

SUMMER VILLAGE OF SUNBREAKER COVE

Draft Land Use Bylaw | For Public Hearing

FOR DRAFT PUBLIC HEARING

LIST OF AMENDMENTS

NUMBER	BYLAW	THIRD READING DATE	PURPOSE
1			
2			
3			
4			
5			

DRAFT
FOR PUBLIC HEARING

LAND USE BYLAW USER GUIDE

The Summer Village of Sunbreaker Cove 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 Sunbreaker Cove, 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 Sunbreaker Cove 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 four land use districts. Take note of which land use district the subject property is located in. Please note that Land use districts are often referred to as “Zones” or “Zoning.” In order to conform to the language of the Municipal Government Act, this document uses the terms “district” and “districting.”
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 3.2 that should also be consulted 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. The Summer Village Administration is trained and eager to 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. INTRODUCTION

1.1 TITLE

1.1.1 This Bylaw may be cited as "The Summer Village of Sunbreaker Cove Land Use Bylaw."

1.2 PURPOSE

- 1.2.1 The purpose of this bylaw is to, amongst other things;
- a. Divide the municipality into districts;
 - b. Regulate, control, or prohibit the use and development of land and buildings in each district;
 - c. Establish the office of the Development Officer;
 - d. Establish a method of making decisions on applications for Development Permits including the issuing of Development Permits;
 - e. Implement the policies in the Summer Village's statutory plans;
 - f. Provide the manner in which notice of the issuance of a Development Permit is to be given; and
 - g. Protect the shoreline and water quality of Sylvan Lake.

1.3 REPEAL

1.3.1 Land Use Bylaw 99/13 and all amendments thereto are hereby repealed.

1.4 COMPLIANCE

- 1.4.1 Compliance with the requirements of this Land Use Bylaw does not exempt any person from:
- a. The requirements of any federal, provincial or municipal legislation; and
 - b. Complying with any easement, covenant, agreement or contract affecting the development.

1.5 SEVERABILITY

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

1.6 FORMS

- 1.6.1 For the purpose of administering the provisions of this Land Use Bylaw, Council shall (by resolution) authorize the preparation and the use of such forms and notices as it may deem necessary.
- 1.6.2 Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized, and issued.

1.7 FEES

1.7.1 Development Permit application fees and fees for other matters arising through this Land Use Bylaw will be established by Council in the Summer Village of Sunbreaker Cove Fees Bylaw. Council may amend the bylaw to increase, decrease, or establish new fees by an amendment bylaw.

2. AUTHORITIES

2.1 COUNCIL

- 2.1.1 Council shall perform such duties as are specified in this Bylaw.
- 2.1.2 Council shall be authorized to decide upon all development permit applications within a Direct Control District and to issue such decisions that Council sees fit.

2.2 DEVELOPMENT AUTHORITY

- 2.2.1 The Development Authority is established by the Summer Village's Development Authority Bylaw.
- 2.2.2 The Development Authority shall be appointed by resolution of Council.
- 2.2.3 The Development Authority shall be:
 - a. the Municipal Planning Commission of the Summer Village; and the
 - b. the Development Officer of the Summer Village.
- 2.2.4 If the decision on a development permit application is to be made by the Municipal Planning Commission, the term Development Authority, when used in this Bylaw, shall be the Municipal Planning Commission.
- 2.2.5 If the decision on a development permit application is to be made by the Development Officer, the term 'Development Authority', when used in this Bylaw, shall be the Development Officer.

2.3 DEVELOPMENT OFFICER

- 2.3.1 Council shall appoint one or more Development Officer(s) who shall be designated officers within the meaning of the Act.
- 2.3.2 The Development Officer shall perform such duties specified in this Land Use Bylaw, including:
 - a. Receive all applications for development;
 - b. Determine when an application for development is complete or incomplete; Keeping and maintaining a copy of this Land Use Bylaw as amended for in the inspection of the public;
 - c. Keeping 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 Freedom of Information and Protection of Privacy Act.
- 2.3.3 The Municipal Planning Commission may act in place of a Development Officer.

2.4 MUNICIPAL PLANNING COMMISSION

- 2.4.1 The Municipal Planning Commission:
 - a. Is authorized to act as the Development Authority in those matters prescribed in this Bylaw and the Municipal Planning Commission Bylaw, as amended.
 - b. Shall consider and if necessary, state terms and conditions on any other planning or development matter referred by the Development Officer or Administration;
 - c. May direct the Development Officer or Administration to review, research or make recommendations on any other planning and development matter; and
 - d. Make recommendations to Council on planning and development matters.

2.5 SUBDIVISION AUTHORITY

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

2.6 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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

3. INTERPRETATION

3.1 RULES OF INTERPRETATION

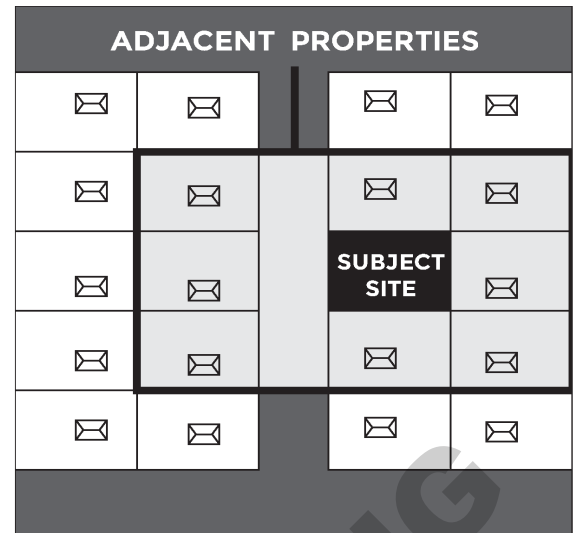
- 3.1.1 Compliance with the policies in this Bylaw shall be interpreted and applied as follows:
- “shall” and “must” means mandatory compliance;
 - “should” means compliance in principle, but is subject to the discretion of the Development Authority where compliance is impracticable or undesirable because of relevant planning principles or circumstances unique to a specific application; and
 - “may” means discretionary compliance or a choice in applying regulation. The regulation can be applied, enforced or implemented if the Development Authority chooses to do so. Application may depend on site specific circumstances.
- 3.1.2 Where a regulation involves two (2) or more conditions, provisions or events connected by a conjunction, the following shall apply:
- “and” means all the connected items shall apply in combination;
 - “or” indicates that the connected items may apply singly or in combination; and
 - “either-or” indicates the items shall apply singly but not in combination;
 - words used in the singular include the plural and vice-versa;
 - words used in the present tense include the other tenses and derivative forms.
- 3.1.3 Metric measurement shall take precedence for the purposes of interpretation of the regulations in this Land Use Bylaw. Imperial measures are approximate and are provided only for information.
- 3.1.4 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.
- 3.1.5 Pursuant to Section 638.1 of the Act, in the event of a conflict or inconsistency between a land use bylaw and an Alberta Land Stewardship Act (ALSA) Regional Plan, the Regional Plan prevails to the extent of the conflict or inconsistency.
- 3.1.6 Words, phrases and terms not defined in this Bylaw shall be given their definition in the Act, the Matters Related to Subdivision and Development Regulations, or relevant enactments as the context requires. Other words shall be given their usual and customary meaning.
- 3.1.7 All references to legislation are to the most recent version of the legislation in effect, as amended, and any regulations enacted thereunder from time to time.

3.2 DEFINITIONS

In this Land Use 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” means a building that is separate and subordinate to the main building on the lot. Within the Residential District, examples of an accessory building include storage sheds, garages, and guest houses. Accessory buildings are not intended for commercial purposes and shall not include sea cans. Accessory buildings shall not be developed within the front yard (waterfront yard) of a waterfront lot or semi-waterfront lot;
- 3.2.3 “accessory use(s)” means a use customarily incidental and subordinate to the main use and is located on the same lot with such main use;

- 3.2.4 “Act (or the Act)” means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
- 3.2.5 “adjacent land” means land or a portion of land that is contiguous to the land that is the subject of an application and includes land or a portion of land that would be contiguous except for a road, rail or utility right-of-way, river, or stream;
- 3.2.6 “adjacent landowner” means owners of land that is contiguous to the land that is the subject of an application, and includes owners of land that would be contiguous except for public roadway, railway, utility right-of-way, waterbody, or watercourse;
- 3.2.7 “agricultural operation” means an agricultural operation as defined in the Agricultural Operation Practices Act, R.S.A. 2000, c. A-7, as amended;
- 3.2.8 “amenity space” means the area situated adjacent to a church camp cottage intended for passive recreational purposes, consisting of soft landscaping materials only, at grade patios and play areas and similar uses, but does not include raised decks or balconies, parking stalls, aisles or access driveways;
- 3.2.9 “animal boarding and lodging” means a development where domestic pets are bred, boarded, or trained;
- 3.2.10 “apiary” means the keeping of honey bees for honey production, and includes a place where bee colonies (beehives) are kept on a site and where raw honey is processed and stored;



B

- 3.2.11 “basement(s)” means a habitable portion of a building which is partly underground, but which has more than 50% of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;
- 3.2.12 “bed and breakfast establishment” see “tourist home;”
- 3.2.13 “boarding house” means a building or a portion of a building without individual suites operated for the purpose of providing live-in accommodation (either room for rent or room and board) for five or more unrelated persons;
- 3.2.14 “berm” means a landscaped mound of earth;
- 3.2.15 “boathouse(s)” means an accessory building designed and used primarily for the storage of boats and is normally designed such that the main door faces the lake as to permit the direct removal of boats from the water to the structure. A boat house shall not include a dwelling and shall not be located within the bed and shore of Sylvan Lake.
- 3.2.16 “breezeway(s)” means a roofed open passage connecting two or more buildings. An accessory building connected to a principal building by way of a breezeway shall not be considered part of the principal building;
- 3.2.17 “building(s)” includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge forming part of a highway or road;
- 3.2.18 “building area” see “floor area;”
- 3.2.19 “building demolition” means the pulling down, tearing down, razing, or removal of a building;
- 3.2.20 “building height” means the vertical distance of a building measured from the average grade to the highest point of the building. The highest point of a building shall be determined without considering a ventilating fan, a skylight, a steeple, a chimney, a smokestack, a flagpole or similar device or feature that:
 - a. Is not structurally essential to the building; or
 - b. Does not represent a material impact on the height of the building’s roof;
- 3.2.21 “building line” means a line, other than a lot line used to regulate the location of a building or structure in relationship to the abutting street(s);
- 3.2.22 “bunkhouse” means an accessory building (or portion of an accessory building) used for temporary overflow accommodation of a height and area that would not require a development permit, and that does not contain cooking or bathroom facilities;

C

- 3.2.23 “cannabis” means the same as defined in the Act to Control and Regulate Cannabis, S.A. 2017, Chapter 21 and any amendments thereto, and included leaves stems, buds, oil and other parts or derivatives of the cannabis plant;
- 3.2.24 “cannabis retail sales” means a development used for the retail sales of cannabis (or consumable products made with cannabis) that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the Cannabis Act, S.C. 2018, c. 16, as amended or replaced. This use is not a type of home occupation;
- 3.2.25 “carriageway” means that portion of the road right-of-way available for vehicular movement. Included are travelling lanes, medians, parking and other auxiliary lanes;
- 3.2.26 “caveat” means a formal notice expressing an interest in a lot registered at Land Titles Office against the title to that lot;
- 3.2.27 “cellar” means a portion of a structure which is mainly underground, and which has less than fifty (50) percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;
- 3.2.28 “commission” means the Municipal Planning Commission of the Summer Village of Sunbreaker Cove, unless otherwise noted;
- 3.2.29 “conceptual scheme” means a detailed land use plan for a specified area of land which conforms to all statutory plans and is used to relate a subdivision application to the future subdivision and development of adjacent areas. A conceptual scheme is adopted by resolution of Council, pursuant to the Municipal Government Act;
- 3.2.30 “construction management plan” means a plan provided by a development proponent that includes strategies to manage activities during active and post construction phases of a development. Construction management plans include strategies to implement low impact development techniques and best management practices for stormwater management;
- 3.2.31 “cooking facilities” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or wiring which taken together, may be intended or used for the preparation or cooking of food;
- 3.2.32 “Council” means the Council of the Summer Village of Sunbreaker Cove;

D

- 3.2.33 “date of issue” means the date on which the notice of a decision of the Development Authority is published, or five days after such a notice is mailed;
- 3.2.34 “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.
- 3.2.35 “deck” means any open structure having a height greater than 0.6 m (2.0 ft.) above grade, thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act, R.S.A. 2000, c. S-01, as amended. A deck shall not have walls higher than 1.25 m (4.1 ft.) from the surface of the deck floor, or a roof.
- 3.2.36 “deciduous” means trees, shrubs, and other forms of vegetation that seasonally shed leaves, petals, or fruit.
- 3.2.37 “decorative pond” means a man-made enclosed body of water for ornamental purposes, which may include vegetation and fish;
- 3.2.38 “development” means:
- a. An excavation or stockpile and the creation of either of them; or
 - b. A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over and under land of any of them; or
 - c. A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
 - d. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- and without restricting the generality of the foregoing, includes:
- e. in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit;

- f. in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot;
- g. the display of advertisements or signs on the exterior of a building or on any land;
- h. the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, if the natural topography or drainage is altered;
- i. any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site;
- j. the placing of refuse or waste material on any land;
- k. the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months;
- l. the use of land for the storage or repair of motor vehicles or other machinery or equipment;
- m. the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect;
- n. the demolition or removal of a building;
- o. the placement of an already constructed or a partially constructed building on a lot;
- p. the use of land for the parking of trailers, 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;
- q. the removal of topsoil from land;
- r. the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery;
- s. the installation of any type of sewage disposal system including but not limited to holding tanks; or
- t. the digging of a well or installation of a water cistern.

3.2.39 “Development Authority” means the person or persons appointed as the Development Authority pursuant to the Development Authority Bylaw No. 98-95, as amended;

3.2.40 “development design plan” means a non-statutory plan prepared by a development proponent in support of a proposal for development. The purpose of a development design plan is to mitigate negative impacts on watershed health as required in the Sylvan Lake Intermunicipal Development Plan. A development design plan includes the following details:

- a. A planting plan including native vegetation;
- b. A sediment control plan;
- c. A drainage plan; and
- d. Information about site coverage.

A development design plan shall be required at the discretion of the Development Authority, and will be enforced as a condition of development approval;

3.2.41 “Development Officer” means the person(s) appointed to the office established by this bylaw;

3.2.42 “Development Permit” means a document authorizing a development issued pursuant to this Land Use Bylaw;

3.2.43 “direct control district” means a district in the Land Use Bylaw that details guidelines established by Council for control over the use and development of a specific area pursuant to the provisions of the Act;

3.2.44 “district(s)” means a land use district;

3.2.45 “drainage ditch” means a long narrow trench or furrow dug in the ground to accommodate over-land drainage;

3.2.46 “driveway” means a vehicle access route between the carriageway of a public road and a use on lot;

3.2.47 “dwelling” means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base.

3.2.48 “dwelling, duplex” means a dwelling containing two (2) dwelling units which share a common wall and located side by side or one above the other. A duplex dwelling has separate entrances and utilities and does not include a connected internal hallway between the two dwellings and their living spaces.

3.2.49 “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”).

3.2.50 “dwelling, single detached” means a building consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces offsite, 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 models, relocatable industrial accommodations (i.e., ATCO trailers), or recreational vehicles. A single detached dwelling must:

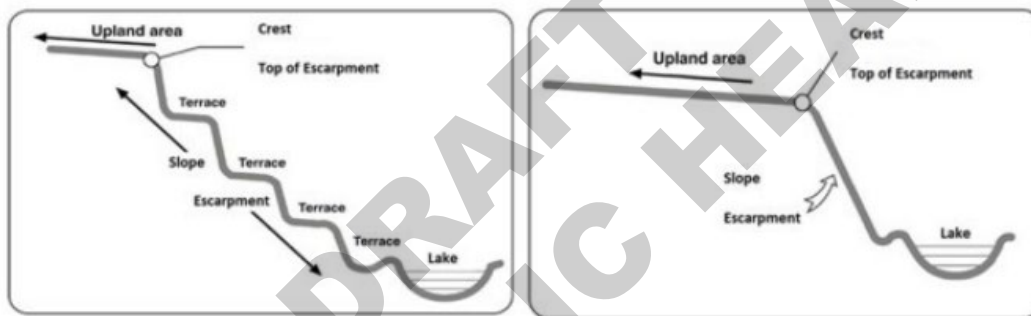
- a. contain a maximum of 1 dwelling unit, as determined by the Development Authority;
- b. occupy a greater main floor area than the attached garage; and
- c. comply with orientation and design requirements in Section 9.3 -Building Orientation and Design.

3.2.51 “dwelling unit” means a complete building or self-contained portion of a building for the use of one (1) or more individuals living as a single housekeeping unit, containing sleeping, cooking facilities, and bathroom facilities intended as a residence not separated from direct access to the outside by another dwelling unit;

E

3.2.52 “easement” means a right to use land, generally for access to other property or as a right-of-way for a public utility.

3.2.53 “escarpment” means an extended linear topographical feature of relatively steep slope and significant change in elevation.



Where an escarpment line has been previously altered, the top of escarpment shall be considered from the original escarpment line as determined by an Alberta Land Surveyor;

3.2.54 “excavation” means any breaking of ground, except common household gardening and ground care.

3.2.55 “exterior wall” means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.).

F

3.2.56 “facia sign” means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a billboard;

3.2.57 “fence” Means a physical barrier constructed from typical building material for the purpose of providing aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access;

3.2.58 “finished ground elevation” means the elevation of the finished ground at any point adjoining each exterior wall of a building or structure;

3.2.59 “flankage yard” means the side yard which abuts a street on a corner lot;

3.2.60 “floor area” means the total area of the floor(s) in a building measured from the outside of exterior walls and does not include a basement, cellar, attached garages, carports, or open porches;

3.2.61 “freestanding sign” means a sign that is supported independently of a building wall or structure but does not include a portable sign;

G

- 3.2.62 “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 and other chattels;
- 3.2.63 “grade” means the ground elevation established for the purpose of determining building height. In determining the grade of a subject site, the Development Authority shall calculate the average of the pre-development elevations at the corners of the lot as shown on a reliable survey. If the subject site includes unique or significant topographical features, the Development Authority may choose to use one of the following alternative methods to ensure compatibility with neighbouring developments:
- a. Calculating the average of the predevelopment elevations at the corners of the building as shown on a reliable survey; or
 - b. calculating the average of the highest and lowest elevation on the lot or above top of bank, if the proponent 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 metres; or
 - c. Calculating the average elevation of the corners of the main buildings on all properties abutting the subject lot.
- 3.2.64 “gross area” means the area of a development, neighbourhood or planned area, before deductions for roads, rights—of-way, municipal and environmental reserves and public utilities have been made.
- 3.2.65 “guest house” see “suite, guest house;”

H

- 3.2.66 “hard landscaped area” means the use of non-vegetative material, such as but not limited to monolithic concrete or asphalt;
- 3.2.67 “hazard land” means land that may be prone to flooding, shoreline erosion, slope instability, or other environmental hazards that may result in life loss, injury, property damage, or environmental degradation as a result of development;
- 3.2.68 “heavy vehicle” means a heavy vehicle, as per the Summer Village’s Traffic Bylaw;
- 3.2.69 “high water mark” means the line that separates the Crown-owned bed and shore of a water body from the adjacent private land is called the legal bank (defined in the Surveys Act). Its location is synonymous with what is commonly known as the ordinary high water mark;
- 3.2.70 “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

- 3.2.71 “institutional use” means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;

J, K

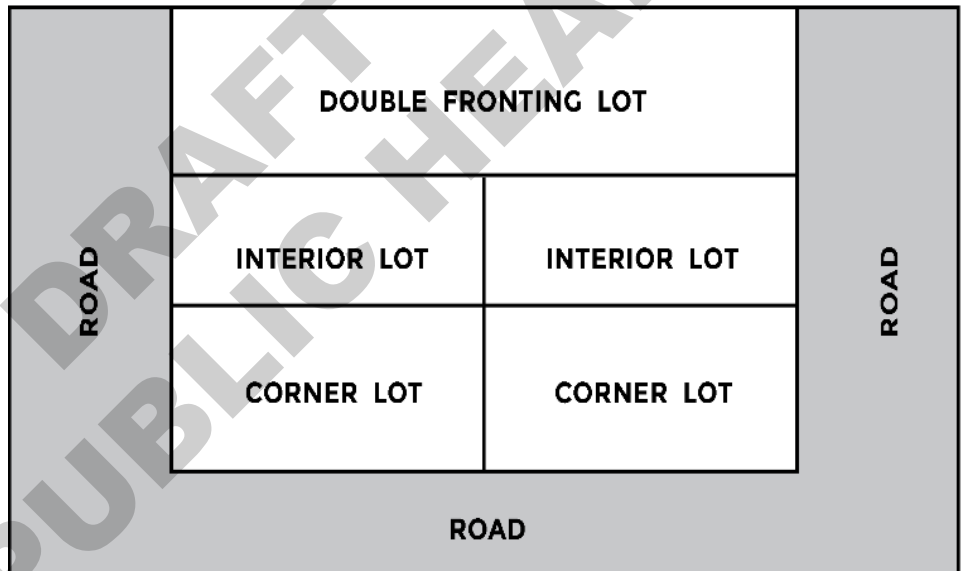
- 3.2.72 “kennel” means a facility used primarily for the breeding, boarding, caring, or training of dogs and other domestic pets for profit or remuneration and may include other small animal breeding and boarding services;

8

- 3.2.73 “landscaped area” means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental plantings, fences, walls and associated earthworks; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways;
- 3.2.74 “Land Use Bylaw” means the Summer Village of Sunbreaker Cove Land Use Bylaw, as amended;
- 3.2.75 “land use district” means an area as described in Section 10 and shown in on the Land Use District Map;
- 3.2.76 “landscaped areas” means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental plantings, fences, walls and associated earthworks; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways;
- 3.2.77 “landscaping” means to preserve or change the natural features of a lot by adding lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture, but does not include stockpiling and excavation;
- 3.2.78 “lane” means a narrow roadway intended chiefly to give access to the rear of buildings and lots, also known as an alley as defined by the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended;
- 3.2.79 “legal survey” means, in the context of land, is an official graphical representation of a piece of land prepared by an accredited land surveyor. Critically the legal survey depicts the location of a property's boundaries, their relationship to the underlying legal fabric and easements and rights-of-way;

3.2.80 “lot” means:

- a. a quarter section;
- b. a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Alberta Land Titles office;
- c. a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in an Alberta Land Titles office;
- d. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title other than by reference to a legal subdivision; or
- e. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title by reference to a plan of subdivision;



- 3.2.81 “lot area” means the area of a lot as shown on a plan of subdivision or described in a certified copy of a Certificate of Title. Lot area includes any area dedicated to an easement or a right-of-way;
- 3.2.82 “lot, corner” means a lot having frontage on two (2) or more rights-of-way, other than lands, or in the case of a bareland condominium, a unit as described in the Condominium Property Act, R.S.A. 2000, c. C-22, as amended, having two (2) contiguous property lines abutting common property used as road access. For the purposes of this definition, a road shall not include an alley or lane;
- 3.2.83 “lot, double fronting” means a lot which abuts two (2) 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;
- 3.2.84 “lot, interior” means a lot that abuts a road only on the front line;
- 3.2.85 “lot coverage” see “site coverage;”

- 3.2.86 “lot depth” means the average horizontal distance between the front lot line and the rear lot line;
- 3.2.87 “lot line” means the legally defined limit of any lot;
- 3.2.88 “lot line, front” means the boundary line of a lot lying adjacent to a highway or road, except for waterfront and semi-waterfront lots, then the front lot line shall be considered the boundary line adjacent to the lake. 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;
- 3.2.89 “lot line, rear” means the boundary line of a lot lying opposite to and farthest from the front line of the lot. For waterfront and semi-waterfront lots, the rear lot line is the lot line farthest from the lake;
- 3.2.90 “lot, semi-waterfront” means a lot sharing a property line with the Environmental Open Space District;
- 3.2.91 “lot 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 lot line;
- 3.2.92 “lot, undeveloped” means a lot that does not contain an approved developed dwelling. An undeveloped lot may also be referred to as a ‘vacant lot’;
- 3.2.93 “lot, waterfront” means a lot directly adjoining the bank of a water body;
- 3.2.94 “lot width” means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;

M

- 3.2.95 “main building” means a building in which is conducted the main or principal use of the lot on which it is erected;
- 3.2.96 “main use” means the principal purpose for which a building or lot is used;
- 3.2.97 “manufactured dwelling unit(s)” see “dwelling, manufactured home”;
- 3.2.98 “mechanized excavation, stripping and grading” means the use of motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements;
- 3.2.99 “modular” means a construction method where a building is construction in part (or whole) offsite and assembled on onsite. Single detached dwellings and church camp cottages may be constructed with modular methods;
- 3.2.100 “municipality” means the Summer Village of Sunbreaker Cove, unless otherwise noted;
- 3.2.101 “Municipal Government Act” means the *Municipal Government Act*, R.S.A 2000, c. M-26 as amended, with all regulations passed thereunder, and may be referenced in this Land Use Bylaw as the *Act*;
- 3.2.102 “Municipal Planning Commission” means a commission established by the Municipal Planning Commission Bylaw, as amended;

N

- 3.2.103 “native” means plants that are indigenous to a given area. This includes plants that have developed, occur naturally, or existed for many years in an area (trees, flowers, grasses, and other plants);
- 3.2.104 “natural environment preservation area” means an area that is to be preserved because it is unsuitable in its natural state for development and/or areas that are desirable to be kept in their natural state;
- 3.2.105 “nuisance” means for the purpose of this bylaw and the Summer Village’s Community Standards Bylaw, includes any use of or activity upon any property which is offensive to any person or has or may have a detrimental impact upon any person or other property in the neighbourhood;
- 3.2.106 “no mow zone” means buffer strip of vegetation that includes native plantings that let aquatic vegetation grow to maintain a stable natural state. A no mow zone allows native plants to seed and reestablish and is not to be maintained;
- 3.2.107 “non-conforming building” means a building:
 - a. That is lawfully constructed or lawfully under construction at the date this Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
 - b. That on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;
- 3.2.108 “non-conforming use” means a lawful specific use:

- a. Being made of land or a building or intended to be made of a building lawfully under construction at the date that this Land Use Bylaw affecting the land or building becomes effective; and
- b. That on the date the Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;

O

- 3.2.109 “occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons or property.
- 3.2.110 “occupant” means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner.
- 3.2.111 “order” means a notice requiring compliance issued in writing by the Development Authority.
- 3.2.112 “outdoor storage and display” means the storage or display of equipment, goods or materials in the open air;
- 3.2.113 “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

- 3.2.114 “parcel” see “lot;”
- 3.2.115 “parking area” means the area set aside for the storage and/or parking of vehicles and include parking stalls, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building;
- 3.2.116 “parks and playgrounds” means areas of public land known for their natural scenery and/or preservation for public recreation either active or passive;
- 3.2.117 “park model” mean:
 - a. (Park Model Trailer) a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are not normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area normally does not exceed 37.2 m² (400 ft.²). It conforms to the CSA Z-240 Standard for recreational vehicles.
 - b. (Park Model Recreational Unit) a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50.0 m² (540 ft.²) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model recreational units almost always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the CSA Z-241 Standard for recreational vehicles.

For the purposes of this Bylaw, park models are prohibited in the Summer Village;

- 3.2.118 “patio” means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;
- 3.2.119 “portable sign” means a sign which is not in a permanently installed or affixed position; “private development” means any development carried out by an individual;
- 3.2.120 “pre-development” means immediately prior to development;
- 3.2.121 “principal building” see “main building”;
- 3.2.122 “principal use” see “principal use”;

- 3.2.123 “private development” means any development carried out by an individual or organization other than the Summer Village, the Federal or Provincial governments, or a utility provider, corporation, or service provider operating on behalf of the aforementioned levels of government;
- 3.2.124 “private pool” means any outdoor private swimming pool or hot tub, whether above or below the ground, containing water for the purpose of swimming, wading or immersion of human beings;
- 3.2.125 “projection” means part of a building or its accessory structures which projects beyond the main walls into the yards;
- 3.2.126 “public and quasi-public buildings and uses” means a use of land or a building for purposes of public administration and service and shall also include a building for the purpose of assembly, instruction, culture, recreation or other community activity;
- 3.2.127 “public utility” means a public utility as defined in the Act;

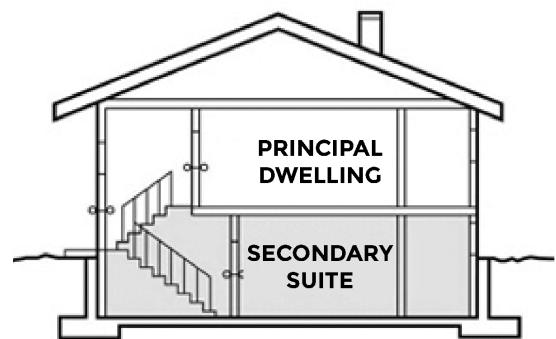
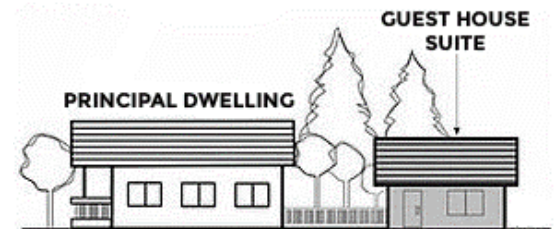
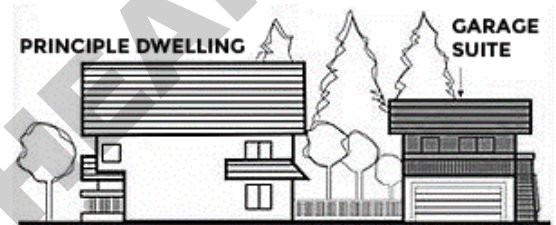
Q, R

- 3.2.128 “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;
- 3.2.129 “recreation facilities” means a public building and grounds for community entertainment, relaxation, social activity and other leisure needs;
- 3.2.130 “recreational vehicle” means a vehicle or a portable structure designed to be used as temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include, but are not limited to, motor homes, campers, holiday trailers, and fifth wheel recreational vehicles. Recreational vehicles do not include manufactured homes or park models and shall not be considered the main dwelling on a lot;
- 3.2.131 “registered owner(s)” 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:
 - i. The purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - ii. In the absence of a person described above, the person registered under the Land Titles Act as the owner of the fee simple estate in the land;
- 3.2.132 “relocated building” means a building that was constructed off-site in one (1) piece or in pieces and relocated to another site but does not include manufactured home dwellings.
- 3.2.133 “removal of trees and/or shrubs” means the removal of trees and/or shrubs, or the destruction thereof;
- 3.2.134 “renovation” means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- 3.2.135 “reserve(s)” means a lot owned and subject to the management of the municipality and reserved for use as natural environment preservation areas or walkways or parks or playgrounds separating areas used for different purposes, and registered at the Land Titles Office as Reserve, Environmental Reserve, Municipal Reserve, or other reserve designation;
- 3.2.136 “road (or roadway)” means land:
- a. Shown as a road on a plan of survey that has been filed or registered in a Land Titles Office; or
 - b. Used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road;

S

- 3.2.137 “Safety Codes Act” means the Safety Codes Act, RSA 2000 c. S-1, as amended, and includes the regulations enacted and codes adopted thereunder from time to time;
- 3.2.138 “sea can(s)” means a shipping container, originally used or intended to be used for the transportation of goods, not used as a moveable storage unit;

- 3.2.139 “screen, screened or screening” means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas;
- 3.2.140 “sediment control measures” means practices that stabilize erodible or sediment-producing areas through the use of grass, vegetation, sediment control traps, filters, barriers, swales, berms, and other measures that control the deposit of soil and earth materials. Sediment control measures may be identified in a Development Design Plan as methods of controlling sediment during active and post construction phases of development.
- 3.2.141 “setback” means a distance additional to minimum yard requirements which may be required on lots adjacent to the public roads;
- 3.2.142 “sight triangle(s)” means an area at the intersection of roads in which all buildings, fences, vegetation and finished ground elevations shall be less than 1.0 m (3.3 ft.) in height above the average elevation of the carriageway, in order that vehicle operators may see approaching vehicles in time to avoid collision;
- 3.2.143 “sign(s)” means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure;
- 3.2.144 “site” means a lot on which a development exists or for which an application for a development permit is made;
- 3.2.145 “site coverage” means the total percentage of the lot area covered by buildings, structures, outdoor storage, decks, patios, parking facilities, driveways, and impervious surfaces, and does not include stairs, downspouts, rights of way culverts or stepping stones;
- 3.2.146 “soft landscaping” means the use of vegetative materials as part of a landscaped area;
- 3.2.147 “solar energy conversion system” means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics;
- 3.2.148 “solar panel, freestanding” means a device which is used to convert energy contained within the sun’s rays into electricity, which is not mounted or attached to any other structure for support.
- 3.2.149 “street(s)” means any category of road except a lane;
- 3.2.150 “structural alterations” means altering the main building components which support a building;
- 3.2.151 “Subdivision and Development Appeal Board” means the board established pursuant to the Act;
- 3.2.152 “substandard lot” means a lot created by legal subdivision prior to this bylaw coming into effect which is smaller in area or in any dimension, than the minimum permitted lot size or dimension stipulated in the regulations of the District in which the lot is located.
- 3.2.153 “suite, garage” means a type of guest house suite within a detached garage and located on a lot with a principal dwelling.
- 3.2.154 “suite, guest house” means an accessory building containing sleeping facilities and may have a bathroom and cooking facilities. A guest house provides overflow accommodation for a detached dwelling located on the same lot, is not available for rent by a third party, and does not include recreational vehicles and sea cans;
- 3.2.155 “suite, secondary” means a self-contained dwelling unit located within a single detached dwelling and may include bathroom and cooking facilities;



- 3.2.156 “temporary use or building” means a use or development for which a development permit has been issued and which is to exist for a timeframe of up to (but not exceeding) two years, at determined by the Development Authority;

3.2.157 “top of bank” means the upper valley break line or the line defining the uppermost or most obvious topographical discontinuity in slope distinguishing between the upper plateau and the valley wall. The “top of bank” is a natural boundary formed by the action of water for a long enough time to leave its signature on the ground. Unless coincidental, it is not a historic high water mark, a flood line, or the current waterline. An Alberta Land Surveyor may be required to define the top of bank;

3.2.158 “tourist home” means a 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 or other form of vacation rental, 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.

For the purposes of this bylaw, a tourist home includes bed and breakfast operations where guests may be provided a meal by the dwelling’s occupant.

3.2.159 “trail” means an area used for hiking, cross-country skiing or other forms of non-motorized recreational travel;

3.2.160 “turf area” means a landscaped portion of a lot covered by grass, vegetation, or other soft landscaping materials with a low ground cover;

U

3.2.161 “use” means a building or an area of land and the function and activities therein or thereon;

3.2.162 “utility building” means the building in which the proprietor of a utility:

- a. Maintains its office(s); and/or
- b. Maintains or houses equipment used in connection with the utility and which is not a public utility right-of-way;

V, W

3.2.163 “walkway” means a public right of way for use by pedestrians only, which is registered at the Land Titles Office as a walkway or a reserve;

3.2.164 “woodshed” means a structure 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 m² (75.0 ft.²).

X, Y, Z

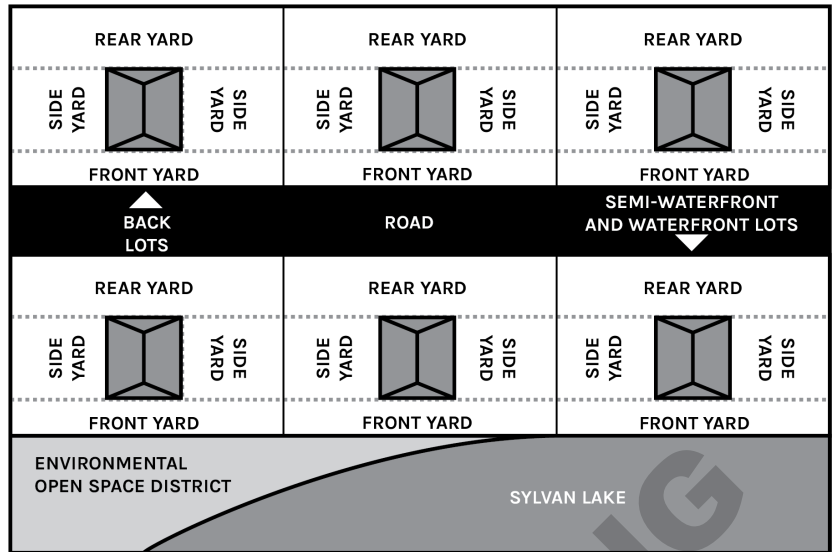
3.2.165 “yard(s)” means an open space on the same lot as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein;

3.2.166 “yard, front” means:

- a. In the case of a lot abutting either Sylvan Lake or the Environmental Open Space District, a yard extending across the full width of a lot measured perpendicularly from the boundary of the lot abutting the lake or the Environmental Open Space District to the front wall of the main building, situated on the lot; or
- b. In the case of a lot not abutting either Sylvan Lake or the Environmental Open Space District, a yard extending across the full width of a parcel measured perpendicularly from the front lot boundary of the lot to the front wall of the main building situated on the lot;

3.2.167 “yard, rear” means:

- a. In the case of a lot abutting either Sylvan Lake or the Environmental Open Space District, a yard extending across the full width of a lot measured from the boundary of the lot abutting the adjacent road to the rear wall of the main building situated on the lot; or
- b. In the case of a lot not abutting either Sylvan Lake or the Environmental Open Space District, a yard extending across the full width of a lot measured perpendicularly from the rear lot boundary of the lot to the rear wall of the main building situated on the lot;



3.2.168 “yard, side” means a yard extending from the front yard to the rear yard between the side boundary of the lot and the wall of main building thereon;

3.2.169 “zone (or, zoning)” see “district.”

3.3 WORDS NOT DEFINED

3.3.1 All other words and expressions have the meaning respectively assigned to them in the Act.

4. AMENDMENTS

4.1 APPLICATIONS

- 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 Council may at any time initiate an amendment to this Land Use Bylaw by directing Summer Village Administration to initiate an application, therefore. Depending on the complexity of the application, Administration could undertake the application, or use the Summer Village's planning services provider.
- 4.1.4 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 said 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.
- 4.1.5 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 serviced; 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 the 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 and Council policies;
 - b. Relationship to and compliance with approved statutory plans, conceptual schemes, or plans in preparation;
 - c. Relationship to and compatibility with the Sylvan Lake Intermunicipal Development Plan;
 - d. Compatibility with surrounding development in terms of land use function and scale of development;
 - e. Traffic impacts;
 - f. Relationship to, or impacts on, water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
 - g. Relationship to municipal land, right-of-way, or easement requirements;
 - h. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
 - i. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant;
- and

- j. 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, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
 - d. Prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
 - e. Inform the applicant of the recommendation to Council.
- 4.1.8 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.
- 4.1.10 Following first reading of an amending bylaw, Council shall establish the date, time and place for a public hearing on the proposed bylaw.
- 4.1.11 If a bylaw to establish procedures for public hearings has not been passed, the Summer Village shall:
- a. Outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing; and
 - b. Outline the procedure for conducting the public hearing.
- 4.1.12 Following first reading of an amending bylaw, the Development Officer must give 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 Summer Village.
- 4.1.13 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- 4.1.14 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.
- 4.1.15 In the case of an amendment to change the district designation of a lot, the Development Officer must, in addition to the requirements of Section 4.1.12:
- 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 4.1.12 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 4.1.12 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- 4.1.16 If the land referred to in Section 4.1.15.c 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.

- 4.1.17 Notwithstanding Sections 4.1.7 to 4.1.9, 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.
- 4.1.18 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.
- 4.1.19 After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may:
- a. Pass the bylaw;
 - b. Defer it for further information or comment;
 - c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
 - d. Defeat the bylaw.
- 4.1.20 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.
- 4.1.21 After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
- a. The applicant;
 - b. The registered owner of the land if not the applicant;
 - c. The municipality's planning services provider; and
 - d. The adjacent municipality, if it received a copy of the proposed bylaw pursuant to Section 4.1.16.
- 4.1.22 The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by Council, for a period of six (6) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

DRAFT HEARING
FOR PUBLIC HEARING

5. DEVELOPMENT PERMITS

5.1 CONTROL OF DEVELOPMENT

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

5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 5.2.1 The following development shall not require a development permit provided that the development otherwise complies with all other regulations of this Bylaw:
 - a. The carrying out of works of improvement, maintenance, repairs or renovation to any, but not limited to, building, deck, driveway provided that such works do not include structural alterations, 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 it is completed within twelve (12) months of the date of commencement;
 - 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 enclosures less than 1.0 m (3.3 ft.) in height in front yards and less than 2.0 m (6.6 ft.) in other yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure that exceeds the regulations indicated in Section 9.5;
 - e. A temporary building other than a dwelling unit, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;
 - f. The installation, maintenance and repair of public works, services, or utilities carried out at the direction of federal, provincial, and/or municipal authorities on land that is publicly owned or controlled;
 - g. The installation, maintenance, and repair of public utilities for the maintenance of private sewer systems that can be undertaken without excavation of all or part of the system;
 - h. Any development carried out by or on behalf of the Crown;
 - i. Any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
 - j. A maximum of three accessory buildings with a floor area of 11.1 m² (120.0 ft²) or less and a building height of 2.5 m (8.2 ft.) or less, including garden or tool sheds, workshops, potting sheds and other similar structures provided that they are moveable and provided they otherwise comply with the provisions of this Land Use Bylaw;
 - k. Development specified in Section 618 (1) and (4) of the Act, which includes:
 - i. A highway or road;
 - ii. A well or battery within the meaning of the Oil and Gas Conservation Act;
 - iii. A pipeline or an installation or structure incidental to the operation of a pipeline; or

- iv. Any other thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Canada, the Crown in right of Alberta, or a municipal corporation;
- l. The erection of one (1) unilluminated sign of the following nature and size for each use within a building or on a lot, provided such signs do not resemble or conflict with traffic signs;
 - i. A fascia sign or a freestanding sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.2 ft²);
 - ii. A fascia sign or a freestanding sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.2 ft²);
 - iii. A fascia sign or a freestanding sign relating to a religious, educational, cultural, recreational or similar institution not exceeding 1.0 m² (10.8 ft²);
 - iv. A portable sign or notice, relating to the sale or lease of land or buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 1.0 m² (10.8 ft²) and limited in display to the period of completion of the sale, lease, construction or event; and
 - v. A flag attached to a single upright flagpole.
- m. landscaping where the proposed grades will not adversely affect the subject or adjacent properties or result in an increase in surface water and sediment run-off into Sylvan Lake;
- n. development within a basement that does not change or add to the uses within a dwelling;
- o. minor home occupations;
- p. the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - i. such signs are removed within one (1) day after the election date;
 - ii. such signs do not obstruct or impair vision or traffic; and
 - iii. such signs indicate the name and address of the sponsor and the person responsible for removal;
- q. roof mounted solar energy collection systems;
- r. woodsheds;
- s. micro wind energy conversion systems; and
- t. the demolition or removal of any building or structure for which erection a development permit would not be required pursuant to Section 5.2.1.a to 5.2.1.s, both inclusive.

5.3 NON-CONFORMING BUILDINGS AND USES

- 5.3.1 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.
- 5.3.2 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.3 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.
- 5.3.4 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 variance 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.

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

5.4 APPLICATION FOR DEVELOPMENT

- 5.4.1 An application for development permit shall be completed and submitted to the Development Officer in writing, in the form required by the Development Officer, and shall be accompanied by:
- a. post construction site and building elevations;
 - b. 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;
 - c. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
 - d. drainage plans;
 - e. a site plan showing:
 - i. proposed site coverage, and as a percentage calculation of the total lot area;
 - ii. front, side and rear yards;
 - iii. north point;
 - iv. legal description of the property;
 - v. access and egress points to the property; and
 - vi. 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, access and egress points to the lot, and major landscaped areas including buffering and screening areas where provided; and
 - f. a statement of existing and proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer.
- 5.4.2 Where a proposed development or redevelopment is located within 30.0 m (98.4 ft.) of the top of bank or high-water mark of Sylvan Lake, a Development Design Plan shall be submitted as part of a development permit application and enforced as a condition of approval. Determining which feature (top of bank or the high-water mark of Sylvan Lake) is appropriate will be at the discretion of the Development Authority. Submission of the Development Design Plan shall be in accordance with the applicable policies of the Sylvan Lake Intermunicipal Development Plan.
- 5.4.3 In making a decision, the Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
- a. A geotechnical report, assessment or investigation prepared by a qualified geotechnical engineer for any proposed development, redevelopment, clearing or grading, excavation or adding fill within escarpment areas having 10% or greater slopes. The proposed development plan must show 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 shall be verified by accurate historical survey data or site specific information completed by a qualified surveyor;
 - b. A geotechnical report, prepared by a qualified geotechnical engineer, outlining seasonally adjusted and recommended water tables, location of on-site storage of sewage, and recommended building foundations, basement construction and soil bearing capabilities;
 - c. A visual impact assessment prepared by a qualified professional that assesses the impact of new development on view corridors and provides mitigation steps;
 - d. An environmental review prepared by a qualified professional, which shall include but is not limited to:
 - i. A description of the environmental sensitivity of the lands proposed for development and the surrounding area;

- ii. The identification of the nature and significance of any adverse impacts associated with the proposed development during construction;
- iii. The identification of the nature and significance of any adverse impacts associated with activities that will result from the development; and
- iv. The inclusion of an environmental protection plan to:
 - i. Alleviate any adverse impacts;
 - ii. Monitor the performance of the environmental measures; and
 - iii. Identify any residual impacts and their significance on any or all of the following: fish and wildlife, vegetation, soils and terrain, water quantity and quality, shoreline, surface drainage and aquifers.
- e. the location of existing and proposed municipal and private stormwater and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
- f. the height and horizontal dimensions of all existing and proposed buildings;
- g. outlines of roof overhangs on all buildings;
- h. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
- i. a construction management plan;
- j. a hydrogeological assessment;
- k. a wetland assessment;
- l. a biophysical assessment;
- m. a historic resource impact assessment;
- n. future development plans for a site which is to be partially developed through the applicable development permit;
- o. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
- p. any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site, geotechnical reports and/or flood hazard mapping;
- q. a statutory declaration indicating that the information supplied is accurate; and
- r. for a moved in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the Land Use District in which it is to be located.

5.4.4 In addition to the information requirements indicated above, an application for a development permit for landscaping or the excavation or stripping of land that is proposed without any other development on the same land shall also include:

- a. An illustration indicating the location and area of the site where the landscaping or excavation is to take place;
- b. A plan showing the existing trees and/or shrubs and identification of the trees and/or shrubs to be removed and/or added;
- c. A statement on why the trees and/or shrubs are proposed to be removed and/or added;
- d. 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;
- e. The depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
- f. The identification of potential for outdoor noise and the discharge of substances into the air,
- g. Details outlining the measures that will be taken to ensure the integrity of trees and/or shrubs adjacent to those proposed to be removed is not compromised;
- h. 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;

- i. An indication of all municipal servicing costs associated with the development;
 - j. The proposed haul route, dust control plan and expected hours of operation; and
 - k. A statement may be required, at the discretion of the Development Officer, from a qualified environmental specialist or another qualified professional assessing the implications of tree and/or shrub removal will have on Sylvan Lake water quality, habitat and slope stability if applicable.
- 5.4.5 The Development Authority may refuse to accept an application for Development Permit where the information required by Sections 5.4.1, 5.4.2, and 5.4.3 has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application.
- 5.4.6 The Development Authority may deal with an application and make a decision without all of the information required by subsection Sections 5.4.1, 5.4.2, and 5.4.3 if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
- 5.4.7 Each application for a Development Permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time by resolution of Council.

5.5 PERMISSION FOR DEMOLITION

- 5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.
- 5.5.2 The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.
- 5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:
- a. the value of the development;
 - b. the alternatives to demolition if the building is of historic or architectural value;
 - c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
 - d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
 - e. the destination of debris materials;
 - f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
 - g. a copy of the original development approval including building permits where applicable;
 - h. the form of demolition to be used (heavy equipment or by hand);
 - i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (6.0 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. any phase of 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 PROCESSING OF DEVELOPMENT PERMIT APPLICATIONS

5.6.1 The Development Officer shall:

- a. Receive all applications for a Development Permit;
- b. Assess and provide notice in writing of a complete or incomplete application as required in Section 683.1 of the Act;
- c. Refer all applications for development which would result in permanent overnight accommodation, including dwelling units, or public facilities to the Alberta Energy Regulator, if any of the land which is the subject of the application is within 1.5 km (0.9 miles) of a sour gas facility and the proposed development is not, in the opinion of the Development Authority, an infill development;
- d. Refer any application to a municipality or agency as required by the Sylvan Lake Intermunicipal Development Plan or the Summer Village of Sunbreaker Cove Municipal Development Plan;
- e. Refer any application to an adjacent municipality or any other agency or person which in their opinion may provide relevant comments or advice respecting the application;
- f. Consider and decide on applications for Development Permit which meet the standards of this Land Use Bylaw for permitted uses; and
- g. Refer with their recommendations to the Municipal Planning Commission for its consideration and decision on all other applications for a Development Permit.

5.6.2 Notice of Complete or Incomplete Application

- a. The Development Officer shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
- b. The time period referred to in Section 5.6.2(a) may be extended by an agreement in writing between the applicant and the Development Authority.
- c. An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.
- d. If the Development Officer determines that the application is complete, the Development Officer shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- e. If the Development Officer 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 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 Development Officer in order for the application to be considered complete.
- f. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.6.2(e), the Development Officer may deem the application to be refused.
- g. Despite the Development Officer having issued an acknowledgment under Section 5.6.2(e) or 5.6.2(f), in the course of reviewing the application, the Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

5.6.3 Upon receipt of a completed application for a development permit, the Development Authority:

- a. shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw;
- b. shall refuse an application for a permitted use if the proposed development does not conform with this Bylaw, subject to Section 5.6.3(d);
- c. may refuse or approve, with or without conditions, an application for a discretionary use where the proposed development conforms to this Bylaw;

- d. may approve, with or without conditions, an application for a permitted or discretionary use with variances to the Bylaw; and
- e. prior to making a decision, the Development Authority may refer any application for a permitted or discretionary use to any municipal department, external agency or adjacent landowners for comment.

5.6.4 For a permitted use in any district:

- a. The Development Officer shall approve, with or without conditions, an application for a Development Permit where the proposed development conforms in every respect to this Land Use Bylaw, the Act, the Matters Related to Subdivision and Development Regulations, approved statutory plans, and the Sylvan Lake Intermunicipal Development Plan; or
- b. If an application for a Development Permit for a permitted use does not conform to the requirements of this Land Use Bylaw, the Act, the Matters Related to Subdivision and Development Regulations, approved statutory plans, and the Sylvan Lake Intermunicipal Development Plan, the Development Officer:
 - i. May refuse the application giving reasons for the refusal; or
 - ii. May consider issuing a variance (not greater than 10% of the applicable requirement of this Land Use Bylaw), consistent with the provisions in Section 4.8 – Variances of this Land Use Bylaw;
 - iii. May approve the application subject to conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act, the Matters Related to Subdivision and Development Regulations, approved statutory plans, and the Sylvan Lake Intermunicipal Development Plan; or
 - iv. May approve the application pursuant to section 640(6) of the Act.

5.6.5 For a discretionary use in any land use district:

- a. The Municipal Planning Commission may approve an application for a Development Permit
 - i. With or without conditions;
 - ii. Based on the merits of the proposed development, including its relationship to any approved statutory plan, non-statutory plan, or approved policy, affecting the site;
 - iii. Where the proposed development conforms in every respect to this Land Use Bylaw; or
- b. The Municipal Planning Commission may refuse an application for a Development Permit based on the merits of the proposed development, even though it meets the requirements of this Land Use Bylaw; or
- c. The Municipal Planning Commission shall refuse an application for a Development Permit if the proposed development does not conform in every respect to this Land Use Bylaw.

5.6.6 The Development Authority may require with respect to a development that, as a condition of issuing a Development Permit, the applicant:

- a. Submit a surveyor's certificate at the footings stage specifying the location of the development on the lot, and
- b. Enter into an agreement with the municipality to do all or any of the following:
 - i. To construct or pay for the construction of a road required to give access to the development;
 - ii. To construct or pay for the construction of pedestrian walkway systems;
 - iii. To install or pay for the installation of utilities that is necessary to serve the development;
 - iv. Construct or pay for the construction of off-street or other parking facilities, loading and unloading facilities;
 - v. To pay an off-site levy or redevelopment levy imposed by bylaw;
 - vi. To require the applicant to be responsible for the repair of any damage to the municipality's lands and works including but not necessarily confined to roads, drainage courses, trees and fences; and
 - vii. To pay to the municipality the costs paid by the municipality to any engineer or any other person for materials testing, inspections, monitoring of construction, review of construction drawings, and legal costs and expenses to which the municipality is put in connection with the development agreement and agreement relates;
- c. To whom a Development Permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building, electricity, gas, plumbing and sewage disposal, and all other permits required in connection with the proposed development; and

- d. Shall be financially responsible during construction for any damage caused by the applicant or their guests, agents, or contractors to any public or private property.
- 5.6.7 Prior to imposing any condition upon the issue of a Development Permit pursuant to Section 5.6.6, the Development Authority shall consult with Council as may be required in the circumstances and shall specify the terms and content of the agreement in the condition in the Development Permit.
- 5.6.8 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 was applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within six (6) months of the date of the current application.
- 5.6.9 After receipt of a development permit application, the Development Authority shall give notice to the applicant by email as per the email address listed on the Development Permit Application, that the application is deemed complete or incomplete.
 - a. If the application is deemed incomplete, the notice shall contain any outstanding documents and information required, and a date the outstanding documents and information shall be submitted, set out in the notice or a later date agreed on between the applicant and the development authority in order for the application to be considered complete.
 - b. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in the email, the application is deemed to be refused. The development authority must issue to the applicant a notice by ordinary mail.

5.7 DEVELOPMENT AGREEMENTS

- 5.7.1 The Development Authority may require with respect to a development that, as a condition of issuing a Development Permit, the applicant:
 - a. Submit a surveyor's certificate specifying the location of the completed development on the lot, and
 - b. Enter into an agreement with the municipality to do all or any of the following:
 - i. To construct or pay for the construction of a road required to give access to the development;
 - ii. To construct or pay for the construction of pedestrian walkway systems;
 - iii. To install or pay for the installation of public utilities that are necessary to serve the development;
 - iv. To construct or pay for the construction of off-street or other parking facilities, loading and unloading facilities;
 - v. To pay an off-site levy or redevelopment levy imposed by Bylaw;
 - vi. To complete lot grading;
 - vii. To provide for the control of offsite drainage;
 - viii. To require the applicant to be responsible for the repair of any damage to the municipality's lands and works including but not necessarily confined to roads, drainage courses, trees and fences; and
 - ix. To give security to ensure that the terms of the agreement under this section are carried out;
 - x. To pay to the municipality the costs paid by the municipality to any engineer or any other person for materials testing, inspections, monitoring of construction, review of construction drawings, and legal costs and expenses to which the municipality is put in connection with the development agreement and the development to which the agreement relates;
 - c. To whom a Development Permit has been issued shall obtain, where applicable, from the appropriate authority, permits relating to building, electricity, gas, plumbing and sewage disposal, and all other permits required in connection with the proposed development; and
 - d. Shall be financially responsible during construction for any damage caused by the applicant or their guests, agents, or contractors to any public or private property.
- 5.7.2 Prior to imposing any condition upon the issue of a Development Permit pursuant to Section 5.4, the Development Authority shall consult with Council as may be required in the circumstances and shall specify the terms and content of the agreement in the condition in the Development Permit.

5.8 VARIANCES

- 5.8.1 The Municipal Planning Commission 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.
- 5.8.2 The Municipal Planning Commission may approve an application for Development Permit even though the proposed development does not comply with this bylaw or is a non-conforming building if, in the opinion of the Municipal Planning Commission;
- a. The proposed development would not:
 - i. Unduly interfere with the amenities of the neighbourhood, or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring lots, and
 - b. The proposed development conforms with the use prescribed for that land or building in this bylaw.
- 5.8.3 In approving an application for development pursuant to subsections 5.8.2.a and 5.8.2.b, the Municipal Planning Commission shall adhere to the following:
- a. A variance shall be considered only where 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. Except as otherwise provided in this bylaw, there shall be no variance from the following:
 - i. Site coverage; and
 - ii. Building height.
 - b. Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
 - c. Where the issuance of a Development Permit involves the exercise of any specified discretion of the Municipal Planning Commission to relax a regulation of a district or any other regulation of this bylaw, the Municipal Planning Commission shall not permit any additional variance from that regulation.

5.9 NOTICE OF DECISION

- 5.9.1 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall within five (5) working days after 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. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.9.2 In addition to the above, within five (5) working days after a decision on a development permit application for discretionary use or after a variance has been granted, the Development Officer shall:
- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, 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
 - 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.
- 5.9.3 The notice indicated in Sections 5.9.1 and 5.9.2 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;
 - e. whether an appeal lies to the subdivision and development appeal board or to the Land and Property Rights Tribunal; and
 - f. how an appeal might be made and the deadline for such appeal.

- 5.9.4 Pursuant to this Section, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of the 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.
- 5.9.5 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.
- 5.9.6 If the development authorized by a permit is not commenced within twelve (12) months from the date of issue of the development permit and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void.
- 5.9.7 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 5.9.8 The applicant may be responsible for any damages to public or private property occurring as a result of development.
- 5.9.9 A decision of the Development Authority on an application for a development permit shall be given in writing.

5.10 CANCELLATION

- 5.10.1 The Development Authority may cancel a Development Permit if:
- a. The permit was issued in error; or
 - b. The permit was issued on the basis of incorrect information.

5.11 COMPLIANCE WITH OTHER LEGISLATION

- 5.11.1 Compliance with the requirements of this Land Use Bylaw does not exempt any person from:
- a. The requirements of any federal or provincial legislation;
 - b. The requirements of any municipal bylaw or statutory plan; and
 - c. Complying with any easement, covenant, agreement or contract affecting the development.

6. SUBDIVISION APPLICATIONS

6.1 SUBDIVISION APPLICATION REQUIREMENTS

- 6.1.1 All subdivision applications for lands within the Summer Village of Sunbreaker Cove shall comply with the provisions under this Section.
- 6.1.2 A subdivision application may be submitted by:
- the registered owner of the land to be subdivided; or
 - 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:
- clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - show the location, dimensions, and boundaries of:
 - each new lot to be created;
 - reserve land(s), if required;
 - the rights-of-way of each public utility, if required; and
 - other rights-of-way, if required;
 - 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;
 - 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;
 - 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;
 - 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
 - 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 figure showing topographic contours at no greater than 1.5 m (4.9 ft.) intervals;
 - 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;
 - 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;
 - reports, plans, and studies prepared by qualified professionals, including:
 - Geotechnical Report;
 - Lot Grading and Drainage Plan or Stormwater Management Plan;
 - 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 SUBDIVISION PROCESS

6.2.1 The Subdivision Authority shall:

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

6.2.2 Notice of Complete or Incomplete Application:

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

6.3 DUTIES OF THE SUBDIVISION AUTHORITY

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

- a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
 - i. this Bylaw;
 - ii. applicable statutory plans; and
 - iii. the Act and the regulations thereunder;
- b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. applicable statutory plans; and/or
 - ii. the Act and the regulations thereunder;
- c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.3.1.d;

- d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
 - i. would not unduly interfere with the amenities of the neighbourhood;
 - ii. would not materially interfere with or affect the use, enjoyment, or value of neighbouring 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.

6.4 SUBDIVISION REQUIREMENTS AND CONDITIONS

- 6.4.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
- 6.4.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.
- 6.4.3 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
- 6.4.4 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.
- 6.4.5 The Subdivision Authority shall not approve a subdivision which is inconsistent with:
 - a. The Sylvan Lake Intermunicipal Development Plan;
 - b. the Summer Village of Sunbreaker Cove Municipal Development Plan; and
 - c. the provisions of any other statutory plans that affect the land proposed to be subdivided.
- 6.4.6 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained).
- 6.4.7 As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as Environmental Reserve.
- 6.4.8 Where a subdivision is proposed on lands adjacent to Sylvan Lake, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:
 - a. Recommendations by qualified professionals; and/or
 - b. Riparian Setback Matrix Model (RSMM); and/or
 - c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region; and/or
 - d. The Province of Alberta's Recommended Setbacks Chart.
- 6.4.9 Property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.
- 6.4.10 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.
- 6.4.11 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 be made if the Development Authority:
- fails or refuses to issue a development permit;
 - issues a development permit subject to conditions; or
 - issues a stop order under Section 645 of the Act;
- by the applicant of the development permit or any person affected by the order.
- 7.1.2 In addition to Section 7.1.1, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
- 7.1.3 Despite Sections 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied, or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.
- 7.1.4 Despite Sections 7.1.1, 7.1.2 and 7.1.3, if a decision with respect to a development permit application in respect of a direct control district:
- is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
 - is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (b) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- 7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.4 may be made by serving a written notice of appeal to the board hearing the appeal:
- within 21 days after the date on which the written decision is given; or
 - if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
 - with respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
 - the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
 - the name, contact information, and address of the appellant; and
 - the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed

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

- 7.1.12 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
- 7.1.13 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, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3 APPEAL HEARINGS AND DECISIONS

- 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.
- 7.3.3 The decision of the Subdivision and Development Appeal Board or Land and Property Rights Tribunal is binding except on a question of jurisdiction or law, in which case the appellant may appeal to the Court of Appeal pursuant to the provisions of Section 688 of the Municipal Government 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 an 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:
- a. the nature of the violation;
 - b. corrective measures that may be taken; and
 - c. the deadline for corrective measures.

8.6 OFFENSES 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 offence as specified in the Summer Village's Fees and Charges Bylaw.
- 8.6.2 If the penalty is not paid, the person may be liable for imprisonment for not more than one year, or to both fine and imprisonment, as identified in Section 7 of the Act, as amended or replaced.

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 the penalty shall be paid within 30 days of the issuance of the violation tag; 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, then the Development Authority is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act, as amended or replaced.

FOR PUBLIC HEARING

9. LAND USE REGULATIONS

ACCESSORY BUILDINGS

- 9.1.1 Subject to the provisions of subsections 9.1.2 and 9.1.3, accessory buildings shall be sited having regard to their:
- Environmental impact;
 - Use;
 - Accessibility; and
 - Location in relation to other buildings on the lot and the future use and/or subdivision of the lot.
- 9.1.2 An accessory building on a lot abutting either Sylvan Lake or the Environmental Open Space District shall be situated so that:
- No accessory building or any portion thereof shall be erected or placed within the front yard of a lot other than those listed below in 9.1.2.b.iii;
 - On an interior lot, a minimum of:
 - 1.5 m (4.9 ft.) from any side lot boundary;
 - 6.0 m (19.7 ft.) from the rear lot boundary; and
 - An accessory building used as a storage shed, not exceeding 13.0 m² (139.9 ft.²) shall be a minimum of 1.0 m (3.3 ft.) from the side and rear parcel boundaries and 2.0 m (6.6 ft.) from the front parcel boundary.
 - On a corner lot, a minimum of:
 - 3.0 m (9.8 ft.) from any side boundary abutting a street, or a reserve lot;
- 9.1.3 An accessory building on a lot not abutting either Sylvan Lake or the Environmental Open Space District shall be situated so that:
- No accessory building or any portion thereof shall be erected or placed within the front yard of a lot other than a guest house.
 - On an interior lot, a minimum of:
 - 1.0 m (3.3 ft.) from the side lot boundary;
 - 1.0 m (3.3 ft.) from the rear lot boundary;
 - 6.0 m (19.7 ft.) from the front lot boundary, and
 - On a corner parcel, a minimum of:
 - 3.0 m (9.8 ft.) from the side lot boundary abutting the street;
 - 1.0 m (3.3 ft.) from the other side lot boundary;
 - 6.0 m (19.7 ft.) from the front lot boundary, and
 - 3.0 m (9.8 ft.) from the rear lot boundary.
- 9.1.4 No accessory building (other than a garage suite) shall be more than 5.0 m (16.4 ft.) in height. The maximum height of a garage suite is identified in Section 9.22 of this Land Use Bylaw.
- 9.1.5 An accessory building erected or placed on a lot shall not be used as a principal dwelling.
- 9.1.6 The exterior of an accessory building must be finished to match or complement the exterior finish of the main building.
- 9.1.7 An accessory building's footprint shall be no larger than 8% of the total lot area, to a maximum of 204.4 m² (2,200 ft.²).
- 9.1.8 Notwithstanding 9.1.2, on a lot abutting either Sylvan Lake or the Environmental Open Space District the following accessory uses may be developed within the front yard:
- Fire pits;
 - Hot tubs;
 - Woodsheds;
 - Gazebos (subject to a minimum 80% of the structure being see-through or transparent); and
 - Pergolas (subject to a minimum 80% of the structure being see-through or transparent).

9.2 ACCESSORY BUILDINGS (GARAGES)

- 9.2.1 On lots abutting Sylvan Lake or a reserve lot abutting the Environmental Open Space District:
- a. In addition to the accessory building setbacks prescribed in Sections 9.1 and 9.2, a detached garage shall be located a minimum of 6.0 m (19.7 ft.) from the rear lot boundary if the overhead doors of the garage face a lane, street or rear property boundary.
 - b. Side entry detached garages:
 - i. Will only be permitted on lots greater than 12.0 m (39.4 ft.) in width; and
 - ii. Shall be located a minimum of 3.7 m (12.0 ft.) from the rear lot boundary.
- 9.2.2 On lots not abutting Sylvan Lake or a reserve lot abutting the Environmental Open Space District:
- a. In addition to the accessory building setbacks prescribed in Sections 9.1 and 9.2, a detached garage shall be located a minimum of 6.0 m (19.7 ft.) from the front lot boundary if the overhead doors of the garage face a lane, street or front lot boundary.
 - b. Side entry detached garages:
 - i. Will only be permitted on lots greater than 12.0 m (39.4 ft.) in width; and
 - ii. Shall be located a minimum of 3.7 m (12.0 ft.) from the front lot boundary.
- 9.2.3 No detached garages, including both rear, front, or side entry garages (other than those developed as a garage suite) shall be more than 5.0 m (16.4 ft.) in height. The maximum height of a garage suite is identified in Section 9.22 of this Land Use Bylaw.

9.3 BUILDING ORIENTATION, DESIGN, AND WILDFIRE MANAGEMENT

- 9.3.1 The design, character and appearance of any building, or series of buildings, structures or signs proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to the following:
- a. Amenities such as daylight, sunlight and privacy.
 - b. The character of existing development in the district.
 - c. Impact of proposed development on adjacent lots.
 - d. Crime Prevention Through Environmental Design (CPTED) principles to discourage crime by reducing concealment opportunities, providing lighting to minimize dark spaces, placing windows to maximize surveillance, and easily identifiable addresses.
 - e. Proposed type of finish and use of building materials on all elevations and the roof.
 - f. The exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.
 - g. The roof pitch and width of the eaves.
 - h. The depth of the main building shall not be greater than three (3) times its width.
 - i. The Development Authority may require additional building setbacks in order to accommodate any local, area or natural drainage courses or over land drainage issues. Surface drainage from one (1) lot may not be directed onto or over an adjacent lot without approval of the Development Authority.
 - j. Patios may be developed no closer than 1.0 m (3.3 ft.) to a side property line within the side yard and rear yard of a lot.
 - k. Rainwater collected by eaves shall not be piped or channeled directly into:
 - i. The Summer Village's wastewater collection system; or
 - ii. Sylvan Lake.
- 9.3.2 To prevent and mitigate wildfires, the following will be required of all new developments 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.

9.4 DRIVEWAYS

- 9.4.1 A development permit shall be required for a new driveway, or to increase the area of an existing driveway.
- 9.4.2 The maximum width of a driveway shall be 10.0 m (32.8 ft.). Driveway width shall be measured within the carriageway.
- 9.4.3 Driveways on corner lot shall be setback from the street intersection not less than 6.0 m (19.7 ft.).
- 9.4.4 In residential districts, the number of driveways shall be limited to not more than 1 driveway on a property with less than or equal to 40.0 m (131.2 ft.) and not more than 2 driveways for properties with more than 40.0 m (131.2 ft.) of frontage.
- 9.4.5 Where the road allowance storm drainage flow will be impacted by the construction of a driveway, at the discretion of the Development Authority, driveways shall contain culverts and be graded to the satisfaction of the municipality.
- 9.4.6 New or redeveloped driveways shall be constructed of asphalt within the carriageway (between the road and private property line).
- 9.4.7 Where a development permit has been issued for a new single detached dwelling on a lot, the portion of the lot's driveway within the carriageway (between the road and private property line) shall be required to be constructed of asphalt.
- 9.4.8 A developed driveway (including gravel surfaced driveways) shall be considered part of a lot's site coverage and (along with other developments on the lot) shall not exceed the maximum site coverage regulation.
- 9.4.9 Culverts shall be designed and installed to municipal standards at no cost to the Summer Village.

9.5 FENCES

- 9.5.1 Within the residential districts:
 - a. For lots abutting Sylvan Lake or a reserve lot abutting the lake, fences:
 - i. Located within a rear yard or side yard of a lot shall not exceed 2.0 m (6.6 ft.) in height; and
 - ii. Located within the front yard of a parcel shall not exceed 1.0 m (3.3 ft.) in height;
 - b. For lots not abutting Sylvan Lake or a reserve lot abutting the lake, fences:
 - i. Located within a rear yard or side yard of a lot shall not exceed 2.0 m (6.6 ft.) in height; and
 - ii. Located within the front yard of a parcel shall not exceed 1.0 m (3.3 ft.) in height;
- 9.5.2 Fence height shall be determined by measuring from the top of the fence to the ground.
- 9.5.3 Barbed wire fencing is not permitted within the Summer Village.
- 9.5.4 Within the CR – Community Reserve and EOS – Environmental Open Space Districts, a fence shall be sited to the discretion of the Development Authority.

9.6 HOME OCCUPATIONS

- 9.6.1 The development of a major home occupation requires a development permit. All development permits issued for major 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.

- 9.6.2 In addition to a Development Permit Application, each application for a major home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- 9.6.3 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 business activities shall be restricted to the dwelling or accessory buildings.
 - d. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be incompatible with the residential character of the area.
- 9.6.4 A minor home occupation does not require a development permit, but 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.
- 9.6.5 All home occupations shall comply with the following requirements:
- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
 - c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30.0 m² (322.9 ft.²), whichever is less, of the dwelling unit for business usage. Except as noted in Sections 5.2, 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.
- 9.6.6 Notwithstanding any other provisions of this Bylaw to the contrary, a lot on which a home occupation is located shall not display any commercial signage on the parcel or the dwelling.
- 9.6.7 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.
- 9.6.8 Home occupations 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.

9.7 KEEPING OF ANIMALS

- 9.7.1 The keeping of dogs in the Summer Village shall be in accordance with the Summer Village's Dog Control Bylaw.
- 9.7.2 No person shall keep or permit to be kept in any part of any yard in any Land Use District any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration.

9.7.3 The operation of a kennel in the Summer Village is prohibited.

9.8 LANDSCAPING, ENVIRONMENTAL CONSERVATION, AND DEVELOPMENT

- 9.8.1 Landscaping in all developments within the Summer Village shall be to the satisfaction of the Development Authority.
- 9.8.2 The Summer Village encourages the use of soft landscaping materials where possible on residential lots to minimize the impact of runoff on the health of Sylvan Lake and the lake's watershed.
- 9.8.3 As a condition of subdivision or development approval, a security in the form of an irrevocable letter of credit may be required, up to a value of 150% 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 1 growing season after the completion of the development. If the landscaping does not survive a 2 year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.
- 9.8.4 A development permit for landscaping may be required where the proposed landscaping would result in the clearing of vegetation, stripping, or grading of the site.
- 9.8.5 Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- 9.8.6 Landscaping plans shall incorporate (where possible) recommendations from the Alberta Clean Runoff Action Guide 2020 including:
- a. Grading of lots to drain and retain runoff to control and reduce surface water leaving the lot;
 - b. Inclusion of the following clean runoff landscaping strategies:
 - i. Within planting beds and natural areas, keep the areas rough, with dished areas for trapping water.
 - ii. Where possible include a depression to intercept surface water (including snowmelt) before it leaves the site.
 - iii. Minimize turf areas on waterfront and semi-waterfront lots to decrease soil compaction and the proliferation of invasive weeds.
 - iv. Incorporate tools for capturing, treating, and using runoff into lot grading and landscaping.
 - v. Incorporate deciduous native plant species and wild flowers into landscaping plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.
 - c. Landscaping plans shall include the following information which adheres to the following standards:
 - i. north arrow;
 - ii. outlines of all buildings and structures on the subject site;
 - iii. location of parking areas, vehicle and pedestrian circulation systems on the subject site;
 - iv. location, height and materials of all proposed fences, screens, and walls on the subject site;
 - v. location of any existing or proposed lighting, proposed recreational facilities and garbage collection areas on the subject site;
 - vi. existing vegetation, including mature trees, on the subject site, labeled by common name; and
 - vii. the proposed final grading and drainage plan of the area and the placing and spreading of topsoil. In particular, all areas to be landscaped shall be graded to drain to the lake, into catch basins or into adjacent drainage easements. Under no circumstances shall an area be designed, built or landscaped to drain onto adjacent property without appropriate easements.
- 9.8.7 In addition to the requirements of Section 9.8.6, landscaping plans shall also include pre-built and as-built shots to prove that the proposed final grading and drainage plan function properly.
- 9.8.8 The following standard of landscaping shall be required for all areas of a lot not covered by buildings, driveways, storage and display areas:
- a. The conservation of existing trees and shrubs to the maximum extent possible;
 - b. The retention, in their natural state, of:
 - i. swamps, gullies and natural drainage courses;
 - ii. unstable land;

- iii. land subject to flooding and/or located within a 1:100 year floodway or flood fringe area as determined by an engineer or flood study;
 - iv. escarpments (or land with slope areas with a gradient of 15% or greater); and
 - v. land located below the top of the bank of the lake, or any water body or water course.
- c. The appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and roads.
 - d. A minimum 15 cm depth of topsoil shall be placed to facilitate growth in the soft landscaped areas, with areas not planted with trees and shrubs being seeded with grass, sodded or left with its natural grass cover.
 - e. Landscaping must be completed within 2 years of the date of issue of the Development Permit.
 - f. The use of mulch, gravel, and other non-live landscaping materials shall be restricted to 10% of the landscaped portion of the lot.
- 9.8.9 The following standards shall be required for all escarpment areas:
- a. When remedial actions are required on the escarpment, an engineered report shall be required to provide evidence that such actions are necessary. Remedial actions must preserve the natural surroundings while improving the bank stability.
 - b. Proposals to alter an escarpment area must be accompanied by a geotechnical report and will only be considered below the top of escarpment where necessary in order to stabilize and prevent failure of the slope, not to accommodate walk out basements, firepits, or other aesthetic choices.
 - c. Proposals for development for reasonable lake access may be considered upon successful application and must be accompanied by a geotechnical report and must also be under the maximum of 5.0 m (16.4 ft) and not exceed 20% of the width of the lot. The Development Authority must rule based on the merit of the application and the Summer Village's vision to keep the escarpment natural.
 - d. Further to 9.8.9.a, retaining wall proposals are required to include an engineered report specific to the onsite installation and location of the walls, soil type and on-site conditions, materials, design parameters, site preparation, side slope protection, drainage, and testing/inspection requirements.
 - e. Further to 9.8.9.a, retaining wall height shall not exceed 1.0 m (3.3 ft.) in height, and setback a minimum of 3.0 m (9.8 ft.) to water's edge, unless specifically required in the geotechnical report and no other option is available. The maximum height allows for the escarpment area to remain as natural as possible. Retaining wall structures shall be made out of natural rock and stone. If concrete or a blocking system, or any other material is used for the retaining structures, a natural rock and stone façade must be installed.
 - f. A minimum 80% of the escarpment area shall be covered by native, deep rooting plants or trees planted in grass or topsoil (no gravel, mulch, or turf). Aside from the stairs and retaining walls, and point to point path, no hard landscaping will be permitted.
 - g. Should a guard (rail) be required in accordance with safety codes regulations on a tiered escarpment, it is required to allow for visual access to the yard of the lot to the satisfaction of the Development Authority, additionally including a vegetative guard no smaller than 5.0 cm (2.0 inches) thick, and 1.0 m (3.3 ft.) tall along the guard.

9.9 MANUFACTURED HOMES AND PARK MODEL TRAILERS

- 9.9.1 The placement of a manufactured home dwelling on a lot in the Summer Village is prohibited.
- 9.9.2 The placement of a park model trailer on a lot in the Summer Village is prohibited.

9.10 MECHANIZED EXCAVATION, STRIPPING, AND GRADING

- 9.10.1 A temporary fence shall be erected around all excavations which in the opinion of the Development Authority may be hazardous to the public.
- 9.10.2 Where finished ground elevations are established, all grading shall comply therewith.
- 9.10.3 All lots shall be graded to ensure that storm water is directed to a drainage ditch without crossing adjacent land, except as permitted by the Development Authority.
- 9.10.4 All topsoil shall be retained on the lot, except where it must be removed for building purposes.

- 9.10.5 Finished ground elevations must be provided to the Development Authority for any dwelling unit containing a walkout basement.
- 9.10.6 Retaining walls greater than 1.0 m (3.3 ft.) in height above any adjoining grade requires a Development Permit.

9.11 NUMBER OF DWELLINGS AND BUILDINGS ON A LOT

- 9.11.1 A development permit shall not be issued for more than:
- One (1) main building on a lot; and
 - Two (2) accessory buildings on an lot.

9.12 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 9.12.1 No person shall allow a recreational vehicle or other object which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a lot in the residential districts, unless it is suitably housed or screened to the satisfaction of the Development Authority.
- 9.12.2 The parking of commercial or industrial vehicles used for the storage of dangerous, hazardous, flammable, or combustible goods (except as contained with a permanently installed tank connected to the fuel system of the vehicle) on residential lots shall be prohibited.
- 9.12.3 A maximum of 1 motorized boat or watercraft may be stored in the rear yard of a lot (outside of an accessory building).

9.13 PRIVATE POOLS, HOT TUBS, AND PONDS

- 9.13.1 For lots abutting Sylvan Lake or a reserve lot abutting the lake, a private pool, hot tub, or decorative pond shall be located:
- At least 1.5 m (4.9 ft.) from the side and front lot boundaries;
 - In a front yard or a side yard in an interior lot; and
 - On a corner lot, located in a front yard or the side yard not adjacent to a public roadway.
 - A decorative pond may be located in a rear yard if:
 - The pond is 600.0 mm (23.6 inches) or less in depth; and
 - The pond is located a minimum of 1.5 m (4.9 ft.) from the rear and side property boundaries.
- 9.13.2 For lots not abutting Sylvan Lake or a reserve lot abutting the lake, a private pool, hot tub, or decorative pond shall be located:
- At least 1.5 m (4.9 ft.) from the side and rear property lines;
 - In a rear yard or a side yard in an interior lot; and
 - On a corner lot, located in a rear yard or the side yard not adjacent to a public roadway.
 - A decorative pond may be located in a front yard if:
 - The pond is 600.0 mm (23.6 inches) or less in depth; and
 - The pond is located a minimum of 1.5 m (4.9 ft.) from the front and side property boundaries.
- 9.13.3 A private pool or hot tub shall be enclosed by a secure lockable lid or fencing equipped with gates that lock in accordance with the National Building Code (Alberta Edition) in effect at the date of the application for Development Permit.
- 9.13.4 Draining private pools or hot tubs other than directly into the sewer line of the principal dwelling is prohibited, as per the Summer Village's Wastewater Bylaw. A minimum 72 hours prior to draining into the sewer line, the water of a private pool or hot tub must be diluted using a chlorine neutralize according to product specifications.

9.14 PROJECTION OVER YARDS

- 9.14.1 In the residential districts the portion of (and attachments to) a main building or accessory building which may project over or on a minimum yard are:
- Side Yards: Any projection, including unenclosed steps or eaves, not exceeding one-half of the minimum side yard required for the building;
 - Front Yard and Rear Yard:

- i. Unenclosed steps, if they do not project more than 2.5 m (8.2 ft.) over or on a minimum front yard or rear yard setback and unenclosed decks, if they do not project more than 50% into the required yard setback;
- ii. Any projection not exceeding 3.0 m (9.8 ft.) over the required rear yard setback for a main building, or 50% over the minimum rear yard setback for an accessory building; or
- iii. Any other projection not exceeding 1.5 m (4.9 ft.) over or on the required front or rear yard setback.

9.14.2 No portion of a building other than eaves, signs or canopies may project into a public or private right-of-way.

9.15 PUBLIC PROPERTY

- 9.15.1 Parking or leaving a vehicle on public property shall be in accordance with the Summer Village's Traffic Bylaw, as amended or replaced.
- 9.15.2 The removal of trees and/or shrubs, excavation, grading or drainage alteration on any municipal reserve, environmental reserve or other municipal owned land, without expressed written approval from the municipality, is prohibited.
- 9.15.3 No person shall erect (or cause to be erected) any fence on public property unless an agreement has been entered into with the Summer Village.
- 9.15.4 Private development on any municipal reserve, environmental reserve or other municipal owned land is prohibited, unless an agreement has been entered into with the Summer Village.
- 9.15.5 The placement of stairs and walkways within the EOS District shall be prohibited unless an agreement is entered into by the proponent and the Summer Village.
- 9.15.6 The placement and storage of piers and other recreational structures within the EOS District shall be in accordance with the Summer Village's Temporary Storage of Boat Hoists and Piers Policy.

9.16 RECREATIONAL VEHICLES

- 9.16.1 Except as noted in 9.16.2 below, a recreational vehicle shall not be placed on an undeveloped lot.
- 9.16.2 A maximum of one (1) recreational vehicle is permitted on an undeveloped lot on a temporary basis (with a development permit) in order to provide temporary accommodation (during construction) for a principal dwelling for which a development permit has been issued. The recreational vehicle must have approved potable water system and wastewater system that complies with current provincial requirements.
- 9.16.3 A maximum of one (1) recreational vehicle may be stored permanently on a developed residential lot.
- 9.16.4 The storage of a recreational vehicle year-round on a residential lot may be allowed under the following conditions:
- 9.16.5 The recreational vehicle:
 - a. Is entirely contained within the lot; and
 - b. Conforms to the front, rear, and side yard requirements of dwellings and accessory buildings identified in the applicable Land Use Districts.
- 9.16.6 A maximum of 1 recreational vehicle may be used on developed lots for guest sleeping accommodations.
- 9.16.7 Recreational vehicles shall adhere to the front, rear, and side yard requirements of dwellings and accessory buildings identified in the applicable Land Use District.
- 9.16.8 A recreational vehicle on a lot shall be considered part of a lot's site coverage and (along with other developments on the lot) shall not exceed the maximum site coverage regulation in the applicable Land Use District.
- 9.16.9 The towing vehicle associated with the recreational vehicle shall be parked entirely on the lot and not on the adjacent roadway or within the road right-of-way.
- 9.16.10 Recreational vehicles shall not be located within a front yard on a waterfront or semi-waterfront lot.
- 9.16.11 Recreational vehicles shall not be permitted to dispose of wastewater and greywater:
 - a. on the ground within the Summer Village; or
 - b. in the Summer Village's municipal wastewater system.
- 9.16.12 Underground permanent utilities (e.g. water, wastewater, and dedicated power connections) are strictly prohibited for recreational vehicles in the Summer Village.

- 9.16.13 Recreational vehicles and recreational vehicle stalls shall not be rented for compensation.
- 9.16.14 Recreational vehicles must remain on private property at all times and cannot be stored or used on municipal land.
- 9.16.15 In no instance will the placement of a recreational vehicle in a front yard be allowed where the recreational vehicle would impede or obstruct the safety of pedestrians or vehicle traffic on adjacent sidewalks or roadways.

9.17 RELOCATION OF BUILDINGS

- 9.17.1 No Person shall:
- Alter the location on a lot of a building which has already been constructed on that lot; or
 - Place on a lot a building which is to be relocated or moved from a different lot or location;
- unless a Development Permit has been issued by the Development Authority.
- 9.17.2 In addition to the requirements of section 5.4.1, the Development Authority may require an application for a Development Permit to be accompanied with:
- Recent colour photographs showing all elevations of the building;
 - A statement verifying the age, size and structural condition of the building;
 - A statement of proposed improvements to the building.
- 9.17.3 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 district in which it is proposed to be located.
- 9.17.4 Where a Development Permit has been granted for the relocation of a building either on the same lot or from another location, the Development Officer may require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a Development Permit.
- 9.17.5 All structural and exterior renovations shall be completed within one (1) year of the issuance of a Development Permit.

9.18 TREES AND SHRUBS

- 9.18.1 The planting of trees and/or shrubs as part of a landscaping plan (approved as a condition of a Development Permit) shall be to the satisfaction of the Development Authority;
- 9.18.2 As a condition of Development Permit, an irrevocable letter of credit may be required, up to a value equal to the estimated costs of the proposed trees and/or shrubs and their planting, to ensure that the required trees and/or shrubs is carried out with reasonable diligence. The conditions of the security being that:
- If the trees and/or shrubs are not completed in accordance with the approved statement or plan showing the proposed replacement trees and/or shrubs, then the municipality shall use the security to complete the approved trees and/or shrubs;
 - If the trees and/or shrubs do not survive a two (2) year maintenance period, the applicant must replace them to the satisfaction of the Development Authority or forfeit the portion of the amount fixed equal to the cost of replacing the affected trees and/or shrubs; and
 - The irrevocable letter of credit will be released when the trees and/or shrubs have been completed to the satisfaction of the Development Authority and upon expiration of the two (2) year maintenance period.

9.19 SEA CANS

- 9.19.1 No sea cans may be located within the Summer Village of Sunbreaker Cove unless approved by the Development Authority as a temporary use during construction.

9.20 SIGHT LINES AT INTERSECTIONS OF ROADWAYS

- 9.20.1 At the intersection of roadways, the Development Authority may require the calculation of sight triangles where:
- One or more rights-of-way is less than 15.0 m (49.2 ft.), or
 - Regulated vehicle speed exceeds 50 km/h; or
 - One of the carriageways is not centered in its right-of-way; or
 - An intersection leg is curved or skewed; or
 - An intersection leg is sloped at 2% or greater.

9.20.1 Sight triangle calculations shall be at the discretionary of the Development Authority, and in accordance with all applicable provincial standards of practice.

9.21 SUBDIVISION - ENVIRONMENTAL RESERVE

9.21.1 The subdivision authority shall, as a condition of subdivision approval, require an environmental reserve (or a combination of environmental reserve and environmental reserve easement) of not less than 30.0 m (98.4 ft.) in width from the high water mark of Sylvan Lake and/or the top of bank of watercourses to the lot line. A greater setback may be required by the subdivision authority based on the recommendations of a geotechnical study undertaken by a qualified professional.

9.22 SUITES, GUEST HOUSE

- 9.22.1 A maximum of one (1) guest house suite is allowed on a lot. This may include a standalone guest house suite or a garage suite.
- 9.22.2 A guest house suite (including a garage suite) shall not be allowed on an undeveloped lot.
- 9.22.3 In situations where a detached dwelling is being rented out and there is a guest house suite on the lot, the guest house suite shall not be rented out to a separate party other than those renting the single detached dwelling.
- 9.22.4 A site plan showing the location of the guest house suite on the lot, provisions for off-street parking and access to the guest house shall be provided by the applicant.
- 9.22.5 As a condition of the development permit, the guest house suite shall be connected to the municipal wastewater disposal system. The applicant shall be required to demonstrate that the system has sufficient capacity for additional use and meets the requirements of the Wastewater Commission and the Summer Village.
- 9.22.6 Other requirements for suites shall be as per the table below:

	GUEST HOUSE SUITES
MAXIMUM HEIGHT (and shall not exceed the height of the principal building)	8.8 m (29.0 ft.)
MINIMUM FLOOR AREA	30.0 m ² (323.0 ft. ²)
MAXIMUM FLOOR AREA (and shall not exceed the floor area of the principal building)	83.6 m ² (900.0 ft. ²)
MINIMUM # OF ADDITIONAL ON-SITE PARKING SPACES REQUIRED	1

- 9.22.7 Notwithstanding 9.22.6, the maximum floor area for a guest house shall not:
- exceed more than 40% of the floor area of the principal building; or
 - enable a scenario whereby the total development on a lot exceeds the maximum site coverage regulations in the applicable Land Use District.

9.23 SUITES, SECONDARY

- 9.23.1 The maximum square footage of a secondary suite shall not exceed more than 25% of the total floor area of the principal dwelling.
- 9.23.2 A maximum of one suite (secondary suite, garage suite, or garden suite) may be developed on a lot.
- 9.23.3 As a condition of development permit approval, an application for a secondary suite on a lot shall provide evidence that all Safety Code and National Building Code (Alberta Edition) requirements are met with the proposed suite.

9.24 TOURIST HOMES

- 9.24.1 A development permit is required to operate a tourist home. Tourist Homes will be issued for twelve (12) months. Registered owners cannot operate more than 1 tourist home in the R1 - Residential District.
- 9.24.2 Tourist homes shall be contained within the principal building only. Tourist homes shall not be developed within guest house suites and recreational vehicles.

- 9.24.3 The maximum number of people staying overnight in a tourist home shall be 2 times the number of bedrooms plus 2. Floor plan is to be submitted at the time of application.
- 9.24.4 The operator of a tourist home shall provide the name and phone number(s) of at least one adult person that is authorized to act on the owner/operator's absence to:
- a. the Summer Village Office; and
 - b. adjacent property owners.
- The owner/operator of the tourist home is responsible for informing the Summer Village Office of any changes in this information.
- 9.24.5 The minimum length of stay shall be no less than seven (7) days in the peak season between May 1 until September 30 each year. Otherwise, it shall be no less than three (3) days.
- 9.24.6 The tourist home shall always abide by the community standards bylaw regardless of who is occupying the home. This includes (noise, nuisance, and littering etc.). A summary of key bylaws will be provided by administration.
- 9.24.7 In residential districts tourist homes shall not display any sign advertising the tourist home.
- 9.24.8 Adequate parking must be in place on the property or the road allowance in front of the property, of a minimum of one stall per bedroom.
- 9.24.9 Approval of a development permit does not exempt the owner/operator of a tourist home from complying with:
- a. All applicable building and safety code requirements;
 - b. Provincial health and safety requirements; and
 - c. Any other federal, provincial, or other municipal legislation.

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FOR PUBLIC HEARING

10. LAND USE DISTRICTS

10.1 ESTABLISHMENT OF 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	R1
Community Reserve District	CR
Environmental Open Space District	EOS

10.1.2 The boundaries of the districts listed in Section 10.1.1 above are as delineated on Section 16 Land Use District Map. All roads, water courses and the lake are excluded from the districts.

- 10.1.3 Where the location of district boundaries on the Land Use District Map in Section 17 is not clearly understood, the following rules shall apply;
- a. A boundary shown as approximately following a lot boundary shall be deemed to follow the lot boundary;
 - b. A boundary which does not follow a lot boundary shall be located by measurement of the Land Use District Map; and
 - c. A boundary location which cannot be satisfactorily resolved shall be referred to Council for an official interpretation.

DRAFT
FOR PUBLIC HEARING

11. R1 – RESIDENTIAL DISTRICT

11.1 PURPOSE

11.1.1 To provide an area for low density residential development in the form of single detached dwellings and compatible uses on lots near and adjacent to Sylvan Lake.

11.2 PERMITTED USES

- | | |
|---|--|
| 11.2.1 Driveways | 11.2.6 Public utilities |
| 11.2.2 Dwellings, single detached | 11.2.7 Accessory buildings that are accessory to permitted uses where the total floor area is 74.0 m ² (796.5 ft ²) or less |
| 11.2.3 Home occupations, minor | |
| 11.2.4 Natural environment preservation areas | |
| 11.2.5 Private pools | |

11.3 DISCRETIONARY USES

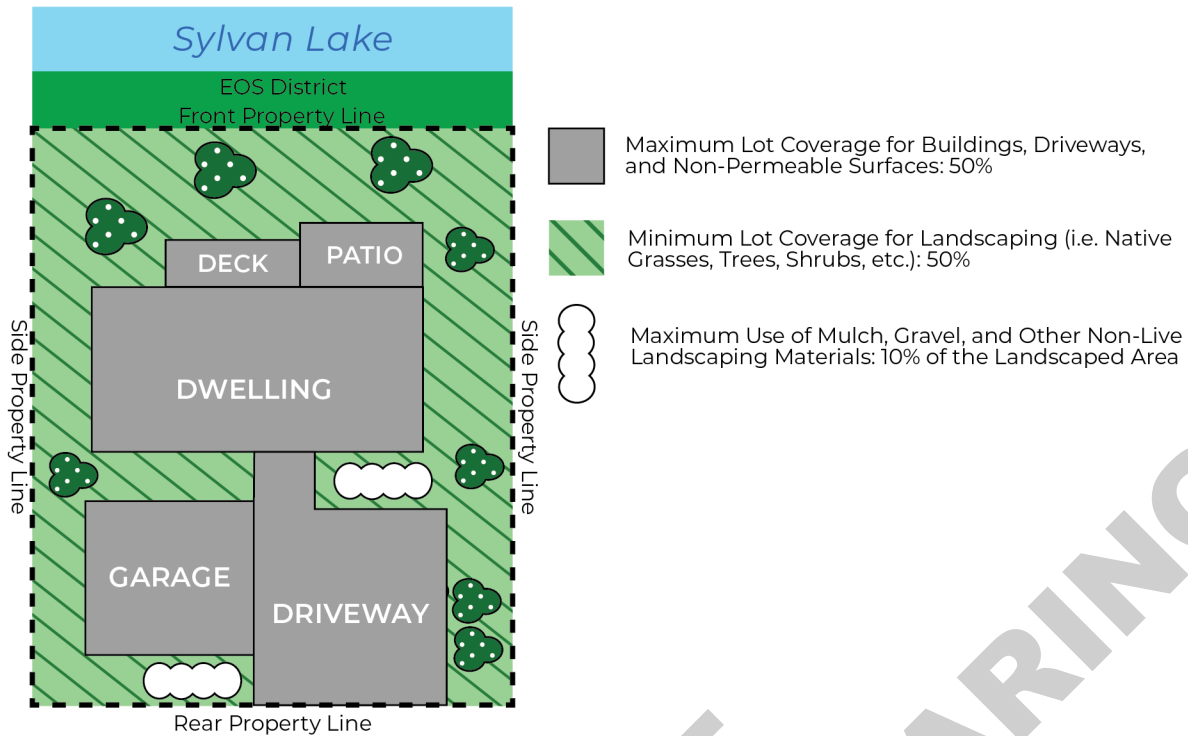
- | | |
|--|---|
| 11.3.1 Home occupations, major | 11.3.9 Tourist homes |
| 11.3.2 Mechanized excavation, stripping, and grading | 11.3.10 Trails |
| 11.3.3 Parks and playgrounds | 11.3.11 Walkways |
| 11.3.4 Public and quasi-public uses | 11.3.12 Buildings accessory to discretionary uses where the total floor area is over 74.0 m ² (796.5 ft ²) |
| 11.3.5 Signs | 11.3.13 Buildings and uses that are similar to the above listed permitted and discretionary uses |
| 11.3.6 Suites, garage | |
| 11.3.7 Suites, guest house | |
| 11.3.8 Suites, secondary | |

11.4 SUBDIVISION REGULATIONS

- 11.4.1 Lots shall have:
- A width of not less than 30.5 m (100.0 ft.).
 - An area of not less than 1,860 m² (20,021 ft²).
- 11.4.2 Notwithstanding 11.4.1, lots not complying with the foregoing and legally created prior to promulgation of Alberta Regulation 132/78 (April 1978) are not subject to foregoing but shall have an area not less than 710.0 m² (7,642.4 ft²).

11.5 DEVELOPMENT REGULATIONS

11.5.1 Minimum Front and Rear Yard	7.5 m (24.6 ft.) to the habitable dwelling unit from the front lot boundary or the top of the escarpment or high water mark, as determined by the Development Authority, whichever is closest to the dwelling unit; and 6.0 m (19.7 ft.) to a garage attached to, and structurally part of, the main building.
11.5.2 Minimum Side Yard	1.5 m (4.9 ft.) where the side yard abuts a lot in the R1 - Residential District. 3.0 m (9.8 ft.) or as required in the National Building Code (Alberta Edition) where the side yard abuts a road or a lot in the CR – Community Recreation or EOS – Environmental Open Space Districts.
11.5.3 Maximum Lot Coverage	50%. The other 50% shall be landscaped with native grasses, trees, shrubs, or ornamental plantings, satisfactory to the Development Authority.
11.5.4 Maximum Building Height	10.0 m (32.8 ft.) measured from grade.
11.5.5 Minimum Floor Area, One Storey Dwellings	75.0 m ² (807.3 ft ²)



11.6 PARKING REGULATIONS

- 11.6.1 Single detached dwellings shall have at least two (2) parking stalls per dwelling unit.
- 11.6.2 For all other uses, parking stalls may be required at the Development Authority's sole discretion.
- 11.6.3 All parking stalls shall have a dimension of not less than 2.7 m (9.0 ft.) by 5.5 m (18.0 ft.).

11.7 OTHER REGULATIONS

- 11.7.1 Only a holding tank shall be permitted for any detached dwelling or a replacement of existing septic system.
- 11.7.2 The development Authority shall either refuse to issue a Development Permit for any building, structure, or works, unless arrangements under 11.7.1 above have been completed, or issue a Development Permit subject to the conditions that arrangements under 11.7.1 above shall be completed prior to the commencement of the development.
- 11.7.3 The Development Authority may require that a caveat be registered against the title respecting a deferred serving agreement notifying the owner(s) of the development of the requirement to contribute to the cost of a municipal or regional water and/or wastewater system and, at their sole cost, connect the development to said system(s) when such services become available. These connection costs may include offsite as well as onsite costs.
- 11.7.4 Utility rights-of-way and/or easement agreements may also be required as a condition of development approval to allow for connection to a municipal or regional water and/or wastewater system.
- 11.7.5 Electrical power from the property line of any lot to any building situated on the lot shall be constructed underground.
- 11.7.6 All uses must comply with the regulations in Section 9: General and Specific Land Use Regulations.

12. CR – COMMUNITY RESERVE DISTRICT

12.1 PURPOSE

12.1.1 To provide an area for the development of public land for major multi-use recreational facilities, and other uses, herein listed, which are compatible with the area.

12.2 PERMITTED USES

12.2.1 Parks and playgrounds

12.3 DISCRETIONARY USES

- | | |
|-------------------------------------|--|
| 12.3.1 Accessory use | 12.3.7 Utility building |
| 12.3.2 Parking facilities (public) | 12.3.8 Walkways |
| 12.3.3 Public and quasi-public uses | 12.3.9 Any use that is similar, in the opinion of the Development Authority, to the permitted uses or discretionary uses described above |
| 12.3.4 Recreation facilities | |
| 12.3.5 Sign (public) | |
| 12.3.6 Trails | |

12.4 DEVELOPMENT REGULATIONS

12.4.1 As required by the Development Authority.

12.5 PARKING REGULATIONS

12.5.1 Parking stalls may be required at the Development Authority's sole discretion.

12.6 OTHER REGULATIONS

12.6.1 All uses must comply with the regulations in Section 9: General and Specific Land Use Regulations.

FOR PUBLIC HEARING

13. EOS – ENVIRONMENTAL OPEN SPACE DISTRICT

13.1 PURPOSE

13.1.1 To provide an area for the preservation of municipal land in its natural state, or for its development as a park.

13.2 PERMITTED USES

13.2.1 Natural environment preservation areas

13.2.2 Parks and playgrounds

13.3 DISCRETIONARY USES

13.3.1 Mechanized excavation, stripping, and drainage

13.3.2 Signs (public)

13.3.3 Trails

13.3.4 Public and quasi-public uses

13.3.5 Public utilities

13.3.6 Walkways

13.3.7 Buildings and uses that are accessory to Discretionary uses

13.3.8 Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above.

13.4 DEVELOPMENT REGULATIONS

13.4.1 As required by the Development Authority.

13.5 PARKING REGULATIONS

13.5.1 Parking stalls may be required at the Development Authority's sole discretion.

13.6 OTHER REGULATIONS

13.6.1 All uses must comply with the regulations in Section 9: General and Specific Land Use Regulations.

13.6.2 The placement, storage, and use of boat hoists, docks and other aquatic recreational equipment shall be in accordance with the Summer Village's Docking and Mooring Bylaw and Temporary Storage of Boat Hoists and Piers Policy.

FOR PUBLIC COMMENT

14. LAND USE DISTRICT MAP

