

# SUMMER VILLAGE OF HALF MOON BAY

LAND USE BYLAW NO. 123/13  
August 2013

*Amended by Bylaw #131/16  
April 2016*

*Amended by Bylaw #137/18  
November 2018*

*Amended by Bylaw #165/22  
May 2022*

Prepared by:



PARKLAND  
**COMMUNITY  
PLANNING**  
SERVICES



**SUMMER VILLAGE OF HALF MOON BAY  
LAND USE BYLAW NO. 123/13**

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**SUMMER VILLAGE OF HALF MOON BAY  
LAND USE BYLAW  
AMENDMENT BYLAW #165-22**

Being a Bylaw of the Summer Village of Half Moon Bay, in the Province of Alberta, to authorize amendments to the Summer Village of Half Moon Bay Land Use Bylaw 123-13.

WHEREAS Section 692 of the Municipal Government Act, RSA 2000, authorizes a Council to amend a land use bylaw;

WHEREAS the Council deems it desirable to amend Land Use Bylaw 123-13;

NOW THEREFORE, the Council of the Summer Village of Half Moon Bay, in the Province of Alberta, duly assembled, hereby enacts as follows:

An amendment to the Land Use Bylaw 123/13:

1. Part One: 1.7 – Revise to:  
“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 Half Moon Bay Fees Bylaw. Council may amend the bylaw to increase, decrease or establish new fees by an amendment bylaw.”

**INTRODUCED AND GIVEN FIRST READING** this 19<sup>th</sup> day of April 2022.

\_\_\_\_\_  
Jonathan Johnston, Mayor

\_\_\_\_\_  
Tanner Evans, C.A.O.

**PUBLIC HEARING HELD** this 17<sup>th</sup> day of May 2022.

**GIVEN SECOND READING** this 17<sup>th</sup> day of May 2022.

**GIVEN THIRD AND FINAL READING** this 17<sup>th</sup> day of May 2022.

\_\_\_\_\_  
Jonathan Johnston, Mayor

\_\_\_\_\_  
Tanner Evans, C.A.O.

**SUMMER VILLAGE OF HALF MOON BAY  
LAND USE BYLAW  
AMENDING BYLAW #137/18**

Being a Bylaw of the Summer Village of Half Moon Bay, in the Province of Alberta, to authorize amendments to the Summer Village of Half Moon Bay Land Use Bylaw 123/13.

WHEREAS Section 692 of the Municipal Government Act, RSA 2000, authorizes a Council to amend a land use bylaw;

WHEREAS the Council deems it desirable to amend Land Use Bylaw 123/13;

NOW THEREFORE the Council of the Summer Village of Half Moon Bay, in the Province of Alberta, duly assembled, hereby enacts as follows:

An amendment to the Land Use Bylaw 123/13:

1. Part One: 1.3 Definitions, remove “hard landscaped areas” definition, including from parcel coverage definition.
2. Part One: 1.3 Definitions, remove “hard-surfaced” from parcel coverage definition.
3. Part Two: 2.2 Development Not Requiring a Development Permit, revise (9) to read: Any accessory building with a floor area of 11.15 m<sup>2</sup> (120 ft<sup>2</sup>) or less and height of 3.65 m (12 ft.) or less and yard setbacks of 0.61 m (2 ft.) or more, including garden or tool sheds, workshops, potting sheds and other similar structures provided that they are moveable and comply with the provisions of Part Three: Supplementary Regulations of this Land Use Bylaw, with the exception of the above mentioned yard setbacks.
4. Part Two: 2.3 Permission for Development, add the following:  
(13) 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. Part Two: 2.4 Variances, revise all “Development Authority” and “Development Officer” text to “Municipal Planning Commission”.

6. Part Two: 2.5 Development Permits and Notices, revise (1) to:  
A Development Permit issued pursuant to this Part does not come into effect until twenty-one (21) days after the date on which notice of issuance of the permit is given under subsection 4(a) or (b). Any development proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.
7. Part Two: 2.5 Development Permits and Notices, revise (4)(a) & (b) to: For permitted and discretionary uses:
  - (i) Mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Authority, be affected; and
  - (ii) Post a notice of the decision on the Summer Villages' website.
8. Part Two: 2.6 Appealing a Decision, revise (4) to: An appeal by an applicant must be commenced within twenty-one (21) days of the notification of the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within twenty-one (21) days of the notice of the issuance of the permit was given.
9. Part Four: Residential District, under Site Development, revise (c) Maximum Parcel Coverage to: Forty-five (45) percent.
10. Part Four: Residential District, under Site Development, revise (d) Landscaping to: a minimum of thirty-five (35) percent of the parcel shall be a landscaped area.

**READ** a first time in Council assembled this 15 day of October, 2018.

PUBLIC HEARING held on November 26, 2018.

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Ted Hiscock, Mayor

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Phyllis Forsyth, C.A.O.

**READ** a second time in Council assembled this 26 day of November, 2018.

**READ** a third time in Council assembled and passed this 26 day of November, 2018.

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Ted Hiscock, Mayor

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Phyllis Forsyth, C.A.O.

**SUMMER VILLAGE OF HALF MOON BAY  
LAND USE BYLAW AMENDING BYLAW  
BY- LAW #131-16**

Being a Bylaw of the Summer Village of Half Moon Bay, in the Province of Alberta, to authorize amendments to the Summer Village of Half Moon Bay Land Use Bylaw 123/13.

WHEREAS Section 692 of the Municipal Government Act, RSA 2000, authorizes a Council to amend a land use bylaw;

WHEREAS the Council deems it desirable to amend Land Use Bylaw 123/13;

NOW THEREFORE the Council of the Summer Village of Half Moon Bay, in the Province of Alberta, duly assembled, hereby enacts as follows:

An amendment to the Land Use Bylaw 123/13:

1. Part Two: 2.2 (1) to read: 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.
2. Part Three: 1(4) to read: Number of Buildings on a Parcel;  
A Development Permit shall not be issued for no more than:
  - (a) One (1) main building on an unsubdivided parcel; and
  - (b) Two (2) accessory buildings on an unsubdivided parcel.
3. Part Four: Residential District (R), Permitted Use – Accessory Building to read:  
Accessory Building where the total floor area is 72 sq. m. (796.54 sq. ft.) or less; and  
  
Discretionary Uses – Accessory Building to read: Accessory Building where the total floor area is over 72 sq. m. (796.54 sq. ft.).
4. Part Four: Residential District (R) – Building Demolition to be moved from a Discretionary Use to a Permitted Use.

**READ** a first time in Council assembled this 7<sup>th</sup> day of March, 2016.

**READ** a second time in Council assembled this 7<sup>th</sup> day of March, 2016.

**PUBLIC HEARING** held on April 18<sup>th</sup>, 2016.

\_\_\_\_\_  
Ted Hiscock, Mayor

\_\_\_\_\_  
Phyllis Forsyth, C.A.O.

**READ** a third time in Council assembled and passed this 18<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Ted Hiscock, Mayor

\_\_\_\_\_  
Phyllis Forsyth, C.A.O.

## BYLAW NO. 123/13

BEING A BYLAW TO REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE SUMMER VILLAGE OF HALF MOON BAY

WHEREAS the *Municipal Government Act*, and amendments thereto, authorize the Council of a Municipality to enact a Land Use Bylaw to prohibit or regulate and control the use and development of land and buildings within the Municipality.

NOW THEREFORE the Council of the Summer Village of Half Moon Bay in the Province of Alberta, enacts as follows:

### PART ONE: GENERAL

#### 1.1 *Short Title*

This Bylaw may be cited as "The Summer Village of Half Moon Bay Land Use Bylaw".

#### 1.2 *Purpose*

The purpose of this bylaw is to, amongst other things;

- (1) Divide the *municipality* into *districts*;
- (2) Regulate and control or to prohibit the *use* and *development* of land and *buildings* in each *district*;
- (3) Establish the office of the *Development Officer*;
- (4) Establish a method of making decisions on applications for *Development Permits* including the issuing of *Development Permits*;
- (5) Provide the manner in which notice of the issuance of a *Development Permit* is to be given; and
- (6) Protect the shoreline and water quality of Sylvan Lake.

#### 1.3 *Definitions*

In this *Land Use Bylaw*:

“*accessory building(s)*” means a *building* separate and subordinate to the *main building*, the *use* of which is incidental to that *main building* and is located on the same *parcel* of land and includes, in the residential *district*, such things as storage sheds, garages, and a *guest house*. *Accessory buildings* are not intended for commercial purposes; and do not include *sea cans*;



“**accessory use(s)**” means a **use** customarily incidental and subordinate to the **main use** and is located on the same **parcel** of land with such **main use**;

“**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;

“**basement**” means a habitable portion of a **building** which is partly underground, but which has more than fifty (50) percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

“**breezeway(s)**” means a roofed open passage connecting two (2) or more **buildings**;

“**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**;

“**building demolition**” means the pulling down, tearing down, razing, or removal of a **building**;

“**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 an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the **building**;

“**building line**” means a line, other than a **parcel** line, used to regulate the location of a **building** or structure in relationship to the abutting **street(s)**;

“**carriageway**” means that portion of the **road** right-of-way available for vehicular movement. Included are travelling lanes, medians, parking and other auxiliary lanes. Not included are ditches, sidewalks and other pedestrian areas;

“**caveat**” means a formal notice expressing an interest in a **parcel** registered at Land Titles Office against the title to that **parcel**;

“**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;

“**commission**” means the **Municipal Planning Commission**;

“**corner parcel(s)**” means a **parcel** abutting two (2) or more **streets**, other than a **lane**, at their intersection or abutting two (2) parts of the same **street** forming an interior angle of less than one hundred and thirty-five (135) degrees;

“**Council**” means the **Council** of the Summer Village of Half Moon Bay;

“**decorative pond**” means a man-made enclosed body of water for ornamental purposes, which may include vegetation and fish;

**“detached dwelling”** means a residential **building** containing one (1) **dwelling unit** and everything physically attached to said **dwelling unit** (e.g. **breezeways** and attached garages), which is physically separate from any other residential **building**, and does not include a **manufactured dwelling unit**;

**“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 or 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**;

**“Development Authority”** means the person or persons appointed as the **Development Authority** pursuant to Development Authority Bylaw No. 70-95, as amended;

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

**“Development Permit(s)”** means a document authorizing a **development** issued pursuant to this **Land Use Bylaw**;

**“discretionary use”** means a **use** which may be compatible with other **uses** in the **district**, for which a **Development Permit** may be issued upon an application having been made;

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

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

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

**“dwelling unit(s)”** 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 and separate toilet facilities intended as a residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

**“escarpment”** means a long steep slope or cliff at the edge of a ridge which is usually formed by erosion;

“**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;

“**fence(s)**” means a physical barrier constructed from typical **building** material for the purpose of providing privacy and/or preventing unauthorized access;

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

“**flankage yard**” means the **side yard** which abuts a **street** on a **corner parcel**;

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

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

“**front parcel boundary**” means, in the case of an **interior parcel** not abutting the Environmental Open Space District, the boundary which abuts a **street** and in the case of a **corner parcel** not abutting the Environmental Open Space, the shorter of the two  
(2) boundaries which abut a **street**;

“**front yard**” means:

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

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

- (a) If the applicant can show by reference to reliable surveys that the pre-**development** elevation of the subject **parcel** varies by no more than 1 m in 30 lineal metres, the **Development Authority** may determine **grade** by calculating the average of the highest and lowest elevation on the **parcel**; or
- (b) The **Development Authority** may determine **grade** by calculating the average of the pre-**development** elevations at the corners of the **parcel** as shown on a reliable survey; or

- (c) The **Development Authority** may determine **grade** by calculating the average elevation of the corners of the **main buildings** on all properties abutting the subject **parcel**;

**“guest house”** means an **accessory building** containing sleeping facilities for temporary usage only and may have a bathroom, but shall not have a kitchen or other cooking facilities. A **guest house** provides overflow accommodation for a **detached dwelling** located on the same **parcel**, is not available for rent by a third party, and does not include **recreational vehicles** and **sea cans**;

**“holding tank”** means a tank that complies with the provisions of the Safety Codes Act and the regulations there under and designed to retain sewage or effluent until transferred into mobile equipment for disposal;

**“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**;

**“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**;

**“Land Use Bylaw”** means Bylaw No. 123/13, and amendments thereto;

**“land use district(s)”** means an area as described in Part Four: Land Use District Regulations and shown in Schedule A: Land Use District Map of this **Land Use Bylaw**;

**“lane”** means a public thoroughfare which provides a secondary means of access to a **parcel** or **parcels** and which is registered in a Land Titles Office;

**“main building”** means a **building** in which is conducted the main or principal **use** of the **parcel** on which it is erected;

**“main use”** means the principal purpose for which a **building** or **parcel** is **used**;

**“manufactured dwelling unit(s)”** means a factory constructed **dwelling unit**, relocatable singly or in multiple modules;

**“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;

**“municipality”** means the Summer Village of Half Moon Bay;

**“Municipal Government Act or MGA”** means the **Municipal Government Act**, Chapter M-26.1, Statutes of Alberta 1994, and amendments thereto;

**“Municipal Planning Commission or MPC”** means a **commission** established by the Municipal Planning Commission Bylaw No 121-12, as amended;

**“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;

**“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**;

**“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**;

**“outdoor storage and display”** means the storage or display of equipment, goods or materials in the open air;

**“parcel(s)”** means the aggregate of the one (1) or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office;

**“parcel coverage”** means the total percentage of the **parcel** area covered by **buildings** or structures, including but not limited to the **main building** and any additions to it (e.g. covered decks), **parking facilities, driveways, outdoor storage and display** areas, and all other impervious surfaces but does not include steps, eaves, or similar **projections** permitted in this **Land Use Bylaw**; Amended by Bylaw #137/18;

**“parcel(s), interior”** means a **parcel** abutting only one (1) **street** other than a **lane**;

**“park model recreational vehicles”** means a **recreational vehicle** that conforms to CAN/CSA-Z241 Series-92 and is used for seasonal or recreational accommodation only;

**“parking facility”** means a structure or an area providing for the parking of motor vehicles;

**“parks and playgrounds”** means areas of public land known for their natural scenery and/or preservation for public recreation either active or passive;

**“permitted use”** means a **use** which is compatible with other **uses** in the District and for which a **Development Permit** shall be issued provided it otherwise conforms with

this **Land Use Bylaw**;

“**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;

“**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;

“**projection**” means part of a **building** or its accessory structures which projects beyond the main walls into the **Yards**;

“**public and quasi-public use**” 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;

“**public utility or utilities**” means a **public utility** as defined in the **Municipal Government Act**;

“**rear yard**” means:

- (a) In the case of **parcels abutting** Sylvan Lake or a **reserve parcel** abutting the lake, a **yard** extending across the full width of a **parcel** measured perpendicularly from the rear wall of the **main building** situated on the **parcel** to the boundary abutting the **street**; or
- (b) In the case of **parcels not abutting** Sylvan Lake or a **reserve parcel** abutting the lake, a **yard** extending across the full width of a **parcel** measured perpendicularly from the rear wall of the **main building** situated on the **parcel** to the rear property boundary of the **parcel** (see sketch in Part Three: Supplementary Regulations);

“**recreation facilities**” means a public **building** and grounds for community entertainment, relaxation, social activity and other leisure needs;

“**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, fifth wheels and **park model recreational vehicles**. **Recreational vehicles** do not include cottage models, mobile homes, **manufactured dwelling units** or stick built units;

“**registered 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:

- (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 in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land;

**“removal of trees and/or shrubs”** means the **removal of trees and/or shrubs**, or the destruction thereof;

**“reserve(s)”** means a **parcel** of land owned and subject to the management of the **municipality** and reserved for **use** as **natural environment preservation areas, walkways** or **parks and playgrounds** separating areas **used** for different purposes, and registered at the Land Titles Office as reserve, environmental reserve or municipal reserve **parcels**;

**“road(s) or roadway(s)”** 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**;

**“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;

**“screen 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;

**“setback(s)”** means a distance additional to minimum **yard** requirements which may be required on **parcels** adjacent to the **roads**;

**“sight triangle(s)”** means an area at the intersection of **road** in which all **buildings, fences**, vegetation and **finished ground elevations** shall be less than 1 m (3.28 ft.) in height above the average elevation of the **carriageway**, in order that vehicle operators may see approaching vehicles in time to avoid collision;

**“side yard(s)”** means a **yard** extending from the **front yard** to the **rear yard** between the side boundary of the **parcel** and the wall of **main building** thereon (see sketch in Part Three: Supplementary Regulations);

**“sign”** 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;

“**street(s)**” means any category of **road** except a **lane**;

“**structural alterations**” means altering the **main building** components which support a building;

“**Subdivision and Development Appeal Board**” means the board established pursuant to the **Municipal Government Act**;

“**temporary building**” means a **building** without any foundation below **grade** and includes a soft-sided or other structure designed to serve as a temporary garage, storage shelter or greenhouse, but does not include an **accessory building**, or a **guest house**;

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

“**use(s)**” means a **building** or an area of land and the function and activities therein or thereon;

“**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;

“**walkway(s)**” 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**; and

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

All other words and expressions have the meaning respectively assigned to them in the **Municipal Government Act**.

#### **1.4 Establishment of the Development Officer**

- (1) **Council** shall appoint one or more **Development Officers** who shall be designated officers within the meaning of the **Municipal Government Act**;
- (2) The **Municipal Planning Commission** may act in place of a **Development Officer**;
- (3) The **Development Officer** shall perform such duties that are specified in this **Land Use Bylaw**, including among other things:
  - (a) Keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this **Land Use Bylaw** and all



amendments thereto; and

- (b) Keeping a register of all applications for **development**, including the decisions thereon and the reasons therefore.

### **1.5 Municipal Planning Commission (MPC or Commission)**

- (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 No. 121-12, 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.

### **1.6 Establishment of Forms**

- (1) For the purpose of administering the provisions of this **Land Use Bylaw**, the **Council** shall, by resolution, authorize the preparation and the **use** of such forms and notices as it may deem necessary.
- (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 Establishment of Fees**

**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 Half Moon Bay Fees Bylaw. **Council** may amend the bylaw to increase, decrease or establish new fees by an amendment bylaw. *Amended by Bylaw #165-22.*

### **1.8 Establishment of Supplementary Regulations**

Supplementary Regulations as set forth in Part Three hereto, are hereby adopted by reference to be part of this **Land Use Bylaw**, and to be amended in the same manner as any other part of this **Land Use Bylaw**.

## **1.9 Establishment of Land Use District Regulations**

**Land use district** regulations as set forth in Part Four hereto, are hereby adopted by reference to be part of this **Land Use Bylaw**, and to be amended in the same manner as any other part of this **Land Use Bylaw**.

### **1.10 Establishment of Districts**

- (1) For the purpose of this **Land Use Bylaw**, the **municipality** is divided into the following Districts:  
  
Lakeshore Residential (R1)  
Environmental Open Space District (EOS)
- (2) The boundaries of the **districts** listed in subsection (1) are as delineated on Schedule A: Land Use District Map. All **roads**, water courses and lakes are excluded from the **land use districts**.
- (3) Where the location of **district** boundaries on Schedule A: Land Use District Map is not clearly understood, the following rules shall apply;
  - (a) A boundary shown as approximately following a **parcel** boundary shall be deemed to follow the **parcel** boundary;
  - (b) A boundary which does not follow a **parcel** boundary shall be located by measurement of Schedule A: Land Use District Map; and
  - (c) A boundary location which cannot be satisfactorily resolved, shall be referred to **Council** for an official interpretation.

### **1.11 Amendment of the Land Use Bylaw**

- (1) **Council** on its own initiative may give first reading to a bylaw to amend this **Land Use Bylaw**.
- (2) A person may make application to the **Development Officer** for amendment to this **Land Use Bylaw**. The application shall include:
  - (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 **district**, the legal description of the lands, or a plan showing the location and dimensions of the lands;
  - (d) The applicant's interest in the lands; and
  - (e) An application fee to be established by resolution of **Council**.

- (3) If the amendment is for the redesignation of land, the **Development Officer** may require:
- (a) An outline plan for the area to be redesignated, to the level of detail specified by the **Development Officer**, and
  - (b) Payment of a fee equal to the costs incurred by the **municipality** to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline plan.
- (4) Upon receipt of an application to amend this **Land Use Bylaw**, the **Development Officer** shall analyze the potential impacts of **development** 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 statutory plans or outline plans in preparation;
  - (c) Relationship to and compliance with the Sylvan Lake Management 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.
- (5) Upon receipt of an application for amendment to this **Land Use Bylaw**, the **Development Officer** shall determine when the application will be placed before **Council** and shall issue not less than five (5) days notice to the applicant advising that he or she may appear before **Council** at that time, and speak to the application. An application for amendment shall be placed before **Council** within sixty (60) days of its receipt by the

***Development Officer.***

- (6) ***Council***, in considering an application for an amendment to this ***Land Use Bylaw***, 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 conditions or 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***, with or without conditions.
- (7) Following first reading of an amending bylaw, ***Council*** shall
  - (a) Establish the date, time and place for a public hearing on the proposed bylaw;
  - (b) If a bylaw to establish procedures for public hearings has not been passed:
    - (i) 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
    - (ii) Outline the procedure for conducting the public hearing.
- (8) 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 area to which the proposed bylaw relates.
- (9) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- (10) 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.

- (11) In the case of an amendment to change the **district** designation of a **parcel** of land, the **Development Officer** must, in addition to the requirements of subsection (8),
- (a) Include in the notice:
    - (i) The municipal address, if any, and the legal address of the **parcel** of land; and
    - (ii) A map showing the location of the **parcel** of land;
  - (b) Give written notice containing the information described in clause (a) and subsection (10) to the owner of that **parcel** of land at the name and address shown on the certificate of title of the municipal tax roll; and
  - (c) Give written notice containing the information described in clause (a) and subsection (10) to each owner of **adjacent land** at the name and address shown for each owner on the tax roll of the **municipality**.
- (12) If the land referred to in subsection (11)(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.
- (13) Notwithstanding subsection (7), 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.
- (14) 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.
- (15) 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) Refer 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.

- (16) 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.
- (17) 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** Planner; and
  - (d) The adjacent municipality, if it received a copy of the proposed Bylaw pursuant to subsection (12).
- (18) 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 three (3) 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.

### **1.12 Sections Found Invalid**

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.

### **1.13 Repeal**

Land Use Bylaw 42/87 and all amendments thereto are hereby repealed.

READ A FIRST TIME the 27<sup>th</sup> day of May, 2013

READ A SECOND TIME the 12<sup>th</sup> day of August, 2013

READ AND THIRD TIME and finally passed this 12<sup>th</sup> day of August, 2013

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Mayor

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Administrator

## PART TWO: DEVELOPMENT PERMITS, CONTRAVENTION & APPEAL

### 2.1 Purpose of Development Permits

**Development Permits** are required to ensure that all **development** is achieved in an orderly manner.

### 2.2 Development Not Requiring a Development Permit

All **development** undertaken in the **municipality** requires an approved **Development Permit** prior to commencement, except:

- (1) 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**, Amended by Bylaw #131/16;
- (2) 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;
- (3) The **use** of any such **development** as is referred to in subsection (2) for the purpose for which **development** was commenced;
- (4) The erection or construction of gates, **fences**, walls or other means of enclosures less than 1 m (3.28 ft.) in height in **front yards** and less than 2 m (6.56 ft.) in other **yards**, and the maintenance, improvement and other alterations of any gates, **fences**, or walls or other means of enclosure;
- (5) 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**;
- (6) The installation, maintenance and repair of **public utilities**;
  - (a) For the maintenance of private sewer systems that can be undertaken without excavation of all or part of the system.
- (7) Any **development** carried out by or on behalf of the Crown;
- (8) 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**;

- (9) Any **accessory building** with a **floor area** of 11.15 m<sup>2</sup> (120 ft<sup>2</sup>) or less and height of 3.65 m (12 ft.) or less and **yard setbacks** of 0.61 m (2 ft.) or more, including garden or tool sheds, workshops, potting sheds and other similar structures provided that they are moveable and comply with the provisions of Part Three: Supplementary Regulations of this **Land Use Bylaw**, with the exception of the above mentioned **yard setbacks**. Amended by Bylaw #137/18.
- (10) **Development** specified in Section 618 (1) and (4) of the **Municipal Government Act**, which includes:
- (a) A highway or **road**;
  - (b) A well or battery within the meaning of the Oil and Gas Conservation Act;
  - (c) A pipeline or an installation or structure incidental to the operation of a pipeline; or
  - (d) 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;
- (11) The erection of one (1) unilluminated **sign** of the following nature and size for each **use** within a **building** or on a **parcel**, provided such **signs** do not resemble or conflict with traffic **signs**;
- (a) A **facia sign** or a **freestanding sign** for the purpose of identification, direction and warning not exceeding 0.20 m<sup>2</sup> (2.15 ft<sup>2</sup>);
  - (b) A **facia sign** or a **freestanding sign** relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.30 m<sup>2</sup> (3.23 ft<sup>2</sup>);
  - (c) A **facia sign** or a **freestanding sign** relating to a religious, educational, cultural, recreational or similar institution not exceeding 1 m<sup>2</sup> (10.76 ft<sup>2</sup>);
  - (d) 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 3 m<sup>2</sup> (32.29 ft<sup>2</sup>) and limited in display to the period of completion of the sale, lease, construction or event; and
  - (e) A flag attached to a single upright flag-pole;



- (12) The open storage of the boat hoists, piers and rafts of the **municipality's** seasonal and permanent residents, during the off-season and at the resident's risk, on land owned by the **municipality** and in areas as may be designated by the **Council**.

### 2.3 **Permission for Development**

- (1) An application for a **Development Permit** shall be made to the **Development Officer** in writing on the form prescribed by **Council** and shall be accompanied by:
- (a) A scaled site plan in duplicate showing proposed **landscaped areas** if required, the legal description, the **front yard, rear yard, and side yards**, if any; any provision for off-**street** loading and vehicle parking and access and egress points to the **parcel**;
  - (b) Confirmation from the Energy Resources Conservation Board identifying the presence or absence of abandoned wells;
  - (c) All scaled floor plans (including **basements**), elevations (including **basement**), sections, storm water disposal plans and existing and proposed **grade** elevations, sewage treatment and water supply details, in duplicate;
  - (d) A surveyor's certificate specifying the location of any **buildings** on the **parcel** or, in the case of undeveloped **parcels**, indicating the posting of the **parcel** boundaries;
  - (e) A statement of existing and proposed **uses**;
  - (f) A statement of **registered ownership** of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances;
  - (g) If the proposed **development** is for a **detached dwelling**, the application shall also include a copy of the private wastewater disposal permit issued by an accredited agency approving the proposed method of wastewater treatment and disposal for the **development**;
  - (h) If the proposed **development** is for an addition to a **detached dwelling** or a **guest house** with a washroom, the application shall include confirmation from a plumbing safety codes officer that the existing private wastewater disposal system is adequate for the proposed **development**;
  - (i) The estimated commencement and completion dates;
  - (j) The estimated cost of the project or contract price; and
  - (k) Such other plans and information as the **Development Authority**

may consider necessary to properly evaluate the proposed **development**.

- (2) At the sole discretion of the **Development Officer**, an application for **Development Permit** may be required to be accompanied by:
- (a) A geotechnical report, assessment or investigation prepared by a qualified geotechnical engineering for any proposed **development**, redevelopment, clearing or grading, excavation or adding fill within **escarpment** areas having ten (10) percent 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:
      - A. Alleviate any adverse impacts;
      - B. Monitor the performance of the environmental measures; and
      - C. 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.

- (3) If the intended **development** will involve the **removal of trees and/or shrubs**, the **Development Permit** application shall also include:
- (a) A plan showing the existing trees and/or shrubs and identification of the trees and/or shrubs to be removed;
  - (b) A statement on why the trees and/or shrubs are proposed to be removed;
  - (c) 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; and
  - (d) 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.
- (4) The **Development Authority** may refuse to accept an application for **Development Permit** where the information required by subsections 2.3(1), 2.3(2) and/or 2.3(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) The **Development Authority** may deal with an application and make a decision without all of the information required by subsections 2.3(1), 2.3(2) and/or 2.3(3), if it is the opinion of the **Development Authority** that a decision on the application can be properly made without such information.
- (6) 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**.
- (7) The **Development Officer** shall:
- (a) Receive all applications for a **Development Permit**;
  - (b) Refer all applications for **development** which would result in permanent overnight accommodation, including **dwelling units**, or public facilities to the Energy Resources Conservation Board, if any of the land which is the subject of the application is within 1.50 km (0.93 miles) of a sour gas facility and the proposed Development is not, in the opinion of the **Development Authority**, an infill **development**;
  - (c) Refer any application to an adjacent municipality or any other agency or person which in his opinion may provide relevant comments or advice respecting the application;

- (d) Consider and decide on applications for **Development Permit** which meet the standards of this **Land Use Bylaw** for **permitted uses**; and
  - (e) Refer with his/her recommendations, to the **Municipal Planning Commission** for its consideration and decision on all other applications for a **Development Permit**.
- (8) 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 **Municipal Government Act**, Subdivision and Development Regulations, approved statutory plans, and the Sylvan Lake Management Plan; or
  - (b) Subject to the provisions of section 2.4(2), the **Development Officer** shall refuse an application for a **Development Permit** if the proposed **development** does not conform in every respect to this **Land Use Bylaw**;
  - (c) If an application for a **Development Permit** for a **permitted use** does not conform to the requirements of this **Land Use Bylaw**, the **Municipal Government Act** and Subdivision and Development Regulations, approved statutory plans, and the Sylvan Lake Management Plan, the **Development Authority**:
    - (i) May refuse the application giving reasons for the refusal; or
    - (ii) May approve the application subject to conditions to ensure that the application conforms to the requirements of the **Land Use Bylaw**, the **Municipal Government Act** and the Subdivision and Development Regulation, approved statutory plans, and the Sylvan Lake Management Plan; or
    - (iii) May approve the application pursuant to section 640(6).
- (9) For a **discretionary use** in any **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) Subject to the provisions of section 2.4(2) 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**.
- (10) 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 **parcel**; 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) 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 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 give security to ensure that the terms of the agreement under this section are carried out;
  - (c) 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;
  - (d) 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**;

- (e) Shall be financially responsible during construction for any damage caused by the applicant, his/her servants, employees, suppliers, agents or contractors to any public or private property;
  - and
  - (f) Confirm that arrangements for sewage disposal have been made.
- (11) Prior to imposing any condition upon the issue of a **Development Permit** pursuant to section (9), 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**.
- (12) In the case where an application for a **Development Permit** has been refused pursuant to this Part or ultimately after appeal, the submission of another application for a permit on the same **parcel** and for the same or similar **use** of land by the same or any other applicant may not be accepted by the **Development Authority** for at least six (6) months after the date of the final decision unless in the opinion of the **Development Authority** the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.
- (13) 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.

*Amended by Bylaw #137/18*

## **2.4 Variances**

- (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.

- (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 **parcels** of land;
- And
- (b) The proposed **development** conforms with the **use** prescribed for that land or **building** in this bylaw.
- (3) In approving an application for **development** pursuant to subsections (2)(a) and (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 **parcel** lines, **parcel** shapes or site characteristics which create difficulties in siting structures within the required **setback** or in meeting the usual bylaw requirements;
- (i) Except as otherwise provided in this bylaw, there shall be no variance from the following:
    - A. **Parcel coverage**; and
    - B. **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.

*Amended by Bylaw #137/18*

## **2.5 Development Permits and Notices**

- (1) A **Development Permit** issued pursuant to this Part does not come into effect until twenty-one (21) days after the date on which notice of

issuance of the permit is given under subsection 4(a) or (b). Any **development** proceeded with the applicant prior to the expiry of this period is done solely at the risk of the applicant.

- (2) The date of issue of any permit shall be the date of notification pursuant to subsection (4).
- (3) Where an appeal is made pursuant to section 2.6 of this Part, a **Development Permit** which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) On the same date a **Development Permit** is issued, the **Development Authority** shall publicize a notice of the issuance of the permit in the form described as follows:
  - (a) For **permitted** and **discretionary uses**:
    - (i) Mail a notice of the decision to all persons whose **use**, enjoyment or value of property may, in the opinion of the **Development Authority**, be affected; and
    - (ii) Post a notice of the decision on the Summer Villages' website.
- (5) If the **development** authorized by a permit is not commenced within twelve (12) months from the date of its issue, or the date of decision of the **Subdivision and Development Appeal Board** upon appeal, nor carried out with reasonable diligence as determined by the **Development Authority**, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the **Development Authority**.
- (6) The exterior of any **building** shall be completed within twelve (12) months and the landscaping of the **parcel** shall be completed within two (2) years of the date of issue of the permit.
- (7) A decision of the **Development Authority** on an application for a **Development Permit** shall be given in writing and a copy of it sent or hand delivered to the applicant.
- (8) When the **Development Authority** refuses an application for a **Development Permit**, the decision shall contain reasons for the refusal.

*Amended by Bylaw #137/18*

## **2.6 Appealing a Decision**

- (1) The applicant for a **Development Permit** may appeal to the **Subdivision and Development Appeal Board** if the **Development Authority**:
  - (a) Refuses or fails to make a decision on a **Development Permit**



within forty (40) days of receipt of a completed application or within any extension granted by the applicant under section 684 of the **Municipal Government Act**, or

- (b) Issues a **Development Permit** subject to conditions.
- (2) In addition to the applicant, any person affected by a **Development Permit** or the decision on it, may appeal to the **Subdivision and Development Appeal Board**.
- (3) Notwithstanding Sections 2.6 (1) and (2), no appeal lies in respect of the issuance of a **Development Permit** for a **permitted use** unless the provisions of this bylaw are relaxed, varied or misinterpreted.
- (4) An appeal by an applicant must be commenced within twenty-one (21) days of the notification of the decision or when the forty (40) day period or any time extension expires. An appeal by any other affected person must be made within twenty-one (21) days of the notice of the issuance of the permit was given. *Amended by Bylaw #137/18.*

## 2.7 The Appeal Process

- (1) The **Subdivision and Development Appeal Board** must hold an appeal hearing within thirty (30) day after receipt of a notice of appeal.
- (2) The **Subdivision and Development Appeal Board** must give at least five (5) day's notice in writing of the hearing:
  - (a) To the appellant;
  - (b) To the **Development Authority** whose order, decision or **Development Permit** is the subject of the appeal; and
  - (c) To those owners required to be notified under the **Land Use Bylaw** and any other person that the **Subdivision and Development Appeal Board** considers to be affected by the appeal and should be notified.
- (3) In subsection (2)(c), "owners" means the person(s) shown as the owner of land on the certificate of title or the tax roll of the **municipality**.
- (4) The **Subdivision and Development Appeal Board** must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal including:
  - (a) The application for the **Development Permit**, the decision and the notice of appeal; or
  - (b) An order issued pursuant to Section 645 of the **Municipal Government Act**.

- (5) The **Subdivision and Development Appeal Board** shall hold a hearing, consider, and make and issue a decision on an appeal pursuant to the provisions of Sections 686 and 687 of the **Municipal Government Act**.
- (6) The decision of the **Subdivision and Development Appeal Board** 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**.

## 2.8 Cancellation

The **Development Authority** may cancel a **Development Permit** if:

- (1) The permit was issued in error; or
- (2) The permit was issued on the basis of incorrect information.

## 2.9 Compliance with other Legislation

- (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**.

## 2.10 Contravention and Enforcement

- (1) The provisions of this bylaw may be enforced by way of stop order, injunction or such other relief as may be available under the **Municipal Government Act**, including the following:
  - (a) Where the **Development Officer** finds that a **development** or **use** of land or **building** is not in accordance with Part 17 of the **Municipal Government Act**, this **Land Use Bylaw**, the Subdivision and Development Regulation, a **Development Permit** or subdivision approval, the **Development Officer** may, by notice in writing, order the **registered owner**, the person in possession of the land or **buildings** or the person responsible for the contravention or all or any of them to:
    - (i) Stop the **development** or **use** of the land or **building** in whole or in part as directed by the notice; or
    - (ii) Demolish, remove or replace the **development**; or

- (iii) Carry out any other actions required by the notice so that the **development** or **use** of the land or **building** complies with Part 17 of the **Municipal Government Act**, the Subdivision and Development Regulation, this **Land Use Bylaw**, a **Development Permit** or subdivision approval;

within the time set out in the notice.

- (b) Any person who receives an order under subsection (1) may appeal to the **Subdivision and Development Appeal Board** pursuant to this **Land Use Bylaw**.
- (c) The **municipality** may register a **caveat** under the Land Titles Act in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order. A **caveat** registered under this subsection must be discharged once the order has been complied with.
- (d) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the **Subdivision and Development Appeal Board** under the **Municipal Government Act** within the time specified, the **municipality** may seek a court order from the Court of Queen's Bench for any or all of the following:
  - (i) A declaration that the person who received an order is in breach of the **Land Use Bylaw**, an order issued under the **Land Use Bylaw** and/or the **Subdivision and Development Appeal Board's** decision relating to an appeal of an order;
  - (ii) An injunction ordering the person who received an order referred to in subsection (1) to comply with the **Land Use Bylaw** within a certain period of time;
  - (iii) An order providing that, if compliance has not been achieved within the period stated in the court order, that the **municipality** or persons appointed by it has the right to enter upon the land and **building** and take steps necessary to achieve compliance with the **Land Use Bylaw**;
  - (iv) An order that legal costs and the costs to achieve compliance incurred by the **municipality** can be added to the tax roll for the land that is the subject of the court order;
  - (v) A provision that the court order may be registered against the certificate of title for the land that is the subject of the court order and discharged only on full compliance with the court order.

- (e) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the **Subdivision and Development Appeal Board** under the **Municipal Government Act** within the time specified, **Council** or persons appointed by it may, in accordance with the **Municipal Government Act**, enter upon the land or **building** and take such action as is necessary to carry out the order.
  - (f) Where **Council** or persons appointed by it carries out an order, **Council** shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject of the order.
- (2) The **Development Officer** may inspect premises in accordance with the provisions of the **Municipal Government Act** where there are reasonable grounds to believe that the premises are being **used** in contravention of this bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
- (a) Complaints from the public that the premises are being **used** contrary to the bylaw;
  - (b) The observations of the **Development Officer** that there is excessive traffic, parking problems, accumulated debris in a **yard** or other apparent breach of this bylaw.

## **2.11 Offences and Penalties**

- (1) A person who contravenes or does not comply with a provision of Division 5 of Part 13, or Part 17 of the **Municipal Government Act**, or this **Land Use Bylaw**, or who obstructs or hinders any person in the exercise or performance of their powers under Part 17 or regulations under Part 17 of the **Municipal Government Act**, is guilty of an offence.
- (2) A person who is guilty of an offence referred to in subsection (1) is liable upon summary conviction to a fine of not less than \$250 and not more than \$10,000 or to imprisonment for not more than one (1) year, or to both fine and imprisonment.
- (3) **Development Permit** applications submitted after site preparation or construction has commenced may be subject to the increased fee provisions described in the fee schedule adopted by **Council** resolution in accordance with this **Land Use Bylaw**.

## PART THREE: SUPPLEMENTARY REGULATIONS

### 1. **Buildings**

#### 1(1) Accessory Buildings

- (a) Subject to the provisions of subsections (b) and (c) of this section, **accessory buildings** shall be sited having regard to their:
  - (i) Environmental impact;
  - (ii) **Use**;
  - (iii) Accessibility; and
  - (iv) Location in relation to other **buildings** on the **parcel** and the future **use** and/or subdivision of the **parcel**.
- (b) An **accessory building** on a **parcel** abutting Sylvan Lake or a **reserve parcel** abutting the lake shall be situated so that:
  - (i) It is located within the minimum **rear yard** of any **parcel**;
  - (ii) It is not closer to the **front parcel boundary** and the top of any **escarpment** area or high water mark, as determined by the **Development Authority**, than the front wall of the **main building** or 15 m (49.21 ft.) whichever is the least; and
  - (iii) On an **interior parcel**, a minimum of:
    - A. 1 m (3.28 ft.) from any side **parcel** boundary;
    - B. 6 m (19.69 ft.) from the rear **parcel** boundary; and
  - (iv) On a **corner parcel**, are a minimum of:
    - A. 3 m (9.84 ft.) from any side boundary abutting a **street**, or a **reserve parcel**;
    - B. 1 m (3.28 ft.) from the other side boundary; and
    - C. 6 m (19.69 ft.) from the rear **parcel** boundary.
  - (v) Notwithstanding the above, an **accessory building** or any portion thereof may be erected or placed on the front or side boundary common to two **parcels** provided the **accessory building** serves the two abutting **parcels**.

- (c) An **accessory building** on a **parcel** not abutting Sylvan Lake or a **reserve parcel** abutting the lake shall be situated so that:
- (i) On an **interior parcel**, a minimum of:
    - A. 1 m (3.28 ft.) from the side **parcel** boundary;
    - B. 3 m (9.84 ft.) from the rear **parcel** boundary;
    - C. 6 m (19.69 ft.) from the **front parcel boundary**, and
  - (ii) On a **corner parcel**, a minimum of:
    - A. 3 m (9.84 ft.) from the side boundary abutting the **street**;
    - B. 1 m (3.28 ft.) from the other side **parcel** boundary;
    - C. 6 m (19.69 ft.) from the **front parcel boundary**, and
    - D. 3 m (9.84 ft.) from the rear **parcel** boundary.
  - (iii) Notwithstanding the above, an **accessory building** or any portion thereof may be erected or placed on the rear or side boundary common to two (2) **parcels** provided the **accessory building** serves the two (2) abutting **parcels**.
- (d) Notwithstanding section 1(6)(b), an **accessory building** shall not be more than 5 m (16.40 ft.) in height measured from **grade**.
- (e) An **accessory building** erected or placed on a **parcel** shall not be **used** as a **dwelling unit**.
- (f) The exterior of an **accessory building** must be finished to match or complement the exterior finish of the **main building**.

## 1(2) Building Orientation and Design

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 **parcels**;
- (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**.

### 1(3) Relocation of Buildings

- (a) No Person shall:
  - (i) Alter the location on a **parcel** of a **building** which has already been constructed on that **parcel**; or
  - (ii) Place on a **parcel** a **building** which is to be relocated or moved from a different **parcel** or location;unless a **Development Permit** has been issued by the **Development Authority**.
- (b) In addition to the requirements of Part 2 Section 2.3(1), the **Development Authority** may require an application for a **Development Permit** to be accompanied with:
  - (i) Recent colour photographs showing all elevations of the **building**;
  - (ii) A statement verifying the age, size and structural condition of the **building**; and
  - (iii) A statement of proposed improvements to the **building**.
- (c) An application for a **Development Permit** may be approved by the **Development Authority** if the proposal meets all of the regulations specified under the appropriate **land use district** in which it is proposed to be located.
- (d) Where a **Development Permit** has been granted for the relocation of a

**building** either on the same **parcel** 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**.

- (e) All structural and exterior renovations shall be completed within one (1) year of the issuance of a **Development Permit**.

#### 1(4) Number of Buildings on a Parcel

A **Development Permit** shall not be issued for more than:

- (a) One (1) **main building** on an unsubdivided **parcel**; and
- (b) Two (2) **accessory buildings** on an unsubdivided **parcel**.

*Amended by Bylaw #131/16*

#### 1(5) Building Demolition

An application to demolish a **building** shall not be approved without a statement or plan which indicates:

- (a) How the operation will be carried out so as to create a minimum of dust or other nuisances; and
- (b) The final reclamation of the **parcel**;

which is satisfactory to the **Development Authority**.

#### 1(6) Guest Houses

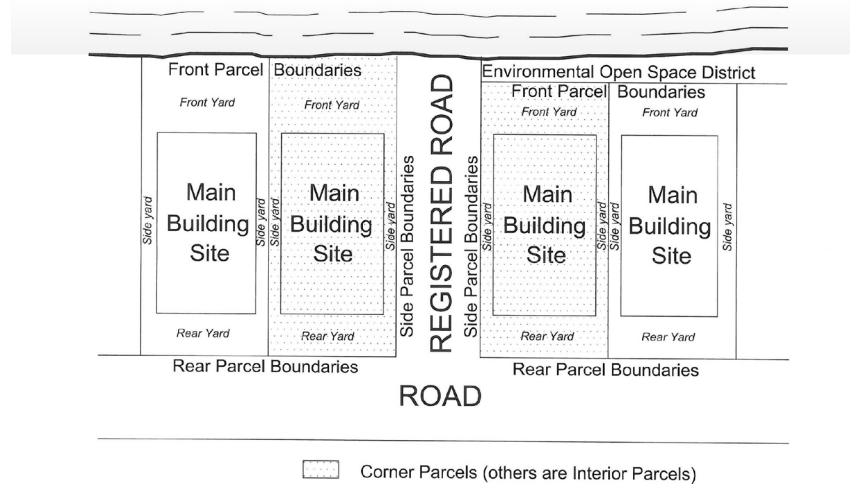
- (a) A maximum of one (1) **guest house** is allowed on a **parcel**; and
- (b) An **accessory building** with a **guest house** above a garage shall not exceed 7.62 m (25 ft.) in height measured from **grade**;
- (c) In situations where a **detached dwelling** is being rented out and there is a **guest house** on the **parcel**, the **guest house** shall not to be rented out to a separate party other than those renting the **detached dwelling**.



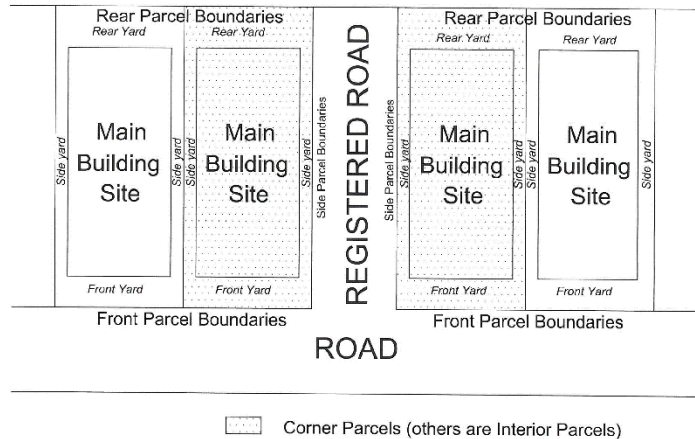
2. **Yards**

2(1) Yard Illustrations

(a) For **parcels abutting** Sylvan Lake or a **reserve parcel** abutting the lake:



(b) For **parcels not abutting** Sylvan Lake or a **reserve parcel** abutting the lake:



2(2) Projections Over Yards

(a) In the residential **district** the portion of and attachments to a main or **accessory building** which may project over or on a minimum **yard** are:

(i) **Side Yards:**

Any **projection**, including unenclosed steps or eaves, not exceeding one-half of the minimum **side yard** required for the **building**;

(ii) **Front Yard and Rear Yard:**

A. Any **projection** not exceeding 2.50 m (8.20 ft.) over or on a minimum **front yard** or **rear yard**;

B. Unenclosed decks, if they do not project more than fifty (50) percent of the minimum **yard**;

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

2(3) Objects Prohibited or Restricted in Yards

(a) 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 **parcel** in the residential **district**, unless it is suitably housed or **screened** to the satisfaction of the **Development Authority**.

(b) A **recreational vehicle** parked on a **parcel** with a **dwelling unit** in the residential **district** may be used for living and sleeping accommodation only by:

(i) Bona fide tourists for a maximum period of thirty (30) days per annum; and

(ii) The **registered owner** of the **parcel**, and his/her immediate family, for a maximum of sixty (60) consecutive days following the issue of a **Development Permit** which necessitates temporary accommodation on the **parcel**. The **Development Authority** may, at their sole discretion, allow one (1) extension of this period, being no longer than an additional sixty (60) days.

(c) A **recreational vehicle** shall not be parked on a vacant **parcel** except to provide temporary accommodation for the **registered owner** of the **parcel**, and his/her immediate family, for:

(i) One period of a maximum of sixty (60) consecutive days following the issue of a **Development Permit** for a **dwelling unit** on the **parcel**, provided that provisions, satisfactory to the **Development Authority**, have been made for the disposal of sewage. The **Development Authority** may, at their sole discretion, allow one (1) extension of this period, being no longer than an additional sixty (60) days; and

- (ii) Such other periods, not in excess of three (3) consecutive days and a total of seven (7) days per annum, as may be approved by the **Development Authority** to assist in the preparation of a **Development Permit** application for the **parcel**.
- (d) No person shall allow a vehicle of more than 1,000 kg (2,204.62 lbs) Gross Vehicle Weight to be parked or stored in residential **districts**, except boats, boat trailers, school buses and **recreational vehicles**.
- (e) No person shall allow the parking or storage of a helicopter on a **parcel**.

#### 2(4) Laneless Subdivisions

- (a) In a laneless subdivision in the residential **district**, one **side yard** shall not be less than:
  - (i) 1.50 m (4.92 ft.), in the case of a **detached dwelling** with attached garage; or
  - (ii) 3 m (9.84 ft.), in the case of a **detached dwelling** without attached garage.

### 3. Vehicles

#### 3(1) Driveways

- (a) The maximum width of a **driveway** shall be 10 m (32.80 ft.). **Driveway** width shall be measured within the **carriageway**.
- (b) **Driveways** on **corner parcels** shall be **setback** from the **street** intersection not less than 6 m (19.69 ft.) where the **driveway** serves not more than four (4) **dwelling units**.
- (c) In the residential **district**, the number of **driveways** shall be limited to not more than one (1) **driveway** on a property with less than 40 m (131.23 ft.) and not more than two (2) **driveways** for properties with more than 40 m (131.23 ft.) of frontage.
- (d) **Driveways** shall be constructed in such a manner not to interfere with the natural flow or absorption of water.
- (e) Where the **road** 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**.

#### 3(2) Detached Garages

- (a) In addition to the **accessory building setbacks** prescribed in 1(1), a

detached garage shall be located a minimum of 6 m (19.69 ft) from the **rear parcel boundary** (or **front parcel boundary** for parcels not abutting Sylvan Lake or a reserve parcel abutting the lake) if the overhead doors of the garage face a **lane, street** or **rear parcel boundary** (or **front parcel boundary** for **parcels** not abutting Sylvan Lake or a reserve **parcel** abutting the lake).

- (b) Side entry detached garages:
  - (i) Will only be permitted on **parcels** greater than 12 m (39.37 ft) in width; and
  - (ii) Shall be located a minimum of 3.65 m (12 ft) from the **rear parcel boundary** or the **front parcel boundary** for parcels not abutting Sylvan Lake or a reserve parcel abutting the lake.

### 3(3) Sight Lines at Intersections of Roadways

- (a) At the intersection of **roadways**, the **Development Authority** may require the calculation of **sight triangles** where:
  - (i) One or more rights-of-way is less than 15 m (49.21 ft.); or
  - (ii) Regulated vehicle speed exceeds 50 km/h; or
  - (iii) One of the **carriageways** is not centered in its right-of-way; or
  - (iv) An intersection leg is curved or skewed; or
  - (v) An intersection leg is sloped at two (2) percent or greater.
- (b) **Sight triangle** calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for **roadways**.

## 4. **Miscellaneous**

### 4(1) Home Occupations

**Home occupations** shall comply with the following:

- (a) A **home occupation** shall not include any **use** or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions;
- (b) A **home occupation** shall be incidental and subordinate to both the residential **use** and any **accessory building**;
- (c) There shall be no exterior display or advertisement, except as provided

for in Section 2.2(11) of this **Land Use Bylaw**;

- (d) There shall be no outside storage or materials, commodities or finished products;
- (e) No commodity other than the product or service of the **home occupation** shall be sold on the premises;
- (f) No person other than a resident of the **dwelling unit** shall be employed.

#### 4(2) Private Pools and Decorative Ponds

- (a) For **parcels abutting** Sylvan Lake or a **reserve parcel** abutting the lake, a **private pool** or **decorative pond** shall be located on:
  - (i) At least 1.50 m (4.92 ft.) from the side and front property lines;
  - (ii) In a **front yard** or **side yard** in an **interior parcel**; and
  - (iii) On a **corner parcel**, located in a **front yard** or the **side yard** not adjacent to a public **roadway**;
  - (iv) A **decorative pond** may be located in a **rear yard** if:
    - A. The pond is 600 mm (23.62 inches) or less in depth; and
    - B. The pond is located a minimum of 1.50 m (4.92 ft.) from the rear and side property lines.
- (b) For **parcels not abutting** Sylvan Lake or a **reserve parcel** abutting the lake, a **private pool** or **decorative pond** shall be located:
  - (i) At least 1.50 m (4.92 ft.) from the side and rear property lines;
  - (ii) In a **rear yard** or **side yard** in an **interior parcel**; and
  - (iii) On a **corner parcel**, located in a **rear yard** or the **side yard** not adjacent to a public **roadway**;
  - (iv) A **decorative pond** may be located in a **front yard** if:
    - A. The pond is 600 mm (23.62 inches) or less in depth; and
    - B. The pond is located a minimum of 1.50 m (4.92 ft.) from the front and side property lines.
- (c) A **private pool** shall be enclosed by a secure lockable lid or fencing equipped with gates that lock in accordance with the Alberta Building Code in effect at the date of the application for **Development Permit**.

4(3) Fencing

Within the Residential (R) District:

- (a) For **parcels abutting** Sylvan Lake or a **reserve parcel** abutting the lake, **fences**:
  - (i) Located within a **rear yard** or **side yard** of a **parcel** shall not exceed 2 m (6.56 ft.) in height;
  - (ii) Located within the **front yard** of a **parcel** shall not exceed 1 m (3.28 ft.) in height;
  - (iii) Located within the **flankage yard** shall not exceed 1 m (3.28 ft.) in height;
- (b) For **parcels not abutting** Sylvan Lake or a **reserve parcel** abutting the lake, **fences**:
  - (i) Located within a **rear yard** or **side yard** of a **parcel** shall not exceed 2 m (6.56 ft.) in height;
  - (ii) Located within the **front yard** of a **parcel** shall not exceed 1 m (3.28 ft.) in height;
  - (iii) Located within the **flankage yard** shall not exceed 1 m (3.28 ft.) in height;
- (c) **Fence** height shall be determined by measuring from the top of the **fence** to the ground;

Within the Environmental Open Space District, a **fence** shall be sited to the discretion of the **Development Authority**.

4(4) Mechanized Excavation, Stripping and Grading of Parcels

- (a) A temporary **fence** shall be erected around all excavations which in the opinion of the **Development Authority** may be hazardous to the public.
- (b) Where **finished ground elevations** are established, all grading shall comply therewith.
- (c) All **parcels** 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**.
- (d) All topsoil shall be retained on the **parcel**, except where it must be removed for building purposes.

- (e) **Finished ground elevations** and **grade** elevations must be provided to the **Development Authority** for any **dwelling unit** containing a walkout **basement**.
- (f) Retaining walls greater than 1 m (3.28 ft) in height above any adjoining **grade** requires a **Development Permit**.

#### 4(5) Landscaping, Environmental Conservation and Development

The following standard of landscaping shall be required for all areas of a **parcel** 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) **Escarpment** or slope areas with a gradient of fifteen (15) percent or greater; and
  - (v) Land located below the top of the bank of 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) The planting of additional trees and shrubs to replace those removed upon **development** of the **parcel**, at the discretion of the **Development Authority**;
- (e) A sufficient depth of topsoil to facilitate growth in the soft-**landscaped areas**, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
- (f) Completion of the landscaping within two (2) years of the date of issue of the **Development Permit**.

#### 4(6) Subdivision Design Standards

- (a) 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 m (98.43 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.

#### 4(7) Public Property Regulations

- (a) Parking or leaving a vehicle on public property shall be in accordance with the Summer Village of Half Moon Bay's Traffic Bylaw No. 114-11, as amended.
- (b) 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.
- (c) **Private development** on any municipal reserve, environmental reserve or other **municipal** owned land is prohibited.
- (d) The prohibition in subsection (c) does not apply to any **uses** listed in an applicable **land use district** and subject to expressed written approval from the **municipality**.
- (e) No person shall erect or cause to be erected any **fence** on any property owned by the **municipality** without their expressed written approval.

### 5. Guidelines for Other Land Uses

All **uses** which are not covered by specific regulations in Part Three: Supplementary Regulations shall, in accordance with the following guidelines, be:

- (a) Separated from adjacent **uses** by such a distance as to ensure that there will be no adverse impact upon or by those adjacent **uses**;
- (b) At a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan;
- (c) **Setback** from any **parcel** boundary abutting a **road** or a **reserve** a sufficient distance to ensure that the **development** will not be visually intrusive, having regard to any possible changes in surrounding **uses**;
- (d) Of a height which will be consistent with that prevailing in the area;
- (e) Developed in such a manner that there will be no adverse impact upon or by traffic on adjacent **roads**; and
- (f) Developed in conformance with any applicable statutory plan policies.



## PART FOUR: LAND USE DISTRICT REGULATIONS

### *RESIDENTIAL DISTRICT (R)*

**General Purpose:** To provide an area for low density residential **development** in the form of **detached dwellings** and compatible **uses**, herein listed.

**Permitted Use:** Accessory Building where the total **floor area** is 74 m<sup>2</sup> (796.54 ft<sup>2</sup>) or less *Amended by Bylaw #131/16*  
Building Demolition *Amended by Bylaw #131/16*  
Detached Dwelling

**Discretionary Uses:** Accessory Building where the total **floor area** is over 74 m<sup>2</sup> (796.54 ft<sup>2</sup>) *Amended by Bylaw #131/16*  
Accessory Use  
Guest House  
Home Occupation  
Manufactured Dwelling Unit  
Mechanized Excavation, Stripping and Grading  
Parks and Playgrounds  
Public and Quasi-Public Use  
Signs  
Walkway

### **Minimum Parcel Area:**

- (1) **Parcels** shall have a width of not less than 30.50 m (100.07 ft.), and an area of not less than 1,860 m<sup>2</sup> (20,020.87 ft<sup>2</sup>); and
- (2) **Parcels** not complying with the foregoing and legally created prior to promulgation of Alberta Regulation 132/78 (April 1st, 1978) are not subject to the foregoing but are subject to the following:
  - (a) 705 m<sup>2</sup> (7,588.56 ft<sup>2</sup>)

### **Parcel Servicing:**

- (1) Only a **holding tank** shall be permitted for any **detached dwelling** or a replacement of existing septic system on lots which are not proposed to be served with a piped sewage system.
- (2) The **Development Authority** shall either refuse to issue a **Development Permit** for any **building**, structure or works, unless arrangements under (1) above have been completed, or issue a **Development Permit** subject to the conditions that arrangements under (1) above shall be completed prior to the commencement of the **development**.
- (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.

- (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.
- (5) Electrical power from the property line of any **parcel** to any **building** situated on the **parcel** shall be constructed underground.

#### Site Development:

- (1) Unless otherwise provided in a development agreement registered by the **municipality** by **caveat** on the title to any **parcel** the following provisions shall apply:
  - (a) Minimum **Front Yard** and **Rear Yard**:
    - (i) 10 m (32.80 ft.) to the habitable **dwelling unit** from the **front parcel boundary** or the top of the **escarpment** or high water mark, as determined by the **Development Authority**, whichever is closest to the dwelling; and
    - (ii) 6.0 m (19.69 ft) to a garage attached to, and structurally part of, the **main building**.
  - (b) Minimum **Side Yard**:
    - (i) 3 m (9.84 ft.) where abutting a **reserve parcel** or **road**;
    - (ii) 3 m (9.84 ft.) on Lots 2-8, Block 5, Plan 4171 NY;
    - (iii) 1.5 m (4.92 ft.) or 3 m (9.84 ft.), as required by Section 2(4) of Part Three: Supplementary Regulations; or
    - (iv) As required by the Alberta Building Code, whichever is greater.
  - (c) Maximum **Parcel Coverage**: Forty-five (45) percent. *Amended by Bylaw #137/18.*
  - (d) Landscaping: A minimum of thirty-five (35) percent of the parcel shall be a landscaped area. *Amended by Bylaw #137/18.*
  - (e) Maximum **Building Height**: 10 m (32.80 ft.) measured from **grade**.
  - (f) Minimum **Floor Area**: 100 m<sup>2</sup> (1,076.39 ft<sup>2</sup>)
  - (g) Parking Requirements
    - (i) **Detached dwellings** shall have at least two (2) parking stalls per

Dwelling;

- (ii) For all other **uses**, parking stalls may be required at the **Development Authority's** sole discretion; and
- (iii) All parking stalls shall have a dimension of not less than 2.75 m (9.02 ft.) by 5.5 m (18.04 ft).

**Supplementary Regulations:**

- (1) All **uses** must comply with the regulations in Part Three: Supplementary Regulations.

## **ENVIRONMENTAL OPEN SPACE DISTRICT (EOS)**

**General Purpose:** To provide an area for the preservation of *municipal* land in its natural state.

**Permitted Use:** Natural Environment Preservation

**Discretionary Uses:** Accessory Use  
Mechanized Excavation, Stripping and Grading  
Parks and Playgrounds  
Signs (public)  
Trails  
Utility Building  
Walkway  
Any *use* that is similar, in the opinion of the **Development Authority**, to the Permitted or **discretionary uses** described above.

### **Site Development:**

- (1) Parking Requirements:
  - (a) Parking stalls may be required at the **Development Authority's** sole discretion; and
  - (b) All parking stalls shall have a dimension of not less than 2.75 m (9.02 ft.) by 5.5 m (18.04 ft).

### **Supplementary Regulations:**

- (1) All *uses* must comply with the regulations in Part Three: Supplementary Regulations.