructed within 100 m (328.1 ft) of the well head of a gas or oil well, unless, in the opinion of the Development Officer, may be considered an infill development or is otherwise approved in writing by the Alberta Energy and Utilities Board.

### 5. Development Setbacks from Landfills and Waste Sites

- (1) In accordance with the Subdivision and Development Regulation, a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distances from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station specified in the Subdivision and Development Regulation, and
- (2) In accordance with the Subdivision and Development Regulation, a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, residence, or food establishment specified in the Subdivision and Development Regulation, unless the development is approved in writing by the Deputy Minister of the Department of Environmental Protection.

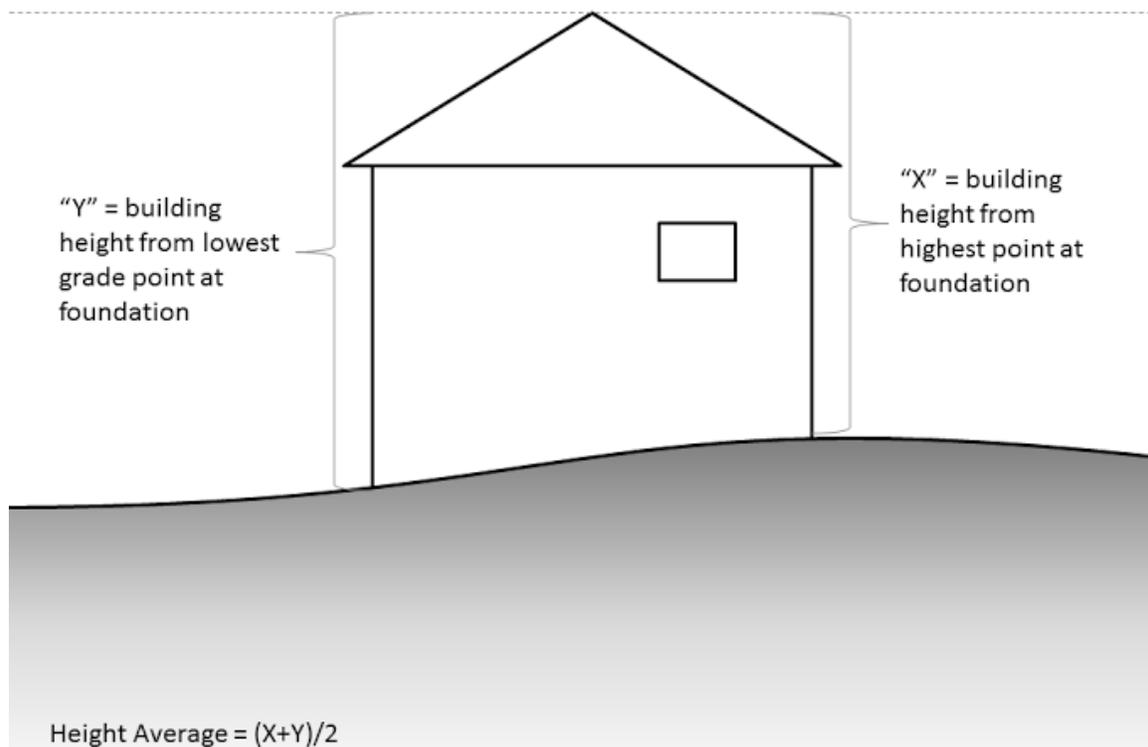
### 6. Fencing (see diagrams under "Yards" in section #18)

- (1) A fence located within a rear or side yard of a parcel (or front yard of a lakeside parcel) shall not exceed 2.0 m (6.6 ft) in height.
- (2) A fence located within the front yard (facing road, ie. rear yard in a lakeside parcel) of a parcel shall not exceed 1.2 m (4.0 ft) in height.
- (3) A fence located within the side yard of a corner residential parcel abutting a flanking street shall not exceed 1.2 m (4.0 ft) in height.
- (4) A fence located upon a non-residential parcel shall be sited to the discretion of the Development Officer.
- (5) The construction of barbed wire fencing shall be restricted to parcels containing agricultural uses.

### 7. Finished Grade Elevation

- (1) If the height of a building is required to be measured or determined it shall be measured by calculating the average building height from lowest grade point at foundation, or the average building height from lowest grade point at foundation in the case of a sloping grade as determined by Figure 1.
- (2) In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

## FIGURE 1 – BUILDING HEIGHT CALCULATIONS



## 8. Fire Smart

- (1) All roofing materials on new, replacement or retrofitted dwellings and accessory buildings shall have a minimum Class C Underwriters Laboratory Canada fire rating. Note wood shakes can meet the Class C rating only when treated prior to installation.
- (2) All new dwellings and accessory buildings with exposed undersides and/or raised decks and porches less than 2 metres from ground level shall be sheathed from the floor level to the ground level to prohibit the entry of sparks and embers under the structure.
- (3) No brush piles greater than 2 metres in diameter and 1 metre in height shall be allowed on the property.

## 9. Garage Suites

- (1) A garage suite means an accessory dwelling located above a detached garage (above grade); or a single storey accessory dwelling attached to the side of, or rear of, a detached garage (at grade).
- (2) A garage suite is not permitted without a detached dwelling first being constructed on a Site.
- (3) The Development Officer shall consider the following matters as part of the decision making process for an application for a garage suite:
  - (a) Compatibility of the use in relation to the site, grade elevations, height, building types, and materials characteristic of surrounding development;
  - (b) The potential effect of the development on the privacy of adjacent properties; and
  - (c) The on-site and neighbourhood impacts on parking and traffic.
- (4) Where approved, garage suites shall be developed in accordance with the following regulations:
  - (a) All garage suites must meet the requirements of the Alberta Safety Codes Act;
  - (b) Shall not be located in the front yard;

- (c) A minimum of one on-site parking space shall be provided for a garage suite;
- (d) A minimum floor area of 30.0 m<sup>2</sup> (320 ft<sup>2</sup>) and shall not exceed 40% of the floor area of the principal dwelling;
- (e) Has an entrance separate from the vehicle entrance to the garage, either from a common landing or directly from the exterior of the structure; and
- (f) Has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling located on the site.

## 10. Home Occupations

- (1) Home occupations are to be located within the main residential building and are prohibited within any accessory building or guest house located on the same parcel; and
  - (a) A home occupation shall not include any use or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions; and
  - (b) A home occupation shall not employ any person on-site other than the resident(s) of the residential building; and
  - (c) a home occupation conducted from a residential building shall not require more than one business associated visit per day; and
  - (d) there shall be no outside storage of materials, commodities or finished products.

## 11. Landscape, Environmental Conservation and Development

- (1) Notwithstanding any other provisions of Schedules B and C, the following areas shall generally be left in their natural state upon any development of parcels containing such features:
  - (a) swamps, gullies and natural drainage courses;
  - (b) unstable land;
  - (c) land with a natural gradient of 15% or greater;
  - (d) a strip of land not less than 15 m (49.2 ft) in width along any river, stream or creek, such distance to be measured from the top of the bank;
  - (e) land within a 1:100 year floodplain.
- (2) The Development Officer shall be satisfied that the design and siting of all buildings have regard for the amenities and character of existing development in the municipality, the site landscaping causes minimal environmental disruption, and the development on treed parcels shall be sited such as to conserve those trees to the maximum extent possible.
- (3) For parcels which contain lands which are below the ditch grade of the adjacent street, upon review of a Development Permit application the Development Officer shall require the parcel owner to prepare a grading plan (which also may include a geotechnical investigation) to ensure that the development will not be subject to flooding.
- (4) In all cases, parcel grades shall be established to prevent drainage from one parcel to the next.

## 12. Land Use Policies

- (1) Every action undertaken by the municipality and the Development Officer must be consistent with any land use policies established pursuant to the Municipal Government Act.

## 13. Municipally-Owned Land

- (1) Private development on municipal reserve or environmental reserve land is strictly prohibited.
- (2) Private development on municipally owned land including road allowances is strictly prohibited.
- (3) The cutting and/or removal of trees or underbrush from municipally-owned land is strictly prohibited, unless prior written permission is received from Council.
- (4) The temporary placement of any structure, object or materials on municipally owned land is prohibited, unless prior

written permission is received from Council.

#### **14. Non-conforming Buildings and Uses**

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of this Land Use By-law.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - (a) as may be necessary to make it a conforming building, or
  - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Land Use By-law.
- (6) The use of the land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

#### **15. Number of Buildings on a Parcel**

- (1) The number of dwelling units permitted on a parcel shall be limited to one, except where: a development permit is issued for a guest house or garage suite and complies with the following: the use conforms to the uses prescribed in Schedule 'C' for the District in which the parcel is located, and is subject to Section 2.3(9) in Part Two, the development complies with the provisions of this Land Use Bylaw.
- (2) The maximum number of accessory buildings permitted on a parcel is three and that the combined total area does not exceed 100 m<sup>2</sup> (1076 ft<sup>2</sup>).

#### **16. Sight Lines at Intersections of Roadways**

- (1) At the junction of two streets, no fence, wall, hedge, or other planting shall exceed 1 m (3.28 ft) in the height within a triangular area formed by the intersection of the boundaries of the said roadways, or their production (in the case where a corner cut-off has been previously registered), and points 6 m (19.69 ft) back from their intersection.

#### **17. Vehicles**

- (1) Parking
  - (a) A person using a parcel or building in any District as described in Schedule C of this Land Use By-law shall provide and maintain no less than two spaces per dwelling unit. The parking requirement for any uses not specified above shall be as required by the Development Officer.
  - (b) Calculation of Parking Space - Each parking space shall have dimensions of no less than 3 m x 6 m (9.84 ft x 19.6 ft).
  - (c) Parking spaces shall be located on the same parcel as the building for which they are being provided; however at the discretion of the Development Officer, parking may be located on adjoining property provided that a restrictive covenant, restricting the use of the property for parking only, is registered against its title.
- (2) Vehicle Access to Buildings

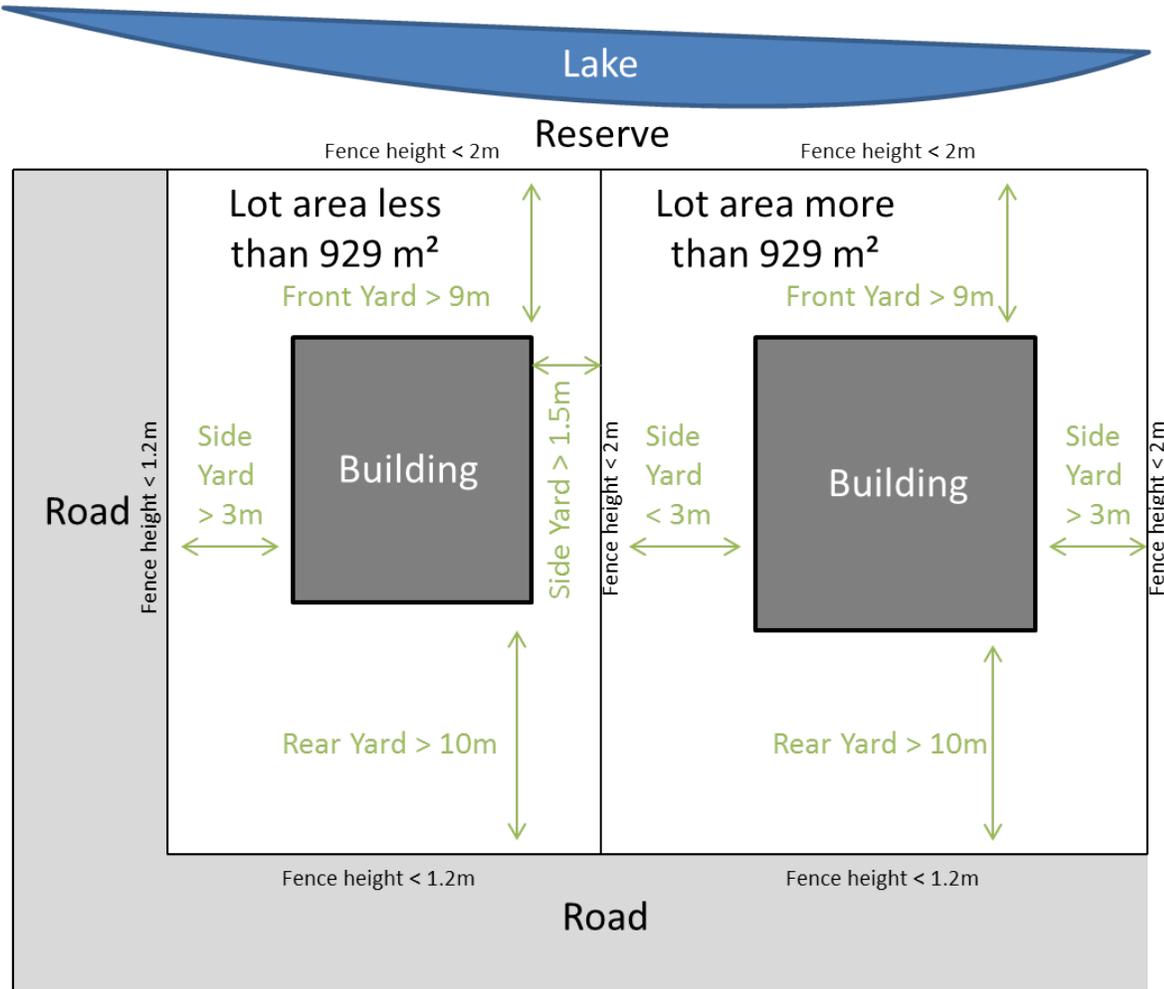
- (a) Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (19.69 ft) in length.

18. Yards

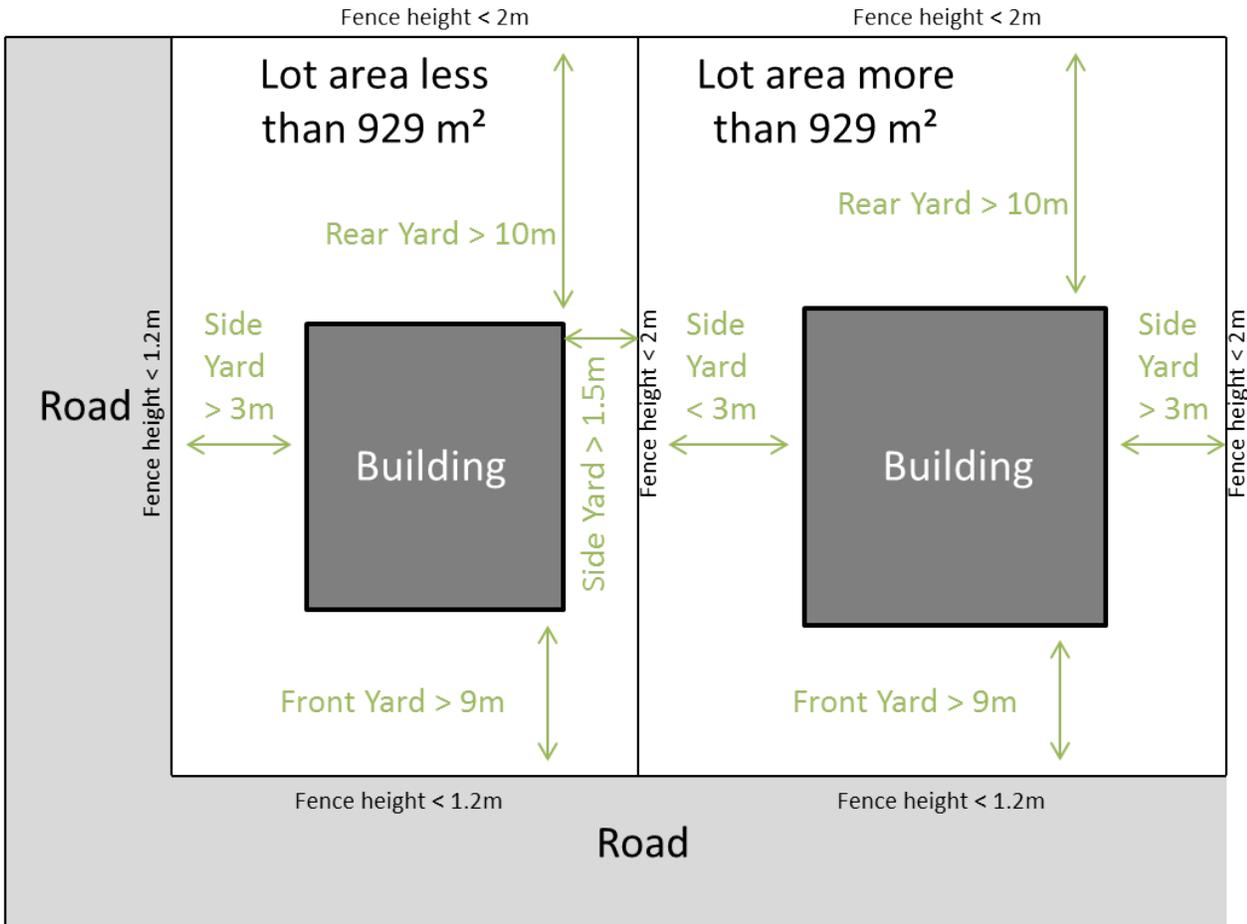
(1) Location and Minimum Depth of Yards

- (a) The following diagrams illustrate the location and minimum depth of yards (as well as fence heights) for lakeside and non-lakeside parcels/lots.

**Lakeside Parcels**



# Non-Lakeside Parcels



(b) Refer to Schedule B for accessory building siting and Schedule C for main building siting.

## (2) Projections Over Yards

- (a) The portion of an attachment to a main or accessory building which may project over or on a minimum yard are:
- (i) Side Yards – A cornice, sill, attached greenhouse, canopy, sundeck or eave, which projects a distance not exceeding one-half of the minimum side yard required for the building;
  - (ii) Front Yards - An eave, cantilever, fireplace chase, attached greenhouse, sundeck, porch, or balcony, which projects not more than 1.5 m (4.92 ft) over or on the minimum front yard;
  - (iii) Front and Rear Yard - Unenclosed steps, if they do not project more than 2.5 m (8.20 ft) over or on a minimum front or rear yard; and
  - (iv) Rear Yard - An eave, cantilever, fireplace chase, attached greenhouse, sundeck, porch or balcony which projects not more than 3 m (9.84 ft) over the minimum rear yard.

## (3) Objects Prohibited or Restricted in Yards

- (a) No persons shall keep in their yards:
- (i) any dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days; and
  - (ii) any fur bearing animal, fowl or livestock other than domestic pets.

# SCHEDULE C - LAND USE DISTRICT REGULATIONS

## RESIDENTIAL DISTRICT (R-1)

### (1) Permitted Uses

Detached dwellings; and Accessory residential uses

### (2) Discretionary Uses

Public and quasi-public uses; Parks; Playgrounds; Utility buildings; Garage Suites; Guest Houses; Home Occupations; RTMs; Recreation Vehicle Parking and Use; Accessory Uses; and any use that is similar, in the opinion of the Development Officer, to the permitted or discretionary uses described above.

(i) Guest Houses - A guest house may only be located in the rear yard of a parcel; the maximum floor area of a guest house shall be 45 m<sup>2</sup> (484.2 ft<sup>2</sup>); a guest house shall not be more than 4.5 m (14.76 ft) in height; and only one guest house may be constructed on a parcel.

(ii) RTMs shall be placed on a permanent foundation or basement. RTMs shall only be allowed on parcels greater than 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) or more.

#### (iii) Recreation Vehicle Parking and Use

##### (1) Sewage Disposal

a. No sewage or wastewater shall be disposed into the ground within the Summer Village, and all self-contained sewage holding tanks shall be constructed with reinforced pre-cast concrete pursuant to Bylaw 155-16 as shown as Attachment "2".

##### (2) RV Structures:

- a. No addition, including decks can be permanently affixed to a recreation vehicle.
- b. Roof structures over recreation vehicles are not allowed.
- c. No covered decks are allowed accessory to recreation vehicles.

##### (3) Parcels with Approved Dwelling Units:

a. There shall be a maximum of two recreation vehicles parked on a parcel at any time.

##### (4) Parcels with No Approved Dwelling Units that are adjacent to Parcels with Approved Dwelling Units that are Titled to the same owner:

a. There shall be a maximum of two recreation vehicles parked on a parcel at any time.

##### (5) Parcels with No Approved Dwelling Units:

- a. There shall be a maximum of two recreation vehicles parked on a parcel at any time.
- b. Until September 30, 2019, recreation vehicles may be parked continuously, subject to obtaining an annual development permit.

(1) Notwithstanding the above, parcels with approved development permits for "RV permits" shall be not subject to the annual development permit fee until such time as their permit expires.

(2) Notwithstanding the above, guest Recreation Vehicles may be parked for short durations of no more than 21 consecutive days, on condition that upon expiry of the 21 day period the Recreation Vehicle shall be removed from the property for a minimum of five (5) consecutive days.

c. Summer Months from May 1 to September 30 after September 30, 2019. All recreation vehicles must be parked for short durations of no longer than 21 consecutive days, on condition that:

(1) The property owner or the principal occupant of the recreation vehicle shall obtain a development permit from the Development Officer showing the intended starting and leaving dates and shall display the development permit at the property entrance; and

(2) Upon expiry of any 21 day period the recreation vehicle shall be removed from the property for a minimum of five (5) consecutive days.

- (6) The number of recreational vehicles on a parcel may exceed the maximum number of two a total of three times per year subject to:
  - a. The Development Officer be advised in writing of the dates when more than two recreational vehicles will be on the parcel;
  - b. Provisions satisfactory to the Development Officer be made for vehicle parking and the disposal of sewage;
  - c. The maximum number of recreational vehicles on the parcel not exceed four; and
  - d. The maximum period of time when more than two recreational vehicles are on site shall not exceed five consecutive days.

(3) Lot Size Requirements

- (a) Parcels not intended to be served by a sewage collection system and a water distribution system shall have:
  - (i) A width of not less than 30.0 m (98.43 ft); and
  - (ii) An area of not less than 925 m<sup>2</sup> (9,956.7 ft<sup>2</sup>) and not more than 1,840 m<sup>2</sup> (19,805.6 ft<sup>2</sup>).
- (b) Parcels which are served or intended to be served by a sewage collection system but not by a water distribution system, shall have:
  - (i) A width of not less than 30.0 m (98.43 ft); and
  - (ii) An area of not less than 925 m<sup>2</sup> (9,956.7 ft<sup>2</sup>) and not more than 1,840 m<sup>2</sup> (19,805.6 ft<sup>2</sup>).
- (c) Parcels which are served or intended to be served by water distribution system but not a sewage collection system, shall have:
  - (i) A width of not less than 30.0 m (98.43 ft); and
  - (ii) An area of not less than 925 m<sup>2</sup> (9,956.7 ft<sup>2</sup>) and not more than 1,840 m<sup>2</sup> (19,805.6 ft<sup>2</sup>).
- (d) Parcels which are served by a water distribution system and a sewage collection system, shall have:
  - (i) A width of not less than 15.0 m (49.21 ft); and
  - (ii) An area of not less than 550 m<sup>2</sup> (5,920 ft<sup>2</sup>) and not more than 1,840 m<sup>2</sup> (19,805.6 ft<sup>2</sup>).

Parcels not complying with (a) to (d) listed above and legally created prior to April 1, 1978, are considered grandfathered prior to the Villages' incorporation and are not subject to (a) to (d) listed above but are subject to the following minimum parcel area of 550 m<sup>2</sup> (5,920 ft<sup>2</sup>).

(4) Parcel Servicing

- (a) No building may be approved or development commenced until arrangements, satisfactory to the Provincial Plumbing Inspector, Alberta Manpower and Labour and the Public Health Unit, have been made for the collection, storage, if any, and disposal of sewage and copies of approvals submitted to the Development Officer.
- (b) The Development Officer shall either refuse to issue a development permit for any building structure works, unless arrangements under (a) above have been completed, or issue a development permit subject to the condition that arrangements under (a) above shall be completed prior to the commencement of the development.

(5) Maximum Parcel Coverage

- (a) 30%, excepting on parcels greater than 929 m<sup>2</sup> (10,000 ft<sup>2</sup>), where it shall be 15%, excluding decks and patios.

(6) Minimum Front Yard

- (a) 9m (29.5 ft)

(7) Minimum Side Yard

- (a) 3 m (9.84 ft) for both side yards if parcel area is 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) or more; or
  - (b) 3 m (9.84 ft) for one side yard and 1.5 m (4.9 ft) on the remainder yard if parcel is under 929 m<sup>2</sup> (10,000 ft<sup>2</sup>).
- (8) Minimum Rear Yard
- (a) 10 m (32.81 ft).
- (9) Maximum Building Height
- (a) 7.75 m (25.42 ft) above finished grade with a maximum of two stories; excepting on parcels larger than 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) or more, where the maximum height shall be 10.00 m (32.81 ft) above finished grade with a maximum of two stories and a walkout basement.
- (10) Minimum Main Floor Area
- (a) 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) for a dwelling unit; and 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) for a manufactured home.
- (11) Supplementary Regulations
- (a) Refer to Schedule B for additional standards for this District.
- (12) Landscaped Areas
- (a) In the case of applications for any non-residential uses, details of the treatment of landscaped areas shall be shown on the site plan for the consideration of the Development Officer.
- (13) Removal of Vegetation
- (a) The removal of trees and shrubs, or the destruction thereof, without a development permit is prohibited. Refer to Section 4(3) of Schedule B for additional standards.
- (14) All Other Requirements
- (a) As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law.

**PUBLIC USE DISTRICT (P)**

- (1) Permitted Uses
  - (a) Park; Playground; Public or Quasi-public Uses; Utility Buildings; and Walkways.
- (2) Discretionary Uses
  - (a) Any use that is similar, in the opinion of the Development Officer, to the permitted uses described above.
- (3) All Other Requirements
  - (a) As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law

## **ENVIRONMENTAL OPEN SPACE DISTRICT (EOS)**

- (1) Permitted Uses
  - (a) Natural Environmental Protection.
- (2) Discretionary Uses
  - (a) Any use that is similar, in the opinion of the Development Officer, to the permitted or use described above.
- (3) All Other Requirements
  - (a) As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law

## SCHEDULE D – SPECIFIED PENALTIES FOR OFFENSES

Description of Offense	First Offense	Second Offense	Third or Subsequent Offense
Part Two Section 2.1 Commence development without a permit	\$500.00	\$1,000.00	\$3,000.00
Schedule B Section 17(3) Breach of restrictions on objects prohibited or restricted in yards	\$250.00	\$500.00	\$1,000.00
Schedule C Section (1) and (2)(i) and (2)(ii) Permitted or Discretionary Use in contravention of this Bylaw other than Recreation Vehicle Parking and Use	\$500.00	\$1,000.00	\$3,000.00
Schedule C Section (2)(iii) Recreation vehicles in contravention of this Bylaw	\$1,000.00	\$2,000.00	\$3,000.00
Schedule C Sections (3) to (14) Use of property that is in contravention of this Bylaw	\$1,000.00	\$2,000.00	\$3,000.00

**ATTACHMENT 1 – DEVELOPMENT PERMIT APPLICATION**

Application Number (for internal use only) \_\_\_\_\_

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

Applicant \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Legal Description of Property to be developed

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Registered Plan: \_\_\_\_\_

Register Owner \_\_\_\_\_

Address \_\_\_\_\_

Existing Use \_\_\_\_\_ Land Use District \_\_\_\_\_

Is this an Application for Recreation Vehicle Parking for a period of greater than 21 consecutive days on a Parcel with No Approved Dwelling Unit?  
(Check One) Yes \_\_\_\_\_ No \_\_\_\_\_ (If you checked yes, skip to Page 2)

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**MAIN BUILDING (If the application is for a main building, complete this section)**

Proposed Use \_\_\_\_\_

Is this Parcel Type: Interior \_\_\_\_\_ Corner \_\_\_\_\_ Area of Parcel \_\_\_\_\_ ft<sup>2</sup>

The proposed set backs of the development are:

Front Yard \_\_\_\_\_ Side Yards \_\_\_\_\_ & \_\_\_\_\_ Rear Yard \_\_\_\_\_

Area of Floor \_\_\_\_\_ ft<sup>2</sup> Portion of land covered by development \_\_\_\_\_ %

Height of Building \_\_\_\_\_ Number of Off-Street Parking Stalls \_\_\_\_\_

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ACCESSORY BUILDING (If the application is for an accessory building, complete this section)

Proposed Use \_\_\_\_\_

Portion of parcel covered by development \_\_\_\_\_%

Height of Building \_\_\_\_\_

Front Yard \_\_\_\_\_ Side Yards \_\_\_\_\_ & \_\_\_\_\_ Rear Yard \_\_\_\_\_

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Date of Application \_\_\_\_\_

Estimated Date of Commencement \_\_\_\_\_

Estimated Date of Completion \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Application shall be accompanied by the following:

- (1) A non-returnable processing fee: \$100.00 excepting permits for Recreational Vehicle Parking on Parcels with No Approved Dwelling Units where the annual permit fee shall be \$300 for the first recreation vehicle and \$300 for the second recreational vehicle (there shall be no fees payable for winter parking between October 1 and April 30; fees may be pro-rated for new property owners and owners who acquire a recreation vehicle during the year).
- (2) A scaled site plan showing the treatment of landscaped areas, if required, the legal description, the front, rear, and side yards, if any; any provision of off-street parking and access and egress points to the parcel.
- (3) Scaled floor plans, evaluations and buildings sections in duplicate, and sewage disposal plans.
- (4) A copy of the Certificate of Title indicating ownership and encumbrances.

FURTHER INFORMATION MAY ALSO BE REQUIRED

- (1) The Development Officer may refuse to accept an application for a development permit where the required information is not supplied or where, in his/her opinion, the quality of the material supplied is inadequate to properly evaluate the application.
- (2) The Development Officer may deal with an application without all the information required, if he/she is of the opinion that a decision on the application can be properly made without such information.
- (3) You may require a building permit from Alberta Labour, Building Standards Branch.
- (4) As a condition of development approval involving the construction of a dwelling unit, the Development Officer will require that the applicant provide a refundable security deposit in the amount of 5% of the project value to ensure project completion in accordance with the conditions of development approval.

## ATTACHMENT 2 – BYLAW 155-16: DISPOSAL OF SEWAGE AND WASTEWATER

A BYLAW OF THE SUMMER VILLAGE OF WHITE SANDS TO REGULATE THE DISPOSAL OF SEWAGE AND WASTEWATER WITHIN THE SUMMER VILLAGE.

WHEREAS authority is granted under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time, to regulate and prohibit for Municipal purposes respecting the safety, health and welfare of people and property; and

WHEREAS authority is granted under the *Private Sewage Disposal Systems Regulation*, AR 229/97, as amended or replaced from time to time, that a municipality may make bylaws restricting the type of systems recognized in the Alberta Private Sewage Systems Standard of Practice in force that can be constructed or used in new installations of private sewage disposal systems.; and

WHEREAS there is a concern about the risk of contamination caused by private sewage systems and/or sewage holding tanks which are not constructed of reinforced pre-cast concrete; and

WHEREAS the Municipal Council of the Summer Village of White Sands deems it desirable to prohibit the disposal of sewage and waste water into the ground upon lands within the Summer Village;

NOW THEREFORE THE COUNCIL OF THE SUMMER VILLAGE OF WHITE SANDS ENACTS AS FOLLOWS:

1. In this bylaw,
  - a) "Council" means the Council of the Summer Village of White Sands.
  - b) "Owner" shall mean the person or persons registered as the owner or owners of a parcel of land within the Summer Village of White Sands.
  - c) "Sewage" is as defined in the current Private Sewage Disposal System Regulation.
  - d) "Sewage System" means a sewage system authorized by Section 5 of this Bylaw.
  - e) "Summer Village" means the Summer Village of White Sands.
2. Any Sewage System shall be installed and maintained in compliance with the provisions of the Alberta Safety Codes Act, R.S.A. 2000, c. S-1, the Alberta Private Sewage Systems Standard of Practice 2015, and the regulations thereunder as amended or repealed and replaced from time to time.
3. A Sewage System shall be installed and maintained on all those properties within the Summer Village of White Sands which are being used as permanent residences, cottages or for parking of recreational vehicles in excess of 21 days per year.
4. Notwithstanding Section 2 of this bylaw, a Sewage System shall be installed and maintained on all those properties within the Summer Village which have a Water System on them and or an outdoor privy.
5. Only Self-contained Sewage Systems will be permitted to be installed or replaced on parcels of land within all areas of the Summer Village of White Sands. Self-contained Sewage Systems include, connection to a municipal system, municipal/private co-op systems and private sewage holding tanks that are constructed of reinforced pre-cast concrete and meet applicable/relevant CAN/CSA standards, but do not include non-concrete self-contained sewage holding tanks, disposal fields, treatment mounds, pit privies, or any other Approved System for the disposal of sewage or waste water on a parcel of land which results in the disposal of sewage and/or waste water into the ground.

**Bylaw 155-16**  
**Page 2**

6. A Bylaw Enforcement Officer or any designated officer of the Summer Village of White Sands shall, subject to compliance with the requirements of Sections 542 and 543 of the Municipal Government Act (Alberta) R.S.A. 2000, Chapter M-26, be entitled to enter any lands within the Summer Village for the purpose of carrying out an inspection to determine compliance with this bylaw.
7. When the designated officer finds that a sewage system has been installed in a manner that contravenes this bylaw, the officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention to :
  - a) demolish, remove or replace the system or
  - b) take such other measures so that the installation conforms with this bylaw
8. Where a person fails or refuses to comply with an order directed to him under this bylaw within the time specified in the notice the designated officer may enter upon the land or building and take such action as is necessary to carry out the order.
9. When the designated officer carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.
10. Any owner of a parcel of land which contravenes this bylaw is guilty of an offence and liable on conviction:
  - a) for the first offence, to a fine of \$500.00;
  - b) for the second offence, to a fine of \$1,000.00; and
  - c) for the third and each subsequent offence, to a fine of \$2,500.00;and in addition to those fines, for each offence the owner of the parcel of land is additionally liable to a fine of \$100.00 per day for each day that the property remains in contravention of this bylaw.
11. Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw are declared invalid all other provisions shall remain valid and enforceable.
12. Bylaws No. 125-09, 124-09, 102-05, 101-05, 87-01, 84-99, 78, 72 & 57 are hereby repealed.

This bylaw shall come into force and effect on the date of its final reading.

READ a first time this 29<sup>th</sup> day of April, A.D. 2016.

READ a second time this 29<sup>th</sup> day of April, A.D. 2016.

READ a third time and finally passed this 29<sup>th</sup> day of April, A.D. 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
CAO