



## Summer Village of Val Quentin

Land Use Bylaw 218-08

As amended by Bylaw 243-12 – and consolidated – July 18, 2012

December, 2008

## BYLAW 243-12 TO AMEND LAND USE BYLAW NO. 218-08

**WHEREAS**, THE Council for the Summer Village of Val Quentin may pass bylaws for Municipal purposes respecting the development of property; and

**WHEREAS**, THE Council for the Summer Village of Val Quentin may pass bylaws for Municipal purposes respecting the safety, health, welfare and the protection of people and property.

**NOW THEREFORE**, The Municipal Council of the Summer Village of Val Quentin, in Council, duly assembled, enacts as follows:

Therefore the Municipal Council amends the Summer Village of Val Quentin Land Use Bylaw No. 218-08, on the date of the final passing and adoption of this Bylaw and enacts as follows:

1. Sec. 42(j) "Garages will be limited to a maximum of one and a half storeys and shall not exceed 6.7 m (22 feet) in height."
2. Sec. 58.5(b) "Maximum Height: The height of any garage, storage shed, guesthouse or boathouse shall not exceed 6.7 m (22 feet) in height."
3. Sec. 58.4(b) "Minimum main floor area per single storey dwelling unit (not including attached garage) shall be no less than 92.93 m<sup>2</sup> (1000 ft<sup>2</sup>). In the case of 2 storey dwelling units the minimum main floor area (not including attached garage) shall be no less than 75 m<sup>2</sup> (800 ft<sup>2</sup>)."
4. Sec. 58.5 (a) "Accessory Buildings: The setback from the rear lot line shall (be) no less than 0.9 m (3 ft) or 1.0 m (3.3 ft) to any side lot line."

READ A FIRST TIME THIS 20<sup>th</sup> DAY OF June 2012

A PUBLIC HEARING WAS CONDUCTED 18<sup>th</sup> DAY OF July 2012

READ A SECOND TIME THIS 18<sup>th</sup> DAY OF July 2012

READ A THIRD TIME AND PASSED THIS 18<sup>th</sup> DAY OF July 2012

\_\_\_\_\_  
Original Signed by Mayor

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Original Signed by Administrator

**MAYOR**

**ADMINISTRATOR**

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## **Part I – General**

### **Section 1 Title**

This Bylaw may be referred to as “The Summer Village of Val Quentin Land Use Bylaw.”

### **Section 2 Scope**

No development shall be permitted within the boundaries of the Summer Village of Val Quentin except in conformity with the provisions of this Bylaw.

### **Section 3 Purpose**

The purpose of this Bylaw is to:

- (a) divide the summer village into land use districts;
- (b) to prescribe and regulate for each district the purpose for which land and buildings may be used for;
- (c) to establish a method of decision making on applications for development permits and the issuance of development permits;
- (d) to provide a manner in which notice of the issuance of a development permit is given; and
- (e) to facilitate the approval process for applications for subdivision.

### **Section 4 Relationship to the Municipal Government Act**

The Summer Village of Val Quentin Land Use Bylaw has been prepared and adopted in accordance with the provisions of the Act.

### **Section 5 Metric and Imperial Measurements**

The imperial equivalents provided in parentheses after reference to metric units of measurement are approximate and intended for information only.

### **Section 6 Previous Municipal Bylaws**

No provision of any other Land Use Bylaws with respect to zoning, development control, development schemes and land use classifications shall hereafter apply to any part of the Summer Village described in this Bylaw, subject to the transitional provisions of this Bylaw.

## Section 7 Other Legislative and Bylaw Requirements

Nothing in this Bylaw affects the duty or obligation of a person to obtain any other permit, license or other authorization required by any Bylaw, Act or any regulation pursuant to those Acts.

## Section 8 Definitions

In this Bylaw:

**“ACCESSORY BUILDING OR USE”** - means a use, building, or structure which is separate and subordinate to the principal residential use of the main building located on the lot, but does not include a residence;

**“ACT”** - means the Municipal Government Act, and its regulations;

**“APPLICANT”** - see “DEVELOPER”;

**“ADULT CARE RESIDENCE”** means a building with two or more accommodation units designed to provide long term housing wherein the adult residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance;

**“AGRICULTURE”** means growing and harvesting crops, and/or the rearing and management of livestock for gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the cultivation of land,
- (b) the raising of livestock, including game-production animals within the meaning of the *Livestock Industry Diversification Act* and poultry,
- (c) the raising of fur-bearing animals, pheasants or fish,
- (d) the production of field crops,
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
- (f) the production of eggs and milk,
- (g) the production of honey,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes,
- (j) the collection, transportation, storage, application, use, transfer and disposal of manure, and
- (k) the abandonment and reclamation of confined feeding operations and manure storage facilities;

**"APARTMENT"** means a residential building consisting of at least 3 dwelling units where none of the dwelling units are rented or are available for rent or occupation for periods of less than 30 days, but shall not include buildings containing units with separate exterior entranceways;

**"AREA STRUCTURE PLAN"** - means a plan adopted by the Council as an area structure plan pursuant to the Act;

**"BED AND BREAKFAST OPERATION"** - means a minor and subordinate commercial use of a residence where accommodation is provided for periods of 14 days or less in three or fewer guest rooms;

**"BOATHOUSE"** - means an accessory building designed and used primarily for the storage of boats and which is designed in such a way as to permit the direct removal of boats from the water to the structure;

**"BUFFER"** - means rows of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

**"BUILDING"** - as defined in the Act;

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

**"CANOPY"** - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

**"CARPORT"** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

**"CARETAKER'S RESIDENCE"** - is a residence that is secondary to the principal industrial, commercial, or recreational use on the same lot, and is used primarily for the purpose of providing accommodation for the individual who is responsible for the maintenance and security of the lot;

**"CHATTEL"** - means a moveable item of personal property;

**"CONVENIENCE RETAIL STORE"** - means a development used for the retail sale of commonly-purchased goods to neighbourhood residents or employees or the travelling public on a day-to-day basis;

**"CORNER"** - means the intersection of any two property lines of a parcel;

**"COTTAGE"** - in all cases shall be taken to mean the same as a dwelling;

**"COUNCIL"** - means the Council of the Summer Village of Val Quentin;

**"DAY HOME CARE"** - means when a dwelling unit is used to provide a facility and/or program for the care, maintenance and supervision of six or fewer children under the age of 15 years, by a person who resides in the dwelling unit and who is either related or unrelated to the children involved, for periods of more than three but less than 24 consecutive hours, other than institutions operated by or under the authority of the Director of Child Welfare;

**“DEVELOPABLE AREA”** - means an area of land suitable for a building parcel and containing adequate surface elevation to preclude marshland, wetland, or groundwater inundation or high groundwater table conditions;

**“DEVELOPER”** - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

**“DEVELOPMENT”** - as defined in the Act;

**“DEVELOPMENT OFFICER”** - means the person(s) appointed as Development Officer in accordance the Development Authority Bylaw;

**“DEVELOPMENT PERMIT”** - as defined in the Act;

**“DISCONTINUED”** - means the time at which, in the opinion of the Development Officer, substantial construction activity or nonconforming use, or conforming use has ceased;

**“DISCRETIONARY USE”** - means the use of land or a building provided for which a development permit may or may not be issued based upon the merits of the application being made;

**“DOUBLE FRONTING PARCEL”** - means a corner parcel bounded by two or more streets;

**“DRIVEWAY”** - means a vehicle access route between the carriageway of a public roadway and a use on a parcel;

**“DRIVE-THROUGH RESTAURANT”** - means an establishment which services customers travelling in motor vehicles driven onto the parcel where such business is carried on, where the customer normally remains in the vehicle for service;

**“DUPLEX”** - means a dwelling containing two dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry.

**“DWELLING UNIT”** - means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

**“EASEMENT”** - means a right to use land, generally for access to other property or as a right-of-way for a public utility;

**“EXCAVATION”** - means any breaking of ground, except common household gardening and ground care;

**“EXTENSIVE AGRICULTURAL USE”** - means any method used to raise crops or rear livestock either separately or in conjunction with one another in unified operation, but does not include an intensive agricultural use such as a feedlot or sod farm;

**“FENCE”** - means a vertical physical barrier constructed to prevent visual intrusion, unauthorized access or sound abatement;

**“FLANKAGE”** - means a double fronting parcel where the boundary that is used to access municipal services is regarded as frontage and all other frontages are regarded as flankage;

**“FLOOR AREA”** - means the total of the main floor area calculation and passageways contained in a building, but does not include the floor areas of basements, attached garages, carports, sheds, open porches or breezeways;

**“FOUNDATION”** - means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;

**“FOUR - PLEX”** means a building containing four dwelling units, each unit comprising two floor levels and sharing a common party wall with two other units;

**“FRONT YARD”** - see YARD, FRONT;

**“FRONTAGE”** - means the lineal distance measured along the front parcel line. For double fronting parcels, see “FLANKAGE”;

**“GARAGE”** - means an accessory building or part of the principal building, designed and used primarily for the storage of non-commercial motor vehicles;

**“GRADE”** - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

**“GUEST HOUSE”** - means an accessory building used for seasonal or part-time sleeping accommodation and not containing a kitchen.

**“HIGH GROUNDWATER TABLE”** - means a water table level measuring less than 1.5 m (5 ft) from the ground surface;

**“HOME OCCUPATION”** - means any occupation, trade, profession or craft, including a bed and breakfast operation and day home care as defined in this Bylaw, carried on by an occupant of a residential building as a use secondary to the residential use of the building or accessory building for which remuneration or profit is normally accepted and which does not change the character thereof or have any exterior evidence of such secondary use (except where otherwise permitted in this bylaw);

**“LAKEFRONT PARCEL”** - means a parcel adjacent to a lakeshore excluding any existing park or reserve land, public roadways or public utility lots;

**“LANDSCAPING”** - means to change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, or other structures and materials as used in modern landscape architecture but does not include changes in grade, stockpiling and excavation;

**“LANE”** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10 m (33 ft) and is not less than 6 m (20 ft) wide, and which provides a secondary means of access to a parcel or parcels;

**“MAIN BUILDING OR USE”** - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar building or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one main building or use on a single lot;

**“MINOR EATING OR DRINKING ESTABLISHMENT”** - means development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the parcel. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services. This use class does not include drive-in food services;

**“MOBILE HOME”** - means a building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured in one or two parts with each part being moved from one point to another and put together on parcel to form a single unit and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A mobile home is not a Single Detached Dwelling;

**“MODULAR HOME”** - means a dwelling which is prefabricated or factory built, and which is assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side-by-side or vertically. A modular home is a Single Detached Dwelling;

**“MOTEL”** – means a separate rentable unit on a motel parcel used or intended to be used for the temporary dwelling accommodation of one or more persons.

**“MULTIPLE HOUSING DEVELOPMENT”** means two or more buildings containing dwelling units, located on a parcel of land, where all the buildings, recreation areas, vehicular areas, landscaping and all other features have been planned as an integrated development;

**“MUNICIPAL DEVELOPMENT PLAN”** - means the Summer Village of Val Quentin Municipal Development Plan;

**“MUNICIPALITY”** - means the Summer Village of Val Quentin;

**“NON-CONFORMING BUILDING OR USE”** - as defined in the Act;

**“NUISANCE”** - means anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses;

**“OCCUPANCY”** - means the use or intended use of a building or part thereof for the shelter or support of persons or property;

**“OTHER WORDS AND EXPRESSIONS”** - have the meaning respectively assigned to them by the Act and any other applicable statute of Alberta;

**“PARCEL”** - as defined in the Act as “PARCEL OF LAND”;

**“PARCEL BOUNDARIES”** - means the property edges as determined by the a certificate of title;

**“PARCEL, DEPTH”** - means the average horizontal distance between the front and rear parcel boundaries;

**“PARCEL, LAKEFRONT”** - means a parcel adjacent to a lakeshore excluding any existing park or reserve land, public roadways or public utility lots;

**“PARCEL, WIDTH”** – means the horizontal distance between the side boundaries of the parcel measured at a distance from the frontage equal to the minimum required front yard for the land use district.

**“PARKING FACILITY”** - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

**“PARKING STALL”** - means a space set aside for the parking of one vehicle;

**“PERMITTED USE”** - means the use of land or building provided for in this Bylaw for which a development permit shall be issued with or without conditions upon application having been made which conforms to this Bylaw;

**“PRINCIPAL BUILDING”** - means a building which, in the opinion of the Development Officer:

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

There shall be no more than one principal building on each parcel unless specifically permitted elsewhere in this Bylaw and does not include accessory buildings;

**“PRINCIPAL USE”** - means the primary purpose, in the opinion of the Development Officer, for which a building or parcel is used;

**“PRIVATE LIQUOR OUTLET”** - means a development where alcoholic beverages are offered to the public for retail sale for consumption off premises;

**“PUBLIC PARK”** - means an active or passive public recreation area together with any accessory buildings or uses complimentary to the said recreational purpose;

**“PUBLIC ROAD”** - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any related structure;

**“PUBLIC USE”** - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations;

**“REAR YARD”** - see YARD, REAR;

**“RETAIL ESTABLISHMENT”** - means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, hardware and home improvement supplies, household goods, confectionery, personal care items, etc.;

**"ROW HOUSING"** means a group of three or more dwelling units, each unit separated by a common or party wall and having a separate front and rear access to the outside grade;

**"SERVICE STATION"** - means an establishment used for the sale of gasoline, propane or other automotive fuels; and may include as an accessory use the sale of lubricating oils or other automotive fluids or accessories for motor vehicles, servicing and minor repair of motor vehicles, and a towing service dispatch point.

**"SETBACK"** - means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or external chimney of the building, or another part of the building if specified elsewhere in this Bylaw;

**"SEWAGE COLLECTION SYSTEM"** - means the Tri-Village Regional Sewer Service Commission sewage collection system.

**"SINGLE DETACHED DWELLING"** - means development consisting of a building containing only one dwelling, which is separate from any other dwelling or building, and is supported on a permanent foundation or basement but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks or any other temporary or permanent foundation.

**"SHORELINE"** - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the waterbody and the vegetation of the surrounding land;

**"SIGN"** - means a visual object intended to publicly advertise or call attention to something or someone;

**"SINGLE DETACHED DWELLING"** - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a permanent residence not separated from direct access to the outside by another structure, does not include mobile homes, but does include modular homes as defined in this Bylaw;

**"STOREY"** - means a floor of a building;

**"STOREY, HALF"** - means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

**"STREET"** - means a right-of-way no less than 10 m (33 ft) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane; or as defined as a street in the Highway Traffic Act;

**"SUBDIVISION AUTHORITY"** - as defined in the Act;

**"SUBDIVISION OFFICER"** - means a person authorized to accept, process and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Act;

**"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** - as defined in the Act;

**"TEMPORARY DEVELOPMENT"** - means a development for which a development permit has been issued for a limited time only and the expiry date of the permit is clearly indicated;

**“TEMPORARY USE OR BUILDING”** - means a use or building developed on a parcel which is not permanent in nature and can conveniently and economically be removed so as to not prejudice the future subdivision or development of that parcel;

**“USE”** - means a use of land or a building as determined by the Development Officer;

**“YARD”** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw;

**“YARD, FRONT”** - means that portion of the parcel extending across the full width of the parcel from the front property boundary of the parcel to the exterior wall of the building;

**“YARD, LAKEFRONT”** - means the yard extending across the full width of a lakefront parcel and situated between the parcel line closest to the lake and the nearest portion of the principal building;

**“YARD, REAR”** - means that portion of the parcel extending across the full width of the parcel from the rear property boundary of the parcel to the exterior wall of the building; and

**“YARD, SIDE”** - means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest portion of the exterior wall of the building.

*Note: Notwithstanding the meanings cited in this Bylaw, the Act takes precedence in a case of dispute on the meanings of all words or clauses.*

## **Part II - Development Control Agencies**

### **Section 9 Establishment of a Development Officer**

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or people appointed by resolution of Council.
- (2) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:
  - (a) keeping and maintaining for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto, and
  - (b) keeping a register of all applications for development including the decisions thereon and the reasons therefore.
- (3) For the purposes of the Act, the Development Officer or his designate(s) is/are hereby declared to be a Designated Officer of Council.
- (4) For the purposes of this Bylaw, the Development Officer shall constitute the Development Authority of the Summer Village of Val Quentin.

### **Section 10 Subdivision Officer**

- (1) The office of the Subdivision Officer is hereby established and such office shall be filled by a person or persons appointed by Resolution of Council.
- (2) The Subdivision Officer or his designate(s) shall perform such duties that are specified in Part IV of this Bylaw.
- (3) The Subdivision Officer or his designate(s) shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this bylaw and all amendments thereto; keep a register of all applications for subdivision, including the decisions thereon and the reason therefore.
- (4) For the purposes of right of entry, the Subdivision Officer or his designate(s) is/are hereby declared to be an authorized person(s) of Council.
- (5) For the purposes of this Bylaw, the Subdivision Officer shall constitute the Subdivision Authority of the Summer Village of Val Quentin

## **Section 11 Subdivision and Development Appeal Board**

- (1) That a Board known as the Subdivision and Development Appeal Board of the Summer Village of Val Quentin (hereinafter called “the Board”) is hereby established.
- (2) The Board shall be comprised of members of the Joint Appeal pool established through agreement with Summer Villages within Lac Ste. Anne County, pursuant to Bylaw No. 189 and any amendment to it.
- (3) The quorum at any one meeting shall be three members.
- (4) Only those members of the Board present at a meeting of the Board shall vote on any matter before the Board.
- (5) The decision of the majority of the members present at a meeting duly convened shall be deemed to be the decision of the Board. If a vote results in a tie, the appeal is lost.
- (6) The Board shall hold such meetings as are necessary to fulfill the Board’s responsibilities.
- (7) The Board shall have prepared and maintain a record of written minutes of the business transacted at all meetings of the Board.
- (8) The Board shall conduct its meetings consistent with this Bylaw and the Act.
- (9) The remuneration, traveling and other expenses of the Joint Appeal Pool members shall be as established by the Summer Village.
- (10) The setting of fees for any matter coming before the Board shall be established by resolution of Council as it considers necessary.
- (11)
  - (a) The Board shall elect from its membership a Chairman,
  - (b) Elections for Chairman shall occur at each meeting.
- (12)
  - (a) The administration of subdivision appeals shall be performed by the Secretary of the Board as appointed by the Development Authority in accordance with an agreement established with the Development Authority;
  - (b) The administration of development appeals shall be performed by the Secretary of the Board as appointed by the Development Authority in accordance with an agreement established with the Development Authority.
- (13) The Board shall hear appeals where a Development Officer or Municipal Planning Commission:
  - (a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
  - (b) issues a Development Permit subject to conditions;
  - (c) issues an order under Section 645 of the Act.

- (14) the Board shall hear Development Appeals where the Secretary of the Board receives a written notice of appeal from any person affected by a decision of the Development Officer received within 14 days of the date of Decision or the deemed refusal date in accordance with the Summer Village of Val Quentin Land Use Bylaw.
- (15) The Board shall hold a hearing respecting any appeal within 30 days of receiving a notice of appeal by providing the appellant and other effected parties at least 5 days notice in writing.
- (16) At the hearings the Board shall hear the appellant or any person acting on his behalf, and parties referred to in the Act.
- (17) The Board will forward its decision to the appellant together with the reasons for the decision within 15 days of concluding the hearing.

## **Part III - Development Control**

### **Section 12 Control of Development**

No development other than that designated in Section 13 of this Bylaw shall be undertaken within the Summer Village unless an application for it has been approved and a development permit has been issued.

### **Section 13 Where a Development Permit Is Not Required**

The following developments shall not require a development permit provided that the proposed development conforms to all requirements of this Land Use Bylaw:

- (a) The maintenance or repair of any building if the work does not include structural alterations;
- (b) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within 30 days of substantial completion or as determined by the Development Officer;
- (c) The completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (d) Hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties;
- (e) The erection of towers, satellite dishes, electronic equipment, flag poles and other poles not exceeding 4.5 m (15 ft) provided that the structure is not located in a front yard or on a building or structure;
- (f) Landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- (g) The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than 30 days, or such other time as regulated under provincial or federal legislation provided that:
  - (i) such signs are removed within one day after the election date;
  - (ii) the consent of the property owner or occupant is obtained;
  - (iii) such signs do not obstruct or impair vision or traffic; and
  - (iv) such signs indicate the name and address of the sponsor and the person responsible for removal;

- (h) The erection or construction of gates, fences, walls or other means of enclosure conforming to Section 34 with respect to height, provided that such fence or gate does not, in the opinion of the Development Officer, obstruct the vision of persons using the roads and lanes abutting the parcel, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure conforming to Section 34;
- (i) One sign on internal parcels or two signs on corner parcels advertising a residential property for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one day after the sale or rental agreement has been entered into. Such signs shall be a maximum of 0.6 m<sup>2</sup> (6.4 ft<sup>2</sup>) and shall be placed or erected no closer than 3 m (10 ft) to a public right-of-way; or
- (j) A garden or tool shed in the rear yard of a residential parcel, with such a building not to exceed 10 m<sup>2</sup> (108 ft<sup>2</sup>) in floor area and 2.5 m (8 ft) in height and is in conformity with the other provisions of this Land Use Bylaw.
- (k) One small satellite dish, per parcel, including any dish less than 36 inches in diameter.

#### **Section 14 Non-Conforming Buildings and Uses**

- (1) Non-conforming buildings and uses must comply with the provisions of the Act, in particular Section 643.

#### **Section 15 Application for Development Permit**

- (1) An application for a development permit shall be made to the Development Officer in writing on the application form provided, and attached hereto, and shall:
  - (a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;
  - (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;
  - (c) at the discretion of the Development Officer include parcel plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:
    - i) north point,
    - ii) legal description of parcel,
    - iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
    - iv) outlines of the roof overhang on all buildings,

- v) front, side and rear yards,
  - vi) the provision of off-street loading and vehicle parking,
  - vii) access and egress points to and from the parcel,
  - viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
  - ix) a parcel grading plan indicating but not limited to indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel,
  - x) storm drainage plan,
  - xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the installation thereof,
  - xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
  - xiii) on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal,
  - xiv) estimated cost of the project, excluding land prices, and
  - xv) any other pertinent information or tests required by the Development Officer respecting the parcel or adjacent lands.
- (2) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- (3) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been provided with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be considered to be accepted by the Summer Village until all required details have been submitted to the satisfaction of the Development Officer

## **Section 16 Decisions on Development Permit Applications**

- (1) Permitted / Discretionary Applications
- (a) The Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw. The Development Officer shall refer discretionary use applications with the Development Officer's recommendations to Council for

decision. All applications for the placement of Modular Homes shall be referred, by the Development Officer, to Council for decision.

- (b) The Development Officer or Council may require, as a condition of issuing a development permit, that:
- i) a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Summer Village may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;
  - ii) prior to making a decision, refer any application to any municipal department or external agency for comment;
  - iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with the Summer Village of Val Quentin to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Summer Village of Val Quentin may be protected by caveat registered in favour of the Summer Village;
  - iv) require financial guarantees, in a form and an amount acceptable to the Village, from the applicant to secure performance of any of the conditions of a development permit;
  - v) 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
  - vi) issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature.
- (c) Where development permit applications are referred to Council, Council shall be subject to the same variance provisions that apply and are available to the Development Officer as prescribed in Section 16(2).
- (d) Compliance with the requirements of this Land Use Bylaw does not exempt any person from the requirements of any federal, provincial or municipal legislation; and complying with any easement, covenant, agreement or contract affecting the development.

(2) Variance Provisions

- (a) Notwithstanding subsection (1), the Development Officer may, in deciding upon an application for a permitted or discretionary use, allow a minor variance to a maximum of 10% of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels.

- (b) Notwithstanding subsection (1), Council may approve with or without conditions a development permit application that does not comply with this Bylaw, in accordance with Section 640(6) of the Act.

(3) Limitations on Variance Provisions

In approving an application for a development permit under subsection (1), the Development Officer or Council shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer or Council to relax a regulation of a land use district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in subsection (2).

(4) Additional Provisions:

The Development Officer, or Council may impose such conditions on the approval of an application that are considered necessary by the Development Officer, or Council to:

- (a) uphold the intent and objectives of any area structure plan or other statutory plan or land use regulation as adopted or amended from time to time; and
  - (b) ensure the orderly and economic development of land within the Summer Village.
- (5) Where an application for a use which is neither a permitted nor a discretionary use is received by the Development Officer, the Development Officer may refuse the application stating reasons for the decision or, at the request of the applicant, refer the application to Council for consideration under subsection (1).

## **Section 17 Notice of Proposed Development**

- (1) Prior to an application being considered for a discretionary use, the Development Officer shall require one or more of the following:
- (a) a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than seven days prior to the date of consideration of such an application;
  - (b) a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or

- (c) a similar notice to be sent by mail to all assessed property owners within 30 m of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, or Council, may be affected, not less than seven days prior to the date of consideration of the application.
- (2) The notices issued pursuant to Section 17(1) shall state:
- (a) the proposed use of the building or parcel;
  - (b) that an application respecting the proposed use will be considered by the Development Officer, or Summer Village Council;
  - (c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
    - i) their full name and address for service of any notice to be given to them in respect of the objection, and
    - ii) the reasons for their objections to the proposed use;
  - (d) the date by which objections must be received by the Development Officer; and
  - (e) the date, time and place the application will be considered by the Development Officer or Summer Village Council.
- (3) When considering applications under Section 15(1) for which notices have been served, the Development Officer or Council may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

## **Section 18 Notice of Decision**

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Officer, or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) When a decision on a development permit for a permitted use is made, the Development Officer shall require the applicant to post a notice, for no less than 14 days, conspicuously on the parcel on which the proposed development has been permitted.
- (4) When a decision on a development permit for a discretionary use is made, the Development Officer may undertake or be directed to undertake by the Summer Village Council, as the case may be, any or all of the following:
- (a) publish a notice in a newspaper circulating in the municipal area; and/or

- (b) immediately mail a notice to all assessed property owners within 30 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Officer, or Council, may be affected; and/or
  - (c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than 14 days after the day the permit was issued.
- (5) The notices issued pursuant to Section 18(3) or (4) shall indicate:
- (a) the date a decision on the development permit application was made;
  - (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, or Council; and
  - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 19 of this Bylaw.

### **Section 19 Effective Date of Permit**

The decision on a development permit application shall come into effect,

- (a) if it is made by the Development Officer or Summer Village Council, on the 15th day after the date of the issue of the Notice of Decision; or
- (b) if an appeal is made, on the date that the appeal is finally determined.

### **Section 20 Validity of Development Permits**

- (a) A development permit is valid unless:
  - (i) it is suspended or cancelled; or
  - (ii) the development that is the subject of the development permit is not commenced within twelve months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or
  - (iii) the development that is the subject of the development permit is not commenced within a time period specified in the permit or not carried out with reasonable diligence, if the Development Officer, or Council has specified that the development permit is to remain in effect for less than twelve months.
- (b) The Development Officer, or Council may extend the period of time that a development permit is specified to be valid if, in their opinion, circumstances warrant such a time extension.
- (c) Temporary Development Permits shall have the expiry date of the permit clearly indicated on the notice of decision.

## **Section 21 Deemed Refusals**

In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer, or Council, as the case may be, is not made within 40 days of the completed application being received by the Development Officer unless an agreement to extend the 40-day period herein described is established between the applicant(s) and the Development Officer, or Council.

## **Section 22 Subsequent Applications**

If an application is refused by the Development Officer, the Council, or the Subdivision and Development Appeal Board, another application for development,

- (a) on the same parcel; and
- (b) for the same or similar use,

by the same applicant or any other applicant, may not be made until a minimum of six months has elapsed after the date of the refusal, subject to consideration by the Council.

## **Section 23 Suspension or Cancellation of Development Permits**

- (1) If, after a development permit has been issued, the Development Officer becomes aware that:
  - (a) the application for the development contains a misrepresentation; or
  - (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
  - (c) the development permit was issued in error, the Development Officer, or Council, as the case may be, may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of it.
- (2) If a person fails to comply with a notice under Section 645 of the Act, the Development Officer or Council may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (3) A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

## **Section 24 Applicant's Responsibility**

- (1) 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.
- (2) 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.

- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) Sections 24(2) and (3) may be enforced pursuant to PART V of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to Section 16(1).
- (5) The Development Officer may require a Real Property Report prepared by an Alberta Land Surveyor relating to the building(s) that is (are) the subject of a development permit application.
- (6) 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 applicant, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.
- (7) An occupancy permit gained from another agency does not limit the requirement of Section 24(6).
- (8) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (9) Transfers:

A development permit is not transferable without the prior consent of the Development Officer, Council, or the Subdivision and Development Appeal Board.

## **Part IV - Subdivision of Land**

### **Section 25 Control of Subdivision**

Subdivision of land shall be undertaken pursuant to Part 17, Division 7 of the Act.

### **Section 26 Subdivision Fees**

All fees and charges relating to subdivision of land shall be set out in a Municipal Services Agreement established by Resolution of Council.

## **Part V - Appeal and Amendment**

### **Section 27 Development Appeals and Procedures**

- (1) Development appeals and procedures must be undertaken in conformity with the Act.
- (2) Each notice of appeal shall be accompanied by a fee as set by resolution of Council.
- (3) The Subdivision and Development Appeal Board may direct partial repayment of appeal fees;  
  
If the Development Appeal Board upholds an appeal brought before it pursuant to this Section of the Bylaw, the Development Appeal Board may determine that up to one half of the appeal fee levied in accordance with Section 27(2) be returned to the appellant.
- (4) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Act.

### **Section 28 Subdivision Appeals and Procedures**

Subdivision appeals and procedures must be undertaken in conformity with the Act.

### **Section 29 Application to Amend Bylaw**

- (1) Subject to the provisions of the Act, any Section or Part of this Bylaw may be amended in accordance with Section 29 of this Bylaw.
- (2) Application:  
  
Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, using the application form provided by the Summer Village, and request that the Development Officer submit the application to the Council.
- (3) As part of the application referred to in Section 29(2), the applicant must provide the following information:
  - (a) reasons in support of the application;
  - (b) the use to be made of the land that is the subject of the application; and
  - (c) the program of land servicing.
- (4) Payment and Undertaking:  
  
A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- (a) pay the Summer Village, an application fee as set by Resolution of Council;
- (b) undertake in writing on a form provided by the Summer Village to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which Summer Village may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
- (c) sign a certificate authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed amendment. This is in addition to the power of municipal inspection and enforcement under Section 542 of the Act.

(5) Investigation by Development Officer:

Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:

- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
- (b) prepare a detailed report including all maps and relevant material for Council to consider.

(6) Procedure by Applicant:

Upon receiving the preliminary advice of the Development Officer, the applicant shall advise the Development Officer if:

- (a) he or she wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
- (b) he or she wishes to withdraw his application for an amendment.

(7) Decision by Council:

As soon as reasonably convenient the Development Officer shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.

(8) Council May Direct Repayment:

If it appears that the proposed amendment is one which is applicable to and for the benefit of the Summer Village at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Summer Village, pay the expense which the applicant has agreed to pay pursuant to the provisions of Section 29(4).

(9) Amendments Proposed in Council:

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Officer for reports and recommendations.

(10) Limit on Frequency of Applications:

Notwithstanding anything in this Section or this PART, a proposed amendment which has been rejected by Council within the previous twelve months may not be reconsidered unless Council otherwise directs.

(11) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.

(12) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

## **Part VI - Enforcement, Penalties and Fines**

### **Section 30 Contravention**

- (1) Contravention of the provisions of this Land Use Bylaw may result in a stop order in accordance with Sections 645 and 646 of the Act.
- (2) Where a notice is issued under Section 30(1), the notice shall state the following and any other information considered necessary by the Development Officer:
  - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw and/or the Act the order is being carried out;
  - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
  - (c) A time frame in which the contravention must be corrected prior to the Summer Village pursuing action; and
  - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.
- (3) Where a person fails or refuses to comply with an order directed to him pursuant to Section 30(1) or an order of the Subdivision and Development Appeal Board under Section 687 of the Act within the time specified, the Council or a person appointed by it (the Development Officer) may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to register a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to Section 646 of the Act.

### **Section 31 Offences and Penalties**

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Alberta Court of Appeal upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,
  - (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 31 of this Bylaw and/or Section 645 of the Act,
  - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or

- (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw is guilty of an offense and is liable to a fine prescribed in Section 566 of the Act.
- (2) If a person is found guilty of an offense under Section 31 of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
- (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under Section 31 of this Bylaw and/or Section 645 of the Act, and/or
  - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
- (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by certified mail to the last known address of the person it is directed to; or
  - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

## **Part VII - General Regulations**

### **Section 32 Right of Entry**

The Development Officer may require an applicant to provide written consent for the Development Officer to enter the subject property at any time to verify compliance with the conditions of the development permit. This is in addition to the power of municipal inspection and enforcement under Section 542 of the Act.

### **Section 33 Pollution Control**

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the parcel, on public property, or on any other parcels, by reason of the generation of noise, vibration, dust and other particulate matter, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam. Note: excessive truck idling noise was a concern raised by residents at the Aug 23 / 08 public meeting. The City of St Albert has an anti-idling bylaw which is intended to minimize exhaust pollution rather than idling noise. Suggest that this general pollution clause be maintained and that the Development Officer enforce this clause in response to noise complaints. Sections 31 / 32 of this Bylaw deals with contravention / penalties.
- (2) Parcels and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

### **Section 34 Fencing**

- (1) No fence, wall or hedge in a residential district shall be:
  - (a) higher than 1.8 m (6 ft) in side yards and rear yards to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
  - (b) higher than 1 m (3 ft) in front yards, except in the case of double fronting sites, where fence height shall be at the Development Officer's discretion, but should be consistent with neighbouring properties.

### **Section 35 Objectionable Items in Yards**

No person shall keep or permit in any part:

- (1) A dismantled or wrecked vehicle.
- (2) An object or chattel which is unsightly or tends to adversely affect the amenities of the district.
- (3) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, including secure fencing of the construction area, 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 the construction stage.

- (4) A vehicle > 5 tons.
- (5) Television satellite dishes that create a disturbance, nuisance or other undue effect on adjacent landowners or the aesthetic appearance of the surrounding area.

### **Section 36 On-Parcel and Off-Parcel Services and Improvements**

Where any on-parcel services or improvements, or any off-parcel local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer is satisfied that such services or improvements will or have been undertaken.

### **Section 37 Utility Easements**

Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on a utility easement unless:

- (a) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and
- (b) written consent has been obtained from any affected parties legally accessing the easement.

### **Section 38 Parcel Grading**

- (1) In all cases, parcel grades shall be established to prevent drainage from one parcel to the next except where drainage conforms to an acceptable local or subdivision drainage plan which has been approved by Council.
- (2) All roof drainage from a building shall be directed onto the parcel upon which the building is situated by means satisfactory to the Development Authority.

### **Section 39 Corner Sites**

- (1) In all cases the location of buildings on corner parcels shall be subject to approval by Council who shall take into account the location of existing adjacent buildings or the permitted setback on adjacent parcels where a building does not exist.
- (2) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres (20 feet) from the point where they intersect.
- (3) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 metres (3 feet) in height above the lowest street grade adjacent to the intersection.
- (4) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 metres (2 feet) within the area defined as a sight triangle.

## **Section 40 Dwelling Units on a Parcel**

No person shall construct or locate or cause to be constructed or located more than one dwelling unit on a parcel. A guest house or a boat house are not defined as a principal dwelling and may be constructed in addition to the principal dwelling.

## **Section 41 Building Attached to Principal Buildings**

Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.

## **Section 42 Garages and Accessory Buildings**

In residential districts, unless otherwise provided, garages and accessory buildings shall be built and located based on the following:

- (a) All required yards and setbacks are maintained.
- (b) The total floor area of all accessory buildings does not exceed 93 m<sup>2</sup> (1,000 ft<sup>2</sup>).
- (c) The total floor area for all buildings shall not exceed 40% of the area of the parcel.
- (d) The Development Officer may require that there be adequate clearance between all buildings.
- (e) In the case of lakefront parcels, all accessory buildings except boathouses shall be located in the rear yard and the rear half of the parcel.
- (f) In the case of other parcels, all accessory buildings shall be located in the rear yard and in the rear half of the parcel.
- (g) A boathouse on a lakefront parcel will be located to the satisfaction of the Development Officer.
- (h) All accessory buildings shall be fixed to the ground, or on a foundation.
- (i) Where a garage door faces the roadway, the garage shall be set back a minimum of 6.1 m (20 ft).
- Bylaw 243-12 (j) Garages will be limited to a maximum of one and a half storey's and shall not exceed 6.7 m (22 ft) in height.
- (k) A guest house shall contain a maximum of two bedrooms.

## **Section 43 Accessory Uses**

- (1) Lakeshore Accessory Use:
  - (a) Prior to the issuance of a development permit for a lakeshore accessory use, the Development Officer may require a parcel plan giving information as to exact location in relation to property lines, architectural appearance, construction, materials, standards and access.

- (b) Any lakeshore accessory use which lies only partially within the Summer Village and therefore extends beyond the corporate boundaries of the Summer Village, shall require a development permit for the entire portion of the accessory use.

(2) Home Occupations:

- (a) A home occupation shall be considered an accessory use and comply with the following provisions:
  - (i) The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;
  - (ii) There shall be no outside storage of materials, commodities or finished products;
  - (iii) No commodity other than the product or service of the home occupation shall be sold on the premises; and
  - (iv) No persons other than the residents of the dwelling shall be engaged in said home occupation.
- (b) Development approval for home occupations business signage shall be at the discretion of the Development Officer.
- (c) Home occupations shall initially be approved for a period not exceeding one year. At that time, the application may be extended at the discretion of the Development Officer, for the period of time that the property is occupied by the Applicant who the home occupation was approved for.
- (d) All permits for home occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighborhood.
- (e) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.
- (f) No more than one business vehicle used in or for the home occupation shall be parked on site or any street adjacent thereto.

(3) Bed and Breakfast Operations:

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 8 of this Bylaw:

- (a) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Municipality.
- (b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.

- (c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (d) In addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 50 of this Bylaw, one off-street parking space per rented guest room shall be required for a bed and breakfast operation.

#### **Section 44 Environmentally Sensitive Lands**

- (1) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
  - (a) the impact of the proposed development on the subject and surrounding areas;
  - (b) the soil types and conditions of the area surrounding the subject property;
  - (c) any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
  - (d) comments and recommendations from Alberta Environmental Protection.
- (2) As part of the development permit application, the Development Officer may require a geotechnical report prepared by a qualified geotechnical engineer, addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon land characteristics of the subject property.
- (3) The Development Officer may require the following as a condition of approval for a development permit application and which is considered environmentally sensitive;
  - (a) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
  - (b) the registration of a restrictive covenant against the certificate of title for the subject property related to the approved development.
- (4) This section will not become operative until Council has recorded the location of environmentally sensitive lands that this section applies to.

## **Section 45 Building Appearance and Landscaping**

- (1) The Development Officer may issue any conditions on a permitted or discretionary permit regarding the design, siting, external finish and architectural appearance of land, buildings, structures and signs. This is in addition to any requirements in the Bylaw, or any other bylaw or statutory plan. The following principles should be taken into account.
  - (a) Compatibility with other buildings in the vicinity.
  - (b) Improved design and character for a particular land use district or location.
  - (c) Encourage LEED (Leadership in Energy and Environmental Design) certification for buildings and neighbourhood development.
  - (d) The height, massing, size and shape should be compatible with neighboring buildings.
  - (e) The colour, finish and texture of a building's external finish should be compatible with neighboring buildings.
  - (f) Conformity of sight lines within the existing streetscape.
  - (g) Encourage landscaping to enhance the appearance of a development.
  - (h) Preservation of existing trees and natural features in new subdivisions and parcel development.
  - (i) Softening of large buildings by mimicking elements like roof lines, exterior design and treatment used by smaller neighboring buildings.
  - (j) Avoidance of blank, unfinished walls and bland open spaces between buildings.
  - (k) Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings.
  - (l) Placement of utility installations within buildings wherever possible, or developing utility buildings which blend into the surrounding area.
  - (m) Extra consideration to good architectural and landscape design for developments on corner parcels, including but not limited to sight lines for vehicle drivers and pedestrian amenity.
  - (n) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances, for example cantilevers, awnings and canopies.
  - (o) Long buildings along the street front should include a public route through the building which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building.
  - (p) Softening the harsh visual impact of large asphalt areas through landscaping, plants, windbreak areas, and construction of pedestrian walkway areas.
  - (q) Light spill in or into residential districts should not exceed 10 lux.

- (r) Hide on-parcel parking, loading and shipping areas from public roadways by buildings, screening and/or landscaping.
  - (s) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
  - (t) Visual privacy of internal living space and areas should be maintained in new and existing residential developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between houses.
  - (u) Discourage identical or similar building styles, models, designs and colours within an area.
  - (v) Accessory buildings should complement the principal building in terms of proportional mass, roof line and exterior treatment.
- (2) Any area to be landscaped may, at the discretion of the Development Officer, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

#### **Section 46 Water Supply**

All wells and potable water cisterns shall require a development permit and shall be excavated in conformance with the Alberta Building Code and all such other regulations which may apply to their construction.

#### **Section 47 Sewage Connection**

- (1) Effective June 30, 2009, no owner of land within the Village shall have any operative outdoor privy or any other private septic system for the disposal of sewage.
- (2) By June 30, 2009, all businesses and dwellings within the Summer Village must be connected to the Tri-Village Regional Sewage Service Commission system. Included in this requirement is vacant land which must be connected with a stub line extended into the property.
- (3) Failure to comply with Section 47 (1) and (2) will result in a penalty of \$2500 in addition to the original \$50 connection fee.

#### **Section 48 Moved-In Buildings**

- (1) Any person making application to move an existing building onto or within a parcel as a main or accessory building shall:
  - (a) make the usual application for a development permit;
  - (b) provide photographs of the building showing each elevation and the general condition of the building; and

- (c) state the present location and use of the building.
- (2) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- (3) The Development Officer may, at his discretion, require that certain works of structural alterations, repair, or maintenance of the building and preparation of the proposed parcel be carried out as a condition of the issuance of the permit.
- (4) If these works are to be done after the building is moved onto the proposed parcel, the Development Officer may require that a performance bond be posted, substantially equal to the cost of the necessary works. The bond shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not done.
- (5) Any travel or other costs incurred by the Development Officer in processing a development permit for a moved-in building shall be added to the fee for the development permit.
- (6) Any renovations and any conditions imposed by the Development Officer to a moved in building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
- (7) When reviewing development permit applications for moved -in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- (8) In the case of a building to be relocated, it shall, in the opinion of the Development Officer, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.

#### **Section 49 Development on Hazardous Lands**

- (1) The applicant shall provide adequate long-term protection for their development on any land susceptible to flooding, subsidence or slumping to the satisfaction of the Development Officer.
- (2) Development on lands with a gross slope of greater than 15% shall be accompanied by a parcel plan designed and stamped by a professional engineer.
- (3) The Development Officer may consult with Alberta Energy and Natural Resources to assist in determining high-water marks, floodplain area, banks and the like of the lake or its tributaries.

## Section 50 Number of Off-Street Parking Stalls Required

- (1) A building or use shall not be enlarged or added to, nor shall the use be intensified unless the number of parking stalls or loading spaces required by this Bylaw is met on the parcel where the development is located.
- (2) The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
  - (a) Residential Single Detached Dwelling: 2 spaces per dwelling.
  - (b) Home Business: 1 space per dwelling.
  - (c) Bed and Breakfast: 1 space per guest room.
  - (d) Institutional Place of Worship: 1 per 7.5 seating spaces or 1 per 7 m<sup>2</sup> (75 ft<sup>2</sup>) used by the patrons.
  - (e) Multi-Family Residential:
    - Row Housing 2 per unit.
    - Four-plexes 2 per unit.
    - Apartments
      - bachelor suites - 1 per unit
      - 1 bedroom - 1.25 per unit
      - 2 bedrooms - 1.5 per unit
      - 3 or more bedrooms - 2 per unit

On each parcel additional spaces for visitors and vehicle storage shall be provided equivalent to 0.25 spaces per dwelling unit.
  - (f) Adult Care Residence: 1/4 beds + 1/2 workers at maximum staffing level.
- (3) Boat launches shall require a minimum of five parking spaces or such greater number as required by the Development Officer based on the size and frequency of use of the launch. Further, boat launch parking areas shall require curbs, markings and landscaping to the satisfaction of the Development Officer.
- (4) Where, in the opinion of the Development Officer, municipal parking facilities have previously been provided to specifically serve a proposed project, the number of parking stalls required on a parcel pursuant to Subsection (2) may be reduced accordingly.
- (5) The number of parking stalls required may be reduced where, in the opinion of the Development Officer, the parking required by various users on a parcel will vary according to time so that all needs as defined in this Bylaw can be met at any given time by a reduced number of stalls.

- (6) In the case of a use not specified in Subsection (2), the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.
- (7) Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Subsection (2).
- (8) Where there are a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- (9) Commercial Parking Requirements:
  - Retail / convenience retail shops with a gross floor area of 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) or less: 1 space for every 30 m<sup>2</sup> (323 ft<sup>2</sup>) of gross floor area.
  - Retail / service shops with a gross floor area of between 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) and 4,000 m<sup>2</sup> (43,057 ft<sup>2</sup>): 1 space for every 20 m<sup>2</sup> (215 ft<sup>2</sup>) of gross floor area.
  - Minor Eating or Drinking Establishment: 1 per 4 seating spaces or 1 space for every 6 m<sup>2</sup> (65 ft<sup>2</sup>) used by the patrons, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority.
  - Drive-Through Restaurant: 1 per 4 seating spaces or 1 space for every 2.8 m<sup>2</sup> (30 ft<sup>2</sup>) used by the patrons, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority.
  - Restaurants (food exclusively taken off the parcel): 1 space for every 13 m<sup>2</sup> (140 ft<sup>2</sup>) of gross floor area plus 1 for each three employees on maximum shift.
  - Motels: 1 per rentable unit and 1 space per three employees on maximum shift.
  - Private liquor outlet: 3 spaces and 1 space per 30 m<sup>2</sup>

## **Section 51 Boat Hoists**

All boat hoists on private or public land, where allowed, shall be registered with the Council.

## **Section 52 Keeping of Animals**

- (1) No person shall keep or permit to be kept in any part of the yard in any Residential District:
  - (a) animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
  - (b) any pets or domestic animals on a commercial basis, except for an approved pet store or kennel.

- (2) In the Urban Reserve District, a maximum of two animal units per lot may be kept on private land. Such animals must be kept on a non-commercial basis and must be accompanied in a manner that will not cause a nuisance or detract from the appearance of the area.

### **Section 53 Signs**

- (1) No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (3) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a Development Permit, provided that no such signs are illuminated;
  - (a) signs for the purpose of identification, direction, and warning;
  - (b) signs relating to a person, partnership or company carrying on a profession, business or trade;
  - (c) signs related to an institution of a religious, educational, cultural, recreational, or similar character; provided that the sign does not exceed a maximum of 3.7 m<sup>2</sup> (12 ft<sup>2</sup>) and is limited to one such sign per lot; and
  - (d) advertisements in relation to the function of public or quasi-public bodies.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign.
- (5) All advertisements shall be kept in a clean, safe, and tidy condition.
- (6) Signs related to home occupations shall be limited to 1 m<sup>2</sup> (10.5 ft<sup>2</sup>) and must be attached to the respective residence.
- (7) Signs in Residential Developments
  - (a) No signs or advertising structures of any kind shall be permitted adjacent to a highway unless the prior approval or the local road authority has been obtained.
  - (b) Name or number signs shall have a surface area of no more than 0.3 m<sup>2</sup> (3.0 ft<sup>2</sup>).
  - (c) All exterior signs shall be placed flat against the building or designed as part of an architectural feature.
  - (d) The Development Officer will have discretion over the size, placement and appearance of all signs in residential areas.

#### **Section 54 Temporary Living Accommodation**

- (1) No holiday trailer shall be parked on any undeveloped lot within the Village, except that any person in possession of a valid building permit can be granted a development permit to park and use a holiday / vacation trailer for a temporary residence during the construction of the permanent residence.
- (2) The development permit for (1) above shall be restricted to a period of six months, but on request to Council may be extended for an additional six months.
- (3) A recreational vehicle, holiday trailer, motor home, camper or tent trailer shall not be used as a permanent or seasonal dwelling unit. One (1) of these units can be used as guest accommodation on a developed lot provided a permanent dwelling exists on the property.

#### **Section 55 Landscaping**

- (1) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- (2) Development permit applications shall be accompanied by a general site grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- (3) There shall be provided, upon occupancy of the development, a minimum topsoil coverage of 7.5 cm (0.25 ft.) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- (4) In any commercial, all areas of a parcel not covered by buildings, parking or vehicular maneuvering areas shall be landscaped to the satisfaction of the Development Officer.

## **Part VIII - The Establishment of Districts and District Regulations**

### **Section 56 Land Use Districts**

The summer village is hereby divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R	Residential District
MDR	Medium Density Residential
C	Commercial District
DC	Direct Control District
P	Park and Recreation District
UR	Urban Reserve District

### **Section 57 Land Use District Map**

- (1) The location of land use districts in the Summer Village is displayed on the Land Use District Map. Application of the Medium Density Residential and Commercial Districts will require redistricting from existing districts.
- (2) The district boundaries are delineated on the Land Use District Map. The digitized map file should be referenced for exact boundaries.

## Section 58 R - Residential District

(1) Purpose

To provide an area for low density residential development in the form of detached dwellings and compatible uses in a lakeshore setting.

(2) Permitted Uses

- Single detached dwelling

Discretionary Uses

- Modular Home
- Accessory buildings or use
- Guest house
- Home occupation
- Bed & Breakfast homes
- Public utility buildings and operations
- Public parks
- Those uses which Council determines are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Lot Dimensions

- (a) Minimum lot area must contain 613 m<sup>2</sup> (6,600 ft<sup>2</sup>) of developable land.
- (b) Minimum lot width: 18.3m (60 ft).

(4) Principal Building

- (a) Coverage of all buildings including accessory buildings shall not exceed 40% of the total area.

Bylaw 243-12 (b) Minimum main floor area per single storey dwelling unit (not including attached garage) shall be no less than 92.93 m<sup>2</sup> (1,000 ft<sup>2</sup>). In the case of 2 storey dwelling units the minimum main floor area (not including attached garage) shall be no less than 75 m<sup>2</sup> (800 ft<sup>2</sup>).

- (c) Maximum Height:

The maximum height shall not exceed 10.0 m. Council has the discretion to increase this limit if the extra height can be effectively serviced by the fire authority or by a comprehensive sprinkler system, and the structure height is not out of proportion with surrounding houses and the wider neighbourhood.

(d) Minimum Front Yard Setback:

- (i) Lakefront lots - at the discretion of the Development Officer but not less than 8 m (26.2 ft).
- (ii) All other cases – 8 m (26.2 ft).

(e) Minimum Side Yard Setback: Minimum of 1.5 m (5 ft).

(f) Minimum Rear Yard Setback: Minimum of 1.5 m (5 ft) except in the case of garages as in Section 42 in which case the minimum setback shall be shall be 6.1 m (20 ft).

(5) Accessory Buildings

Bylaw 243-12 (a) Accessory Buildings: The setback from the rear lot line shall no less than 0.9 m (3 ft) or 1.0 m (3.3 ft) to any side lot line.

Bylaw 243-12 (b) Maximum Height: The height of any garage, storage shed, guesthouse or boathouse shall not exceed 6.7 m (22 ft).

(c) A garage, storage shed or guesthouse may be built on a lot provided that all required yard setbacks are maintained.

(d) The Development Officer shall require that there be adequate clearance between all buildings as identified by the Alberta Safety Codes Act.

(e) Notwithstanding any other provisions in this Bylaw, the Development Officer shall ensure that accessory buildings and uses do not jeopardize the lake environmentally or aesthetically and in this respect may require that any accessory use or building meet more stringent requirements than those cited within this district.

(6) Basements: Basements shall not be allowed where high water tables would in all likelihood cause flooding to occur and the applicant has not shown how this can be avoided to the satisfaction of the Development Officer.

(7) Parking: Parking shall be provided in accordance with the provisions of this Bylaw.

(8) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the intent of this district.

## Section 59 MDR Medium Density Residential

(1) Purpose

A medium density residential district is intended to provide for small scale medium density residential developments such as row housing, duplex, four-plex, and small apartments provided that they are built to maintain the resort character of the municipality. These uses must be connected to municipal sanitary services and adequate off-street parking must be provided on site.

(2) **Permitted Uses**

- Duplexes
- Four-plexes
- Row housing

**Discretionary Uses**

- Apartments\*
- Adult care residence \*
- Bed & Breakfast

\* These uses listed above shall only be permitted if a communal water supply system has been established.

Those uses which Council determines are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Lot Dimensions

A lot not served by a water distribution system shall contain:

- (a) a minimum of 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) of developable land; and
- (b) a minimum lot width of 30.5 m (100 ft).

(4) Principal Building

- (a) Coverage of all buildings shall not exceed 35% of the total area.
- (b) Minimum floor area per multi- dwelling unit 56 m<sup>2</sup> (600 ft<sup>2</sup>)
- (c) Maximum Height: 11 m (36 ft). Council has the discretion to increase this limit if the extra height can be effectively serviced by the fire authority or by a comprehensive sprinkler system, and the structure height is not out of proportion with surrounding houses and the wider neighbourhood.
- (d) Minimum Front Yard Setback: The minimum front yard setback shall be at the discretion of the Development Officer who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall the setback be permitted less than 8 m. (26.2 ft)
- (e) Minimum Side Yard Setback: Minimum of 1.5 m (5 ft).
- (f) Minimum Rear Yard Setback: Minimum of 7.6 m (24 ft).

## Section 60 C-Commercial District

(1) Purpose

A small scale commercial district intended to maintain the resort character of the municipality, in accordance with the policies of the Municipal Development Plan.

(2) Permitted Uses

- Retail/service shops with a gross floor area of 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) or less.
- Convenience Retail Store
- Minor Eating or Drinking Establishments

Discretionary Uses

- Retail / service shops with a gross floor area of between 1,000 m<sup>2</sup> (10,764 ft<sup>2</sup>) and 4,000 m<sup>2</sup> (43,057ft<sup>2</sup>).
- Drive-Through Restaurants.
- Motels
- Private Liquor Outlet
- Service Stations

(3) Minimum Lot Dimensions

A lot not served by a water distribution system shall contain:

- (a) a minimum of 929 m<sup>2</sup> (10,000 ft<sup>2</sup>) of developable land; and
- (b) a minimum lot width of 18.3 m (60 ft).

(4) Principal Building

- (a) Site coverage – Coverage of all buildings shall not exceed 40% of the total area.

(b) Maximum Height:

The maximum height of commercial structures shall not exceed 10 m. Council has the discretion to increase this limit if the extra height can be effectively serviced by the fire authority or by a comprehensive sprinkler system, and the structure height is not out of proportion with surrounding houses and the wider neighbourhood.

(c) Setbacks

- (i) Minimum Front Yard Setback: Minimum of 6.1 m (20 ft) or at the discretion of the development officer.

- (ii) Minimum Side Yard Setback: Not required unless abutting a residential district. The side yard required where the site abuts a residential district shall be 2.4 m (7.9 ft) or one-half the height of the building which ever is greater.
- (iii) Minimum Rear Yard Setback: Minimum of 6.1 m (20 ft) or at the discretion of the development officer.

## **Section 61 P - Park and Recreation District**

### (1) Purpose

The general purpose of this District is to provide for public and recreational buildings and uses.

### (2) Permitted Uses

- Recreation building or use.
- Public use
- Public park

### Discretionary Uses

- Accessory building or use

### (3) Development Regulations

All regulations shall be at the discretion of the Development Officer. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibilities with development in abutting districts.

### (4) Parking and Loading

The provision for parking and loading shall be at the discretion of the Development Officer except as otherwise specified within this Bylaw.

## **Section 62 UR - Urban Reserve District**

(1) Purpose

The general purpose of this District is to provide for non-urban land uses and buildings in a manner that will not conflict with adjacent land uses in the Summer Village.

(2) **Permitted Uses**

- Extensive agriculture
- Public park
- Public works building
- Single detached dwelling
- Recreational building or use

**Discretionary Uses**

- Accessory building or use
- Recreation vehicle park
- Temporary uses or buildings
- Greenhouses or plant nurseries

Those uses which Council determines are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district

(3) Development Regulations

- (a) The maximum building height shall be 10 m (32.8 ft) except in the case of buildings or structures accessory to a farm operation other than dwellings.
- (b) Minimum side yard, rear yard and front yard setbacks shall be at the discretion of the Development Officer.
- (c) The Development Officer may specify the length of time a use is allowed to remain in this District having regard to the servicing and future development of land.
- (d) Buildings related to agriculture may be exempt from building height restrictions at the discretion of the Development Officer.

## Section 63 DC - Direct Control

(1) Purpose

To enable land use and development to occur in areas of unique character or circumstance. Interim uses and development may be allowed if they do not preclude or significantly increase cost for development, conversion, or redevelopment in terms of the existing and future urban infrastructure. Proposed developments are subject to the regulations presented below and such rules with respect to land generally or specifically as the Council may make from time to time, and as described within policies of the General Municipal Plan. All proposals will be reviewed and decided upon by Council.

(2) **Permitted Uses**

- As allowed by Council

**Discretionary Uses**

- As allowed by Council

(3) Development Regulations

- (a) All parcel regulations shall be at the discretion of Council. The design, siting, landscaping, scenery and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in the district or abutting districts.
- (b) In evaluating a proposed land use or a development, Council shall have regard for, but not be limited to:
- (i) existing use of the land;
  - (ii) uses, regulations and development criteria specified in the land use district superseded by this district;
  - (iii) the General Provision and Special Land Use Regulations as contained in this Bylaw;
  - (iv) the Land Use Regulations of abutting Land Use Districts; and
  - (v) shall conform to the Act, Subdivision Regulations and any Statutory Plan in effect.

(4) Development Permit Information Requirements

Pertaining to information required for processing and review of a proposal pursuant to this Bylaw, Council will consider and require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of the entire Summer Village:

- (a) An explanation of the intent of the project;
- (b) The features of the project which make it desirable to the general public and the Summer Village. This is to include an evaluation of how the project will relate to the present and projected needs of the Summer Village as a whole;

- (c) An economic analysis of the proposal's anticipated impact on the local community and the Summer Village; and
- (d) A detailed development scheme containing the following information:
  - (i) Location of all proposed buildings.
  - (ii) Elevation and architectural treatment of all buildings and associated structures,
  - (iii) Proposed servicing scheme and its relationship of the Summer Village's existing and/or proposed servicing explains,
  - (iv) All yard setbacks, parcel coverage, parcel areas, floor areas, sizes of lots, number of parking stalls.
  - (v) Anticipated scheduling and sequence of development,
  - (vi) Such additional requirements as are deemed necessary having regard to the nature of the proposed development and the surrounding use which may be affected, and
  - (vii) Council may request an applicant to prepare a detailed submission, as outlined above.
- (5) Land Use Agreement
  - (a) An applicant may be required to enter into a legal Land Use Agreement with the Municipality to ensure that the use and development of land and buildings on a parcel complies with the approved comprehensive plan of development as a condition of approval of a development permit issued pursuant to the Direct Control District.
  - (b) The Land Use Agreement shall run as a restrictive covenant against the title of the parcel created and serve to restrict the development of land in accordance with the approved comprehensive plan of development.



## Schedule A

Land Use District Map



