



# Summer Village of South Baptiste

LAND USE BYLAW  
BYLAW NO.



2010



SUMMER VILLAGE OF SOUTH BAPTISTE  
LAND USE BYLAW

BYLAW NO. 03-2010  
JULY 2010

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# BYLAW NO. 03-2010

## LAND USE BYLAW

Pursuant to the Municipal Government Act, 2000, as amended, the Council of the Summer Village of South Baptiste duly assembled, hereby enacts as follows:

### PART 1 - PURPOSE AND SCOPE

#### 1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of South Baptiste.

#### 1.2 Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly, economic and beneficial development of land and to maintain and improve the quality of the physical environment. This Bylaw shall, among other things:

- (1) divide the municipality into districts;
- (2) describe the purposes for which land and buildings may be used within each district;
- (3) establish a method of making decisions on applications for development permits;
- (4) establish the procedure for notifying landowners likely to be affected by a development; and
- (5) establish the number of dwelling units permitted on a lot.

#### 1.3 Metric and Imperial Measurements

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

## PART 2 - ADMINISTRATION

### 2.1 Development Approval Authority

- (1) The Development Authority for the Summer Village of South Baptiste is hereby established.
- (2) The Development Authority shall be:
  - (a) the Development Authority Officer; and
  - (b) the Municipal Planning Commission (MPC), with their duties and responsibilities as described elsewhere in this Bylaw.
- (3) 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.
- (4) If MPC is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be MPC.
- (5) 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.
- (6) The Development Authority Officer shall be appointed by resolution of the Council.
- (7) The Development Authority Officer:
  - (a) shall keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at charge established by Council resolution;
  - (b) shall make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;
  - (c) shall collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Summer Village Council;
  - (d) shall be declared to be the designated officer for the purposes of Section 542 of the Act; and

- (e) may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.

## **2.2 Municipal Planning Commission**

- (1) The Municipal Planning Commission shall be appointed by resolution of the Council.
- (2) The MPC shall decide upon all development permit applications for discretionary uses and any development permit application referred to it by the Development Authority Officer and issue such orders that it sees fit.
- (3) The MPC may:
  - (a) provide recommendations for subdivision proposals to the Subdivision Authority; and
  - (b) perform such other duties as described or implied in this Bylaw or as may be assigned to it by Council.”

## **2.3 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board as established by Summer Village Bylaw shall be authorized to decide upon all development permit applications as provided for by this Bylaw and the Act.



# PART 3 - DEVELOPMENT APPLICATION PROCESS

## 3.1 Control of Development

- (1) No development other than that designated in Section 3.2 shall be undertaken within the municipality unless a development permit has been obtained.
- (2) This Bylaw and any amendment thereto shall be enacted in conformance with any statutory plan as adopted or amended by the Summer Village of South Baptiste.
- (3) Notwithstanding that a development permit may not be required by this Bylaw in certain, specified instances, nothing in this Bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw of the Summer Village of South Baptiste, or Acts of the Province of Alberta or Acts of the Federal Government or any regulation pursuant to said Acts.
- (4) Compliance with the provisions and requirements of this Bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the development.

## 3.2 Development Not Requiring a Development Permit

- (1) The following development shall not require a development permit:
  - (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 subsection (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 m (3.3 ft.) in height in front yards and less than 2 m (6.6 ft.) in height in side and rear yards and the maintenance, improvement and other alterations of any gates, fences or 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 sq. m (120.6 sq. ft.) in area which comply with the regulations of this Bylaw not including sea cans;
  - (h) patios and sidewalks;
  - (i) cultivation;
  - (j) landscaping where the proposed grades will not adversely affect drainage from the subject parcel onto adjacent parcels of land;
  - (k) cutting of trees or clearing of underbrush on private property;
  - (l) the demolition or removal of any building or structure that did not require a development permit to be constructed or erected as per subsections (d) through (k) above.
- (2) Notwithstanding any provision of Section 3.2.1 above, specifically subsection (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.

### **3.3 Development Application**

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (a) a site plan in duplicate showing the legal description; the front, rear, and side yards, the site coverage percentage and; any provision for vehicle parking and access to the site;
  - (b) building dimensions and height elevations including, but not limited to, the house, garage, decks and any covered structures such as car ports;
  - (c) the type and location of water supply and sewage and waste water disposal facilities;
  - (d) a statement of uses;
  - (e) a statement of ownership of the land and the interest of the applicant therein;

- (f) the estimated commencement and completion dates;
- (g) the estimated cost of the project or contract price;
- (h) an application fee as established by resolution of Council; and
- (i) any other information as required by the Development Authority.

# Sample Site Plan

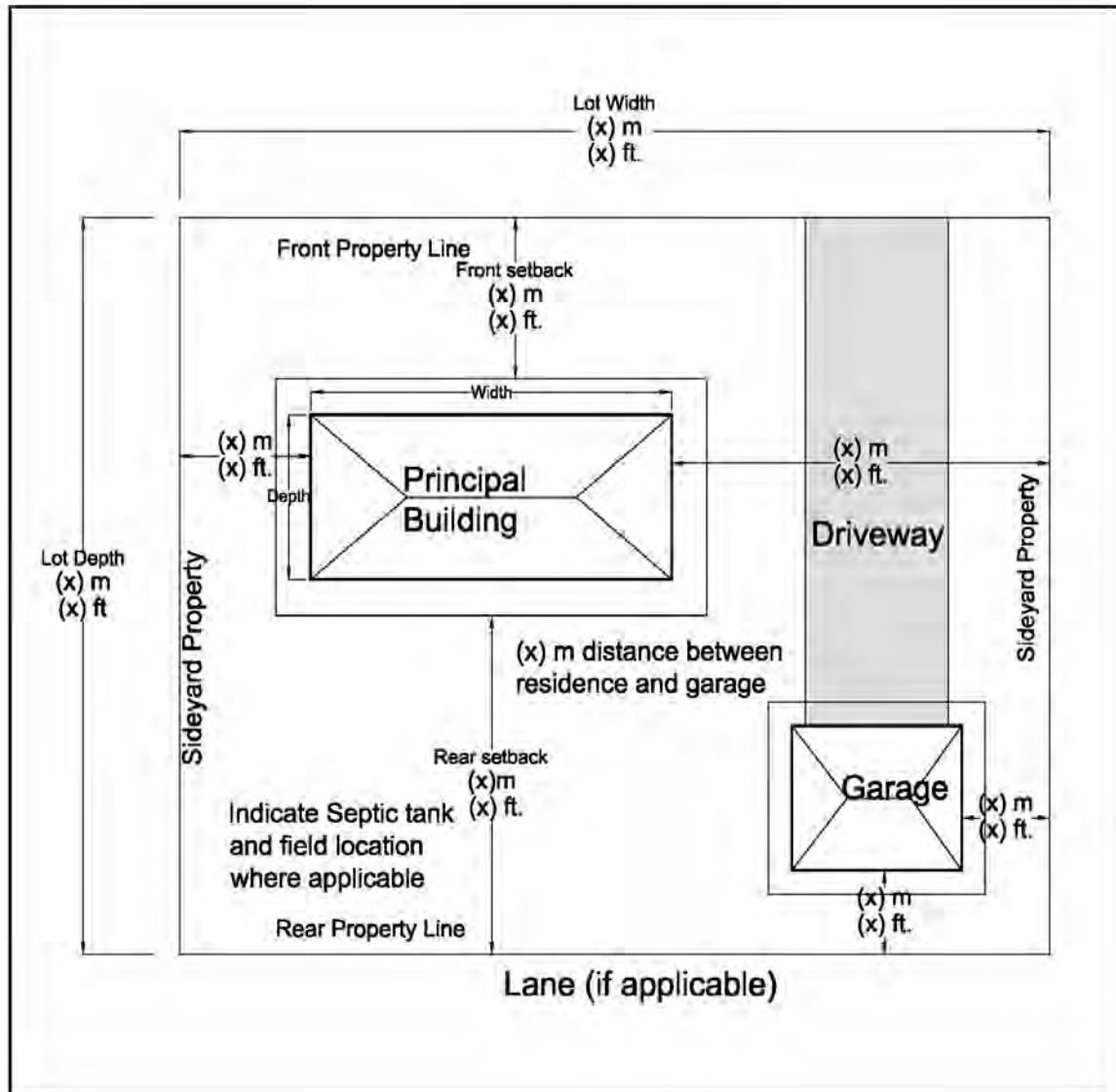


Figure 1: Sample Site Plan (for non-lake fronting lots)

## Information Checklist

Please indicate distances, measured from the nearest wall of all existing and proposed structures to:

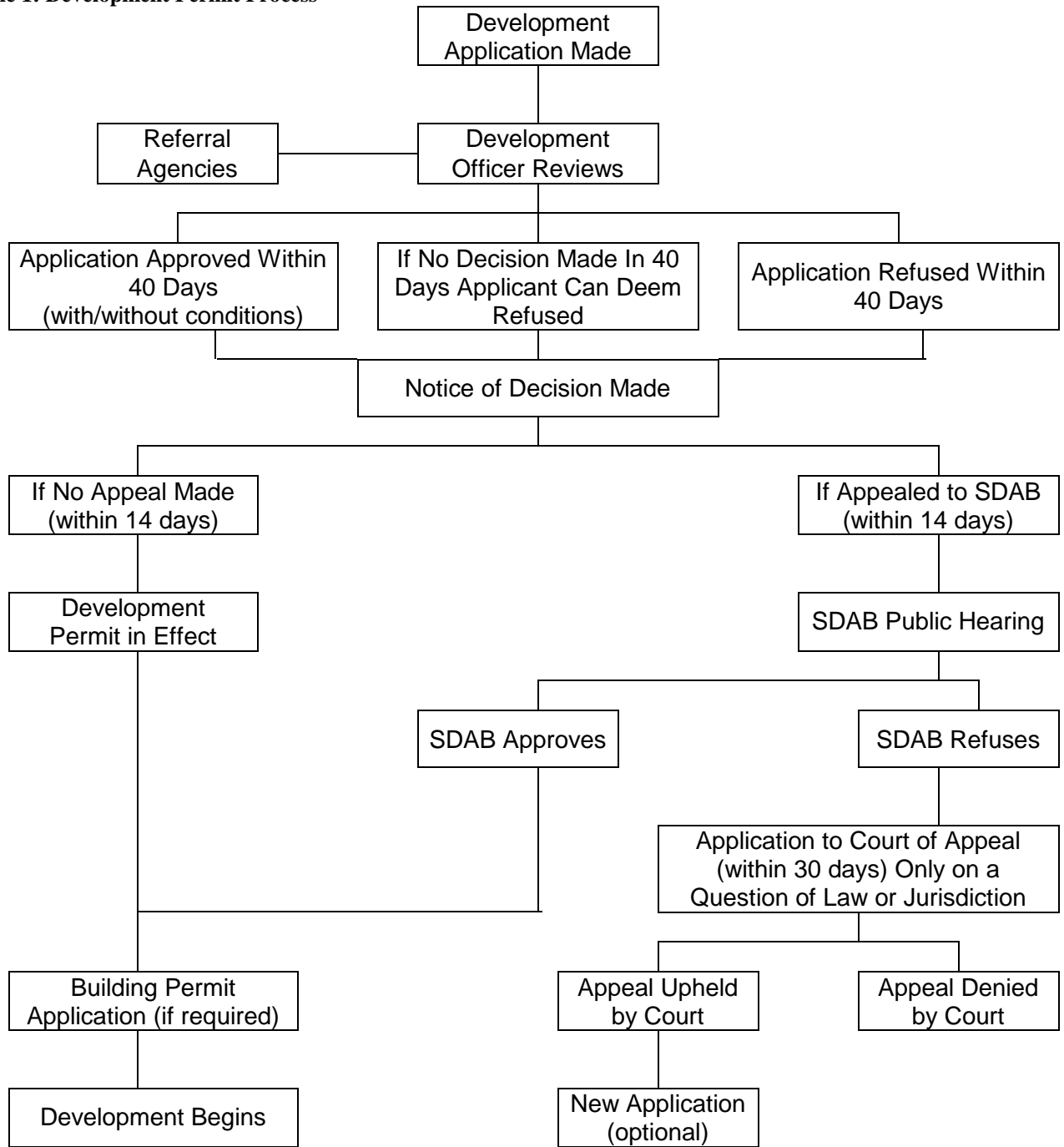
<input type="checkbox"/> property boundary lines	<input type="checkbox"/> parking stall locations on the property including dimensions of stalls
<input type="checkbox"/> other structures (existing and proposed) on the site	<input type="checkbox"/> location of reserves or easements (Municipal and or environmental)
<input type="checkbox"/> septic field	<input type="checkbox"/> site coverage % (percentage of the total lot area covered by existing and proposed buildings)
<input type="checkbox"/> water well	
<input type="checkbox"/> cistern	

- (2) 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:
- (a) floor plans;
  - (b) elevations and sections of any proposed buildings;
  - (c) a Real Property Report, or building site certificate; or other documentation indicating the exact location of all structures on the property in a form that is acceptable to the Development Authority;
  - (d) drainage, grading and landscaping plans which provide pre and post construction site elevations;
  - (e) in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
  - (f) a hydro geological assessment, prepared by a registered professional engineer or hydro geologist, of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site;
  - (g) storm water drainage plans; and/or
  - (h) proposed and/or existing access and egress from the property to a public roadway.
- (3) 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 discretion either:
- (a) return the application to the applicant for further details; or
  - (b) make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.
- A retuned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- (4) Each application for a development permit shall be accompanied by a fee as established by Council.

- (5) All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.

TABLE 1: DEVELOPMENT PERMIT PROCESS

Table 1: Development Permit Process



Note: This diagram is for information purposes only and is not adopted as part of this Bylaw.

### **3.4 Permission for Demolition**

- (1) The demolition of any structure must be done in accordance with the Alberta Building Code and CSA Standard S350-M1980, “Code of Practice for Safety in Demolition of Structures” and/or any subsequent Alberta Building Code or CSA Standards.
- (2) In addition to the requirements of Section 3.3 of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
  - (a) the value of the building;
  - (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 cleanup (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) an indication that asbestos materials have been removed and the site has been remediated;
  - (f) the destination of debris materials;
  - (g) 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);
  - (h) a copy of the original development approval including building permits where applicable;
  - (i) the form of demolition to be used (heavy equipment or by hand);
  - (j) the method whereby public safety is to be protected (normally a fence that is at least 1.8 m in height is required around the excavation or structure to be demolished);
  - (k) an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;



- (l) 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;
  - (m) 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
  - (n) an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged with inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies;
- (3) Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
- (a) a Hazardous Materials Assessment Report, and/or
  - (b) any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigative measures necessary to eliminate such contamination.
- (4) As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site cleanup.

### **3.5 Decision**

- (1) The Development Authority shall receive, review, consider and decide on all applications for a development permit.
- (2) The Development Authority may refer an application to an adjacent municipality or to any other agency or person, which in the opinion of the Development Authority, may provide relevant comments or advice respecting the application.
- (3) Permitted Use Applications
  - (a) Upon receipt of a completed application for a development for a permitted use where the proposed development conforms to this Bylaw, the Development Authority Officer may:
    - (i) approve the application unconditionally; or
    - (ii) approve the application subject to those conditions considered appropriate; or
    - (iii) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by

- the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
- (iv) issue a temporary development permit where, in the opinion of the Development Authority Officer, the proposed use is of a temporary nature. When issuing a temporary development permit, the expiry date for the permit shall be clearly indicated on the notice of decision.

(4) Discretionary Use Application

- (a) Upon receipt of a completed application for a development permit for a discretionary use or for a development which requires a variance to the Land Use Bylaw, the Development Authority Officer shall review the application and refer the application with the Development Authority Officer's recommendations to the Municipal Planning Commission for decision.

- (b) The Municipal Planning Commission shall:

- (i) approve the application unconditionally; or
- (ii) approve the application subject to those conditions considered appropriate; or
- (iii) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; or
- (iv) issue a temporary development permit where, in the opinion of the Municipal Planning Commission, the proposed use is of a temporary nature. When issuing a temporary development permit, the expiry date for the permit shall be clearly indicated on the notice of decision.

- (5) Where a proposed use of land or a building is not provided for in any District in this Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that District.

- (6) The Development Authority may approve an application for a development permit if the proposed development does not comply with this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in his/her opinion:

- (a) the proposed development would not:

- (i) unduly interfere with the amenities of the neighbourhood, or
- (ii) materially interfere with or affect the use, enjoyment or value of

neighbouring parcels of land, and

- (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (7) A decision of the Development Authority on a development permit application shall be given in writing and a copy of it sent to the applicant.
  - (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
  - (9) When a development permit is refused, the Development Authority may or may not, accept a subsequent application for a permit on the same lot and for the same or similar use for 12 months after the date of the refusal.
  - (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made by the Development Authority within 40 days after receipt of the application by the Development Authority.
  - (11) When an application for a development permit has been approved by the Development Authority, the development permit shall not be valid unless and until:
    - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
    - (b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in Part 4 – Development Appeal Process.
  - (12) A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
  - (13) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
  - (14) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
  - (15) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.

- (16) A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (17) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him/her on a development permit application was either:
  - (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
  - (b) based on information, which was subsequently determined to be incorrect or misunderstood by the Development Authority,

the Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.”

### **3.6 Development Permits and Notices**

- (1) When a development permit has been issued for a permitted use where no variance or relaxation of a regulation of this Bylaw has been granted, the development permit comes into effect fifteen (15) days after the date the decision on the development permit is made. Any development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.
- (2) When a development permit has been issued for a discretionary use or for a permitted use where a variance or relaxation of a regulation of this Bylaw has been granted, the Development Authority shall immediately:
  - (a) mail a notice in writing to all adjacent land owners who, in the opinion of the Development Authority, may be affected; and/or
  - (b) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property and the use approved.
- (3) A development permit issued for a discretionary use or for a permitted use where a variance or relaxation of a regulation of this Bylaw has been granted does not come into effect until fifteen (15) days after the date the decision is publicized as described in subsection 3.6.2. Any development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.
- (4) When approval of a permit described in subsection (1) above has been given, notification as described in subsection 3.6.2 above may be done, at the discretion of the Development Authority.

- (5) Where an appeal is made pursuant to Part 4 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined, at which time the permit may be confirmed, modified or rejected.
- (6) If the development authorized by a permit is not started within six (6) months from the effected date of the permit, and completed within 18 months from the effected date of the permit, the Development Authority may declare the permit void, unless an extension has been granted by the Development Authority.

### **3.7 Conditions on Development Permits**

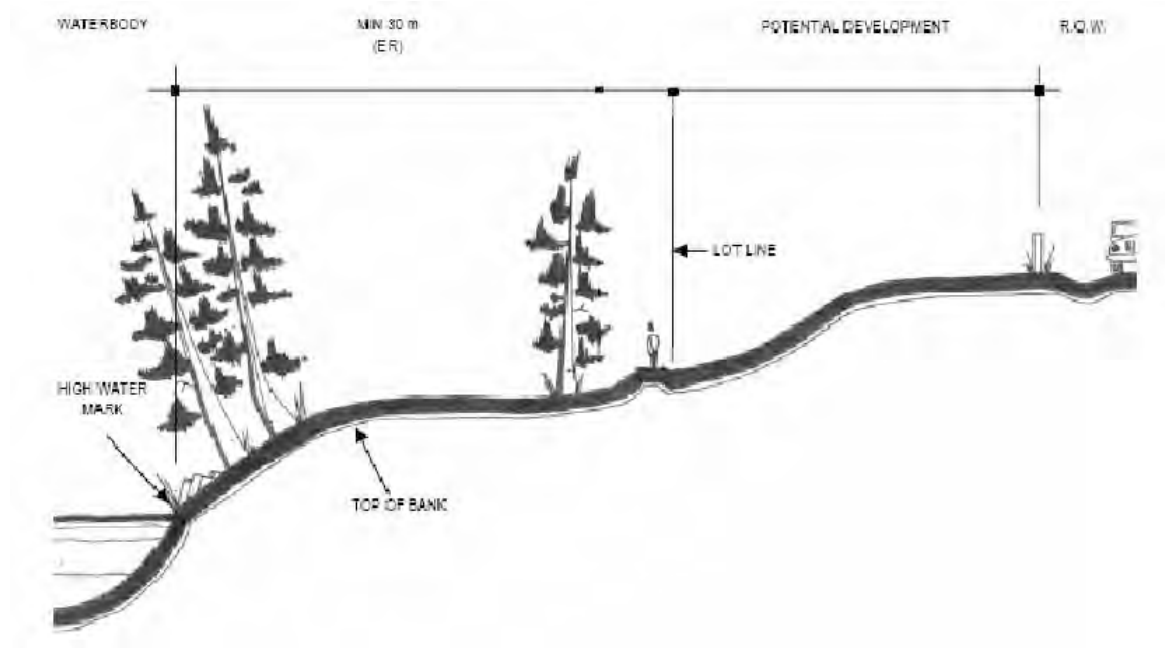
- (1) A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- (2) The applicant shall be responsible for any damages to public or private property occurring as a result of development.
- (3) The applicant will be responsible for all costs associated with the development.
- (4) The Development Authority may require, as a condition of issuing a development permit, that the applicant enter into a development agreement with the Summer Village of South Baptiste to do any or all of the following:
  - a. to construct or pay for the construction of a road required to give access to the development;
  - b. to construct or pay for the construction of:
    - i. a pedestrian walkway system to serve the development, or
    - ii. pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,
    - iii. or both;
  - c. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - d. to construct or pay for the construction of:
    - i. off-street or other parking facilities, and
    - ii. loading and unloading facilities;
  - e. to pay an off-site levy or redevelopment levy;

- f. to give security to ensure that the terms of the agreement under this section are carried out;
- (5) In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.
  - (6) To ensure compliance with the development agreement, the municipality 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.

### 3.8 Reserves and Development on Reserve Lands

- (1) An environmental reserve (ER) of approximately 30 m (98 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.

**Figure 2** illustrates the recommended water buffer adjacent to a large waterway.



**Figure 2: Recommended Environmental Setback**

- (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 amount of reserves required will be determined using the guidelines for ER width developed by Alberta Sustainable Resource Development and included as **Appendix A** to this Land Use Bylaw.
- (3) Under provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Alberta Environment prior to construction<sup>1</sup>.
- (4) The placement or installation of permanent piers and boat launches is currently under provincial and federal jurisdiction. These types of developments may require provincial or federal approval.
- (5) All improvements on Environmental and other Reserve Lands require a development permit from the Summer Village's Development Authority.
- (6) Improvements on Environmental and other Reserve Lands which do not require a permit from a provincial agency may be allowed to exist on Environmental and other Reserve Lands adjacent to lakes and other water bodies only if they serve the interests of the general public.
- (7) Development permits may be issued on Environmental and other Reserve Lands for:
  - (a) the winter storage of docks or boat hoists, or to accommodate similar seasonal storage requirements; and
  - (b) developments such as landings, walkways, stairs, retaining walls or similar structures if, in the opinion of the Development Authority, the development does not pose a hazard to public safety, impede or restrict year round public access to the reserve, or unduly interfere with the use and enjoyment of neighbouring properties.
- (8) The approval of all development permits on Environmental and other Reserve Lands shall be subject to the following conditions, in addition to any others that the Development Authority may deem reasonable or necessary:
  - (a) the applicant shall indemnify the Summer Village from liability for the development; and
  - (b) the permit may be revoked at any time if, in the sole opinion of the Development Authority, the development poses a hazard to public safety,

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<sup>1</sup> Improvement to the bed and shore of the Lake cannot be undertaken on public land without the expressed written permission of Alberta Environment.

impedes public access, or interferes with the use and enjoyment of neighbouring properties.



### 3.9 Non-Conforming Uses and Buildings

- (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.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of twelve (12) consecutive months or more, any future use of the land or building must conform to this Bylaw.”
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (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) 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 **Section 3.5(5)** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (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.

# PART 4 - DEVELOPMENT APPEAL PROCESS

## 4.1 Procedure for Appeals

- (1) Where a Development Authority:
  - (a) refuses or fails to issue a development permit; or
  - (b) fails to issue a development permit within the 40 day period referred to in **Section 3.5(10)**; or
  - (c) issues a development permit with conditions; or
  - (d) issues an order;

the person applying for the permit, or affected by the order, or any other person, may appeal to the Subdivision and Development Appeal Board.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within 14 days after:
  - (a) the date the order, decision or permit was publicized; or
  - (b) the 40 day period referred to in **subsection (1)(b)** has expired.
- (4) Where a notice of appeal against the issuance of a development permit or a condition attached thereto is filed with the Secretary of the Subdivision and Development Appeal Board, the development permit shall be suspended and ceases to be in force or effect pending the outcome of the appeal.
- (5) Appeal hearings and procedures shall be pursuant to the requirements of the Act.
- (6) In addition to reasons, when an appeal is filed, the appellant must pay the appeal fee as established by resolution of Council. The fee set will be adjusted, from time to time, in accordance with the costs of handling and holding appeals. Council may choose to refund all, a portion or none of the fee at their sole discretion, based on the nature of and the reason for the appeal, but only if the appeal is successful.

## **4.2 Appeal Hearing**

- (1) Within 30 days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those adjacent land owners who were notified under this Bylaw; and
  - (d) any other person who, in the opinion of the Board, may be affected by the order, decision or permit.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the appeal hearing all relevant documents respecting the appeal including the development permit application, its approval or refusal, the notice of appeal, or the order of the Development Authority, as the case may be.
- (4) At the appeal hearing, the Subdivision and Development Appeal Board shall hear:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear;or any person acting on behalf or those persons.

## **4.3 Appeal Decision**

- (1) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the appeal hearing.
- (2) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.

- (3) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority Officer shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.
- (4) If the decision of the Development Authority to approve a development permit is varied by the Subdivision and Development Appeal Board, the Development Authority Officer shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.
- (5) When an application for a development permit has been approved by the Subdivision and Development Appeal Board, the development permit shall not be valid unless and until:
  - (a) the Board has issued its decision; and
  - (b) any conditions of approval, save those of a continuing nature, have been fulfilled.
- (6) A decision of the Board is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made to a judge of the Court of Appeal within 30 days of the issue of the order, decision, permit or approval sought to be appealed.
- (7) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision to the Court of Appeal, such notice shall operate to suspend the development permit.

The final determination of an appeal to the Court of Appeal shall operate to validate, amend or revoke, as the case may be, a development permit suspended under this section.

# PART 5 - ENFORCEMENT AND ADMINISTRATION

## 5.1 Enforcement

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with the Act, the regulations made under the Act, a development permit, a subdivision approval, or this Bylaw, he/she may order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all of them to
  - (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
  - (b) demolish, remove or replace the development; and/or
  - (c) take such other measures as are specified in the notice and as may be required to ensure compliance with the Act, the regulations made under the Act, a development permit, subdivision approval or this Bylaw,as the case may be.
- (2) Where a person does not comply with an order made under subsection 5.1.1 or an order of the Subdivision and Development Appeal Board, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (3) A person who does not comply with this Bylaw, a development permit, or an order issued pursuant to subsection 5.1.1 is guilty of an offence and is liable upon conviction to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to **Section 566** of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs thus incurred placed on the tax roll as an additional tax against the property, and that amount shall be collected in the same manner as taxes on land.
- (5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (6) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.

(7) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Summer Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

## **5.2 Application to Amend Bylaw**

- (1) Any person may apply to have this Bylaw amended, by applying in writing to Council and furnishing reasons in support of the application.
- (2) All applications for amendment shall be accompanied by:
  - (a) the required application fee. If the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant; and
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
  - (c) if required, drawings on standard drafting material showing the subject site, fully dimensioned, accurately figured, explicit and complete, the

proposed District and the proposed use and development to be proposed on the site; and

- (d) any other information as required by the Development Authority.
- (3) Notwithstanding **subsection (2)(a)** above, Council may waive payment of an application fee or any part thereof.
- (4) Council may refer the application for Bylaw amendment to such agencies as it considers necessary for comment.
- (5) All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.
- (6) Council may request such information as it deems necessary to reach a decision on the proposed amendment.
- (7) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority Officer to initiate an amendment.
- (8) At the discretion of Council, first reading of a proposed amendment may be considered after the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Council.

### **5.3 Public Hearing**

All amendments to this Bylaw shall be made by in conformity with the requirements of the Act regarding the notification and holding of a public hearing.

### **5.4 Repealing Existing Controls**

Bylaw No. 5/98, as amended, is hereby repealed.

### **5.5 Date of Commencement**

This Bylaw comes into effect upon the date of it finally being passed.

# PART 6 - GENERAL LAND USE REGULATIONS

## 6.1 Subdivision of Land

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

## 6.2 Number of Dwelling Units

- (1) Only one dwelling unit shall be permitted on a lot.
- (2) Notwithstanding subsection (1) above, at the discretion of the Development Authority, an additional dwelling unit may be allowed if it meets with the requirements of **Section 6.22** of this Land Use Bylaw

## 6.3 Landscaping

- (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.
- (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.

## 6.4 Substandard Lots

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. Compliance with any Provincial regulations regarding the disposal of sewage will be required. Development on these lots will comply with the regulations of the District in which the lot is located.

## 6.5 Site Conditions

- (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.
- (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.
- (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 time period following the completion of construction.
- (4) No person shall commence or continue the removal of topsoil without first



obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion, as determined by the Development Authority, may be required as a condition of the approval of a development permit.

- (5) Garbage shall be kept in weatherproof and animal-proof containers, screened from adjacent sites and roads.
- (6) Any development, landscaping or topographic reconstruction shall be such that the finished surface contours do not redirect surface drainage onto another lot.

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

- (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.
- (2) Alberta Sustainable Resource Development'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.
- (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 new lot in order to preserve environmentally sensitive features.

## **6.7 Fences and Walls**

- (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.
- (2) No fence, wall, hedge or other enclosure shall be higher than:
  - (a) 6.0 ft. (1.82 m) measured as the average elevation from the ground, except
  - (b) 3.0 ft. (0.91 m) within 20.0 ft. (6.10 m) of an intersection.
- (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 (5.9 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.

## 6.8 Decks

The construction of a new deck shall require a development permit.

## 6.9 Sanitary Facilities

- (1) All dwellings shall be provided with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.

## 6.10 Parking and Access

- (1) The construction of a driveway off a public roadway shall require a development permit.
- (2) A minimum of two (2) off-street parking spaces shall be provided per lot.
- (3) Location of Site and Site Standards
  - (a) All off-street parking areas and accessory off-street parking areas:
    - (i) shall not be located within 0.9 m (3 ft.) feet of a lot line common to the lot and to a road;
    - (ii) shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority; and
    - (iii) shall have necessary curb cuts located to the satisfaction of the Development Authority.
- (3) Unless otherwise approved by the Development Authority, parking spaces shall be not less than 9.0 ft. (2.73 m) wide and 18.0 ft. (5.46 m) long and shall be located on the same lot as the principal building or use.
- (4) Required Number of Off-Street Parking Spaces
  - (a) The minimum number of off-street parking spaces required for each development shall be calculated from the following table:

<b>USE OF BUILDING OR DEVELOPMENT</b>	<b>MINIMUM NUMBER OF PARKING STALLS</b>
Dwelling units with 2 or fewer bedrooms	1.5 per dwelling unit

Dwelling unit with more than 2 bedrooms	2 per dwelling unit (Where this results in a fractional requirement, the total requirement shall be the next whole number.)
Eating and drinking establishments	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfasts	1 per sleeping unit
Dayhomes	1
Day cares	1 per employee on maximum shift, plus 1 per 15 capacity of in the day care
Home occupations	1 in addition to the requirements for the residential use

- (b) In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority.
  - (c) Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
  - (d) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
  - (e) The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to the provision of communally-used parking facilities, differing hours of demand for parking, or the scale or character of the development.
  - (f) If insufficient parking is provided by an approved development the Development Authority may advise the land owner that he maybe required to help pay for parking facilities in the future if required by Council in accordance with the Act or any other available legislation.
- (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.

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

No person shall keep or allow in any part of any yard:

- (1) any unlicensed, dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days;
- (2) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the municipality;
- (3) 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;
- (4) any privately owned or commercial vehicle, excluding recreational vehicles, loaded or unloaded, of a gross vehicle weight in excess of 5000 kg (11,200 lbs.) for longer than is reasonably necessary to load or unload the vehicle on lots under 0.5 ac. in size.
- (5) oversized vehicles that restrict the view of the lake from adjacent properties.
- (6) any outdoor wood boilers, coal boilers or furnaces;
- (7) any propane tanks 2000 L or larger; and
- (8) any portable fuel tanks, excluding propane tanks and portable tidy tanks, larger than 100 L.

## **6.12 Keeping of Animals**

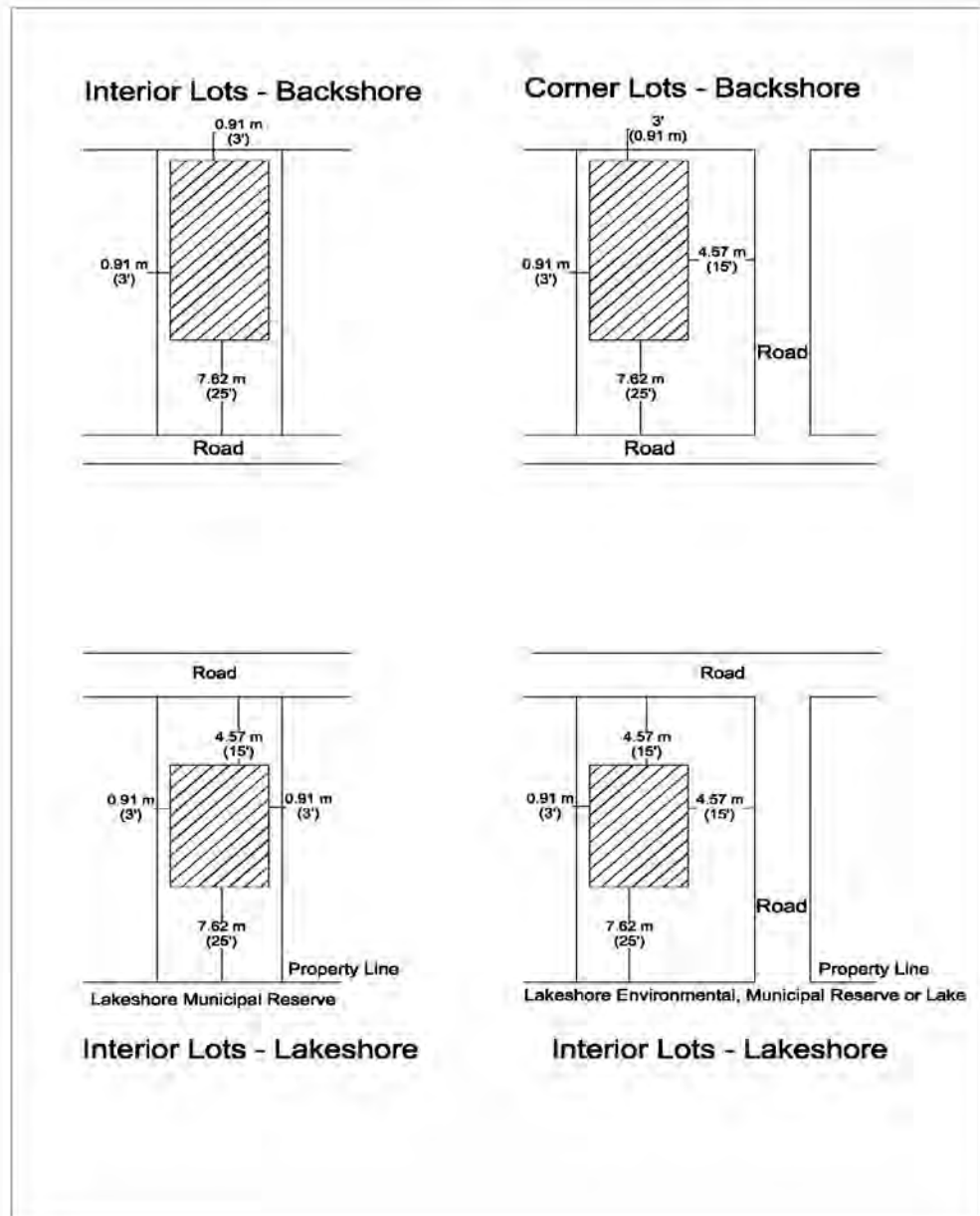
No fur bearing animals, fowl or livestock other than domestic pets shall be permitted on parcels smaller than 1 ac. (0.4 ha) within the municipality

## **6.13 Nuisance**

- (1) No use or activity shall be undertaken which, in the opinion of the Development Authority, may constitute a nuisance 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.
- (2) Sites and buildings shall be maintained in a clean and tidy condition, free from rubbish and debris.

## 6.14 Accessory Buildings

- (1) The construction or relocation of an accessory building shall require a development permit.
- (2) The following shall apply to all accessory buildings:
  - (a) No accessory buildings, other than fences, shall be located in a front yard, except a boathouse may be located in the front yard of a lakeshore lot provided that it is no closer than 25 ft. (7.62 m) 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. **Figure 3** provides information regarding required setbacks for accessory buildings.
  - (b) On corner lots, no accessory building shall be located in the side yard abutting a road.
  - (c) The minimum distance between buildings shall be 7.0 ft. (2.13 m).
  - (d) The minimum side yard shall be 3.0 ft. (0.91 m).
  - (e) The minimum rear yard shall be 3.0 ft. (0.91 m).
  - (f) The height shall not exceed 15.0 ft. (4.57 m) as measured from the elevation of the adjacent road.
  - (g) Privies shall be located no closer than 10.0 ft. (3.04 m) to the boundary of a road or lane.



**Figure 3: Location of Accessory Buildings**

- (3) The siting of an accessory building on an irregularly shaped parcel shall be as required by the Development Authority.
- (4) 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.
- (5) An accessory building shall not be used as a dwelling.

## 6.15 Sea Cans

- (1) A maximum of one (1) sea can may be permitted, at the discretion of the Development Authority on residential parcels under 1 ac (0.4 ha) in size.

- (2) The maximum number of sea cans that may be placed on a commercial property is at the discretion of the Development Authority.
- (3) The placement of a sea can on any parcel in the Summer Village requires a development permit.
- (4) Sea cans may not be stacked. The maximum height for a sea can allowed on a parcel is 10 ft (3 m).
- (5) Sea cans may not be used as a dwelling or a guest house within the Summer Village.
- (6) No human or animal habitation will be permitted within a sea can.

## **6.16 Signs**

- (1) Any permanent sign or advertising structure shall require a development permit.
- (2) Only 1 sign shall be permitted per lot.
- (3) No signs shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (4) No signs shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (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.
- (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.
- (7) Notwithstanding Subsection (1) above, 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 sq. m (10.76 sq. ft.) in area, for the purpose of identification, direction and warning, or relating to a commercial use, institutional use or club;
  - (b) Notwithstanding subsection (a), a single sign for a home occupation which does not exceed 0.25 sq. m (2.7 sq. ft.) in area shall not require a development permit;

- (c) temporary signs, not to exceed 2.0 sq. m (21.5 sq. ft.) 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.

## 6.17 Recreational Vehicles

- (1) No more than two (2) recreational vehicles shall be permitted on a lot at any time.
- (2) A maximum of one (1) recreational vehicle can be stored on a parcel without a development permit.
- (3) Notwithstanding subsection (1) at the discretion of the Development Authority, a temporary permit may be issued for up to two (2) additional recreational vehicles on a parcel.
- (4) Where additional recreational vehicles are to be maintained on a parcel for more than 21 consecutive days, they shall require a development permit and shall be located in a manner satisfactory to the Development Authority and may at the discretion of the Development Authority, be required to be legally connected to sewer and water.
- (5) If a recreational vehicle is to be the primary dwelling on a residential parcel then the recreational vehicle must have:
  - (a) an approved development permit; and
  - (b) must be connected to services to the satisfaction of the Development Authority.

## 6.18 Manufactured Homes

- (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 the Alberta Building Code (ABC). 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.
- (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.
- (3) In addition to the requirements of **subsections 6.18.1 and 6.18.2** above, a manufactured or mobile home must meet the following aesthetic regulations:



- (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area;
- (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
- (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition;
- (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area;
- (e) The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area;
- (f) Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured or mobile home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;
- (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

Any required aesthetic upgrades to the manufactured or mobile home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within 30 days of the placement of the mobile or manufactured home on a site.

## **6.19 Home Occupations**

- (1) A major home occupation shall comply with the following regulations:
  - (a) 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.
  - (b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - (c) 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.

- (d) 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.
- (2) A minor home occupation shall comply with the following regulations:
- (a) 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.
  - (b) 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.
- (3) All home occupations shall comply with the following requirements:
- (a) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - (b) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - (c) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 35 sq. m (377 sq. ft.), 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 shall be parked on the subject.
  - (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 0.25 sq. m (2.7 sq. ft.) 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.
- (i) Home occupations shall not involve:
  - (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## **6.20 Relocated Buildings**

- (1) The relocation of a building into or within the municipality shall require a development permit.
- (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 surficially so as to have the building blend in better with other buildings within the municipality.

## **6.21 Municipally-owned Land**

- (1) Private development other than those developments outlined in **section 3.8** shall not be permitted on municipal reserve land, environmental reserve land, and road allowances.
- (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.
- (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.

## **6.22 Guest Houses, Garage Suites and Basement Suites**

- (1) A single guest house, garage suite or basement suite may be permitted per single family dwelling on residential parcels within the Summer Village.
- (2) A guest house means a building on a lot, on which a single family dwelling is located, which does not contain cooking or toilet facilities and which is used for the accommodation of guests.
- (3) Basement suites and/or garage suites, which may include cooking and/or toilet facilities, shall not be considered a guest houses.
- (4) Garage suites and basement suites may be permitted in some locations within the Summer Village, at the discretion of the Development Authority provided that the following conditions are satisfied:
  - (a) parking requirements can be met;
  - (b) the parcel is 0.5 ac (0.2 ha) or greater in area.
- (5) All garage suites, basement suites and guest houses must comply with the Alberta Building Code and all other Provincial and Municipal regulations.
- (6) The lot on which a garage suites, basement suites or guest houses is located shall not be subdivided (in title) as a result of the presence of the garage suite, basement suite or guest house.

## **6.23 Kennels**

- (1) Kennels are not allowed in the Summer Village.

## **6.24 Corner Lots**

- (1) Notwithstanding any other provision contained in this Bylaw, landscaping, the erection of fences, walls, or other means of enclosure on a corner lot shall be to the satisfaction of the Development Authority to ensure that vision around the corner is not hindered.
- (2) In order to implement subsection 1., no fence, wall, tree, bush, structure or thing more than 0.9 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane lines and a straight line joining points on the road or lane 6.0 m (19.7 ft.) from their intersection.

## **6.25 Firesmart Development Regulations**

- (1) All roofing materials on new, replacement, or retrofitted dwellings, accessory buildings and commercial buildings shall meet a minimum Class C ULC rating.

- (2) All new dwellings, accessory buildings, and commercial buildings with exposed undersides and/or with raised decks and porches less than 2 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.
- (3) All new dwellings, accessory buildings, and commercial buildings shall establish and maintain FireSmart defensible space for a minimum of 10 metres or to the lot boundary.
- (4) All new dwellings, accessory buildings, and commercial buildings shall 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 metres from ground level shall require one-metre of non-combustible surface cover placed around the outside perimeter and underneath.

## **6.26 Firesmart Development Recommendations**

- (1) All above-ground propane tanks greater than or equal to 80 U.S. gallons (302 litres) should have a minimum of 3 metres clearance from combustible vegetation and materials.
- (2) All combustible material piles should be stored a minimum of 10 metres from all primary structures and propane tanks.

## **6.27 Recreational Vehicle Campground**

- (1) 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 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12 ft.) usable top.
- (2) Each stall size shall have a minimum width of 13.5 m (40 ft.) and a minimum of 185.8 sq. m (2000 sq. ft.) in area.
- (3) The developer shall provide on-site potable water supply which meets all applicable provincial water requirements.
- (4) 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.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) All stalls shall maintain a minimum set back of 30 m (98.4 ft.) from the shoreline of any body of water or lake.
- (9) The Developer shall provide safe and adequate lake access.
- (10) The maximum number of recreational stalls per development shall be 40 stalls.
- (11) The maximum number of recreational vehicles permitted per stall shall be one (1).
- (12) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
  - (a) Spaces for day use, picnicking and similar activities shall be suitably organized, clearly marked and constructed to the satisfaction of the Development Authority.
  - (b) All other site requirements shall be as required by the Development Authority.
  - (c) Minimum Yard Setbacks:

Front, side, corner and rear yard setbacks shall be 7.6 m (25 ft.) or 10% of the lot width, whichever is lesser.
  - (d) Minimum Setback From Lakes:

Notwithstanding anything in this Bylaw to the contrary, no development other than temporary docks shall occur within 30 m (98.4 ft.) of the shoreline of any lake.

## **6.28 Recreational Vehicles Located in Recreational Vehicle Campgrounds**

- (1) 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 18.58 sq. m (200 sq. ft.), and a screened or roofed patio around or beside the recreational vehicle is permitted.

- (2) No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- (3) The total gross floor area or ground area covered by all accessory structures and buildings shall not exceed 50% of the RV lot size.

# PART 7 - LAND USE DISTRICT MAP



# PART 8 - LAND USE DISTRICTS

## 8.1 Establishment of Districts

- (1) For the purpose of this Bylaw, the Summer Village of South Baptiste is divided into the following Districts:

<b>R1a</b>	-	<b>Small Lot Residential District</b>
<b>R1</b>	-	<b>Residential District</b>
<b>R2</b>	-	<b>Residential Estate District</b>
<b>P</b>	-	<b>Community District</b>
<b>C</b>	-	<b>Commercial District</b>

- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map, being Part 7 hereto.

## 8.2 R1a – SMALL LOT RESIDENTIAL DISTRICT

The general purpose of this district is to accommodate existing small lots within the Summer Village. This district will not be applied to any undeveloped lands within the Summer Village.

1. Permitted Uses
  - (a) One family dwellings
  - (b) Accessory buildings and uses
  
2. Discretionary Uses
  - (a) Basement Suite
  - (b) Garage Suites
  - (c) Guest houses
  - (d) Home occupations
  - (e) Manufactured homes
  - (f) Modular Homes
  - (g) Park models
  - (h) Neighbourhood parks
  - (i) Public utilities required to serve the immediate area
  - (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
  
3. Regulations
  - (a) Relating to One Family Dwellings, manufactured homes, modular homes and park models
    - (i) Minimum lot area - 5,000.0 sq. ft. (1858 m<sup>2</sup>)
    - (ii) Minimum lot width - 50.0 ft. (30.48 m)
    - (iii) Minimum lot depth - 100.0 ft. (30.48 m)
    - (iv) Minimum floor area - 500 sq. ft. (46.45 m<sup>2</sup>) on the ground floor, excluding, in the case of manufactured homes, attached porches
    - (v) Minimum front yard - 20.0 ft. (6.10 m), except, on lakefront lots the Development Authority may establish a required yard of greater than 20.0 ft. (6.10 m) if necessitated by topographic or environmental constraints
    - (vi) Minimum rear yard - 25.0 ft. (7.62 m)
    - (vii) Minimum side yard - the greater of 10% of lot width or 5.0 ft. (1.52 m)
    - (viii) Maximum height - 2 storeys, measured from the foundation or 30ft (9.14 m whichever is the lesser)
    - (ix) Maximum lot coverage - 40%
    - (x) Notwithstanding subsections (i) and (ii) above, the minimum required lot area and the minimum required lot width may be reduced on existing substandard lots provided that all other requirements of this Bylaw are

met.

- (b) All other uses - as required by the Development Authority

### 8.3 R1 – RESIDENTIAL DISTRICT

The general purpose of this District is to permit development of one family dwellings and associated uses.

1. Permitted Uses
  - (a) One family dwellings
  - (b) Accessory buildings and uses
  
2. Discretionary Uses
  - (a) Basement Suite
  - (b) Garage Suites
  - (c) Guest houses
  - (d) Home occupations
  - (e) Manufactured homes
  - (f) Modular Homes
  - (g) Park models
  - (h) Neighbourhood parks
  - (i) Public utilities required to serve the immediate area
  - (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
  
3. Regulations
  - (a) Relating to One Family Dwellings, Manufactured Homes, modular homes and park models
    - (i) Minimum lot area - 20,000.0 sq. ft. (1858 m<sup>2</sup>)
    - (ii) Minimum lot width - 100.0 ft. (30.48 m)
    - (iii) Minimum lot depth - 100.0 ft. (30.48 m)
    - (iv) Minimum floor area - 500 sq. ft. (46.45 m<sup>2</sup>) on the ground floor, excluding, in the case of manufactured homes, attached porches
    - (v) Minimum front yard - 20.0 ft. (6.10 m), except, on lakefront lots the Development Authority may establish a required yard of greater than 20.0 ft. (6.10 m) if necessitated by topographic or environmental constraints
    - (vi) Minimum rear yard - 25.0 ft. (7.62 m)
    - (vii) Minimum side yard - the greater of 10% of lot width or 5.0 ft. (1.52 m)
    - (viii) Maximum height - 2 storeys, measured from the foundation or 30ft (9.14 m whichever is the lesser)
    - (ix) Maximum lot coverage - 35%
  - (b) All other uses - as required by the Development Authority

## 8.4 R2 - RESIDENTIAL ESTATE DISTRICT

The general purpose of this district is to permit one family homes and accessory uses on larger lots.

### 1. Permitted Uses

- (a) One family dwellings
- (b) Cultivation, including market gardening
- (c) Accessory buildings and uses

### 2. Discretionary Uses

- (a) Basement Suites
- (b) Garage Suites
- (c) Guest houses
- (d) Home occupations
- (e) Manufactured homes
- (f) Modular homes
- (g) Park Models
- (h) Neighbourhood Parks
- (i) Public utilities required to serve the immediate area
- (j) Sea Cans
- (k) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 3. Regulations

- (a) Relating to One Family Dwellings, Manufactured Homes, modular homes and park models
  - (i) Minimum lot area - 1.0 ac. (0.40 ha)
  - (ii) Minimum lot width - 100.0 ft. (30.48 m)
  - (iii) Minimum lot depth - 100.0 ft. (30.48 m)
  - (iv) Minimum floor area - 800 sq. ft. (74.32 m<sup>2</sup>) on the ground floor, excluding, in the case of manufactured homes, attached porches
  - (v) Minimum front yard - 20.0 ft. (6.10 m), except, on lakefront lots the Development Authority may establish a required yard of greater than 20.0 ft. (6.10 m) if necessitated by topographic or environmental constraints
  - (vi) Minimum rear yard - 25.0 ft. (7.62 m)
  - (vii) Minimum side yard - the greater of 10% of lot width or 5.0 ft. (1.52 m)
  - (viii) Maximum height - 2 storeys, measured from the foundation or 30ft (9.14 m) whichever is the lesser
- (b) All other uses - as required by the Development Authority

## **8.5 P - COMMUNITY DISTRICT**

The general purpose of this district is to identify those shoreland areas which may be used for recreation and community purposes including providing public access to the lake.

1. Permitted Uses
  - (a) None
2. Discretionary Uses
  - (a) Parks, playgrounds, recreation areas, and other similar public buildings and uses
  - (b) Municipally-operated public parking areas
  - (c) Overnight camping or parking
  - (d) Public or quasi-public uses
  - (e) Public utilities
  - (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned uses
  - (g) Accessory buildings and uses
3. Regulations
  - (a) Minimum lot size - 2.0 ac. (0.81 ha) or as required by the Development Authority.
  - (b) All other regulations shall be as required by the Development Authority.

## **8.6 C - COMMERCIAL DISTRICT**

### **(1) Permitted Uses**

NONE

### **(2) Discretionary Uses**

- (a) General Service
- (b) General Retail stores
- (c) Recreational Vehicle Campgrounds
- (d) Restaurants
- (e) Accessory buildings and uses
- (f) One family dwellings
- (g) Dwellings attached to commercial uses
- (h) Sea Cans
- (i) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

### **(3) Regulations**

- (a) 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.
- (b) A treed buffer area between different land uses shall be designated and maintained.
- (c) All other site requirements shall be as required by the Development Authority.
- (d) Minimum Lot Size – 1 ac. (0.4 ha) or as required by the Development Authority.
- (e) Minimum Yard Setbacks:
  - (i) Front, side, corner and rear – 7.6 m (25 ft.) or 10% of the lot width whichever is lesser, or as required by the Development Authority.
  - (ii) Maximum Lot Coverage – 35%.
  - (iii) Maximum Height of Buildings – 2 storeys, measured from the foundation or 30ft (9.14 m) whichever is the lesser.
  - (iv) Minimum Parking Requirements – in accordance with the requirements of the Development Authority.
  - (v) Minimum Loading Requirements – in accordance with the requirements of the Development Authority.
- (f) Minimum floor area for dwellings attached to commercial uses:

- (i) Bachelor dwelling unit - 450 sq. ft.
- (ii). One Bedroom dwelling unit - 500 sq. ft.
- (iii) Two Bedrooms dwelling unit - 600 sq. ft.
- (iv) Three or more Bedrooms dwelling unit - 700 sq. ft.



## PART 9 - DEFINITIONS

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 and satellite dishes;
- (2) "**Act**" means the Municipal Government Act, 1994, as amended;
- (3) "**adjacent owners**" means owners of land that is contiguous to the land that is the subject of an application, and includes owners of land that would be contiguous except for a road, a rail or utility right-of-way, a river or a stream;
- (4) "**basement suite**" means an additional dwelling unit located in the basement of a single family dwelling;
- (5) "**boathouse**" means an accessory building designed and used primarily for the storage of boats;
- (6) "**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;
- (7) "**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;
- (8) "**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;
- (9) "**caveat**" means a formal notice expressing an interest in a parcel of land registered against the title to that parcel of land;
- (10) "**chattel**" means a movable item of personal property;
- (11) "**corner lot**" means a lot with boundary lines on two separate roads;
- (12) "**Council**" means the Council of the Summer Village of South Baptiste;
- (13) "**deck**" means any open structure attached to a building having a height greater than 0.6 m (2 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 1.25 m (4.1 ft.);

- (14) **“developer”** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (15) **"development"** means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (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, or
  - (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, or
  - (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; or
  - (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) demolition or removal of a building; or
  - (i) the placement of an already constructed or a partially constructed building on a lot;
- (16) **"Development Authority"** means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (17) **“Development Authority Officer”** means means the Development Authority Officer established and appointed pursuant to the Act through the municipality’s Development Authority Bylaw;
- (18) **"development permit"** means a document authorizing a development issued pursuant to this Bylaw;
- (19) **"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;
- (20) **“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;
- (21) **"dwelling"** means any building used exclusively for human habitation and which is

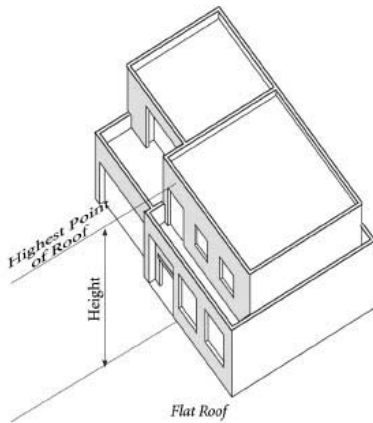
supported on a permanent foundation or base. This definition shall include one family dwellings, including both site built and modular homes but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

- (22) "**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;
- (23) "**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;
- (24) "**Environmental Reserve Easement**" means an environmental reserve easement as determined in accordance with the Act;
- (25) "**excavation**" means any breaking of ground, except common household gardening and ground care;
- (26) "**fence**" means a vertical, physical barrier constructed to provide aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access;
- (27) "**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.
- (28) "**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;
- (29) "**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;
- (30) "**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;
- (31) "**front yard**" 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;
- (32) "**garage**" means an accessory building or a part of the principal building, designed and used primarily for the storage of motor vehicles;
- (33) "**garage suite**" means a self-contained dwelling located above a rear detached garage which is accessory to a single detached house. Garage suites have an entrance which is

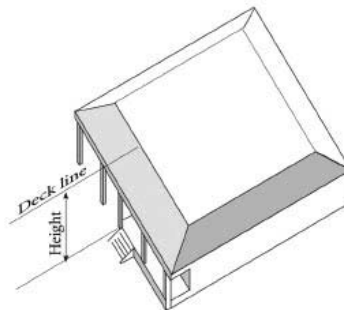
separated from the vehicle entrance to the rear detached garage, either from a common indoor landing or directly from the exterior of the structure.

- (34) **"general retail store"** means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4000 sq. m, 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;
- (35) **"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;
- (36) **"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;
- (37) **"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;
- (38) **"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;

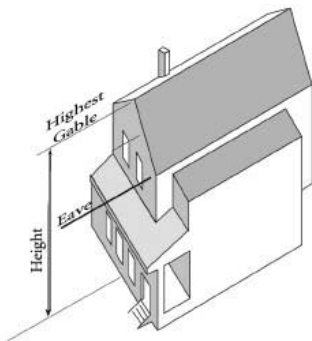
**Figure 4: Height Definition Diagram**



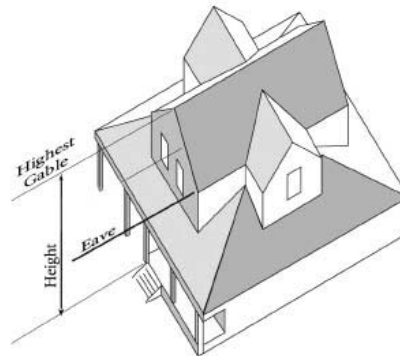
Flat Roof



Mansard Roof



Pitched Roof



Hipped Roof

- (39) **“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;
- (40) **“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;
- (41) **“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;

- (42) "**lakeshore lot**" means a lot fronting on a waterbody or a Reserve parcel adjacent to a waterbody;
- (43) "**lane**" means a public thoroughfare maintained by the municipality which provides alternate access to a lot;
- (44) "**liquor sales**" means a development used principally for the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the Alberta Liquor Control Act;
- (45) "**lot**" means:
- (a) a quarter section, or
  - (b) 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
  - (c) 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
  - (d) 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;
- (46) "**lot coverage**" is a calculation of the ground floor area divided by the area of the lot.
- (47) "**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;
- (48) "**manufactured home**" means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), 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;
- (49) "**may**" means the action is not obligatory;
- (50) "**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 the Alberta Building Code (ABC). A mobile home refers to a modular home that was constructed prior to 1991;
- (51) "**modular home**" 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 both manufactured and mobile homes

- (52) **“Municipal Planning Commission”** means the Municipal Planning Commission established by the Council by the Municipal Planning Commission Bylaw adopted pursuant to the Act
- (53) **"municipality"** means the Summer Village of South Baptiste;
- (54) **"non-conforming building"** means a building:
- (a) 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;
- (55) **"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;
- (56) **“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;
- (57) **"one family dwelling"** means a dwelling consisting of one (1) dwelling unit but does not include mobile, manufactured or modular homes;
- (58) **“order”** means a notice requiring compliance issued in writing by the Development Authority pursuant to this Bylaw;
- (59) **“over-garage suite:** means a secondary dwelling unit located over a detached garage that is accessory to, and on the same lot as, a single-detached house.
- (60) **"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.

(61) "**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.



**Figure 5: Example of a Park Model Trailer 102**

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 set-up mode the gross trailer area does not exceed 37.2 sq. m (400 sq. ft.). 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.



**Figure 6: Example of a Park Model Recreational Unit**

It has a gross floor area, including lofts, not exceeding 50 sq. m (approximately 540 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.

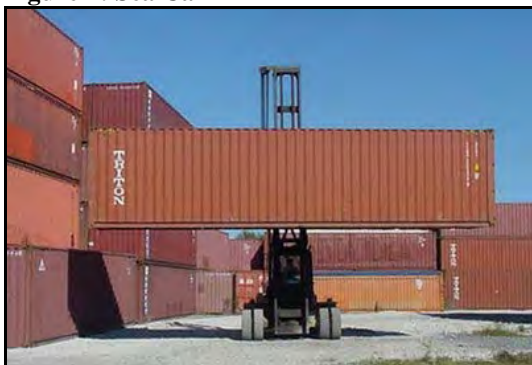
Park Model units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the **CSA Z-241** Standard for RVs

- (62) "**parking space**" means an area set aside for the parking of one (1) vehicle;
- (63) "**patio**" means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above grade;
- (64) "**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;
- (65) "**principal building**" means a building in which is conducted the main or principle use of the lot on which it is erected;
- (66) "**private**" intended for or restricted to the use of a particular person, group or interest
- (67) "**public**" accessible or shared by all members of the community



- (68) “**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;
- (69) “**public utility**” means a public utility, as defined in the Act;
- (70) “**rear line**” means the boundary line of a lot lying opposite to the front line of the lot;
- (71) “**rear yard**” 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;
- (72) “**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 trailer, camping trailer, truck camper, fifth wheel and motor home;
- (73) “**recreational vehicle campground**” means a commercial development consisting of sites for the location of more than four (4) recreational vehicles ;
- (74) “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.
- (75) “**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;
- (76) “**road**” shall mean a “road” as defined in the Act;
- (77) “**satellite dish**” means a dish-shaped or other apparatus used for the reception of satellite transmitted television or radio waves;
- (78) “**sea can**” means pre-built metal containers and structures originally designed and/or constructed for the purpose of cargo storage;

**Figure 7: Sea Can**



- (79) “**secondary suite**” 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;

- (80) **“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;
- (81) **“shall”** means the action is obligatory;
- (82) **"shoreline"** means the line of the bed and shore of the body of water;
- (83) **"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;
- (84) **"side line"** 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 side line;
- (85) **"side yard"** means a yard extending from the nearest wall of the principal building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (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) **“substandard lot”** 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;
- (92) **“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;

(93) “**walkway**” means a public right-of-way for pedestrian use only, which is registered as a walkway or as a Reserve;

(94) "**yard**" means a part of a lot upon or over which no principal building is to be erected;

and 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.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_\_ of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Administrator

AND ADVERTISED by newsletter mailed to all property owners in the Summer Village of the PUBLIC HEARING HELD THE \_\_\_\_\_ of \_\_\_\_\_, 2010.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Administrator

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_\_ of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor Administrator

# PART 10 - APPENDICES

## 10.1 Appendix A: Recommended Environmental Reserve 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>1</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	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 (≥ 15m 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 (≤ 3 m)	6 m	See additional requirements for hazardous lands
Epibemal 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
Bradled Stream	10 m from outside boundary of active floodway	
<small>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>1</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</small>		

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.

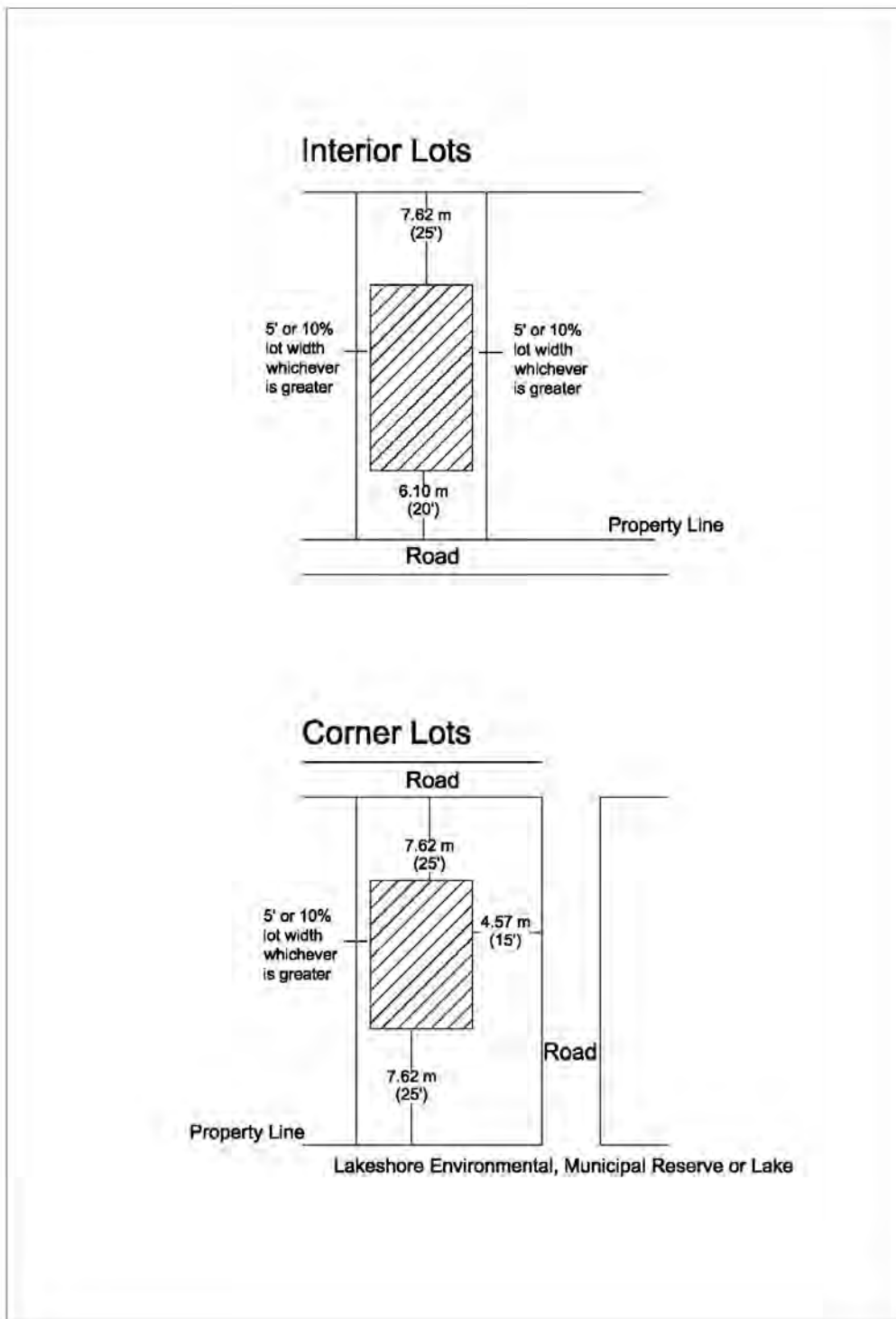
**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

Hazardous Land	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> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, eroder, 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 (≥ 15%)	3X encroachment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

September 2007

## 10.2 Appendix B: Location of Main Buildings

This sketches show permitted building envelopes for main buildings



### 10.3 Appendix C: Definition of Yards

