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Summer Village of South Baptiste

# **LAND USE BYLAW | BYLAW 01-2024**



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# 1. ADMINISTRATION

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## 1.1 Title

- 1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of South Baptiste, 01-2024.

## 1.2 Effective Date

- 1.2.1 The effective date of this Bylaw shall be the date of the third reading.

## 1.3 Repeal

- 1.3.1 Bylaw No. 03-2010 5/98, the former Summer Village of South Baptiste Land Use Bylaw (as amended) is repealed and shall cease to have effect on the day that this Land Use Bylaw comes into effect.

## 1.4 Purpose

- 1.4.1 The purpose of this Bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly, economic and beneficial development of land and to maintain and improve the quality of the physical environment. This Bylaw shall, among other things:
- a. divide the municipality into districts;
  - b. describe the purposes for which land and buildings may be used within each district;
  - c. establish a method of making decisions on applications for development permits;
  - d. establish how notice of the issuance of a development permit is to be given;
  - e. establish a system of appeals against the decisions of the Subdivision Authority and the Development Authority;
  - f. establish the number of dwelling units permitted on a lot;
  - g. shall follow:
    - i. adopted statutory plans and watershed management plans;
    - ii. the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced;
    - iii. the Matters Related to Subdivision and Development Regulation, AR84/2022, as amended or replaced; and
    - iv. the Provincial Land Use Policies (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, S.A. 2009, c. A-26.8, as amended or replaced).

## 1.5 Application

- 1.5.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of the Summer Village.

## 1.6 Conformity and Compliance

- 1.6.1 No person shall commence any subdivision or development unless it is in accordance with the regulations of this Bylaw. Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit or subdivision approval as required in this bylaw, or to obtain any other permit, license, approval, or other authorization required by any bylaw, Act, or any regulation pursuant to an Act.
- 1.6.2 Compliance with the requirements of this Bylaw does not exempt a person from:
- a. The requirements of any federal or provincial legislation;
  - b. The policies and regulations of Summer Village statutory plans and bylaws;
  - c. Complying with any easement, covenant, agreement, or contract affecting the development.

## 1.7 Severability

- 1.7.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.
- 1.7.2 If any provision of this Bylaw is declared invalid, that provision shall be severed, and all other provisions of the Bylaw shall remain in force and effect.

## 2. INTERPRETATION

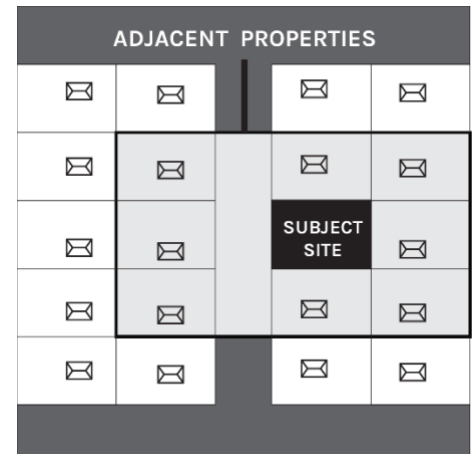
### 2.1 Measurements

- 2.1.1 The metric measurement shall take precedence for the purposes of interpretation of the regulations in this Land Use Bylaw.
- 2.1.2 The imperial measures are approximate and are provided only for information.
- 2.1.3 Unless specified elsewhere in this Land Use Bylaw, measurements shall be rounded to the tenth decimal place.

### 2.2 Definitions

- 2.2.1 In this bylaw:

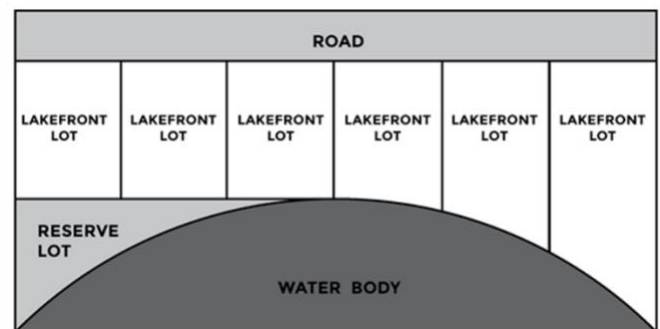
- 1. “accessory building or use” means a building or use which is subordinate and incidental to the principal building or use located on the lot. For the purposes of this Bylaw, accessory buildings include tool sheds, garden sheds, boathouses, garages, carports, privies;
- 2. “Act” means the Municipal Government Act R.S.A. 2000 c. M—26 as amended or replaced;
- 3. “adjacent” means land that is contiguous to the land that is the subject of an application, and includes land that would be contiguous except for a road, rail, or utility right-of-way, a river, or a stream;
- 4. “animal” shall have the same meaning as in the Summer Village’s Responsible Animal Ownership Bylaw.
- 5. “basement suite” means an additional dwelling unit located in the basement of a single family dwelling;
- 6. “boathouse” means an accessory building designed and used primarily for the storage of boats and/or items associated with aquatic recreation. A boathouse shall not include a suite, and shall not contain cooking, bathing, or sleeping facilities. A boat house shall not be developed in the bed and shore of a waterbody;
- 7. “building” includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- 8. “building envelope” means the area of a lot, the boundaries of which are determined by minimum yard requirements, where construction of principal and/or accessory buildings is allowed;
- 9. “carport” means an accessory building or part of the principal building consisting of a roofed enclosure used for the storage of motor vehicles with at least 40% of the total perimeter open and unobstructed;
- 10. “caveat” means a formal notice expressing an interest in a parcel of land registered against the title to that parcel of land;
- 11. “chattel” means a movable item of personal property;
- 12. “corner lot” means a lot with boundary lines on two separate roads;
- 13. “Council” means the Council of the Summer Village of South Baptiste;
- 14. “cultivation” means to prepare and use land to raise crops by ploughing, planting seeds and taking care of growing plants;
- 15. “deck” means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.2 m (4.1 ft.);



16. “developer” means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
17. “development” means:
  - a. an excavation or stockpile and the creation of either of them;
  - b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;
  - c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building;
  - d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
  - e. the placing of refuse or waste material on any land;
  - f. the use of land for the storage or repair of motor vehicles or other machinery or equipment;
  - g. the erection of signs;
  - h. stripping, grading, and/or recontouring a lot;
  - i. a change of use of land or a building that alters natural drainage patterns;
  - j. demolition or removal of a building in whole or in part; and/or
  - k. the placement of an already constructed or a partially constructed building on a lot;
18. “Development Authority” means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
19. “Development Authority Officer” means the Development Authority Officer established and appointed pursuant to the Act through the municipality's Development Authority Bylaw;
20. “development permit” means a document authorizing a development issued pursuant to this Bylaw;
21. “discretionary use” means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
22. “district” means a designated area of the municipality within which certain uniform requirements and regulations govern the use of land, and the placement, spacing and size of buildings;
23. “dwelling” means any building used exclusively for human habitation and which is supported on a permanent foundation or base. This definition shall include single detached dwellings, including both site built and modular homes but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;
24. “dwelling, manufactured home” means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with the CSA Z240 MH National Mobile Home Standard and all applicable building and safety codes, bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;
25. “dwelling, mobile home” means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with all applicable building and safety codes. A mobile home refers to a modular home that was constructed prior to 1991;
26. “dwelling, modular” means a dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of home but rather to a method of construction, and includes single detached, manufactured, and mobile home dwellings;

27. “dwelling, single detached” means a dwelling consisting of one (1) dwelling unit but does not include mobile manufactured homes;
28. “dwelling unit” means a complete dwelling or self-contained portion of a dwelling, or one or more habitable rooms constituting a self-contained unit used as a residence, each unit having sleeping, cooking, and access to toilet facilities;
29. “Environmental Reserve” means an environmental reserve as determined in accordance with the Act which is land designated as environmental reserve on a plan of subdivision;
30. “Environmental Reserve Easement” means an environmental reserve easement as determined in accordance with the Act;
31. “excavation” means any breaking of ground, except common household gardening and ground care;
32. “fence” means a vertical, physical barrier constructed to provide aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access;
33. “FireSmart defensible space” means an area around a dwelling or structures, which is either man-made or natural where the vegetation is modified and maintained to slow the rate and intensity of an advancing wildland fire. It also provides room for firefighters to work and helps protect the forest from becoming involved should a structure fire occur.
34. “floodplain” means the area of land bordering a water course or water body that would be inundated by 1 in 100 year flood event as determined by Alberta Environment in consultation with the Summer Village of South Baptiste;
35. “floor area” means the total of the areas of the floors of every room and passageway contained within a building, but not including the areas of the floors of basements, walls, attached garages, sheds, open porches or breezeways;
36. “front line” means the boundary line of a lot lying adjacent to a road or, in the case of a lakeshore lot, the lot line closest to or adjacent to the waterbody. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
37. “garage” means an accessory building or a part of the principal building, designed and used primarily for the storage of motor vehicles;
38. “garage suite” means a self-contained dwelling located/attached above, beside, or behind a detached garage which is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
39. “general retail store” means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4,000 m<sup>2</sup> (43055 ft.<sup>2</sup>) but does not include a grocery store or a specialty store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, appliance stores, jewellery stores, or second hand stores;
40. “general service” means a development used to provide services related to the care and appearance of an individual, including the cleaning and repair of clothing, but does not include health service. Typical uses are dry cleaner, hair salon, tanning salon, laundromat, tailor, dressmaker, shoe repair and facilities used to provide pedicures, manicures, massages and electrolysis;
41. “grade” means the average elevation of the natural or finished ground adjoining a building at all exterior walls, or the level of the ground as established by a grade plan approved by the municipality;
42. “height” means the vertical distance measured from the average grade level at the four corners of the property on which the building is located, excluding chimneys, skylights, ventilation fans, flagpoles, antennae or similar devices or features which are not structurally essential to the building;

43. “home occupation, major” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaws;
44. “home occupation, minor” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw;
45. “kennel” means any building, fenced area or combination thereof, in which more than four (4) dogs are maintained, boarded, bred, trained, cared for, or kept for purposes of sale or in which more than four (4) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
46. “lane” means a public thoroughfare maintained by the municipality which provides alternate access to a lot;
47. “kennel” shall have the same meaning as in the Summer Village’s Responsible Animal Ownership Bylaw.
48. “lot” means:
- a quarter section; or
  - a river or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office; or
  - a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision; or
  - a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
49. “livestock” shall have the same meaning as in the Summer Village’s Responsible Animal Ownership Bylaw.
50. “lot coverage” is a calculation of the ground floor area divided by the area of the lot;
51. “lot, irregular” means a lot created by legal subdivision prior to the adoption of any Land Use Bylaw coming into effect in the municipality which is smaller than the minimum permitted lot size as specified in this Bylaw;
52. “lot, lakefront” means a lot fronting on a waterbody or a reserve parcel adjacent to a waterbody;
53. “lot width” means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
54. “may” means the action is not obligatory;
55. “Municipal Planning Commission” means the Municipal Planning Commission established by the Council by the Municipal Planning Commission Bylaw adopted pursuant to the Act;
56. “municipality” means the Summer Village of South Baptiste;
57. “non-conforming building” means a building:
- that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and

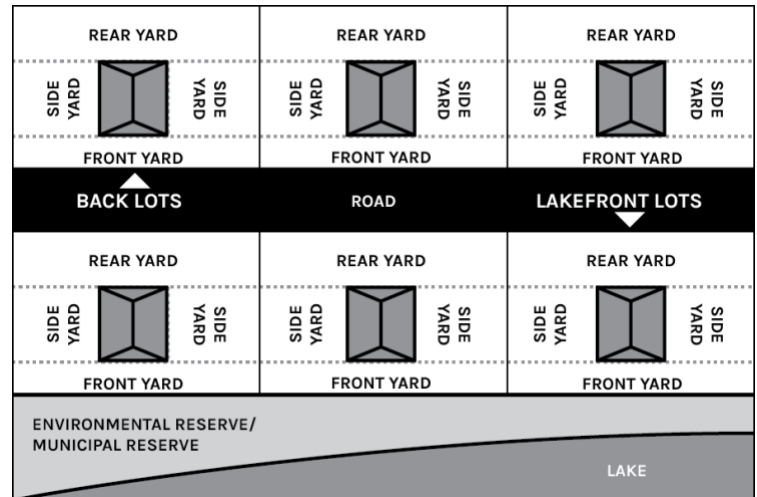




- b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- 58. “non-conforming use” means a lawful specific use:
  - a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
  - b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- 59. “nuisance” means anything that interferes with, or which may interfere with the use or enjoyment of property, endangers, or may endanger public health or safety, or is or may be offensive to the senses;
- 60. “order” means a notice requiring compliance issued in writing by the Development Authority pursuant to this Bylaw;
- 61. “owner” means:
  - a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
  - b. in the case of any other land, the owner of the land according to the municipality's assessment roll.
- 62. “park” means a use where public land is specifically designed or reserved for the public for active or passive recreation, or for educational, cultural or aesthetic purposes, and includes all natural areas and landscaped areas. This includes but is not limited to: playing fields, playgrounds, picnic grounds, trails, natural areas, water features, and related accessory buildings.
- 63. “park model” means a temporary or recreational unit. There are two types of park models which are recognized by the industry. They are:
  - a. Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing and are not fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in setup mode the gross trailer area does not exceed 37.2 m<sup>2</sup> (400.0 ft.<sup>2</sup>). It conforms to the CSA Z-240 Standard for RVs.
  - b. Park Model Recreational Unit is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use and must be connected to those utilities necessary for the operation of installed fixtures and appliances. It has a gross floor area, including lofts, not exceeding 50.0 m<sup>2</sup> (540.0 ft.<sup>2</sup>) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z241 Standard for RVs.
- 64. “parking space” means an area set aside for the parking of one (1) vehicle;
- 65. “patio” means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;
- 66. “permitted use” means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied;
- 67. “principal building” means a building in which is conducted the main or principal use of the lot on which it is erected;
- 68. “private” intended for or restricted to the use of a particular person, group or interest

69. “public” accessible or shared by all members of the community
70. “public building” means a building which is used for public administration and services and includes uses such as assembly, instruction, recreation, culture, and community activities;
71. “public utility” means a public utility, as defined in the Act;
72. “rear line” means the boundary line of a lot lying opposite to the front line of the lot;
73. “recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another vehicle. The base entries are: travel trailers, camping trailers, truck campers, fifth wheel trailers, and motor homes;
74. “recreational vehicle campground” means a commercial development consisting of sites for the location of more than four (4) recreational vehicles;
75. “relocated buildings” means a building that has been used for a similar use or different use in another location and is then moved to a new site for re-use. Dwellings and accessory buildings may be considered relocated buildings.
76. “renovation” means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
77. “restaurant” means a premise where the primary purpose is the sale of prepared foods and beverages to the public for consumption on or off the site. This use typically has a varied menu, with a fully equipped kitchen and preparation area, and may or may not include the sale of alcohol for consumption on site with food.
78. “road” shall have the same meaning as provided for in the Act;
79. “satellite dish” means a dish-shaped or other apparatus used for the reception of satellite transmitted television or radio waves;
80. “sea can” means pre-built metal containers and structures originally designed and/or constructed for the purpose of cargo storage;
81. “setback” means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building as specified in this Bylaw. Where the parcel boundary is curved due to the curvature of a public road or for other reasons, the midpoint of the facing wall or portion of the building may be used as a basis to calculate the setback distance;
82. “shall” means the action is obligatory;
83. “shoreline” means the line of the bed and shore of the body of water;
84. “should” is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
85. “sideline” means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a sideline;
86. “sign” means an object or device intended to advertise or call attention to any person, place, thing, or event;
87. “site built” means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
88. “structural alteration” means the construction or reconstruction of supporting elements of a building;
89. “Subdivision Authority” means the person or authority empowered by the municipality to approve a subdivision by the municipality’s Subdivision Authority Bylaw;
90. “Subdivision and Development Appeal Board” means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;

91. “suite, guest house” means a separate building on a lot used for temporary accommodation of guests, but not containing cooking or toilet facilities. Bunk houses are considered guesthouses for the purpose of this bylaw;
92. “suite, garage” means a secondary dwelling unit located/attached above, beside, or behind a detached garage that is accessory to, and on the same lot as, a single-detached dwelling;
93. “suite, secondary” means a self-contained living space located on the same property as a detached house. It has a separate entrance, cooking, sleeping, and bathing facilities;
94. “temporary dwelling” means a dwelling located on a lot where a permanent dwelling is under construction. The temporary dwelling shall be removed upon completion and occupancy of the permanent dwelling;
95. “walkway” means a public right-of-way for pedestrian use only, which is registered as a walkway or as a Reserve;
96. “yard” means a part of a lot upon or over which no principal building is to be erected;
97. “yard, front” means a yard extending across the full width of a lot from the front line to the nearest wall of the principal building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
98. “yard, rear” means a yard extending across the full width of a lot from the nearest wall of the principal building situated on the lot to the rear line of the lot; and
99. “yard, side” means a yard extending from the nearest wall of the principal building situated on a lot to the sideline, and lying between the front and rear yards on the lot.
- 2.2.2 All other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.



## 3. AUTHORITIES

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### 3.1 Council

- 3.1.1 Council shall perform such duties as are specified for it in this Bylaw.
- 3.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

### 3.2 Development Authority

- 3.2.1 The Development Authority for the Summer Village of South Baptiste is hereby established.
- 3.2.2 The Development Authority shall be:
  - a. the Development Authority Officer;
  - b. the Municipal Planning Commission, with their duties and responsibilities as described in Section 3.4 of this Bylaw; and
  - c. Council, in matters related to a Direct Control District.
- 3.2.3 The Development Authority shall be carried out in accordance with powers and duties described in the Act, regulations established under the Act, and this Bylaw as amended or replaced.
- 3.2.4 If the Development Authority Officer is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- 3.2.5 If the Municipal Planning Commission is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Municipal Planning Commission.

### 3.3 Development Authority Officer

- 3.3.1 The Development Authority Officer shall be appointed by resolution of Council.
- 3.3.2 The position of designated officer for the limited purpose of exercising the powers, duties, and functions of a Development Authority Officer for the Summer Village is hereby established.
- 3.3.3 The Development Authority Officer shall:
  - a. keep and maintain for the inspection of the public on the Summer Village website as well as during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at large;
  - b. make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;
  - c. post all approved development permits on the Summer Village website;
  - d. collect fees as identified in the Summer Village's Fees and Charges Bylaw;
  - e. be declared to be the designated officer for the purposes of Section 542 of the Act; and
  - f. may sign on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.

### 3.4 Municipal Planning Commission

- 3.4.1 The Municipal Planning Commission shall be appointed by resolution of the Council.
- 3.4.2 The Municipal Planning Commission shall decide upon all development permit applications for:
  - a. discretionary uses;
  - b. developments associated with non-conforming buildings or uses;
  - c. developments requiring variances; and
  - d. any development permit application referred to it by the Development Authority Officer.
- 3.4.3 The Municipal Planning Commission may:
  - a. provide recommendations for subdivision proposals to the Subdivision Authority;
  - b. direct the Development Officer or Administration to review, research or make recommendations on any other planning and development matter;

- c. make recommendations to Council on planning and development matters; and
- d. perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.

### **3.5 Subdivision Authority**

- 3.5.1 The Subdivision Authority of the Summer Village shall be as established by the municipality's Subdivision Authority Bylaw to act on behalf of Council in those matters delegated to it by this Bylaw and the Subdivision Authority Bylaw.
- 3.5.2 The Subdivision Authority shall be appointed by resolution of Council.

### **3.6 Subdivision and Development Appeal Board**

- 3.6.1 The Subdivision and Development Appeal Board established by the Summer Village's Subdivision and Development Appeal Board Bylaw, as amended or replaced, shall perform such duties as are specified in Section 7 of this Bylaw.

## 4. AMENDMENTS

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### 4.1 Application

- 4.1.1 Subject to the Act, any section in this Land Use Bylaw may be amended.
- 4.1.2 All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.
- 4.1.3 Any person may apply to have this Bylaw amended, by applying in writing to Council and furnishing reasons in support of the application.
- 4.1.4 Notwithstanding this section, the Land Use Bylaw may be updated without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- 4.1.5 Council may at any time initiate an amendment to this Bylaw by directing the Development Authority Officer to initiate an amendment.
- 4.1.6 All applications for amendment shall be accompanied by:
  - a. a statement of the specific amendment requested;
  - b. the purpose and reasons for the application;
  - c. if the application is for a change of a land use district:
    - i. the legal description of the lands;
    - ii. a plan showing the location and dimensions of the lands; and
    - iii. a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land that is dated within thirty (30) days of application;
  - d. the applicant's interest in the lands; and
  - e. an application fee as identified in the Summer Village's Fees and Charges Bylaw.
- 4.1.7 Notwithstanding 4.1.6.e above, Council may waive payment of an application fee or any part thereof.
- 4.1.8 Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:
  - a. prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
  - b. mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;
  - c. provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
  - d. prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
  - e. inform the applicant of the recommendation to Council.
- 4.1.9 At the same time as forwarding the application for amendment to Council, Summer Village Administration may, at its sole discretion, refer the application for further information to any person or agency it wishes.
- 4.1.10 The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
  - a. refuse the application;
  - b. refer the application for further information; or
  - c. pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
  - d. pass first reading of an alternate amendment to this Land Use Bylaw.
- 4.1.11 Following first reading to an amending bylaw, Council shall establish the date, time and place for a public hearing on the proposed bylaw.
- 4.1.12 Following establishment of the date, time, and place for the public hearing, Summer Village administration shall issue a notice of the public hearing in accordance with the requirements of the Act for public hearing notification.
- 4.1.13 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.

- 4.1.14 The notice of the public hearing shall provide the following information:
- a. the purpose of the proposed bylaw;
  - b. the date, time, and place of the public hearing; and
  - c. the address where a copy of the proposed bylaw and any document relating to it, or the public hearing may be inspected.
- 4.1.15 In the case of an amendment to change the land use district designation of a parcel of land, Summer Village Administration must:
- a. Include in the notice:
    - i. the municipal address, if any, and the legal address of the parcel of land; and
    - ii. a map showing the location of the parcel of land;
  - b. give written notice containing the information described in Section 4.1.14.a to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
  - c. give written notice containing the information described in Section 4.1.14 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- 4.1.16 If the land identified in Section 4.1.15.c is in an adjacent municipality, the Summer Village must give written notice to the adjacent municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

## 4.2 Public Hearing

- 4.2.1 In the public hearing, Council:
- a. must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
  - b. may hear any other person who wishes to make representations that Council agrees to hear.
- 4.2.2 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
- a. pass the bylaw;
  - b. defer it for further information or comment;
  - c. make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
  - d. defeat the bylaw.
- 4.2.3 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- a. After third reading of the Bylaw, the Development Authority shall send a copy of it to:
    - i. the applicant;
    - ii. the registered owner of the land (if different from the applicant);
    - iii. the Summer Village's subdivision and planning services provider; and
    - iv. the adjacent municipality, if applicable.

## 5. DEVELOPMENT

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### 5.1 Control of Development

- 5.1.1 Development Permits are required to ensure that all development is achieved in an orderly manner.
- 5.1.2 No development other than that designated in section 5.2 of this bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.
- 5.1.4 Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.
- 5.1.5 For the purposes of this section, signs, posters, and billboards are deemed to be developments.
- 5.1.6 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

### 5.2 Development Not Requiring a Permit

- 5.2.1 The following development shall not require a development permit, provided that the development otherwise complies with all other regulations of this Bylaw:
  - a. the repair or maintenance of any building provided the work does not include structural alterations;
  - b. the completion of a building which was lawfully under construction, or for which a permit had lawfully been issued on the date that this Bylaw comes into effect;
  - c. the use of any buildings referred to in 5.2.1.b for the use for which construction was begun;
  - d. the erection or maintenance of gates, fences, or other means of enclosure (other than on corner lots) less than 1.0 m (3.3 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in height within side and rear yards and the maintenance, improvement and other alterations of any gates, fences, walls, or other means of enclosure;
  - e. a temporary building which is incidental to the construction or alteration of a principal building for which a permit has been issued, provided that the temporary building shall be removed within one (1) year of the commencement of construction or upon completion of the building or development where it is completed in a period of less than one (1) year. Sea cans, as defined by this bylaw, shall not be considered temporary buildings;
  - f. the maintenance and repair of public buildings or public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
  - g. movable buildings under 11.2 m<sup>2</sup> (120.6 ft.<sup>2</sup>) in area which comply with the regulations of this Bylaw, not including sea cans;
  - h. patios and sidewalks less than 0.6 m (2.0 ft.) from the ground;
  - i. cultivation;
  - j. landscaping where the proposed grades will not adversely affect drainage from the subject parcel onto adjacent parcels of land;
  - k. Minor cutting of trees, particularly damaged or diseased, or clearing of underbrush on private property up to 30% of existing vegetation on the lot;
  - l. The placement of up to three or four recreational vehicles on a residential lot (depending on the size of the lot), in conformance with the provisions of Section 9.17 – Recreational Vehicles on Private Lots.
  - m. the demolition or removal of any building or structure that did not require a development permit to be constructed or erected as per 5.2.1.d through 5.2.1.l;
- 5.2.2 Notwithstanding any provision of Section 5.2.1 above, specifically 5.2.1.g, an approved development permit will be required for any addition to a movable building. The approval of any such development permit application will be at the discretion of the Development Authority.



- 5.2.3 Notwithstanding any regulation in this section, other permits and approvals (such as building permits) may be required.

### **5.3 Non-Conforming Buildings and Uses**

- 5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 5.3.3 A non-conforming use of part of a building may be extended throughout the building. The building may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.4 A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
- a. to make it a conforming building;
  - b. for the routine maintenance of the building, if the Development Authority considers it necessary; or
  - c. in accordance with the powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.
- 5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.
- 5.3.8 If the Development Authority has reasonable basis to believe a building or development on a lot encroaches onto an adjacent lot the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent lot, and (if necessary) can arrange for the removal of the building or development at the owner's expense. The Development Authority may require a lot owner to erect permanent, visible markers at the corners of any lot, to a standard approved by the Development Authority.

### **5.4 Application Requirements**

- 5.4.1 An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
- a. a non-refundable application fee, as identified in the Summer Village's Fees and Charges Bylaw;
  - b. a site plan showing:
    - i. front, side and rear yards;
    - ii. north point;
    - iii. legal description of the property;
    - iv. access and egress points to the property; and
    - v. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
  - c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
  - d. a statement of ownership of the land and the interest of the applicant therein; and
  - e. a statutory declaration indicating that the information supplied is accurate.
- 5.4.2 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the

discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the lot do not correspond with the legal boundaries of the lot.

- 5.4.3 In making a decision, the Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - b. the height and horizontal dimensions of all existing and proposed buildings;
  - c. outlines of roof overhangs on all buildings;
  - d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
  - e. post construction site and building elevations;
  - f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - g. Reports, plans, and studies prepared by qualified professionals, as requested by the Development Authority;
  - h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - i. future development plans for a site which is to be partially developed through the applicable development permit;
  - j. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and
  - k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.
- 5.4.4 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
  - b. existing land use and vegetation;
  - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
  - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
  - e. identification of potential for outdoor noise and the discharge of substances into the air;
  - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
  - g. an indication of all municipal servicing costs associated with the development;
  - h. the proposed haul route, dust control plan and expected hours of operation; and
  - i. Statements indicating how the proposed development aligns (or does not align) with applicable watershed management plans.
- 5.4.5 In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- 5.4.6 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.

- 5.4.7 At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
- 5.4.8 The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 5.4.9 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
- 5.4.10 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.
- 5.4.11 Where a development permit for an accessory building has been applied for before a principal building or principal use has been developed on a lot, the applicant must provide a site plan which identifies the proposed location for the principal building or principal use on the lot as part of the application.
- 5.4.12 As a condition of issuing a development permit, the Development Authority may require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.

## **5.5 Permission for Demolition**

- 5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.
- 5.5.2 The demolition of any structure must be done in accordance with all applicable building and safety codes, and Canadian Standards Association Standard S350-M1980 "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Canadian Standards Association Standards.
- 5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:
  - a. the value of the development;
  - b. the alternatives to demolition if the building is of historic or architectural value;
  - c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
  - d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
  - e. the destination of debris materials;
  - f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
  - g. a copy of the original development approval including building permits where applicable;
  - h. the form of demolition to be used (heavy equipment or by hand);
  - i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished);
  - j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;

- k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
- l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
- m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.

5.5.4 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to:

- a. Identify proposed haul routes and destination for the demolition materials;
- b. Complete a Hazardous Materials Assessment Report; and/or
- c. Complete any phase of an environmental site assessment in order to determine whether the site is contaminated, and the mitigation measures necessary to eliminate such contamination.

5.5.5 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements:

- a. Require that the applicant undertake all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up; and
- b. Require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.

## 5.6 Notice of Complete or Incomplete Applications

5.6.1 The Development Authority shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.

5.6.2 The time period referred to in Section 5.6.1 may be extended by an agreement in writing between the applicant and the Development Authority.

5.6.3 An application is complete if:

- a. in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application; or
- b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.

5.6.4 If the Development Authority determines that the application is complete, the Development Authority shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.

5.6.5 If the Development Authority determines that the application is incomplete, the Development Authority shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application and provide a date by which the documents or information must be submitted in order for the application to be considered complete.

5.6.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.6.5, the application is deemed refused.

5.6.7 Despite that the Development Authority has issued an acknowledgment under Section 5.6.5 or 5.6.6, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

## 5.7 Development Permit Notification

5.7.1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

5.7.2 When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority shall (on the same day the decision is given) give or send a decision on a

development permit application by regular mail (or email) to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision. The Development Authority shall ensure a notice of the decision is posted by the landowner immediately adjacent to the municipal address sign on the lot where it is visible from a public road.

- 5.7.3 In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance to any regulation has been granted**, the Development Authority shall:
- send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent landowners within 100.0 m (300.0 ft.) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
  - ensure a notice is posted by the landowner of the decision immediately adjacent to the municipal address sign on the lot where it is visible from a public road; and
  - post a notice of the decision on the Summer Village's website; and may
  - send a notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- 5.7.4 The notice indicated in Section 5.7.2 and 5.7.3 shall state:
- the legal description and the street address of the site of the proposed development;
  - the uses proposed for the subject development;
  - any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
  - the date the development permit was issued; and
  - how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 5.7.5 Except for those permits described in Section 5.7.2 hereof, a permit granted pursuant to this Section does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.7.6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- 5.7.7 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 5.7.8 The applicant may be responsible for any damages to public or private property occurring because of development.
- 5.7.9 A decision of the Development Authority on an application for a development permit shall be given in writing.
- 5.7.10 When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

## 5.8 Temporary Permits

- 5.8.1 Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.
- 5.8.2 Where a temporary permit has been issued, the construction or development of the use must commence within 6 months of the date the permit was issued.
- 5.8.3 Once the specified period has elapsed as noted in 5.8.1, the issuance of any additional temporary permits shall be at the discretion of the Development Authority.

## 5.9 Development Permit Conditions and Development Agreements

- 5.9.1 The Development Authority may require conditions as part of development permit approval.

- 5.9.2 The Development Authority may require, as a condition of issuing a development permit, that the applicant enter into an agreement to:
- Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
  - Install or pay for the installation of utilities; and/or
  - Pay for an off-site levy or redevelopment levy imposed by bylaw.
- 5.9.3 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

## **5.10 Validity of Permits**

- 5.10.1 A Development Permit does not come into effect until at least twenty-one days have elapsed from the date it is granted and, in any event, does not come into effect until the plans for the building have been approved by an accredited Safety Codes Inspector and all necessary permits pertaining to the construction of the Building have been obtained and copies sent to the Municipality, and posted on site.
- 5.10.2 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.
- 5.10.3 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the issue of the development permit and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void; unless an alternate time frame has been identified in the conditions, or an extension to this period is granted by the Development Authority. Extensions may be granted at the sole discretion of the Development Authority.
- 5.10.4 If, after a development permit has been issued, the Development Authority becomes aware that:
- the application for the development contains a misrepresentation;
  - facts concerning the development were not disclosed at the time the application was considered;
  - the development permit was issued in error; or
  - the conditions of Development Permit Approval are not being complied with to the satisfaction of the Development Authority,
- the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.
- 5.10.5 A person whose development permit is suspended or cancelled under this Section may appeal the decision.

## **5.11 Variances**

- 5.11.1 The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion:
- the proposed development would not:
    - unduly interfere with the amenities of the neighbourhood; or
    - materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and
  - the proposed development conforms to the uses prescribed for that land or building in this Bylaw.
- 5.11.2 Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties relating to the use, character, or lot characteristics; not generally common to other land in the same district have been demonstrated to the satisfaction of the Development Authority.
- 5.11.3 No variance will be granted to increase:
- the maximum height of a building; or
  - the maximum lot coverage of a property.
- 5.11.4 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.

- 5.11.5 Where the issuance of a Development Permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this bylaw, the Development Authority shall not permit any additional variance from that regulation.

## 6. SUBDIVISION

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### 6.1 Application Requirements

- 6.1.1 All subdivision applications for lands within the Summer Village of South Baptiste shall comply with the provisions under this Section.
- 6.1.2 A subdivision application may be submitted by:
- a. the registered owner of the land to be subdivided; or
  - b. a person with written authorization to act on behalf of the registered owner.
- 6.1.3 Subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.
- 6.1.4 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.1.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.1.6 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.1.7 The tentative plan of subdivision shall:
- a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
  - b. show the location, dimensions and boundaries of:
    - i. each new lot to be created;
    - ii. reserve land(s), if required;
    - iii. the rights-of-way of each public utility, if required; and
    - iv. other rights-of-way, if required;
  - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
  - d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
  - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines and bodies of water from 6.1.7.d;
  - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
  - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.1.8 The Subdivision Authority may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a. a figure showing topographic contours at no greater than 1.5 m (4.9 ft.) intervals;
  - b. if the proposed subdivision is not to be served by a municipal water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
  - c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;



- d. statements indicating how the proposed subdivision aligns (or does not align) with applicable watershed management plans and agreements;
- e. reports, plans, and studies prepared by qualified professionals, including:
  - i. Arborist Report;
  - ii. Geotechnical Report;
  - iii. Lot Grading and Drainage Plan or Stormwater Management Plan;
  - iv. Slope Stability Analysis;
  - v. Water Report;
  - vi. Wetland Assessment;
  - vii. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
- f. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
- g. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
- h. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and
- i. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

## 6.2 Process

### 6.2.1 The Subdivision Authority shall:

- a. participate in a pre-application submission meeting with development proponents (as requested);
- b. receive all applications for subdivision applications;
- c. assess and provide notice of a complete or incomplete application; and
- d. issue notices in writing as required in the Act.

### 6.2.2 Notice of Complete or Incomplete Application:

- a. The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.
- b. The time period referred to in Section 6.2.2.a may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.
- c. An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- d. If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- e. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- f. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.2.2.e, the Subdivision Authority must deem the application to be refused.
- g. Despite that the Subdivision Authority has issued an acknowledgment under Section 6.2.2.d or 6.2.2.e, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

### 6.3 Duties of the Subdivision Authority

- 6.3.1 Upon receipt of a completed subdivision application, the Subdivision Authority:
- a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
    - i. this Bylaw;
    - ii. applicable statutory plans; and
    - iii. the Act and the Regulations thereunder;
  - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
    - i. applicable statutory plans; and/or
    - ii. the Act and the Regulations thereunder;
  - c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.3.1.d;
  - d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
    - i. would not unduly interfere with the amenities of the neighbourhood;
    - ii. would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
    - iii. conforms to the use prescribed for that land in this Bylaw;
  - e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

### 6.4 Requirements and Conditions

- 6.4.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
- 6.4.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.
- 6.4.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 6.4.4 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
- 6.4.5 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.
- 6.4.6 The Subdivision Authority shall not approve a subdivision which is inconsistent with the Summer Village of South Baptiste Municipal Development Plan and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
- 6.4.7 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained).
- 6.4.8 As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as Environmental Reserve.
- 6.4.9 Where a subdivision is proposed on lands adjacent to Baptiste Lake, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:
- a. Recommendations by qualified professionals; and/or
  - b. Riparian Setback Matrix Model (RSMM); and/or
  - c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region;

- d. Alberta Environment and Protected Areas' Recommended Guidelines for Minimum Environmental Reserve/Easement Widths; and/or
  - e. Recommendations in the Baptiste & Island Lakes Watershed Management Plan.
- 6.4.10 Property taxes must be up to date prior to final endorsement of any Subdivision.
- 6.4.11 The applicant may be required to provide for Inclusionary Housing in accordance with the Act and the Regulations therein.
- 6.4.12 Proposed parcels being created shall not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 6.4.13 The Subdivision Authority may require the following conditions as part of subdivision approval:
  - a. That the proponent enters into (and complies with) a Development Agreement;
  - b. Provision of off-site levies or a local improvement levy; and/or
  - c. Any other conditions as required by the Subdivision Authority.

## 7. APPEALS

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### 7.1 Development Appeals

- 7.1.1 An appeal may be made if the Development Authority:
- fails or refuses to issue a development permit;
  - issues a development permit subject to conditions; or
  - issues a stop order under Section 645 of the Act;
- by the applicant of the development permit or any person affected by the order.
- 7.1.2 In addition to Section 7.1.1, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
- 7.1.3 Despite Sections 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.
- 7.1.4 Despite Sections 7.1.1, 7.1.2 and 7.1.3, if a decision with respect to a development permit application in respect of a direct control district:
- is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
  - is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- 7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.1 may be made by serving a written notice of appeal to the board hearing the appeal:
- within 21 days after the date on which the written decision is given; or
  - if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
  - with respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
  - the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
  - the name, contact information and address of the appellant; and
  - the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is

deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:

- a. in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
- b. in the case of a person referred to in Section 7.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

## 7.2 Subdivision Appeal

- 7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
  - a. by the applicant for the approval;
  - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
  - c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
  - d. by a school board with respect to:
    - i. the allocation of municipal reserve and school reserve or money in place of the reserve;
    - ii. the location of school reserve allocated to it; or
    - iii. the amount of school reserve or money in place of the reserve.
- 7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- 7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
  - a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
  - b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
  - c. the name, contact information, and address of the appellant; and
  - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

## 7.3 Appeal Hearing and Decision

- 7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.
- 7.3.2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680 and 681 of the Act.

## 8. ENFORCEMENT

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### 8.1 Provision of Enforcement

- 8.1.1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action to ensure compliance.

### 8.2 Prohibition

- 8.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 8.2.2 No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 8.2.3 No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 8.2.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

### 8.3 Right of Entry

- 8.3.1 After reasonable notice (generally to mean 48 hours) to the owner or occupant in accordance with the Act, a Designated Officer may enter the property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Bylaw requirements are being met.
- 8.3.2 A Designated Officer may enter the property outside of the identified period if, in their opinion, a possible violation constitutes an immediate health, safety, or environmental concern.

### 8.4 Violation Warnings

- 8.4.1 A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.
- 8.4.2 A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

### 8.5 Offenses and Fines

- 8.5.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Fees and Charges Bylaw.
- 8.5.2 If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment, as established in the Act.

### 8.6 Stop Orders

- 8.6.1 On finding that a development, land use, or use of a building does not conform to the Municipal Government Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:
- stop the development or use of the land or building in whole or part as directed by the notice;
  - demolish, remove, or replace the development or landscaping; or
  - carry out any other actions required by the notice for compliance.
- 8.6.2 The notice shall specify a deadline for compliance.
- 8.6.3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.
- 8.6.4 Subject to Section 542 of the Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.

- 8.6.5 The Summer Village may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
- 8.6.6 The Summer Village's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

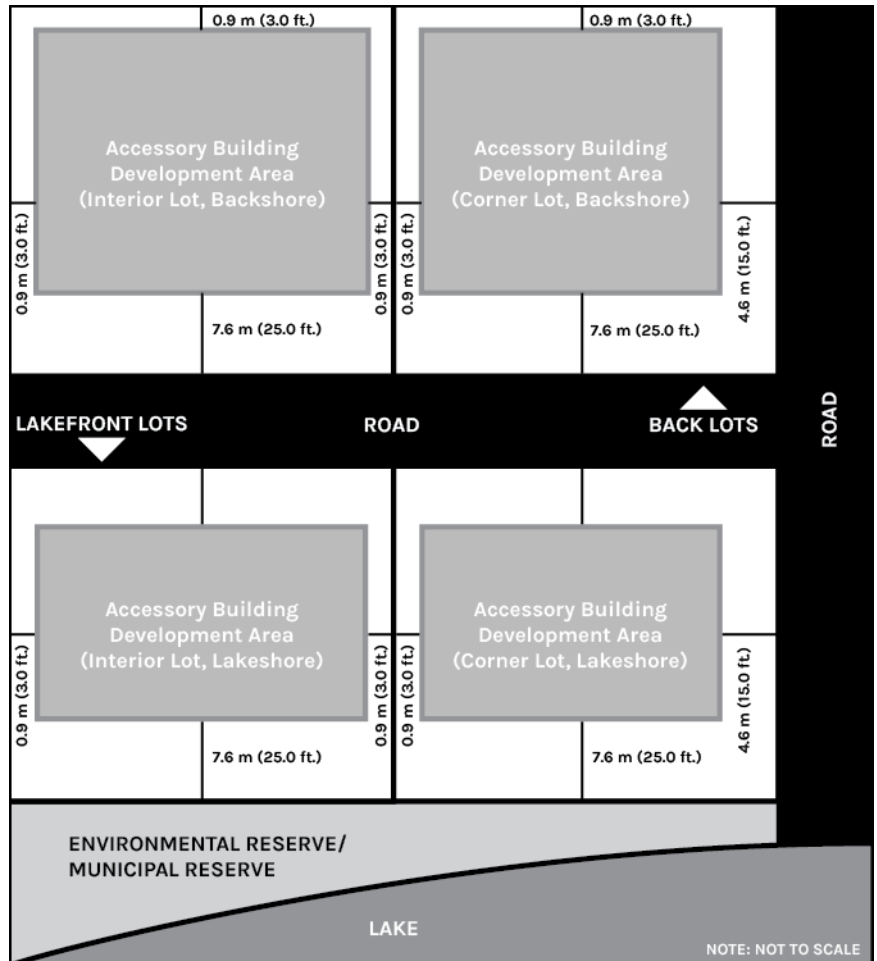
## **8.7 Violation Tags and Tickets**

- 8.7.1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there are reasonable and probable grounds to believe there is a contravention of this Bylaw.
- 8.7.2 A violation tag may be issued to a person either personally or by registered mail.
- 8.7.3 The violation tag shall be in a form approved by the Summer Village and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Summer Village.
- 8.7.4 The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.7.5 Offences and related fines are as specified in the Summer Village's Fees and Charges Bylaw.
- 8.7.6 Where a contravention is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 8.7.7 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 8.7.8 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8.7.9 Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

## 9. LAND USE REGULATIONS

### 9.1 Accessory Buildings

- 9.1.1 The construction or relocation of an accessory building shall require a development permit.
- 9.1.2 No accessory buildings other than fences shall be located in a front yard, except for the following (as illustrated below):
- a boathouse may be located in the front yard of a lakeshore lot provided that it is no closer than 7.6 m (25.0 ft.) to the lakeshore property line and it does not restrict the view of the lake of other property owners; and
  - a garage may be located in the front yard of a backshore lot, provided setback requirements are observed.
- 9.1.3 On corner lots, no accessory building shall be located in the side yard abutting a road.
- 9.1.4 The minimum distance between buildings shall be 2.1 m (7.0 ft.).
- 9.1.5 The minimum side yard shall be 0.9 m (3.0 ft.).
- 9.1.6 The minimum rear yard shall be 0.9 m (3.0 ft.).
- 9.1.7 The height shall not exceed 4.6 m (15.0 ft.) as measured from the elevation of the adjacent road.
- 9.1.8 Privies shall be located no closer than 3.0 m (10.0 ft.) to the boundary of a road or lane.
- 9.1.9 The siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.
- 9.1.10 Where a structure is attached to the principal building on a lot by an enclosed structure, it is to be considered a part of the principal building and is not an accessory building.
- 9.1.11 An accessory building shall not be used as a dwelling.



### 9.2 Decks

- 9.2.1 The construction of a new deck more than 0.6 m (2.0 ft.) above the ground shall require a development permit.

### 9.3 Fences and Walls

- 9.3.1 Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot or immediately adjacent to a principal building.
- 9.3.2 No fence, wall, hedge or other enclosure shall be higher than:
- 1.8 m (6.0 ft.) measured as the average elevation from the ground, except
  - 0.9 m (3.0 ft.) within 6.1 m (20.0 ft.) of an intersection.



- 9.3.3 No fences comprised of barbed wire and no electrified fences shall be allowed except, at the discretion of the Development Authority, in the R2- Residential Estate District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft.) unless the Development Authority, at their discretion, allows barbed wire at the lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.

#### 9.4 FireSmart

- 9.4.1 All roofing materials on new, replacement, or retrofitted dwellings, accessory buildings and commercial buildings shall meet a minimum Class C ULC rating.
- 9.4.2 All new dwellings, accessory buildings, and commercial buildings with exposed undersides and/or with raised decks and porches less than 2.0 m (6.6 ft.) metres from ground level shall be sheathed from the floor level to the ground level to prohibit the entry of sparks and embers under the structure.
- 9.4.3 All new dwellings, accessory buildings, and commercial buildings shall establish and maintain FireSmart defensible space for a minimum of 10.0 m (32.8 ft.) to the lot boundary.
- 9.4.4 All new dwellings, accessory buildings, and commercial buildings should have one metre of non-combustible surface cover (gravel, rock, concrete, etc.) around the perimeter of the structure. All new exposed decks, greater than 2.0 m (6.6 ft.) from ground level shall require 1.0 m (3.3 ft.) of non-combustible surface cover placed around the outside perimeter and underneath.
- 9.4.5 All above-ground propane tanks greater than or equal to 302.0 l (80.0 US gallons) should have a minimum of 3.0 m (9.8 ft.) clearance from combustible vegetation and materials.
- 9.4.6 All combustible material piles should be stored a minimum of 10.0 m (32.8 ft.) from all primary structures and propane tanks.

#### 9.5 Home Occupations

- 9.5.1 A **major home occupation** shall comply with the following regulations:
- The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.
  - The number of non-resident employees or business partners working onsite shall not exceed one (1) at any time.
  - There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
  - The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial District having regard for the overall compatibility of the use with the residential character of the area.
- 9.5.2 A **minor home occupation** shall comply with the following regulations:
- The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
  - There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- 9.5.3 **All home occupations** shall comply with the following requirements:
- The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 35 m<sup>2</sup> (377 ft.<sup>2</sup>), whichever is less, of the dwelling unit for business usage. Except as noted in subsection (f) herein, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on premises sales.

- d. No more than one (1) commercial vehicle used in or for the home occupation (that conforms to the weight restrictions in Section 9.13 - Objects Prohibited or Restricted in Yards) shall be parked on the subject lot.
- e. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.3 m<sup>2</sup> (2.7 ft.<sup>2</sup>) in area.
- g. In addition to a Development Permit Application, each application for a major home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- h. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

**9.5.4 All home occupations** shall not involve:

- a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
- b. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## **9.6 Keeping of Animals**

- 9.6.1 No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels smaller than 0.4 ha (1.0 acres) within the municipality.
- 9.6.2 The keeping of animals in the Summer Village shall be in accordance with the Summer Village's Responsible Animal Control Bylaw, as amended or replaced.
- 9.6.3 Kennels are not allowed in the Summer Village.

## **9.7 Landscaping**

- 9.7.1 Landscaping and planting must be carried out within one year after the completion of construction. The Development Authority, at its sole discretion, may extend this period.
- 9.7.2 When landscaping is to be undertaken as a condition of the approval of a development permit, such landscaping shall be to the satisfaction of the Development Authority.

## **9.8 Manufactured Homes**

- 9.8.1 Before a development permit is issued for a manufactured or mobile home, the development authority must receive verification that the home fully complies with both the CSA Z240 MH National Mobile Home Standard and all applicable building and safety codes. If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the development authority will require an inspection by an Alberta Safety Codes Officer.
- 9.8.2 Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured or mobile home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit

## **9.9 Mooring Structures**

- 9.9.1 The placement of piers, docks, marinas, boat lifts, and other mooring structures within the bed and shore of Baptiste Lake shall comply with all applicable provincial disturbance standards.

## **9.10 Municipally Owned Land**

- 9.10.1 Private development shall not be permitted on municipal reserve land, environmental reserve land, and road allowances.

- 9.10.2 The cutting and/or removal of trees or underbrush from municipally owned land, including municipal reserve land, environmental reserve land, and road allowances, is strictly prohibited unless prior written permission is received from the municipality.
- 9.10.3 The temporary placement of any structure, object or materials on municipally owned land, including municipal reserve land, environmental reserve land, and road allowances, is strictly prohibited unless prior written permission is received from the municipality.

## **9.11 Nuisances**

- 9.11.1 No use or activity shall be undertaken which, in the opinion of the Development Authority, may constitute a nuisance or interfere with the reasonable enjoyment of other local properties and residents by reason of the generation of noise, vibration, dust, smoke, smell, toxic or noxious matter, traffic, radiation, fire, explosions, heat, humidity, glare, waste, water or steam.
- 9.11.2 Sites and buildings shall be maintained in a clean and tidy condition, free from rubbish and debris. Notice to clean or remediate the property must be acted upon within 7 days or the Summer Village will contract and bill the property owner for the cost.

## **9.12 Number of Dwellings Units on a Lot**

- 9.12.1 Only one dwelling unit shall be permitted on a lot.
- 9.12.2 Notwithstanding 9.12.1 above, at the discretion of the Development Authority, an additional dwelling unit may be allowed if it meets with the requirements of Section 9.24 of this Land Use Bylaw.

## **9.13 Objects Prohibited or Restricted in Yards**

- 9.13.1 No person shall keep or allow in any part of any yard:
- any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days;
  - any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the municipality;
  - any excavation, storage or piling up of materials required during the construction, demolition or removal stage unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
  - any privately owned or commercial vehicle, excluding recreational vehicles, loaded or unloaded, of a gross vehicle weight more than 5,000 kg (11,200 lbs.) for longer than is reasonably necessary to load or unload the vehicle on lots under 0.2 ha (0.5 acres) in size;
  - oversized vehicles that restrict the view of the lake from adjacent properties;
  - coal boilers or furnaces;
  - any propane tanks 2000 l or larger; and
  - any portable fuel tanks, excluding propane tanks and portable tidy tanks, larger than 100.0 l.

## **9.14 Parking and Access**

- 9.14.1 The construction of a driveway off a public roadway shall require a development permit.
- 9.14.2 A minimum of two (2) off-street parking spaces shall be provided per residential lot.
- 9.14.3 Off-street parking areas shall not be located within 0.9 m (3.0 ft.) feet of a lot line common to the lot and a road.
- 9.14.4 Unless otherwise approved by the Development Authority, parking spaces shall be located on the same lot as the principal building or use.
- 9.14.5 Construction of entrances and exits, including culverts if required, shall be at the expense of the landowner and to the satisfaction of the Development Authority.

## **9.15 Preservation and Enhancement of Environmental Quality**

- 9.15.1 The Development Authority shall be satisfied that the design, siting, finish and architectural appearance of all buildings have regard for the amenities and character of existing development in the municipality, and that the

landscaping of the site causes minimal environmental disruption and enhances the natural environmental diversity of the area.

- 9.15.2 The Province of Alberta's guidelines for minimum environmental reserve and/or environmental reserve easement widths shall be required for all new development. These guidelines are included in Appendix A of the Bylaw.
- 9.15.3 In those cases where private lots would include environmentally sensitive land and/or abut Summer Village owned Environmental Reserve land, the Summer Village may require an Environmental Reserve Easement to be registered against a portion of the lot to preserve environmentally sensitive features.

## **9.16 Recreational Vehicles in Campgrounds**

- 9.16.1 The placement of five (5) or more recreational vehicles on a lot for longer than 80 hours per stay requires an approved development permit for a recreational vehicle campground which shall be subject to an annual fee as determined by the Summer Village.
- 9.16.2 All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6 m (20.0 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.7 m (12.0 ft.) usable top.
- 9.16.3 Each stall size shall have a minimum width of 13.5 m (40.0 ft.) and a minimum of 185.8 m<sup>2</sup> (2000 ft.<sup>2</sup>) in area.
- 9.16.4 The developer shall provide on-site potable water supply which meets all applicable provincial water requirements.
- 9.16.5 The developer shall provide sewage disposal facilities in accordance with the Summer Village of South Baptiste Sewage Bylaw as well as all applicable provincial regulations.
- 9.16.6 As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction over this type of development.
- 9.16.7 The developer shall be required to enter into a development agreement with the Summer Village as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary Summer Village of South Baptiste roads to access the development when determined necessary by the Development Authority.
- 9.16.8 The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle campground area as a playground. This area is to be clearly marked and free from all traffic hazards.
- 9.16.9 All stalls shall maintain a minimum set back of 30.0 m (98.4 ft.) from the shoreline of any body of water or lake.
- 9.16.10 The Developer shall provide safe and adequate lake access.
- 9.16.11 The maximum number of recreational stalls per development shall be 40 stalls.
- 9.16.12 The maximum number of recreational vehicles permitted per stall shall be one (1).
- 9.16.13 A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 9.16.14 Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
- 9.16.15 All other site requirements shall be as required by the Development Authority.
- 9.16.16 Minimum Yard Setbacks:
  - a. All yard setbacks shall be 7.6 m (25.0 ft.) or 10% of the lot width, whichever is lesser.
- 9.16.17 Minimum Setback From Lakes:
  - a. Notwithstanding anything in this Bylaw to the contrary, no development other than temporary docks shall occur within 30.0 m (98.4 ft.) of the shoreline of any lake.
- 9.16.18 No recreational vehicle, whether located within a recreational trailer park or on a lot, may have associated with it no more than two (2) accessory structures, buildings, or other paraphernalia, in addition to fences, benches, fire pits, and picnic tables. This may include a small shed with a maximum size of 9.3 m<sup>2</sup> (100 ft.<sup>2</sup>), and a screened or roofed patio around or beside the recreational vehicle is permitted.
- 9.16.19 No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- 9.16.20 The total gross floor area or ground area covered by all accessory structures and buildings shall not exceed 50% of the lot size.

**9.17 Recreational Vehicles on Private Lots**

- 9.17.1 No more than four (4) recreational vehicles, including as an approved primary resident, shall be permitted for stays longer than 80 hours without an approved development permit application for a recreational vehicle campground, as provided for in Section 9.16.
- 9.17.2 Up to four (4) recreational vehicles shall be permitted on lots larger than 0.2 ha (0.5 acres).
- 9.17.3 Up to three (3) recreational vehicles shall be permitted on lots equal to or smaller than 0.2 ha (0.5 acres).
- 9.17.4 The placement of recreational vehicles on a lot shall be subject to the setback requirements in the applicable land use district.
- 9.17.5 Proof of responsible wastewater disposal may be required for recreational vehicles placed on any lot to the satisfaction of the Development Authority and in keeping with the Sewage Disposal Bylaw.
- 9.17.6 A recreational vehicle fee may be assessed on property taxes for recreational vehicles.
- 9.17.7 Recreational vehicles on properties for up to 80 hours do not require a permit and property owners may use discretion as to the reasonable number of recreational vehicles attending their property for occasional special events while considering the adjacent property owners' expectations of enjoyment of their property, as per the regulations in Section 9.11- Nuisances.
- 9.17.8 If a recreational vehicle is to be the primary dwelling on a residential lot the recreational vehicle shall:
- have an approved development permit;
  - be connected to services to the satisfaction of the Development Authority; and
  - be included in the property tax assessment as an improvement.

Lot Size	Maximum Recreational Vehicles for Long Term Stay (More Than 80 Hours)	Recreational Vehicles Over the Maximum (Up to 80 Hours Per Stay)
Greater than 0.2 ha (0.5 acres)	4	At the Owner's Discretion
Less than or equal to 0.2 ha (0.5 acres)	3	At the Owner's Discretion
The placement of five (5) or more recreational vehicles on a lot for longer than 80 hours per stay requires an approved development permit for a recreational vehicle campground which shall be subject to an annual fee as determined by the Summer Village. See Section 9.16.		

**9.18 Relocation of Buildings**

- 9.18.1 The relocation of a building into or within the municipality shall require a development permit.
- 9.18.2 The Development Authority may inspect the building prior to making his/her decision on the development permit application and may require as a condition of the approval of a development permit to relocate a building that the building be altered structurally and/or aesthetically to have the building blend in better with other buildings within the municipality.

**9.19 Reserves**

- 9.19.1 An environmental reserve of approximately 30.0 m (98.0 ft.) in width from the high water mark of water bodies and/or the top of bank of Baptiste Lake shall be required as a condition of new subdivision approval.
- 9.19.2 Additional reserve and/or setback may be required by the Summer Village based on the recommendations of any engineering and/or geotechnical study requested by the Summer Village. In these cases, the number of reserves required will be determined using the guidelines for environmental reserve width included as Appendix A to this Land Use Bylaw.

**9.20 Sea Cans**

- 9.20.1 A maximum of one (1) sea can may be permitted, at the discretion of the Development Authority on residential parcels under 0.4 ha (1.0 acres) in size.
- 9.20.2 The maximum number of sea cans that may be placed on a commercial property is at the discretion of the Development Authority.

- 9.20.3 The placement of a sea can on any parcel in the Summer Village requires a development permit.
- 9.20.4 Sea cans may not be stacked. The maximum height for a sea can allowed on a parcel is 3.0 m (10.0 ft.).
- 9.20.5 Sea cans may not be used as a dwelling or a guest house within the Summer Village except as may be permitted by current building codes.
- 9.20.6 No human or animal habitation will be permitted within a sea can, unless developed in accordance with applicable building codes requirements.
- 9.20.7 Sea Cans should be maintained in good condition to not detract from the general appearance of the area.

## 9.21 Signs

- 9.21.1 Any permanent sign or advertising structure shall require a development permit.
- 9.21.2 Only 1 sign shall be permitted per lot.
- 9.21.3 No signs shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- 9.21.4 No signs shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- 9.21.5 No signs shall resemble or conflict with a traffic sign, nor shall any sign be a traffic hazard. No sign shall be in contravention of a Summer Village traffic speed bylaw or in contravention of any other Summer Village bylaw.
- 9.21.6 All signs shall be kept in a safe, clean and tidy condition, and may, by order of the Development Authority, be required to be renovated or removed.
- 9.21.7 Notwithstanding Section 9.21.1, the following signs do not require a development permit, provided that they are not illuminated and that any necessary permits have been obtained from Alberta Transportation:
  - a. signs, not to exceed 1.0 m<sup>2</sup> (10.8 ft.<sup>2</sup>) in area, for the purpose of identification, direction and warning, or relating to a commercial use, institutional use, or club;
  - b. Notwithstanding 9.21.7.a, a single sign for a home occupation which does not exceed 0.3 m<sup>2</sup> (2.7 ft.<sup>2</sup>) in area shall not require a development permit;
  - c. temporary signs, not to exceed 2.0 m<sup>2</sup> (21.5 ft.<sup>2</sup>) in area, to be removed by the advertiser within 15 days of the completion of the event or works;
  - d. signs in relation to public or quasi-public bodies.

## 9.22 Site Conditions

- 9.22.1 Development shall not be permitted on slopes exceeding 15%, where slope is measured over that portion of the site on which the development is to be located.
- 9.22.2 Unless satisfactory design and development measures are taken, the applicant shall provide evidence that the land to be developed is not characterized by soil instability, poor drainage or flooding.
- 9.22.3 To the maximum extent possible, trees and shrubs shall be retained in their natural conditions on a site. Where landscaping is required, it shall be carried out within a reasonable period following the completion of construction.
- 9.22.4 No person shall commence or continue the removal of topsoil without first obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion or drainage damaging to the local environment, as determined by the Development Authority, may be required as a condition of the approval of a development permit.
- 9.22.5 Garbage shall be kept in weatherproof and animal-proof containers, screened from adjacent sites and roads.
- 9.22.6 Any development, landscaping or topographic reconstruction shall be such that the finished surface contours do not redirect surface drainage onto another lot, while minimizing drainage into any waterbody (lake or creeks) or the road.

## 9.23 Irregular Lots

- 9.23.1 Development on existing lots, which does not satisfy the minimum lot size requirement of this Bylaw, will be considered at the discretion of the Development Authority.
- 9.23.2 Development should comply, as much as is reasonably possible, with all aspects of this Bylaw, particularly related to setbacks, height restrictions, etc.
- 9.23.3 Compliance with any Provincial regulations regarding the disposal of sewage will be required.

9.23.4 Development on these lots will comply with the regulations of the District in which the lot is located.

**9.24 Suites**

- 9.24.1 A single guest house suite, garage suite, or basement suite may be permitted per single detached dwelling on residential parcels within the Summer Village.
- 9.24.2 A guest house suite means a building on a lot, on which a single detached dwelling is located, which does not contain cooking or toilet facilities, and which is used for the accommodation of guests.
- 9.24.3 Basement suites and/or garage suites, which may include cooking and/or toilet facilities, shall not be considered a guest house suite.
- 9.24.4 Garage suites and basement suites may be permitted at the discretion of the Development Authority, provided that parking requirements can be met.
- 9.24.5 All garage suites, basement suites, and guest houses must comply with all applicable building and safety codes and all other provincial and municipal regulations.
- 9.24.6 The lot on which a garage suite, basement suite, or guest house suite is located shall not be subdivided (in title) because of the presence of the garage suite, basement suite, or guest house.

**9.25 Wastewater**

- 9.25.1 All dwellings shall be provided with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations, the summer village Sewage Bylaw and any other Provincial legislation or regulations.
- 9.25.2 All Recreational Vehicles on properties shall be self-contained and/or be provided with adequate wastewater disposal facilities to the satisfaction of the Plumbing and Drainage Regulations, the Summer Village Sewage Bylaw, and any other applicable Provincial legislation or regulations.



## 10. LAND USE DISTRICTS

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### 10.1 Establishment of Districts

10.1.1 The Summer Village of South Baptiste is divided into the following Districts:

Symbol	Land Use District
R1A	Small Lot Land Use District
R1	Residential District
R2	Residential Estate Land Use District
P	Community District
C	Commercial District

10.1.2 The regulations in Section 9 – Land Use Regulations apply to land use and development within all land use districts in the Summer Village.

10.1.3 The boundaries of the districts listed in Section 10.1.1 are as delineated on the Land Use District Map.

10.1.4 The boundaries of the Land Use District Map shall be interpreted as follows:

- Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
- Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;
- In circumstances not covered by 10.1.4.a and 10.1.4.b, the location of the district boundary shall be determined by the Development Authority by measurement of, and use of the scale shown on the Land Use District Map.

10.1.5 Where the application of the rules outlined in section 10.1.4 does not determine the exact location of the boundary of a land use district, the Council either:

- on its motion; or
- upon written application being made to it by any person requesting the determination of the exact location of the boundary.

10.1.6 After Council has fixed a land use district boundary pursuant to the provisions of Section 10.1.4, the boundary shall not be altered, except by an application to amend this Bylaw.

10.1.7 The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

## 11. R1A - SMALL LOT RESIDENTIAL DISTRICT

---

### 11.1 Purpose

- 11.1.1 To accommodate existing small lots within the Summer Village.

### 11.2 Permitted Uses

- |                                   |   |
|-----------------------------------|---|
| 11.2.1 Dwellings, single detached | 11.2.2 Recreational vehicles                          |
| Home occupations, minor           | 11.2.3 Buildings and uses accessory to permitted uses |

### 11.3 Discretionary Uses

- |                                      |  |
|--------------------------------------|--|
| 11.3.1 Dwellings, manufactured homes | 11.3.7 Park models   |
| 11.3.2 Sea cans                      | 11.3.8 Parks   |
| 11.3.3 Suite, basement               | 11.3.9 Public utilities required to serve the immediate area   |
| 11.3.4 Suites, garage                | 11.3.10 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 11.3.5 Suites, guest house           |  |
| 11.3.6 Home occupations, major       |  |

### 11.4 Relating to Single Detached Dwellings, Manufactured Homes, Modular Homes and Park Models

- |                             |   |
|-----------------------------|---|
| 11.4.1 Minimum Lot Area     | 1,858 m <sup>2</sup> (5,000 ft. <sup>2</sup> )  |
| 11.4.2 Minimum Lot Width    | 15.2 m (50.0 ft.)   |
| 11.4.3 Minimum Lot Depth    | 30.5 m (100.0 ft.)  |
| 11.4.4 Minimum Floor Area   | 46.5 m <sup>2</sup> (200.0 ft. <sup>2</sup> ) on the ground floor, excluding, in the case of manufactured homes, attached porches   |
| 11.4.5 Minimum Front Yard   | 6.1 m (20.0 ft.), except, on lakefront lots the Development Authority may establish a required yard of greater than 6.1 m (20.0 ft.) if necessitated by topographic or environmental constraints                |
| 11.4.6 Minimum Rear Yard    | 7.6 m (25.0 ft.)  |
| 11.4.7 Minimum Side Yard    | 1.5 m (5.0 ft.)   |
| 11.4.8 Maximum Height       | 2 storeys, measured from the foundation or 9.1 m (30.0 ft.) whichever is the lesser   |
| 11.4.9 Maximum Lot Coverage | 35%   |
| 11.4.10 Irregular Lots      | Notwithstanding 11.4.1 and 11.4.2 above, the minimum required lot area and the minimum required lot width may be reduced on existing irregular lots provided that all other requirements of this Bylaw are met. |

### 11.5 Relating to All Other Uses

- 11.5.1 As required by the Development Authority

## 12. R1 - RESIDENTIAL DISTRICT

---

### 12.1 Purpose

12.1.1 To permit development of single detached dwellings and associated uses.

### 12.2 Permitted Uses

- |                                   |   |
|-----------------------------------|---|
| 12.2.1 Dwellings, single detached | 12.2.2 Recreational vehicles                          |
| Home occupations, minor           | 12.2.3 Buildings and uses accessory to permitted uses |

### 12.3 Discretionary Uses

- |                                      |  |
|--------------------------------------|--|
| 12.3.1 Dwellings, manufactured homes | 12.3.7 Park models   |
| 12.3.2 Sea cans                      | 12.3.8 Parks   |
| 12.3.3 Suite, basement               | 12.3.9 Public utilities required to serve the immediate area   |
| 12.3.4 Suites, garage                | 12.3.10 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |
| 12.3.5 Suites, guest house           |  |
| 12.3.6 Home occupations, major       |  |

### 12.4 Relating to Single Detached Dwellings, Manufactured Homes, Modular Homes and Park Models

- |                             |  |
|-----------------------------|--|
| 12.4.1 Minimum Lot Area     | 1,858 m <sup>2</sup> (20,000 ft. <sup>2</sup> )  |
| 12.4.2 Minimum Lot Width    | 30.5 m (100.0 ft.)   |
| 12.4.3 Minimum Lot Depth    | 30.5 m (100.0 ft.)   |
| 12.4.4 Minimum Front Yard   | 6.1 m (20.0 ft.), except, on lakefront lots the Development Authority may establish a required yard of greater than 6.1 m (20.0 ft.) if necessitated by topographic or environmental constraints |
| 12.4.5 Minimum Rear Yard    | 7.6 m (25.0 ft.)   |
| 12.4.6 Minimum Side Yard    | 1.5 m (5.0 ft.)  |
| 12.4.7 Maximum Height       | 2 storeys, measured from the foundation or 9.1 m (30.0 ft.) whichever is the lesser  |
| 12.4.8 Maximum Lot Coverage | 35%  |

### 12.5 Relating to All Other Uses

12.5.1 As required by the Development Authority.

## 13. R2 - RESIDENTIAL ESTATE DISTRICT

---

### 13.1 Purpose

13.1.1 To permit single detached dwellings and accessory uses on larger lots.

### 13.2 Permitted Uses

- |                                   |   |
|-----------------------------------|---|
| 13.2.1 Cultivation                | 13.2.3 Recreational vehicles                          |
| 13.2.2 Dwellings, single detached | 13.2.4 Buildings and uses accessory to permitted uses |

### 13.3 Discretionary Uses

- |  |  |
|--|--|
| 13.3.1 Home occupations, minor                               | 13.3.6 Sea cans  |
| 13.3.2 Dwellings, manufactured homes                         | 13.3.7 Suites, basement  |
| 13.3.3 Park models   | 13.3.8 Suites, garage  |
| 13.3.4 Parks   | 13.3.9 Suites, guest house   |
| 13.3.5 Public utilities required to serve the immediate area | 13.3.10 Buildings and uses accessory to discretionary uses   |
|  | 13.3.11 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses |

### 13.4 Relating to Single Detached Dwellings, Manufactured Homes, Modular Homes and Park Models

- |                             |  |
|-----------------------------|--|
| 13.4.1 Minimum Lot Area     | 0.40 ha (1.0 acres)  |
| 13.4.2 Minimum Lot Width    | 30.5 m (100.0 ft.)   |
| 13.4.3 Minimum Lot Depth    | 30.5 m (100.0 ft.)   |
| 13.4.4 Minimum Front Yard   | 6.1 m (20.0 ft.), except, on lakefront lots the Development Authority may establish a required yard of greater than 6.1 m (20.0 ft.) if necessitated by topographic or environmental constraints |
| 13.4.5 Minimum Rear Yard    | 7.6 m (25.0 ft.)   |
| 13.4.6 Minimum Side Yard    | 1.5 m (5.0 ft.)  |
| 13.4.7 Maximum Height       | 2 storeys, measured from the foundation or 9.1 m (30.0 ft.) whichever is the lesser  |
| 13.4.8 Maximum Lot Coverage | 35%  |

### 13.5 Relating to All Other Uses

13.5.1 As required by the Development Authority.

# 14. COMMUNITY DISTRICT

---

## 14.1 Purpose

14.1.1 To identify those shoreland areas which may be used for recreation and community purposes including providing public access to the lake.

## 14.2 Permitted Uses

14.2.1 None

## 14.3 Discretionary Uses

- |                                       |   |
|---------------------------------------|---|
| 14.3.1 Parks                          | 14.3.3 Buildings and uses accessory to discretionary uses   |
| 14.3.2 Public buildings and utilities | 14.3.4 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned uses |

## 14.4 Relating to All Uses

14.4.1 All regulations shall be as required by the Development Authority.

## 15. COMMERCIAL DISTRICT

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### 15.1 Purpose

15.1.1 To accommodate the development of commercial uses in the Summer Village.

### 15.2 Permitted Uses

15.2.1 None

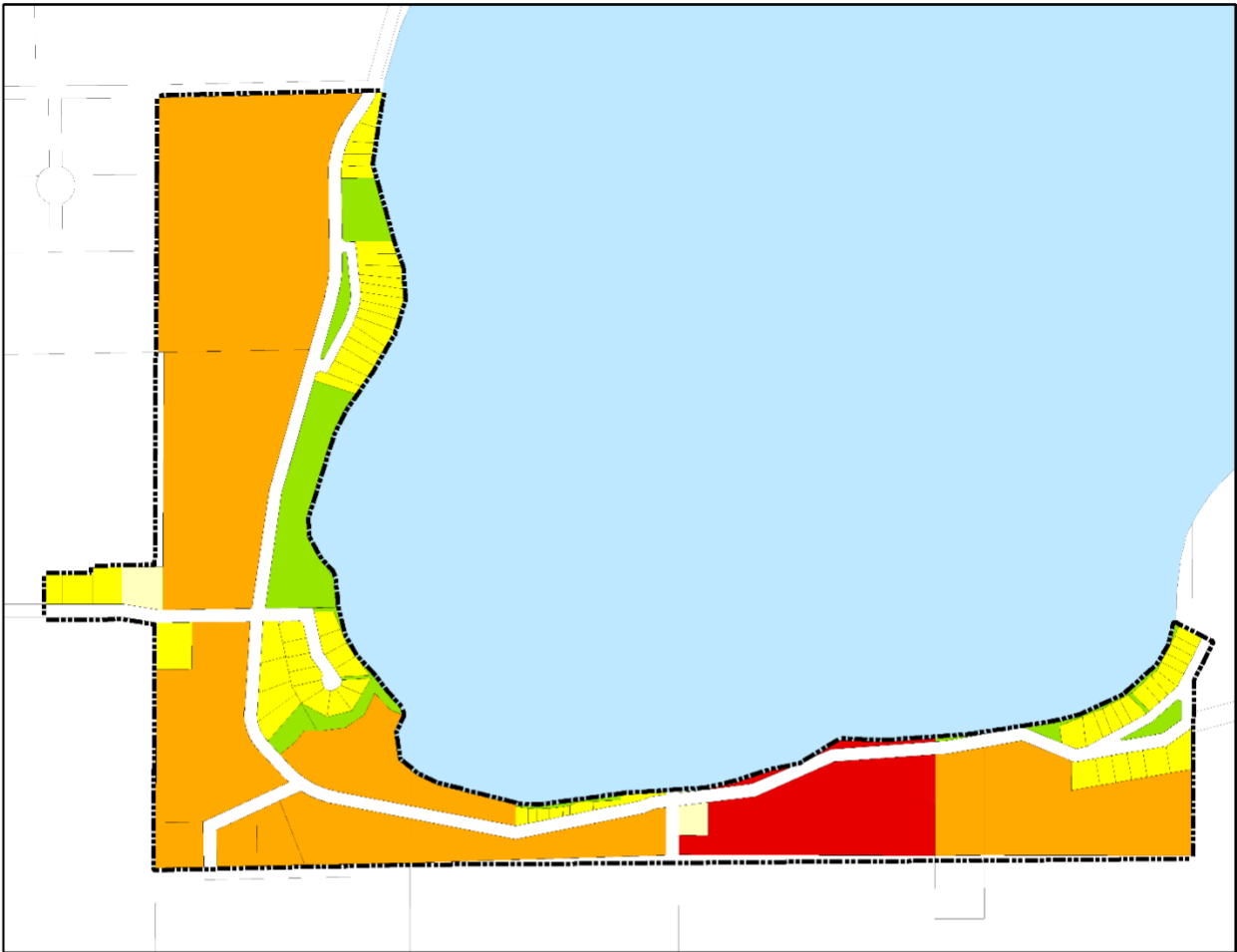
### 15.3 Discretionary Uses

- |  |   |
|--|---|
| 15.3.1 Dwellings, attached to a commercial use | 15.3.6 Recreational vehicle campgrounds   |
| 15.3.2 Dwellings, single detached              | 15.3.7 Restaurants  |
| 15.3.3 General service                         | 15.3.8 Sea cans   |
| 15.3.4 General retail stores                   | 15.3.9 Buildings and uses accessory to discretionary uses   |
| 15.3.5 Parks                                   | 15.3.10 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses. |

### 15.4 Relating to All Uses

- |  |   |
|--|---|
| 15.4.1 Minimum Lot Area                            | 0.4 ha (1.0 acres) or as required by the Development Authority  |
| 15.4.2 Minimum Floor Area                          | Bachelor Dwelling Unit 41.8 m <sup>2</sup> (450.0 ft. <sup>2</sup> )<br>One Bedroom Dwelling Unit 46.5 m <sup>2</sup> (500.0 ft. <sup>2</sup> )<br>Two Bedroom Dwelling Unit 55.7 m <sup>2</sup> (600.0 ft. <sup>2</sup> )<br>Three or More Bedroom Dwelling Unit 65.0 m <sup>2</sup> (700.0 ft. <sup>2</sup> ) |
| 15.4.3 Minimum Front, Side, Corner, and Rear Yards | 7.6 m (25.0 ft.) or 10% of the lot width whichever is lesser, or as required by the Development Authority.  |
| 15.4.4 Maximum Height                              | 2 storeys, measured from the foundation or 9.1 m (30.0 ft.) whichever is the lesser   |
| 15.4.5 Maximum Lot Coverage                        | 35%   |
| 15.4.6 Minimum Parking Requirements                | As required by the Development Authority  |
| 15.4.7 Minimum Loading Requirements                | As required by the Development Authority  |
| 15.4.8   | A site plan detailing the protection of existing treed areas, wetlands, water bodies and site topography may be required prior to issuance of a development permit.   |
| 15.4.9   | A treed buffer area between different land uses shall be designated and maintained.   |
| 15.4.10  | All other site requirements shall be as required by the Development Authority.  |

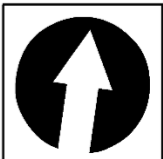
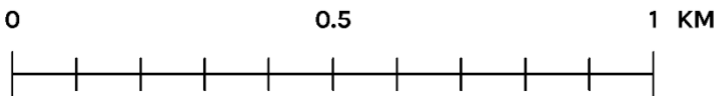
# 16. LAND USE DISTRICT MAP



Summer Village of South Baptiste Land Use Bylaw

## Land Use District Map

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| Summer Village Boundary              | R2 - Residential Estate District |
| R1 - Residential District            | P - Community District           |
| R1a - Small Lot Residential District | C - Commercial District          |



# APPENDIX A – RECOMMENDED SETBACKS

**Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths**  
In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.  
**Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.**

Water Feature	Minimum ER Width <sup>2</sup>	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland <sup>1</sup>	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River ( $\geq 15$ m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream ( $\leq 3$ m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use by law to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

<sup>1</sup> Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

<sup>2</sup> In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> <li>The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less.</li> <li>The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development within a floodplain is discouraged.</li> <li>Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines).</li> <li>The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.</li> <li>Consider highly erosive soils and annual recession rates.</li> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes ( $\geq 15\%$ )	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

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# APPENDIX B - LOCATION OF MAIN BUILDINGS ON A LOT

