

Summer Village of Parkland Beach

Land Use Bylaw 2007-01

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With Amendments to

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Summer Village of Parkland Beach Land Use Bylaw 2007-01

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PART ONE: GENERAL

1.1 Purpose and Name

- (1) The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Summer Village of Parkland Beach to achieve the orderly and economic development of land, and for that purpose, among other things:
 - (a) To divide the municipality into districts;
 - (b) To prescribe and regulate for each district the purposes for which land and buildings may be used;
 - (c) To establish the office of Development Authority;
 - (d) To establish a method of making decisions on applications for development permits including the issuing of development permits; and
 - (e) To prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit.
- (2) This bylaw may be referred to as *The Land Use Bylaw*.

1.2 Definitions

In this Bylaw:

Accessory Building 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.

Accessory Use means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.

Act means the *Municipal Government Act*.

Advanced Wastewater Treatment System means a treatment system that complies with the National Sanitation Foundation International Standard for Wastewater Technology, *NSF-40 Standard for Wastewater Treatment Systems* or the *CAN/BNQ 3680-910 Standard* for (Stand Alone) Wastewater Treatment Systems, or such other standard that shall be determined by the Development Authority to be applicable;

Building includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

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

Campground means a commercial development of a parcel or part thereof on which tents or recreation vehicles may be located on sites to provide temporary accommodation for travelers, tourists and vacationers.

Carport means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40 percent of its total perimeter open and unobstructed.

Council means the Council of the Summer Village of Parkland Beach.

Developer means an owner, agent or any person, firm or company required to obtain, or having obtained a development permit.

Development means development as defined in the Act, and includes the following:

- (a) an excavation or stockpile and the creation of either of them,
- (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land of any of them,
- (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 a person appointed to administer this Bylaw.

Development Permit means a document issued pursuant to this Bylaw authorizing a development.

Discretionary Use means the use of land or a building provided for in this Bylaw for which a development permit **may** be issued upon an application having been made.

Drinking Establishment means an establishment that has the primary purpose of selling alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, the preparation and the sale of food for consumption on the premises. A drinking establishment includes any premises in respect of which a "Class A" liquor license has been issued and where minors are prohibited by the terms of the license.

Driveway means a vehicle access route between a road and use on a parcel.

Dwelling means any building or structure used for human habitation and which is supported on a permanent foundation or base.

Dwelling Unit means a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals.

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

Educational Uses means a place of instruction under the jurisdiction of a government authority and includes a day nursery and residence buildings for staff and students.

Excavation means any breaking of ground, except common household gardening and ground care.

Farming And Cultivation means lands used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including woodlots but excluding dairying and the keeping of fowl or livestock except for household pets.

Fence means a vertical physical barrier constructed to prevent visual intrusion, sound abatement, or unauthorized access.

Front Yard see **Yard, Front**.

Frontage means the length of a street boundary from which principal access is gained to a lot.

Garage means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles.

Gasoline Sales means an establishment which sells gasoline or diesel fuel but does not include facilities for the servicing or repair of motor vehicles.

Gazebo means an open-air structure with a roof that is usually open or screened on the sides.

Guesthouse means a permanent building which has sleeping accommodation and may have a bathroom, but does not have a kitchen or other cooking facilities. A guesthouse provides overflow accommodation for a detached dwelling located on the same parcel and is not available for rent.

Home Occupation means an occupation carried on within a dwelling unit and which is not visible or noticeable in any manner from outside the dwelling. Such occupation is secondary to the residential occupancy and does not change the character thereof.

Inlaw Suite means a residential unit or building intended for occupancy by the property owner or by elderly relatives of the property owner.

Institutional Uses means the use of land, buildings, or structures for religious, charitable, government, health or welfare purposes and includes places of worship and community halls but excludes educational uses.

Lakeshore Lot means a lot which faces onto a lake and any part of the property is directly adjacent to a lake or onto a buffer strip of municipal reserve or environmental reserve that is located along the lakeshore.

Lane means a public thoroughfare for vehicles, whether developed or not, the right-of-way which does not exceed 10 metres (30 feet), and is not less than 6 metres (20 feet) in width, and which provides a secondary means of access to a parcel or parcels.

Modular Unit means a prefabricated or factory built frame or shell which comprises the wall or siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side-by-side or vertically, and completed to form one single dwelling unit for year-round occupancy.

Mobile Home Unit means a structure whether ordinarily equipped with wheels or not that is manufactured to be moved from one point to another by being towed or carried, and which provides year round living accommodation for one or more persons and can be connected to utilities.

Municipality means the Summer Village of Parkland Beach.

Natural Resources Development means the management, development, extraction, and harvesting of natural resources but excludes farming and cultivation.

Non-Conforming Building means a building

- (a) that is lawfully constructed or lawfully under construction at the date that this land use bylaw affecting the building or land on which the building is situated becomes effective, and
- (b) that on the date the land use bylaw 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.

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons or property.

Park Model Campground means a commercial development of a parcel or part thereof on which park model recreation vehicles may be located to provide seasonal or recreational accommodation. Park model campgrounds are not a residential use;

Park Model Recreation Vehicle means a recreation vehicle that conforms to CAN/CSA-Z241 series standards and is used or intended to be used for seasonal or recreational accommodation only. "Park Model" excludes recreation vehicles or units built to CAN/CSA-A277 standard or the Alberta Building Code;

Permitted Use means the use of land or a building provided for in a Land Use Bylaw for which a development permit **shall** be issued upon an application having been made.

Personal, Business, And Recreation Services means a use in which:

- (a) persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty parlours, laundromats, and similar uses;
- (b) persons provide professional services to clients and/or other businesses including accounting, legal, and consulting services and similar uses;
- (c) persons provide services related to recreation including bicycle rental, marine uses, entertainment excluding uses which involve the sale of alcoholic beverages, and other similar uses.

Pole Shed means an open air structure with a roof supported by poles that is detached from the main building on a parcel and that is primarily intended to provide cover for stored items including, but not limited to, firewood, tractors, lawn and garden equipment, boats, and trailers. For the purposes of this Bylaw, gazebos and other open air structures designed for personal recreational use are not considered pole sheds.

Private Recreational Development means an open space or recreational area, other than a public park, operated on a commercial and/or private member basis excluding uses which include a campground or park model campground.

Privy means a physical structure used for the purpose of sewage disposal whereby effluent is deposited for decomposition in an enclosed pit in the earth which may be lined with permeable or semi-permeable materials such as wood or concrete.

Public Park means an active or passive public recreation area developed by the municipality, together with any accessory buildings or uses complementary to the said recreational purpose.

Public Utility Uses And Facilities means uses or facilities for the:

- (a) production and distribution of electricity, natural gas, or oil;
- (b) storage, transmission, treatment, distribution or supply of water;
- (c) collection, treatment, movement or disposal of sewage;
- (d) provision of other utility services that are owned or operated by a utility company, the municipality, or the Crown.

Recreation Vehicle means a vehicle or a portable structure designed to be carried by or on a vehicle providing temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include, but are not limited to, motor homes, fifth wheels, tent trailers, campers, and holiday trailers. Recreational vehicles do not include mobile homes or modular units and shall not be skirted or provide for the attachment or use of any projections including, but not limited to, decks and carports.

Rear Yard see **Yard**.

Restaurant means an establishment for the preparation and/or sale of food for consumption on the premises and may include takeout food service but does not include a drinking establishment.

Retail Store means the sale of merchandise such as convenience goods, groceries, snacks and soft drinks, camping and recreation supplies and includes the indoor storage of merchandise in quantities limited to the needs of the outlet.

Seasonal means the use or occupation of a site, recreation vehicle or park model recreation vehicle between May 1st and October 31st of a calendar year;

Setback means the distance from a building to the front, side or rear property line of the building site.

Sewage Collection System means a sanitary sewage project that serves two (2) or more Dwelling Units

Side Yard see **Yard**.

Sign means an object or divide intended for the purpose of advertising or calling attention to any person, matter, thing or event.

Single Detached Dwelling means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a mobile home.

Site means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

Site Area means the total area of a site.

Site, Corner means a site at the intersection of two abutting streets provided that the intersection of the two streets is less than one hundred thirty-five degrees. A site abutting upon a curved street or streets shall be considered a corner site if the arc of the inside boundary of the street is less than 45 metres in radius over an angle of more than 135 degrees.

Subdivision and Development Appeal Board means the Board set up and operating under Bylaw 2007-02.

Subdivision and Development Regulation means Alberta Regulation 43/2002 as amended.

Temporary Building means a building or structure intended for removal or demolition with a prescribed time not exceeding one year.

Utility means the components of a sewage, storm water or solid waste disposal system or an electrical power, water, gas or electronic information distribution system.

Utility Building means a building in which the proprietor of a utility company maintains his office of offices and/or maintains or houses any equipment used in connection with the utility.

Yard means a required open space, unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw.

Yard, Front means that portion of the site extending across the full width of the site from the front property boundary of the site to the nearest portion of the building (including an eave or overhang), and shall be measured at right angles to the front property boundary.

Yard, Rear means that portion of the site extending across the full width of the site from the rear property boundary of the site to the nearest portion of the building (including an eave or overhang), and shall be measured at right angles to the rear property line.

Yard, Side means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site to the nearest portion of the

building (including an eave or overhang), and shall be measured at right angles to the side property boundary.

In case of dispute, section 616 and other sections of the Act take precedence over the definitions listed above.

1.3 Development Authority

- (1) The office of Development Authority is hereby established and shall be filled by a person or persons appointed by resolution of Council. If there is no such resolution, the Chief Administrative Officer shall act as Development Authority.
- (2) The Development Authority shall:
 - (a) receive, consider and decide on applications for a development permit, and
 - (b) make available for inspection:
 - (i) a copy of this Bylaw as amended, and
 - (ii) a register of all applications including the decisions rendered on them and the reasons therefor, and
 - (c) ensure that copies of this Bylaw can be purchased by the public at a reasonable cost, and
 - (d) carry out the duties prescribed in the Act with regard to appeals or, designate a person to do the same, and
 - (e) perform such duties as established to enforce this Bylaw in conformance with the Act.
- (3) For the purposes of section 542 of the Act, the Development Authority is hereby declared to be an authorized person of the Council.
- (4) The Development Authority may levy application fees to amend this Bylaw, to process development permit applications, or for other services related to the implementation of this Bylaw. Fees shall be established by resolution of Council.

1.4 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by Bylaw 2007-02 shall perform the duties specified in the Act and this Bylaw.

1.5 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.

- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot, and no additional buildings shall be erected on the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Authority considers necessary for the routine maintenance of the building;
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

1.6 Measurements

Measurements are given in metric units, and where a measurement is also given in imperial measure, it is for convenience only, and has no standing in the interpretation of this bylaw.

1.7 Establishment of General Regulations

General Regulations as set forth in Schedule "A" 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.

1.8 Establishment of Land Use District Regulations

Land Use District Regulations as set forth in Schedule "B" a 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 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefor.

1.10 Form of Application

- (1) All applications for amendment to the Land Use Bylaw shall be made to the Council on a standard form and shall be accompanied by the following:
 - (a) the application fee as established by resolution of Council;

- (b) a Certificate of Search of the land affected or other documents satisfactory to the Development Authority including the applicant's interest in the said land; and
- (c) fully dimensioned, accurately figured, explicit and complete drawings, drawn on the standard drafting material, to the satisfaction of the Development Authority.

1.11 Amending Bylaw

All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the Act.

1.12 Repeal of Former Bylaw

Bylaw 1998-4 as amended is repealed.

1.13 Date of Commencement

- (1) This Bylaw comes into effect upon the date of it finally being passed.
- (2) Schedules A, B and C are deemed to be part of this Bylaw.

PART TWO: DEVELOPMENT PERMITS, CONTRAVENTION, AND APPEAL

2.1. Purpose of Development Permits

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

- (1) No development other than that designated in Section 2.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (2) The following development undertaken within the municipality shall be constructed or developed to the satisfaction of the Safety Codes Officer.
- (3) Development sites must be kept tidy and clear from all debris and garbage.
- (4) Development sites must not be used as storage areas for vehicles or other materials not related to construction.

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 maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;
- (2) the completion of a building which was lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided, also, that the building,

whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first publication of the official notice;

- (3) the use of any such buildings as is referred to in Subsection (2) for the purpose for which construction was commenced;
- (4) the erection, construction, improvement and alterations of gates, fences, walls or other means of enclosure in the residential district conforming to all requirements of the Land Use Bylaw;
- (5) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw;
- (6) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

2.3. Permission for Development

- (1) (a) An application for a development permit shall be made to the Development Authority in writing on the form prescribed by the Authority and shall be accompanied by:
 - (i) a scaled site plan showing the treatment of landscaped areas if required, the legal description, the front, rear, and side yards, if any: any provision for off-street loading and vehicle parking and access and egress points to the parcel;
 - (ii) scaled floor plans, elevations and sections;
 - (iii) a statement of existing and proposed uses;
 - (iv) if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
 - (v) the estimated commencement and completion dates;
 - (vi) the estimated cost of the project or contract price; and
 - (vii) such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development.
- (b) The Development Officer may refuse to accept an application for a development permit where the information required by subsection 2.3(1)(a) 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.
- (c) The Development Authority may deal with an application and make a decision without all of the information required by subsection 2.3(1)(a), if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.

- (d) An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of the Development Authority is not made within 40 days of receipt of the application unless the applicant has entered into an agreement with the Development Authority to extend the 40 day period.
 - (e) If the intended development is for a development that requires a wastewater disposal system, the applicant shall also include a copy of a private wastewater disposal system pre-approval issued by the Village's designated Safety Codes Company proposing the method and location of wastewater treatment and disposal for the development.
 - (f) If permission is requested for an addition to an existing development, the Development Authority may require confirmation in writing from the designated Safety Codes Company that the existing private wastewater disposal system is adequate for the proposed development.
 - (g) If an addition to an existing development review determines the current system is not adequate, replacement must meet the requirements of Section 2.3(1)(e) as set out in the current Land Use Bylaw and amendments thereto.
- (2) (a) Each application for a development permit shall be accompanied by a non-refundable processing fee.
 - (b) Development that has commenced prior to obtaining development approval by the Development Authority shall be subjected to triple the current non-refundable processing fee rates.
- (3) The Development Authority shall:
 - (a) Receive all applications for a development permit; and
 - (b) Refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy and Utilities Board, if any of the land which is the subject of the application is within 1.5 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, and
 - (c) at his/her discretion, refer to adjacent property owners for comment any application; and
 - (d) refer any application to Ponoka County or any other agency or person which in the opinion of the Development Authority, may provide relevant comments or advice respecting the application.
- (4) The Development Authority may grant a variance to reduce the requirements of the Land Use Bylaw for a permitted use and the permitted use will be deemed to comply with this bylaw. Variances may be granted for:
 - (a) areas which may be developed for accessory buildings - up to 15 % of the maximum allowable size.
 - (b) building height - up to 15 % of the maximum allowable height.
 - (c) front yard - up to 15 % of the minimum requirement.

- (d) rear yard - up to 15 % of the minimum requirement.
 - (e) side yard – up to 15 % of the minimum requirement.
- (5) For a permitted use in any District,
- (a) the Development Authority shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, and the Development Authority may attach conditions to the permit necessary to ensure any of the following:
 - (i) Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (ii) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant
 - (iii) That the developer enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct, or pay for the construction of:
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways or trail systems to connect the pedestrian walkway or trail system serving the development with a pedestrian walkway or trail system that serves or is proposed to serve an adjacent development, or both;
 - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - (d) to construct or pay for the construction of:
 - (i) off-street or other parking facilities; and
 - (ii) loading and unloading facilities;
 - (iv) That the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.

- (b) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Municipal Government Act and the Subdivision and Development Regulation and statutory plans, 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 and statutory plans; or
 - (iii) may approve the application pursuant to section 640(6) of the Municipal Government Act, and such a development application shall be deemed to be subject to those regulations of this Bylaw that pertain to an application for a discretionary use permit, excepting Section 2.3(6)(a)(v) below.

- (6) For a discretionary use in any District,
 - (a) The Development Authority, in its discretion, may approve the application subject to the following conditions:
 - (i) Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (ii) Arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
 - (iii) A development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - (a) to construct or pay for the construction of a road required to give access to the development;
 - (b) to construct, or pay for the construction of:
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways or trail systems to connect the pedestrian walkway or trail system serving the development with a pedestrian walkway or trail system that serves or is proposed to serve an adjacent development, or both;
 - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

- (d) to construct or pay for the construction of:
 - (i) off-street or other parking facilities; and
 - (ii) loading and unloading facilities;
- (iv) Provisions of security to ensure compliance with this Bylaw, a development permit, an agreement under this clause, or a statutory plan which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site.
- (v) Any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighborhood and the use, enjoyment and value of neighboring parcels of land, including, but not limited to, the following:
 - (a) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - (b) Limiting the number of patrons;
 - (c) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
 - (d) Regarding the location, character and appearance of buildings;
 - (e) Regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site;
 - (f) Establishing the period of time during which a development may continue.

or,

- (b) The development authority, in its discretion, may refuse an application for a discretionary use permit giving reasons for its refusal.

(7) The Development Authority may:

- (a) approve, with or without conditions, an application for a development permit, or
- (b) advise that a real property report appears to conform with the Land Use Bylaw, or
- (c) recommend approval of an application for subdivision approval

notwithstanding that the proposed development or subdivision does not comply with the Bylaw or is a non-conforming building, if in the opinion of the Development Authority, the proposed development or subdivision or non-conforming building:

- (i) would not
 - (a) unduly interfere with the amenities of the neighbourhood, or

- (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (ii) conforms with the use prescribed for that land or building in this Land Use Bylaw.
- (8) The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement with the municipality to do all or any of the following:
 - (a) to construct or pay for the construction of a road required to give access to the development, or
 - (b) to construct or pay for the construction of pedestrian walkway systems, or
 - (c) to install or pay for the installation of utilities, other than telecommunications systems or works, that are necessary to serve the development, or
 - (d) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and
 - (ii) loading and unloading facilities, or
 - (e) to give security to ensure that the terms of the agreement under this section are carried out.
- (9) Prior to imposing any condition upon the issue of a development permit pursuant to subsection (8), the Development Authority shall consult with the 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.
- (10) The municipality may register a caveat pursuant to the provisions of the *Land Titles Act* and the *Municipal Government Act* in respect of an agreement under this Section against the Certificate of Title for the land that is the subject of the development, which said caveat shall be discharged when the agreement has been complied with.
- (11) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal to the Subdivision and Development Appeal Board, 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 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.
- (12) The Development Authority may notify the public of a development permit application and may establish means whereby the public may provide input on the application.

2.4. Where Subdivision is also Required

- (1) Where the development of land involves a multiple lot subdivision of land, no development permit shall be issued until the subdivision has been approved.
- (2) Where certain works or conditions are operative against a lot or parcel due to a subdivision decision, no permit shall be issued until the works or conditions have been

complied with or until an agreement for specific performance is in existence between the developer and the municipality.

2.5. Development Permits and Notices

- (1) A development permit does not come into effect until 14 days after the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) A development permit for a residence does not come into effect until the plans for the building have been approved by an accredited Safety Codes Officer and a building permit has been issued by that person and a copy has been sent to the Development Authority.
- (3) Where an appeal is made pursuant to this Bylaw, a development permit, which has been granted, shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) When a permit has been granted, an application for a discretionary use or pursuant to subsections (9) and (10) of Section 8 or for a development in a direct control district the Development Authority shall:
 - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) immediately mail a notice in writing to all registered owners of land who, in the opinion of the Development Authority, may be affected; and/or
 - (c) immediately publish in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved.
- (5) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall be given in writing, it shall contain the reasons for the refusal, and a copy of decision shall be sent to the applicant.

2.6. Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board ('the Board') where a Development Authority:
 - (a) refuses an application or fails to issue a development permit to a person within 40 days of receipt of the application;
 - (b) issues a development permit subject to conditions;

- (c) issues a development permit for a discretionary use; or
 - (d) issues an order under Section 2.9 of this Bylaw.
- (2) An appeal may be made to the Board by any other person affected by an order, decision or development permit of a Development Authority.
 - (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board within 14 days after the date of order, decision or development permit was issued.

NOTE that pursuant to section 685(3) of the Act, no appeal is allowed against a development permit for a **permitted** use unless the bylaw was relaxed, varied, or misinterpreted.

2.7. Public Hearing

- (1) Within 30 days of receiving a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least 5 days notice in writing of the public hearing to:
 - (a) the appellant,
 - (b) the Development Authority from whose order, decision or development permit the appeal is made,
 - (c) those registered owners of land in the municipality who were notified under Section 10(3)(b), and any other persons who in the opinion of the Board are affected by the order, decision or permit, and
 - (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom, or
 - (b) the order of the Development Authority, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
 - (a) the appellant or any person acting on his behalf;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
 - (c) any other person who was served with notice of the hearing and who wishes to be heard, or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear, or a person acting on his behalf.

2.8. Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.
- (2) In determining an appeal, the Board:
 - (a) shall have regard for the Subdivision and Development Regulation and any statutory plan adopted by bylaw, and
 - (b) is bound by the uses of land set out in this bylaw,

but subject to the foregoing the Board may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own, even if the proposed development does not comply with this bylaw and the Subdivision Regulation if, in its opinion:

- (i) the proposed development would not
 - (a) unduly interfere with the amenities of the neighbourhood, or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for that land or building in this bylaw.
- (3) A decision made under this part of the Bylaw is final and binding on all parties subject only to an appeal to the courts upon a question of law or jurisdiction pursuant to section 688 of the Act.

2.9. Contravention

- (1) Where a Development Authority finds that a development or use of land or building is not in accordance with
 - (a) the Act or the Subdivision and Development Regulation, or
 - (b) a development permit or subdivision approval, or
 - (c) the Land Use Bylaw,

the Development Authority may issue a written order under sections 542, 546, or 645 of the Act to the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or any or all of them, requiring them to

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, or
- (ii) demolish, remove, or replace the development, or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act,

the Subdivision and Development Regulation, a development permit, a subdivision approval, or this Bylaw, as the case may be.

- (2) Where a person fails or refuses to comply with an order directed to him under Subsection (1), or an order of the Board under the Act, within the time specified, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. When the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (3) A contravention of this Bylaw is an offence under the Act, and is liable to a fine not exceeding \$2,000.

2.10. Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefor.

2.11. Form of Application

- (1) All applications for amendment to the Land Use Bylaw shall be made to the Council on a standard form and shall be accompanied by the following:
 - (a) the application fee as established by resolution of Council;
 - (b) a Certificate of Search of the land affected or other documents satisfactory to the Development Authority including the applicant's interest in the said land; and
 - (c) fully dimensioned, accurately figured, explicit and complete drawings, drawn on the standard drafting material, to the satisfaction of the Development Authority.

2.12. Amending Bylaw

All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with the Act.

2.13. Repeal of Former Bylaw

Bylaw 1998-4 as amended is repealed.

2.14. Date of Commencement

- (1) This Bylaw comes into effect upon the date of it finally being passed.
- (2) Schedules A, B and C are deemed to be part of this Bylaw.

SCHEDULE A - GENERAL REGULATIONS

The following regulations are applicable to developments in all land use districts unless otherwise specified.

1. Testing of Low-lying Lands

- (1) Where a building with a belowground foundation is proposed to be constructed on low-lying land, the application for a development permit shall be accompanied by a water table test.
- (2) A water table shall be tested by drilling a two metre hole at the proposed building site, and by reporting the depth to standing water after the elapse of 24 hours.
- (3) For the purposes of this section, low-lying land is defined as
 - all lots in NE 10-42-1-W5, and
 - any other land which in the opinion of the Development Authority is low-lying.

2. Development of Low-Lying Lands

If a water table test shows free water at less than two metres below the surface of the ground, the Development Authority may require the developer to provide a report by a professional engineer recommending how any resulting problems may be alleviated, and a copy of this report shall be sent to the building inspector.

3. Staging of Construction of Residential Dwellings

- (1) At the discretion of the Development Authority, a single residential dwelling may be constructed in stages over a given period of time exceeding one year provided that the applicant submits as part of the application for a development permit information as to the anticipated commencement and completion date and construction staging of the project.
- (2) The development permit shall be issued subject to the condition that it remains in effect for a specified time period only, the date to be based on the anticipated completion date of construction, at which point the permit shall expire.

4. Buildings Attached to Main Buildings

A building or structure which does not share footings with the main building on a lot is deemed to be an accessory building even if it is connected to the main building by a roof, breezeway, deck, patio, or other at-grade or above-grade connection.

5. Dwelling Units on a Lot

- (1) Only one dwelling shall be constructed on a lot.
- (2) Subsection (1) shall not prevent the location of a recreational vehicle, a guest house, or an inlaw suite on a lot where this is permitted.

6. Recreation Vehicles on Residential Lots

- (1) Only two (2) recreation vehicles may be parked on a parcel within the Residential District.
- (2) A recreation vehicle shall not be used as a permanent dwelling.

7. Mobile Homes

For mobile homes in existence as at December 31, 1985:

- (1) The undercarriage of a mobile home shall be completely screened from view by the foundation, by flame-proof skirting or by such other means satisfactory to the Development Authority.
- (2) Axles, wheels, running gear and towing tongue shall be removed where possible prior to final installation of the mobile home which shall be securely placed or anchored on piles or foundation.
- (3) All accessory structures, additions, porches and skirting shall be of a quality and appearance equivalent to the mobile home.

8. Building Exteriors

- (1) Unless forming part of a single project which has been proposed and designed to be built under one development permit, no dwellings of identical roof or front elevations and fronting on either side of a public roadway shall be located within four sites from each other.
- (2) The exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.
- (3) The design, character, and appearance of any building, structure, or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to the character of existing development in the District and its effect on adjacent parcels.

9. Fencing

- (1) In the Residential District, a person shall not construct a fence, or wall higher than 1.3 metres (4 feet) for front yards and 2 metres (6 feet) for side and rear yards.
- (2) In the Residential District, no electrified or barbed wire fences shall be permitted.
- (3) In the Commercial District, the use of barbed wire is permitted only as a top wire above the chain link security fence.

10. Objects Prohibited or Restricted in Yards

- (1) Garbage shall be stored in weather and animal proof containers, screened from adjacent sites and public thoroughfares.
- (2) Outside storage areas shall be screened from adjacent sites and thoroughfares.

- (3) No person shall keep in any part of a yard in the residential district any wrecked, dismantled, or unlicensed vehicle, or items which may be objectionable at the discretion of the Development Authority, unless it is suitably housed or screened to the satisfaction of the Development Authority.

11. Corner and Double Fronting Sites

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

12. Utility Easements

- (1) Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless: In the opinion of the Development Authority, the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
- (2) Written consent has been obtained from the utility for whose use, the easement has been granted.

13. On-site and Off-site Services and Improvements

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

14. Home Occupations

- (1) A home occupation in the Residential District must comply with the following provisions:
 - (a) A home occupation shall not include any use or operation which detracts from the amenities of the residential neighbourhood by way of creating dangerous or objectionable conditions;
 - (b) There shall be no outside storage of equipment, materials, commodities, packaging, or finished products;
 - (c) No commodity other than the product or service of the home occupation shall be sold on the premises;
 - (d) No person other than the residents of the dwelling shall be employed in the home occupation;
 - (e) A home occupation shall be incidental and subordinate to both the residential use and the accessory building;

- (f) In the opinion of the development Authority the dwelling in which it is proposed to carry on the home occupation has adequate floor space and the use conforms with the residential nature of the building;
 - (g) The occupation is carried on entirely within the building;
 - (h) Signage for the home occupation shall be limited to one pylon sign with a maximum height of 2 metres (6.5 feet) and a maximum area of 0.4 square metres (4 square feet) or one non-illuminated sign with a maximum area of 0.4 square metres; and
 - (i) Any vehicle parked on-street or off-street as a result of a home occupation shall in the opinion of the Development Authority not be a source of inconvenience to adjacent landowners or tenants.
- (2) A permit issued for a home occupation is liable for recall at any time after 30 days and is valid for one year at which time the applicant may reapply.

15. Driveways

- (1) The number of driveways on a property designated Residential, Low Density Residential and Urban Reserve shall be limited to not more than 1 driveway on a property with less than 40 metres of frontage and not more than 2 driveways for properties with more than 40 metres of frontage.
- (2) Notwithstanding subsection (1) above, a second driveway may be permitted at the discretion of the Development Authority on a corner lot.
- (3) The number of driveways on properties in all other districts shall be limited to two, unless in the opinion of the Development Authority, additional driveways are required for public safety or to effectively convey traffic between a property and the street system.
- (4) In the Residential, Low Density Residential and Urban Reserve Districts, the maximum width of a driveway shall not exceed 7.2 metres except that if permitted, a second driveway on property in these districts shall not exceed 6.0 metres.
- (5) The number of driveways in all other districts shall not exceed 7.2 metres unless, in the opinion of the Development Authority, additional width is required for public safety or to effectively convey traffic between a property and the street system.

16. Accessory Buildings

Accessory buildings include but are not limited to garages, portable garages, carports, boathouses, guesthouses, inlaw suites, storage and garden sheds, well houses, privies and other buildings deemed by the Development Authority to be accessory to the main use located on a parcel but shall exclude pole sheds.

General Provisions

Accessory buildings may be built on a lot provided that:

- (a) A development permit is obtained for all accessory structures.

- (b) All required yards and setbacks are maintained.
- (c) Not more than 3 accessory buildings are located on a property.
- (d) In the Residential, Low Density Residential, and Urban Reserve Districts, the total floor area of all accessory buildings shall not exceed 185 square metres (2,000 square feet) and no single accessory building shall have a floor area that exceeds the ground floor area of the main building on the property
- (e) In all other districts, the total floor area of accessory buildings shall not exceed 10% of the site area, unless in the opinion of the Development Authority, the provision of additional floor area is desirable.
- (f) All buildings are separated by a clear space of at least 3 metres (10 feet).
- (g) All accessory buildings shall not exceed one storey, nor 5 metres (16 feet) in height;
- (h) All sanitary privies conform to the Alberta Building Code.
- (i) Accessory buildings shall not be permitted when a principal building does not exist on the parcel.
- (j) A maximum of one (1) accessory building shall be permitted to contain habitable space.
- (k) Habitable space in accessory buildings shall not be available for rent.
- (l) These provisions do not apply for properties developed as campgrounds and park model campgrounds.

Carports

- (m) A carport must be attached to the main building on the parcel.

Guesthouses

- (n) Habitable space in a guesthouse shall be limited to a maximum of 45 square metres (500 square feet) of total floor area and no kitchen facilities shall be permitted in the space.

Inlaw Suites

- (o) Habitable space in an inlaw suite shall be limited to a maximum of 45 square metres (500 square feet) of total floor area. An inlaw suite is only permitted if occupied by the property owner or by elderly relatives of the property owner. Kitchen facilities may be permitted in the space provided the Development Authority is satisfied that they are designed so that they can be removed when no longer required by the occupants of the inlaw suite.

17. **Communication Towers**

- (1) The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may be extend above the structure.
- (2) A communication tower and antenna shall only be located in a rear yard, or a side yard that does not abut a street.

- (3) The appearance of a communication tower shall be to the satisfaction of the Development Authority.
- (4) When a communication tower/antenna is proposed in or adjacent to a residential area, the Development Authority may notify and solicit written comments from the area residents and/or landowners concerning the proposed development.

18. Notification of Underground Work

Immediately after installing underground services of any kind, the owner of a lot shall provide the municipality with as-built drawings locating the buried services in relation to the property line and any existing buildings.

19. Campground Standards

General Purpose: The purpose of the campground standards is to allow for the development of sites intended for the seasonal placement of tents and/or recreation vehicles. Campgrounds are not to be used for residential purposes.

Sites: In a campground the term “site” refers to an area that a user / renter has exclusive use of for the placement of tent(s) and/or recreation vehicle and parking of associated vehicles.

Minimum Parcel Size:

- All the land contained in the existing titled area unless otherwise approved by the Subdivision Authority.

Minimum Development Standards:

- Roads: 7.0 m (23 ft.) wide, all-weather construction.
- Landscaping: 3.0 m (9.8 ft.) strip around perimeter of the parcel.
- Screening: Screening from adjacent areas shall be to the satisfaction of the Development Authority.
- Playspace: As determined by the Development Authority.
- Emergency Access: All campgrounds and individual sites shall have clear access and identification for protective and emergency services.

Site / Stall Size and Density:

- Maximum Gross Density: 38 sites/ha (15.4/ac)
- Minimum Stall / Site Size: 195 m² (2,100 sq. ft.)
- Minimum Stall / Site Width: 10.7 m (35 ft.)
- Minimum Stall Depth: 18.3 m (60 ft.)
- Parking:

1 all-weather stall (min 3.0 m X 6.0 m) per site, plus 1 visitor stall per 10 sites

Storage Facilities: An area equal to a minimum of 2.5 percent of overall site is to be provided as a storage area for the use of campground patrons to park boats and other recreation vehicles.

On-site Manager: The provision of accommodation for an on-site manager may be permitted at the discretion of the Development Authority.

Storage Sheds:

- Only one storage shed per site.
- Sheds shall not be more than 10 m² (107.6 sq. ft.) in size.
- Sheds shall be only be allowed in side or rear yards of sites.
- Sheds shall be a minimum of 1.0 m (3.3 ft.) from any site boundary.
- Sheds shall not be used for sleeping accommodations.

Other Standards:

- Only one recreational vehicle shall be used as sleeping accommodation or parked on a site overnight within a campground.
- The use of one tent per site is permitted in a rear yard.
- Tent garages (temporary fabric covered buildings / shelters) are not permitted in campgrounds.

Services:

- Water and sewer services are intended for seasonal use only. Therefore common water and sewer services shall be installed on-site to a limited depth satisfactory to the Summer Village.

20. **Park Model Campground Standards**

General Purpose: The purpose of the park model campground is to allow for the placement of new park model recreation vehicles on sites within a commercial campground for use as seasonal recreational accommodation. Park model recreational vehicles are not to be used for residential uses.

Sites: In a park model campground the term “site” refers to a clearly delineated area that a user / renter has exclusive use of for the placement of one park model recreation vehicle and associated uses.

Minimum Parcel Size:

- All the land contained in the existing titled area unless otherwise approved by the Subdivision Authority.

Minimum Site Size:

- Each site shall be a minimum of 235 m² (2,530 sq. ft.).

Site Lines

- Each site shall be clearly defined on the ground by permanent flush stakes / markers.

Siting of Park Model Recreation Vehicles:

- The following minimum yards shall be provided on each "site":
Front Yard: 6.0 m (19.7 ft.)
Side Yard: 1.5 m (4.9 ft.) on a side without a door, or
3.0 m (9.8 ft.) on a side with a door
Rear yard: 4.5 m (14.8 ft.)

Notwithstanding the preceding siting provisions, all recreational vehicles shall be setback 8 metres from yards that abut the lakeshore.

Parking Stalls:

- There shall be a minimum of two (2) off-street parking stalls per site.
- Each parking stall shall be a minimum of 3.0 m X 6.0 m (10 ft. X 20 ft.).
- Each parking stall shall be of all weather construction to a standard acceptable to the Development Authority.

Internal Roads:

- Internal roads shall be of all weather construction built to a standard acceptable to the Development Authority.

Storage Sheds:

- Only one storage shed per site.
- Sheds shall not be more than 10 m² (107.6 sq. ft.) in size.
- Sheds shall only be allowed in side or rear yards of sites.
- Sheds shall be a minimum of 1.0 m (3.3 ft.) from any site boundary.
- Sheds shall not be used for sleeping accommodations.

Other Accessory Structures:

Other accessory structures shall not be situated any closer to "site" boundaries than as follows:

- Front site boundary: 6.0 m (19.7 ft.)
- Side site boundaries: 1.5 m (4.9 ft.)
- Rear site boundary: 4.5 m (14.8 ft.)

Minimum Development Standards:

- Landscaping: 3.0 m (9.8 ft.) strip around perimeter of the parcel.
- Screening: Screening from adjacent areas shall be to the satisfaction of the Development Authority.

- Play space: As determined by the Development Authority.
- Emergency Access: All campgrounds and individual sites shall have clear access and identification for protective and emergency services.

Storage Facilities: An area equal to a minimum of 2.5 percent of overall site is to be provided as a storage area for the use of campground patrons to park boats and other recreation vehicles.

On-site Manager: The provision of accommodation for an on-site manager shall be at the discretion of the Development Authority.

Other Standards:

- No recreational vehicles, other than a park model, shall be used as sleeping accommodation or parked on-site overnight within a park model campground.
- The use of one tent per site is permitted in a rear yard.
- Tent garages (temporary fabric covered buildings / shelters) are not permitted in park model campgrounds.

Services:

- Water and sewer services are intended for seasonal use only. Common water and sewer services shall be installed on-site to a depth satisfactory to the Summer Village.

21. Compliance with Other Legislation:

Compliance with the requirements of the 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 land or development.

SCHEDULE B - LAND USE DISTRICTS

1. Interpretation of Map

- (1) Land use districts are defined on the Land Use District Map which is attached as Schedule C and which is an integral part of this Bylaw.
- (2) Land use district boundaries follow parcel boundaries unless the contrary is noted on the Land Use District Map.
- (3) Roads do not form part of any land use district.
- (4) Where the boundaries of a land use district are uncertain, the decision of council, recorded as a resolution, shall govern.

2. Establishment of Districts

Pursuant to section 640(2)(a) of the *Act*, the municipality is divided into the following districts:

| <u>Short Form</u> | <u>District Designation</u> |
|-------------------|-----------------------------|
| R | Residential |
| LDR | Low Density Residential |
| C | Commercial |
| UR | Urban Reserve |
| P | Park |
| I | Public and Institutional |

R RESIDENTIAL DISTRICT

Purpose: To provide an area for high quality resort residential development in the form of single detached dwellings.

(1) Permitted Uses

The following uses are permitted:

- (a) single detached dwellings, excluding mobile homes;
- (b) accessory buildings excepting guesthouses and inlaw suites (in conjunction with an existing primary building).

(2) Discretionary Uses

The following uses may be permitted at the discretion of the Development Authority:

- (a) modular units;
- (b) guest houses;
- (c) inlaw suites;
- (d) public utility uses and facilities;
- (e) accessory uses;
- (f) utility building;
- (g) public parks;
- (h) home occupations; and
- (i) other uses deemed by the Development Authority to be compatible with the residential nature of the district.

(3) Site Areas

A lot intended for a dwelling shall have an area of at least 1,858 square metres (20,000 square feet) and frontage of at least 30 metres (100 feet).

(4) Site Coverage

- (a) Coverage of all buildings shall not exceed 20% of the total site area.
- (b) Minimum floor area per dwelling unit shall not be less than 60 square metres (650 square feet) per floor or on grade.

(5) Site Servicing

- (a) Individual onsite Advanced Wastewater Treatment Systems shall be the preferred method to service developments within the Summer Village of Parkland Beach.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(6) **Height of Buildings**

No dwelling shall be constructed with more than two floors above grade, or exceed 10 metres (33 feet) in height.

(7) **Yards and Setbacks**

The following minimum yards and setbacks are required:

Front Yard: 8 metres (26 feet)

Rear Yard: 6 metres (20 feet) - Main building

3 metres (10 feet) - Accessory buildings

Side Yard: 3 metres (10 feet)

(8) **Special Provisions for Lakeshore Lots**

Notwithstanding the provisions of subsection (6) above, a minimum rear yard of 8 metres shall be required for all buildings including accessory buildings on lakeshore lots.

LDR LOW DENSITY RESIDENTIAL DISTRICT

Purpose: To provide land for low density residential development.

(1) **Permitted Uses:**

As in the Residential district.

(2) **Discretionary Uses:**

As in the Residential district.

(3) **Site Areas:**

A residential lot shall have a minimum area of 10,000 square metres (one hectare, 2.5 acres).

The minimum lot size for other uses shall be as determined by the Development Authority.

(4) **Site Servicing**

- (a) Individual onsite Advanced Wastewater Treatment Systems shall be the preferred method to service developments within the Summer Village of Parkland Beach.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(5) **Height of Buildings:**

As in the Residential district.

(6) **Yards and Setbacks:**

The following minimum yards and setbacks are required:

Front yard: 15 metres (50 feet)
Rear yard: 15 metres (50 feet)
Side yard: 10% of the width of the lot.

C COMMERCIAL DISTRICT

Purpose: To provide land for the development of a range of commercial uses.

(1) Permitted Uses

- (a) Retail stores;
- (b) Restaurants;
- (c) Personal, business and recreation services;
- (d) Gasoline sales, subject to the approval of the Fire Safety Officer of Alberta Labour; and
- (e) Accessory buildings and structures.

(2) Discretionary Uses

- (a) Institutional uses;
- (b) Campground;
- (c) Park Model Campground;
- (d) Utility building
- (e) All uses which are permitted and discretionary in the Residential District.

(3) Site Areas

The minimum site area shall be at least 1,858 square metres (20,000 square feet) and frontage of at least 30 metres (100 feet).

(4) Site Coverage

Coverage of all buildings shall not exceed 30% of the total site area.

(5) Site Servicing

- (a) Individual onsite Advanced Wastewater Treatment Systems shall be the preferred method to service developments within the Summer Village of Parkland Beach.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(6) Height of Buildings

No building shall be constructed with more than two floors above grade, or exceed 10 metres (33 feet) in height.

(7) Yards and Setbacks

The following minimum yards and setbacks are required:

- Front Yard: 8 metres (26 feet)
- Rear Yard: 6 metres (20 feet) - Main building
3 metres (10 feet) - Accessory buildings
- Side Yard: 3 metres (10 feet)

(8) **Parking**

Each commercial establishment shall provide a minimum of four (4) easily accessible off-street parking spaces for the exclusive use of customers. Each stall shall have a minimum size of 3 metres by 6 metres (10 feet by 20 feet), and shall be graded and gravelled to provide a well-drained, all-weather surface.

UR URBAN RESERVE DISTRICT

Purpose: To reserve lands outside of the developed area of the Summer Village which is intended for future development.

(1) Permitted Uses

- (a) Farming and Cultivation, but not including the keeping of fowl or animals other than household pets;
- (b) Public Parks.

(2) Discretionary Uses

- (a) Single detached dwelling;
- (b) Natural Resources Development;
- (c) Utility building;
- (d) Public Utility Uses and Facilities;
- (e) Accessory Uses;
- (f) Accessory Buildings;
- (g) Institutional and/or educational uses and buildings; and
- (h) Private recreational development.

(3) Site Areas

The minimum site area shall be 32 hectares (80 acres)

(4) Yards and Setbacks

The minimum side yard, rear yard and front yard setbacks shall be at the discretion of the Development Authority.

(5) Height of Buildings

No building shall be constructed with more than two floors above grade, or 10 metres (33 feet) except in the case of buildings or structures accessory to a farm operation other than dwellings.

P PARK DISTRICT

Purpose: To provide land for recreational, educational and community uses.

(1) Permitted Uses

- (a) Public parks;
- (b) Private recreational development.

(2) Discretionary Uses

- (a) Public Utility Uses and Facilities;
- (b) Accessory buildings

(3) Site Servicing

- (a) Individual onsite Advanced Wastewater Treatment Systems shall be the preferred method to service developments within the Summer Village of Parkland Beach.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(4) Yards and Setbacks

The following minimum yards and setbacks are required:

- Front yard: 8 metres (26 feet)
- Rear yard: 6 metres (20 feet) - Main building
3 metres (10 feet) - Accessory buildings
- Side Yard: 3 metres (10 feet)

(5) Building Height

No building shall be constructed with more than two floors above grade and exceed 10 metres in height (33 feet).

I PUBLIC AND INSTITUTIONAL DISTRICT

Purpose: To establish an area and provide for public and institutional uses.

(1) Permitted Uses

- (a) Institutional Uses
- (b) Educational Uses;

(2) Discretionary Uses

- (a) Both permitted and discretionary uses allowed in the Park District.

(3) Site Areas

The minimum site area shall be at least 1,858 square metres (20,000 square feet) and frontage of at least 30 metres (100 feet).

(4) Site Coverage

Coverage of all buildings shall not exceed 30% of the total site area.

(5) Site Servicing

- (a) Individual onsite Advanced Wastewater Treatment Systems shall be the preferred method to service developments within the Summer Village of Parkland Beach.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(6) Yards and Setbacks

The following minimum yards and setbacks are required:

Front Yard: 8 metres (26 feet)
Rear Yard: 6 metres (20 feet) Main building,
3 metres (10 feet) Accessory buildings
Side Yard: 3 metres (10 feet)

(7) Height of Buildings

No building shall be constructed with more than two floors above grade and exceed 10 metres (33 feet) in height.

SCHEDULE C - LAND USE MAP




 PARKLAND LAND COMMUNITY PLANNING SERVICES



Land Use Bylaw Map
 SUMMER VILLAGE OF PARKLAND BEACH

Scale 1:5,000
 Revised: October 2009

BYLAW NO. 2008-01

AMENDMENT TO THE LAND USE BYLAW

THE MUNICIPAL COUNCIL OF THE SUMMER VILLAGE OF PARKLAND BEACH, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, permit a Council by bylaw to amend the Land Use Bylaw No. 2007-01, and

WHEREAS the Council of the Summer Village of Parkland Beach deems it necessary and expedient to amend the Land Use Bylaw No. 2007-01.

NOW THEREFORE the Council of the Summer Village of Parkland Beach, duly assembled, enacts as follows:

1. SCHEDULE A: LAND USE DISTRICT MAP is amended as follows:

| | |
|---------------------------------|---|
| From: Urban Reserve (UR) | To: Residential (R) and Park (P) |
|---------------------------------|---|

Lot 14, Block 6, Plan 7521541 as identified on the sketch below.

Summer Village of Parkland Beach

Bylaw No. 2008-01

SCHEDULE A

To amend Land Use Bylaw No. 2007-01

| | | |
|---|-------------------------|---|
|  | From UR to P | UR - URBAN RESERVE P - PARK R - RESIDENTIAL |
|  | From UR to R | |

LEGAL DESCRIPTION:
LOT 14, BLOCK 6, PLAN 752-1541

