

**WHISPERING HILLS LAND USE BYLAW****BYLAW NO. 98-08****TABLE OF CONTENTS**

<b>SECTION 1 – DEFINITIONS AND INTERPRETATION</b>	<b>3</b>
1.1 Title	3
1.2 Repeal and Replacement	3
1.3 Items Included	3
1.4 Headings	3
1.5 The Land Use Districts Map	3
1.6 Definitions, General:	4
1.7 Land Use Definitions	8
<b>SECTION 2 – ADMINISTRATION</b>	<b>9</b>
2.1 Development Authority	9
2.2 Duties of Development Authority	9
2.3 Duties With Respect to Development Permit Applications	10
2.4 Variance Powers	11
2.5 Development Permits	12
2.6 Development Permit Applications	14
2.7 Development Permit Fees	16
2.8 Appeals	16
<b>SECTION 3 – DEVELOPMENT CONTROL REGULATIONS, GENERAL</b>	<b>16</b>
3.1 Site Grading	16
3.2 Relocation of Buildings	17
3.3 Engineering Requirements and Other Referrals	17
3.4 Appearance of Buildings	18
3.5 Sewage Disposal	18
3.6 Potable Water Supply	18

<b>3.7 Guest Cottages</b>	<b>18</b>
<b>3.8 Manufactured Homes</b>	<b>18</b>
<b>3.9 Recreational Vehicles</b>	<b>19</b>
<b>SECTION 4 – LAND USE DISTRICTS</b>	<b>20</b>
<b>4.1 R1 RESIDENTIAL DISTRICT</b>	<b>20</b>
<b>(a) General Purpose</b>	<b>20</b>
<b>(b) Permitted Uses</b>	<b>20</b>
<b>(c) Discretionary Uses</b>	<b>20</b>
<b>(d) Development Control Regulations</b>	<b>20</b>
<b>4.2 R2 RESIDENTIAL DISTRICT</b>	<b>22</b>
<b>(a) General Purpose</b>	<b>22</b>
<b>(b) Permitted Uses</b>	<b>22</b>
<b>(c) Discretionary Uses</b>	<b>23</b>
<b>(d) Development Control Regulations</b>	<b>23</b>
<b>4.3 R RESERVE</b>	<b>24</b>
<b>(a) General Purpose</b>	<b>24</b>
<b>(b) Permitted Uses</b>	<b>24</b>
<b>(c) Discretionary Uses</b>	<b>25</b>
<b>(d) Development Control Regulations</b>	<b>25</b>
<b>(e) Land Use District Map</b>	<b>26</b>

**WHISPERING HILLS LAND USE BYLAW  
BYLAW NO. 98-08**

**SECTION 1 – DEFINITIONS AND INTERPRETATION**

**1.1 Title:**

This Bylaw is the **WHISPERING HILLS LAND USE BYLAW** and will be referred to as such.

**1.2 Repeal and Replacement:**

- (a) Bylaw No. 67-97 (the “Previous Land Use Bylaw”), is hereby repealed in its entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no application for a Development Permit shall be evaluated under the Previous Land Use Bylaw whether the application respecting same was received before the enactment of this By-Law or not.
  
- (b) Any other Bylaws of the Summer Village relative to the establishment and operation of a Development Appeal Board or a Subdivision and Development Appeal Board (the “Previous Appeal Bylaws”) are hereby repealed in their entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no Development Appeal shall be pursued under the Previous Appeal Bylaws whether the Development Appeal was filed before the enactment of this Bylaw or not.

**1.3 Items Included:**

This Bylaw includes the text contained herein and the Land Use Districts Map appended hereto as Schedule “A”.

**1.4 Headings:**

Headings and titles appearing in this Bylaw shall be deemed to form a part of the text of this Bylaw.

**1.5 The Land Use Districts Map:**

The Land Use Districts Map divides the geographic area of the Summer Village into distinct Land Use Districts. In the event of any dispute arising as to the geographical extent of any Land Use District or as to the precise location of the boundary of any Land Use District, the following rules shall apply:

- (a) where a Land Use District boundary is shown as approximately following the centre of any roadway, it shall be deemed to follow the centre line thereof;
- (b) where a Land Use District boundary is shown as approximately following the boundary of a Site, the Site boundary shall be deemed to be the boundary of the Land Use District for that portion of the Land Use District boundary, which approximates the Site boundary;
- (c) where a Land Use District boundary is shown as approximately following the corporate limits of the Summer Village, it shall be deemed to be following corporate limits of the Summer Village; and
- (d) where a Land Use District boundary is shown as approximately following the shore line of Baptiste Lake, it shall be deemed to follow such shore line, and, in the event of any movement in such shore line, it shall be deemed to move with the same.

## 1.6 Definitions, General:

Words and phrases appearing in this Bylaw which are otherwise defined in the Act shall bear the meaning prescribed by the Act. Subject thereto, the following words shall bear the following meanings, unless the context requires otherwise, namely:

- (a) "Accessory Building" mean a building or structure located on the same Site as a Principal Building, which building is subordinate to and is of a type normally incidental to the Principal Building and the use of which building is subordinate to and is normally incidental to the use of the Principal Building;
- (b) "Accessory Use" means a use of land or a building which is subordinate to and is normally incidental to any use of land or use of the Principal Building lawfully occurring on a Site;
- (c) "Act" means the ***Municipal Government Act***, RSA 2000, Chapter M-26 and all amendments thereto and substitutions therefore;
- (d) "Appeal" means a Development Appeal or a Subdivision Appeal, as the case may be, and:
  - (i) "Development Appeal" means an appeal taken pursuant to section 685 of the Act; and

- (ii) "Subdivision Appeal" means an appeal taken pursuant to section 678 of the Act;
- (e) "Board" means the Subdivision and Development Appeal Board established at Section 2.8 of this Bylaw;
- (f) "Boathouse" means an Accessory Building, the purpose of which is the storage of boats and related equipment;
- (g) "Building Height" means the vertical distance between the horizontal plane through Grade and a horizontal plane through:
  - (i) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
  - (ii) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof or a roof having a slope of more than 20 degrees; provided that, in all such cases, the ridge line of the roof shall not extend more than 1.5 meters above the maximum permitted Building Height of the Land Use District;
- (h) "Carport" means an Accessory Building (which may or may not be attached to the Principal Building) used for parking not more than two private motor vehicles and which has not less than 40 percent of its total perimeter open and unobstructed;
- (l) "Council" means the municipal council of the Summer Village;
- (j) "Development" means development as defined in the Act;
- (k) "Discretionary Use" means a use of land or buildings in a Land Use District in respect of which a Development Permit may be issued at the discretion of the Development Authority, with or without conditions;
- (l) "Dwelling Unit" means a self-contained living premises consisting of one or more rooms with cooking, eating, living, sleeping and sanitary facilities for domestic use, but does not include a Mobile Home, a Recreational Vehicle nor a Guest Cottage;
- (m) "Garage" means an Accessory Building (which may or may not be attached to the Principal Building but which does not share footings with the Principal Building) used for parking not more than three private motor vehicles;

- (n) “Guest Cottage” means an Accessory Building consisting of one or more rooms with sleeping accommodation and which may contain sanitary facilities, but which does not contain cooking or eating facilities and which is not intended to comprise a self-contained unit, but is intended to provide overflow accommodation for the Principal Building located on the Site;
- (o) “Grade” means the elevation of a Site employed for purposes of determining Building Height. In determining Grade, the Development Authority shall select from the following methodologies that one which best ensures compatibility with neighboring developments, namely:
  - (i) if the applicant can show by reference to reliable surveys that the pre-Development elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Authority may determine Grade by calculating the average of the highest and lowest elevation on the Site; or
  - (ii) the Development Authority may determine Grade by calculating the average of the pre-Development elevations at the corners of the Site as shown on a reliable survey; or
  - (iii) the Development Authority may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site;
- (p) “Lot” means one or more parcels of land in respect of which a single Certificate of Title has been issued;
- (q)
  - (i) “Mobile Home” means a dwelling unit which is completely constructed in a factory on a steel sub-frame to which wheels may be attached for transportation to the site and which conforms to the CAN/CSA-Z240-MH Series standard (current).
  - (ii) “Modular Home” is a manufactured home conforming to the CAN/CSA-A277 standard (current) and the *Alberta Building Code*.
  - (iii) “Manufactured Home” is a manufactured home conforming to the CAN/CSA-A277 standard (current) and the *Alberta Building Code*.

- (iii) “CAN/CSA-A277 (current)” means an approved certification procedure for factories manufacturing modular, mobile and panelized homes. It provides for the certification and auditing of the plant quality program as well as in-plant inspection and certification of the individual homes.
- (iv) “CAN/CSA-Z240 MH series (current)” means a series of seven standards that define, specify and certify the vehicular, structural, heating/cooling and plumbing requirements for gas-burning and oil-burning appliances within or adjacent to mobile homes.
- (v) “CAN/CSA-Z240.10.1 (current)” means the support requirements for a manufactured home that has been designed and constructed using longitudinal floor beams and includes requirements for site preparation, skirting, foundations, anchorage, and connections of multiple-section units.
- (r) “Permitted Use” means a use of land or buildings in a Land Use District in respect of which a Development Permit must be issued by the Development Authority, with or without conditions, provided that the same is otherwise in strict compliance with and conformity to the provisions of this Bylaw and the Act;
- (s) “Principal Building” means a building which:
  - (i) it is the chief or main building amongst all buildings on a Site;  
and
  - (ii) exemplifies, by reason of its character and intended function, the primary use of the Site upon which it is located;
- (t) “Recreational Vehicle” means a mobile unit which is designed to be used as temporary living or sleeping accommodation, and includes, but is not limited to, holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include a Mobile Home;
- (u) “Site” means one or more contiguous Lots in respect of which an application for a Development Permit is being made;
- (v) “Site Coverage” means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metre above Grade calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all

buildings and structures on the Site. This calculation shall not include:

- (i) steps, eaves, cornices, and similar, minor projections;
  - (ii) driveways, aisles and parking areas or pads unless they comprise part of a structure which extends 1.0 metres or more above Grade; or
  - (iii) unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metre above Grade.
- (w) “Storey” means each portion of a building situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 metres above Grade, such basement shall be considered a Storey for the purpose of this Bylaw;
- (x) “Storey, Half” means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 meters above the floor of such Storey;
- (y) “Summer Village” means the Summer Village of WHISPERING HILLS;
- (z) “Yard” means a required open space running the full length or width of a Site, as the case may be, unoccupied and unobstructed (except to the extent otherwise permitted by this Bylaw) by any structure or portion of a structure at or above 1.0 metres above Grade. The Front Yard is the Yard extending back into the Site from the Site boundary nearest to and generally parallel to the shore of Baptiste Lake. The Rear Yard is the Yard extending forward into the Site from the Site boundary furthest from and generally parallel to the shore of Baptiste Lake. The Side Yards are the Yards commencing at the Site boundaries perpendicular to the Front Yard and the Rear Yard and extending into the Site from each such Site boundary.

### **1.7 Land Use Definitions:**

The following definitions apply to the uses of land and buildings referred to in this Bylaw, namely:

- (a) “Single Detached Housing” means Development consisting of a single Principal Building containing only one Dwelling Unit and associated Accessory Buildings;

- (b) “Reserve” means Development consisting of land left in its natural state for the purpose of preserving the same for the benefit of native flora and fauna;
- (c) “Office in the Home” means Development consisting of the use of a minor portion of an approved Single Detached Housing Development by a resident of the Principal Building as an office for a business which business meets the following criteria, namely:
  - (i) the business use is secondary to the residential use of the building in which it is located;
  - (ii) the business and its operations are undetectable from the exterior of the property; and
  - (iii) except for residents of the Principal Building, no employees of the business use any portion of the Site or any improvement thereon as a workplace;
- (d) “Overflow Parking Facilities” means Development designed to provide parking for public or private events.

## **SECTION 2 – ADMINISTRATION**

### **2.1 Development Authority:**

The Development Authority for the Summer Village shall be that designated officer, municipal planning commission or other person or organization designated as such by the Council, by bylaw, from time to time. In addition, the Development Authority shall be the designated officer of the Summer Village contemplated at Section 542 of the Act

### **2.2 Duties of Development Authority:**

The Development Authority shall:

- (a) receive, consider and decide upon all Development Permit applications in accordance with the provisions of this Bylaw and the Act;
- (b) make available for inspection by members of the public a copy of this Bylaw and ensure that copies of this Bylaw are available for purchase at a reasonable price;

- (c) make available for inspection by members of the public copies of all Development Permit applications made and all Development Permits issued hereunder; and
- (d) exercise development powers and perform duties on behalf of the Summer Village in accordance with the Act and this Bylaw.

### **2.3 Duties With Respect to Development Permit Applications:**

The Development Authority:

- (a) shall review each Development Permit application submitted to the Summer Village and confirm that the same is complete in accordance with the requirements of this Bylaw;
- (b) shall approve, without conditions or with such conditions as required to ensure compliance with this Bylaw, a Development Permit application for the development of a Permitted Use, provided that such Development complies with all of the provisions of this Bylaw;
- (c) shall refuse a Development Permit application for the development of a Permitted Use or a Discretionary Use if the Development does not otherwise comply with this Bylaw unless a variance is granted in accordance with Section 2.4 of this Bylaw, in which latter case the proposed Development shall be deemed to constitute a Discretionary Use in any event;
- (d) may refuse or approve, with or without conditions, a Development Permit application for the Development of a Discretionary Use;
- (e) shall refuse a Development Permit application for the Development of a use which is neither a Permitted Use nor a Discretionary Use in the applicable Land Use District;
- (f) shall, where any Development Permit application is refused, provide notice of such refusal in writing to the applicant together with the Development Authority's reasons for such refusal;
- (g) shall, where any Development Permit application is approved and the remaining requirements and provisions of this Bylaw have been complied with and met:
  - (i) attach to the Development Permit as a part of the Development Permit written reasons for the granting of any variance given in accordance with Section 2.4;

- (ii) issue the Development Permit to the applicant;
- (iii) provide by regular mail to all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 meters of the boundaries of the Site a copy of the Development Permit;  
or
- (iv) cause to be posted at a conspicuous location on the site a copy of the Development Permit which posting shall remain until the earlier of the expiry of the Development Permit or the completion of the Development described therein; and
- (h) may require as a condition of issuing a Development Permit that the applicant enter into an agreement with the Summer Village to do all or any of the following:
  - (i) to construct or pay for the construction of a road required to give access to the Development;
  - (ii) to construct or pay for the construction of a pedestrian walkway system to serve the Development or pedestrian walkways to connect the pedestrian walkway system serving the Development with a pedestrian walkway system that serves or is proposed to serve an adjacent Development or both;
  - (iii) to install or pay for the installation of public utilities that are necessary to serve the Development;
  - (iv) to construct or pay for the construction of off-street or other parking facilities;
  - (v) to pay any off-site levy or redevelopment levy imposed by Bylaw;
  - (vi) to give security to ensure that the terms of any agreement entered into pursuant to this Section are carried out.

#### **2.4 Variance Powers:**

- (a) Subject to the provisions of Section 2.4(c), the Development Authority may, with respect to any Development Permit application, vary the requirements of the Development Control Regulations of this Bylaw where the proposed Development would not, in the Development Authority's opinion:

- (i) unduly interfere with the amenities of the neighborhood; nor
  - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties, and the proposed Development would conform with the use prescribed for the subject land or building in this Bylaw.
- (b) Where an applicant requests or requires the Development Authority to exercise its variance powers pursuant to this Section, the Summer Village shall, at the sole cost and expense of the applicant:
- (i) post for no less than seven (7) consecutive days a notice at a conspicuous location on the Site, clearly visible from the adjacent roadway, advising the public of the variance or variances requested or required; or
  - (ii) provide all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 meters of the boundaries of the Site with detailed, written notice of the variance or variances requested or required, and the Development Authority shall not exercise its variance powers unless and until these preconditions are completed to the satisfaction of the Development Authority. The foregoing notwithstanding, the Development Authority may, at any time prior to exercising the same, consult with property owners who may be affected by a proposed exercise of the Development Authority's variance powers.
- (c) The provisions of Section 2.4(a) notwithstanding, the Development Authority is not authorized to vary any Development Control Regulation which addresses:
- (i) Building Height; nor
  - (ii) the number of Dwelling Units that may exist on a Site.

## **2.5 Development Permits:**

- (a) Except as provided herein, no person shall commence, or cause or allow to be commenced nor carry on, or cause or allowed to be carried on a Development without a Development Permit therefore issued under the provisions of this Bylaw.
- (b) A Development Permit issued under the provisions of this Bylaw shall not be required for any of the following:

- (i) maintenance of or repairs to a building if the work to be undertaken does not include any structural alterations and does not result in the addition of a Dwelling Unit;
- (ii) the erection of a single Storey Accessory Building comprising no greater than 10.0 square meters in Site Coverage; provided that the area of the same shall be considered in calculating aggregate Site Coverage for the Site;
- (iii) the erection of a temporary structure, the sole purpose of which is incidental to the carrying out of a Development for which a Development Permit has been issued hereunder, provided that the same is removed promptly upon completion of the said Development;
- (iv) landscaping where the existing grade of and the existing surface drainage pattern of and from the Site is not materially altered;
- (v) the demolition of a building or structure where a Development Permit has been issued hereunder for a new Development on the same Site and the demolition of an existing building or structure is implicit in that Development Permit;
- (vi) the erection on a Site of a temporary sign of modest proportions advising that the Site is for sale or for rent, provided the sign is removed promptly upon the sale or rental of the Site, as the case may be;
- (vii) the erection on a Site of a temporary sign in connection with an election for public office, provided the sign is removed promptly upon the completion of the election;
- (viii) the erection of a fence or gate no higher than 0.9 meters in any Front Yard or 1.5 meters in any Side Yard or in any Rear Yard;
- (ix) the installation, repair or maintenance of a public utility (as defined in the Act) within or upon a road or a public utility lot;
- (x) activities otherwise exempted by the Act from the requirement for a Development Permit; and
- (xi) work being pursued under the authority of a Development Permit issued pursuant to the Previous Land Use Bylaw.

- (c) When an application for a Development Permit has been approved by the Development Authority, such Development Permit shall not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled and until the statutory period for the filing of an appeal against the issuance of such Development Permit has expired.
- (d) When a Development Appeal is filed against the issuance of a Development Permit or against the imposition of any condition on a Development Permit, the Development Permit shall be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board, as the case may be. Where a subsequent appeal is taken to the Court of Appeal, the Development Permit shall be further suspended and deemed invalid pending the final decision of the Court of Appeal and the completion of any process directed by the Court of Appeal.
- (e) A Development Permit shall expire and shall no longer be valid after one year from the date of its issuance if no substantial construction pursuant thereto has been initiated. For purposes of this Subsection, construction includes, but is not limited to, site preparation or excavation.
- (f) All construction relative to a Development Permit shall be completed within one year next following the issuance of that Development Permit or within one year next following the final decision of the Board in relation thereto, as the case may be. The Development Authority may, on application made prior to the expiry of such one year period and at its discretion, extend the said period for one further year.
- (g) If a Development Permit is issued for a Site in respect of which any other Development Permit has been previously issued, all previous Development Permits shall be invalid to the extent the physical aspects of the newly approved Development conflict with the same or to the extent the newly approved Development could not occur simultaneously upon the Site in conformity with the provisions of this Bylaw.

## **2.6 Development Permit Applications:**

Every application for Development Permit shall:

- (a) be initiated by the submission to the Summer Village of a standard form application document adopted from time to time by resolution of Council;

- (b) be signed by the registered owner of the Site or by the authorized agent of the registered owner;
- (c) contain sufficient details as to the proposed use and occupancy of the Site and of all buildings located or proposed to be located thereon to enable the Development Authority to determine compliance with this Bylaw;
- (d) include site plans to scale and a survey in a form and to a standard that is satisfactory to the Development Authority demonstrating:
  - (i) the location and dimensions of all required Yards;
  - (ii) the location and horizontal dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (iii) the location and horizontal dimensions of all roof overhangs, balconies and other projections from buildings located and proposed to be located on the Site;
  - (iv) calculations of Site Coverage;
  - (v) the locations of all municipal services to and within the Site;
  - (vi) details as to the landscaping proposed for the Site; and
  - (vii) parking areas, driveways and the location of all proposed accesses on to public roads;
- (e) include elevations and other drawings as the Development Authority may require, all to a scale, in a form and to a standard satisfactory to the Development Authority demonstrating:
  - (i) the height and other dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (ii) the location of all exterior windows, doors and other openings in the buildings and other improvements located and proposed to be located on the Site; and
  - (iii) the exterior finishes and treatments to be incorporated in the Development; and

- (f) include any other drawings, plans, information, tests or surveyors' reports regarding the Site, the proposed Development or the potential impact of the proposed Development on neighboring properties as may be directed by this Bylaw or as the Development Authority may, in its discretion, direct.

## **2.7 Development Permit Fees:**

The Council may, by resolution, impose a fee or a schedule of fees for the making of any Development Permit application, and no application for Development Permit will be considered complete until such fee has been paid to the Summer Village.

## **2.8 Appeals:**

- (a) The Subdivision and Development Appeal Board is hereby established to deal with Appeals in accordance with the Act. The members of the Board shall be three in number, the majority of whom shall not be members of Council, and shall, subject to the provisions of the Act, be appointed by Resolution of Council on an *ad hoc* basis as and when any Appeal is received. The Board members' terms of office shall extend to the time when the Board issues a decision in relation to the Appeal which prompted their appointment. A majority of the members of the Board then currently holding office constitutes a quorum of the Board.
- (b) Hearings before the Board shall be open to the public, but following the close of a hearing, the Board shall deliberate and arrive at its decision *in camera*. All Appeals shall be undertaken and conducted in accordance with the Act.
- (c) Prior to the commencement of a hearing, the members of the Board shall elect from amongst their number a Chairperson who shall preside at the hearing. Subject to the provisions of the Act and this Bylaw, the Board shall be the master of its own proceedings.
- (d) A decision of the Board is final when it is issued in writing and all decisions of the Board shall be signed by the Chairperson or by another member of the Board on the Chairperson's behalf

## **SECTION 3 – DEVELOPMENT CONTROL REGULATIONS, GENERAL**

### **3.1 Site Grading and tree removal:**

- (a) Where substantial grading of a Site is undertaken separate and apart from any other development of or on that Site, the grading shall be

deemed to be a Development and shall require a Development Permit. Grading will be considered substantial if the same may substantially affect drainage patterns on the Site or may cause any adverse impact on neighboring properties or roadways.

- (b) In every case, whether Site grading forms a separate a part of an overall development or constitutes a development in and of itself, Site grades shall be established:
  - (i) in a manner satisfactory to the Development Authority;
  - (ii) in a manner designed to prevent any adverse impact on neighboring properties or roadways; and
  - (iii) in compliance with any applicable Drainage or Grading Plans adopted by the Summer Village.
- (c) In every case, a minimum of 35% of the total trees shall remain on the site. If the landowner wants to remove more than the permitted amount, a detailed tree replanting plan for the lot, with completion dates, shall be submitted to the development authority for approval:

### **3.2 Relocation of Buildings:**

The relocation of an existing building to a Site as either a Principal Building or an Accessory Building constitutes a Development of that Site. Where a building is to be relocated to a site, the use to which the building is intended to be put:

- (a) must be listed in this Bylaw as a Permitted Use or a Discretionary Use available for that Site; and
- (b) shall be deemed to be a Discretionary Use for purposes of the relocation of that building.

### **3.3 Engineering Requirements and Other Referrals:**

- (a) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may direct that the applicant for a Development Permit provide a certificate or other report from an engineer or other professional person in relation to a proposed Development or any aspect of it. In such circumstances, the costs of complying with the Development Authority's direction shall be borne by the applicant, and the applicant's application for a Development Permit shall be deemed incomplete until such time as the direction has been complied with.

- (b) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may refer an application to Alberta Environmental Protection or to any other governmental authority for their comments prior to issuing a Development Permit and may, thereafter, impose a condition on any Development Permit issued that the applicant comply with such requirements of the referral agency as the Development Authority may deem appropriate in the circumstances.

#### **3.4 Appearance of Buildings:**

The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Authority, shall not threaten public health or safety and shall be compatible with the general standard of design and construction in the immediate neighborhood of the Site.

#### **3.5 Sewage Disposal:**

All buildings, facilities and Developments undertaken on a Site shall comply with all Summer Village By-Laws regarding sewage disposal and shall comply with the Safety Codes Act for the Province of Alberta.

#### **3.6 Potable Water Supply:**

Every application for a Development Permit in respect of a residential use shall contain a detailed proposal as to how the Development is to be provided with a supply of potable water, and no Development for residential use shall be permitted unless the same shall be supplied with potable water.

#### **3.7 Guest Cottages:**

- (a) Guest Cottages shall be of permanent, conventional construction.
- (b) Guest Cottages shall be constructed behind the rear face of the Principal Building on a site.
- (c) A Guest Cottage may be developed as a stand-alone Accessory Building or may be incorporated into any other Accessory Building on a Site provided all requirements of this Bylaw applicable to such Accessory Building are complied with.

#### **3.8 Manufactured Homes:**

- (a) Manufactured homes shall be certified by Canadian Standards Association as having been built in a factory which has been certified

as meeting the CSA A277-92 approved procedure. Modular homes shall contain a CSA "Modular Home" label and mobile homes shall contain a CSA "Mobile Home" label.

- (b) Installation and foundation requirements for manufactured homes and additions shall meet either the CAN/CSA Z240.10.1 standard or the *Alberta Building Code*.
- (c) Wheels, hitches and other running gear shall be removed within thirty (30) days of the installation of the manufactured home.
- (d) Skirting shall be installed within thirty (30) days of the installation of a manufactured home and shall comply with standards set out in the CSA Z240.10.1 standards.
- (e) At least one access panel of not less than 500/700 mm (20 x 28 inches) shall be provided in the skirting for periodic inspections and maintenance of services. The panel shall be located close to sewer and water connections.
- (f) Skirting shall be factory prefabricated or of equivalent quality and shall be pre-finished or painted so that the design and construction shall complement the manufactured home.
- (g) Year round ventilation of the crawl space shall be provided according to the standards set out in the CSA Z240.10.1 standards. Crawl space ventilation shall be provided by the installation of screened louvers or grills of at least 0.1 sq. m. of unobstructed venting for each 50 sq. m. (1 sq. ft. for each 500 sq. ft.) of floor area of the home.

### **3.9 Recreational Vehicles:**

- (a) Each property is allowed a primary residence; this could mean a house built on site, manufactured home, modular home, cottage, recreational vehicle or holiday trailer.
  - The primary residence requires a development permit from the S.V. of Whispering Hills.
  - a primary residence which is occupied for three or more days per year requires a permanent connection to an approved sewage treatment system.
- (b) Each property is allowed to store one vacation trailer or recreational vehicle on the property.
  - This unit can be used for additional sleeping quarters or guest accommodations.

- If occupied for more than three days per year it must be connected to an approved sewage treatment system.
- (c) One additional holiday trailer or recreational vehicle may be parked on a property providing a trailer permit is obtained from the S.V. of Whispering Hills.
  - The annual cost of a trailer permit is \$300.00
  - If a third trailer remains on the site without obtaining a trailer permit, the fee will be doubled and added to the tax notice of the property.
  - No more than three (3) trailer or recreation vehicles are allowed on any property.
- (d) Weekend guests are excluded from obtaining a trailer permit.

## **SECTION 4 – LAND USE DISTRICTS**

### **4.1 R1 RESIDENTIAL DISTRICT**

#### **(a) General Purpose:**

The purpose of this District is to provide for low density, residential land use in a lakeside setting.

#### **(b) Permitted Uses:**

- (i) Single Detached Housing.
  - (A) Built on site
  - (B) Manufactured home

#### **(c) Discretionary Uses:**

- (i) Office in the Home;
- (ii) Public Utility Services.

#### **(d) Development Control Regulations:**

- (i) The minimum Site width shall be 20.0 metres.
- (ii) The maximum number of Dwelling Units that may be located on a Lot is one. Where a Site is comprised of more than one

Lot, the maximum number of Dwelling Units that may be located on that Site is one.

- (iii) Minimum floor area for each dwelling shall be:
  - (A) Single wide unit shall be a minimum of 65 sq. meters (700 sq. ft.) and a minimum width of 4.88 meters (16 ft.).
  - (B) Double wide units shall be a minimum of 85 sq. meters (900 sq. ft.) and a minimum width of 7.32 meters (24 ft.).
- (iv) The maximum Building Height for a Principal Building shall be the lesser of:
  - (A) 9.5 meters (31 ft.) ; and
  - (B) 2½ storeys.
- (v) The maximum Building Height for an Accessory Building shall be the lesser of:
  - (A) 7.62 meters (25 ft.); and
  - (B) 2 storeys.
- (vi) The maximum site coverage for all buildings shall be 35% of the Site Area. The maximum site coverage for Accessory Buildings shall be limited to 93 square metres, in the aggregate. In the case of any site exceeding 45.72 meters in depth, the Development Authority shall direct that buildings be designed and located on the Site in a manner that will, in the opinion of the Development Authority, avoid excessive massing at any particular location on the Site and distribute the impact of construction more evenly over the developable areas of the Site.

Residential lots shall not be cleared of permanent live trees in such a manner as to reduce the tree coverage to less than 25% of lot coverage.
- (vii) The minimum Front Yard shall be 8 meters deep.
- (viii) The minimum Rear Yard shall be:

- (A) in the case of a Principal Building, 6 meters deep; and
  - (B) in the case of Accessory Buildings, 3 meters deep except where the vehicle doors of a Garage or the vehicle entrance of a Carport face the rear of a Site, in which case the minimum Rear Yard in respect of that Garage or Carport shall be 6 meters deep.
- (ix) The minimum Side Yards:
- (A) shall be a minimum of 3 meters deep, each; and
  - (B) shall in total, comprise no less than 10% of the width of the site
- (A) In the case of accessory buildings, 3 meters.
- (x) The foregoing provisions of this Section notwithstanding:
- (A) verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to 1.0 meters into any required Front Yard or Rear Yard; and
  - (B) eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay, oriel or similar windows) and other architectural features which are of a similar character may project up to 0.6 meters into any required Yard.
- (xi) Landscaping shall be provided to the satisfaction of the Development Authority, and Sites in this District shall be landscaped in a manner complementary to and consistent with the lakeside residential character of the District.

## 4.2 R2 RESIDENTIAL DISTRICT

- (a) **General Purpose:**  
The purpose of this District is to provide an area of larger parcels for low density residential development in the form of detached single dwellings and associated uses
- (b) **Permitted Uses:**
- (i) Single Detached Housing
  - (ii) Manufactured homes

## (iv) Permitted accessory buildings

(c) **Discretionary Uses:**

- (i) Home occupations
- (iv) Other uses which in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.
- (v) Buildings accessory to permitted uses.

(d) **Development Control Regulations:**

- (i) The minimum lot size shall be 1.5 acres (.61 ha).
- (ii) The maximum height shall not exceed 36 ft. (10.97 m) unless otherwise approved by the Development Authority.
- (iii) Minimum required yard
  - (B) All Uses
    - Front yard – 25 ft. (7.6 m)
    - Side yard – 15 ft. (4.6 m)
    - Rear yard – 25 ft. (7.6 m)

## (C) One family dwellings and manufactured homes

Front Yard – the minimum required front yard shall be at the discretion of the Development Authority who shall have due regard to the amenities of the district, however in no case shall a front yard of less than 25 ft. (2.32 m) be permitted

Side Yard – the minimum required side yard shall be 10 percent of the lot width, however in no case shall a side yard of less than 15 ft. (1.39 m) be permitted.

In the case of a corner lot

- Where a building fronts on the front road, the side yard abutting the flanking road shall not be less than 20 percent of the lot width, but need not exceed 20 ft. (6.1 m); and

- Where a building fronts on the flanking road, the side yard abutting the flanking road shall not be less than 20 ft. (6.1 m).

Rear Yard – 25 ft. (7.6 m)

- (D) All other uses – as required by the Development Authority
- (vi) Minimum Floor area  
 One family dwellings – 1000 sq. ft. (92.90 m) on ground floor.  
  
 Manufactured homes – 1000 sq. ft. (92.90 m), excluding attached porches.  
  
 All other uses as required by the development authority.
- (vii) Maximum Height  
 One family dwellings – the maximum height shall not exceed 36 ft. (10.97 m) nor 2 ½ storeys.  
  
 Accessory buildings – the maximum height shall not exceed 25 ft. (7.62 m) or 2 storeys.  
  
 All other uses – as permitted by the Development Authority.
- (viii) Maximum Lot Coverage  
 The combined coverage of the principal building and all accessory buildings shall not exceed 35 percent of the lot.
- (ix) Tree coverage  
 The residential properties shall not be cleared of permanent live trees in such a manner as to reduce the tree coverage to less than 35%.

#### 4.4 R RESERVE

(a) **General Purpose:**

The purpose of this District is to provide for areas where no active

Development will occur.

(b) **Permitted Uses:**

- (i) Nature Preserve

(c) **Discretionary Uses:**

None

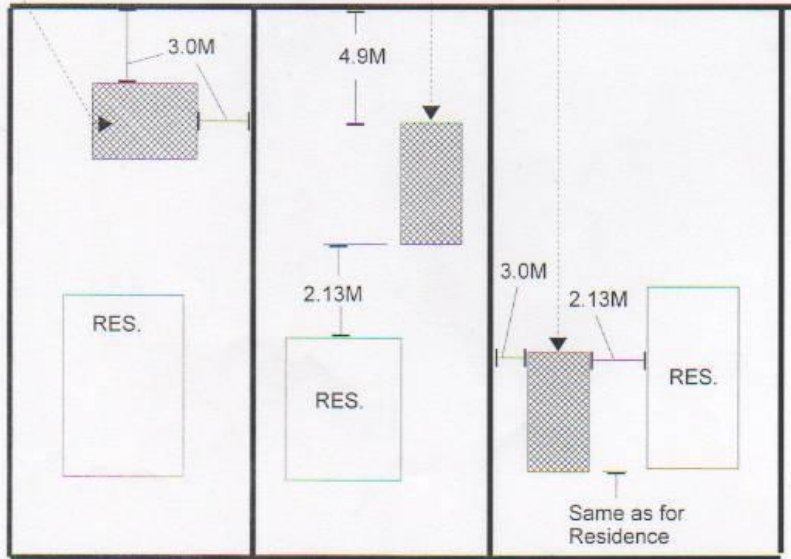
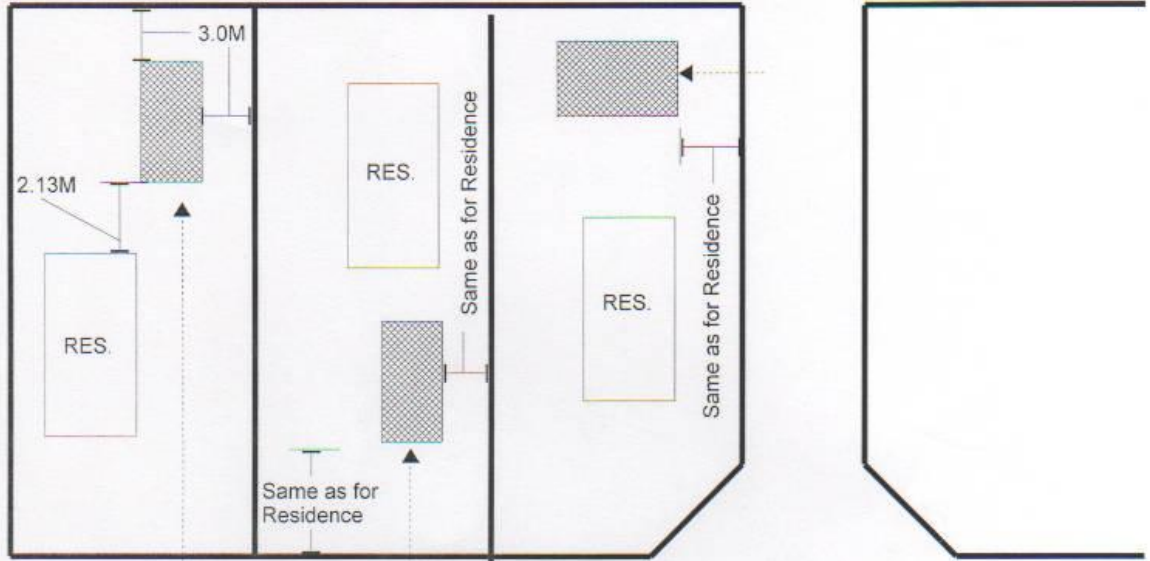
(d) **Development Control Regulations:**

- (i) Except for fencing at the perimeter of a Site and except for public utilities (as defined in the Act) passing through a Site, no improvements or structures of any nature or kind may be erected or brought onto the lands.
- (ii) Improvements or structures existing on a Site at the date this district is applied may remain as non-conforming buildings within the meaning of the Act, and the Development Authority is authorized to issue any necessary Development Permits for the repair, maintenance and refurbishing of the same, even to the extent some structural alterations may be required.
- (iii) This district may be applied to lands owned by the Summer Village and may be applied to other lands within the Summer Village only with the consent of the owner of those lands.
- (iv) No more than 15% of the treed reserve adjacent to lake front properties can be removed. If more than this amount is removed, the owner will be required to replant the trees. Clearcutting is not allowed.





### Siting of Accessory Buildings - R1 Residential District Backshore Lots



Lakefront Lots

Distances shown in metres

# **FORMS AND MAPS**

**THESE FORMS AND MAPS**

**ARE NOT PART OF**

**BY-LAW 97-08**

**BUT ARE INCLUDED HERE FOR INFORMATION**

**SUMMER VILLAGE OF WHISPERING HILLS  
APPLICATION FOR DEVELOPMENT PERMIT**

**FORM A**

**FEE: As set out by Council - \$40.**

Application No \_\_\_\_\_

**Double: if work started before application submitted.**

I/We hereby apply for a Development Permit for the use noted below and in accordance with the accompanying plans and supporting information, (**A drawing of building location and distance from property lines and distance between buildings and a photograph of the lot showing existing development, if any must be submitted.**)

**Proposed Development (Construction).** (eg. 24ft. By 36ft. Cabin together with 10ft. By 24ft. Deck)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Registered Owner (if different)**

Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Address of property to be developed:**

**LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ REGISTERED PLAN \_\_\_\_\_**

Existing use of property: (eg residential) \_\_\_\_\_

Proposed use of property: (e.g. residential) \_\_\_\_\_

**Proposed Yard Setbacks:**

**Main Building**

FRONT \_\_\_\_\_

SIDE \_\_\_\_\_

REAR \_\_\_\_\_

FLOOR AREA \_\_\_\_\_

Estimated Commencement Date \_\_\_\_\_ Estimated Completion Date \_\_\_\_\_

Estimated Cost of project or Contract Price: \_\_\_\_\_

**Accessory Buildings**

FRONT \_\_\_\_\_

SIDE \_\_\_\_\_

REAR \_\_\_\_\_

FLOOR AREA \_\_\_\_\_

**DECLARATION**

I/We hereby declare that the above information is, to the best of my/our knowledge, factual and correct. I/We hereby give consent to allow authorized persons to enter the above land with respect only to this application.

**Note: Signature of Registered Landowner, or their letter of authorization is required, if different from applicant.**

\_\_\_\_\_  
**Signature of applicant**

\_\_\_\_\_  
**Signature of landowner**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

FORM "B"

PERMIT NO. \_\_\_\_\_

**SUMMER VILLAGE OF WHISPERING HILLS  
NOTICE OF DECISION ON DEVELOPMENT PERMIT**

**Applicant:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address of property to be developed:** \_\_\_\_\_

**Proposed Development:** \_\_\_\_\_

**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Registered Plan No.** \_\_\_\_\_

Decision:                     APPROVED subject to the standard conditions (below)  
                                   APPROVED subject to the standard conditions  
   plus special conditions (attached)  
                                   REFUSED for the reasons contained in the attached letter

**THESE ARE STANDARD CONDITIONS FOR ALL DEVELOPMENT PERMITS**

- (a) Development or construction shall not begin until 15 days after the Date of Issue of Notice of Decision;
- (b) The development or construction shall comply with any conditions contained herein;
- (c) The development or construction shall be carried out in accordance with the plans contained in the development permit application;
- (d) All applicable permits shall be obtained.

**IMPORTANT NOTICES REGARDING DEVELOPMENT PERMITS**

- (a) The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Subdivision and Development Appeal Board, in accordance with Part 4 of the Land Use Bylaw. The appeal shall be made in writing, and shall be delivered either in person or by mail to the Summer Village office not later than 14 days after the Date of Issue of Notice of Decision.
- (b) Should an appeal be made against the decision, the development permit shall not come into effect until the appeal has been determined by the Subdivision and Development Appeal Board. Should the Subdivision and Development Appeal Board approve the issue of the Development Permit, the permit shall be considered valid from the date of the Subdivision and Development Appeal Board decision and subject to any Subdivision and Development Appeal Board conditions.
- (c) This permit is valid for a period of 18 months from the date of issue or the date of an approved decision of the Subdivision and Development Appeal Board. If the development authorized by this development permit is not started within six months from the date of issue, the Development Officer may declare the permit void, unless and extension has been granted.
- (d) This is a development permit only. It is not a building permit. The applicant is required to ensure that the proposed development or construction complies with all applicable municipal, provincial and federal laws.

\_\_\_\_\_  
Date of Decision

\_\_\_\_\_  
Date of Issue of  
Notice of Decision

\_\_\_\_\_  
Signature of Development Officer

**THIS IS NOT A BUILDING PERMIT!** You will require a building permit. Electrical, gas and plumbing permits may be required as well. These permits can be obtained from **Inspections Group, 12010 – 111 Ave. N.W. Edmonton, AB T5G 0E6. Phone 780-454-5048, fax 780-454-5222**

**FORM "C"**

**PERMIT NO.** \_\_\_\_\_

**SUMMER VILLAGE OF WHISPERING HILLS  
NOTICE OF DECISION OF THE DEVELOPMENT OFFICER**

This is to notify you of a decision of the Development Officer whereby a development permit has been issued authorizing the following development:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Address of property:** \_\_\_\_\_

**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Registered Plan No.** \_\_\_\_\_

The applicant or any person who claims to be affected by the decision of the Development Officer may appeal the decision to the Subdivision and Development Appeal Board. The appeal shall be made in writing and shall be delivered either in person or by mail to the Summer Village office not later than 14 days after the Date of Issue of Notice of Decision.

\_\_\_\_\_  
Date of Decision

\_\_\_\_\_  
Date of Issue of  
Notice of Decision

\_\_\_\_\_  
Signature of Development Officer

**Mailing Address of the  
Summer Village:**

**FORM "D"**

**PERMIT NO.** \_\_\_\_\_

**SUMMER VILLAGE OF WHISPERING HILLS  
NOTICE OF APPEAL HEARING**

This is to notify you that an appeal has been made to the Subdivision and Development Appeal Board against a decision with respect to Permit No. \_\_\_\_\_ which involves a development described as follows:

**Applicant:** \_\_\_\_\_

**Address of property:** \_\_\_\_\_

**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Registered Plan No.** \_\_\_\_\_

The decision \_\_\_ APPROVED \_\_\_ APPROVED WITH CONDITIONS \_\_\_ REFUSED a development permit for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(continue on reverse if necessary)

**PLACE OF HEARING:** \_\_\_\_\_

**TIME OF HEARING:** \_\_\_\_\_

**DATE OF HEARING:** \_\_\_\_\_

Any persons affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the meeting shall submit the written briefs to the Secretary of the Subdivision and Development Appeal Board, at the address of the Summer Village, not later than \_\_\_\_\_.

\_\_\_\_\_  
Date of Issue of Notice

\_\_\_\_\_  
Signature of Secretary  
Subdivision and Development Appeal Board

**Mailing address for the Subdivision and Development Appeal Board:**

**FORM "E"**

**PERMIT NO.** \_\_\_\_\_

**SUMMER VILLAGE OF WHISPERING HILLS  
NOTICE OF APPEAL DECISION**

This is to notify you that an appeal against the

- APPROVAL
- APPROVAL WITH CONDITIONS
- REFUSAL

of a development permit with regard to the following:

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**Applicant:** \_\_\_\_\_

**Address of property:** \_\_\_\_\_

**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Registered Plan No.** \_\_\_\_\_

was considered by the Subdivision and Development Appeal Board on \_\_\_\_\_, \_\_\_\_\_. The decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows:

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\_\_\_\_\_  
Date of Issue of Notice

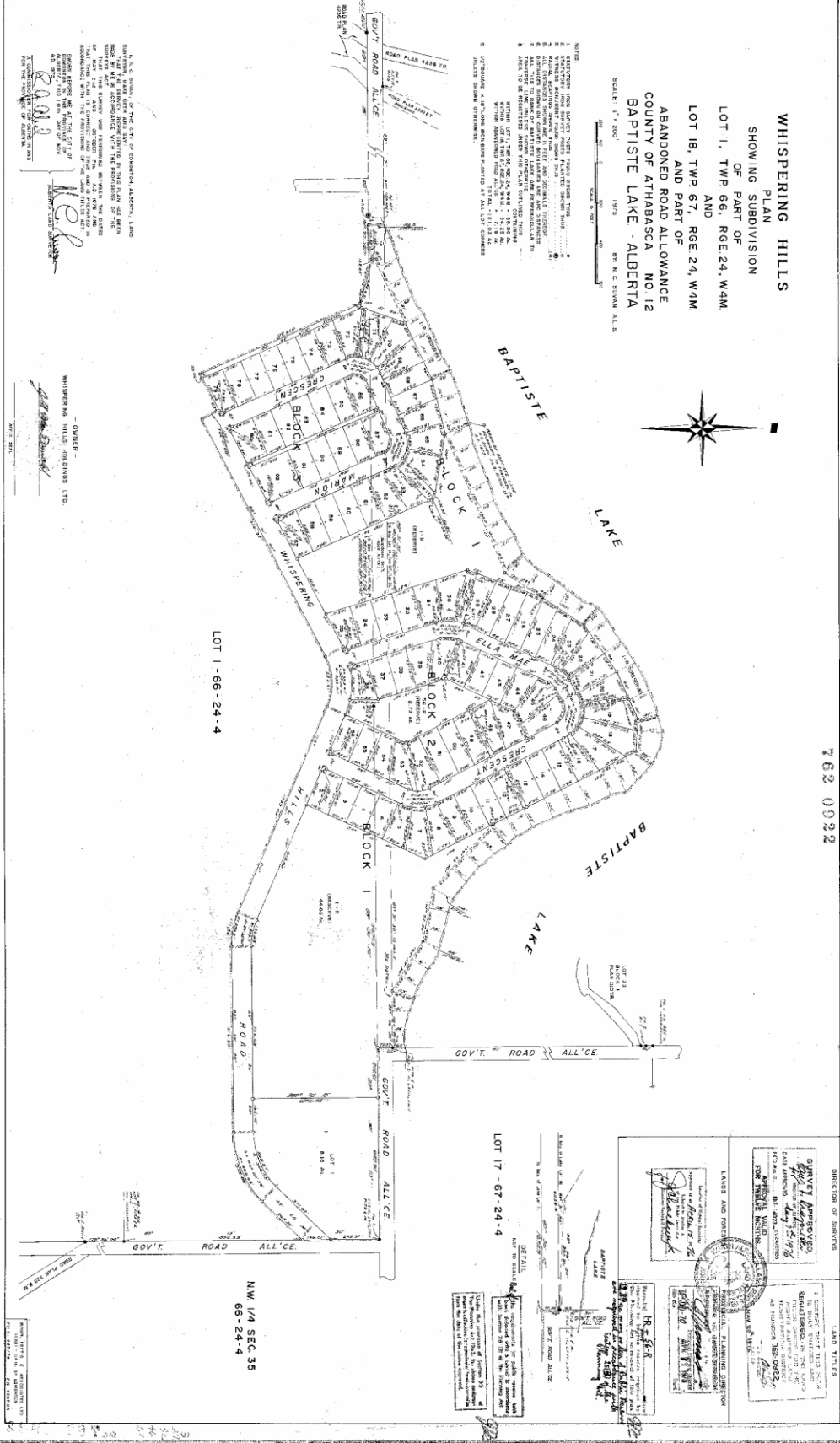
\_\_\_\_\_  
Signature of Secretary  
Subdivision and Development Appeal Board

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject ONLY to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal shall be made to a judge of the Court of Appeal within 30 days after the issue of the order, decision, permit or approval that is being appealed.

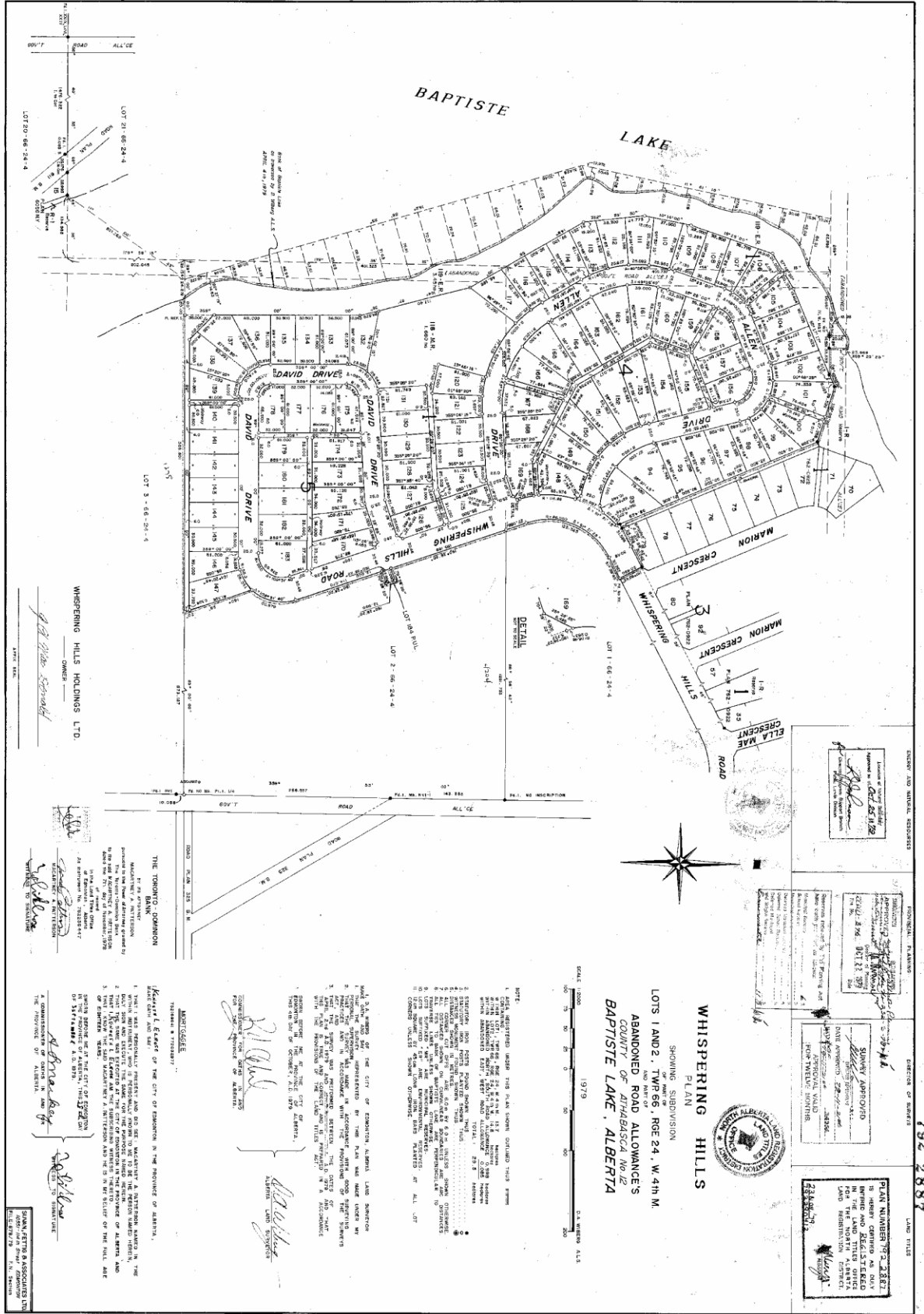
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WHISPERING HILLS HOLDINGS LTD.

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

**THE TORONTO DOMINION**  
 AS ATTORNEY  
 MAKING A PARTITION  
 OF THE LANDS  
 OF THE CITY OF EDMONTON  
 IN THE PROVINCE OF ALBERTA  
 IN ACCORDANCE WITH  
 THE ACT RESPECTING THE  
 PARTITION OF LANDS  
 IN THE PROVINCE OF ALBERTA,  
 CHAPTER 24, R.S.A. 1978  
 AND THE ACT RESPECTING  
 THE PARTITION OF LANDS  
 IN THE PROVINCE OF ALBERTA,  
 CHAPTER 24, R.S.A. 1979

**NOTICE**  
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**REGISTERED**  
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792 2887  
 LAND TITLE  
 SECTION 24, R.S.A. 1978  
 COUNTY OF ALBERTA  
 BAPTIST LAKE, ALBERTA