

BYLAW NO. 176
BEING THE LAND USE BYLAW OF THE
SUMMER VILLAGE OF CRYSTAL SPRINGS, ALBERTA

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

1. Purpose

The purpose of this bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly, economic, and beneficial development and use of land.

2. Interpretation

2.1 In this Bylaw:

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

Act means the ***Municipal Government Act***, and any amendments thereto.

Boat House means a one storey and one room building on a lake front lot, used only for the storage of watercraft and associated equipment.

Building means, a structure having a roof or cover supported by columns or walls and used or intended to be used for supporting or sheltering any use or occupancy.

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

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

Corner means the intersection of any two property lines of a site.

Corner site see Site, Corner.

Council means the Council of the municipality.

Developer means an owner, agent or any person, firm or company required to obtain or having obtained a development permit.

Development means:

an excavation or stockpile and the creation of either of them, or

a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, or under land, or

a change in the use of land or of a building, or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or

a change in the intensity of use of land or of a building, or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building, or

the demolition or removal of a building.

Development Permit means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents, but does not mean a building permit.

Discretionary Use means the use of land or a building for which a development permit may be issued with or without conditions.

Dwelling or Dwelling Unit means any building or structure, used, or constructed so as to be capable of being used for the residential use of a single household: and containing a common access, one kitchen, and eating, sleeping and living areas. (Not a mobile home or recreational vehicle of any kind)

Driveway means a vehicle access route between a public roadway and a parcel.

Excavation means any breaking of ground, except common household gardening and ground care.

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

Floor Area means the total area of all floors in a building measured from the outside of exterior walls, excluding floor areas of basements, attached garages, carports or open porches.

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

Garage means an accessory building or part of the main building, designed and used primarily for the storage of motor vehicles. No garages attached to a dwelling or dwelling unit shall have a floor area greater than 50% of the main building's floor area.

Grade means, the average elevation of the ground at a distance of one (1) metre from a building or structure determined by averaging the finished elevations at the midpoints of all the exterior walls.

Guest House means an accessory building that provides overflow accommodation for the main building on the parcel. (Note: Guest Houses are not allowed)

(Height of a building – see Building Height.

He/She/Him/Her/Them are to be read interchangeably as the context requires.

Home Business means a business carried on in a dwelling which:

- is not visited by a significant number of clients,
- has adequate on site parking,
- does not change the external appearance of residential character of the dwelling except for one sign no larger than one square metre, and
- is carried on only by the residents of the dwelling,
- requires a Business Licence (Bylaw #177).

Lane means a public thoroughfare for vehicles, the right-of-way which does not exceed 10 metres (30 feet) and not less than 6 metres (20 feet) in width, and which normally provides a secondary means of access to a lot or lots.

Lot means an individual parcel for which a title has been issued, or, where two or more parcels are 'tied' for assessment purposes, or are included in a single title, the area encompassed by the several parcels.

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

Main Use means the primary purpose, in the opinion of the Development Authority, for which a building or site is used.

MGA means the Municipal Government Act.

Mobile Home means a structure that is manufactured off-site, is capable of being moved from one place to another by being towed or carried, provides year round living accommodation for one or more people, and can be connected to utilities. A mobile home is typically long and narrow, with a simple rectangular plan, a low roof pitch, and narrow eaves. Modular homes and recreational vehicles are not mobile homes.

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

Municipality means the Summer Village of Crystal Springs.

Non-Conforming Building means a building that:

- is lawfully constructed or is lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw or amendment.

Non-Conforming Use means a lawful specific use

- being made of land or a building or intended to be made of a building lawfully under construction at the date of a land use bylaw or any amendment thereof affecting the land or building becomes effective, and
- that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw or amendment thereof.

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons or property.

Occupant means any other person rather than the registered owner who is in possession of a lot, and includes but is not restricted to a lessee, licensee, tenant, or agent of the owner.

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

Parcel of land means the aggregate of the one or more areas of land described in a certificate of title.

Permanent Foundation means a permanent base extending below ground level.

Permitted Use means the use of land or a building for which, if it conforms to the bylaw, a development permit shall be issued with or without conditions.

Person Responsible for a Recreational Vehicle means the owner or occupant of the lot, or the owner or occupant of the recreational vehicle.

Public Utility Building means a building defined in the Act in which the proprietor of the public utility maintains its offices and/or maintains or houses any equipment used in connection with the public utility.

Real Property Report means a drawing prepared by an Alberta Land Surveyor showing the location of improvements on a lot.

Recreational Vehicle means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether or not it has been modified so as to no longer be mobile or capable of being mobile, and includes but is not limited to holidays trailers,

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

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

Sewage means (as defined by Alberta Private Sewage Systems Standard of Practice 1999)

- Human excreta, or
- The water-carried wastes from drinking, bathing, laundering, or food processing

Sewer System means a system for disposing of sewage to include: human excreta, or the water-carried wastes from drinking, bathing, laundering, or food processing (as taken from the *Alberta Private Sewage Standard of Practice*, January 1999).

Sign means, any device or medium including its supporting structure visible from any lot other than the one on which it is located, or from a highway or the lake and which is used to attract attention for advertising, information or identification purposes.

Site, Corner means a site at the intersection of two abutting streets where the intersection of the two streets is less than 135 degrees. A site abutting upon a curved street or streets shall be considered a corner site if the arc of the inside boundary of the street is less than 45 metres (148 feet) in radius over an angle of more than 135 degrees.

Site Coverage means the combined area of all buildings on the lot, measured at the lowest level or basement level, whichever is lowest, containing habitable or usable rooms, including porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections.

Special Event means an occasion of temporary duration typically attended by friends of family not usually resident on the lot, including but not limited to anniversaries, birthdays, weddings, funerals, or reunions, but not including an event of a commercial nature whether held for profit or for a non-profit purpose.

Storey means, that portion of a building with the exception of a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including any space where the floor to ceiling height is greater than or equal to 1.8m.

Structure means, any material or combination of materials that are constructed for use, occupancy or ornamentation whether installed on, above or below the surface of land, but excludes paving.

Subdivision and Development Appeal Board means the subdivision and development appeal board appointed by bylaw pursuant to Section 627 of the Act.

Yard means that part of a lot upon or over which no main building is erected.

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

- a lakefront lot, in which case the front yard is the area between the main building and the lake side property line, or
- a lot which uses a lane as its main access, in which case the front yard is the area between the main building and the property line adjacent to the lane.

Yard, Back or Rear means the yard extending across the full width of the lot from the rear wall of the main building situated on the property to the rear property line.

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

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

3. Establishment of Districts

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

R – Residential
P – Park and Reserve
C - Commercial
- 3.2 In case of doubt about the boundaries of a land use district, the decision of council, recorded as a resolution, shall govern.

4. Regulations

Schedules A (map of land use districts), B (general regulations), C (regulations for land use districts), D (Penalties and Fees) and E (Intermunicipal Referrals under the Pigeon Lake Management Plan) form part of and have the full force of this bylaw.

5. Development Authority

- 5.1 The office of the Development Authority is hereby established and shall be filled by a person or persons appointed by the resolution of Council. If no person is appointed, the Municipal Administrator shall act as Development Authority.
- 5.2 The Development Authority shall:
- 5.2.1 receive, consider and decide on applications for a development permit,
 - 5.2.2 ensure that development is carried out in accordance with a development permit,
 - 5.2.3 make available for inspection
 - a copy of this bylaw as amended, and
 - a list of all applications and the decisions rendered on them and the reasons for those decisions,
 - 5.2.4 ensure that copies of this bylaw can be purchased by the public at a reasonable cost,
 - 5.2.5 administer the appeal process, and
 - 5.2.6 perform such additional duties as may be established by this bylaw or by the direction of Council to enforce this bylaw in conformance with the Act,
 - 5.2.7 for the purpose of administering the provisions of this bylaw, the Chief Administrative Officer or her designate shall specify and prepare such forms and notices as may be necessary and expedient. Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.
- 5.3. For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the municipality.

6. Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by Bylaw 139 shall hear and decide on appeals against a decision (or lack of decision) of the Development Authority.

7. Control of Development

- 7.1 The amount of any fee required under this bylaw is set by resolution of Council.

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- 7.2 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.
- 7.3 No advertising, billboards, posters, or other advertising devices of any kind shall be erected or placed on any street, utility pole or municipal park except municipal notices required to be advertised by Statute.

8 Development Requiring a Development Permit

- 8.1 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. (Note the definition of Development as per Section 2)
- 8.2 For the purposes of this bylaw, the following list (includes but is not limited to) are examples of developments:
- 8.2.1 the demolition or removal of a building or structure (but no fee shall be charged for issuing the permit)
 - 8.2.2 posters, billboards and signs or other advertising devices of any kind
 - 8.2.3 accessory buildings placed on a movable base such as garden sheds, storage sheds, etc. (but no fee shall be charged for issuing the permit)
 - 8.2.4 an excavation for a private sewer system (*Note that the system itself is governed by provincial legislation*)
 - 8.2.5 fences, other than listed in Section 9
 - 8.2.6 sidewalks and concrete pads (but no fee shall be charged for issuing the permit)
 - 8.2.7 patios and decks
 - 8.2.8 outdoor swimming pools, hot tubs and showers
 - 8.2.9 retaining walls (Note: the use of creosote treated wood is not allowed)
 - 8.2.10 driveways and culverts
 - 8.2.11 a single recreational vehicle stored unoccupied on a lot (but no fee shall be charged for issuing the permit)
 - 8.2.12 a change to the shoreline of the lake (*Note: Permits are also required from Alberta Environment*)

9 Development Not Requiring a Development Permit

No development permit is required for:

- 9.1 work in a road or utility lot by a government or by a franchised utility company (Note that the Village office must be notified prior to work being commenced),
- 9.2 the completion and subsequent use of a building which was lawfully under construction at the date this bylaw comes into effect,
- 9.3 the continuation of a lawful use of building or land which was in effect at the date this Bylaw comes into effect (but any conditions attached to a development permit issued under the former bylaw continue to apply under this bylaw),
- 9.4 the maintenance or repair to any building, or structure provided that such work does not include structural alterations or major works of renovation (but note that a building permit may be required for alterations to plumbing, electrical, or heating systems),
- 9.5 gates, fences, walls or other means of enclosure less than 1.0 metre (3.28 feet) in height,
- 9.6 exterior steps,
- 9.7 a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building for which a development permit has been issued under this Bylaw,
- 9.8 the erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under provincial or federal legislation provided that such signs:
 - bear the name of the person responsible for the sign,
 - are removed within one day of the election date, and
 - do not obstruct or impair vision or traffic,
- 9.9 landscaping where the proposed grades will not adversely affect the subject or adjacent properties,
- 9.10 one sign on internal lots, or two signs on corner lots, advertising the land for sale or rent provided that such signs are a maximum of 1.0 square metre in size,

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- 9.11 name and address signs, and
 - 9.12 development exempted from this bylaw under sections 618 or 619 of the Act.

10 **Non-Conforming Buildings and Uses**

- 10.1 If a building or land use is not allowed for in this Bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming building or use pursuant to section 643 of the Act, and remains subject to any conditions imposed by a former development permit.
- 10.2 Pursuant to Section 643(5)(c) of the Act, the Development Authority is authorized to allow minor development in a nonconforming building.

11 **Applying for a Development Permit**

- 11.1 An application for a development permit shall be made to the Development Authority in writing on a standard form and shall be accompanied by:
 - 11.1.1 An accurate, scaled plan showing the location of all buildings, vehicle access and parking, utility lines, gas and electricity lines, wells, water lines, sewer lines, septic tanks;
 - 11.1.2 A site plan of the proposed development drawn to scale showing location of all buildings and the location of proposed parking and access, and the flow of surface drainage across the lot ensuring that surface runoff water does not discharge from the site to an adjacent property;
 - 11.1.3 Floor plans and elevations and sections, showing cross sections of foundations, including all height and horizontal dimensions; and where a building is proposed to have a floor below grade level, (1) a cross-section of the site showing present lake level, historic maximum lake level, and the elevations of floors, footings, and septic tank; and (ii) static water table levels at the proposed building site;
 - 11.1.4 In the case of a dwelling, a drawing or rendering of the finished building also showing photos of the buildings on adjacent lots;
 - 11.1.5 A statement of use;
 - 11.1.6 A statement of ownership of land and interest of the applicant therein;

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- 11.1.7 The estimated commencement and completion dates;
 - 11.1.8 The estimated cost of the project or contract price; and
 - 11.1.9 The required application fee.
- 11.2 The Development Authority may require additional information necessary to make a decision, including but not limited to a Real Property Report prepared by an Alberta Land Surveyor, and an application for a development permit is not complete until this additional information has been supplied.
- 11.3 The Development Authority shall consider and decide on all applications for a development permit.

12 Giving Notice to Neighbours

- 12.1 Before approving a development permit for a discretionary use of land, or where a provision of the bylaw is proposed to be relaxed or waived, the Development Authority shall give written notice of the proposed development to the immediate adjacent property owners and such other property owners, as she considers advisable. Notice shall be given to affected property owners or authorities, even if the properties are in another municipality.
- 12.2 After giving notice as required under the previous section, the Development Authority shall wait 14 days to receive the comments of those people who were notified.
- 12.3 In deciding on the application, the Development Authority shall consider all concerns reported to her.
- 12.4 Notice required by this Bylaw shall be mailed to the Owner of the affected property at the address in the tax roll and may also be given by posting the site.

13. Decision

The decision of the Development Authority on an application for a development permit shall be given in writing on a standard form and mailed or handed to the applicant and to any other person who has expressed an interest in the application.

- 13.1. In making a decision the Development Authority shall either
- 13.1.1. approve the application unconditionally, or
 - 13.1.2. impose conditions considered appropriate, permanently or for a limited period of time, or

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- 13.1.3. refuse the application.
- 13.2. When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 13.3. The Development Authority may require as a condition of issuing a development permit that the applicant enter into an agreement under section 650 of the Act to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, 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 Development Authority to reimburse the municipality for any damage caused to local improvements as a result of development, or to ensure that the development is completed in accordance with the development permit, and this agreement may be registered on the title of the property by means of a caveat.
- 13.4. Where an application for a development permit has been refused initially or on appeal, the Development Authority may, at her discretion, refuse to accept another application for a permit on the same property and for the same or similar use of land by the same or any other applicant for 6 months after the date of the previous refusal, unless the circumstances have changed substantially.
- 13.5. The Development Authority may require as a condition of issuing a Development Permit that the municipal address of the property be posted in a location visible from both directions for emergency purposes.
- 13.6. The Development Authority may decide to modify, suspend or cancel a development permit which apparently has:
- a. Been obtained by fraud or misrepresentation, or by failure to disclose pertinent information at the time of application, or
 - b. Been issued in error.
 - c. The applicant may apply to amend an existing development permit. At the discretion of the Development Officer, the fees may be waived if the change is minor and the amendment is received a short time after the issuance of the development permit.

If it appears to the Development Authority that a development permit has been obtained by misrepresentation, she may revoke the development permit, but the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a Stop Order under section 645 of the Act.

14. Compatibility with Neighbouring Development

- 14.1. The design, construction, and appearance of every building and structure shall be compatible with other buildings and structures in the municipality, and the Development Authority may require changes to a design or refuse a development permit if in her opinion a proposed development would be detrimental to the municipality, even if the proposed use is a permitted use under Schedule C.
- 14.2. If it appears to the Development Authority that a proposed dwelling may be occupied by more than one family, or may contain more than one set of living quarters, or is designed so that it may be converted into a multi-family dwelling, the Development Authority may refuse to issue a development permit, or may require changes to the proposed development before issuing a permit, and in making this judgement the Development Authority may consider among other things the number, size, and location of finished or roughed-in plumbing, stairways, furnaces and air ducts, furnace controls, firewalls, exterior and interior doors, patios, decks, balconies, driveways, and garages.

15. Relaxing and Varying the Bylaw

The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in her opinion,

- 15.1. the proposed development would not
 - 15.1.1. unduly interfere with the amenities of the neighbourhood,
or
 - 15.1.2. materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
- 15.2. the proposed development does not conflict with the use prescribed for the land or building of the bylaw,

but the Development Authority may only do this if the neighbours, having been informed by mail, do not object in writing within 14 days of the mailing.

Notes:

- See Bylaw Section 12 – Giving Notice to Neighbours.
- See also section 640 (6) of the *Act*.

16. When a Development Permit Comes into Effect

- 16.1. A development permit comes into effect immediately if all proposed development is for a permitted use and the bylaw was not relaxed or varied.

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- 16.2. Despite the preceding section, a development permit involving construction does not come into effect until the plans for the building have been approved by the person appointed by Council as Building Inspector and a building permit has been issued by that person.
 - 16.3. A development permit for a discretionary use, or in respect of which a provision of the bylaw has been relaxed or waived, does not come into force until 14 days after the date of its issue, and during this time any person claiming to be affected by the proposed development may appeal the decision of the Development Authority. Any development proceeded with by the applicant prior to the expiry of the 14 day period is done solely at the risk of the applicant.
 - 16.4. If an appeal is filled against a development permit, the permit is suspended until the appeal is heard or abandoned.

17. Giving Notice of a Decision

- 17.1. The decision of the Development Authority on an application for a development permit shall be in writing and shall be mailed or otherwise sent to the applicant at the address as it appears in the Tax Roll.
- 17.2. After approving a development permit for a discretionary use of land, or where a provision of the bylaw is relaxed or waived, the Development Authority shall give written notice of the proposed development to the owners of all immediate adjacent property owners and such other property owners as she considers advisable. Notice shall be given directly to affected property owners even if the properties are in another municipality.
- 17.3. The said notice shall indicate that any person affected by the issuance of the permit has the right to appeal, and shall state how an appeal may be launched.
- 17.4. The Development Authority may ask the applicant to provide a letter of understanding that documents the details of the application and the granting of a permit that is not otherwise documented.
- 17.5. When the Development Authority refuses to issue a development permit, the decision shall contain reasons for the refusal.

18. Failure to Make a Decision

- 18.1. An application for a development permit may, at the opinion of the applicant, be deemed to be refused when a decision is not issued by the Development Authority within 40 days, and the applicant may appeal as though the application had been refused.

19. Life of a Development Permit

- 19.1. If the development authorized by a development permit is not *commenced* within 6 months from the date of issue, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.

The exterior of the building shall be completed within twelve months of the date of issue of the development permit, unless an extension to this period has previously been granted by the Development Authority.

- 19.2. If the development authorized by a development permit is not *completed* within twelve months from the date of issue, or carried out with reasonable diligence, the development permit is deemed void, unless an extension to this period has previously been granted by the Development Authority.

- 19.3. Despite sections 19.1 and 19.2,

19.3.1. At the discretion of the Development Authority, a building may be constructed in stages over a period of time exceeding one year provided that the applicant submits a construction schedule as part of the application for a development permit.

19.3.2. In the event that construction of the building is not completed within the effective time period of the development permit the development shall be deemed to be in contravention of that development permit and the Land Use Bylaw whereby the Development Authority may;

19.3.2.1. issue another development permit with a specified expiry date subject to new information being submitted as to the timing and completion date of the project, or

19.3.2.2. invoke Sections 645 and 646 of the Act.

20. Appeals

- 20.1. Any person affected by an order, decision, or development permit made or issued by a development authority may upon paying the required fee, appeal to the subdivision and development appeal board.
- 20.2. Notice of Appeal shall be addressed to the Subdivision and Development Appeal Board, shall contain reasons for the appeal, and shall be served by mail or by delivery at the municipal office.

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- 20.3. In administering the appeal process, the Development Authority shall follow the procedure set out in Section 686 of the Act.

21. Decision of the Appeal Board

- 21.1. The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.
- 21.2. A decision by the Subdivision and Development Appeal Board is final and binding subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

22. Conditions of a Development Permit

- 22.1. If the proposed development is for a new building, a Real Property Report prepared by an Alberta Land Surveyor will be required, after the footing has been installed, but before any flooring or framing work has commenced, and in the case of a slab foundation, before concrete is poured, certifying that the building under construction meets the yard and setback requirements of the Land Use Bylaw and the Alberta Building Code.
- 22.2. A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- 22.3. The applicant shall be financially responsible during construction for any damage by the applicant, his servants, suppliers, agents or contractors to any public property. The applicant shall repair, reinstate or pay for the repair or reinstatement to original condition of any street, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility.
- 22.4. The applicant shall prevent soil or debris from being spilled on public streets, lanes, and sidewalks and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- 22.5. Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village as a result of neglect to public property may be collected from the applicant.
- 22.6. The applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

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- 22.7. The applicant is responsible for ascertaining that the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings, where applicable, is high enough to ensure a gravity flow connection to the design or existing sewer elevations at the property line. In the event that gravity sewer flow is not possible or desirable, the applicant is responsible for installing a pump to discharge sewage in accordance with the Alberta Building Code and Plumbing Regulations.

23. Contravention of this Bylaw

- 23.1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with the Act, or regulations there under, or a development permit or a subdivision approval, or this bylaw, she may proceed to issue a Stop Order in accordance with the Act, or otherwise proceed under sections 645 and 646 of the Act.
- 23.2. The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 23.3. A violation tag may be issued to such person
- 23.3.1. either personally; or
- 23.3.2. by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.
- 23.4. The violation tag shall be in a form approved by the municipal administrator and shall state:
- 23.4.1. the name of the person,
- 23.4.2. the offence,
- 23.4.3. the appropriate penalty for the offence as set out by resolution of Council from time to time and listed at Schedule D attached,
- 23.4.4. that the penalty shall be paid within 30 days of the issuance of the violation tag, and
- 23.4.5. any other information as may be required by the municipality.
- 23.5. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the Development Authority,

provided however that no more than one violation tag shall be issued for each day that the contravention continues.

- 23.6. Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the violation tag.
- 23.7. Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.
- 23.8. In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, then the Development Authority is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, 1988 ch.P-21.5, as amended or repealed and replaced from time to time.
- 23.9. Notwithstanding section 23.8 of this bylaw, the Development Authority is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Development Authority has reasonable grounds to believe has contravened any provision of this bylaw.
- 23.10. Penalties and Fees set out in Schedule “D” may be amended from time to time by a resolution of Council.

24. Amending the Bylaw

- 24.1. A person may apply to have this Bylaw amended, by applying in writing, giving reasons in support of the application, and paying the requisite fee.
- 24.2. Council may at any time initiate amendment to this Bylaw.
- 24.3. An application to change the districting of any land may be initiated only by the owner of that land, or by Council.
- 24.4. The application process is covered under Section 692 of the Act.

25. Fees and Forms

- 25.1. The amount of any fee required under this Bylaw shall be set by resolution of Council and amended from time to time by resolution of Council.
- 25.2. Any form, map or drawing required to administer this Bylaw may be adopted by Council by resolution and amended from time to time by resolution of Council.

25.3. Penalties and Fees set out in Schedule “D” may be amended from time to time by a resolution of Council.

26. Repeal of Pre-Existing Bylaws

26.1. Bylaw 142, 142-1 and all previous land use bylaws, zoning bylaws, and development control bylaws are repealed.

27. Continuity of Development Permits

27.1. A condition attached to a development permit issued under a previous bylaw continues under this bylaw.

28. Relationship of this Bylaw to the Pigeon Lake Management Plan

28.1. Any decision made under this bylaw must be compatible with the 2000 Pigeon Lake Management Plan, and if a proposal falls within the scope of Schedule E, the Development Authority shall refer it to other municipalities as set out in that Schedule.

29. Protection of Agricultural Operations

29.1. Pursuant to section 639.1 of the Act, the municipality will consider the protection of agricultural operations when administering this bylaw.

29.2. Pursuant to section 640(2)(e) of the Act, the municipality will notify its ratepayers of any agricultural operation which exists or may start within half a mile of the municipal boundary, and the method of notification shall be established by resolution of council.

30. Requirements of Other Authorities

30.1. Nothing in this Bylaw removes the obligation of a person to obtain other permits, licenses or approvals required by other legislation

30.2. A development authorized under this bylaw is subject to provincial and federal law, other bylaws, statutory plans, intermunicipal agreements and any easements, caveats, covenants and other encumbrances on the title of the land in question

31. Date of Commencement

This bylaw comes into effect upon the date of third reading.

Schedules A, B, C, D and E are deemed to be part of this Bylaw.

32. Severability

Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this

Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

READ a first time this 6th day of October, 2005.

READ a second time this 30th day of November, 2005.

READ a third time and finally passed this 23rd day of February, 2006.

N. Roger MacEachern, Mayor
Summer Village of Crystal Springs

Bev Schneider, Administrator
Summer Village of Crystal Springs

Schedule A: Land Use Districts

Map of the Village showing land use districts.

Any land that is subsequently annexed may be zoned as determined by Council at that time.

Schedule B: General Regulations**1. Lot Dimensions and Areas**

- 1.1. A lot which is smaller than required by Schedule C of this bylaw, but to which a separate title was registered at the Land Titles Office on the date this bylaw comes into effect, is nevertheless a conforming lot.
- 1.2. Lot size requirements do not apply to utility lots or public parks.
- 1.3. Despite Schedule C, the boundary between two existing lots may be adjusted to accommodate buildings on the site, and the resulting lots are conforming lots under this bylaw.
- 1.4. Schedule C shall not prevent:
 - 1.4.1. the adjustment of a property line where no additional lots are created, or
 - 1.4.2. the re-subdivision of a lot formed by the consolidation of two previously existing lots, but in this case the setbacks for all the existing buildings on these lots must conform to the current bylaw.

2. Moved-in Buildings

- 2.1. A person wishing to move an existing building on to a lot shall make an application for a development permit in the normal way, state the present location of the building, and provide photographs showing each side and the general condition of the building.
- 2.2. The Development Authority may, at her discretion, inspect the building, or cause it to be inspected by another person, and determine the suitability of the building for the proposed use.
- 2.3. The Development Authority may, at her discretion, require that the building be improved to meet the requirements of this bylaw and the Alberta Building Code.
- 2.4. If the work required under section 2.3 or 2.4 is to be done after the building is to be moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work. The bond shall be released when the work is satisfactorily completed, but shall otherwise be forfeit.
- 2.5. Any travel or other costs incurred by the Development Authority in processing an application for a development permit for a moved-in building shall be added to the fee for the development permit.

3. **Site drainage**

- 3.1. No land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued for the work.
- 3.2. Land shall be graded so that excess water flows into the lake, a soakaway, or a street or lane. Water shall not be diverted to flow from one property on to a neighbouring property unless a drainage scheme is agreed in writing between the two property owners and the municipality.
- 3.3. A private driveway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the roadside ditch, a culvert shall be installed to the specifications of the municipality.
- 3.4. A development application for a new building shall include a grading plan.
- 3.5. Any culvert that carries water from offsite shall have a diameter of at least 300mm (12 inches).

4. **Sanitation**

- 4.1. Arrangements for the disposal of sewage shall meet the standards of the *Regional Health Authority*, Regulations pursuant to the Safety Codes Act and municipal legislation.
- 4.2. Where a municipal piped sewage system is not available, all dwellings shall be served by a holding tank. Sewage from the holding tank shall be disposed of at a location approved by the *Regional Health Authority* and provincial legislation. When a municipal sewage system becomes available, all properties within the municipality shall be required to connect to the municipal system
- 4.3. All existing systems shall be inspected by December 31, 2008. An inspection report for each system in the Summer Village will be issued to property owners and the municipal office.
- 4.4. Effective January 1, 2009, all sewage produced within the Summer Village must be contained in holding tanks and disposed of in a location approved by the *Regional Health Authority* and provincial legislation.
- 4.5. Sewage as defined in the Alberta Private Sewage Systems Standard of Practice 1999 and its successors shall not be pumped out or discharged on or under the surface of any grounds, on any lot or on any part of the municipality.

Liquid waste from outdoor showers, hot tubs and swimming pools must be discharged into a holding tank and disposed of in a location approved by the *Regional Health Authority* and provincial legislation.

4.6. A new privy or earth closet permitted within the municipality shall be constructed in a manner that sewage is collected in a sealed tank that can be pumped out for disposal off-site.

All existing outhouses shall have an internal liner or container capable of being pumped out by December 31st, 2008.

4.7. The CAO or the Development Authority may refuse to issue a Compliance Certificate for any property if the sewage disposal system does not conform to clauses 4.1 to 4.6.

5. **Fences**

5.1. No gates, fences, walls or other means of enclosure shall be constructed higher than 1.0 metres (3 feet) above grade in front yards, or higher than 1.8 metres elsewhere, as shown on Figure 1.

5.2. No electric fence shall be constructed within the municipality.

5.3. No barbed wire fence shall be constructed and existing barbed wire fences shall be removed prior to December 31st, 2007.

5.4. No fence shall be constructed across the lakefront area of a lot.

5.5. All other fences require a Development Permit as per Section 8. Where the Alberta Building Code or other provincial legislation conflicts with sections 5.1 and 5.2, those sections may be waived or relaxed by the Development Authority.

6. **Pollution Control**

6.1. No storage or activity may be undertaken which, in the opinion of the Development Authority constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, dust and other particulate matter, heat, humidity, glare, smoke, waste matter, toxic and noxious matter, traffic, water or steam.

7. **Objectionable Objects in Yards**

Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

7.1. Garbage shall be stored in weather proof and animal proof containers shall be in a location easily accessible for pickup.

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

7.2.1. any dismantled or wrecked or unlicensed vehicles for more than fourteen successive days, or

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- 7.2.2. any vehicle weighing in excess of 4500 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle, or
 - 7.2.3. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district, or
 - 7.2.4. any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work, or
 - 7.2.5. construction or demolition materials not being used specifically for the permitted construction or repairs of the buildings on the property.

8. Dangers or Unsightly Property

The Development Authority will follow Sections 545 and 546 of the MGA in dealing with Dangers or Unsightly Property as defined by Section 546(0.1) of the MGA. Where it appears to the Development Authority that a property is dangerous or unsightly, she is to take action under section 546 of the Act.

9. Corner Lots

Where a lot is at the corner of two streets, the Development Authority

- 9.2. may rule which side of the lot is the front for the purposes of building setbacks and use of yards, or
- 9.3. may apply front yard rules to any side of the lot that abuts a street.

Schedule C: District Regulations**1. Regulations for the Residential District****1.1 Permitted Uses**

The following uses are permitted in the Residential District:

- 1.1.1 new single detached dwelling limited to one per lot, but not mobile homes or recreational vehicles,
- 1.1.2 fences and walls as per Section 5,
- 1.1.3 works and buildings owned and operated by a public utility,
- 1.1.4 accessory buildings to the above uses,
- 1.1.5 outdoor hot tubs,
- 1.1.6 decks and patios.

Note: even permitted uses are subject to the design guidelines in section 14 of the Bylaw, under which the Development Authority may require changes to a proposed development if, in her opinion, it is not compatible with nearby buildings, or unreasonably infringes on the privacy of adjacent landowners.

1.2 Discretionary Uses

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

- 1.2.1 moved-in buildings (See Schedule “B”, Section 2),
- 1.2.2 home businesses that, in the opinion of the Development Authority, are compatible with the residential purpose of the neighbourhood. (See Bylaw Section 3 “Definitions”),
- 1.2.3 gates, fences, walls, and other means of enclosure higher than 1.0 metres (3.28 feet) Note: Fences under that height do not need a development permit. Under Schedule “B”, fences are not allowed across the lakefront of a lot,
- 1.2.4 unattended public utility structures serving the immediate neighbourhood,
- 1.2.5 municipal operations,
- 1.2.6 buildings accessory to the above uses,
- 1.2.7 frames made of any materials covered with plastic, vinyl or cloth type materials, used to enclose the frame on all sides including the roof which

would resemble a garage or storage building. (See Bylaw Section 12 “Giving Notice to Neighbours”),

1.2.8 outdoor swimming pools and showers,

1.2.9 the use or storage of recreational vehicles as set out in section 1.9 below.

1.3 Attached Garages

No garage attached to the main dwelling shall have a floor area greater than 50% of the floor area of the main dwelling.

1.5 Height of Buildings

1.5.1 Main buildings:

No main building shall exceed 9 metres (30 feet) above ground in height, measured from grade to the peak of the roof.

1.5.2 Accessory buildings: No accessory building shall exceed *one storey and* 4.5 metres (14.7 feet) in height above ground, measured from grade to the peak of the roof.

1.6 Density of Residential Development

1.6.1 No more than one dwelling shall be placed on a lot.

1.6.2 The combined ground coverage of all buildings on a lot shall not exceed 40% of the area of the lot interpreted as follows:

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

1.6.2.2 Despite the definition of building in the Act, patios, parking pads, and other hard surfaces at ground level are not included in the calculation of building area.

1.7 Yards and Setbacks

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

1.7.1.1 Front: 6 metres (20 feet)

1.7.1.2 Side: 1.83 metres (6 feet)

1.7.1.3 Rear: 6 metres (20 feet)

1.7.2 Accessory buildings shall be set back the following distances from all property lines:

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- 1.7.2.1 Front: 1.0 metre (3.28 feet) from the lakeside lot line. No accessory buildings other than boathouses shall be located in a front yard.
 - 1.7.2.2 Side: 1.0 metres (3.28 feet)
 - 1.7.2.3 Rear: 1.0 metres (3.28 feet), except that where the vehicle doors of a garage face a road or lane abutting the lot, the garage shall be no closer than 6 metres (20 feet) to the road or lane.
 - 1.7.3 All buildings shall be separated by a clear space of at least 3 metres (9.84 feet).
 - 1.7.4 Yard and setback requirements apply to decks, but not to steps or patios.
 - 1.7.5 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the building footings shall not intrude more than 0.5 metres (20 inches) into the side yards required by section 1.7.1.
 - 1.7.6 The heat exchange unit and exhaust fan of a built-in air conditioner shall not be located in a side yard.

1.8 Accessory Buildings

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

- 1.8.1 all required yards and setbacks are maintained, as shown in figure 1 attached.
- 1.8.2 the combined ground coverage of all accessory buildings on the lot does not exceed 100 square metres (1075 sq ft.) on a standard size lot (less than 15,000 sq. ft.), and 150 square metres (1,613 sq. ft.) on a large lot (over 15,000 sq. ft.)
- 1.8.3 the combined ground coverage of all buildings on the lot conforms with the maximum set out in section 1.6.2.
- 1.8.4 all accessory buildings shall be built in the rear yard, and within the rear half of the parcel, except that, on lake front parcels, boathouses may be built in the front yard, and on back parcels, garages may be built in the front yard.
- 1.8.5 every building shall be separated by a clear span of at least 3 metres (9.84 feet) from every other building on that parcel.

1.9 Recreational Vehicles

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- 1.9.1 No recreational vehicle shall be occupied, stored, parked or otherwise located on any lot of land within the boundaries of the municipality at any time.
- 1.9.2 Notwithstanding section 1.9.1, recreational vehicles located on a lot within the boundaries of the municipality on the date that this bylaw was passed and which have been so located for a period of two months immediately prior to the date that this bylaw was passed, and which are being used as a dwelling or guest house, the owner or occupant shall have until December 31, 2009 to vacate or cease using the recreational vehicle as a dwelling or guest house but only as long as a development permit for that recreational vehicle is applied for by the owner or occupant prior to April 30, 2006 with the following requirements:
- i. a detailed description of the system for sewage and waste water disposal presently in place is submitted and approved by the development authority.

In the case of recreational vehicles being used as a dwelling or guest house prior to annexation into the summer village, the recreational vehicle shall be treated as if constituting a non-conforming use pursuant to the MGA, but only so long as a development permit for that recreational vehicle is applied for by the owner or occupant of the property prior to April 30, 2006 subject to the following conditions;

- i. the permit issued to the owner prior to annexation confirming approval for the discretionary use of the recreational vehicle is submitted to the development authority, and
- ii. a detailed description of the system for sewage and waste water disposal presently in place is submitted and approved by the development authority.

If a permit is not provided confirming the discretionary use is legally “grandfathered”, the owner or occupant shall have until December 31, 2009 to vacate or cease using the recreational vehicle as a dwelling or guesthouse.

- 1.9.3 Despite 1.9.1, a single recreational vehicle may be parked and occupied on a lot and used as the principal dwelling while a permanent dwelling, for which a development permit has been issued, is under construction. Upon completion of the construction of the primary dwelling, the owner of the lot shall have 30 days to vacate the recreational vehicle. A recreational vehicle located on a lot pursuant to section 1.9.3 shall have a system for sewage disposal in place before the development officer will approve the development permit.

- 1.9.4 Despite 1.9.1, recreational vehicles belonging to visitors of property owners may be parked and occupied on private property as a temporary dwelling for up to fourteen (14) days, providing arrangements are made for sewage disposal.
- 1.9.5 Despite 1.9.1, a single recreational vehicle may be stored, unoccupied, on a lot provided that the owner of the lot has obtained a temporary development permit that will continue from year to year. Any such recreational vehicle stored will be stored under the regulations of yards and setbacks (1.7). (No fee shall be charged for issuing the permit.)

1.10 Screening and Privacy

If a deck in the opinion of the Development Authority is likely to overlook an adjacent lot, or otherwise infringe on the privacy of neighbours, she may require that it be screened.

1.11 Minimum Lot Sizes

Every lot shall have a width of at least 30 metres (99 feet), and an area of at least 1850 square metres (19,910 sq feet).

2 Regulations for Park and Reserve District

2.1 Permitted Uses

- 2.1.1 Public parks and recreation areas with any necessary buildings.
- 2.1.2 Public utility buildings and operations serving the immediate neighborhood.

2.2 Yards and Setbacks As for Residential District

2.3 Sanitation As for Residential District

2.4 Storage

- 2.4.1 No private watercraft, recreational vehicles, trailers or other equipment shall be **stored** on municipal property or the adjacent road allowances for a period of more than 72 hours. (Does not apply to areas posted as no parking zones)

3 Regulations for the Commercial District

3.1 Permitted Uses

3.1.1 (a) Retail stores

Note: even permitted uses are subject to the design guidelines proposed in section 14 of the Bylaw.

3.2 Discretionary Uses

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

3.3 Site Areas, Yards, Sanitation, Moved-in Buildings

Regulations as for Residential District.

3.4 Accessory Buildings

All necessary accessory buildings may be built on a Commercial parcel provided that:

3.4.1 all necessary yards and setbacks are maintained,

3.4.2 the total floor area of all buildings on site does not exceed 50% of the area of the parcel, and

3.4.3 all buildings are separated by a clear space of at least 3 metres (10 feet).

3.5 Parking

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

Schedule “D” to Bylaw No. 176 – Summer Village of Crystal Springs

Penalties and Fees

1. Any person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 and in default of payment to imprisonment for not more than 30 days.
2. In lieu of being proceeded against by prosecution for a breach of this by-law, a person may pay to the Municipal Administrator the sums identified on the violation tag in accordance with the schedule below:

Offense	Section	
Fine		
1. Failure to obtain a development permit.	Bylaw Sect. 7	\$250.00
2. Failure to adhere to the requirements of the development permit.	Bylaw Sect. 23	\$500.00
3. Failure to adhere to the site drainage requirements	Sched. B, Sect. 3	\$250.00
4. Failure to adhere to the sanitation requirements	Sched. B, Sect. 4	\$250.00
5. Failure to adhere to pollution control requirements	Sched. B, Sect. 6	\$250.00
6. Failure to adhere to yard storage requirements	Sched.B,Sect.7	\$250.00
7. Failure to adhere to park/reserve storage requirement	Sched.C Sect. 2	\$250.00
8. Failure to adhere to garbage requirement	Sched.B Sect.7	\$100.00
9. Failure to obtain a recreational vehicle permit	Sched.C,Sect.1.9	\$250.00
10. Failure to adhere to other Bylaw requirements		\$250.00

Fees

1. Appeal to Subdivision and Development Appeal Board	Section 20.1	\$250.00
2. Amending the Land Use Bylaw	Section 24.1	\$250.00
3. Purchase hard copy of Land Use Bylaw	Section 5.2.4	N/C

Schedule E - Intermunicipal Referrals under the Pigeon Lake Management Plan

The municipalities in the Pigeon Lake drainage basin have agreed as follows:

A municipality which receives a request for redistricting (rezoning), subdivision approval, development permit, or approval of an area structure plan within the management plan area (see attached map) will refer the proposal to other municipalities in the following cases, and will wait a reasonable length of time to receive their concerns before making a decision. The management plan suggests three weeks, but more time may be needed depending on the timing of council meetings.

Recreational Developments

If a municipality receives a proposal to create:

- any number of lots* on previously unsubdivided lakeshore;
- six or more adjacent lots * anywhere in the drainage basin; or
- a commercial recreation development such as a golf course, RV park, riding establishment, motocross operation, then
 - a village will refer the proposal to all municipalities with whom they share a boundary and
 - the county will refer the proposal to all municipalities within one mile of the subject land.

(* lots include condo units)

Other Developments

If a municipality receives a proposal for the following they will refer the proposal to all municipalities in the drainage basin.

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

Optional Referrals

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

Who is Responsible?

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