



## Summer Village of Sunset Point

STAGE 1

December, 2008

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## **Part I – General**

### **Section 1 Title**

This Bylaw may be cited as “The Summer Village of Sunset Point Land Use Bylaw.”

### **Section 2 Scope**

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

### **Section 3 Purpose**

The purpose of this Bylaw is, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate the use(s) for each district;
- (3) to establish the office of Development Officer;
- (4) to establish the office of Subdivision Officer;
- (5) to establish a method for making decisions on development permit applications and issuing development permits;
- (6) to prescribe the manner in which notice is to be given of the issuance of a development permit;
- (7) to establish a method for making decisions on applications for subdivision approval in accordance with the Municipal Government Act and its regulations;
- (8) to implement the policies of the statutory plans of the Summer Village of Sunset Point;
- (9) to establish supplementary regulations governing certain specific land uses; and
- (10) to establish the procedures for making amendments to this Bylaw.

### **Section 4 Metric and Imperial Measurements**

Whenever measurements are presented, metric values are used. Imperial equivalents, provided in parenthesis, are approximate and intended for information only.

### **Section 5 Previous Municipal Bylaws**

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

## **Section 6     Effective Date**

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

## **Section 7     Establishment of General Conditions**

General conditions shall be set forth in Part I of “General Conditions”, and the same may be amended in the similar manner as any other part or section of this Bylaw.

## **Section 8     Other Legislative and Bylaw Requirements**

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

## **Section 9     Definitions**

“**ACCESSORY BUILDING**” - means a building which is normally subordinate to, and the use of which is incidental to that of, a principal building and which includes such buildings as a garage, storage shed and guesthouse;

“**ACCESSORY USE**” - means a use of a building or land which is normally incidental to and subordinate to the principal use of the parcel on which it is located;

“**ACT**” - means MUNICIPAL GOVERNMENT ACT, as amended, and the regulations pursuant thereto;

“**ADJACENT LAND**” - means land that is contiguous to the parcel of land in question and includes;

- (i) land that would be contiguous if not for a highway, road, river or stream, and
- (ii) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification.

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

“**AGRICULTURE**” means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the cultivation of land,
- (b) the raising of livestock, including game-production animals within the meaning of the *Livestock Industry Diversification Act* and poultry,

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

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

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

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

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

**"BUILDING"** - means any structure, erection, stockpile, sign or fixture that may be built or placed on land;

**"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;

**"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;

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

**"COMMERCIAL VEHICLE"** – means any vehicle used to carry out or support a business and which weigh in excess of 3900 kg. Commercial vehicles include semi-trailers, semi-trailer cabs (power units), 5 ton cube vans, and gravel trucks. Commercial vehicles do not include motor homes, recreational vehicles or holiday trailers.

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

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

**“CORNER PARCEL”** - see PARCEL, CORNER;

**“COUNCIL”** - means the Council of the Municipality;

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

**“DESIGNATED OFFICER”** - means a person authorized to exercise Development Authority powers on behalf of the Municipality pursuant to the provision of the Municipal Government Act;

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

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

**“DEVELOPMENT”** - means development as defined in the Act, and includes the following:

- (i) The carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw, development also means the demolition of a building,
- (ii) In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- (iii) The placing of refuse or waste material on any land,
- (iv) The resumption of the use to which land or buildings have been previously put,
- (v) The use of the land for the storage or repair of motor vehicles or other machinery or equipment,
- (vi) The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw is enacted,
- (vii) The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way,
- (viii) The digging of a well or installation of a water cistern.

**“DEVELOPMENT OFFICER”** - means the person(s) given the responsibility of receiving, considering, and deciding on applications for development under this Land Use Bylaw. For the purpose of this Bylaw, the Development Officer shall constitute the Development Authority of the Summer Village of Sunset Point (see Section 10 (4)).

**“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. Every application shall be accompanied by the required fee as established from time to time by Council;

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

**“DISCRETIONARY USE”** - means a use of land or buildings provided for in the District Regulations of the Bylaw, for which a development permit may be issued with or without conditions, based upon the merits of the application and a review of relevant land use considerations;

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

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

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

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

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

**“FLOOR AREA”** - means the greatest horizontal area of a building above grade within the outside surface of exterior permanent walls or within the glassline of exterior walls and the centre-line of fire walls;

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

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

**“FRONT YARD”** - see YARD, FRONT;

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

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

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

**“HIGH GROUNDWATER TABLE”** - means a water table level measuring less than 1.5 m (5.0 ft) from the ground surface;

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

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

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

**“LANE”** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (33.0 ft) and is not less than 6.0 m (20.0 ft) wide, and which provides a secondary means of access to a parcel or parcels;

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

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

**“MODULAR HOME”** - means a dwelling which is prefabricated or factory built, and which is assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side-by-side or vertically. A single detached dwelling does not include a mobile home but includes modular homes.

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

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

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

**“MUNICIPALITY”** - means the Summer Village of Sunset Point;

**“NON-CONFORMING BUILDING”** - means a building:

- (i) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

**“NON-CONFORMING USE”** - means a lawful specific use:

- (i) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (ii) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;

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

**“PARCEL”** - 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;

**“PARCEL AREA”** - means the total area of a parcel;

**“PARCEL BOUNDARIES”** - means the property boundaries which bound the parcel as determined by the Development Officer;

**“PARCEL, CORNER”** - means a parcel at the intersection of two abutting streets provided that the intersection of the two streets is less than 135 degrees. A parcel abutting upon a curved street(s) shall be considered a corner parcel if the arc of the inside boundary of the street is less than 45.0 m (148 ft) in radius over an angle of more than 135 degrees;

**“PARCEL COVERAGE”** - means, in the case of a residential building or structure, the combined area of all buildings on the parcel, measured at the level of the lowest storey above grade, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases, all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within a building except inner and outer courts;

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

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

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

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

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

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

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

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

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

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

**“REAR YARD”** - see YARD, REAR;

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

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

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

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

**“SEWAGE COLLECTION SYSTEM”** - means a privately or publicly owned system for treating sewage effluent, recognized by Alberta Environment, consisting of either a communal or an on-site sewage collection system;

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

**“SIGN”** - means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event;

**“STOREY”** - means a floor of a building;

**“SUBDIVISION AUTHORITY”** - means a Subdivision Authority established Pursuant to Section 623 of the Municipal Government Act. Council shall exercise Subdivision Authority powers on behalf of the Municipality;

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

**“SUBDIVISION AND DEVELOPMENT APPEAL BOARD”** - means a Subdivision and Development Appeal Board appointed for the Summer Village of Sunset Point pursuant to Section 627 of the Municipal Government Act;

**“TEMPORARY DEVELOPMENT”** - means a development for which a development permit has been issued for a limited time only;

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

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

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

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

(2) Interpretation, Municipal Government Act:

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

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

### **Section 10 Establishment of a Development Officer**

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

### **Section 11 Subdivision Officer**

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

## **Part III - Development Control**

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

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

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

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

- (a) The maintenance or repair of any conforming building if the work does not include structural alterations;
- (b) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer;
- (c) The completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (d) Hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties;
- (e) The erection of towers, satellite dishes, electronic equipment, flag poles and other poles not exceeding 4.5 m (15.0 ft) provided that the structure is not located in a front yard or on a building or structure;
- (f) Landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- (g) The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
  - (i) such signs are removed within one (1) day of 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 indicate the name and address of the sponsor and the person responsible for removal;
- (h) The erection or construction of gates, fences, walls or other means of enclosure no higher than 1.8 m (6.0 ft) in height in front, side or rear yards, provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of persons using roads and lanes abutting the parcel, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure;

- (i) One sign on internal parcels or two signs on corner parcels advertising a residential property for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one (1) day after the sale or rental agreement has been entered into. Such signs shall be a maximum of 0.6 m<sup>2</sup> (6.4 ft<sup>2</sup>) and shall be placed or erected no closer than 3.0 m (10.0 ft) to a public right-of-way; or
- (j) A garden or tool shed in the rear yard of a residential parcel, with such a building not to exceed 9.3 m<sup>2</sup> (100.0 ft<sup>2</sup>) in floor area and 2.5 m (8.0 ft) in height and is in conformity with the other provisions of this Land Use Bylaw.

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

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

## **Section 15 Application For Development Permit**

- (1) An application for a development permit shall be made to the Development Officer in writing on the application form provided, and attached hereto, and shall:
  - (a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;
  - (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;
  - (c) at the discretion of the Development Officer include parcel plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:
    - i) north point,
    - ii) legal description of parcel,
    - iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided,
    - iv) outlines of the roof overhangs on all buildings,
    - v) front, side and rear yards,
    - vi) the provision of off-street loading and vehicle parking,
    - vii) access and egress points to and from the parcel,
    - viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,

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

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

- (1) Permitted / Discretionary Applications
- (a) The Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw. The Development Officer may approve an application for a discretionary use and may refer the application with the Development Officer's recommendations to Council for decision. All applications for the placement of Modular Homes shall be referred, by the Development Officer, to Council for decision.
  - (b) The Development Officer or Council may require, as a condition of issuing a development permit, that:
    - i) a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Summer Village may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all land use regulations relating to the use and building(s) that is (are) the subject of the development permit application;
    - ii) prior to making a decision, refer any application to any municipal department or external agency for comment;

- iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with the Summer Village of Sunset Point to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Summer Village of Sunset Point may be protected by caveat registered in favour of the Summer Village;
  - iv) require financial guarantees, in a form and an amount acceptable to the Village, from the applicant to secure performance of any of the conditions of a development permit;
  - v) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
  - vi) issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature.
- (c) Where development permit applications are referred to Council, Council shall be subject to the same variance provisions that apply and are available to the Development Officer as prescribed in Section 16 (2) (3).

(2) Variance Provisions

The Development Officer may, in deciding upon an application for a permitted or discretionary use, allow a minor variance to a maximum of 30% of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of land.

(3) Limitations on Variance Provisions

In approving an application for a development permit under Section 16(2), the Development Officer or Council shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same land use district.
- (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer to relax a regulation of a land use district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 16(2).

(4) Additional Provisions:

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

- (a) uphold the intent and objectives of any area structure plan or other statutory plan or land use regulation as adopted or amended from time to time; and
- (b) ensure the orderly and economic development of land within the Summer Village of Sunset Point.

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

- (1) Prior to an application being considered for a discretionary use, the Development Officer may require one or more of the following:
  - (a) cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than seven (7) days prior to the date of consideration of such an application;
  - (b) cause a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or
  - (c) cause a similar notice to be sent by mail to all assessed property owners within 30.0 m of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, may be affected, not less than seven (7) days prior to the date of consideration of the application.
- (2) The notices issued pursuant to Section 17(1) shall state:
  - (a) the proposed use of the building or parcel;
  - (b) that an application respecting the proposed use will be considered by the Development Officer;
  - (c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
    - i) their full name and address for service of any notice to be given to them in respect of the objection, and
    - ii) the reasons for their objections to the proposed use;
  - (d) the date by which objections must be received by the Development Officer; and
  - (e) the date, time and place the application will be considered by the Development Officer.
- (3) When considering applications under Section 17(1) for which notices have been served, the Development Officer may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

## **Section 18 Notice of Decision**

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Officer or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.

- (3) When a decision on a development permit for a permitted use is made, the Development Officer shall require the developer to immediately post a notice, for no less than fourteen (21) days, conspicuously on the parcel on which the proposed development has been permitted.
- (4) When a decision on a development permit for a discretionary use is made, the Development Officer may undertake or be directed to undertake by the Summer Village Council, as the case may be, any or all of the following:
  - (a) publish a notice in a newspaper circulating in the municipal area; and/or
  - (b) immediately mail a notice to all assessed property owners within 30.0 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Officer, , may be affected; and/or
  - (c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than twenty one (21) days after the day the permit was issued.
- (5) The notices issued pursuant to Sections 18(3), or (4) shall indicate:
  - (a) the date a decision on the development permit application was made;
  - (b) The location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, and
  - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 19 of this Bylaw.

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

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

- (a) if it is made by the Development Officer or Summer Village Council, on the twenty second (22nd) day after the date of the issue of the Notice of Decision, or
- (b) If an appeal is made, on the date that the appeal is finally determined.

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

- (a) A development permit is valid unless:
  - i) it is suspended or cancelled; or
  - ii) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or
  - iii) The development that is the subject of the development permit is not commenced within a shorter time period than that indicated in Section 20(a) (ii) or not carried out with reasonable

diligence, if the Development Officer, has specified that the development permit is to remain in effect for less than twelve (12) months.

- (b) The Development Officer, may extend the period of time that a development permit is specified to be valid in accordance with in Section 20(a)(ii) and (iii) if, in their opinion, circumstances warrant such a time extension.
- (c) Temporary Development Permits shall have the expiry date of the permit clearly indicate on the notice of decision.

## **Section 21 Deemed Refusals**

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

## **Section 22 Subsequent Applications**

If an application for a development permit is refused by the Development Officer or on an appeal from the Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,

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

may not be made for at least six (6) months after the date of the refusal, subject to consideration by the Council.

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

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

## **Section 24 Developer's Responsibility**

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) Sections 24(2) and (3) may be enforced pursuant to PART VI of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to Section 16.
- (5) The Development Officer may require a Real Property Report prepared by an Alberta Land Surveyor relating to the building(s) that is (are) the subject of a development permit application.
- (6) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.
- (7) Further to Section 24(6), a person in receipt of an occupancy permit issued pursuant to the Alberta Safety Codes is not in receipt of permission to occupy under this Bylaw.
- (8) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.

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

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

No subdivision of land shall be undertaken within the Municipality unless an application for it has been approved pursuant to Division 7 of the Municipal Government Act.

### **Section 26 Subdivision Fees**

All fees and charges pursuant to this Bylaw shall be as established by a Municipal Services Agreement established by Resolution of Council.

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

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

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

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

- (1) Subdivision appeals and procedures must be undertaken in conformity with the Act.

### **Section 29 Application To Amend Bylaw**

- (1) Subject to the provisions of the Municipal Government Act, any Section or Part of this Bylaw may be amended in accordance with Section 29 of this Bylaw.

- (2) Application:

Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, using the application form provided by the Summer Village of Sunset Point, and request that the Development Officer submit the application to the Council.

- (3) As part of the application referred to in Section 29 (2), the applicant must provide the following information:

- (a) reasons in support of the application;
- (b) the use to be made of the land that is the subject of the application; and
- (c) the program of land servicing.

- (4) Payment and Undertaking:

A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

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

- (5) Investigation by Development Officer:

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

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

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

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

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

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

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Officer for reports and recommendations.
- (10) Limit on Frequency of Applications:

Notwithstanding anything in this Section or this PART, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise directs.
- (11) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.
- (12) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

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

### **Section 30 Contravention**

- (1) Contravention of the provisions of this Land Use Bylaw must conform to Section 645 of the Act.
- (2) Where a notice is issued under Section 645 of the Act, the notice shall state the following and any other information considered necessary by the Development Officer:
  - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
  - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
  - (c) A time frame in which the contravention must be corrected prior to the Summer Village of Sunset Point pursuing action; and
  - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

### **Section 31 Offenses and Penalties**

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

- (1) A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,
  - (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 30 of this Bylaw and/or Section 645 of the Act,
  - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
  - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw
  - (f) is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
- (2) If a person is found guilty of an offense under Section 31 of this Bylaw (Section 557 of the Municipal Government Act), the court may, in addition to any other penalty imposed, order the person to comply with:
  - (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under Section 30 of this Bylaw and/or Section 645 of the Act, and/or

- (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
  - (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by certified mail to the last known address of the person it is directed to; or
  - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

## **Part VII - General Regulations**

### **Section 32 Pollution Control**

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the parcel, on public property, or on any other parcels, by reason of the generation of noise, vibration, dust and other particulate matter, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam.
- (2) Parcels and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

### **Section 33 Fencing**

- (1) In any district, a person shall not construct a fence, wall or permit a hedge to grow higher than 1.8 m (6.0 ft) unless a development permit has been provided.
- (2) Siting of a fence, wall or hedge over 1.8 m (6.0 ft) shall be determined by the Development Officer, taking into consideration the fences which exist on the parcels abutting the parcel in question.
- (3) Electrified or barbed wire fences will be permitted in a district at the discretion of the Development Officer but shall not be permitted under any circumstances in a residential district.

### **Section 34 Objectionable Items In Yards**

- (1) Garbage shall be stored in weather and animal proof containers and screened from adjacent parcels and public thoroughfares and shall be in a location easily accessible for pickup.
- (2) Outside storage areas shall be screened from adjacent parcels and thoroughfares.
- (3) No person shall keep or permit in any part of a yard in any residential district:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days, or
  - (b) any commercial vehicle weighing in excess of 3,900 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle, or
  - (c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district, or
  - (d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

### **Section 35 On-Parcel and Off-Parcel Services and Improvements**

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

### **Section 36 Utility Easements**

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

- (1) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and
- (2) written consent has been obtained from the person for whose use the easement has been granted.

### **Section 37 Parcel Grading**

In all cases, parcel grades shall be established with regard to preventing drainage from one parcel to the next except where drainage conforms to an acceptable local or subdivision drainage plan which has been approved by Council.

### **Section 38 Corner and Double Fronting Sides**

- (1) In residential areas, a parcel abutting onto two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.
- (2) In all cases the location of buildings on corner parcels shall be subject to approval by Council who shall take into account the location of existing adjacent buildings or the permitted setback on adjacent parcels where a building does not exist.

### **Section 39 Dwelling Units on a Parcel**

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

### **Section 40 Building Attached To Principal Buildings**

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

### **Section 41 Relocation of Buildings**

- (1) No person shall:
  - (a) place on a parcel a building which has previously been erected or placed on a different parcel, or

- (b) alter the location of a building which has already been constructed on that parcel,
  - (c) unless the Development Officer approved the placement or alteration.
- (2) Approval shall not be granted under Subsection (1) unless the Development Officer is satisfied that:
- (a) the placement or location of the building would meet the requirements of this Bylaw, and
  - (b) the building and the parcel meet the requirements of this Bylaw and the Land Use District in which it is proposed to be located.

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

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

- (a) all required yards and setbacks are maintained.
- (b) the total floor area of all accessory buildings does not exceed 93.0 m<sup>2</sup> (1000.0 ft<sup>2</sup>).
- (c) the total floor area for all buildings shall not exceed 40% of the area of the parcel.
- (d) the Development Officer may require that there be adequate clearance between all buildings.
- (e) in the case of lakefront parcels, all accessory buildings except boathouses shall be located in the rear yard and the rear half of the parcel.
- (f) in the case of other parcels, all accessory buildings shall be located in the rear yard and in the rear half of the parcel.
- (g) a boathouse on a lakefront parcel will be located to the satisfaction of the Development Officer.
- (h) all accessory buildings shall be fixed to the ground, or on a foundation.
- (i) where a garage door faces the roadway, the garage shall be set back 6.1 m (20.0 ft).
- (j) garages will be limited to a maximum of one storey and shall be limited to an elevation not to exceed the height of the principal dwelling.
- (k) a guest house shall contain rooms for sleeping accommodation and if additional rooms or facilities are contained therein, it shall be considered.

## **Section 43 Accessory Uses**

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

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

(2) Home Occupations:

- (a) A resident who intends to carry on a home occupation, where permitted as a discretionary use under this Bylaw, shall make application for a development permit and shall, if given approval, comply with the following provisions:
  - (i) The home occupation shall be operated as an accessory use only, and shall not change the principal character or external appearance of the dwelling in which it is located;
  - (ii) There shall be no outside storage of materials, commodities or finished products;
  - (iii) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception.
  - (iv) A home occupation shall not employ a person on the premises other than a resident of the dwelling;
  - (v) No commodity other than the product or service of the home occupation shall be sold on the premises;
  - (vi) Any vehicles parked on-street or off-street as a result of the home occupation shall not, in the opinion of the Development Officer, be a source of inconvenience to adjacent landowners or tenants;
  - (vii) The home occupation shall not, in the opinion of the Development Officer, be a source of inconvenienced, materially interference with or affect the use, enjoyment or value of neighbouring properties by way of excessive noise, smoke steam, traffic, odour, dust vibration or refuse matter which would not commonly be found in the neighbourhood and
  - (viii) The scale and nature of the home occupation activity, in the opinion of the Development Officer, is such that it is not directly comparable to existing businesses located in designated commercial areas of the Summer Village.

A permit issued for a home occupation is liable for recall after thirty (30) days and is valid for one (1) calendar year. When considering the reissuance of a permit the Development Officer shall consider Subsection (2) (a) (i) to (vii). Where, in the opinion of the Development Officer, non-conformance with one or more clauses has occurred, the Development Officer may refuse a development permit.

(3) Bed and Breakfast Operations:

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 9 of this Bylaw:

- (a) Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Municipality.

- (b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
- (c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- (d) In addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 50 of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

#### **Section 44 Development On Lands Containing a High-Water Table**

- (1) Residential development shall not occur on lands containing a high water table unless and until satisfactory arrangements are made to provide adequate fill or trenching so as to lower the water table to a suitable level. In this respect the Development Officer may require testing to confirm that the water table has been suitably lowered.
- (2) The Development Officer may refer to Alberta Environment for their comments prior to issuing a development permit for filling or trenching for assistance in assessing any water table results.

#### **Section 45 Building Appearance and Building Exteriors**

- (1) The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Officer.
- (2) The exterior finish on all buildings shall be of permanent material satisfactory to the Development Officer

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

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

#### **Section 47 Sewer Connection**

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

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

- (1) Any person making application to move an existing building onto a parcel as a main or accessory building shall:

- (a) make the usual application for a development permit;
  - (b) provide photographs of the building showing each elevation and the general condition of the building; and
  - (c) state the present location and use of the building.
- (2) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- (3) The Development Officer may, at his discretion, require that certain works of structural alterations, repair, or maintenance of the building and preparation of the proposed parcel be carried out as a condition of the issuance of the permit.
- (4) If these works are to be done after the building is moved onto the proposed parcel, the Development Officer or Council may require that a form of security acceptable to the municipality be posted, substantially equal to the cost of the necessary works. The security shall be released upon satisfactory completion of the work, but shall be forfeited if the work is not done.
- (5) Any travel or other costs incurred by the Development Officer in processing a development permit for a moved-in building shall be added to the fee for the development permit.

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

- (1) It is the responsibility of the developer to provide adequate protection against flooding, subsidence and slumping and he shall engage such professional assistance as is determined necessary to protect his development.
- (2) Development on lands with a gross slope of greater than 15% shall be accompanied by a parcel plan designed and stamped by a professional engineer.
- (3) The Development Officer may consult with Alberta Energy and Natural Resources to assist in determining high-water marks, floodplain area, banks and the like of the lake or its tributaries.

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

- (1) A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of parking stalls or loading spaces required on the total parcel for which the addition or change in use is proposed.
- (2) The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
  - (a) Residential Single Detached Dwelling: 2 spaces per dwelling.
  - (b) Institutional Place of Worship: 1 per 7.5 seating spaces or 1 per 7.0 m<sup>2</sup> (75.0 ft<sup>2</sup>) used by the patrons.
- (3) Boat launches shall require a minimum of five parking spaces or such greater number as required by the Development Officer based on the size and frequency of use of the launch. Further, boat launch parking areas shall require curbs, markings and landscaping to the satisfaction of the Development Officer.

- (4) Where, in the opinion of the Development Officer, municipal parking facilities have previously been provided to specifically serve a proposed project, the number of parking stalls required on a parcel pursuant to Subsection (2) may be reduced accordingly.
- (5) The number of parking stalls required may be reduced where, in the opinion of the Development Officer, the parking required by various users on a parcel will vary according to time so that all needs as defined in this Bylaw can be met at any given time by a reduced number of stalls.
- (6) In the case of a use not specified in Subsection (2), the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.
- (7) Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Subsection (2).
- (8) Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- (9) Commercial Parking Requirements:
- Retail / convenience retail shops with a gross floor area of 1000.0 m<sup>2</sup> (10,764 ft<sup>2</sup>) or less: 1 space for every 30.0 m<sup>2</sup> (323 ft<sup>2</sup>) of gross floor area.
- Retail / service shops with a gross floor area of between 1000.0 m<sup>2</sup> (10,764 ft<sup>2</sup>) and 4000.0 m<sup>2</sup> (43,057 ft<sup>2</sup>): 1 space for every 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of gross floor area.
- Minor Eating or Drinking Establishment: 1 per 4 seating spaces or 1 space for every 6.0 m<sup>2</sup> (65 ft<sup>2</sup>) used by the patrons, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority.
- Drive-Through Restaurant.: 1 per 4 seating spaces or 1 space for every 2.8 m<sup>2</sup> (30 ft<sup>2</sup>) used by the patrons, whichever is deemed to be the most applicable standard given the nature of the application as determined by the Development Authority.
- Restaurants (food exclusively taken off the parcel): 1 space for every 13.0 m<sup>2</sup> (140 ft<sup>2</sup>) of gross floor area plus 1 for each three employees on maximum shift.
- Motels: 1 per rentable unit and 1 space per three employees on maximum shift.
- Private liquor outlet: 3 spaces and 1 space per 30.0 m<sup>2</sup>
- (10) Residential Parking Requirements
- Row Housing: 2.0 per unit
- Fourplexes: 2.0 per unit
- Apartments:  
bachelor suites 1.0 per unit

1 bedroom 1.25 per unit  
2 bedroom 1.5 per unit  
3 or more bedroom 2.0 per unit

On each parcel additional spaces for visitors and vehicle storage shall be provided equivalent to 0.25 spaces per dwelling unit

Adult Care Residence 1.0/4 beds + 1.0/2 workers at maximum staffing level

## **Section 51 Temporary Living Accommodation**

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

## **Section 52 Landscaping**

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

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

### Section 53 Land Use Districts

The municipality is hereby divided into the following districts:

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

### Section 54 Land Use District Map

- (1) Land use districts specified under Section 53 are described in the short form on the LAND USE DISTRICT MAP which is an integral part of this Bylaw. Application of the Medium Density Residential and Commercial Districts will require redistricting from existing districts.
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following rules shall apply:
  - (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
    - (i) the parcel boundaries, or
    - (ii) the municipal boundaries.
  - (b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.
  - (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the Certificate of Title or the plan of survey when registered in a Land Titles Office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

## Section 55 District Regulations

### R - RESIDENTIAL DISTRICT

#### (1) Permitted Uses

#### Discretionary Uses

|  |   |
|--|---|
| <ul style="list-style-type: none"><li>▪ One single detached dwelling per lot with a municipal sewage collection system</li></ul> | <ul style="list-style-type: none"><li>▪ Modular Home</li><li>▪ Accessory buildings (see definitions)</li><li>▪ Accessory use – home occupation</li><li>▪ Bed / Breakfast</li><li>▪ Public utility buildings and operations</li><li>▪ Public parks</li></ul> |
|--|---|

- (2) Minimum Lot Dimensions A lot served by a sewage collection system but not a water distribution system shall contain:

- (a) A minimum of 613 m<sup>2</sup> (6,600 ft<sup>2</sup>) of developable land; and
- (b) A minimum lot width of 18.3m (60.0 ft).

#### (3) Principal Building

- (a) Coverage of all buildings shall not exceed 40% of the total area.
- (b) Minimum main floor area per dwelling unit (not including attached garage) 93.9 m<sup>2</sup> (1000.0 ft<sup>2</sup>).
- (l) the maximum length to width ratio of the building shall not exceed 2.5 to 1
- (c) Maximum Height:

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

#### (d) Minimum Front Yard Setback:

- (l) Lakefront lots - at the discretion of the Development Officer but not less than 8.0 m (26.2 ft).
- (ii) All other cases - 8.0 m (26.2 ft).

#### (e) Minimum Side Yard Setback:

Minimum of 1.5 m (5.0 ft).

(f) Minimum Rear Yard Setback:

Minimum of 1.5 m (5.0 ft) except in the case of garages as in Section 42 (i) in which case the setback shall be 6.1 m (20.0 ft).

(4) Accessory Buildings

No accessory building shall be located closer to a rear lot line than 1.0 m (3.0 ft) or to any side lot line than 1.0 m (3.0 ft).

(b) Maximum Height:

(i) The height of a boathouse shall not exceed 3.7 m<sup>2</sup> (12.0 ft<sup>2</sup>).

(ii) The height of any garage, storage shed, guesthouse shall not exceed 4.6 m (15.0 ft) or at the discretion of the Development Officer.

(c) A garage, storage shed or guesthouse may be built on a lot provided that:

(i) all required yard setbacks are maintained; and

(ii) the total floor area of all buildings does not exceed 40% of the area of the lot.

(d) The Development Officer may require that there be adequate clearance between all buildings.

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

(5) Basements

Basements may not be allowed where high water tables would in all likelihood cause flooding to occur.

(6) Parking

Parking shall be provided in accordance with the provisions of this Bylaw.

## **Section 56 MDR – Medium Density Residential**

(1) Purpose

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

(2) **Permitted Uses**

**Discretionary Uses**

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Four-plexes</li> </ul> | <ul style="list-style-type: none"> <li>Row housing</li> <li>Apartments*</li> <li>Adult care residence *</li> <li>Bed &amp; Breakfast</li> </ul> |
|---|---|

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

(3) **Minimum Lot Dimensions** A lot served by a sewage collection system but not a water distribution system shall contain:

- (a) a minimum of 929.0 m<sup>2</sup> (10,000 ft<sup>2</sup>) of developable land; and
- (b) a minimum lot width of 30.5 m (100.0 ft). Note: from Alberta Beach LUB

(4) **Principal Building**

- (a) Coverage of all buildings shall not exceed 35% of the total area.
- (b) Minimum floor area per multi- dwelling unit 56.0 m<sup>2</sup> (600.0 ft<sup>2</sup>)  
The maximum length to width ratio of the building shall not exceed 2.5 to 1
- (c) Maximum Height:  
The maximum height of residential multi structures shall not exceed 11 m.

**Minimum Front Yard Setback:**

The minimum front yard setback shall be at the discretion of the Development Officer who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall the setback be permitted less than:

**Storeys Distance**

|   |                 |
|---|-----------------|
| 1 | 6.0 m (19.7 ft) |
| 2 | 7.6 m (24.9 ft) |
| 3 | 9.0 m (29.5 ft) |

(e) **Minimum Side Yard Setback:**

Minimum of 1.5 m (5.0 ft).

(f) **Minimum Rear Yard Setback:**

- (g) Minimum of 7.6 m (24.0 ft)

## Section 57 C - Commercial District

(1) Purpose

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

(2) Permitted Uses

Discretionary Use

|  |   |
|--|---|
| <ul style="list-style-type: none"><li>▪ Retail / service shops with a gross floor area of 1000.0 m<sup>2</sup> (10,764 ft<sup>2</sup>) or less.</li><li>▪ Convenience Retail Store</li><li>▪ Minor Eating or Drinking Establishments</li></ul> | <ul style="list-style-type: none"><li>▪ Retail / service shops with a gross floor area of between 1000.0 m<sup>2</sup> (10,764 ft<sup>2</sup>) and 4000.0 m<sup>2</sup> (43,057 ft<sup>2</sup>).</li><li>▪ Drive-Through Restaurants.</li><li>▪ Motels</li><li>▪ Private Liquor Outlet</li><li>▪ Service Stations</li></ul> |
|--|---|

(3) Minimum Lot Dimensions

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

- (a) a minimum of 929.0 m<sup>2</sup> (10,000 ft<sup>2</sup>) of developable land; and
- (b) a minimum lot width of 18.3m (60.0 ft).

(4) Principal Building

- (a) Site coverage: Coverage of all buildings shall not exceed 40% of the total area.
- (b) The maximum length to width ratio of the building shall not exceed 2.5 to 1.
- (c) Maximum Height: The maximum height of commercial structures shall not exceed 12.0 m.
- (d) Setbacks
  - (i) Minimum Front Yard Setback: Minimum of 6.1 m (20.0 ft) or at the discretion of the development officer.
  - (ii) Minimum Side Yard Setback: Not required unless abutting a residential district. The side yard required where the site abuts a residential district shall be 2.4 m (7.9 ft) or one-half the height of the building which ever is greater.
  - (iii) Minimum Rear Yard Setback: Minimum of 6.1 m (20.0 ft) or at the discretion of the development officer.

## Section 58 P - Park and Recreation District

### (1) Permitted Uses

- None

### Discretionary Uses

- Active and passive recreational facilities and buildings
- Public parks
- Accessory buildings

### (2) Development Regulations

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

### (3) Parking and Loading

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

## Section 59 UR - Urban Reserve District

### (1) Permitted Uses

- Extensive agriculture
- Public parks
- Public works buildings
- One detached dwelling and accessory buildings - on existing parcels only

### Discretionary Uses

- Any use or building which in the opinion of the Development Officer will not prejudice the possibility of conveniently and economically subdividing the area for urban development
- Temporary uses or buildings
- Greenhouses or plant nurseries

### (2) Development Regulations

- (a) The maximum building height shall be 10.0 m (32.8 ft) except in the case of buildings or structures accessory to a farm operation other than dwellings.
- (b) Minimum side yard, rear yard and front yard setbacks shall be at the discretion of the Development Officer.

## Section 60 DC - Direct Control

(1) Purpose

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

(2) Permitted Uses

- As allowed by Council

Discretionary Uses

- As allowed by Council

(3) Development Regulations

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

(4) Development Permit Information Requirements

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

- (a) An explanation of the intent of the project;
- (b) The features of the project which make it desirable to the general public and the Summer Village. This is to include an evaluation of how the project will relate to the present and projected needs of the Summer Village as a whole;
- (c) An economic analysis of the proposal's anticipated impact on the local community and the Summer Village; and

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

## Schedule A

Land Use District Map



