SUMMER VILLAGE OF VAL QUENTIN

Draft Land Use Bylaw

1st Reading Date: December 17 2025

LIST OF AMENDMENTS

BYLAW	THIRD READING DATE	PURPOSE

LAND USE BYLAW USER GUIDE

The Summer Village of Val Quentin Land Use Bylaw establishes regulations affecting the development and use of land within the municipality. Regulations vary depending on the location and type of development. In addition to the Land Use Bylaw, other bylaws or regulations of the Summer Village of Val Quentin, the provincial government, and the federal government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works:

1	The Land Use District Map divides the Summer Village of Val Quentin into six distinct land use districts.
2	The text of the Land Use Bylaw details application, appeal, and enforcement processes affecting the development and use of land within the Summer Village.
3	Additional regulations are provided in Section 9 that apply to specific uses and land use districts. These regulations control what types of land uses and developments are allowed on a lot.

The following steps may assist the user:

LOCATE	The Land Use District Map divides the Summer Village into six land use districts. Take note of which land use district the property your inquiry is based on is located.
CHECK	The Table of Contents and locate the land use district that applies to your lot. Each land use district is listed in Section 10. In each land use district, you will find a list of permitted and discretionary uses, subdivision regulations, development regulations, and other miscellaneous regulations. These regulations determine how and what can be developed in the district. There are definitions in Section 3 that should also be reviewed to ensure that words and terms used in the Land Use Bylaw are understood.
REVIEW	The Table of Contents should be reviewed to see if there are any General or Specific Development Regulations that apply to the development or use in question.
DISCUSS	We encourage you to discuss your proposal or concern with Summer Village Administration. Summer Village Administration can assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

Please note that the Guide to Using the Land Use Bylaw is only intended to assist users and does not form part of this bylaw.

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1. ADMINISTRATION

1.1 TITLE

1.1.1 This Bylaw may be cited as "The Summer Village of Val Quentin Land Use Bylaw."

1.2 COMMENCEMENT

1.2.1 This bylaw comes into effect upon the date of third reading.

1.3 REPEAL

1.3.1 The former Summer Village of Val Quentin Land Use Bylaw (as amended), Bylaw 2018-08, is repealed and shall cease to have effect on the day that this Land Use Bylaw is given third reading by Council and signed by the Mayor.

1.4 PURPOSE

1.4.1 The purpose of this bylaw is to regulate and control the use and development of land and buildings within the Summer Village and to achieve the orderly and economic development of land, and:

a. To divide the municipality into land use districts;
b. To prescribe and regulate for each land use district the purposes for which land and buildings may be used unless the district is designated as a Direct Control District pursuant to section 641 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended (the Act);
c. To establish supplementary regulations governing general and specific land uses;
d. To establish a method of making and issuing decisions on development permit applications;
e. To provide the manner in which notice of the issuance of a development permit is to be given;
f. To establish a system of appeals for decisions of the Subdivision Authority and the Development Authority;
g. To establish the number of dwelling units permitted on a lot;
h. To protect the shoreline and water quality of Lac Ste. Anne; and
i. To implement and follow:
j. adopted statutory plans;
k. the Act, as amended (and regulations thereto); and
l. the Provincial Land Use Polices (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, S.A. 2009, c. A-26.8, as amended).

1.5 SCOPE

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

1.6 COMPLIANCE

1.6.1 Compliance with the requirements of this Bylaw does not exempt a person from:

a. The requirements of any federal or provincial legislation;
b. The policies and regulations of the Summer Village's statutory plans and bylaws; and
c. Complying with any easement, covenant, agreement, or contract affecting the development.

1.6.2 Nothing in this Bylaw removes the obligation of a person to obtain other permits, licenses, or approvals required by other legislation, statutory plans, or bylaws.

1.6.3 A condition attached to a development permit issued under a previous bylaw continues under this bylaw.

1.7 SEVERABILITY

1.7.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.

1.7.2 If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

1.8 FEES AND FORMS

1.8.1 All fees identified in this Land Use Bylaw shall be as established in the Summer Village's Fees and Charges Bylaw.

1.8.2 All forms for the application of this Land Use Bylaw shall be developed by Administration and adopted by Council.

2. AUTHORITIES

2.1 COUNCIL

2.1.1 Council shall perform such duties as are specified for it in this Bylaw.

2.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

2.2 DEVELOPMENT AUTHORITY

2.2.1 The office of the Development Authority is established in the Summer Village's Development Authority Bylaw.

2.2.2 The Development Authority shall be filled by a person (or persons) appointed by the resolution of Council. If no person is appointed, the Chief Administrative Officer shall act as Development Authority.

2.2.3 For the purposes of this Bylaw, the Development Officer shall constitute the Development Authority of the Summer Village of Val Quentin.

2.2.4 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the Summer Village.

2.2.5 The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:

a. Keep and maintain a copy of this Land Use Bylaw as amended for public inspection;
b. Keep a register of all applications for development, including the decisions thereon and the reasons, therefore. This information will be released to the public upon request in accordance with the Personal Information Protection Act;
c. Receive, consider, and decide on applications for a development permit in accordance with the provision of the bylaw and the Act; and
d. Exercise development powers and perform duties on behalf of the Summer Village in accordance with this Bylaw and the Act.

2.3 SUBDIVISION AUTHORITY

2.3.1 The Subdivision Authority of the Summer Village of Val Quentin shall be established by the Summer Village's Subdivision Authority Bylaw.

2.3.2 The Subdivision Authority shall be appointed by resolution of Council.

2.3.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Subdivision Authority Bylaw, as amended or replaced.

2.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

2.4.1 The Subdivision and Development Appeal Board shall perform such duties as specified in the Subdivision and Development Appeal Board Bylaw, this Bylaw, and the Act.

3. INTERPRETATION

3.1 METRIC AND IMPERIAL MEASUREMENTS

3.1.1 Whenever dimensions are present or calculations are required the metric measurement shall take precedence for the purposes of interpretation of this Land Use Bylaw.

3.1.2 The imperial equivalents provided in parenthesis after each reference to metric units of measurements are approximate and intended for information only.

3.2 DEFINITIONS

In this Bylaw:

A

3.2.1 **ABUT" or "ABUTTING"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;

3.2.2 **"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;

3.2.3 **"ACT"** means the Municipal Government Act, as amended, and its regulations thereto;

3.2.4 **"ADJACENT"** means land that is contiguous to a particular lot and includes land that would be contiguous if not for a highway, road, river, stream, or similar features;

3.2.5 **"ADJACENT LANDOWNER"** means owners of land that is contiguous to the land that is the subject of an application, and includes owners of:

a. land that would be contiguous if not for a highway, road, river, or stream; and
b. any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 5.7 of this Bylaw;

3.2.6 **"AGRICULTURAL OPERATION"** means an agricultural operation as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-7, as amended;

3.2.7 **"APPLICANT"** means the person applying for a development permit, subdivision, or an amendment, who shall be the registered owner(s) of the land to be developed or the representative or agent of the owner(s), duly authorized by the owner in writing to make application on behalf of the owner(s) as evidenced on the application form;

B

3.2.8 **"BASEMENT"** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft) of its clear height which lies below the finished level of the floor directly above;

3.2.9 **"BED AND BREAKFAST OPERATION**" means the use of part of a residential dwelling for commercial overnight accommodation by the principal occupants where breakfast is usually served as part of the accommodating service;

3.2.10 **"BED AND SHORE"** means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself;

3.2.11 **"BIOPHYSICAL ASSESSMENT"** means an assessment of the biological and physical elements of an ecosystem, including geology, topography, hydrology and soils prepared by a qualified professional.

3.2.12 **"BOAT HOIST"** means a hoist installed within a waterbody for the purpose of raising boats and other watercraft from, or lowering into, a waterbody;

3.2.13 **"BOAT HOUSE"** 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;

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

3.2.15 **"BUILDING"** means anything constructed or placed on, in, over, or under land, but does not include a highway or public road or related developments;

3.2.16 **"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;

C

3.2.17 **"CANNABIS"** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act and its regulations, as amended from time to time and includes edible products that contain cannabis;

3.2.18 **"CANNABIS RETAIL SALES"** means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend the premises;

3.2.19 **"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;

3.2.20 **"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;~~
means a roofed structure either free standing or attached to a building, which is not enclosed on the front and at least one side, to shelter parked vehicles.

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

3.2.22 **"COMMERCIAL USE"** means a development without a residential component through which products, services, or entertainment are available to consumers, whether the public or other commercial establishments and is not developed as a home business;

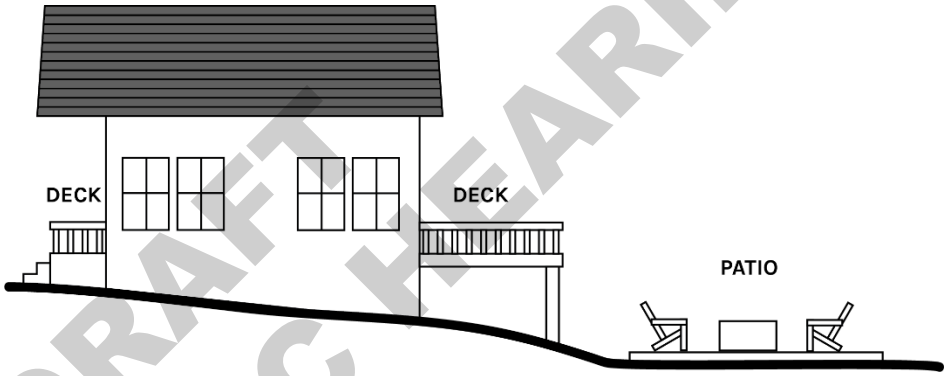
3.2.23 **"CORNER"** means the intersection of any two property lines of a lot;

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

D

3.2.25 **"DAY HOME"** means an accessory use within a dwelling unit used to provide care and supervision, for adults or children in accordance with the Child Care Licensing Act, S.A. 2007, c. 10.5, as amended, as well as any other applicable Provincial or Federal legislation;

3.2.26 **"DECK"** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.2 m (4.1 ft) or a roof. A deck attached to a dwelling or accessory building is considered an addition to the dwelling or accessory building;



3.2.27 **"DEMOLITION"** means the tearing down, wrecking, destroying, or removal of a development, and is considered a form of development;

3.2.28 **"DESIGNATED OFFICER"** means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Act and this Bylaw.

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

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

3.2.31 **"DEVELOPMENT"** means:

a. an excavation or stockpile and the creation of either of them;
b. a building or addition to, or replacement, or repair, or a building and the construction or placing in, on, over, or under land or any of them;
c. a change in the use of land or a building or an act done in relation to and or a building that results in, or is likely to result in a change in the use of land or building;
d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in the intensity of use of the land or building;
e. removal or demolition of a building or structure in whole or in part;
f. redevelopment of a previously developed lot;
g. vegetation removal;
h. tree removal;
i. stripping;
j. grading;
k. recontouring; or
l. a change of use of land or a building that alters natural drainage patterns;

3.2.32 **"DEVELOPMENT AUTHORITY"** means the authority established by Council through a Development Authority Bylaw;

3.2.33 **"DEVELOPMENT OFFICER**" means the person(s) appointed as Development Officer in accordance the Development Authority Bylaw;

3.2.34 **"DEVELOPMENT PERMIT"** means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a permit issued under the National Building Code (Alberta Edition).

3.2.35 **"DISCONTINUED"** means the time at which, in the opinion of the Development Officer, substantial construction activity or nonconforming use, or conforming use has ceased.

3.2.36 **"DISCRETIONARY USE"** means the use of land or a building provided for in this bylaw for which a development permit may or may not be issued, at the discretion of the Development Authority. Discretionary uses are listed in the land use districts in which they may be considered;

3.2.37 **"DRIVEWAY"** means a vehicle access route between the carriageway of a public roadway and a use on a lot;

3.2.38 **"DWELLING"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level.

3.2.39 **"DWELLING, MANUFACTURED HOME"** means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling, and further, which conforms to the Canadian Standards Association A277 and Z-240 Standards (or subsequent CSA Standards). A manufactured home may be a single structure (commonly known as a "single wide") or two parts which when put together comprises a complete dwelling (commonly known as a "double wide"). This use does not include park models, mobile homes, or single detached dwellings developed with modular construction methods;

3.2.40 **"DWELLING UNIT"** means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

3.2.41 **"DWELLING, SINGLE DETACHED"** means a building consisting of one (1) dwelling unit. A single detached dwelling is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling. Single detached dwellings do not include manufactured home dwellings, guest house suites, park model trailers, relocatable industrial accommodations (i.e., ATCO trailers), or recreational vehicles. A single detached dwelling must:

a. have a front door facing the road or clearly visible from the road directly into the main level of building;
b. occupy a greater floor area than the attached garage in the building; and
c. comply with orientation and design requirements in Section 9.3 - Building Orientation and Design;

E

3.2.42 **"EASEMENT"** means a right to use land, generally for access to other property or as a right-of-way for a public utility and is registered to a Certificate of Title;

3.2.43 **"ENVIRONMENTALLY SENSITIVE AREA"** means:

a. Hazardous lands and areas that are unsuitable for development in their natural state (i.e., floodplains, steep and unstable slopes);
b. Areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas);
c. Areas that contain unique geological or physiological features;
d. Areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons;
e. Areas that contain significant rare or endangered animal or plant species;
f. Areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
g. Areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;
h. Areas that provide an important link for the natural migration of wildlife; and/or
i. Riparian areas of water bodies, wetlands, and watercourses;

3.2.44 **"ENVIRONMENTALLY SIGNIFICANT AREAS"** are generally defined as areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a larger spatial context. Environmentally Significant Areas are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update;

3.2.45 **"EROSION AND SEDIMENT CONTROL PLAN"** means a plan that satisfies the requirements of the Development Authority which is to be provided to the contractor for implementation to address erosion and sedimentation issues both through temporary measures during construction and permanent measures to address post-construction

conditions. It provides details about how the site will be managed during construction for the preservation of vegetation, topsoil, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized;

3.2.46 **"EROSION CONTROL"** means actions intended to prevent erosion on a property, and may include interventions such as retaining walls, sediment or aggregate/rock barriers, and vegetation planting, which are implemented to safeguard the land from damage caused by wind or water flow, particularly in areas with steep slopes or sensitive ecosystems;

3.2.47 **"EXCAVATION"** means any breaking of ground, except common household gardening and ground care;

3.2.48 **"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 confined feeding operations or sod farms;

F

3.2.49 **"FENCE"** means a vertical physical barrier constructed to prevent visual intrusion, unauthorized access, or sound abatement;

3.2.50 **"FLANKAGE"** means a double fronting lot where the boundary that is used to access municipal services is regarded as frontage and all other frontages are regarded as flankage;

3.2.51 **"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;

3.2.52 **"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;

3.2.53 **"FRONTAGE"** means the length of the boundary line of a lot adjacent to a public road. Where a lot is adjacent to two or more public roads, the Development Authority will determine which boundary line shall be considered for frontage;

G

3.2.54 **"GARAGE"** means an accessory building or part of the principal building, designed and used primarily for the storage of non-commercial motor vehicles, recreational vehicles, boats, and other chattel and is not intended for human habitation;

3.2.55 **"GEOTECHNICAL REPORT"** means a report prepared by a qualified professional that may include the following:

a. Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site specific information completed by a qualified surveyor);
b. Seasonally adjusted and recommended water tables;
c. Location of on-site storage of sewage;
d. Recommended building foundations and basement construction; and
e. Soil bearing capabilities;

3.2.56 **"GRADE"** means the ground elevation established for the purpose of determining building height. In determining grade, the Development Authority shall select from the following methodologies, whichever one best ensures compatibility with neighbouring developments:

a. If the applicant can show by reference to reliable surveys that the predevelopment elevation of the subject lot varies by no more than 1.0 m in 30.0 lineal m, the Development Authority may determine grade by calculating the average of the highest and lowest elevation on the lot or above top of bank; or
b. The Development Authority may determine grade by calculating the average of the pre-development elevations at the corners of the lot as shown on a reliable survey; or
c. The Development Authority may determine grade by calculating the average elevation of the corners of the main buildings on all properties abutting the subject lot;

3.2.57 **"GRADING"** means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties;

3.2.58 **"GRADING AND DRAINAGE PLAN"** means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading;

3.2.59 **"GUEST HOUSE"** see **"SUITE, GUEST HOUSE;"**

H

3.2.60 **"HABITABLE ROOM"** means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, bathrooms and dens, excluding NON-HABITABLE ROOMS which include utility spaces, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements

and cellars used only for storage purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

3.2.61 **"HEIGHT"** means the vertical distance of a building, fence, sign, or other form of development between grade and the highest point of the development, as determined by the Development Authority;

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

3.2.63 **"HISTORIC RESOURCE"** means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significant;

3.2.64 **"HOME OCCUPATION"** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building. This shall not include any cannabis retail sales or cannabis production and distribution. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw.

A minor home occupation must not:

a. include exterior signage advertising the occupation;
b. generate pedestrian or vehicular traffic or parking and;
c. include the employment of persons other than residents of the dwelling.

A major home occupation may include a business which would normally:

d. includes exterior signage advertising the occupation;
e. generate pedestrian or vehicular traffic or parking; and/or
f. includes the employment at the dwelling or accessory buildings of paid employees that are not residents of the dwelling;

I

3.2.65 **"INSTITUTIONAL USE"** includes but is not limited to hospitals, public offices, educational facilities, places of worship, libraries, and senior citizen housing;

3.2.66 **"INTENSIVE RECREATIONAL USE"** means a facility oriented recreational land use. Without restricting the generality of the foregoing, this shall include serviced campgrounds, picnic grounds, marinas, lodges, swimming beaches, boat launches, parks, hotels, recreational vehicle campgrounds, and golf courses;

3.2.67 **"INVASIVE SPECIES**" means non-native species that have been introduced, that threaten our ecosystems and biodiversity;

J, K

3.2.68 **"KENNEL"** means a development in which four (4) or more domestic pets, of any single species are maintained, boarded, bred, trained or cared for, or kept for remuneration. For the purpose of this bylaw, a kennel shall not be a home occupation;

L

3.2.69 **"LAC STE. ANNE"** means the lake provincially identified as "Lac St. Anne."

3.2.70 **"LANDSCAPING"** means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment and may include the placement or addition of any or a combination of soft landscaping elements and/or hard landscaping elements. Landscaping does not include stripping, grading, shoreline modification, and architectural elements (i.e., decorative fencing, sculpture);

3.2.71 **"LANDSCAPING ELEMENTS, HARD"** means a non-permeable surface or landscaping element such as, but not limited to, ceramic, brick, wood, concrete, or marble. Retaining walls, are also considered as hard landscaping elements;

3.2.72 **"LANDSCAPING ELEMENTS, SOFT"**- means vegetation such as, but not limited to, grass, hedges, ground cover, flowering plants, shrubs, and trees and may also include non-grass alternatives such as rock gardens that incorporate vegetation and xeriscaping;

3.2.73 **"LANDSCAPING PLAN"**- means a site plan drawing detailing the design of the non-building area of a site which incorporates scaled dimensions and provides a visual representation of the proposed trees, vegetation, walkways, garden beds and other design elements including irrigation and lighting proposed to be developed on the site;

3.2.74 **"LANE"** means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft) and is not less than 6.0 m (19.7 ft) wide, and which provides a secondary means of access to a lot or lots, or as defined as an alley in the Traffic Safety Act;

3.2.75 **“LEGAL BANK”** means the line where the bed and shore of the body of water cease and the line is to be referred to as the bank of the body of water. The legal bank in Alberta is the line separating the Crown-owned bed and shore from the adjoining upland;

3.2.76 **“LIVESTOCK”** means animals raised in captivity as defined in the Agricultural Operation Practices Act;

3.2.77 **“LOT”** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office. A lot may also be referred to as a “lot”;

3.2.78 **“LOT, CORNER”** means a lot adjacent to two or more streets;

3.2.79 **“LOT COVERAGE”** means the combined area, measured at 1.0 m (3.0 ft) above grade, of all buildings on a lot excluding all features which would be permitted under this Bylaw as projections into required yards;

3.2.80 **“LOT DEPTH”** means the average distance between the front and rear property lines;

3.2.81 **“LOT, DOUBLE FRONTING”** means a lot which abuts two (2) **developed** roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, c. T-06, as amended) which are parallel or nearly parallel (where abutting the lot) but does not include a corner lot. **For the purposes of this bylaw, the following lots are not considered double fronting lots:**

- **a. Lots 1A, 6A, 7B, and 8-11, Block 2, Plan 002 2558;**
- **b. Lots 2-5, Block 2, Plan 5194KS;**
- **c. Lots 10-15, Block 1, Plan 5194KS;**
- **d. Lot 17A, Block 1, Plan 042 2476; and**
- **e. Lots 1-9, Block 1, Plan 4890HW;**

3.2.82 **“LOT, FRAGMENTED”** means a lot that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access;

3.2.83 **“LOT GRADING AND DRAINAGE” means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading;**

3.2.84 **“LOT, INTERIOR”** means a lot which is bordered by only one road;

3.2.85 **“LOT, LAKEFRONT”** means a lot adjacent to a water body or would be adjacent to a water body if not for a reserve lot or public/crown land lot;

3.2.86 **“LOT, NON-LAKEFRONT”** means a lot that is neither:

- a. adjacent to a water body; or
- b. adjacent to reserve lot or public/crown land lot that is adjacent to a water body;

3.2.87 **“LOT PLAN”** means a plan drawn to scale showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development

3.2.88 **“LOT, SUBSTANDARD”** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located

3.2.89 **“LOT, UNDEVELOPED”** means a lot which does not contain a residence, building or structure;

3.2.90 **“LOT WIDTH”** means the horizontal distance between the side boundaries of the lot measured at a distance from the frontage;

3.2.91 **“LOW IMPACT DEVELOPMENT (LID)”** means land planning and engineering design approach for managing stormwater runoff. LID emphasizes conservation, the minimization of hard surfaces, and use of natural features and processes to replicate predevelopment hydrology in terms of rate, volume, and quality. Both natural and engineered solutions are employed to prevent and manage runoff as close to its source as possible with a treatment-train approach using the processes of evaporation, transpiration, storage, infiltration, and treatment. The term “green infrastructure” or “green stormwater infrastructure” or “natural/ engineered natural infrastructure” are sometimes used to refer to the constructed components of an LID approach;

M

3.2.92 **“MAINTENANCE”** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;

3.2.93 **“MAY”** is an operative word meaning a choice is available, with no particular direction or guidance intended;

3.2.94 **“MINOR”** means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, as determined by the Development Authority, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

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

3.2.96 **"MUNICIPALITY"** means the Summer Village of Val Quentin, unless otherwise noted;
3.2.97 **"MUST"** is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;

N

3.2.98 **"NATURAL STATE"** means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities;
3.2.99 **"NON-CONFORMING BUILDING OR USE"** means a building or use which is regarded as non-conforming in accordance with the provisions of the Act;
3.2.100 **"NOXIOUS WEEDS"** means any restricted, noxious, invasive, or nuisance weed listed in the Province of Alberta's Weed Control Act and Weed Control Regulation;
3.2.101 **"NUISANCE"** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Summer Village's office or the Summer Village's contracted enforcement services, whether or not such act or deed or omission or thing constitutes nuisance at common law;

O

3.2.102 **"OBNOXIOUS"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
3.2.103 **"OCCUPANCY"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
3.2.104 **"OCCUPANT"** means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner, whether such person resides thereon or conducts a business thereon;
3.2.105 **"OFFENSIVE"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
3.2.106 **"ON-SITE SEWAGE DISPOSAL SYSTEM"** means a non-municipal on-site sewage containment system that satisfies regulations made pursuant to the Alberta Safety Codes Act, R.S.A. 2000, which may include a holding tank, septic tank, or evaporation mound;
3.2.107 **"OWNER"** means
   a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
   b. in the case of any other land, the person shown as the owner of land on the municipality's assessment role prepared under the Act;

P

3.2.108 **"PARK"** means an outdoor area accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment;
3.2.109 **"PARKING STALL"** means a space set aside for the parking of one vehicle;
3.2.110 **"PARK MODEL TRAILER"** means a recreational unit designed to be transportable and primarily designed for long term or permanent placement on a lot. When set up, park model trailers can be connected to the utilities necessary to operate home style fixtures and appliances. Park model trailers are manufactured in accordance with CSA Z-241 standards or a current equivalent industry standard may be a maximum of 50.0 m^2 (538 ft^2) in area. For the purposes of this Land Use Bylaw, park model trailers are not considered a form of single detached dwelling and may only be used as a garden suite.
3.2.111 **"PATIO"** means a developed surface (adjacent to a building on a site) less than 0.6 m (2.0 ft) in height above grade and without a roof or walls. A patio is designed and intended for use as an outdoor amenity area;

3.2.112 **“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 Land Use Bylaw;

3.2.113 **“PRE-DEVELOPMENT”** means immediately prior to **any** development;

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

a. occupies the major or central portion of a lot;
b. is the chief or main building among one or more buildings on the lot; or
c. constitutes by reason of its use the primary purpose for which the lot is used.

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

3.2.115 **“PRINCIPAL USE”** means the primary purpose, in the opinion of the Development Officer, for which a building or lot is used. There shall be no more than one principal use on each lot unless specifically permitted otherwise in the Bylaw;

3.2.116 **“PROPERTY LINE”** means the boundary line of a lot;

3.2.117 **“PROPERTY LINE, FRONT”** means:

a. In the case of a lakefront lot, the boundary line of a lot lying adjacent to the lake;
b. In the case of a non-lakefront lot, the boundary line of a lot lying adjacent to a highway or road; and
c. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;

3.2.118 **“PROPERTY LINE, REAR”** means the boundary line of a lot lying opposite to the front line of the lot;

3.2.119 **“PROPERTY LINE, SIDE”** means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;

3.2.120 **“PRUNING”** means the removal of branches in a way that does not jeopardize the vitality of the tree, shrub, or vegetation being altered;

3.2.121 **“PUBLIC OR QUASI PUBLIC BUILDING OR USE”** means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, parks, museum, or drop-in centre;

3.2.122 **“PUBLIC ROAD”** means land shown as a road on a plan of survey that has been filed or registered in a land titles office or a highway as defined in the Highway Traffic Act, R.S.A. 2000, and includes a bridge forming part of the road or highway and any structure incidental to the road or highway;

3.2.123 **“PUBLIC UTILITY”** means a public utility, as defined in the Act;

Q

3.2.124 **“QUALIFIED WETLAND PROFESSIONAL”** means a registered member of an Alberta Professional Regulatory Organization who is also an approved Wetland Practitioner under the Alberta Wetland Policy;

R

3.2.125 **“REAL PROPERTY REPORT”** means a codified standard report adopted by the Alberta Land Surveyor’s Association which contains pertinent information on a lot and the development which exists on the property;

3.2.126 **“RECONTOURING”** means the addition or removal of soil (or other material) on a lot that alters its natural topography to promote a building site and/or to create an aesthetically appealing area;

3.2.127 **“RECREATIONAL USE”** means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

a. non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses; and
b. means an active or passive recreational use and any facility or building required to carry out said activity;

3.2.128 **“RECREATIONAL VEHICLE”** means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether it has been modified so as to no longer be mobile or capable of being mobile, and includes but is not limited to holiday trailers, tent trailers, truck campers, fifth wheel trailers, camper vans, and motor homes, but does not include manufactured home dwellings or park model trailers;

3.2.129 **“RECREATIONAL VEHICLE STORAGE FACILITY”** means a principal or accessory use where recreational vehicles as well as boats and all off-highway vehicles are stored outdoors on a lot when they are not in use; normally on a commercial basis or on common property within a bareland condominium development. This use does not include a campground or outdoor storage;

3.2.130 **“RENOVATION”** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;

3.2.131 **“RESERVE”** means a lot owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes and registered at an Alberta Land Titles Office;

3.2.132 **"RESERVE, COMMUNITY SERVICES (CSR)"** means land designated Community Services Reserve (CSR), pursuant to the Act;
3.2.133 **"RESERVE, CONSERVATION (CR)"** means land designated Conservation Reserve (CR) pursuant to the Act;
3.2.134 **"RESERVE, ENVIRONMENT (ER)"**- means land designated Environmental Reserve (ER) pursuant to the Act;
3.2.135 **"RESERVE- ENVIRONMENTAL RESERVE EASEMENT (ERE)"** means lands that would normally be taken as Environmental Reserve (ERE) at the time of subdivision may instead be the subject of an Environmental Reserve Easement pursuant to the Act;
3.2.136 **"RESERVE, MUNICIPAL (MR)"**- means land designated Municipal Reserve (MR) pursuant to the Act;
3.2.137 **"RESERVE, MUNICIPAL AND SCHOOL (MSR)"**- means land designated Municipal and School Reserve (MSR) pursuant to the Act;
3.2.138 **"RESERVE, SCHOOL (SR)"** means land designated School Reserve (SR) pursuant to the Act;
3.2.139 **"RESIDENTIAL USE"** includes the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis;
3.2.140 **"RETAINING WALL"** means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades;
3.2.141 **"RIPARIAN AREA"** means transitional areas between upland and aquatic ecosystems. They have variable width and extent above and below ground and perform various functions. These lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological, and other physical characteristics that reflect the influence of water and hydrological processes;
3.2.142 **"RUNOFF"** means water that moves over the surface of the ground. Runoff collects sediments and contaminants as it moves from higher elevations to lower elevations;

S

3.2.143 **"SAFETY CODES OFFICER"** means an individual certified as a safety codes officer under the Safety Codes Act;
3.2.144 **"SEA CAN"** means a sea/land/rail shipping container used for the storage of chattel;
3.2.145 **"SEPARATION SPACE"** means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the lot boundaries of a dwelling unit;
3.2.146 **"SETBACK"** means the minimum horizontal distance between the lot 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. Where the lot boundary is curved due to the curvature of a public road or for other reasons, the midpoint of the facing wall or portion of the building may be used as a basis to calculate the setback distance;
3.2.147 **"SEWAGE COLLECTION SYSTEM"** means the Tri-Village Regional Sewer Service Commission sewage collection system.
3.2.148 **"SHALL"** is an operative word which means the action is obligatory;
3.2.149 **"SHORELINE"** means the bed and shore of a water body, as determined pursuant to the Surveys Act;
3.2.150 **"SHORELINE MODIFICATION"** means any activity, modification, alteration that alters the shoreline including but not limited to placing sand, removing rocks, trees, and vegetation, tilling, armouring with rip rap or vegetative rip rap, constructing retaining walls or other permanent structures such as piers, groins, and docks;
3.2.151 **"SHOULD"** is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
3.2.152 **"SHOW HOMES"** means a dwelling that is constructed or placed on a lot for the temporary purpose of illustrating to the public the type or character of a dwelling, that may be developed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or structures in the area;
3.2.153 **"SHRUB"** means plant species with woody stems that are distinguished from trees by their lower stature and multiple stems and may be native or horticultural;
3.2.154 **"SIGN"** means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction;
3.2.155 **"SIGHT LINE TRIANGLE"** means that area on a corner lot between a straight line drawn between two points on the boundaries of a lot located 6.1 m (20.0 ft) from the point where the boundaries intersect, and that point where the boundaries intersect;
3.2.156 **"SIMILAR USE"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
3.2.157 **"SITE"** means a lot or lot on which a development exists or for which an application for a development permit is made;

3.2.158 **"SITE COVERAGE"** means the combined area of all buildings on a lot, measured at the level of the lowest containing habitable or usable rooms, including porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections;

3.2.159 **"SITE PLAN"** means a plan drawn to scale showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

3.2.160 **"SOLAR ENERGY COLLECTION SYSTEM"** means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;

3.2.161 **"SPECIAL EVENT"** means an occasion of temporary duration typically attended by friends of family not usually residing on the lot, including but not limited to anniversaries, birthdays, weddings, funerals, or reunions, but not including an event of a commercial nature whether held for profit or for a non-profit purpose;

3.2.162 **"STATUTORY PLAN"** means an intermunicipal development plan, a municipal development plan, area structure plan, or area redevelopment plan adopted pursuant to the Act;

3.2.163 **"STOREY"** means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft) above grade;

3.2.164 **"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;

3.2.165 **"STREET"** means a right-of-way no less than 10.0 m (32.8 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;

3.2.166 **"STORMWATER MANAGEMENT PLAN (SWMP)"** means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and water courses. SMWPs must include:

a. Topography;
b. Proposed plan to control runoff:
c. Proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
d. Proposed major drainage systems (direction of surface drainage/flow rate);
e. Proposed on-site detention/retention facility (location/size/capacity);
f. Location of outflow/outfall structures; and
g. Any related modeling and calculation information;

3.2.167 **"STRIPPING"** means the removal of some or all vegetation and topsoil on lot in preparation for construction activities;

3.2.168 **"SUBDIVISION AUTHORITY"** as defined in the Act; means the Subdivision Authority established pursuant to the Act through the Summer Village's Subdivision Authority Bylaw;

3.2.169 **"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** means the Subdivision and Development Appeal Board established and appointed pursuant to the provisions of the municipality's Subdivision and Development Appeal Board Bylaw and the Act;

3.2.170 **"SUITE, GARAGE"** means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single-detached dwelling, and which may have cooking and bathroom facilities. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building;

3.2.171 **"SUITE, GARDEN"** means a temporary, portable detached dwelling unit, located on a lot containing an existing single-detached dwelling, and which may have cooking and bathroom facilities. Garden suites may include park model trailers, but shall not include manufactured homes, or recreational vehicles;

3.2.172 **"SUITE, GUEST HOUSE"** means an accessory building, portion of an accessory building, or portion of a single-detached dwelling on a lot that may be developed to include cooking and bathroom facilities. A guest house suite is not intended to be used as a self-contained dwelling; rather, it provides overflow accommodation for the principal dwelling on the lot. Examples of a guest house suite include garden suites, garage suites, and secondary suites.

3.2.173 **"SUITE, SECONDARY"** means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single-detached dwelling or semidetached dwelling, and which may have cooking and bathroom facilities that are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, triplexes, fourplexes, row housing, or apartments where the structure was initially designed for two or more dwellings and does not include boarding and lodging houses. Garden suite and garage suites are not considered secondary suites;

3.2.174 **"SUMMER VILLAGE ADMINISTRATOR"** means the Chief Administrative Officer of the Summer Village of Val Quentin as named by Council;

3.2.175 **"SURFACE, NON-PERMEABLE"** means solid surfaces, including hard landscaping elements that do not allow water to penetrate, forcing it to run off. (e.g., asphalt, concrete, decks, patios, paving stones, etc.);

3.2.176 **"SURFACE, PERMEABLE"** means surfaces (also known as porous or pervious surfaces) allow water to percolate into the vegetation and/or soil to filter out pollutants and recharge the water table. Permeable surfaces allow for the absorption of water into the ground and minimizes runoff (e.g., vegetated areas, flower beds, grass, gravel, etc.);

T

3.2.177 **"TEMPORARY USE OR BUILDING**" means a use or building developed on a lot 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 lot;

3.2.178 **"TENTED STRUCTURE"** means an accessory structure consisting of canvas, tarp or other similar fabric and supported by a metal or wooden frame used for the storage of motor vehicles, recreational vehicles or other chattels. Tented structures are to be for temporary use only;

3.2.179 **"TOURIST HOME"** means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

a. The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence;
b. The commercial nature of a tourist home;
c. The management or advertising of the dwelling unit as a tourist home on any website such as Airbnb or VRBO; and/or
d. The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc.;

A recreational vehicle shall not be used as a tourist home.

3.2.180 **"TRAILER"** means a licensed portable vehicular structure enclosed or unenclosed, that is designed to be attached to or drawn by a motor vehicle and to transport property, household goods, tools, equipment, supplies, off-highway vehicles, etc. For the purposes of this definition, a recreational vehicle is not a trailer;

3.2.181 **"TREE"** means a woody perennial plant, either deciduous or coniferous, that typically has a single self-supporting trunk and in most species the trunk produces secondary limbs, called branches;

3.2.182 **"TREE REMOVAL"** means the cutting down and/or removal of trees or shrubs other than for commercial logging. This does not include the removal of dead trees or shrubs, or selective management by a qualified arborist to maintain tree stand health and remove hazards;

U

3.2.183 **"UNSAFE CONDITION"** means property or land that poses or constitutes an undue or unreasonable hazard or risk to the safety, health, or welfare of any person or other property;

3.2.184 **"UNSIGHTLY CONDITION"** means:

a. in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration; and
b. in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep;

3.2.185 **"USE"** means a use of land or a building as determined by the Development Authority in accordance with this Bylaw;

V

3.2.186 **"VEGETATION"** "vegetation" means non-invasive plant species that are native and/or appropriate for the relevant plant hardiness zone and are:

a. structurally sound, well-balanced, healthy, and vigorous;
b. of normal growth habits; and/or
c. densely foliated when in leaf, with a healthy, well developed root system;

W

3.2.187 **"WASTEWATER"** means the composite of water and water-carried sewage or waste from a premise or any other source;

3.2.188 **"WATER BODY"** means any location where water flows or is present, whether the flow or the presence of water is continuous, intermittent, or occurs only during a flood. This includes, but is not limited to, wetlands and aquifers;

3.2.189 **"WATERCOURSE"** means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or a canal, ditch, reservoir, or other artificial surface feature made by humans, whether it contains or conveys water continuously or intermittently;

3.2.190 **"WATER DISTRIBUTION SYSTEM"** means a waterworks system (as defined in the Environmental Protection and Enhancement Act) that serves 2 or more dwelling units;

3.2.191 **"WETLAND"** means land saturated with water long enough to promote wetland or aquatic processes as indicated by the poorly drained soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to a wet environment;

3.2.192 **"WETLAND ASSESSMENT"** means an assessment prepared by a qualified wetland professional that delineates and classifies wetland(s) within the site and is consistent with the requirements of Alberta Environment and Parks, the *Alberta Wetland Policy*, and the *Alberta Wetland Identification and Delineation Directive*;

3.2.193 **"WETLAND BOUNDARY"** means the furthest ecological extent of a wetland bordering upland or other non-wetland habitat, as indicated by a shift in soils and vegetation. Indicators of a wetland boundary are delineated by a Qualified Wetland Professional;

3.2.194 **"WIND ENERGY CONVERSION SYSTEM (WECS)"** means a type of individual alternative energy system or commercial alternative energy system that consists of facilities designed to convert wind energy into mechanical or electrical energy. If the mechanical energy is used directly by machinery (pump or grinding stones) the machine is known as a Windmill. If the mechanical energy is converted to electricity, the machine is called a WECS;

3.2.195 **"WOODSHED"** means a type of accessory building for the storage of firewood. A woodshed may have a hard or soft surface roof/cover and shall include a maximum of three walled sides. A woodshed has a maximum floor area of 7.0 m^2 (75.0 ft^2).

X, Y, Z

3.2.196 **"YARD"** means a space between the property boundaries of the lot and the exterior walls of the principal building on the lot. Yards shall generally remain unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise allowed in this Bylaw;

3.2.197 **"YARD, FRONT"** means that portion of a lot extending across the full width of the lot from the property boundary line of the lot adjacent to a public road to the front wall of the principal building, except that on a lot with a lakefront yard, the portion of the lot normally considered to be the front yard shall be considered to be the rear yard;

3.2.198 **"YARD, LAKEFRONT"** means the area between that property line of a lot which is a shoreline, or which is separated from a shoreline either by a reserve lot or by a public road or by a road on a Plan of Survey and the wall of the principal building. Notwithstanding any other provision of this Bylaw to the contrary, where a lot has a lakefront yard, the yard opposite the lakefront yard (which would normally be considered to be a front yard if it is adjacent to a road) shall be considered to be a rear yard for the purposes of definitions of yards and yard and setback requirements;

3.2.199 **"YARD, REAR"** means that portion of a lot extending across the full width of the lot from the property boundary of the lot directly opposite the boundary line adjacent to a public road to the exterior wall of the building, except that on a lot with a lakefront yard, the portion of the lot adjacent to a public road which is normally considered to be the front yard shall be considered to be the rear yard;

3.2.200 **"YARD, SIDE"** means that portion of a lot extending from the front yard to the rear yard and lying between the property boundaries of the lot which are neither adjacent to or directly opposite a public road and the nearest portion of the exterior wall of the building;

3.3 ALL OTHER TERMS

3.3.1 All other words and expressions have the meaning respectively assigned to them by the Act, any other applicable Statute of Alberta, and in common law.

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

4. AMENDMENTS

4.1 APPLICATION TO AMEND BYLAW

4.1.1 Subject to the Act, any section in this Land Use Bylaw may be amended.

4.1.2 Notwithstanding this section, the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.

4.1.3 All applications for amendment to this Land Use Bylaw shall be accompanied by the following:

a. A statement of the specific amendment requested;
b. The purpose and reasons for the application;
c. If the application is for a change of a land use district:
    i. the legal description of the lands;
    ii. a plan showing the location and dimensions of the lands; and
    iii. a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the land that is dated within thirty (30) days of application;
d. A statement indicating the applicant's interest in the lands; and
e. An application fee as established by Council.

4.1.4 An application to redistrict land may be initiated by:

a. the owner of that land;
b. an agent acting on behalf of the owner;
c. Summer Village Administration; or
d. Summer Village Council.

4.1.5 If the amendment is for the redistricting of land, Summer Village Administration may require:

a. A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Summer Village Administration that provides Council with information to determine:
    i. If the site is suitable for the intended use;
    ii. If the site can be reasonably and cost effectively services; and
    iii. That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
b. Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
c. Technical studies requested by Summer Village Administration to assess site suitability and servicing requirements.

4.1.6 Upon receipt of an application to amend this Land Use Bylaw, Summer Village Administration may refer the application to the Summer Village's planning and engineering service providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:

a. Relationship to and compliance with approved statutory plans;
b. Compatibility with surrounding development in terms of land use function and scale of development;
c. Traffic impacts;
d. Relationship to, or impacts on, water, wastewater, and other public utilities and facilities ~~such as recreation facilities and schools;~~
e. Relationship to municipal land, rights-of-way, or easement requirements;
f. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
g. Necessity of the proposed amendment in view of the stated intentions of the applicant; and
h. Relationship to the documented concerns and opinions of area residents regarding development implications.

4.1.7 Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:

a. Prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
b. Mail notify or deliver in person a written notice to landowners who are adjacent to the lot affected by the proposed amendment or to a larger area as directed by Council;
c. Provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, all directly adjacent property owners, and other individuals or organizations identified by Council;

d. Prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
e. Inform the applicant of the recommendation to Council.

4.1.8 At the same time as forwarding the application for amendment to Council, Summer Village Administration may, at its sole discretion, refer the application for further information to any person or agency it wishes.

4.1.9 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
a. Refuse the application; or
b. Refer the application for further information; or
c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
e. Pass first reading of an alternative amendment to this Land Use Bylaw.

4.2 PUBLIC HEARING AND DECISION

4.2.1 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.

4.2.2 Following establishment of the date, time and place for a public hearing, Summer Village Administration shall issue a notice of the public hearing by:
a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.

4.2.3 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.

4.2.4 A notice must contain:
a. A statement of the general purpose of the proposed bylaw and public hearing;
b. The address where a copy of the proposed bylaw and any document relating to it, or the public hearing may be inspected; and
c. The date, place, and time where the public hearing will be held.

4.2.5 In the case of an amendment to change the land use district designation of a lot, Summer Village Administration must, in addition to the requirements of Section 4.2.4:
a. Include in the notice:
i. The municipal address, if any, and the legal address of the lot; and
ii. A map showing the location of the lot;
b. Give written notice containing the information described in Section 4.2.4 to the owner of that lot at the name and address shown on the certificate of title (or tax roll); and
c. Give written notice containing the information described in Section 4.2.4 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.

4.2.6 If the land referred to in Section 4.2.5 is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

4.2.7 In the public hearing, Council:
a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
b. May hear any other person who wishes to make representations and whom the Council agrees to hear.

4.2.8 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
a. Pass the bylaw;
b. Defer the bylaw for further information or comment;
c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
d. Defeat the bylaw.

4.2.9 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

4.2.10 After third reading of the Bylaw, the Development Authority shall send a copy of it to:
a. The applicant;
b. The registered owner of the land (if different from the applicant);
c. The Summer Village's subdivision and planning services provider; and
d. The adjacent municipality, if it received a copy of the proposed bylaw pursuant to this section.

5. DEVELOPMENT PERMITS

5.1 CONTROL OF DEVELOPMENT

5.1.1 No development other than that designated in Section 5.2 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.

5.1.2 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to:

a. obtain other required provincial and federal approvals, permits, and licenses; and
b. ensure that their development is consistent with the conditions of any registered easements or covenants affecting the subject site.

5.2 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

5.2.1 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 carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations and additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw;
b. the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months from the notification of the permit;
c. the use of any such development as is referred to in Section 5.2.1.b for the purpose for which development was commenced;
d. the erection or construction of gates, fences, walls or other means of enclosure of a height less than or equal to the maximum height requirements identified in Section 9.9, and the maintenance or improvements of any gates, fences, walls, or other means of enclosure;
e. 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 Authority;
f. 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;
g. any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
h. a development that is exempted from requiring a development permit pursuant to the Act;
i. an ~~portable~~ accessory building not on a fixed foundation in the rear yard of a residential lot that does not ~~to~~ exceed 9.3 m^2 (100.1 ft^2) in floor area and 2.5 m (8.2 ft) in height, provided that it conforms to the required setbacks for accessory buildings in this Bylaw;
j. the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
    i. such signs for any dwelling or dwelling lot does not exceed 0.5 m^2 (5.0 ft^2) in area, and
    ii. such signs for a multiple dwelling lot, a commercial lot, or an industrial lot does not exceed 0.8 m^2 (9.0 ft^2), and
    iii. such signs shall not be illuminated;
k. campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
    i. such signs are removed within fourteen (14) days after the election date, and
    ii. the consent of the property owner or occupant is obtained, and
    iii. such signs do not obstruct or impair vision or traffic, and
    iv. such signs are not attached to trees or utility poles, and
    v. such signs indicate the name and address of the sponsor and the person responsible for removal;
l. signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
    i. such signs do not exceed 1.1 m^2 (12.1 ft^2) in area, and

ii. there shall be a limit of one sign not including signs related to public safety for each boundary of the property under construction which fronts onto a public street, and
iii. such signs shall be removed within fourteen (14) days of occupancy;

m. the construction, maintenance, and repair of retaining walls up to 1.2 m (3.9 ft) in height provided the wall:
i. does not encroach onto public land or into a utility right-of-way; and
ii. does not obstruct natural drainage patterns from or onto municipal lands or adjacent properties;
n. exterior steps;
o. roof repairs such as replacement of shingles or their underlay;
p. any mechanical, plumbing, or electrical work providing the use of the building and the number of dwelling units within the building or on the site do not change;
q. minor home occupations;
r. micro wind energy conversion systems;
s. Roof-mounted solar energy conversion systems;
t. the demolition or removal of any building or use for which erection or use a development permit would not be required pursuant to this section; and

5.2.2 No development permit is required for landscaping, provided that the proposed grades and surface drainage patterns on and from the site will not adversely affect the subject site or adjacent properties or result in an increase of runoff and sediment into Lac Ste. Anne.

5.2.3 No development permit is required for the removal of invasive species, removal of dead or hazardous trees or vegetation, cutting grass, pruning, and typical yard maintenance.

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

5.3 NON-CONFORMING BUILDINGS AND USES

5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.

5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.

5.3.3 A non-conforming use of part of a building may be extended throughout the building. The building, whether it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.

5.3.4 A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.

5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:

a. to make it a conforming building;
b. for the routine maintenance of the building, if the Development Authority considers it necessary; or
c. in accordance with the powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.

5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

5.3.8 If the Development Authority has reasonable basis to believe a building or development on a lot encroaches onto an adjacent lot the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent lot, and (if necessary) can arrange for the removal of the building or development at the owner's expense. The Development Authority may require an owner to erect permanent, visible markers at the corners of any lot, to a standard approved by the Development Authority.

5.4 APPLICATION FOR DEVELOPMENT PERMIT

5.4.1 An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:

a. a non-refundable application fee, as established by Council;
b. a scaled site plan showing:

i. front, side, and rear yards;
ii. north point;
iii. legal description of the property;
iv. access and egress points to the property; and
v. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;

c. the location of all proposed footings for dwellings and accessory buildings;
d. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
e. a statement of ownership of the land and the interest of the applicant therein; and
f. a statutory declaration indicating that the information supplied is accurate.

5.4.2 If the proposed development is a dwelling, accessory building, or guest house suite, the following must be provided as part of the application:

a. existing and proposed elevations on the site and on adjacent sites, roads, and lanes; and
b. post construction site and building elevations.

5.4.3 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the lot do not correspond with the legal boundaries of the lot.

5.4.4 In making a decision, the Development Authority may also require additional information to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):

a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
b. the height and horizontal dimensions of all existing and proposed buildings;
c. outlines of roof overhangs on all buildings;
d. existing and proposed elevations on the site and on adjacent sites, roads, and lanes;
e. post construction site and building elevations;
f. floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
g. Reports, plans, and studies prepared by qualified professionals, including:
    i. Erosion and Sediment Control Plan;
    ii. Geotechnical Report;
    iii. Landscaping Plan;
    iv. Slope Stability Analysis;
    v. Wetland Assessment; and
    vi. Any other reports, plans, and studies that provides information requested by the Development Authority;
h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
i. future development plans for a site which is to be partially developed through the applicable development permit;
j. in the case of a proposed major home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and
k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.

5.4.5 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:

a. location and area of the site where the excavation is to take place;
b. existing land use and vegetation;
c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
e. identification of potential for outdoor noise and the discharge of substances into the air;
f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling, or lessening erosion or dust from the site;
g. an indication of all municipal servicing costs associated with the development; and
h. the proposed haul route, dust control plan and expected hours of operation.

5.4.6 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.

5.4.7 Any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.

5.4.8 The Development Authority may refer any application for a development permit to any municipal, provincial, or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.

5.4.9 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.

5.4.10 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

5.5 APPLICATIONS FOR DEMOLITION OR REMOVAL OF BUILDINGS

5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.

5.5.2 The demolition of any structure must be done in accordance with the National Building Code (Alberta Edition), and any other applicable provincial or municipal building and/or safety code requirements.

5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:

a. a site plan illustrating the proposed demolition;
b. the value of the development;
c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);

e. the destination of debris materials;
f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
g. a copy of the original development approval including building permits where applicable;
h. the form of demolition to be used (heavy equipment or by hand);
i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft) in height is required around the excavation or structure to be demolished);
j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.

5.5.4 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
a. a Hazardous Materials Assessment Report; and/or
b. an environmental site assessment to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.5.5 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

5.6 NOTICE OF COMPLETE OR INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS

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

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

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

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

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

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

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

5.7 DEVELOPMENT PERMIT NOTICES

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

5.7.2 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.

5.7.3 In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance to any regulation has been granted, the Development Authority shall:

a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected landowners within 30.0 m (98.4 ft) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
b. post notice of the decision on the Summer Village's website; and may
c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization, or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.

5.7.4 The notice indicated in Parts 5.7.2 and 5.7.3 shall state:

a. the legal description and the street address of the site of the proposed development;
b. the uses proposed for the subject development;
c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
d. the date the development permit was issued; and
e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.

5.8 VALIDITY OF PERMITS

5.8.1 A permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the decision or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

5.8.2 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.

5.8.3 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit and 40% of the development completed within twelve (12) months of the commencement of the development, the permit is deemed to be void unless:

a. an alternate time frame has been identified in the conditions; or
b. an extension to this period is granted by the Development Authority.

5.8.4 A development, once begun, shall not be abandoned or left for an extended period in what the Development Authority considers to be an unsightly or unsafe condition.

5.8.5 The applicant will be held responsible for any damages to public or private property occurring because of development.

5.8.6 A decision of the Development Authority on an application for a development permit shall be given in writing.

5.8.7 When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

5.8.8 The Development Permit will not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled.

5.8.9 When a Development Appeal is filed against the issuance of a Development Permit or against any condition on a Development Permit, the Development Permit will be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board. Where a subsequent appeal is taken to the Court of King's Bench pursuant to Section 688 of the Act, the Development Permit will be further suspended and deemed invalid pending the final decision of the Court and the completion of any process directed by the Court.

5.9 CONDITIONS AND DEVELOPMENT AGREEMENTS

5.9.1 A condition of all development permits shall be that all tax arrears be paid in full prior to construction or commencement of the proposed development or that alternate arrangements be made to the satisfaction of the Summer Village.

5.9.2 If the proposed development is for a new building, the owner or developer must provide a Real Property Report, prepared by an Alberta Land Surveyor after the footing has been installed, but before any flooring or framing work has commenced, and in the case of a slab foundation, before concrete is poured, certifying that the building under construction meets the yard and setback requirements of the Land Use Bylaw and the National Building Code (Alberta Edition)

5.9.3 A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building, sewers, water mains, electricity and highways, and all other permits required in connections with the proposed development.

5.9.4 The applicant shall be financially responsible during construction for any damage by the applicant, his servants, suppliers, agents, or contractors to any public property. The applicant shall repair, reinstate, or pay for the repair or reinstatement to original condition of any street, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility.

5.9.5 Further to 5.8.4., as a condition of issuing a development permit, the Development Authority may require the applicant to post a bond (or an irrevocable letter of credit) (up to $10,000) to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.

5.9.6 As a condition of issuing a development permit for major landscaping, the Development Authority will require the applicant to post a bond (or an irrevocable letter of credit) up to a value of one hundred twenty five percent (125%) of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence. A condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the plan within one (1) growing season after the completion of the development. If the landscaping does not survive a two (2) year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.

5.9.7 The applicant shall take precautions, including the placement of silt fences or traps, to prevent soil or debris from being spilled on public streets, lanes sidewalks, and the lake, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.

5.9.8 Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village because of neglect to public property may be collected from the applicant.

5.9.9 The applicant is responsible for grading the site as per the requirements of the National Building Code (Alberta Edition) and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

5.9.10 To post in a location visible from both directions the municipal address of the property.

5.9.11 The Development Authority may require the following conditions as part of development permit approval:

a. Compliance with the Erosion and Sediment Control Plan;
b. Compliance with the Landscaping Plan;
c. Compliance with the Lot Grading and Drainage Plan; and
d. Any other conditions requested by the Development Authority.

5.9.12 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:

a. Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
b. Install or pay for the installation of utilities; and/or

c. Pay for an off-site levy or redevelopment levy imposed by bylaw.

5.9.13 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met

5.10 CANCELATION OF DEVELOPMENT PERMITS

5.10.1 If a Development Permit is issued for a site for which any other Development Permit has been previously issued, all previous Development Permits will be invalid to the extent the physical aspects of the newly approved Development conflict or could not occur simultaneously on the site in conformity with the provision of this Bylaw.

5.10.2 The Development Authority may modify, suspend, or cancel a development permit which has been obtained by fraud or misrepresentation, or by failure to disclose pertinent information, or been issued in error.

5.10.3 If a development permit has been revoked, the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a stop order under Section 645 of the Act.

5.10.4 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.

5.10.5 If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke, or modify the development permit and shall have the right to suspend all construction activity on the site.

5.11 VARIANCES

5.11.1 The Development Authority may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.

5.11.2 The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in their opinion the proposed development would not:

a. unduly interfere with the amenities of the neighbourhood; or
b. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and
c. the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.

5.11.3 A variance to allow an accessory building within the front yard of a back lot may be considered by the Development Authority if an existing dwelling is located at the rear of the lot and no developable area exists in the rear yard for an accessory building.

5.11.4 A variance shall be considered only when warranted by the merits of the proposed development and in response to irregular lot lines, lot shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.

5.11.5 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.

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

5.11.7 Except as otherwise provided in this bylaw, there shall be no variance from the following:

a. Site coverage; and
b. Building height.

5.12 ISSUANCE OF COMPLIANCE CERTIFICATES

5.12.1 The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee.

5.12.2 The applicant shall pay all costs associated with the preparation of the Real Property Report, which must meet the requirements of the Development Authority. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is required.

5.12.3 In determining whether a Compliance Certificate can be issued for a site, the Development Authority shall rely on the Real Property Report provided by the applicant. The Development Authority shall not undertake independent site inspections.

5.12.4 The Development Authority may issue a Compliance Certificate when, in their opinion, the building(s) located on a site, and shown on the Real Property Report, are in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.

5.12.5 The Development Authority may refuse to issue a Compliance Certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this Bylaw and/or the yards specified in any development permit which may have been issued for the site.

5.12.6 The Development Authority and the Summer Village shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the Real Property Report.

6. SUBDIVISION OF LAND

6.1 APPLICATION REQUIREMENTS

6.1.1 All subdivision applications for lands within the Summer Village of Val Quentin shall comply with the provisions under this Section.

6.1.2 A subdivision application may be submitted by:

a. the registered owner of the land to be subdivided; or
b. a person with written authorization to act on behalf of the registered owner.

6.1.3 Subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.

6.1.4 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.

6.1.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.

6.1.6 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.

6.1.7 The tentative plan of subdivision shall:

a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
b. show the location, dimensions, and boundaries of:
    i. each new lot to be created;
    ii. reserve land(s), if required;
    iii. the rights-of-way of each public utility, if required; and
    iv. other rights-of-way, if required;
c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed lot;
e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
g. identify the existing and proposed access to the proposed lots and the remainder of the titled area.

6.1.8 The Summer Village may also require an applicant to submit to the Subdivision Authority any or all the following:

a. a figure showing topographic contours at no greater than 1.5 m (4.9 ft) intervals;
b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
d. reports, plans, and studies prepared by qualified professionals, including:
    i. Geotechnical Report;
    ii. Lot Grading and Drainage Plan or Stormwater Management Plan;
    iii. Water Report;
    iv. Wetland Assessment;
    v. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
e. if any portion of the lot affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and
f. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

6.2 ASSESSMENT OF APPLICATIONS

6.2.1 The Subdivision Authority shall:

a. receive all applications for subdivision applications;
b. assess and provide notice of a complete or incomplete application; and
c. issue notices in writing as required in the Act.

6.3 NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS

6.3.1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.

6.3.2 The period referred to in Section 6.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.

6.3.3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.

6.3.4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.

6.3.5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.

6.3.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.3.5, the Subdivision Authority must deem the application to be refused.

6.3.7 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.3.4 or 6.3.5, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.4 SUBDIVISION DECISIONS

6.4.1 Upon receipt of a completed subdivision application, the Subdivision Authority:

a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
    i. this Bylaw;
    ii. applicable statutory plans; and
    iii. the Act and the regulations thereunder;
b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
    i. applicable statutory plans; and/or
    ii. the Act and the regulations thereunder;
c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.4.1.d;
d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
    i. would not unduly interfere with the amenities of the neighbourhood;
    ii. would not materially interfere with or affect the use, enjoyment, or value of neighbouring lots; and
    iii. conforms to the use prescribed for that land in this Bylaw;
e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

6.5 REQUIREMENTS AND CONDITIIONS OF SUBDIVISION APPROVAL

6.5.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.

6.5.2 Subdivision approvals must comply with Part 17 of the Act and the Regulations therein.

6.5.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.

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

6.5.5 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the

new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.

6.5.6 The Subdivision Authority shall not approve a subdivision which is inconsistent with approved statutory plans or bylaws.

6.5.7 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained).

6.5.8 As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as Environmental Reserve.

6.5.9 Where a subdivision is proposed on lands adjacent to Lac Ste. Anne, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:

a. Recommendations by qualified professionals; and/or
b. Riparian Setback Matrix Model (RSMM); and/or
c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region; and/or
d. The Province of Alberta's Recommended Setbacks Chart.

6.5.10 Property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.

6.5.11 All proposed lots being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

6.5.12 The Subdivision Authority may require the following conditions as part of subdivision approval:

a. Compliance with an approved Erosion and Sediment Control Plan;
b. Compliance with an approved Landscaping Plan;
c. Compliance with an approved Lot Grading and Drainage Plan;
d. Compliance with an approved Stormwater Management Plan; and/or
e. Any other conditions requested by the Subdivision Authority.

7. APPEALS

7.1 DEVELOPMENT APPEALS

7.1.1 An appeal may made if the Development Authority:

a. fails or refuses to issue a development permit;
b. issues a development permit subject to conditions; or
c. issues a stop order under Section 645 of the Act;

by the applicant of the development permit or any person affected by the stop order.

7.1.2 In addition to Section 7.1.1, any person affected by a stop order, decision, or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.

7.1.3 Despite Sections 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied, or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.

7.1.4 Despite Sections 7.1.1, 7.1.2 and 7.1.3, if a decision with respect to a development permit application in respect of a direct control district:

a. is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
b. is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.

7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.

7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (b) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.

7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.4 may be made by serving a written notice of appeal to the board hearing the appeal:

a. within 21 days after the date on which the written decision is given; or
b. if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or

7.1.8 With respect to a stop order under Section 645 of the Act, within 21 days after the date on which the stop order is made.

7.1.9 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.

7.1.10 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.

7.1.11 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:

a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
b. the legal description and/or the municipal address of the property to which the decision, stop order or issuance of the development permit relates;
c. the name, contact information, and address of the appellant; and
d. the reasons for the appeal and the issue or condition in the decision or stop order that are the subject of the appeal.

7.1.12 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:

a. in the case of a person referred to in Section 7.1.4 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
b. in the case of a person referred to in Section 7.1.5, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2 SUBDIVISION APPEALS

7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:

a. by the applicant for the approval;
b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
d. by a school board with respect to:
    i. the allocation of municipal reserve and school reserve or money in place of the reserve;
    ii. the location of school reserve allocated to it; or
    iii. the amount of school reserve or money in place of the reserve.

7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.

7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.

7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.

7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:

a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
b. the legal description and/or the municipal address of the property to which the decision, stop order, or issuance of the development permit relates;
c. the name, contact information, and address of the appellant; and
d. the reasons for the appeal and the issue or condition in the decision or stop order that are the subject of the appeal.

7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3 HEARING AND DECISION

7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.

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

8. ENFORCEMENT

8.1 SCOPE OF ENFORCEMENT

8.1.1 Regulations in Section 8 are related to the enforcement of Land Use Bylaw regulations exclusively.

8.2 PROVISION OF ENFORCEMENT

8.2.1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action under the Act to ensure compliance with the regulations of this Land Use Bylaw.

8.3 PROHIBITION

8.3.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or action that is not permitted by this Bylaw.

8.3.2 No person shall contravene the conditions of a development permit or subdivision approval issued under this Bylaw.

8.3.3 No person shall authorize or undertake any development that is not compliant with the description, specifications, or plans that were the basis for the issuance of a development permit.

8.3.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of a permit by the Development Authority.

8.4 RIGHT OF ENTRY

8.4.1 After reasonable notice (generally to mean 48 hours) has been provided to the owner or occupant of a lot or building that is subject to a stop order, a Designated Officer may enter a property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Land Use Bylaw and development permit conditions/requirements are being met.

8.4.2 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Summer Village may apply to the Court of King's Bench for an authorizing order.

8.5 VIOLATION WARNINGS

8.5.1 A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

8.6 OFFENCES AND FINES

8.6.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Summer Village's Fees and Charges Bylaw and Section 7 of the Act.

8.7 STOP ORDERS

8.7.1 On finding that a development, land use, or use of a building does not conform to the Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:

a. stop the development or use of the land or building in whole or part as directed by the notice;
b. demolish, remove, or replace the development or landscaping; or
c. carry out any other actions required by the notice for compliance.

8.7.2 The notice shall specify a deadline for compliance.

8.7.3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

8.8 VIOLATION TAGS AND TICKETS

8.8.1 The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.

8.8.2 A violation tag may be issued to such person:

a. either personally; or
b. by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.

8.8.3 The violation tag shall be in a form approved by the municipal administrator and shall state:

a. the name of the person;
b. the offence;

c. the appropriate penalty for the offence as established in the Summer Village's Fees and Charges Bylaw;
d. that date by which the penalty shall be paid; and
e. any other information as may be required by the municipality.

8.8.4 Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.

8.8.5 Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the violation tag.

8.8.6 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.

8.8.7 In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, the Development Authority is hereby authorized and empowered to issue a violation ticket (to be served by the Summer Village's Peace Officer) pursuant to Part II of the Provincial Offences Procedure Act, as amended or replaced.

9. GENERAL REGULATIONS

9.1 ACCESSORY BUILDINGS

9.1.1 The maximum number of accessory buildings that may be developed on a lot shall be in keeping with Section 9.17 – Number of Dwelling Units and Buildings on a Lot.

9.1.2 An accessory building shall only be allowed on a lot with an existing dwelling with an approved development permit.

9.1.3 In the R – Residential District, all accessory buildings, including detached garages and guest houses (garage suites and garden suites) shall be located according to the following:

a. No accessory building shall be located within a front yard or a lakefront yard.

b. An accessory building shall be situated so that it provides a minimum side and rear yard **as required in the R – Residential District** ~~of at least 1.0 m (3.3 ft)~~.

c. Notwithstanding any other provision of this Bylaw to the contrary, where the principal door of a garage faces a roadway, the garage shall be set back 6.1 m (20.0 ft) from the boundary of the lot adjacent to the roadway.

d. Notwithstanding the maximum height provisions for garage suites in Section 9.25 – Suites, Garage, an accessory building shall not be more than 7.3 m (24.0 ft) in height.

e. No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft) into a side or rear yard.

f. An accessory building shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

9.1.4 Where a building is attached to the principal building, it is to be considered a part of the principal building and not an accessory building.

9.1.5 The total floor area of all accessory buildings on a lot shall not exceed 93.0 m^2 (1,000 ft^2).

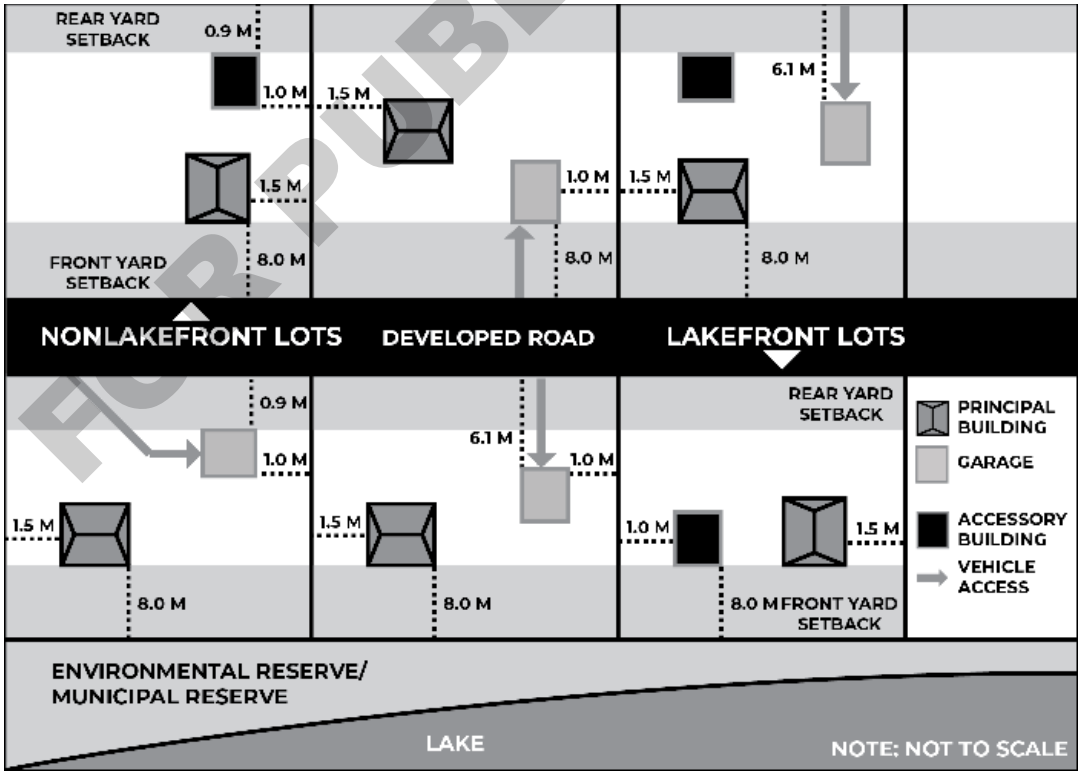
9.1.6 Except for guest houses, an accessory building shall not be used for human habitation.

9.1.7 All accessory buildings shall be fixed to the ground, or on a foundation.

9.1.8 An accessory building developed as a guest house shall be secondary to the principal residential use on the lot.

9.1.9 Notwithstanding any other provision of this Bylaw to the contrary, existing dwelling units in garages or other accessory buildings that comply with the setback requirements of this Bylaw shall be allowed and shall be considered to conform to this Bylaw.

9.1.10 The development of new boat houses in the Summer Village is prohibited.



9.2 BED AND BREAKFAST OPERATIONS:

9.2.1 In addition to all other provisions and requirements of this bylaw, the following additional requirements shall apply to bed and breakfast establishments:

a. Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Summer Village.
b. A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building and/or guest house suite.
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 onsite parking requirements for the single detached dwelling and/or guest house suite, as stipulated in this Bylaw, one off-street parking space per rented guest room shall be required for a bed and breakfast operation.

9.3 BOAT HOISTS

9.3.1 The placement and storage of boat hoists municipally owned land shall be in accordance with the requirements of the Summer Village's Municipal Reserve Use for Storage of Boat Lifts and Pier Sections Policy (Policy P-2-2023), as amended or replaced.

9.4 BUILDING ORIENTATION, DESIGN, AND WILDFIRE MANAGEMENT

9.4.1 The design, character and architectural appearance of any building or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard for:

a. amenities such as daylight, sunlight and privacy;
b. the character of existing development in the district; and
c. its effect on adjacent lots.

9.4.2 The exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.

9.4.3 Rainwater collected by eaves shall not be piped or channeled directly into:

a. The Summer Village's wastewater collection system; or
b. Lac Ste. Anne.

9.4.4 **To prevent and mitigate wildfires, the Summer Village encourages all new dwellings, accessory buildings, and guest houses suites to include one or more of the following design elements:**

~~To prevent and mitigate wildfires, the following is encouraged of all new dwellings, accessory buildings, and guest house suites in the Summer Village:~~

a. Roofs on new buildings shall be constructed of non-combustible or fire-retardant materials with a minimum Class B fire rating. The use of wooden roof shingles is prohibited.
b. Roofs on new buildings shall have soffits or be otherwise screened with FireSmart compliant material to reduce the opportunities for embers from forest fires to lodge in the roof overhang area.
c. All siding and fascia materials on new or retrofitted buildings requiring a development permit shall consist of fire-resistant materials as identified in the most current versions of "FireSmart - Protecting Your Community from Wildfire" or the "Wildland Urban Interface (WUI) Products" listing, and that siding material shall extend from ground level to the roofline.
d. All new patios that are raised above ground level shall have sheathing made of fire-resistant materials extending from the patio's floor level to the ground in order to prohibit the entry of sparks and embers under the structure.
e. All new balconies and decks on new or retrofitted Buildings shall be constructed of fire-resistant materials as identified in the most current versions of "FireSmart - Protecting Your Community from Wildfire" or the "Wildland Urban Interface (WUI) Products" listing.
f. All new buildings with exposed undersides less than 2.0 m (6.6 ft) above the ground shall have sheathing made of fire-resistant materials extending from the floor level to the ground to prohibit the entry of sparks and embers under the structure. Small cantilevers, such as bay windows, may alternatively have their undersides sheathed with fire-resistant material.
g. All new buildings, including their balconies and decks, with exposed undersides higher than 2.0 m (6.6 ft) from ground level shall have a non-combustible surface cover underneath them.

9.5 CORNER SITES

9.5.1 A road indicated on a Plan of Survey which is adjacent to Lac Ste. Anne shall not be considered to be a public road or a street pursuant to this Bylaw for the purposes of regulations in this section.

9.5.2 In a residential area, a lot abutting two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

9.5.3 In all cases, the location of buildings on corner lots shall be subject to approval by Council who shall take into account the location of existing adjacent buildings or the permitted setback on adjacent lots where a building does not exist.

9.5.4 At the discretion of the Development Authority one of the front yards on corner sites with more than one front yard may be considered a side yard for setback purposes.

9.5.5 On any corner site in the R – 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 m (3.0 ft) in height above the lowest street grade adjacent to the intersection.

9.5.6 On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2.0 ft) within the area defined as a sight triangle.

9.5.7 When a lot has more than one front yard line (corner lot), the front yard requirements shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

9.6 ENVIRONMENTALLY SENSITIVE LANDS

9.6.1 Development on lands which are designated or deemed by the Development Authority to be environmentally sensitive by reason of slopes, flood-susceptibility, or treed areas shall be discouraged.

9.6.2 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.

9.6.3 As part of the development permit application, the Development Authority may require a geotechnical study or hydrogeological study, prepared by a qualified engineer, addressing the proposed development, the extent of any flood-susceptible areas, and the stability of any slopes. The study will establish, among other things, flood-susceptible areas, flood-proofing elevations, slope stability enhancement techniques (including the means to ensure slope stability during the construction process and during occupancy afterwards) and building setbacks from property lines based upon land characteristics of the lot.

9.6.4 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.

9.7 EROSION AND SEDIMENT CONTROL

9.7.1 An erosion and sediment control plan shall be required to control and restrict sediment from leaving the site where a development impacts drainage on the site or on adjacent properties, including but not limited to:

a. Grading;
b. Stripping;
c. Moving, depositing, storage, or removal of topsoil, fill, aggregate or similar material;
d. Landscaping;
e. Dwelling; or
f. Accessory building or use.

Where an erosion and sediment control plan is required in this Land Use Bylaw, applicants shall be required to submit the erosion and sediment control plan with the development permit application. Compliance with the erosion and sediment control plan shall be a condition of development permit approval.

9.7.2 When an erosion and sediment control plan is required, it may be required to include the following:

a. Description of the proposed land disturbing activities, existing site conditions and adjacent areas (such as creeks and buildings) that might be affected by the land disturbance;

b. Description of critical areas on the site – areas that have potential for serious erosion problems such as severe grades, highly erodible soils, and areas near watercourses, wetlands, or other water bodies;
c. Construction schedule that includes the date stripping and grading will begin and the expected date of stabilization;
d. Description of the management of construction vehicles and materials;
e. Description of the measures that will be used to minimize erosion and control sedimentation on the site, when they will be installed, and where they will be located for the following:
    i. The stockpiling and retention of topsoil removed during construction;
    ii. The control of mud and earthen materials on nearby roads and trails;
    iii. The control of stormwater runoff and drainage channels;
    iv. The control of onsite sediments and treatment of runoff flows;
f. Description of how the compaction of soils will be minimized;
g. Dust, noise, and light control measures;
h. Identification of the vegetation, trees and shrubs that are to be retained on the site;
i. The provision of protective fencing around trees, tree stands, shrubs, and vegetation that is to be retained on the site; and
j. Any other matter requested by the Development Authority.

9.7.3 A site plan identifying the location of control measures may be required to accompany the erosion and sediment control plan.

9.8 FENCES AND WALLS

9.8.1 Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.

9.8.2 No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.

9.8.3 Notwithstanding any other provision of this Bylaw to the contrary, on lakefront lots no fence, wall, or other means of enclosure shall exceed:
a. 1.0 m (3.0 ft) in height in front yards/lakefront yards;
b. 1.8 m (6.0 ft) in height in rear yards;
c. 1.8 m (6.0 ft) in height in side yards.

9.8.4 Notwithstanding any other provision of this Bylaw to the contrary, on non-lakefront lots no fence, wall, or other means of enclosure shall exceed:
a. 1.0 m (3.0 ft) in height in front yards;
b. 1.8 m (6.0 ft) in height in rear yards;
c. 1.8 m (6.0 ft) in height in side yards.

9.8.5 In the case of double fronting lots, fence height shall be at the discretion of the Development Authority.

9.9 FLOOD SUSCEPTABLE LANDS AND HIGH WATER TABLES

9.9.1 Development on land which may be subject to flooding shall be discouraged, especially on lands which are with the 1:100-year flood plain, as determined by the province, the Summer Village of Val Quentin, or qualified professionals.

9.9.2 Residential development on lands which have been identified as a flood plain shall be prohibited.

9.9.3 In flood plains, new development shall be limited to low-impact recreational developments, such as trails, the placement of picnic tables and benches, boat launch ramps, etc., as determined by the Development Authority.

9.9.4 All development shall be setback a minimum of 15.0 m (49.2 ft) from the toe and crest of any slope and slopes of fifteen percent (15%) or greater, unless a lesser amount is identified in a geotechnical study prepared by a qualified professional engineer registered in the Province of Alberta.

9.9.5 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 Authority.

9.9.6 **In addition to 9.9.5, development on lands with a high flood susceptibility may be subject to site-specific development and design requirements at the discretion of the Development Authority to reduce risk to property, municipal infrastructure, and the environment.**

9.10 GRADING, STRIPPING, AND SITE DRAINAGE

9.10.1 Except as provided for in Section 5.2, no land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued.

9.10.2 Land shall be graded so that excess clean natural run-off water flows into the lake, a soakaway, or a street. Water shall not be diverted to flow from one lot on to a neighbouring lot unless a drainage easement is agreed in writing between the two property owners and the municipality.

9.10.3 A private driveway or walkway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water and a culvert shall be installed to the specifications of the municipality.

9.10.4 Any culvert which carries water away from a lot or runs across a driveway, walkway, boulevard or ditch shall have a diameter of at least 300.0 mm (11.8 inches).

9.10.5 Further to 9.10.1, development permits shall be required for:

a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan;
b. Moving, depositing, or removal of topsoil, fill, aggregate or similar material; and
c. Any other development that:
    i. Alters natural drainage on the site (or on adjacent lots);
d. Increases runoff onto adjacent lands; or
e. Alters the quantity or quality of runoff into a watercourse or water body.

9.10.6 Site grading shall not be permitted to impede or interfere with the natural flow of surface water onto (or from) adjacent municipal lands or public ditches, or neighbouring properties.

9.10.7 A lot grading and drainage plan shall be required as part of the development permit application for:

a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan; and
b. Any other development that:
    i. Alters drainage on the site;
    ii. Increases runoff onto adjacent lands; or
    iii. Alters the quantity or quality of runoff into a watercourse or water body.

9.10.8 Where a lot grading and drainage plan is required, it shall be prepared by a qualified professional and shall:

a. Identify pre-development and post development lot elevations and grades;
b. Specify design elevations, surface gradients, and swale locations;
c. Demonstrate how runoff will be controlled on the site; and
d. Include any other drainage information required by the Development Authority.

9.10.9 A stormwater management plan may be required for multi-lot subdivisions and major developments, at the discretion of the Approving Authority.

9.10.10 Where a stormwater management plan is required, it must:

a. Demonstrate that runoff will be managed on the site;
b. Conform to municipal stormwater management systems and practices, where applicable; and
c. Incorporate best management practices and low impact development strategies and technologies for:
    i. Treating stormwater prior to discharge into water bodies, watercourses, or riparian areas;
    ii. Preventing pollution of water bodies, watercourses, or riparian areas; and
    iii. Minimizing or mitigating impacts of runoff on adjacent environmentally sensitive lands and hazardous lands.

9.11 HOME OCCUPATIONS

9.11.1 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

9.11.2 **A major home occupation** shall comply with the following regulations:

a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.

b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
d. Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
e. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.

9.11.3 **A minor home occupation** shall comply with the following regulations:

a. The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and business activity shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

9.11.4 **All home occupations (both major and minor)** shall comply with the following requirements:

a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30.0 m^2 (322.9 ft^2), whichever is less, of the dwelling unit for business usage. Except as noted in Sections 5.2 and 9.22, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
d. No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
e. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one identification sign on the lot or the dwelling, providing that the sign does not exceed 0.9 m^2 (10.0 ft^2) in area.
g. In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
h. Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

9.11.5 **All home occupations (both major and minor)** shall not involve:

a. activities that use or store hazardous material in quantities exceeding those found in a normal household;
b. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties; or
c. mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.

9.11.6 In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

9.12 KEEPING OF ANIMALS

9.12.1 The keeping of domestic pets shall be in accordance with the Summer Village's Animal Control Bylaw.

9.12.2 The keeping of livestock and poultry within the Summer Village is prohibited.
9.12.3 The keeping of animals on a commercial basis is prohibited.

9.13 LANDSCAPING

9.13.1 A development permit shall be required for all landscaping (including vegetation removal) that:
- a. Alters the natural drainage patterns on the site; or
- b. Alters the quantity or quality of runoff into a watercourse or water body, including Lac Ste. Anne.

9.13.2 A landscaping plan may be required as part of the development permit application for:
- a. Landscaping that alters natural drainage patterns on the site or alters the quantity or quality of runoff into a watercourse or water body, including Lac Ste. Anne;
- b. Stripping and grading;
- c. The construction of new buildings or redevelopment of existing buildings; and
- d. Any other development that alters drainage on the site.

9.13.3 Where a landscaping plan is required, it shall include the site plan requirements outlined in Section 5.4 and the following:
- a. Boundaries and dimensions of the site, location, and name of adjacent streets;
- b. Location of adjacent sidewalks, pathways, driveway entrances, easements, rights-of-way (ROW), and laneways;
- c. All existing berms, contours, walls (including retaining walls), fences;
- d. Proposed lot grading and drainage;
- e. Location of all existing vegetation to be retained;
- f. Locations, dimensions, areas, and description or illustrations of all existing and proposed:
  - i. Non-permeable surfaces;
  - ii. Vegetation (including trees and shrubs);
  - iii. Vegetation that comprises native vegetation (including trees and shrubs); and
  - iv. Other soft landscaping elements and permeable surfaces other than vegetation (e.g., rock gardens, gravel, permeable pavement, etc.).

9.13.4 The following regulations shall apply in any residential district:
- a. The area of the lot covered in vegetation shall be a minimum of 30% of the total lot area and shall incorporate native vegetation.
- b. Of the 30% minimum vegetation cover required in the previous regulation, the area of the lot covered in trees and shrubs shall be a minimum of 10% of the total lot area.
- c. The maximum lot coverage area (including buildings and non-permeable surfaces such as hard-surfaced patios or driveways) is identified in each Land Use District.
- d. The lot is to be in the process of being landscaped within one (1) year of project completion, to the satisfaction of the Development Authority.

9.13.5 Landscaping should be designed to maximize water infiltration on the site.

9.13.6 Landscaping plans shall incorporate low impact development and design strategies to slow and filter excess nutrients and pollutants from entering the lake from runoff including but not limited to:
- a. Grading of lots to drain and retain runoff to control and reduce runoff leaving the lot;
- b. Inclusion of the following clean runoff landscaping strategies:
- c. Within planting beds and natural areas, keep the areas rough, with dished areas for trapping water;
- d. Where possible include a depression to intercept surface water (including snowmelt) before it leaves the site;
- e. Minimize turf areas on lakefront lots to decrease soil compaction and the proliferation of invasive species;
- f. Incorporate tools for capturing, treating, and using runoff into lot grading and landscaping; and
- g. Incorporate deciduous native plant species and wildflowers into landscaping plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.

9.14 MANUFACTURED HOME DWELLINGS

9.14.1 No new manufactured home dwelling shall be allowed in the Summer Village.

9.15 MOVED-IN BUILDINGS

9.15.1 No person shall:
- a. place on a lot a building which has previously been erected or placed on a different lot; or
- b. alter the location on a lot of a building which has already been constructed on that lot;

unless a development permit has been issued for the new location.

9.15.2 An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.

9.15.3 An application to "relocate" or "move in" a building may require:

a. Colour photographs of the building;
b. A statement of the present location of the building;
c. Information about the building's dimensions, construction materials, and history;
d. A notification of the relocation route, date, and time that the relocation is to take place; and
e. A complete site plan showing all buildings located or to be located on the lot.

9.15.4 The Development Authority may require, when a development permit is issued for a relocated building, a performance bond (or an irrevocable letter of credit) related to the proposed development, up to a value of one hundred twenty-five percent (125%) of the estimated cost of the proposed development.

9.16 NUMBER OF DWELLING UNITS AND BUILDINGS ON A LOT

9.16.1 A development permit shall not be issued for more than:

a. One (1) **principal** ~~**main**~~ building on a lot; and
b. Two (2) accessory buildings on a lot.

9.17 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

9.17.1 No person shall keep or permit in any part on a lot:

a. A tented structure;
b. A sea can;
c. A dismantled or wrecked vehicle;
d. An object or chattel which is unsightly or tends to adversely affect the amenities of the Summer Village;
e. 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 work;
f. A personal vehicle with a maximum payload capacity of ~~**907.2 kg (1 ton, or 2,000 lbs.)**~~ **3,628 kg (8,000 lbs.); or**
g. any heavy vehicle such as logging trucks, tractor units with or without trailers, gravel trucks and graders, excluding recreational vehicles.

9.18 ONSITE PARKING

9.18.1 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 lot where the development is located.

9.18.2 The minimum number of onsite parking stalls required for each development shall be as follows:

a. Single detached dwellings: 2 spaces
b. Home occupations, major: 1 space per business
c. Bed and breakfast establishments: 1 space per guest room
d. Other uses: as required by the Development Authority

9.19 POLLUTION CONTROL

9.19.1 In order to maintain the lake environment, no waste solids or liquids or chemicals of any kind shall be allowed to discharge or be discharged into the lake.

9.19.2 In any district, no storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the lot, on public property, or on any other lots, 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.

9.19.3 Landscaped areas including natural areas, privacy screens, fences, gates and refuse storage areas shall be suitably maintained and kept in a neat and orderly manner.

9.19.4 Motorized vehicles shall be restricted to driveways and roads to protect and preserve soft landscaped areas, required yards and landscaping along Summer Village road allowances.

9.19.5 Open air fires shall be controlled in accordance with the regulations of the Summer Village's Fire Pit Bylaw (Bylaw 238-11), as amended or replaced.

9.20 PROJECTIONS OVER YARDS

9.20.1 No person shall allow any portion of a principal or accessory building to project over or onto the required minimum front yard, required minimum side yard, or required minimum rear yard except for a chimney, sill, cornice, canopy, bay or bow window, patio, or any other feature which, in the opinion of the Development Authority, is similar.

9.20.2 In the R – Residential District, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement are:

a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft) into the minimum yard requirement.
b. Side Yards: Including un-enclosed steps or eaves, not exceeding 50% of the minimum side yard requirement.

9.20.3 In all other districts, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement is:

a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft) into the minimum yard requirement.
b. Side Yards: Not exceeding 0.6 m (1.9 ft) into the minimum side yard requirement.

9.20.4 No portion of a building unless otherwise provided for under this Bylaw shall project into a public road or street or other lot.

9.20.5 When determining setbacks, they shall be calculated from the building.

9.21 RECREATIONAL VEHICLES

9.21.1 On a lot with a developed principal dwelling, a maximum of one (1) recreational vehicle may be placed on a lot without a development permit.

9.21.2 In no instance shall a recreational vehicle be stored or occupied on an undeveloped lot.

9.21.3 Recreational Vehicles shall adhere to the front, rear, and side yard requirements for accessory buildings identified in the applicable Land Use Districts.

9.21.4 Recreational Vehicles shall not be located within a front yard of a lakefront lot.

9.21.5 Recreational vehicles (and vehicles used for the towing of the recreational vehicle) must be located entirely within the boundaries of the lot.

9.21.6 Recreational Vehicles shall not be permitted to dispose of any wastewater other than in approved containment tanks.

9.22 SIGNS

9.22.1 Unless identified in Section 5.2 – Development Not Requiring a Permit, the placement of a sign on a lot requires a development permit.

9.22.2 No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the Summer Village.

9.22.3 No sign, other than one providing a public service and deemed appropriate by the Development Authority shall be permitted to locate on a public right of way or reserve.

9.22.4 No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.

9.22.5 No sign or advertisement shall resemble or conflict with a traffic sign.

9.22.6 The Development Authority may refuse to allow any sign which is deemed to be offensive in nature or inappropriate in design.

9.22.7 The area around sign structures shall be kept clean, in good repair, free of overgrown vegetation, and free from refuse material.

9.22.8 Signs related to home occupations shall be limited to 1.0 m^2 (1550.0 $in.^2$) and must be attached to the respective residence.

9.22.9 No signs or advertising structures of any kind shall be allowed adjacent to Highway 759 unless the prior approval of Alberta Transportation and Economic Corridors has been obtained.

9.23 SUITES, GUEST HOUSE

9.23.1 The development of a guest house suite on a lot requires a development permit.

9.23.2 A guest house suite may be developed as a Garage Suite (See Section 9.24), Garden Suite (see Section 9.25), or Secondary Suite (see Section 9.26).

9.23.3 A guest house suite shall not be allowed on a lot for which a development permit for a principal dwelling has not been issued.

9.23.4 Guest house suites shall be located according to the following:

a. A maximum of one (1) guest house suite is allowed on a lot.
b. Must be located in the rear yard and rear half of the property.

c. For a guest house situated over a garage, a rear yard setback shall be provided of not less than 1.5 m. Where the principal door of the garage faces a roadway, the garage shall bet setback 6.0 m from the boundary of the lot adjacent to the roadway.
d. No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft) into a side or rear yard.
e. A guest house shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

9.23.5 A guest house suite may be considered within:
a. The principal dwelling as a secondary suite (see Section 9.26 – Suite, Secondary);
b. The second storey of a detached garage as a garage suite (see Section 9.24 – Suites, Garage); or
c. A stand-alone accessory building or structure as a garden suite (see Section 10.9 – Suites, Garden).

9.23.6 As a condition of development permit approval, an application for a guest house suite on a lot shall provide evidence that all safety code requirements are met with the proposed guest house suite.

9.23.7 As a condition of the development permit, a guest house suite shall be connected to an onsite sewage disposal system satisfactory to the Development Authority.

9.23.8 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.

9.23.9 Onsite parking for guest house suites shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the suite. Required parking stall(s) shall not be allowed on public roadways. Tandem parking may be permitted at the discretion of the Development Authority.

9.24 SUITES, GARAGE

9.24.1 The regulations in Section 10.7 (Suites, Guest House) apply to garage suites.

9.24.2 A garage suite shall only be allowed on a lot occupied by a single-detached dwelling.

9.24.3 If a permit for a garage suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.

9.24.4 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m^2 (860.0 ft^2).

9.24.5 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.

9.24.6 The minimum floor area for an at-grade garage suite is 24.5 m^2 (264.0 ft^2).

9.24.7 The minimum floor area for an above-grade garage suite is 24.5 m^2 (264.0 ft^2).

9.24.8 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.

9.24.9 A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220-volt wiring and toilet and bathing facilities.

9.24.10 A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.

9.24.11 Garage suites shall be a maximum height of 9.0 m (29.5 ft).

9.24.12 No additional approach will be permitted to provide access or egress to the suite.

9.25 SUITES, GARDEN

9.25.1 The regulations in Section 10.7 (Suites, Guest House) apply to garden suites.

9.25.2 A garden suite shall only be allowed on a lot occupied by a single-detached dwelling.

9.25.3 If a permit for a garden suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.

9.25.4 Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.

9.25.5 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.

9.25.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.

9.25.7 A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220-volt wiring) and toilet with bathing facilities.

9.25.8 The minimum floor area for a garden suite shall be 30.0 m^2 (322.9 ft^2).

9.25.9 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m^2 (860.0 ft^2) in floor area.

9.25.10 Garden suites shall have a maximum height of 4.3 m (14.1 ft).

9.25.11 Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:

a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garden suite window on an abutting site;
b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
c. placing larger windows such as living room windows, facing a lane, a flanking street, or the larger of any side yard abutting another property.

9.25.12 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

9.25.13 No additional approach will be permitted to provide access or egress to the suite.

9.26 SUITES, SECONDARY

9.26.1 The regulations in Section 10.7 (Suites, Guest House) apply to secondary suites.

9.26.2 A secondary suite shall only be allowed on a lot occupied by a single-detached dwelling.

9.26.3 If a permit for a secondary suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.

9.26.4 A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m^2 (860.0 ft^2).

9.26.5 The minimum floor area for a secondary suite is 30.0 m^2 (322.9 ft^2).

9.26.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.

9.26.7 A secondary suite includes, but is not limited to, cooking, sleeping, and bathing facilities which are separate from those of the principal dwelling within the structure.

9.26.8 A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.

9.26.9 A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.

9.26.10 The applicant shall provide an original copy of a fire inspection report to the Development Authority, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a secondary suite.

9.27 TOPSOIL EXCAVATION

9.27.1 No person shall commence or continue the removal of topsoil without first obtaining a development permit. Permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by topsoil removal.

9.27.2 The developer shall provide upon occupancy of a development a minimum topsoil coverage of 15.2 cm (6.0 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.

9.28 TOURIST HOMES

9.28.1 The development of a Tourist home in the Summer Village shall require a Development Permit. A development permit **issued** for a Tourist home **shall be** ~~**may be issued**~~ for a temporary period **(a maximum 12 months).**
~~The Tourist home operator must reside onsite (either within the principal dwelling or an approved guest house suite).~~

9.28.2 No development permit for a tourist home may be issued for a lot that does not conform to all other provisions of this land use bylaw.

9.28.3 An application for a development permit for a tourist home shall include (in addition to the requirements of Section 5.4):

a. signatures of all property owners listed on the title;
b. identification of what portion of the dwelling or suites are to be utilized as a tourist home, and total number of bedrooms;
c. a home safety and evacuation floor plan of the premises;
d. a parking plan that identifies the total area of the lot to be used for parking; and
e. information on where (or on what website) the tourist home will be listed for rental.

9.28.4 A maximum of one tourist home may be developed on a lot. A tourist home may be developed within a maximum of one of the following on a lot:

a. an entire principal dwelling for which a development permit has previously been issued;
b. a portion of a principal dwelling for which a development permit has previously been issued;
c. a guest suite for which a development permit has been previously issued.

9.28.5 A tourist home with an approved development permit shall visibly display in the main entrance of the tourist home:

a. a copy of the development permit outlining the maximum occupancy of the tourist home and the primary contact telephone number and email of the owners; and
b. a home safety and evacuation floor plan of the premises.

9.28.6 A tourist home shall not be developed within:

a. a recreational vehicle;
b. a tent or tented structure; or
c. an accessory building without cooking or bathroom facilities.

9.28.7 The maximum occupancy of a tourist home shall be the total number of bedrooms times two (2), **plus two additional guests,** to a maximum of eight (8).

9.28.8 Children under the age of twelve (12) do not calculate into the maximum occupancy of a tourist home.

9.28.9 A minimum of one (1) parking space per bedroom in the tourist home, plus one (1) extra shall be provided on a lot. The parking space(s) shall be included in the calculation of lot coverage. No offsite parking (i.e., parking within the adjacent road right of way, on municipal land, or on adjacent private land) shall be allowed.

9.28.10 The owner(s) shall be required to cooperate with the Development Authority, emergency services providers, and Alberta Health Services during an investigation of any complaint associated with the tourist home.

9.28.11 No signs advertising the rental of the tourist home shall be permitted onsite.

9.29 UTILITY EASEMENTS

9.29.1 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 written consent has been obtained from any affected parties legally accessing the easement.

9.30 WATER SERVICES, SANITARY SERVICES, AND OTHER IMPROVEMENTS

9.30.1 All development within the Summer Village must satisfy the Regulations of the Alberta Safety Codes Act in the matter of water supply and sanitary sewage disposal.

9.30.2 No new pit toilets, septic fields, mounds, surface discharge systems, or private sewage disposal systems shall be allowed in the Summer Village.

9.30.3 All lots 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. Failure to comply will result in a penalty as identified in the Summer Village's Sewage Collection and Fees and Charges Bylaws.

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

9.30.5 Where any onsite or offsite services or 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.

10. THE ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

10.1 LAND USE DISTRICTS

10.1.1 For the purpose of this Land Use Bylaw, the municipality is divided into the following districts:

Land Use District Name	Symbol
Residential District	R
Park and Recreation District	P

10.2 LAND USE DISTRICT MAP

10.2.1 The location of land use districts in the Summer Village is displayed on the Land Use District Map.

10.2.2 The district boundaries are delineated on the Land Use District Map. The digitized map file should be referenced for exact boundaries.

11. R - RESIDENTIAL DISTRICT

11.1 PURPOSE

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

11.2 PERMITTED USES

11.2.1 Accessory buildings and uses
11.2.2 Dwellings, single detached
11.2.3 Home occupations, minor

11.3 DISCRETIONARY USES

11.3.1 Guest house suites
11.3.2 Home occupations, major
11.3.3 Bed and breakfast establishments
11.3.4 Parks
11.3.5 Public and quasi-public buildings and uses
11.3.6 Public utilities
11.3.7 Solar energy collection systems, stand alone
11.3.8 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

11.4 MINIMUM LOT DIMENSIONS

11.4.1	Minimum Lot Area	613.0 m^2 (6,600 ft^2) of developable land
11.4.2	Minimum Lot Width	15.2 m (50.0 ft)

11.5 DEVELOPMENT REGULATIONS

11.5.1	Lot Coverage	a. Coverage of all buildings (including accessory buildings) shall not exceed 40% of the total area of the lot
11.5.2	Minimum Floor Area	a. 92.9 m^2 (1,000 ft^2) for the main floor for 1 storey dwellings, not including attached garages b. 75.0 m^2 (800.0 ft^2) for the main floor for 2 storey dwellings, not including attached garages
11.5.3	Maximum Height	a. Dwelling:10.0 m (33.0 ft). b. Accessory building: 6.7 m (22.0 ft)
11.5.4	Minimum Front Yard Setback	a. Lakefront lots: 8.0 m (26.2 ft), or at the discretion of the Development Authority b. All other lots: 8.0 m (26.2 ft)
11.5.5	Minimum Side Yard Setback	a. Accessory buildings: 1.0 m (3.3 ft) b. All other uses: 1.5 m (5.0 ft)
11.5.6	Minimum Rear Yard Setback	a. Accessory buildings: 0.9 m (3.0 ft) b. Detached garages **(with vehicle doors facing a road or lane)**: 6.1 m (20.0 ft) c. All other uses: 1.5 m (5.0 ft)

11.6 OTHER REGULATIONS

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

12. P - PARK AND RECREATION DISTRICT

12.1 PURPOSE

12.1.1 To provide for the development of public and recreational buildings and uses.

12.2 PERMITTED USES

12.2.1 Recreation buildings and uses
12.2.2 Public and quality public buildings and uses
12.2.3 Parks

12.3 DISCRETIONARY USES

12.3.1 Accessory buildings and uses
12.3.2 Public utilities
12.3.3 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

12.4 DEVELOPMENT REGULATIONS

12.4.1 All regulations shall be at the discretion of the Development Authority.

13. LAND USE DISTRICT MAP