

BYLAW NO. 192/2002
THE LAND USE BYLAW OF
THE SUMMER VILLAGE OF SILVER BEACH

Land Use Bylaw of the Summer Village of Silver Beach
Table of Contents

1.	Purpose.....	4
2.	Interpretation	4
3.	Establishment of Districts	7
4.	Regulations	7
5.	<i>Development Authority</i>	7
6.	Subdivision and Development Appeal Board	7
7.	Control of Development.....	8
8.	Development Not Requiring a Development Permit	8
9.	Non-Conforming <i>Buildings</i> and Uses	8
10.	Permission for Development	9
11.	Validity of Permits	10
12.	Appeals	11
13.	Decision of the Appeal Board	11
14.	Contravention	12
15.	Amendments	12
16.	Interpretation	12
17.	Continuation of Conditions.....	13
18.	Repeal of Existing Controls	13
19.	Fees and Forms	13
20.	Date of Commencement.....	13
	SCHEDULE B: REGULATIONS FOR ALL LAND USE DISTRICTS	15
	B1. Grading and Drainage.....	15
	B2. Moved-In <i>Buildings</i>	15
	B3. Signs.....	15
	B4. Screening And Fencing	15
	B5. Derelict Automobiles	16
	SCHEDULE C: REGULATIONS FOR SPECIFIC LAND USE DISTRICTS	17
	C1. Regulations For the Residential District.....	17
	C1.1 Permitted uses	17
	C1.2 Discretionary Uses.....	17
	C1.3 Lot Dimensions and Areas	17
	C1.4 Location Of <i>Buildings</i>	17
	C1.5 Accuracy of <i>Building</i> placement.....	20
	C1.6 Site Coverage.....	20
	C1.7 Height of <i>Buildings</i>	20
	C1.8 Sanitary Sewer Service	20
	C1.9 Recreational vehicles	20
	C1.10 Guest Houses.....	21
	C2. Regulations for the Institutional Camp district.....	21
	C2.1 Permitted uses	21
	C2.2 Discretionary Uses.....	21
	C2.3 Density of Development	21
	C2.4 Yards and Setbacks.....	21
	C2.5 <i>Lot Coverage</i>	22
	C3. Regulations for the Non-residential Recreation District	22
	C3.1 Purpose.....	22
	C3.2 Permitted uses.....	22
	C3.3 Discretionary Uses.....	22
	C4. Regulations for the Park district.....	22

C4.1	Permitted uses	22
C4.2	Other regulations	22
Index of Key Words.....		23

Pursuant to the Municipal Government Act, the *Council* of the Summer Village of Silver Beach in the Province of Alberta, duly assembled, hereby enacts as follows.

1. Purpose

The purpose of this bylaw is to regulate and control the use and development of land and *Buildings* within the *Municipality* to achieve the orderly and economic development of land, and for that purpose, among other things:

- 1.1 to divide the *Municipality* into districts,
- 1.2 to prescribe and regulate for each district the purposes for which land and *Buildings* may be used,
- 1.3 to establish the office of *Development Authority*,
- 1.4 to establish a method of making decisions on applications for development permits and issuing development permits,
- 1.5 to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit, and
- 1.6 to establish a system of appeals against the decisions of the *Development Authority*.

2. Interpretation

In this bylaw:

Act means the Municipal Government Act.

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*.

Boathouse means a structure primarily for the storage of boats and associated equipment.

Building means any structure used or intended for supporting or sheltering any use or *Occupancy*.

Council means the *Council* of the Summer Village of Silver Beach.

Development Authority is defined in Section 5 of this bylaw.

Discretionary Use means the use of land or a *Building* provided for in this bylaw for which a development permit *may* be issued upon an application having been made.

Dwelling means any *Building* or structure used primarily for human habitation.

Existing means existing on the date on which this bylaw comes into force.

Finished Grade is the local elevation of the ground after landscaping.

Firewall means a type of fire separation of noncombustible construction which subdivides a *Building* or separates adjoining *Buildings* to resist the spread of fire and which has a fire-resistance rating as prescribed in the Alberta Building Code and has structural stability to remain intact under fire conditions for the required fire-rated time.

First Storey means the uppermost *Storey* having its floor level not more than 2m above *Grade*.

Floor area means the space on any *Storey* of a *Building* between exterior walls and required *Firewalls*, including the space occupied by interior walls and *Partitions*, but not

including exits, *vertical service spaces*, and their enclosing assemblies.

Front of a *Building* or lot refers to the side facing, or closest to, the *Lake*.

Garage means an accessory *Building* or part of a *Main Building* designed and used primarily for the storage of motor vehicles.

Grade (as applying to the determination of *Building* and deck height) means the lowest of the average levels of *Finished Grade* adjoining each exterior wall of a *Building*, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of *Grade*. *Grade* for determining boathouse height means the lowest of the average levels of the *Finished Grade* adjoining the side and rear walls.

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*.

Home Business means a business carried on in a *Dwelling* which

- o is not visited by a significant number of clients,
- o does not change the external appearance or residential character of the *Dwelling*, and
- o has no employees on site and is carried on only by the residents of the *Dwelling*.

Lake means Pigeon Lake

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 *Site*, the area encompassed by the several *Lots*.

Main Building means a *Building* in which is conducted the main or principal use of the *Site* on which it is erected.

Mobile Home means a single detached *Dwelling* built offsite in one or more sections, and intended to be occupied in a place other than where it is manufactured, but does not mean a *Modular Home* or a *Recreational Vehicle*.

Modular Home means a single detached *Dwelling* which resembles a site-built house in design, construction, and all other respects, but which is constructed elsewhere and is assembled after delivery to the site. *Modular homes* include Prefabricated Homes, but not *Mobile Homes*.

Multi-Storey refers to a *Building* with additional *Storeys* above the *First Storey*.

Municipality means the Summer Village of Silver Beach.

Occupancy means the use or intended use of a *Building* or part thereof for the shelter or support of persons, animals or property.

Partition means an interior wall one *Storey* or part *Storey* in height that is not loadbearing.

Permitted Use means the use of land or a *Building* provided for in a land use bylaw for which a development permit *shall* be issued upon an application having been made, subject to whatever conditions are necessary to bring it into conformity with this bylaw.

Rear of a *Building* or lot is the side facing away from, or furthest from, the *Lake*.

Recreational Vehicle means a mobile unit that is designed to be used as temporary living or sleeping accommodation, and includes but is not limited to holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include *Mobile Homes*.

Road means Silver Beach Road.

Safety Codes Officer means an individual certified as a Safety Codes Officer under section 27 of the Safety Codes Act.

Setback for the purpose of determining acceptable distance from a *Building* to property lines is the distance of closest approach between the *Building* foundation at *Finished Grade* and the property line.

Site means one or more contiguous *Lots* which are managed by the same owner as a single *Lot* or unit.

Storey means that portion of a *Building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Temporary Dwelling means a *Dwelling* which is used while a permanent *Dwelling* is being constructed on a *Lot*, and where specified in a development permit may include a *Recreational Vehicle* or *Mobile Home*.

Vertical Service Space means a shaft, oriented essentially vertically, that is provided in a *Building* to facilitate the installation of *Building* services including mechanical, electrical and plumbing installations and facilities such as elevators, refuse chutes and linen chutes.

Village Administrator is the Chief Administrative Officer named by *Council*.

Setback means that part of a *Lot* upon or over which no main *Building* is erected.

Yard, Front means a yard extending across the full width of the *Lot* from the *Front* property line of the *Lot* (the side closest to the *Lake*) to the *Front* wall of the main *Building* on the *Lot*.

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

Yard, Rear means a yard extending across the full width of the *Lot* from the *Rear* property line of the *Lot* to the rear wall of the main *Building* on the *Lot*.

All other words and expressions have the meanings assigned to them in the *Act*.

3. Establishment of Districts

3.1 For the purpose of this bylaw the *Municipality* is divided into the following districts:

- R Residential
- IC Institutional Camp
- NRR Non-residential recreation
- P Park

as shown on the map attached as Schedule A, which forms part of and has full force of this bylaw.

3.2 In case of doubt as to the boundaries of a land use district, the decision of *Council*, in the form of a resolution, shall govern.

4. Regulations

Schedules B and C, setting out regulations for land use, form part of and have full force of this bylaw.

5. Development Authority

5.1 The office of *Development Authority* is hereby established and shall be filled by a person or persons appointed by resolution of *Council*. If no person is appointed, the *Village Administrator* shall act as *Development Authority*.

5.2 The *Development Authority* shall

- 5.2.1 receive, consider and decide on applications for a development permit;
- 5.2.2 maintain a register of all applications and the decisions rendered on them;
- 5.2.3 ensure that copies of this bylaw can be purchased by the public at a reasonable cost;
- 5.2.4 carry out the duties prescribed in the Act with regard to appeals or, designate a person to do the same; and
- 5.2.5 perform such duties as are established by *Council* to enforce this bylaw in conformance with the Act.

5.3 For the purposes of section 542 of the *Act*, the person holding the office of *Development Authority* is a designated officer of the *Municipality*.

6. Subdivision and Development Appeal Board

6.1 The Subdivision and Development Appeal Board established by Bylaw 174 shall hear and decide on appeals from a decision (or lack of decision) of the *Development Authority*.

- 6.2 Should the Subdivision and Development Appeal Board require further technical or, legal opinion, it may adjourn the hearing and issue a request to the *Council*. The retainer of professional, legal, or other assistance will be handled through the *Village Administrator*.
- 6.3 After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.

7. Control of Development

- 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 section, signs, posters and billboards are deemed to be developments.

8. Development Not Requiring a Development Permit

- 8.1 No development permit is required for a land use or *Building* exempted under sections 618 and 619 of the Act.
- 8.2 No development permit is required for the completion and use of a development which was lawfully under construction at the date this bylaw comes into effect.
- 8.3 No development permit is required for the continuation of a lawful use of *Building* or land which was in effect at the date this bylaw comes into effect.
- 8.4 No development permit is required for normal maintenance or repair to any *Building* or public utility, including repairs to foundations and structure, or replacement of structural components, provided that such works do not include structural alterations, or major renovations which change the size of the *Building*.
- 8.5 No development permit is required for the construction and maintenance of gates, fences, walls or other means of enclosure less than 1 metre in height in a *Front Yard* and 2 metres in height elsewhere, except as provided in section 5 of Schedule B.
- 8.6 No development permit is required for the construction of patios, sidewalks, paved areas, exterior steps, or for landscaping, provided that this does not alter the flow of water off-*Site*, and is in accordance with section 1 of Schedule B.
- 8.7 No development permit is required for municipal or public utility works on a road or lane.
- 8.8 No development permit is required for erection of utility, garden, or storage sheds provided they have a *Building Area* of less than 9 m², are less than 3m in height, are located in the *Rear Yard*, are intended only for storage, and are essentially portable and do not entail construction of permanent foundations such as concrete slabs or piles. Such sheds must be located with *Rear* and *Side Setbacks* as provided for in this bylaw.
- 8.9 No development permit is required for erection of children's play structures.
- 8.10 No development permit is required for finish changes, wiring, plumbing or *Partition* changes.

9. Non-Conforming Buildings and Uses

- 9.1 If a *Building* or land use is not allowed in this bylaw, but was legally *Existing* at the date of passage of this bylaw, it may continue as a non-conforming use pursuant to

section 643 of the Act. Maintenance, renovation and repair of non-conforming *Buildings*, their envelope, mechanical and electrical systems, structure and foundations, is permitted provided the *Building* is not increased in size.

10. Permission for Development

- 10.1 An application for a development permit shall be made to the *Development Authority* in writing in the appropriate form, stating the legal description of the property, and shall be accompanied by duplicate copies of:
- 10.1.1 a site plan, to scale, showing the proposed *Front, Rear, and Side Yards* and *Setbacks*, locations of all other *Buildings* on the *Site*, and any provision for off-street loading and vehicle parking and access points;
 - 10.1.2 floor plans, elevations and sections, including all height and horizontal dimensions. *Grade*, and the height of the *Building* above *Grade*, shall be shown;
 - 10.1.3 if requested by the *Development Authority*, a Real Property Report prepared by an Alberta Land Surveyor;
 - 10.1.4 a statement of use;
 - 10.1.5 the consent to the application of the owner of the land, and the statement of the interest of the applicant therein;
 - 10.1.6 the estimated commencement and completion dates;
 - 10.1.7 the estimated cost of the project or contract price;
 - 10.1.8 the required application fee;
 - 10.1.9 A grading and drainage plan, or alternatively a statement satisfactory to the *Development Authority* that the development will not raise or lower the land, or change the drainage of the *Site*. A grading and drainage plan must indicate the elevations of the *Site* at all corners and at the midpoint of property lines, the elevation at all corners of the proposed development, the elevation of the adjacent streets, and the direction of drainage on the parcel. The grading and drainage plan must also indicate proposed changes to the slope and drainage of the *Site*.
 - 10.1.10 such other information as the *Development Authority* may require.
- 10.2 Unless otherwise approved by the *Development Authority*, drawings and documentation accompanying an application for development shall be submitted on 8-1/2" x 11" or 11" x 17" paper for ease of copying.
- 10.3 The *Development Authority* shall receive, consider and decide on all applications for a development permit, and shall render a decision in writing and mail or otherwise deliver it to the applicant.

- 10.3 In making a decision the *Development Authority* may approve the application unconditionally, or impose conditions considered appropriate, permanently or for a limited period of time, or refuse the application.
- 10.5 When the *Development Authority* refuses to issue a development permit, it must give reasons.
- 10.6 The *Development Authority* may require, as a condition of issuing a development permit, that the applicant enter into an agreement to construct or pay for the construction of public roadways, parking areas, or utilities necessary to serve the proposed development, or to pay an off-site levy or redevelopment levy imposed by bylaw; and may require that a performance bond or letter of credit be deposited with the *Municipality* to cover the cost of repairing local improvements damaged as a result of development, or to ensure that the development is completed in accordance with the development permit.
- 10.7 When an application for a development permit has been refused initially or on appeal, the *Development Authority* may, at its 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.
- 10.8 If a proposed development is for a use not listed as *Permitted* for that district, or if it does not comply in every way with this bylaw, the *Development Authority* shall refuse to issue a development permit.
- 10.9 Notwithstanding 10.7 above, the *Development Authority* may relax a *Yard* or setback requirement if this has the written consent of the owner of the adjacent property.
- 10.10 An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not issued by the *Development Authority* within 40 days, and the applicant may appeal in writing as provided for in this bylaw as though the application had been refused.

11. Validity of Permits

- 11.1 Notice of issuance of a development permit is to be made by registered mail to the owners of *Lots* sharing property lines on either side of the parcel for which the development permit is issued and to the *Lots* immediately across the *Road* using the mailing addresses recorded on the Village tax roll. A single notice mailed to the tax roll address is deemed to be notice to all registered owners of that lot. The date on which notice of issuance of permit is mailed is the date of notice for purposes of determining the start of the period to file a valid appeal.
- 11.2 The *Development Authority* may direct a sign be posted indicating a proposed development, however the failure to see the sign by any person does not affect the date of notice established under 11.1 above, nor does it affect the period within which an appeal may be filed.
- 11.3 A development permit does not come into effect until fifteen (15) days after notice is mailed.

- 11.4 A person claiming to be affected by a proposed development is entitled to view the application for the development permit and any accompanying documents at the Village office, or by other arrangements as may be determined and agreed upon by the *Development Authority*.
- 11.5 If a valid appeal is filed against a development permit, the permit is suspended until the appeal is heard or abandoned. (Note: To be valid, an appeal must be received by the *Village Administrator* within 14 days of notice being given of the issuance of a development permit: section 686 MGA). The date an appeal is received by the *Municipality* is deemed to be the date it is received by the *Village Administrator*.
- 11.6 If the development authorized by a permit is not commenced within 6 months from the date of issue, or if, having commenced, work ceases for six months, the permit is void, unless an extension has previously been granted by the *Development Authority*.
- 11.7 Work authorized by a development permit must be completed within 12 months of the date of the permit unless a later date is noted on the permit.
- 11.8 The time referred to in section 11.6 and 11.7 is suspended during an appeal.
- 11.9 If it appears to the *Development Authority* that a development permit has been obtained by fraud or misrepresentation, or has been issued in error, or if a development is not consistent with a permit, it may suspend, revoke, or modify the permit.

12. Appeals

The procedure for appeal against the decision of the *Development Authority* is laid down in section 686 of the *Act*.

Note: there is no appeal against a permit for a permitted use which conforms in every way with this bylaw (section 685(3) MGA).

13. Decision of the Appeal Board

- 13.1 The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- 13.2 A Subdivision and Development Appeal Board
 - (a) may, while carrying out its power, duties and responsibilities, accept any oral or written evidence that it considers proper, whether admissible in a court of law or not, and is not bound by the laws of evidence applicable to judicial proceedings, and
 - (b) must make and keep a record of its proceedings, which may be in the form of a summary of the evidence (which need not be a record or summary of argument) presented at a hearing

- 13.3 When deciding on an appeal, the Subdivision and Development Appeal Board may approve an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in its opinion,
- 13.3.1 the proposed development would not
 - 13.3.1.1 unduly interfere with the amenities of the neighbourhood, or
 - 13.3.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - 13.3.2 the proposed development conforms with the use prescribed for the land or *Building* in this bylaw,
- and this power extends to nonconforming *Buildings* and uses pursuant to section 643(5)(c) of the Act.
- 13.4 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.
- 13.5 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.

14. Contravention

- 14.1 Where the *Development Authority* finds that a development or use of land or *Buildings* is not in accordance with:
- 14.1.1 the Act or regulations under the Act, or
 - 14.1.2 a development permit or subdivision approval, or
 - 14.1.3 this bylaw,
- it may proceed in accordance with sections 645 and 646 of the Act.
- 14.2 Contravention of this bylaw is an offence and is subject to a fine not exceeding \$2,000 pursuant to section 566 of the Act.

15. Amendments

- 15.1 *Council* may at any time initiate an amendment to this bylaw.
- 15.2 A person may apply to Council to have this bylaw amended, by applying in writing, giving reasons for the amendment requested, and paying the appropriate fee.
- 15.3 An application to change Schedule A, the map of land use districts, may be initiated only by the owner of the land in question, or by *Council*.

16. Interpretation

- 16.1 Where both metric and imperial measures are given in this bylaw, the metric number shall govern. Imperial equivalents are given for convenience only, and may not be precise.

16.2 He, him, she, her, they, and them are to be read interchangeably as the context requires.

17. Continuation of Conditions

A condition attached to a development permit issued under a former land use bylaw continues under this bylaw.

18. Repeal of Existing Controls

Bylaw 183, the former Land Use Bylaw, and amendments thereto, are repealed.

19. Fees and Forms

Fees and forms referred to in this bylaw shall be established by resolution of *Council*.

20. Date of Commencement

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

Read a first time this 21st day of May, 2002

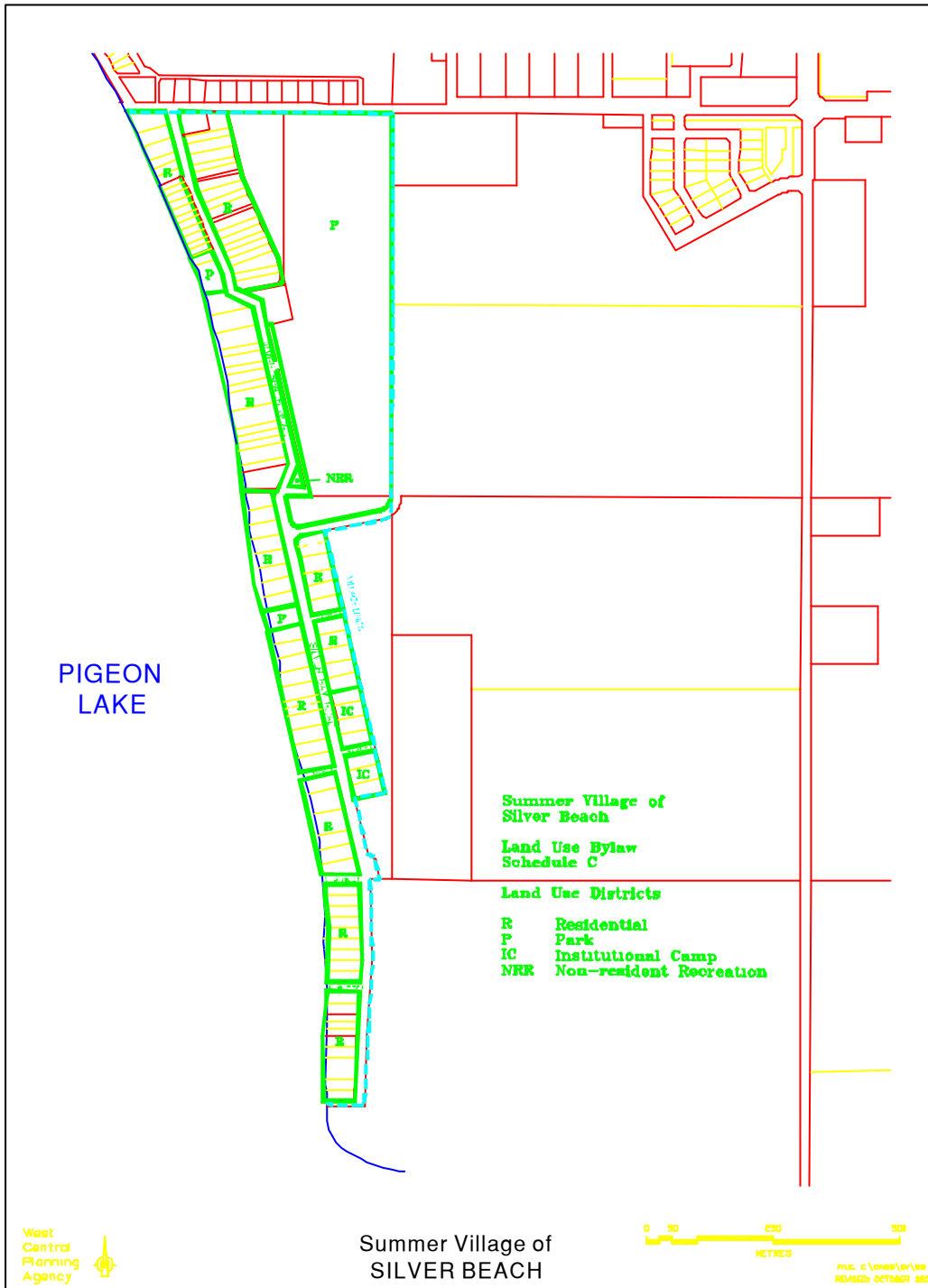
Read a second time this 15th day of June, 2002

Read a third time this 11th day of December, 2002

Summer Village of Silver Beach

Mayor

Administrator



Schedule A: Map of Land Use Districts

SCHEDULE B: REGULATIONS FOR ALL LAND USE DISTRICTS

- B1. Grading and Drainage
- B1.1 No land shall be filled or raised, and no change to grading or drainage may be undertaken, unless a development permit has been issued.
- B2.2 Water shall not be diverted to flow from one *Lot* to another unless a drainage scheme is agreed in writing between the two owners and the *Municipality*.
- B2. Moved-In *Buildings*
- B2.1 A person making application to move an existing *Building* into the *Municipality* shall:
- B2.1.1 make the usual application for a development permit;
- B2.1.2 provide photographs showing all sides and the general condition of the *Building*; and
- B2.1.3 state the present location and use of the *Building*.
- B2.2 The *Development Authority* may, at its discretion, inspect the *Building*, or cause the *Building* to be inspected by a person it so appoints, and may issue a Development Permit subject to the condition that the *Building* be improved once it is moved on site.
- B2.3 The cost of inspection shall be added to the fee for a development permit.
- B2.4 The *Development Authority* may require the developer provide cost estimates for the works deemed necessary and may require the developer to provide a bond for specific performance of the works within a specific time.
- B3. Signs
- B3.1 All signs other than the following require a development permit:
- B3.1.1 one sign, of not more than one square metre in area, advertising for sale the property on which it stands,
- B3.1.2 one name plate, not exceeding one square metre in area, giving the name of the owner, and/or the name of the property, and/or the municipal address, and/or other pertinent information,
- B3.1.3 temporary signs protected by section 2(b) of the Constitution Act (Canada),
- B3.1.4 Signs indicating proposed development.
- B3.2 No development permit shall be issued for commercial signs other than those listed in 4.1.1 above.
- B3.3 A sign which is a hazard to persons or traffic, or which applies to a past event, shall be removed immediately.
- B4. Screening And Fencing
- B4.1 No fence or screen shall extend higher than 2 metres above the local elevation of the ground along the fenceline.
- B4.2 Fences in that part of a *Lot* lying in *Front* of the *Front* wall of the main *Building* shall be no higher than 1 metre above the local elevation of the ground along the fenceline.
- B4.3 On corner *Lots*, fences abutting open roads shall be no higher than 1 metre above the local elevation of the ground along the fenceline.

B5. Derelict Automobiles

B5.1 Derelict trucks and automobiles may not be stored out of doors within the *Village*.

SCHEDULE C: REGULATIONS FOR SPECIFIC LAND USE DISTRICTS

C1. Regulations For the Residential District

C1.1 Permitted uses

The following uses are permitted in the Residential district:

- C1.1.1 single detached *Dwellings* of new, conventional construction, limited to one per *Lot*,
- C1.1.2 *Guest Houses*, subject to section C1.10 below,
- C1.2.3 the parking and use of *Recreational Vehicles*, subject to section C1.8 below,
- C1.1.4 unattended utility installations, and
- C1.1.5 accessory uses such as *Garages*, storage sheds, saunas, and *Boathouses*.

C1.2 Discretionary Uses

The following uses may be allowed at the discretion of the *Development Authority*:

- C1.2.1 moved-in *Buildings*,
- C1.2.2 Home Businesses, and
- C1.2.3 *Temporary Dwellings* to be occupied by the owner of a *Lot* while a permanent *Dwelling* is under construction.

C1.3 Lot Dimensions and Areas

- C1.3.1 All *Lots* created for residential use after the date of adoption of this bylaw shall have a width of no less than 15.24 metres (50 feet) at both *Front* and *Rear* property lines.
- C1.3.2 The minimum *Lot* width required by this bylaw shall not prevent
 - C1.3.2.1 the adjustment of a property line where no additional *Lots* are being created, or
 - C1.3.2.2 the re-subdivision of a *Lot* formed by the consolidation of two previously existing *Lots*.

C1.4 Location Of *Buildings*

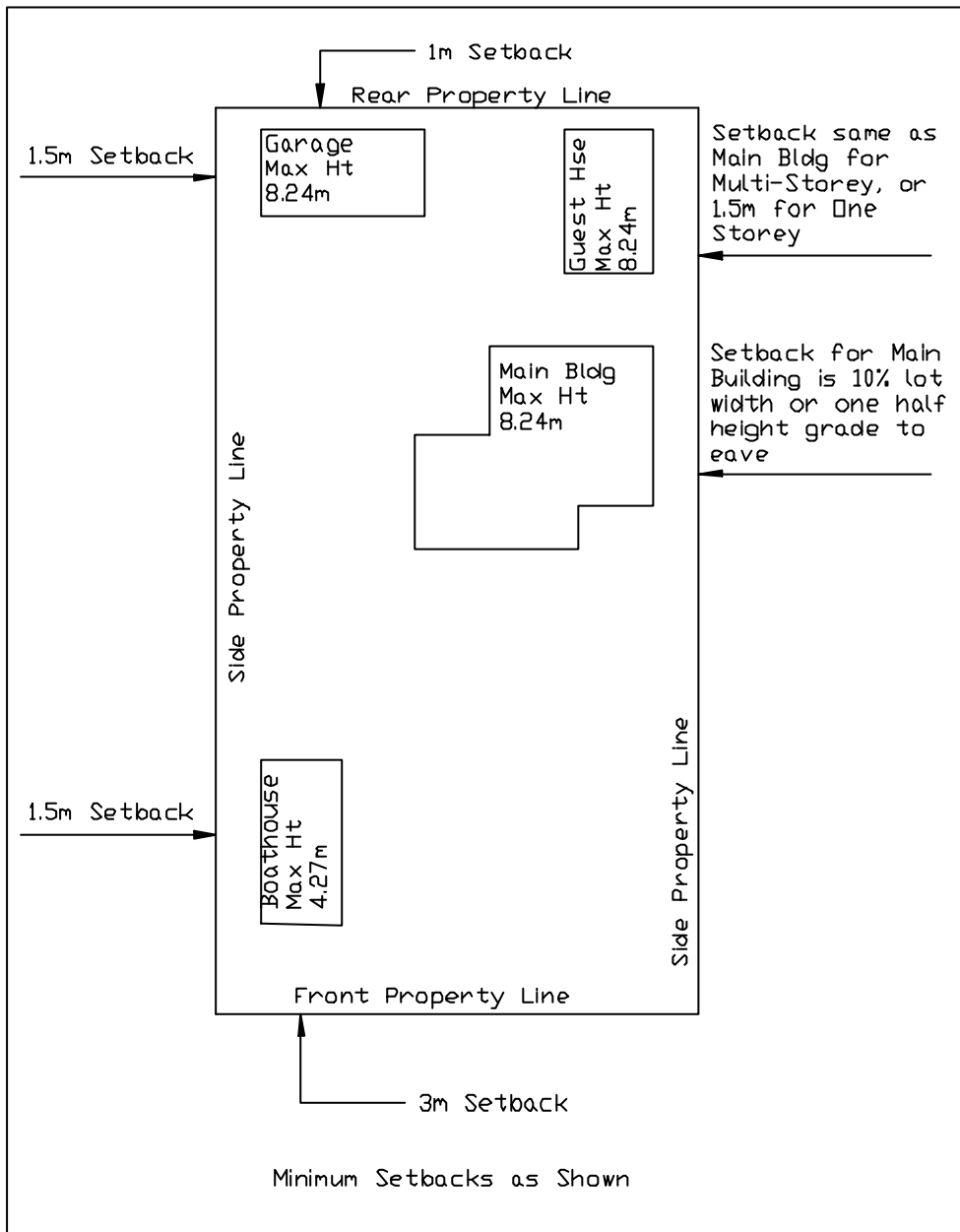
- C1.4.1 *Front and rear Setbacks*: Unless otherwise permitted or required below, main *Buildings* shall be located at least 10 metres (32.8 feet) from the *Front* and *Rear* property lines.
- C1.4.2 *Side Yards, Main Buildings*: Unless otherwise permitted below, *Main Buildings* shall be located so as to give a minimum *Side Yard* of

- C1.4.3.1 10% of the width of the *Lot* , or
- C1.4.3.2 One-half of the vertical distance from *Grade* to the eaves on that side of the *Building*,

whichever is greater.

- C1.4.3 *Setbacks, Accessory Buildings and Boathouses:* A *Multi-Storey Accessory Building* shall be located with *Side Yards* as required for *Main Buildings*. A *single Storey Accessory Building* shall have a *Side Yard* of at least 1.5 metres (5 feet).
- C1.4.4 *Encroachment into Yards and Setbacks:* Eaves, bay windows, chimneys, and extensions cantilevered beyond the *Building* foundation walls may encroach into a required *Yard* or *Setback* by no more than 0.508 metres (20 inches).
- C1.4.6 Exterior steps may be constructed in a *Yard* provided that they are no closer than 1 metre to a property line.
- C1.4.7 *Location of decks:* If any part of a deck or patio is more than 0.3 metres (1 foot) above the average *Grade* surrounding the deck, it is governed by the same *Yard* and *Setback* requirements as a *Building*.
- C1.4.8 *Location of Garages:* A *Garage* may be located within 1 metre of the *Rear* property line if the main (vehicle entry) doors do not face the *Road*. Where the main doors face a *Road* or a lane, the *Garage* shall be located at least 6.1 metres (20 feet) from the *Road* or a lane.
- C1.4.9 *Garages straddling Lot lines:* Where adjacent property owners agree to build a common *Garage* straddling the property line, no side yard is required, but a *Firewall* shall be constructed to the standards of the Alberta Building Code.
- C1.4.10 *Boathouses:* Despite C1.4.1 above, a *Boathouse* may be constructed in a *Front Yard* . No other *accessory Building* may be constructed in a *Front* yard. The setback between the *Front* of a *Boathouse* and the *Front* property line shall not be less than 3m (10 feet).
- C1.4.11 Notwithstanding section C1.4.10 The *Development Authority*, at its discretion, may allow a reasonable variation on the front setback of a boathouse if the developer demonstrates, to the satisfaction of the *Development Authority*, the need due to local topography.
- C1.4.12 *Fire separations:* Every *Building* served by electricity or a heating system shall be located at least 3 metres (10 feet) from every other *Building* unless a variance has been obtained under the Alberta Building Code.
- C1.4.13 *Additions:* A *Building* or structure which does not share footings with the main *Building* on a *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.

Figure C1 illustrates the setbacks required under this section (for illustration only; Figure 1 does not comprise part of this Bylaw).



- C1.5 Accuracy of *Building* placement
The *Development Authority* may require that after the footings have been installed, and before any flooring or framing work is commenced, the developer shall submit a Real Property Report or Building Location Certificate prepared by an Alberta Land Surveyor, certifying that the *Building* under construction meets the *Yard* and *Setback* requirements of this bylaw and the Alberta Building Code.
- C1.6 Site Coverage
The combined *First Storey Floor Area* of all *Buildings* on a *Lot* shall be no more than 30% of the total area of the *Lot* .
- C1.7 Height of *Buildings*
No *Building* shall exceed 8.54 metres (28 feet) in height, measured from the average *Grade* surrounding the *Building* to the roof peak, excluding chimneys and aerials. No *Boathouse* shall exceed 4.27m (14 ft) measured from the average *Grade* surrounding the *Building* to the roof peak excluding chimneys and aerials.
- C1.8 Sanitary Sewer Service
All *Dwellings*, including *Guest Houses* but excluding *temporary Dwellings* and *Recreational Vehicles*, shall be connected to a municipal piped sewer system where this service is available.
- C1.9 Recreational vehicles
- C1.9.1 Except as permitted under C1.9.4 below, only one *Recreational Vehicle* shall be situated on a *Lot* at any one time.
 - C1.9.2 No permit is required for the first seven days in each year that a *Recreational Vehicle* is parked on a *Lot* .
 - C1.9.3 A *Recreational Vehicle* may be parked on a *Lot* for a period in excess of seven days in each year provided that a temporary development permit is obtained each year.
 - C1.9.4 Upon receiving two weeks notice, the *Development Authority* may issue a permit allowing more than one *Recreational Vehicle* on a *Lot* for an extraordinary event such as a family reunion.
 - C1.9.5 A single *Recreational Vehicle* may be stored or parked if the owner of both the *Lot* and the *Recreational Vehicle* have been issued with a temporary annual development permit, but the vehicle shall not be occupied for more than three weeks per year while standing on the *Lot* .
 - C1.9.6 Despite C1.9.5 above, a *Recreational Vehicle* may be placed on a *Lot* and used as the principal *Dwelling* while a permanent *Dwelling*, for which a development permit has been issued, is under construction.
 - C1.9.7 All *Recreational Vehicles*, whether occupied or not, shall be located in the *Rear Yard* of the *Lot* .

C1.10 Guest Houses

- C1.10.1 *Guest houses* shall be of new, conventional construction and good appearance.
- C1.10.2 *Guest houses* shall be constructed only in the *Rear Yard* of a *Lot* , and behind the *Front* walls of the main *Buildings* on the two immediately adjacent *Lots*.
- C1.10.4 Sleeping accommodation in or above a *Garage* or any other accessory *Building* is deemed to be a *Guest House* and where such accommodation exists, no free-standing *Guest House* shall be constructed on the *Lot* .
- C1.10.5 Only one *Guest House* is permitted on a *Lot* .
- C1.10.6 A *Guest House* shall not be rented or leased except to a person who is concurrently renting or leasing the main *Building*.
- C1.10.7 A *Guest House* shall not contain cooking facilities.

C2. Regulations for the Institutional Camp district

C2.1 Permitted uses

The following uses are permitted in the Institutional Camp district:

- C2.1.1 new *Buildings* and uses such as bunkhouses, assembly halls, kitchens, and other *Buildings* and facilities required for the accommodation, instruction, and recreation of campers or groups affiliated with the organization which owns and operates the facility,
- C2.1.2 staff residences, to a maximum of one per *Lot* , and
- C2.1.3 *Buildings* and uses accessory to the above.

C2.2 Discretionary Uses

The following uses may be allowed at the discretion of the *Development Authority*:

- C2.2.1 moved-in *Buildings*,
- C2.2.2 Recreational Vehicles, and
- C2.2.3 the use of the *Site* and *Buildings* by campers or groups not affiliated with the organization which owns and operates the facility.

C2.3 Density of Development

- C2.3.1 When issuing a development permit, the *Development Authority* may specify the maximum number of people and vehicles that will be on the *Site* at any time, and any increase in these numbers shall require a new development permit.

C2.4 Yards and Setbacks

- C2.4.1 *Yards* and *Setbacks* in the Institutional Camp district shall be the same as those required in the Residential district.

C2.5 *Lot Coverage*

C2.5.1 No more than twenty per cent of the area of a *Lot* shall be covered by *Buildings*.

C3. Regulations for the Non-residential Recreation District

C3.1 Purpose

The purpose of the Non-residential Recreation District is to recognize the existence and to set rules for the management of privately owned *Lots* which have recreational value but which are too small to accommodate a *Building*.

C3.2 Permitted uses

The following uses are permitted in the District:

C3.2.1 Private recreational activities which do not require the existence of a *Building* on site.

C3.2.2 *Recreational vehicles* shall not be parked in this District.

C3.3 Discretionary Uses

The following uses may be allowed at the discretion of the *Development Authority*:

[None currently listed]

C4. Regulations for the Park district

C4.1 Permitted uses

The following uses are permitted in the Park District:

C4.1.2 parks and recreation areas,

C4.1.2 public *Buildings*, and

C4.1.3 *Buildings* and uses accessory to the above uses.

C4.2 Other regulations

The *Development Authority* may impose such regulations as it thinks fit to ensure that public parks are developed to a high standard and are compatible with nearby *Dwelling*

Index of Key Words

Accessory Building	4, 5, 18, 21
Appeal	7, 11, 12
Time to File Valid Appeal	10
Application for Development Permit	
Required Documents	9
Application to Change Land Use Districts	12
Boathouses	4, 17, 18, 20
Grade for Determining Height	5
Building Height	
Reference Grade	5
Decision of Appeal Board	11
Decks	18
Derelict Automobiles	16
Development Authority	4, 7, 9, 10, 11, 12, 15, 17, 18, 20, 21, 22
Development Permit Not Required	8
Discretionary Use	4, 17, 21, 22
District	
Camp	7, 21
Map	14
Non-Residential Recreation	7, 22
Park	7, 22
Regulations for All Districts	14
Residential	7, 17
Diversion of water	15
Drainage	15
Evidence	11
Existing Buildings	4, 8, 12
Fees	9, 12, 15
Fences	15
No Requirement for Development Permit	8
First Storey	5
Floor Area	20
Garage	5, 18, 21
Grade	4, 5, 6, 9, 18, 20
Grading	15
Guest Houses	17
Height	
Boathouses	20
Buildings	20
Fences	15
Screens	15
Sheds	8
Home Business	5, 17
Lot	2, 4, 5, 6, 15, 17, 18, 20, 21
Lot Width, Minimum	17
Main Building	4, 5, 17, 18
Maintenance	8
Metric	12
Municipality	4, 5, 7, 8, 10, 15
Non-Conforming	8
Notice	10
Partition Changes	8

Permitted Use	6, 11
Play structures.....	8
Posters and billboards.....	8
Real Property Report.....	9, 20
Recreational Vehicle	5, 6, 17, 20, 21
Refusal to issue Development Permit	9
Repair.....	8
Non-Conforming Buildings	8
Saunas.....	17
Screen.....	15
Screens	15
Sheds.....	8, 17
Signs.....	8, 15
Site Coverage.....	20
Storey.....	5, 6, 18, 20
<i>First Storey</i>	5
<i>Multi-Storey Building</i>	5, 18
Subdivision and Development Appeal Board.....	7, 11, 12
Valid appeal.....	10
Voiding of Development Permit	11
Yards and Setbacks.....	6, 8, 10, 17, 18, 20, 21
<i>Encroachment</i>	18
Relaxation	10, 18