

BYLAW NO. 208 / 2010
THE LAND USE BYLAW OF
THE SUMMER VILLAGE OF SILVER BEACH

Received and Passed 3rd Reading June 21, 2010

Land Use Bylaw of the Summer Village of Silver Beach
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This Bylaw supersedes and replaces LUB 192-2002.

Authority

Pursuant to the Municipal Government Act, Part 17, Revised Statutes of Alberta 2000, Chapter M-26, the *Council* of the Summer Village of Silver Beach in the Province of Alberta, duly assembled, hereby enacts as follows.

1. Title Summer Village of Silver Beach Land Use Bylaw - ____-2010

2. 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*.

3. Interpretation

In this bylaw:

Abut or Abutting means immediately contiguous to, or physically attaching to, and when used in respect of a parcel, means that the parcel physically touches upon another parcel and shares a property line with it.

Act means the *Municipal Government Act* Revised Statutes of Alberta 2000, Chapter M-26 and is referred herein as “the 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 located in the front yard of a lot abutting the lakeshore primarily for the storage of boats and associated equipment. A boat house may include

living space similar to that described for a *guesthouse*.

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.

Demolition means the taking down by an approved method, and removal of a building or structure, including a foundation, from the lot upon which the building, structure or foundation was located, and the subsequent clean up and remediation of the property to a standard as approved by the Development Authority.

Depth of a parcel means the perpendicular distance between the front and rear lot lines, or where these are not parallel, the average distance between the front and rear lot lines.

Derelict vehicle means any motor vehicle which is unlicensed, or uninsured, or non-operational, or not in a state to legally operate on a highway or road.

Development means (in addition to the definitions set out in the Act) the removal or demolition of a building or structure in whole or in part.

Development Authority is defined in Section 5 of this bylaw.

Development Permit means a document authorizing a development as defined in Part 17 of the Act.

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 and which is supported on a permanent foundation or base extending below ground level and is limited to single family, and does not include a mobile home of any kind situated on wheels, blocks, jacks, or any other temporary foundation.

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*. A basement does not constitute the first storey as long as the floor level above it is consistent with this definition. The *Development Authority* may, at its discretion, determine that a floor level that is mostly recessed below grade, but is at-grade in a localized area due to sloping of the land is a walk-out basement, and in this

circumstance the floor level above the walk out basement can be considered the first storey even though it is more than 2m above grade at the localized, walk-out area of the basement.

Floor area means the area of all finished floors at or above grade, measured from the inside of the exterior walls.

Front of a *Building* or lot refers to the side facing, or closest to the lake where the lot faces the lake, and refers to the side facing a public road where the lot does not abut the lakeshore.

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 average levels of *Finished Grade* at the centre-point of each exterior wall of a *Building*, except that localized depressions such as for walk-out basements, or 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 living space including a bathroom, and 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*,
- o is operated only by the residents of the *Dwelling* unless authorized by the Development Authority, and
- o has no outside storage of goods or materials unless specifically permitted by the Development Authority.

Lot means an individual *Lot* for which a title has been issued, or, where two or more *Lots* are 'tied' for assessment purposes, or are included in a single title, the area encompassed by the 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 new single detached *Dwelling* built in a factory and

transported to a site to be installed on a permanent foundation, and which appears indistinguishable in design and finish from a stick-built home, and does not include a manufactured home or a mobile home.

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. For items not covered in this Bylaw, *Permitted* means approved by the *Development Authority*.

Public Park means an area of land designed or reserved for recreational use by the public, and includes all related buildings and improvements, and abuts a public road.

Rear of a *Building* or lot is the side facing away from, or furthest from the lake where a lot faces the lake, and is the side facing furthest from a public road where a lot faces a public road.

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*.

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.

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*.

Site means one or more contiguous *Lots* which are managed by the 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.

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* 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*.

4. Establishment of Districts

4.1 For the purpose of this bylaw the *municipality* is divided into the following districts:

AR Agricultural Reserve
R Residential
IC Institutional Camp
NRR Non-residential recreation
P Park
UR Urban Reserve

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

4.2 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.

5. Regulations

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

6. Development Authority

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

6.2 The *Development Authority* shall

6.2.1 receive, consider and decide on applications for a development permit;

6.2.2 maintain a register of all applications and the decisions rendered on them;

- 6.2.3 ensure that copies of this bylaw can be purchased by the public at a reasonable cost;
 - 6.2.4 carry out the duties prescribed in the Act with regard to appeals or, designate a person to do the same; and
 - 6.2.5 perform such duties as are established to enforce this bylaw in conformance with the Act.
- 6.3 For the purposes of section 542 of the *Act*, the person holding the office of *Development Authority* is a designated officer of the *Municipality*.
- 7. Subdivision and Development Appeal Board**
- 7.1 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*.
 - 7.2 Should the Subdivision and Development Appeal Board require further technical or, legal opinion, it may adjourn the hearing and issue a request to the Village administrator. The retainer of professional, legal, or other assistance will be handled through the *Village Administrator*.
 - 7.3 After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
- 8. Control of Development**
- 7.1 No development other than that designated in section 9 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.
- 9. Development Not Requiring a Development Permit**
- 9.1 No development permit is required for a land use or *Building* exempted under sections 618 and 619 of the Act.
 - 9.2 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.
 - 9.3 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.
 - 9.4 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*.
 - 9.5 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.

- 9.6 No development permit is required for landscaping, provided that it does not alter the flow of water off-*Site*, does not include the installation of more than 37.2 square meters of water shedding materials such as asphalt, concrete, paving stones and is in accordance with C1.6, B1.3 and B1.4
- 9.7 No development permit is required for municipal or public utility works on a road or lane.
- 9.8 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.
- 9.9 No development permit is required for erection of children's play structures.
- 9.10 No development permit is required for finish changes, wiring, plumbing or *Partition* changes.
- 9.11 No development permit is required for bridges over local depressions or watercourses.

10. Non-Conforming *Buildings* and Uses

- 10.1 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 or height.
- 10.2 If the Development Authority has reasonable basis to believe building or development from a lot encroaches onto adjacent land the Development Authority may require the owner of the lot to provide a real property report at the lot owner's own cost. The development authority may require removal of development which encroaches on adjacent land, and if necessary can arrange for the removal at the cost of the lot owner. The Development Authority may require a lot owner erect permanent, visible markers of the corners of any lot, to a standard approved by the development authority.

11. Permission for Development

- 11.1 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:

- 11.1.2 a site plan, to scale, showing the proposed *Front*, *Rear*, and *Side Yards* and *Setbacks*, locations of all other *Buildings* on the *Site*, roads, water bodies, trees, and other physical features of the site, and any provision for off-street loading and vehicle parking and access points;
 - 11.1.2 floor plans, elevations and sections, including all height and horizontal dimensions. *Grade*, and the height of the *Building* above *Grade*, shall be shown;
 - 11.1.3 if requested by the *Development Authority*, a Real Property Report prepared by an Alberta Land Surveyor;
 - 11.1.4 a statement of use;
 - 11.1.5 the consent to the application of the owner of the land, and the statement of the interest of the applicant therein;
 - 11.1.6 the estimated commencement and completion dates;
 - 11.1.7 the estimated cost of the project or contract price;
 - 11.1.8 the required application fee;
 - 11.1.9 A grading and drainage plan that shows the elevations of the *Site* at all corners and at the mid-point of property lines, the local high, and low points of the parcel, the elevation at all corners of the proposed development, the elevation of the crown of the adjacent street, and direction of drainage on the parcel, and any other information required at the discretion of the *Development Authority*. The grading and drainage plan must indicate proposed changes to the slope and drainage of the *Site* or alternatively, with the agreement of the *Development Authority*, a map or scaled drawing showing the proposed finished grade relative to the street and to neighbouring land and buildings and, at the request of the *Development Authority*, a section across the parcel showing these features and a statement satisfactory to the *Development Authority* that the development will not raise or lower the land, or change the drainage of the parcel.
- 11.2 Demolition – A basic development permit fee will be charged for the demolition of a building structure, but in addition, the *Development Authority* may require the applicant to post a bond or other security to guarantee that any damage done to other properties, including public roadways and roadway infrastructure is repaired at the applicant's expense.

- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 When the *Development Authority* refuses to issue a development permit, it must give reasons.
- 11.7 The *Development Authority* may require, as a condition of issuing a development permit, that the applicant enter into a development agreement to construct or pay for the construction of public roadways, driveways connecting to public roadways, culverts, 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.
- 11.8 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.
- 11.9 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.
- 11.10 Notwithstanding 11.9 above, the *Development Authority* may issue a development permit with a reasonable set back variance or relaxation if the proposed relaxation:
 - 11.10.1 is consented to in writing by the owner of the abutting property or properties that is (are) impacted by the relaxation; and
 - 11.10.2 does not unduly interfere with the amenities of the neighbourhood; and
 - 11.10.3 does not materially interfere with or affect the use, enjoyment, or value of abutting parcels of land; and
 - 11.10.4 the extent of the set back variance or relaxation does not exceed ten

(10%) percent of the minimum set back as set out in the Schedule B of this bylaw.

- 11.11 No variance will be granted to increase the maximum height of a building beyond what is permitted in this bylaw.
- 11.12 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.
- 11.13 The development authority may require, prior to issue of a development permit, payment of a deposit equal to 1% of the estimated value of the building cost of the development, but not to exceed \$5,000. The Developer may apply for return of the deposit, upon submission of information satisfactory to the Development Authority that the development including buildings, outside finishes, and landscaping has been completed. The Village may deduct from the deposit any funds necessary to repair damage to roads, Village property, or utilities, attributable to the development.

12 Validity of Permits

- 12.1 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 Summer Village of Silver Beach 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.
- 12.2 The *Development Authority* may direct a sign be posted visible and readable from the Silver Beach road, describing a proposed development. However the failure to post a sign or the failure by any person to see the sign does not affect official notice nor does it affect the period within which an appeal must be filed.
- 12.3 A development permit does not come into effect until fifteen (15) days after notice is mailed.
- 12.4 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 determined by the *Development Authority*.
- 12.5 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* 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 Village is deemed to be the earlier of the date it is received by the Village office, or two business days after the date of postmark if the appeal is sent by mail.

- 12.6 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*.
- 12.7 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, or an extension is granted by the Development Authority.
- 12.8 The time referred to in section 12.6 and 12.7 is suspended during an appeal.
- 12.9 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, the Development Authority may suspend, revoke, or modify the permit.

13. 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).- Pursuant to Section 685(3) of the *Act*, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this bylaw have been relaxed, varied, or misinterpreted.

14. Decision of the Appeal Board

- 14.1 The subdivision and development appeal board must hold an appeal hearing within 30 days after receipt of a notice of appeal.
- 14.2 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 (and need not necessarily be a record of argument) presented at a hearing
- 14.3 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,

14.3.1 the proposed development would not

14.3.1.1 unduly interfere with the amenities of the neighbourhood, or

14.3.1.2 materially interfere with or affect the use, enjoyment or value of neighbouring properties,

14.3.2 and 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*.

14.4 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.

14.5 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*.

15. **Contravention**

15.1 Where the *Development Authority* finds that a development or use of land or *Buildings* is not in accordance with:

15.1.1 the *Act* or regulations under the *Act*, or

15.1.2 a development permit or subdivision approval, or

15.1.3 this bylaw,

it may proceed in accordance with sections 645 and 646 of the *Act*.

15.2 Contravention of this bylaw is an offence and is subject to a fine not exceeding \$2,000 pursuant to section 566 of the *Act*.

16. **Amendments**

15.1 A person may apply to have this bylaw amended, by applying in writing, giving reasons for the amendment requested, and paying the appropriate fee.

15.2 *Council* may at any time initiate an amendment to this bylaw.

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*.

17. **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.

18. Continuation of Conditions

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

19. Repeal of Existing Controls

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

20. Fees and Forms

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

21. Date of Commencement

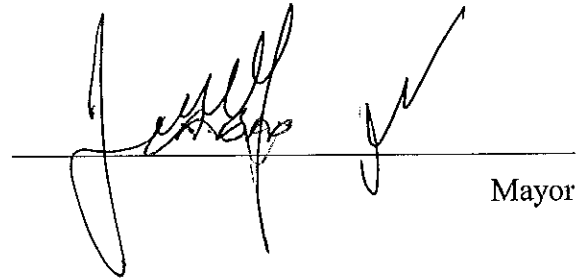
This bylaw shall come into effect on the date of the third and final reading.

Read a first time this 21st day of June, 2010

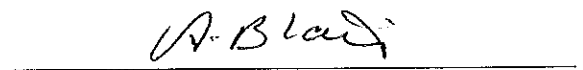
Read a second time this 21st day of June, 2010

Read a third time this 21st day of June, 2010

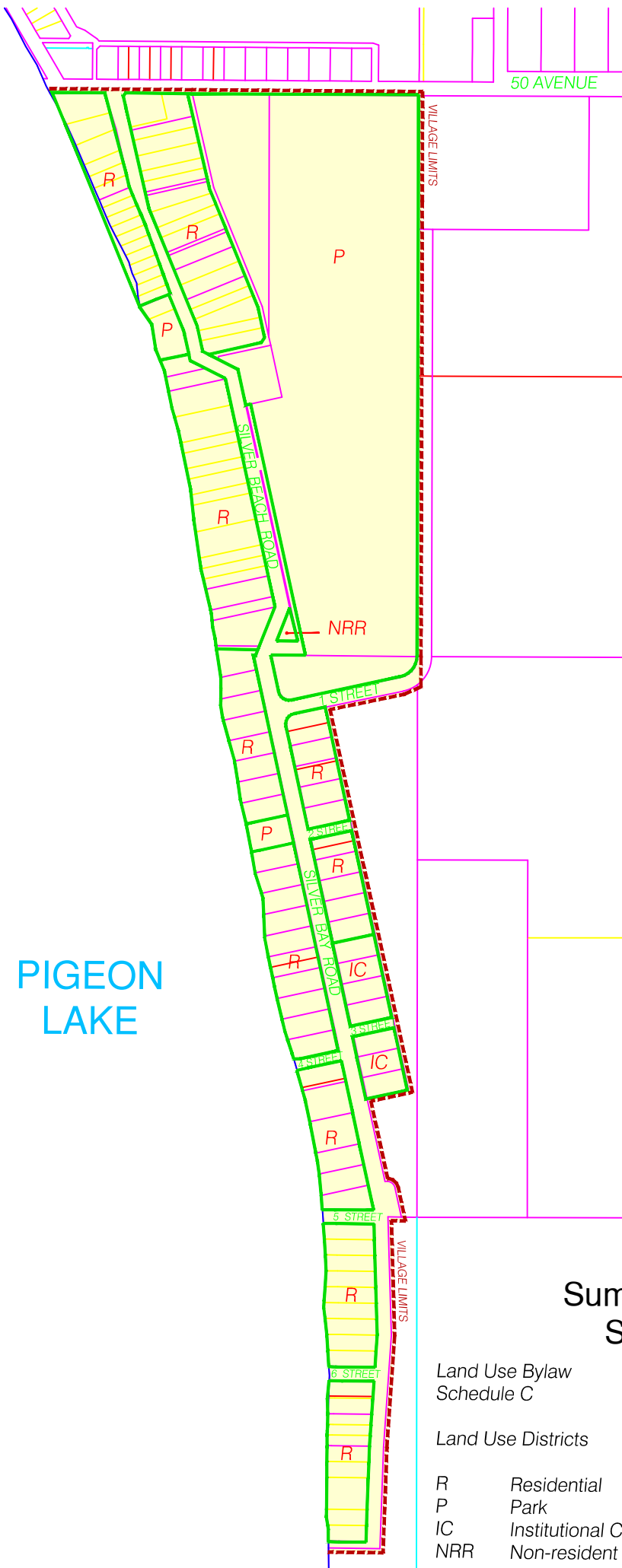
Summer Village of Silver Beach



Mayor



Administrator



- Owner
- HOLOWACH
 - RINAS
 - CHRISTOPHER
 - GGC CONSULTANTS
 - BEIRNES/GRAESSER
 - RICHARDS
 - DELIMA
 - HIRON
 - HIRON
 - SOUTHAM
 - BUNNIN M.
 - CAMERON P.
 - GOLDSTEIN
 - ROSBOROUGH
 - NOWICKI
 - BOYD
 - GORDON
 - CHRISTMAN
 - CHRISTMAN
 - IRVING J.
 - IRVING M.
 - LEES
 - COYLE
 - BEREZNICKI
 - LAMBERT
 - LAMBERT K. & G.
 - KERSCHER
 - CARLSON E.
 - CARLSON D.
 - McKAY/HOWARD
 - ALLARD-CLOUGH
 - VISSCHER
 - WAGAR
 - KUSHNIRUK
 - EASTERBY
 - KATZ
 - MANSON JOHN M.
 - SANDERS
 - NEUFELD
 - PINCKSTON
 - GIBBS
 - ERICKSEN
 - NAWROCKI
 - FERGUSON
 - HOLE
 - LEWIS
 - PATTERSON
 - PATTERSON
 - RYAN
 - RYAN
 - JOHNSON
 - MODRY
 - DEACON
 - POOLE
 - POOLE
 - HOLMES
 - WEBB
 - MORRIS
 - CORK
 - WYLLIE
 - MILLER
 - LELACHEUR
 - HOLT
 - GILMOUR
 - McCOY
 - KELLY
 - ROTH/GREEN
 - ALLAM
 - BACHMAN
 - COWLES
 - JUCHLI
 - NAGY
 - BUNNIN C.
 - WARD
 - JUCHLI
 - BAKEWELL/GREER
 - HOLE
 - HOLE

- Owner
- LEE
 - OUIMETTE
 - GRANT
 - FISHER
 - ADRIA
 - NIXON
 - POWELL
 - MARTINSON
 - MAJESKI N.
 - MARTINSON
 - GENDEMANN
 - STEPHENSON
 - MARTIN
 - HENDRICKS
 - JEFFERIES
 - MAJESKI J.
 - ZURFLUH
 - AHLSTROM
 - JOHNSON
 - TALLY
 - COCHRANE
 - MANSON JAMES G.
 - HILL B.
 - HILL L.
 - ERICKSEN
 - HILL B.
 - CAMERON A.
 - FERGUSON
 - THRONDSOON
 - RESSLER
 - WATT
 - GIRL GUIDES OF CANADA

PIGEON LAKE

Summer Village of Silver Beach

Land Use Bylaw
Schedule C

Land Use Districts

- R Residential
- P Park
- IC Institutional Camp
- NRR Non-resident Recreation



SCHEDULE B: REGULATIONS FOR ALL LAND USE DISTRICTS

B1. Grading and Drainage

- B1.1 Prior to, during or after construction, no land shall be filled or raised, and no change to existing grading or drainage may be undertaken, unless such change has been reviewed by the *Development Authority* and approved by the development permit that approves the construction. (Note: development which includes excavation, and relocation on the parcel, of earth excavated for a building is considered to have the potential to alter the drainage of the land and requires submission of all applicable information to the Development Authority).
- B1.2 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*.
- B1.3 A development permit is required for paving (asphalt, concrete, or other water shedding surface) with an area greater than 37.2 square metres.
- B1.4 The Paved or non-permeable ground surface of a lot, excluding building footprint, may not exceed 15% of the lot area.

B2. Moved-In Buildings

- B2.1 A person making application to bring an existing *Building* into the *Municipality*, or to relocate a *building* within the *Municipality*, or within a *lot* 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 *the Development Authority* 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, and

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 fence line.

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 fence line.

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 fence line.

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 *dwelling*s of new, conventional construction, limited to one per *Lot*,

C1.1.2 *Guest Houses*, subject to section 1.10 below,

C1.2.3 the parking and use of *recreational vehicles*, subject to section 1.8 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*, including *modular homes* on permanent foundations.

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 new lots created by subdivision shall have a width of no less than 24.384 metres (80 feet) at both *Front* and *Rear* property lines.

C1.3.2 The minimum *Lot* width required by this bylaw shall not prevent the adjustment of a property line between two lots where no additional *Lots* are being created, where the width of the smaller lot is not made smaller, and where a lot with a width greater than the minimum permitted in this bylaw is not reduced to a width less than the minimum permitted in this bylaw.

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-story 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:* *Garages* on a front lot may be located within 1 metre of the rear property line if the main vehicle entry doors do not face the road. A *garage* on a rear lot shall be located at least 3metres (10 feet) from the front property line if the main vehicle entry doors do not face the road. Where the main vehicle entry doors face a road or a lane, the *garage* shall be located 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 and Garages:* A *Boathouse* may be constructed in a front yard of a front lot, or a *garage* may be constructed in the front yard of a rear lot. A boathouse in a front lot, or a garage in a rear lot, may also be a guest house, and may have more than one story provided comply with height and side-yard restrictions. 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 3 metres (10 feet).
- C1.4.11 Notwithstanding section 1.4.10 The *Development Authority*, at its discretion, may allow a reasonable variation on the front setback of a boathouse if the developer demonstrates the need due or local topography to the satisfaction of the *Development Authority*
- 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:* An addition to a building is considered to be part of the building, and is subject to the same requirements, if the addition is physically connected by structure to the building, or appears, in the opinion of the Development Authority, to be part of the building.

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 & Landscape

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*.

Concrete, asphalt or other water-shedding paving may not exceed 15% of the total area of the *Lot*.

Natural landscaping consisting of permeable ground cover shall cover at least 50% of the lot area. Included within this, a minimum of 20% of the lot area shall be covered in trees and shrubs.

C1.7 Height of *Buildings*

No *Building* shall exceed 9.15 metres (30 feet) in height, measured from the average *Grade* surrounding the *Building* to the roof peak, excluding chimneys and aerials. The height of a Guest House shall not exceed 8.53 metres (28 feet).
No *Boathouse* shall exceed 4.27m (14 ft) measured from the average *Grade*

surrounding the *Building* to the roof peak excluding chimneys and aerials. No *Garage* in the front yard of a rear lot shall exceed 5.49 metres (18 feet) 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 sanitary sewer sewage disposal.

C1.9 Recreational vehicles

C1.9.1 Except as permitted under 1.9.4 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 sixty 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 sixty 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 the *Lot* has been issued with a temporary annual development permit.

C1.9.6 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* except as permitted in C1.4.10.

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*. A lot may have both a single *Boathouse or Garage* with sleeping accommodation in the front yard, and a *Guest House* in the rear yard.
- 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*.

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*, including modular structures erected on permanent foundations,

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 adjacent ~~nearby~~ *Dwellings*.

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