

SUMMER VILLAGE OF WAIPAROUS LAND USE BY-LAW 53-97

Office Consolidation to October 17, 2000

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BY-LAW NO. 53-97

BEING THE LAND USE BY-LAW OF THE SUMMER VILLAGE OF WAIPAROUS, ALBERTA

Pursuant to the Municipal Government Act, R.S.A., 1994, M-26.1, the Council of the Summer Village of Waiparous in the Province of Alberta, duly assembled, hereby enacts as follows:

PART ONE - GENERAL

1. Purpose

- (1) The purpose of this By-law, is to prohibit or 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,
 - (a) divide the municipality into districts;
 - (b) prescribe and regulate for each district the purposes for which land and buildings may be used;
 - (c) establish the office of Development Officer;
 - (d) establish a method of making decisions on applications for development permits including the issuing of development permits; and
 - (e) prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit.
- (2) Furthermore, the Land Use By-law recognizes the existing development patterns in the Village and considers them to conform with the requirements of the By-law. The purpose of this Land Use By-law is to guide and direct development activities that occur after the adoption of this By-law, in accordance with the standards established herein.

2. Interpretation

- (1) In this By-law

Act means the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994, and amendments thereto;

accessory building means a building separate and subordinate to the principal building, the use of which is incidental to the principal building and which is located on the same parcel of land but shall not include ancillary living accommodations or swimming pools;

accessory use means a use of land customarily incidental and subordinate to the main use and is located on the same parcel of land with such main use;

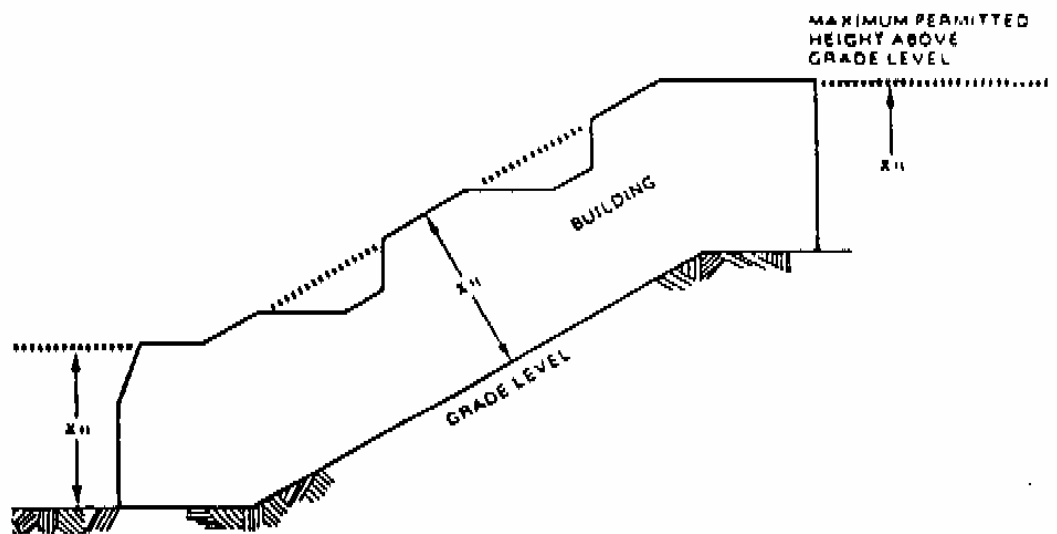
adjacent means those lands that are neighbouring and in close proximity, as determined by the Approving Authority;

ancillary living accommodations means a building which is not a dwelling unit and which is used exclusively for sleeping accommodation additional to that contained in the dwelling unit;

antenna structures (public or private) means structures used for the purpose of transmitting, relaying, or receiving television, radio, microwave, and other similar signals;

Approving Authority means the Development Officer as the context provides, and in the case of subdivision applications, the Council of the Summer Village of Waiparous;

building height means the distance measured perpendicularly to the finished grade level between any point on the finished grade level of the approved grade plan or existing finished grade adjoining all exterior walls and the highest point of a building excluding a ventilating fan, a sky light, a steeple, a chimney, a smoke stack, an exterior fire wall, a parapet wall, a flag pole, antenna or similar device not structurally essential to the building;



Council means the Council of the Summer Village of Waiparous;

discretionary use means the use of land or a building provided for in this By-law for which a development permit may be issued, subject to the provisions of this By-law, upon an application having been made;

dog kennel means the harbouring and caring of three (3) or more dogs on a site for a period in excess of five (5) days in duration excepting puppies under the age of nine (9) weeks which are the offspring of a bitch that normally resides on the site and is owned by the landowner or occupant of the property.

dwelling unit means any building or structure used for human habitation, whether on a permanent or seasonal basis, but does not include ancillary living accommodations;

Forestry Trail means the main thru-road in the Village as identified on the Land Use Map and for purposes of this By-law is considered to be a local residential collector roadway.

front yard means the yard which extends in width between the side boundaries of a site and in depth from the front boundary of the site to the front yard setback as prescribed in the District and is determined by the majority of sites fronting on a street;

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

ground floor area means the outside dimensions of a building excluding decks, balconies, eaves, fireplaces, sills, canopies and cornice;

habitable floor area means any finished floor area intended primarily for human occupancy and meets the Safety Codes Act and the regulations thereunder and for the avoidance of doubt, includes a kitchen, bathroom, hallways, stairways, and closets;

home occupation means,

- i product or service distribution comprising the sale of small wares or the rendering of services to customers where no general retail sales operation occurs, customer pick up of goods is restricted to appointment only, a maximum of one (1) customer at one time, does not generate traffic that exceeds normal residential traffic patterns and
- ii where no classes, seminars or sales promotion events that involve more than four (4) persons at any time are conducted on the site and
- iii in no way includes Bed and Breakfast operations.

manufactured home means a structure, whether ordinarily equipped with wheels or not, that:

- (i) is constructed or manufactured to be moved from one point to another, and
- (ii) is constructed or manufactured for occupation by one or more persons, and provides, or is capable of providing therein, sleeping, eating, food preparation and sanitary facilities, or any of them for one or more persons;

Municipality means the Summer Village of Waiparous;

permitted use means the use of land or a building provided for in a land use by-law for which a development permit shall be issued, when it meets the applicable provisions of this By-law;

principal building means a building, which in the opinion of the Development Officer:

- (i) occupies the major or the central portion of a site, or
- (ii) is the chief or the main building among the buildings on the site, or
- (iii) constitutes by reason of its use the primary purpose for which the site is used;

principal use means the use of a site or of a building which in the opinion of the Development Officer constitutes the primary purpose for which the site is used;

public or quasi-public utility installations and facilities means buildings, facilities and installations owned or operated by or for the Municipality, the Provincial Government, the Federal Government, or a corporation under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the Municipality;

rear yard means the yard which extends in width between the rear boundary of the site and the rear yard setback as prescribed for the District;

satellite dish antenna means a parabolic antenna communication structure used for the reception of satellite transmitted television or radio waves;

side yard means the yard which extends between the side boundary of a site and the side yard setback as prescribed in the District;

single detached dwelling means a building which contains only one dwelling unit but does not include a mobile home;

site means a parcel of land or lot the meets and bounds of which or the lot, block and plan of which is described in a certificate of title

site area means the total horizontal area of a site;

site, corner means a site when the front and a side property line abut one or more street(s); (see "sites illustrated");

site, depth of means the mean horizontal distance between the front and the rear boundaries of the site; (see "sites illustrated");

site, interior means a site which is bounded by one street; (see "sites illustrated");

site, key means an interior site lying immediately to the rear of a reversed corner site or corner site; (see "sites illustrated");

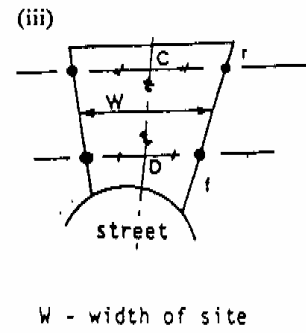
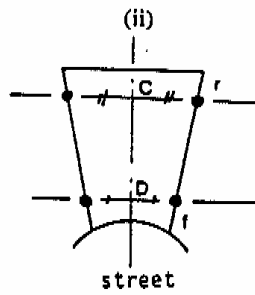
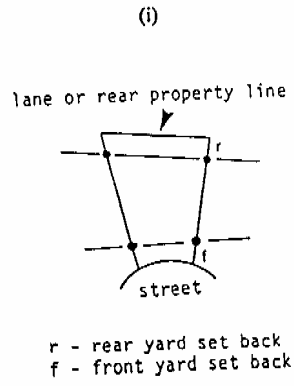
site plan means a plan drawn to scale showing the boundaries of the site, the location of all existing and proposed buildings and treed areas upon that site, and the use or the intended use of the portions of the site on which no buildings are situated, and showing fencing, screening, grassed areas, and existing treed areas;

site, reversed corner means a corner site, the rear of which abuts the side of the site immediately to its rear, with or without a lane or an alley intervening; (see "sites illustrated");

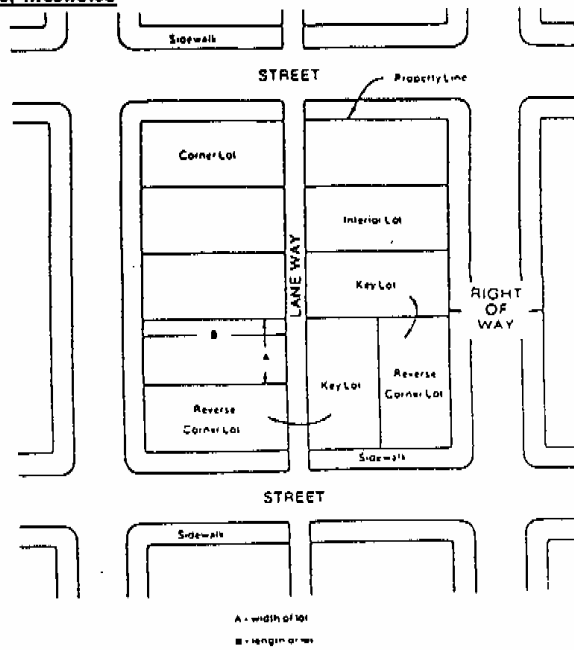
site, width of means the horizontal distance between the side property boundaries determined by:

- (i) producing a straight line through the front and rear setback points on the side property lines;
- (ii) producing a line (CD) through the midpoints of the lines established in (i);

- (iii) measuring the distance between the side property boundaries on a straight line through the midpoint of a line (CD) and parallel to the front setback line established in (i);



sites, illustrated



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; if there is no floor above it, the portion between the top of the floor and the ceiling above it. If the top of the floor directly above a basement is more than one-half the height of the basement above grade, such basement shall be considered a storey for the purpose of this by-law;

yard means a part of a site that is governed by a series of building setbacks as outlined in this By-law.

In this By-law words used in the singular include the plural, and words using the masculine gender include the feminine gender. For definition of words used in this By-law that are not included in this Part, reference should be made to the Act and if no definition is found in the Act reference should be made to Websters Third New International Dictionary for the definition of terms used herein.

3. **Establishment of Land Use Districts**

- (1) For the purpose of this By-law the Summer Village is divided into the following districts:

Residential Single Detached District (R-1)
Community Reserve and Recreation District (CRR)

- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map in Schedule A attached hereto.

4. **Establishment of Land Use District Regulations**

- (1) Land Use District Regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto, hereby adopted by reference to be part of this By-law, and may be amended in the same manner as any other part of this By-law.

5. **Distances**

- (1) Where in this By-law measurements and distances are given in both metric and imperial measure, the metric measurement shall govern and the imperial measurement is given purely for convenience as an approximate conversion.

PART TWO - AGENCIES

6. Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons appointed from time to time by resolution of Council. If no person is so appointed, the office shall be filled by the Municipal Administrator.
- (2) The Development Officer shall perform such duties as are specified in PART THREE of this By-law.
- (3) The Development Officer shall keep and maintain for the inspection of the public during reasonable hours a copy of this By-law and all amendments thereto, and a register of all applications for development, including the decisions thereon and the reasons therefor.
- (4) For the purposes of Section 645 of the Act, the Development Officer is hereby declared to be an authorized person by Council.

7. Subdivision and Development Appeal Board

- (1) The Subdivision and Development Appeal Board is authorized to perform such duties as specified in the Subdivision and Development Appeal Board By-law.

PART THREE - DEVELOPMENT PERMITS:
Rules and Procedures for Issuance and Appeal

8. Control of Development

- (1) No development other than that specified in Section 9 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued. All development must be performed in accordance with the terms and conditions of a development permit issued pursuant to this By-law. The issuance of a development permit does not preclude the requirement for a building permit issued pursuant to the Safety Codes Act.

9. Development Not Requiring a Development Permit

- (2) The following development shall not require a development permit providing all other provisions of this by-law are met:
- (a) The carrying out of works of maintenance or repair to any building, services and utilities (including water wells, power lines, sanitation facilities), private walkways, pathways, driveways and decks less than 305 mm (1 ft.) above the finished ground elevation provided that such works do not include structural alterations to the principal dwelling or major works of renovation that will result in a change in the lot grade.
 - (b) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by Section 606 of the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it, and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the official notice.
 - (c) The use of any such buildings as is referred to in subsection (2) for the purpose for which construction was commenced.
 - (d) The erection or construction of gates, fences, walls or other means of enclosure less than 1 metre (3.3 feet) in height on that portion of a site adjacent to the Forestry Trail and 1.5 metres (4.9 feet) in height elsewhere, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure.
 - (e) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this By-law, but Council shall require written confirmation of when the temporary facility is to be removed.
 - (f) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
 - (g) The construction of an accessory building having an area of less than 9.5 m² (102.3 square feet);

- (h) Satellite Dishes with a diameter of 92 cm (3 ft) or less; and
- (i) Home Occupations.

10.

Permission for Development

- (1) An application for a development permit shall be made to the Development Officer in writing in the form of Appendix "A" attached hereto and shall be accompanied by:
 - (a) a site plan in duplicate showing the legal description and the front, rear and side yards, and any provision for off-street loading and vehicle parking and access and egress points to the site;
 - (b) a schematic of the existing vegetation on the site that will be altered as a result of the development, and any proposed changes to the landscape.
 - (c) floor plans and elevations and sections in duplicate, showing cross-section of foundation;
 - (d) a statement of use;
 - (e) a statement of ownership of land and interest of the applicant therein;
 - (f) the estimated commencement and completion dates;
 - (g) the estimated cost of the project or contract price.
- (2) The Development Officer shall receive, consider and decide on all applications for a development permit.
- (3) A copy of every application for a Development Permit, where the site of the proposed development is in whole or in part within 300 metres of a controlled highway within the meaning of the Public Highways Development Act, shall be circulated by the Development Officer or double registered mail to Alberta Transportation and Utilities for comment. No permit shall be issued by the Development Officer on an application that has been circulated to Alberta Transportation and Utilities until 14 days after the date when Alberta Transportation and Utilities has received the registered mail, or until the Development Officer has received the comment of Alberta Transportation and Utilities, whichever is the earlier.
- (4) In making a decision the Development Officer may approve the application unconditionally, or impose conditions considered appropriate, permanently or for a limited period of time, or refuse the application.
- (5) Where Alberta Transportation and Utilities requires that the applicant obtain a permit from Alberta Transportation and Utilities for the proposed development, or requests a condition or conditions for the approval of the proposed development, the requirement for the permit and the requested condition or conditions, if any, shall be imposed by the Development Officer as a condition or conditions of the approval of the application.
- (6) Council may require as a condition of issuing a development permit, that the applicant enter into an agreement in writing with the municipality in form and

containing terms satisfactory to the Council 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 by-law.

- (7) In the case where an application for a development permit has been refused after appeal, the submission of another application for a permit on the same property and for the same or similar use of land by the same or any other applicant may, at the discretion of the Development Officer not be accepted by the Development Officer for at least six months after the date of a refusal.
- (8) In the case where a proposed specific use of land or a building is not provided for in any district in the by-law, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Schedule B.
- (9) The Development Officer may not approve an application for a development permit where the proposed development does not comply with this By-law.
- (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application in its completed form by the Development Officer and the person claiming to be affected may appeal in writing as provided for in this PART of the By-law as though he had received a refusal at the end of the 40 day period specified in this subsection.

11.

Development Permits and Notices

- (1) A development permit issued pursuant to this By-law is not a Building Permit and, notwithstanding that plans and specifications for buildings may have been submitted as part of an application for a development permit, work or construction shall neither commence nor proceed until a Building Permit has been issued pursuant to applicable legislation, orders, regulations and municipal by-laws.
- (2) When an application for a development permit for a Permitted Use is approved, with or without conditions, the Notice of Decision shall be mailed to the applicant and the Development Officer shall immediately take the necessary steps to ensure that a notice of the decision is conspicuously posted on the site for which the application has been made and such other location within the Village that the Development Officer, at his discretion, deems advisable.
- (3) When an application for a development permit for a Discretionary Use is approved, with or without conditions, the Notice of Decision shall be mailed to the applicant and the Development Officer shall immediately take the necessary steps to ensure that a notice of the decision is conspicuously posted on the site for which the application has been made and such other location within the Village that the Development Officer, at his discretion, deems advisable.
- (4) When an application for a development permit is refused, the Notice of Decision shall be mailed to the applicant.
- (5) For purposes of this By-law, the Notice of Decision of the Development Officer on an application for an approved development permit is deemed to have been given five days following the date when Notice of the Decision is mailed to the applicant.

A development permit shall not be issued until fourteen (14) days after the Notice of Decision has been given pursuant to subsections 11(2) and 11(3) above. The Notice of Decision shall contain a plot plan illustrating the proposed development relative to the site along with a brief description of the development and any other information the Development Officer considers relevant.

- (6) When an appeal is made pursuant to Section 13, a development permit which has been approved by the Development Officer shall not be issued unless and until the approval has been sustained by the Subdivision and Development Appeal Board.
- (7) An application for a development permit shall, at the option of an applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer and the applicant may appeal such deemed refusal to the Subdivision and Development Appeal Board.
- (8) If the development authorized by a permit is not commenced within six months from the date of its issue, the permit shall expire, unless an extension to this period is granted in writing by the Approving Authority prior to the expiry. The outer shell of a building for which a development permit has been issued shall be completed within 12 months of the date of issue of the development permit, unless an extension to this period is granted in writing by the Approving Authority prior to the expiry of the 12-month period.
- (9) When the Development Officer refuses an application for a development permit, the decision shall contain the reasons for the refusal.

12.

Referrals

The Development Officer may refer significant development applications that affect lands near the boundaries of Waiparous to the Municipal District of Bighorn for their comments. When making a decision on a development permit, the Approving Authority shall give due consideration to the comments of the responding referral agencies. In addition, all approved development permit applications shall be circulated to the Municipal District of Bighorn for their information.

13.

Appeals

Anyone affected by an order or decision made or issued by the Development Officer may appeal the order or decision to the Subdivision and Development Appeal Board by serving written notice to the Secretary of the Subdivision and Development Appeal Board within the time period prescribed by the Act. The procedures for appeal as prescribed by the Act are outlined in the Subdivision and Development Appeal Board By-law.

PART FOUR - ENFORCEMENT AND ADMINISTRATION

14. Contravention

- (1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:
 - (a) the Municipal Government Act or the regulations, or
 - (b) a development permit or subdivision approval, or
 - (c) the Land Use By-law, or
Land Use Policieshe/she shall proceed in accordance with the Act to enforce compliance.

15. Application to Amend By-law

- (1) A person may request an amendment to this By-law by applying in writing, furnishing reasons in support of the application and paying the fee in accordance with a fee schedule as prescribed by a resolution of Council.
- (2) Council may at any time initiate an amendment to this By-law by directing the Development Officer to prepare an application therefor.

16. Form of Application

- (1) All applications for amendment to the Land Use By-law shall be made to the Council through the Development Officer and shall be accompanied by the following, namely:
 - (a) an application fee for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant;
 - (b) a Certificate of Title of the land affected or other documents satisfactory to the Development Officer including evidence of the applicant's interest in the said land;
 - (c) any drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete to the satisfaction of the Development Officer;
 - (d) a statement of the purpose and reasons for the proposed amendment.

17. Amending By-laws

- (1) All amendments to this By-law shall be made by Council by by-law and in conformance with the Act.

- (2) Council shall refer significant Land Use By-law amendments to the Municipal District of Bighorn for their comments. When making a decision on a By-law amendment Council shall give due consideration to the comments of the responding referral agencies.

PART FIVE - GENERAL LAND USE REGULATIONS

18.

Site Dimensions

- (1) No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the District in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the required minimum area or width may be used subject to the discretion of the Development Officer if all other requirements of this By-law and amendments hereto are observed.
- (2) Notwithstanding subsection 18(1), Municipal Reserve parcels and Public Utility parcels, when they are so identified on a registered plan of subdivision or on a plan of subdivision proposed to be registered, will not be considered to be nonconforming when the area or width of site is less than the minimum prescribed for the district in which the site is located.

19.

Special Setback Requirements

- (1) Sites other than corner sites which have frontages on two streets are recognized as having two front yards and the development shall comply with the setbacks for the respective District.
- (2) Notwithstanding any specific provisions, yards in excess of the minimum requirements may be required when deemed necessary by the Development Officer.
- (3) The minimum distances required for yards do not apply to:
 - (a) construction wholly beneath the surface of the ground;
 - (b) unenclosed patios, decks, sidewalks, and steps when any portion does not rise more than 305 mm (1 ft.) above the finished ground elevation and wholly within the site;
 - (c) unenclosed patios, decks, sidewalks and steps when any portion rises more than 305 mm(1ft.) above the finished ground elevations, balconies, eaves, fireplaces, sills, canopies, and cornice which project onto a side or front yard, a distance not exceeding 600 mm (1.97 ft.) or onto a rear yard a maximum of 1.5 m (4.92 ft.).
- (4) Notwithstanding any other setback provision in this By-law, all new principal buildings or structures adjacent to:
 - (a) the Ghost River or Waiparous Creek shall be sited at least 15 m (49.2 feet) from the top of bank as defined by Council in consultation with the Department of Environment;
 - (b) an escarpment having a slope of 15% or greater shall be sited at least 15 m (49.2 feet) from the top of the escarpment
 - (c) notwithstanding (a) or (b) the distance from the top of bank or escarpment may be reduced to less than 15 metres where a qualified professional geotechnical engineer certifies in writing to the municipality that there is adequate ground stability. The owner shall enter into an agreement

indicating that the Village is not liable for any damages that may occur due to the reduction in setback and the agreement shall be registered on the title.

- (5) Notwithstanding Section 19 (4) (b) the setback provision may be varied provided that the applicant submits an engineer's report outlining slope stability that is acceptable to the Development Officer.

20. Landscaping and Fencing

- (1) Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof which enhance the appearance of the site and which complement the development thereon.
- (2) All fencing shall be constructed along or inside the property line of a site and shall not be of a barbed wire construction.
- (3) Where a swimming pool has been approved, fencing shall be provided in accordance with the requirements of the Alberta Building Code.
- (4) The maximum height of a fence between adjoining sites shall be 1.5 metres. (4.9 feet)
- (5) Where the owners of two adjacent sites agree in writing that the height of a fence between adjoining sites may exceed 1.5 metres (4.9 feet), the Development Officer may issue to each of them a development permit which restricts the height of the fence to the height agreed to by the owners. This does not include front or rear yard fences.
- (6) The maximum height of a fence constructed along the boundary of a site adjoining a road or street or lane shall not exceed 1.5 metres (4.9 feet) provided however that the height of a fence constructed along the boundary of a site adjoining Forestry Trail shall not exceed 1 metre (3.3 feet).

21. Drainage

- (1) Any area requiring landscaping or topographic reconstruction as a result of new development shall be landscaped and/or reconstructed so that the finished surface contours do not cause or direct surface drainage onto an adjoining site.

22. Home Occupations

- (1) Home occupations must meet the requirements outlined in Section 2 Interpretation; and
 - a) shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood;
 - b) Shall be incidental and subordinate to the principal use of the site;
 - c) Shall be restricted to the dwelling unit and accessory building
 - d) Shall not have any outside storage of material goods, inventory or equipment on the site,

- e) Shall not create a nuisance by way of dust, noise, smell, electronic interference, smoke or traffic generation;
 - f) Shall not display any form of commercial advertising related to the home occupation and discernible from the outside of the building;
 - g) Shall not have any employees except for the owners or occupants of the property, and
 - h) Shall not have more than one motor vehicle under 4,000 kilograms gross vehicle weight associated with the home occupation parked on site or in the vicinity of the site at any time.
- (2) Operators of a home occupation shall not advertise the civic address indicating the location of their home occupation in any public advertising medium including but not limited to: newspaper advertisements, magazine advertisements, radio messages, posters and advertising flyers.

23. Keeping of Livestock

- (1) No person shall keep or permit to be kept on any site in any Residential Single Detached District or Community Reserve and Recreation District:
 - (a) animals, livestock or poultry with the exception of dogs, cats and such other usual domestic pets as are kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
 - (b) any pets or domestic animals on a commercial basis.
 - (2) No person shall operate a dog kennel on any site in any Residential Single Family Detached District or Community Reserve and Recreation District.
- (70-00)

23a. Number of Dwelling Units

- 1. Only one dwelling unit per lot shall be permitted on a lot.
- (56-98)

24. Ancillary Living Accommodations

- (1) Ancillary living accommodations may be developed on a residential site in accordance with the requirements of this By-law, including the following:
 - (a) ancillary living accommodations must be of similar design, construction and exterior finishing materials as the principal dwelling unit on the site;
 - (b) the extent of their construction shall be limited to washroom and sleeping facilities only;
 - (c) the maximum ground floor area shall be 20 square metres (215.3 square feet);

- (d) only one building used for this purpose may be constructed on a site and only when a dwelling unit exists on the site; and
- (e) the setback requirements for principal buildings shall apply.

25. Accessory Buildings

- (1) Accessory buildings may be constructed on a residential site in accordance with the requirements of this By-law, including the following:
 - (a) accessory buildings that require a development permit may only be constructed when a principal building exists on the site, or when a development permit for both the principal building and the accessory building is approved and issued.
- (2) If no principal building exists on the property and a permit is obtained for the development of a principal building and accessory building under the same permit as outlined in 25 (1)(a) and the principal building is not completed within two (2) years of the issuance of the development permit, the owner must cease to use the accessory building as a temporary living accommodations if he/she was using it as a temporary living accommodation during the construction of the principal building.

26. Screening and Garbage Areas

- (1) Garbage shall be kept in weatherproof and animalproof containers and screened from adjacent sites and public thoroughfares.
- (2) Garbage must be removed from the property regularly so that it does not become a nuisance or reduce the amenities of the area.

27. Objects Prohibited or Restricted in a Residential District

- (1) No person shall be allowed to keep or maintain on a site:
 - (a) a commercial vehicle with a gross vehicle weight (GVW) rating in excess of 4,762 kg. (10,500lbs.) for longer than is reasonably necessary to load or unload the vehicle;
 - (b) an industrial or construction vehicle except when such a vehicle is required pursuant to a development or building permit for that site;
 - (c) any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district and for avoidance of doubt includes motor homes, holiday and tent trailers, and light service utility trailers;
 - (d) storage of gasoline or diesel fuel exceeding 45.46 litres (10 gallons);
 - (e) an unregistered derelict vehicle;
 - (f) a recreational vehicle, trailer, tent trailer or tent for a period longer than fourteen days unless the said vehicle, trailer, tent trailer or tent is

unoccupied, is owned by the resident of the property and is being held in storage on the property.

28. Controlled Appearance

- (1) The design, use of materials, construction, character, and appearance of any building, or series of buildings or structure proposed to be erected or located in any district must be acceptable to the Development Officer. Proposed developments shall be reviewed in light of the unique characteristics and natural setting of Waiparous and as such, shall have regard for the views, vistas, skyline profiles and streetscapes. In addition, the Development Officer shall also have regard for the amenities and character of existing development in the district.
- (2) The exterior finishing materials of a proposed development shall be those as shown on the approved plans for that development. Once constructed, the facade of the building (or buildings) shall be maintained to the standard shown on the site plan as approved by the Development Officer.

29. Satellite Dish Antennas

- (1) Satellite dish antennas shall be situated on a site so as to minimize the visual intrusion into the neighbourhood and shall be located to the satisfaction of the Development Officer.
- (2) Section 29(1) shall not apply where the applicant can provide written documentation from a licensed technician that installs satellite dishes, to the satisfaction of the Development Officer, that compliance with these sections would prevent signal reception;
- (3) No advertising shall be allowed on a satellite dish antenna;
- (4) The illumination of a satellite dish antenna is prohibited.
- (5) A development permit shall not be required for a satellite dish antenna with a diameter of 92 cm (3 ft) or less

30. VariANCES

- (1) When an existing building does not comply with the required floor area, height, side, front or rear yard setback requirements, an extension or an addition to that building may be allowed by the Development Officer provided the existing infringement does not constitute a public hazard and such extension or addition will not in itself constitute a further encroachment into any required yard or other minimum and/or maximum requirement and the proposed development would not:
 - (a) unduly interfere with the amenities of the neighbourhood, or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (c) the proposed development conforms with the use prescribed for that land or building in the land use by-law.

- (2) If the Development Officer does approve a development permit in accordance with this provision, it shall be a requirement that Notice of this Decision shall be sent to all adjacent ratepayers with 14 clear days notice of the decision in order that anyone affected may appeal the Decision to the Development Appeal Board.

31. Developer's Agreements and Performance Securities

- (1) The Development Officer may require that an agreement of specific performance and/or the filing of a performance security be entered into between the landowner and Village Council, to ensure compliance with all inherent provisions of an approved development permit.

32. Utilities

- (1) When any services or facilities are required, a person shall not begin the excavation for the foundation nor commence the development until provision has been made for such services or facilities to the satisfaction of the Development Officer.
- (2) The Development Officer may require, as a condition of issuing a Development Permit that a developer post a bond or letter of credit to cover the cost of repairing local improvements which may be damaged during the process of development. The bond or letter of credit shall be returned if no damages result from a development.

33. Treatment of Open Space and Environmental Reserve Areas

- (1) The Village wishes to develop an open space system that links major activity nodes and environmental features of the community for the benefit of all the Village residents. As such, when reviewing development and subdivision applications, the Approving Authority shall give due regard to the policies of Council.

34. Suspension of Existing Controls

- (1) Land Use Bylaw 12-87 and amendments thereto is hereby repealed.

35. Date of Commencement

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

READ A FIRST TIME this 20th day of August A.D. 1997.

Signed "Lorne Fleming"
MAYOR

Signed "Sharon Plett"
MUNICIPAL ADMINISTRATOR

READ A SECOND TIME this 10th day of December A.D. 1997 .

READ A THIRD TIME AND FINALLY PASSED this 10th day of December A.D. 1997.

Signed "Lorne Fleming"
MAYOR

Signed "Sharon Plett"
MUNICIPAL ADMINISTRATOR

SCHEDULE "A"

LAND USE MAP

141-O-187

TENTED

T-104

285

UNPATENT

UNPATENT



ROAD PL 7808 HX

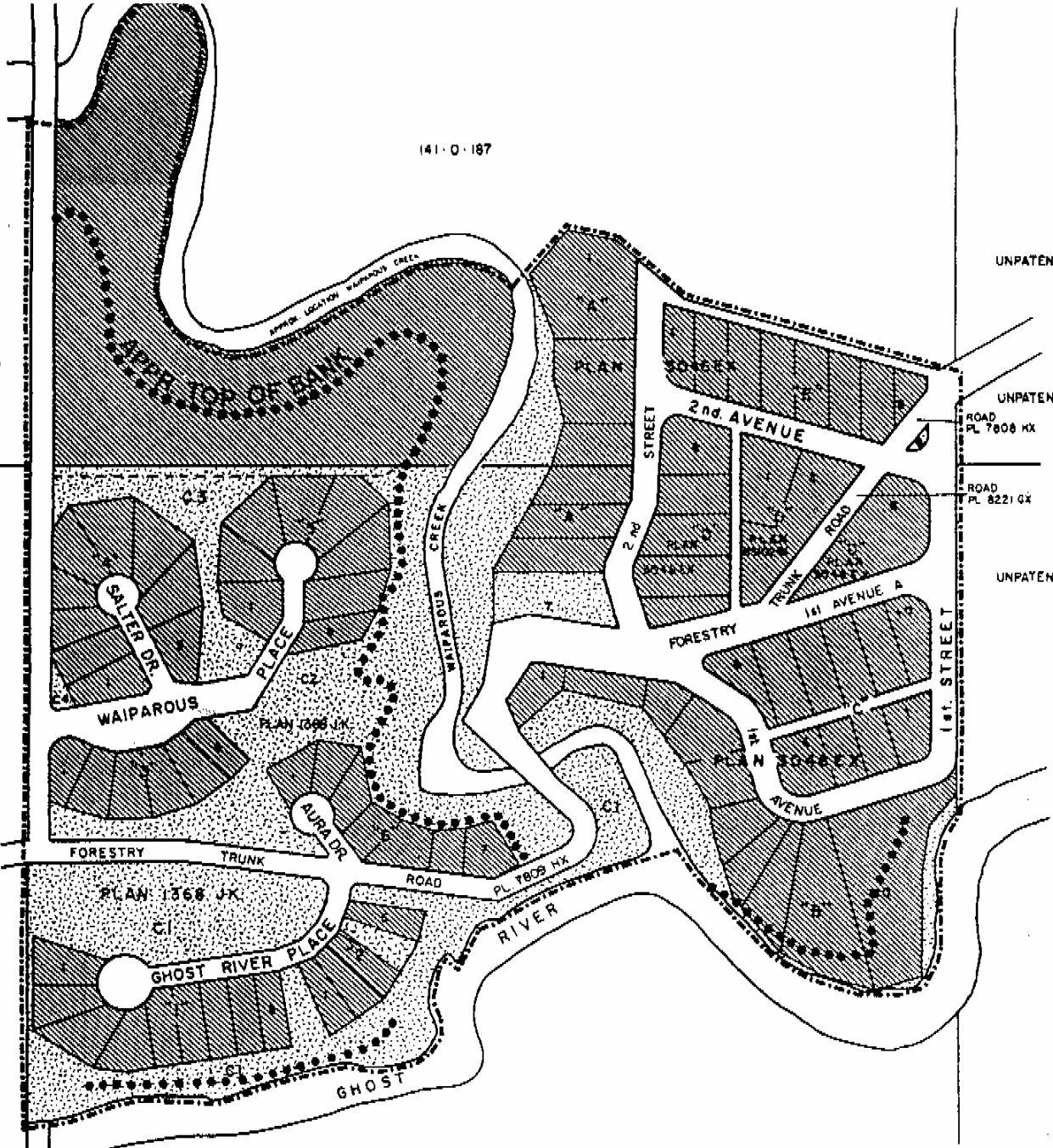
ROAD PL 8221 GX

UNPATENT

UNPATENTED

SUMMER VILLAGE OF WAIPAROUS LAND USE MAP

-  CRR: Community Reserve & Recreation
-  R-1: Residential Single Detached



SCHEDULE "B"

LAND USE DISTRICT REGULATIONS

1. Residential Single Detached District (R-1) Land Use Rules

(1) **Purpose and Intent**

The purpose and intent of this district is to provide for single detached residential dwellings and accessory buildings and uses, and for the avoidance of doubt, excludes mobile homes. The objective of these land use regulations is to provide for the development of low density residential neighbourhoods which are sensitive to the natural setting and enhance the amenities of the community.

(2) **List of Permitted Uses**

Single Detached Dwellings (excluding mobile homes)

(3) **List of Discretionary Uses**

Accessory Buildings
Ancillary Living Accommodations
Antenna Structures
Home Occupations
Public Utility Buildings and Installations
Satellite Dish Antennas
Signs
Swimming Pools
Tennis Courts

(4) **Site Areas**

The minimum site for any building or land use shall be that which was legally in force under the Act or its predecessors at the time of registration of the lot. With respect to the creation of new lots, the minimum site area shall be in accordance with the Subdivision Regulations of the Act.

(5) **Yards and Setbacks**

Subject to Part Five, Section 18 (Special Setback Requirements), the following minimum yards and setbacks are required:

Front Yard: All Buildings - 7.5 metres (24.6 feet)

Rear Yard: Principal Building - 7.5 metres (24.6 feet)
Accessory Buildings - 3 metres (9.8 feet)

Side Yard: All Buildings - 2 metres (6.5 feet)

(6) **Height of Buildings**

The following maximum building heights are permissible:

Single Detached Dwellings: 9 metres (29.5 feet)

Ancillary Living Accommodations: 6 metres (19.7 feet) (limited to one storey)

All other buildings: 6 metres (19.7 feet) (limited to one storey).

(7) Habitable Floor Area

Minimum Habitable Floor Area: Principal Building - 55.74 m² (600 sq. ft.).

(8) Accessory Buildings

A garage and storage shed may be built, provided that:

- (a) all required yards and setbacks are maintained,
- (b) the Development Officer may require that there be adequate clearance between all buildings.

(9) Coverage of Site

The total ground floor area for all buildings on a site including private garages and other accessory buildings shall not exceed 25% of the area of the lot.

(10) Sanitation

No development permit shall be issued for any building until the Development Officer is satisfied that satisfactory arrangements have been made for the disposal of waste water.

The Plumbing and Drainage Regulations , shall govern the installation and operation of sewage disposal systems.

(11) Moved-in Buildings

- (a) Any person making application to move an existing building onto a lot as a main or accessory building shall:
 - (i) make the usual application for a Development Permit,
 - (ii) provide photographs of the building showing each elevation and the general condition of the building, and
 - (iii) state the present location and use of the building.

- (b) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- (c) The Development Officer may, at his discretion, require that certain works of structural alterations, repair, or maintenance of the building and preparation of the proposed site be carried out as a condition of the issue of the permit.
- (d) If these works are to be done after the building is moved in to the proposed site, the Development Officer may require that a performance bond in favour of the municipality be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not completed in accordance with the requirements of the development permit.
- (e) Any travel or other costs incurred by the Development Officer in processing a development permit for a moved in building shall be calculated at the current rates and paid in advance of inspection by the applicant..

2. **Community Reserve and Recreation District (CRR) Land Use Rules**

(1) **Purpose and Intent**

The purpose and intent of this district is to provide publicly owned lands for community, recreational and institutional facilities of a service nature.

(2) **List of Permitted Uses**

Community Buildings and Facilities
Environmental Reserve Parcels
Municipal Reserve Parcels
Picnic Areas
Playgrounds
Public Parks
Golf Courses

(3) **List of Discretionary Uses**

Accessory Buildings
Antenna Structures
Public and Quasi-Public Utility Installations and Facilities
Recreation Clubs and Facilities
Satellite Dish Antenna
Signs
Sports Fields
Swimming Pools
Tennis Courts

(4) **Yards and Setbacks**

As for Residential Single Detached District

(5) **Sanitation**

As for Residential Single Detached District.

(6) **Building Height**

At discretion of Approving Authority.

APPENDIX "A" SUMMER VILLAGE OF WAIPAROUS
Land Use By-Law No. 53-97
DEVELOPMENT PERMIT APPLICATION FORM

I/We hereby make application for a development permit under the provisions of the Land Use By-Law in accordance with the plans and supporting information submitted herewith which form part of this application.

File No. _____ Date Application and Fee Received: _____

Applicant _____ Address _____

Postal Code _____

Tel. No. _____ Fax No. _____

Interest of Applicant if not Owner of Property _____

Registered Owner of Land _____

Address _____ Tel. No. _____

Property Address _____

Lot(s) _____ Block _____ Plan _____

Existing use of Land or Building _____

Proposed Development _____

Front Yard _____; Rear Yard _____; Side Yard _____; Side Yard _____

Estimated Commencement Date: _____ Estimated Completion Date: _____

Other Supporting Material Attached (site plan, building plans) _____

Upon receipt of this completed application, application fee and any required background or accompanying material, the Development Officer has up to 40 days to process the application, during which time the Development Officer may refer to other authorities and may exercise his/her discretion to either approve or refuse the application.

Note: This is not a building permit; applicable building gas, electrical, and plumbing permits must be obtained prior to commencing construction.

(73-00)

Application Signature

The Applicant represents and warrants to the Summer Village of Waiparous that the information contained in this application and the dimensions shown on the plans submitted with this application are true and correct.

I, _____ hereby certify that I am the
Registered

(print name)

Owner or am the applicant and authorized to act on behalf of the Registered Owner.

Applicant _____ Date _____
(signature)

Right of Entry Signature

In accordance with the Municipal Government Act, I hereby authorize the Designated Officers of the Summer Village of Waiparous to enter my land for the purpose of conducting a site inspection in connection with my development permit application.

Registered Owner or am the applicant and authorized to act on behalf of the Registered Owner.

Applicants' Signature

Freedom of Information

I understand that this application and accompanying information is public record that is accessible by the public. Upon request to the Summer Village, this application and file documentation will be made available for viewing.

Applicants' Signature

DECISION

Development must commence within one year of the date of approval of the application and must be completed within two years, or the approval will be deemed to be expired.

(Note: All applicable conditions as set out in the approval must be met prior to issuance of the Development Permit)

Date of Decision _____ Notice Posting Date _____
(If Applicable)

Approved without condition(s) Approved Subject to attached condition(s). Refused for the attached reason(s).

Date of issuance of Development Permit _____

Designated Officer _____