



SUMMER VILLAGE OF PARKLAND BEACH LAND USE BYLAW

Land Use Bylaw No. 2018-01
Office Consolidation as of September 19, 2022

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HOW TO USE THIS BYLAW

The *Summer Village of Parkland Beach Land Use Bylaw* establishes the regulations which govern development in our community. The regulations vary depending on where the land is located and what type of development is proposed.

Step 1

Locate your property in question on the Land Use District Map attached as Schedule “A” at the end of the Bylaw.

The map divides the Summer Village into Land Use Districts. Each District has a designation such as “R” (Residential), or “C” (Commercial). Note the Land Use District where the property is located.

Step 2

Check the Table of Contents and find the District that applies to your property. In each District you will find a list of permitted and discretionary uses, development standards and other regulations. Check the list of uses to see if there is a match with your proposed development. Many of the uses are clarified in “Definitions”, Section 1.9 of the Bylaw.

Step 3

Review the Table of Contents to see if there are any general regulations which may apply to your project. For example, Part 8 General Regulations deals with such items as accessory buildings, parking, recreational vehicles, etc. It also includes regulations for home occupations, bed and breakfasts, signs, and other uses and topics.

Step 4

Discuss your project with the Summer Village Development Officer. They can assist you with your application and explain the process, whether you are applying for a development permit, subdivision, or Land Use Bylaw amendment.

If you have questions or need assistance with the bylaw, please visit the Summer Village office at #9 Parkland Beach Road, or call (403) 843-2055.

*NOTE: This page is intended only to assist readers and does not form part of the Land Use Bylaw.

METRIC CONVERSION

This Bylaw is written in metric. To convert meters to feet, multiply the number of meters by 3.28 to get the approximate dimension in feet. Some typical dimensions used in the Bylaw and their Imperial equivalents are as follows:

<u>m</u>	<u>feet</u>
0.5	1.64
1.0	3.28
2.0	6.56
3.0	9.84
4.0	13.12
5.0	16.40
6.0	19.69
7.5	24.61
8.0	26.24
9.0	29.53
10.0	32.80
12.0	39.37
15.0	49.20
35.0	114.83
40.0	131.23

To convert m² to square feet, multiply the number of m² by 10.764 to get the number of square feet. Some typical conversions are as follows:

<u>m²</u>	<u>square feet</u>
1.5	16.15
7.5	80.73
9.0	96.88
310	3336.92
420	4520.99
465	5005.38
570	6135.63
600	6458.56
850	9149.62
1300	13993.54
8000	86114.10

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Table of Contents

PART 1 INTRODUCTION	1
1.1 Short Title	1
1.2 Purpose	1
1.3 Compliance With Other Legislation	1
1.4 Sections Found Invalid	2
1.5 Rules of Interpretation	2
1.6 Establishment of Forms and Notices	2
1.7 Establishment of Fees	3
1.8 Establishment of Districts	3
1.9 Definitions.....	3
PART 2 DEVELOPMENT AUTHORITY	17
2.1 Development Officer.....	17
2.2 Municipal Planning Commission	17
2.3 Granting Variances	18
2.4 Development Permit Required.....	19
2.5 Development Not Requiring a Development Permit	19
PART 3 DEVELOPMENT PERMITS	21
3.1 Application for Development	21
3.2 Complete and Incomplete Applications	23
3.3 Development Referrals.....	25
3.4 Time Limits	25
3.5 Permitted Use Decisions and Conditions	25
3.6. Discretionary Use Decisions and Conditions.....	27
3.7 Notification of Decision	29
3.8 Effective Date of Permit	30
3.9 Expiry and Validity of Permit.....	30
3.10 Re-Application for a Development Permit	30
PART 4 SUBDIVISION APPROVAL APPLICATIONS	31
4.1 Subdivision Applications	31

PART 5 DEVELOPMENT APPEALS	33
5.1 Appeals	33
PART 6 CONTRAVENTION AND ENFORCEMENT.....	35
6.1 Contravention.....	35
6.2 Offences and Penalties.....	37
PART 7 AMENDING THE LAND USE BYLAW	39
PART 8 GENERAL REGULATIONS.....	44
8.1. Accessory Buildings	44
8.1.1. All Districts	44
8.1.2. Residential Districts.....	44
8.1.3. Secondary Suites	45
8.2. Alternative Energy Collecting and Storing Devices.....	45
8.3. Bed and Breakfast Establishments.....	47
8.4. Building Demolition	47
8.5. Building Orientation and Design	47
8.6. Communication Towers	48
8.7. Corner Visibility Setbacks	49
8.8. Driveways	49
8.9. Fencing and Screening.....	50
8.10. Home Occupations	51
8.11. Manufactured Homes.....	52
8.12. Moved-In Buildings	52
8.13. Non-Conforming Uses and Buildings.....	53
8.14. Number of Dwelling Units on a Parcel	53
8.15. Objects Prohibited or Restricted in Yards	54
8.16. Outdoor Hot Tubs and Whirl Pools.....	54
8.17. Parking.....	55
8.18. Personal Recreational Use	57
8.19. Projections into Yards.....	58
8.20. Recreational Vehicles.....	59
8.21 Signs	59
8.22 Special Setback Regulations and Requirements	60

8.22.1. Sites Adjacent Pipeline Rights-of-Way.....	60
8.23 Tourist Homes.....	61
8.24 Temporary Buildings.....	61
8.25 Site Grading, Placement of Fill and Drainage of Properties	62
PART 9 DISTRICT REGULATIONS.....	64
9.1. Residential (R) District	64
9.2. Commercial (C) District.....	66
9.3. Park (P) District.....	72
9.4. Public Institutional (I) District.....	73
Schedule A - Land Use District Map.....	74

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Part 1 Introduction

1.1 Short Title

The title of this Bylaw shall be the Summer Village of Parkland Beach Land Use Bylaw.

1.2 Purpose

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Summer Village to achieve the orderly and economic development of land, and for that purpose, amongst other things:

1. To divide the municipality into districts;
2. To prescribe and regulate for each district the purposes for which land and buildings may be used;
3. To establish the office of the Development Officer;
4. To establish a method of making decisions on applications for development permits including the issuing of development permits;
5. To prescribe a procedure to notify owners of land likely to be affected by the issuing of a development permit.

1.3 Compliance With Other Legislation

Compliance with the requirements of this Land Use Bylaw does not exempt any person from:

1. The requirements of any federal, provincial or other municipal legislation;
2. Complying with any easement, covenant, agreement or contract affecting the development, and;
3. The obligation to obtain any other permit, license or other authorization required by this or any other bylaw.

1.4 Sections Found Invalid

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

1.5 Rules of Interpretation

1. Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neuter. Words have the same meaning whether they are capitalized or not.
2. Words, phrases and terms not defined in this Land Use Bylaw may be given their definition in the *Municipal Government Act*, Matters Relating to Subdivision and Development Regulation or the Alberta Building Code. Other words shall be given their usual and customary meaning.
3. The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to this Land Use Bylaw.
4. Where a specific use does not conform to the wording of any one use definition, the Development Authority may deem that the use conforms to that use class considered to be the most appropriate and substantially similar in nature. In such case, the use shall be considered a discretionary use, whether or not the use class is listed as permitted or discretionary within the District.
5. Imperial equivalents are provided beside every metric value in this Land Use Bylaw for convenience. Such equivalents are rounded to the nearest whole number. The metric value is the actual standard to be used.

1.6 Establishment of Forms and Notices

1. For the purpose of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as they 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

1. The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by a bylaw adopted by Council. Council may at any time increase, decrease or establish new fees for matters covered by this Bylaw.

1.8 Establishment of Districts

1. For the purposes of this Land Use Bylaw, the Summer Village of Parkland Beach is divided into the following districts:

Residential	R
Commercial	C
Park	P
Public and Institutional	I

2. The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A attached hereto. All roads, water courses, and lakes are excepted from the Land Use Districts.
3. Where the location of District boundaries on the 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 off the Land Use District Map; and
 - (c) A boundary location which cannot be resolved shall be referred to Council for an official interpretation. Council's interpretation shall be final.

1.9 Definitions

Accessory Building means a building which is separate and subordinate to the principal building and/or use of the parcel, the use of which is incidental to that main building or use and is located on the same parcel of land, and includes such things as a garage, greenhouse, garden shed or workshop but does not include a temporary building or soft-sided building.

Accessory Use means a use which is subordinate, incidental and directly related to the principal use of the parcel or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises or parcel of land with such main use.

Accessory Motel means a building on a parcel of land designed and operated to provide temporary sleeping accommodation for travellers and contains up to six (6) separate sleeping units, each which is provided with an adjoining or conveniently located parking space.

Act means the *Municipal Government Act*, as amended from time to time.

Adjacent Land means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream and land that is within 6m of the land that is the subject of an application.

Agricultural Operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes but is not limited to:

- a) the cultivation of land;
- b) the raising of poultry and livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act;
- c) the raising of fur-bearing animals, birds or fish;
- d) the production of agricultural field crops;
- e) the production of fruit, vegetables, sod, trees, shrubs and other special horticultural crops;
- f) the production of eggs and milk;
- g) the production of honey;
- h) the operation of agricultural machinery and equipment, including irrigation pumps; and
- i) the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes.

Alcohol Sales means the retail sale of alcoholic beverages including distilled spirits, wine and beer to the public. This use is for high volume sales with quick

customer turnover. This principal use may include as a subordinate use the retail sale of related products.

Bed and Breakfast means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

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 overnight or short term accommodation.

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.

Cannabis Accessory means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.

Cannabis Lounges means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

Cannabis Production and Distribution means an establishment used principally for one or more of the following activities as it relates to Cannabis:

- (a) The production, cultivation, and growth of Cannabis;
- (b) The processing of raw materials;
- (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;

(d)The storage or transshipping of materials, goods and products; or

(e)The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.

Cannabis Retail Sales means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.

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.

Commercial Recreation and Entertainment means a facility which provides for recreation or entertainment for a gain or a profit. This includes movie theatres, live theatres, dancing, arcades, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, and roller skating but does not include adult entertainment or drinking establishments.

Convenience Store means a retail store which serves the day-to-day needs of neighbourhood residents and employees. This does not include cannabis retail sales.

Corner Site means a site at the intersection of and abutting two or more streets.

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

Crime Prevention Through Environmental Design (CPTED) means a set of principles intended to prevent crime by changing or managing the physical environment to produce behavioural effects that will reduce the incidences and fear of crime.

Deck means an uncovered, unenclosed platform that is intended for use as an outdoor amenity space.

Detached Dwelling means a residential building containing only one dwelling unit, which is not attached to any other residential building but shall not include a manufactured home.

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.

and for the purposes of this Land Use Bylaw includes:

- (e) removal of topsoil, placement of fill, or any change in lot grading;
- (f) demolition of a building; and
- (g) use of land for parking recreation vehicles, portable dwellings, skid shacks or any other type of portable building.

Development Agreement means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

Development Authority means the person or persons appointed pursuant to the Development Authority Bylaw and the Municipal Planning Commission.

Development Officer means a person delegated to fulfil the role of Development Officer pursuant to this Land Use Bylaw.

Development Permit means a document authorizing a development issued pursuant to this Land Use Bylaw. A development permit is separate and distinct from a building permit.

Discretionary Use means a use of land or a building referred to as a discretionary use in the Land Use Districts of this Land Use Bylaw which may be compatible with the other uses in the District and for which, subject to the provisions of this Land Use Bylaw, a development permit may be issued, with or without conditions.

District means a Land Use District.

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. This does not include cannabis lounge.

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

Dwelling Unit means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate toilet facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building.

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.

Encroachment means any obstruction or intrusion extending from a property onto an adjoining public right-of-way or onto adjoining land.

Encroachment Agreement means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner.

Enforcement Officer means a person delegated to enforce any or all of the provisions of the Land Use Bylaw.

Essential Public Service means a development that is necessary for the continued health, safety or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations and similar facilities.

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

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

Floor Area means

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential buildings, or
- (b) for commercial buildings, the total area of all floors in a building measured from the outside of exterior walls including basements and cellars but excluding mall areas.

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

Front Parcel Boundary means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street.

Front Yard means that portion of the site that is closest to the front parcel boundary and within the minimum front yard distance required by the applicable district, as measured from the front parcel boundary.

Gas Bar means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments.

Hard Surfacing means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area but does not include gravel or granular materials.

Holding Tank means the use of a certified underground tank placed on site for collection and temporary storage of sewage until pumped out by pump out truck.

Home Occupation means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence where the presence of the business may or may not be detectable outside the buildings and beyond the property boundaries. Home occupations include such activities as music lessons, offices and indirect sales, but may not include such uses as medical clinics, veterinary clinics, retail sales, cannabis retail sales, medical cannabis counselling or cannabis production and distribution.

Institutional Service Facility means a facility providing cultural, educational or community services to the public.

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.

Landscaping means the modification and enhancement of a lot or site through the use of the following elements:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- (b) hard landscaping consisting of materials such as brick, stone, concrete, tile, wood or other similar materials, or
- (c) a combination of natural landscaping and hard landscaping, but does not include walkways or sidewalks deemed integral to building access.

Landscaped Area means an area of land made attractive by the use of landscaping; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

Landscaping Plan means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and calliper of trees and shrubs, the size, colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction and details of any other features or horticultural elements.

Land Use Policies means policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

Loading Space means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

Main or Principal Building means a building which, in the opinion of the Development Authority;

- (a) occupies the major or central portion of a site,
- (b) is the chief or principal building among one or more buildings on the site, or
- (c) constitutes by reason of its use the primary purpose for which the site is used.

There shall be no more than one main or principal building on each site unless specifically permitted otherwise in this Land Use Bylaw.

Main or Principal Use means the primary purpose in the opinion of the Development Authority for which a building or site is used. There shall be no more than one main use on each site unless specifically permitted otherwise in this Land Use Bylaw.

Manufactured Home means a residential building containing one dwelling unit built in a factory in one or more sections, and intended to be occupied in a place other than where it was manufactured.

Matters Related to Subdivision and Development Regulation means Alberta Regulation 84/2022, as amended from time to time.

Medical Cannabis means a substance used for medical purpose authorized by a licence issued under the federal government's Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution.

Medical Cannabis Counselling means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories.

Medical Cannabis Production Facility means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis.

Municipal Planning Commission means the Committee established pursuant to the Municipal Planning Commission Bylaw.

Municipality means the Summer Village of Parkland Beach.

Natural Environment Area means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities.

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

Non-Compliant Building or Use means a building or use of land or a building that was constructed or commenced after the date that a land use bylaw affecting the building or land becomes effective and the building or use does not comply with the Land Use Bylaw.

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.

Outline Plan means a plan for an area of land that provides a framework for subsequent subdivision and development of that land. An Outline Plan is adopted by resolution of Council, Pursuant to Part 17 of the *Act*, and is otherwise equivalent to a “Conceptual Scheme” as described in the *Act*.

Owner means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land and, in respect of any property other than land, the person in lawful possession of it.

Parcel means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles Office.

Parcel, Corner means a parcel abutting two or more streets, other than a lane, at their intersection or abutting two parts of the same street.

Parcel, Interior means a parcel abutting only one street other than a lane.

Parcel, Through means a parcel that abuts two parallel streets, not including lanes.

Parcel Coverage, Accessory means the area covered by accessory buildings.

Parcel Coverage, Principal Use means the area covered by principal buildings.

Parcel Depth means the distance measured along each side parcel boundary of a parcel.

Parcel Width means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary.

Parking Facility means a structure or area provided for the parking of motor vehicles.

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.

Permanent Foundation means:

- a) a foundation meeting CSA Z240.10.1 standard, or
- b) an engineer approved wood foundation, or
- c) a poured concrete basement, or
- d) pilings; or
- d) a concrete block foundation.

Permitted Use means a use of land or a building referred to as a permitted use in the Land Use Districts of this Land Use Bylaw and for which a development permit shall be issued, with or without conditions, where the use meets the applicable provisions of this Land Use Bylaw.

Personal Recreational Use means the use of a residential parcel for personal recreation and leisure by the occupants using recreational vehicles as accommodation, with no permanent dwelling units located on site. This does not include a campground.

Personal Service means the provision of a service to individuals on a commercial basis which is related to the care or appearance or well-being of the individual, cleaning or repair of personal effects, recreational rentals and services and includes such services as photographers, travel agents, beauty salons, insurance agencies and dry cleaners but does not include health services, businesses which are primarily retail, cannabis retail sales or medical cannabis counselling.

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.

Private Sewage Disposal System means on-site wastewater treatment systems as defined in the *Alberta Private Sewage Systems Standard of Practice 2015*, for the treatment and disposal of wastewater that is not connected to a municipal wastewater utility system.

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 Use means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as publicly funded schools, parks, libraries, arenas, museums, art galleries, hospitals, tennis courts, swimming pools and other indoor and outdoor recreational facilities.

Public Utility means a public utility as defined in Part 17 of the *Municipal Government Act*.

Public Utility Building means a building in which the proprietor of a public utility

- (a) maintains its offices, or
- (b) maintains or houses equipment used in connection with the public utility.

Rear Parcel Boundary means the registered boundary or boundaries of a parcel which is opposite the front parcel boundary.

Rear Yard means that portion of the site that is closest to the rear parcel boundary and within the minimum rear yard distance required by the applicable district, as measured from the rear parcel boundary.

Recreation Vehicle means a motor home, camper, travel trailer, tent trailer or any form of vehicle used or intended to be used for recreational, holiday or temporary accommodation.

Restaurant means a building or part of a building the primary purpose of which is 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 use of a building or portion thereof for the display and retail sale of merchandise to the public, and includes storage in the building of

merchandise associated with such display and sale. This does not include cannabis retail sale or medical cannabis counselling.

Road 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, but does not include a highway.

Screen means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and/or the view from surrounding properties.

Sea/Land Container means any building that was originally designed and constructed for use as a shipping container. A sea/land container is not an accessory building.

Secondary Suite means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling.

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 a distance additional to minimum yard requirements which may be required on parcels adjacent a road.

Side Parcel Boundary means the registered boundary or boundaries of a parcel which is or are not considered a front parcel boundary or a rear parcel boundary.

Side Yard 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 and the nearest part of the main building or the full extent of the required yard.

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

Site means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a single development which may include one or more structures.

Site Area means the total area of a site.

Soft-sided Buildings means any building that is faced or finished, on any portion of the building exterior, with flexible sheeting capable of being rolled or folded.

Street means any category of public road except a lane.

Structural Alteration means any change to the roof, foundation or exterior walls of a structure that results in the expansion of the useable floor area of a structure or reduces existing setback distances. For the purposes of this Bylaw, this definition is used in determining whether changes to buildings require a development permit.

Subdivision and Development Appeal Board means the Board established pursuant to the *Municipal Government Act*.

Subdivision Authority means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw.

Temporary Building means a building without a foundation or footing and which is removed when the development permit for such building has expired.

Tourist Home means a commercial use wherein a dwelling unit or recreational vehicle is offered for rent to guests for a period of time of 28 days or less. (2019-04)

Yard means an area of open space on a site which is required to be unoccupied and unobstructed by any structure or a portion of a structure above grade of the graded lot unless otherwise permitted in this Land Use Bylaw.

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

Part 2 Development Authority

2.1 Development Officer

1. The office of the Development Officer is hereby established and such office shall be filled by a person or persons delegated by Council.
2. The Development Officer shall
 - (a) Receive and process all Development Permit applications;
 - (b) Keep and maintain, for inspection by the public during normal office hours a copy of this Bylaw and all amendments thereto and a register of all applications for development, including the decisions thereon and the reasons therefore;
 - (c) Receive applications for amendments to this Bylaw and make recommendations to Council;
 - (d) Consider and decide on all Development Permit applications for those uses listed as Permitted Uses in any land use district;
 - (e) Refer to the Municipal Planning Commission for its consideration any Development Permit application for those uses listed as Discretionary Uses in any land use district or any Development Permit application with respect to a Permitted Use that involves a variance of any standards;
 - (f) At their discretion, refer to the Municipal Planning Commission for its consideration any Development Permit application for a Permitted Use;
 - (g) Receive, consider and decide on requests for time extensions for Development Permits which have been issued;
 - (h) Sign and issue all Development Permits and notices of decision;
 - (i) Carry out enforcement of the Bylaw, and such other duties as may be prescribed in this Bylaw, and other administrative duties.

2.2 Municipal Planning Commission

- 1) The Municipal Planning Commission shall:

- a) Issue decisions and if necessary state terms and conditions for Development Permit applications for those uses listed as Permitted Uses which the Development Officer refers to the Municipal Planning Commission,
 - b) Issue decisions and if necessary state terms and conditions for Development Permit applications for those uses listed as Discretionary Uses,
 - c) Consider and if necessary state terms and conditions or provide direction on any other planning or development matter referred by the Development Officer/Administration.
- 2) The Municipal Planning Commission may:
- a) Direct the Development Officer/Administration to review, research or make recommendations on any other planning and development matter,
 - b) Make recommendations to Council on planning and development matters.

2.3 Granting Variances

1. The Development Authority may approve, with or without conditions, an application for development that does not comply with this bylaw if, in the opinion of the Development Authority,
 - 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 to the use prescribed for that land or building in this bylaw.
2. In approving an application for development pursuant to subsection (1) the Development Authority shall adhere to the following:
 - a. A variance shall be considered only where warranted by the merits of the proposed development; and
 - b. A variance to any yard and setback requirement shall only be considered in cases involving irregular lot lines, parcel shapes or site characteristics which create difficulties in siting structures in a manner that meets the required yards and setbacks; and

- c. Where the issuance of a development permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this bylaw, the Development Authority shall not permit any additional variance from that regulation.
 - d. Where the application is being decided by the Development Officer, a variance may be granted provided that the variance results in a development having no less than ninety (90) percent of any minimum standard and no more than one hundred ten (110) percent of any maximum standard.
3. In the event a variance is granted, the nature of the approved variance shall be specifically described in the development permit approval.

2.4 Development Permit Required

Except as provided in section 2.5 of this Land Use Bylaw, no person shall commence a development or allow a development to continue within the Summer Village without first obtaining a development permit.

2.5 Development Not Requiring a Development Permit

No development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Land Use Bylaw.

1. the carrying out of works of maintenance, repair or alteration to any building, provided that such works do not include structural alterations or change the use or intensity of the use of the building;
2. the completion of any development which was lawfully approved or under construction at the date this Land Use Bylaw or any amendment thereto came into effect, provided that the development is completed in accordance with the terms of any permit granted by the Summer Village and it is completed within 12 months of this Bylaw coming into effect;
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. the construction of decks which are less than 0.6 m (2 ft.) in height, providing that all setbacks and allowable projections are met;
6. the construction or placement of an accessory buildings having a floor area of less than 10 m² (108 ft²) not exceeding 2.5 m (8 ft.) in height, meeting all requirements for accessory buildings in this Land Use Bylaw; this includes, but is not limited to garden ornaments, bird baths, archway pergolas, arbours, decorative landscaping, dog houses, portable play structures, play houses, artworks, occupant identification, tent/shelters, pump house and firewood shelters;
7. 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;
8. 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;
9. landscaping which does not increase surface run off rates and/or volume of drainage leaving the subject property, or changes the grade of the property within 3 feet of any property boundary, or causes impounding of water on an abutting parcel.

Part 3 Development Permits

3.1 Application for Development

1. An application for a development permit shall be made to the Development Officer in writing on the form prescribed by the Officer and shall be accompanied by:
 - a. a scaled site plan showing the following:
 - i. treatment of landscaped areas if required,
 - ii. the legal description of the subject parcel,
 - iii. the front, rear, and side yards,
 - iv. off-street loading and vehicle parking,
 - v. access and egress points to the parcel,
 - vi. locations and setbacks of existing structures, and
 - vii. location of well and private sewage disposal system;
 - b. scaled floor plans, elevations and sections;
 - c. a statement of existing and proposed uses;
 - d. 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;
 - e. the estimated commencement and completion dates;
 - f. the estimated cost of the project or contract price;
 - g. a grading and drainage plan prepared by a professional engineer or an Alberta Land Surveyor showing the pre-development grade and drainage of the parcel, the existing drainage routes through the parcel, and the proposed post-development grade and drainage of the parcel; and
 - h. such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.
2. If the intended development requires a wastewater disposal system, the applicant shall also include a copy of a private wastewater disposal system pre-

approval issued by the Summer Village's designated Safety Codes Company proposing the method and location of wastewater treatment and disposal for the development.

3. If permission is requested for an addition to an existing development, the Development Officer may require confirmation in writing from the designated Safety Codes Company that the existing private wastewater disposal system is adequate for the proposed development.
4. All applications for a Personal Recreational Use must include a wastewater collection and disposal plan that indicates how wastewater from all recreational vehicles on the site will be collected, stored and properly disposed of.
5. Each application for a development permit shall be accompanied by a non-refundable processing fee.
6. Development that has commenced prior to obtaining development approval by the Development Authority may be subjected to triple the current non-refundable processing fee rates.
7. Additional information the Development Officer may request for a development permit application includes, but is not limited to:
 - a. Hosting a public meeting in the community and submitting a record of the meeting and summary of input;
 - b. Traffic Impact Assessment to determine possible effects of the development on the transportation and traffic system;
 - c. Environmental Site Assessment to identify potential site contamination;
 - d. Noise Impact Assessment to examine the noise emitted from the facility;
 - e. Lighting Impact Assessment to determine the potential light impact to adjacent properties during construction and operation of the site;
 - f. Sun Shadow Impact Study to determine the impact of development in terms of sun and daylight access to surrounding property;
 - g. Servicing Study to assess the capacity of municipal servicing to accommodate future development;
 - h. Geotechnical Assessment of the site for design of structures;
 - i. Real Property Report illustrating locations of property improvements relative to property boundaries;

- j. Flood proofing assessment of the development if it is located in a flood prone area;
- k. Slope Assessment to assess the safe design of a slope;
- l. Risk Assessment for hazards associated with the use or storage on site;
- m. Crime Prevention Through Environmental Design Analysis to analyze the built form in reducing the incidence of crime;
- n. Parking Demand Study to estimate the parking demand of the proposed use.

All submitted documents are to be prepared by qualified registered professionals in their respective fields. All submitted documents shall include certification by the professional who prepared the document.

- 8. The Development Officer may deal with an application and make a decision without all of the information required by subsections 3.1(1),(2) and (3), if it is the opinion of the Development Officer that a decision on the application can be properly made without such information.

3.2 Complete and Incomplete Applications

- 1. Upon receipt of an application the Development Officer shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.
- 2. If the Development Officer deems a development permit application to be complete, the Development Officer shall either:
 - a. Issue a letter to the applicant indicating:
 - i. The date the application was received and deemed complete;
 - ii. Confirmation the Development Officer will begin processing the application; and
 - iii. The date the 40 days to process the application expires;
 - or
 - b. Issue a written decision on the application.

3. 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.
4. If the Development Officer determines an application is incomplete, the Development Officer shall issue a notice in writing to the applicant, indicating the following:
 - a. The application is considered incomplete,
 - b. A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete,
 - c. The date which the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the notice, or as agreed upon between the applicant and Development Officer,

Prior to the expiry of the 20 day review period.

5. If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer are complete, the Development Officer must issue a letter to the applicant indicating:
 - a. The application is complete,
 - b. Confirmation the Development Officer will begin processing the application, and
 - c. The date the 40 days to process the application expires.
6. If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused.
7. If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date.
8. Despite that the Development Officer has issued a letter acknowledging an application as complete, in the course of reviewing the application, the

Development Officer may request additional information or documentation from the applicant that the Development Officer considers necessary to review the application.

9. If the Development Officer does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Officer, the application is deemed to be complete.

3.3 Development Referrals

1. The Development Officer may refer any application to Ponoka County or any other agency or person which, in the opinion of the Development Officer, may provide relevant comments or advice respecting the application.
2. The Development Officer may refer, at their discretion, any application to adjacent property owners for comment.

3.4 Time Limits

1. The Development Officer shall, within 20 days after the receipt of an application for a development permit, determine whether the application is complete, or within such longer period as the applicant may have agreed to in writing.
2. The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.

3.5 Permitted Use Decisions and Conditions

1. 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:
 - a. Arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sewer, natural gas, 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;

- b. 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
 - c. 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:
 - 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:
 - (a) a pedestrian walkway system to serve the development, or
 - (b) 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;
 - iii. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - iv. to construct or pay for the construction of:
 - (a) off-street or other parking facilities; and
 - (b) loading and unloading facilities.
 - d. 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.
2. 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 Matters Relating to Subdivision and Development Regulation and statutory plans, the Development Authority:
- a. may refuse the application giving reasons for the refusal; or

- b. may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Matters Relating to Subdivision and Development Regulation and statutory plans; or
- c. may approve the application pursuant to section 2.3 and subject to conditions listed in subsection 3.5 (1).

3.6. Discretionary Use Decisions and Conditions

1. The Development Authority, in its discretion, may approve an application for a discretionary use subject to the following conditions:
 - a. 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;
 - b. 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;
 - c. 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:
 - 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:
 - (a) a pedestrian walkway system to serve the development, or
 - (b) 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;
 - iii. to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;

- iv. to construct or pay for the construction of:
 - (a) off-street or other parking facilities; and
 - (b) loading and unloading facilities;
- d. 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.
- e. Any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to, the following:
 - i. Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - ii. Limiting the number of patrons;
 - iii. Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
 - iv. Regarding the location, character and appearance of buildings;
 - v. 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;
 - vi. Establishing the period of time during which a development may continue.
- 2. If an application for a development permit for a discretionary use does not conform to the requirements of the Land Use Bylaw, the *Municipal Government Act* and the Matters Relating to Subdivision and Development Regulation and statutory plans, the Development Authority:
 - a. may refuse the application giving reasons for the refusal; or
 - b. may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Matters Relating to Subdivision and Development Regulation and statutory plans; or

- c. may approve the application pursuant to section 2.3 and subject to conditions listed in subsection 3.5 (1).

3.7 Notification of Decision

1. A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant or, if the applicant has agreed, by email or other electronic means on the same day the decision is produced in writing.
2. When an application for a development permit is approved, with or without conditions, the Development Officer shall provide notice using one or more of the following means:
 - a. Send a notice of the decision by ordinary mail to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the Summer Village: and
 - b. Arrange for a notice to be published on the Summer Village's website stating the legal description, civic address, the nature of the development, and the provisions for appeal; and/or
 - c. Arrange for a notice of the decision to appear in one or more alternative means of advertising in accordance with a bylaw made pursuant to section 606.1 of the Municipal Government Act stating the legal description, civic address, the nature of the development, and the provisions for appeal.
3. When the Development Authority refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
4. Where this Land Use Bylaw requires a document to be sent to a person, the document may be sent by electronic means if
 - a. the recipient has consented to receive documents by electronic means and has provided an email address, website or other electronic address for that purpose, and
 - b. it is possible to make a copy of the document from the electronic transmission.

3.8 Effective Date of Permit

1. A development permit does not come into effect until 21 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. 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.

3.9 Expiry and Validity of Permit

1. If the development authorized by a permit is not commenced within 12 months from the date of its issue or the date of decision of the Subdivision and Development Appeal Board upon appeal, and completed within 24 months of the issue, the permit shall be deemed to be void, unless an extension to the commencement or completion date has first been granted by the Development Officer.
2. The Development Officer may grant an extension of the time the permit remains in effect for up to an additional twelve (12) months. Only one extension shall be granted for the commencement date and only one extension shall be granted on the completion date.

3.10 Re-Application for a Development Permit

1. Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such 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.

Part 4 Subdivision Approval Applications

4.1 Subdivision Applications

1. Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
2. If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The date the application was received and deemed complete,
 - b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.
3. If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
 - a. The application is considered incomplete,
 - b. A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - c. The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,

Prior to the expiry of the 20 day review period.

4. If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The application is complete,

- b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.
5. If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
 6. If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.
 7. Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.
 8. If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.

Part 5 Development Appeals

5.1 Appeals

1. An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days of the date of the letter issued to an applicant acknowledging a complete application, and an applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40 day period.
2. An appeal may be made to the Subdivision and Development Appeal Board (SDAB) where a Development Authority:
 - a. fails to issue a development permit to a person;
 - b. refuses an application for a development permit;
 - c. issues a development permit subject to conditions; or
 - d. issues an order under the *Municipal Government Act*.

The person applying for the permit or affected by an order, a decision, or development permit may appeal to the SDAB in accordance with the *Municipal Government Act*.

3. An appeal may be made to the Board by any other person affected by an order, decision or development permit of a Development Authority.
4. No appeal may be made in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied, or misinterpreted.
5. A person applying for a development permit or any other person affected by an order, decision or development permit, may appeal to the SDAB by serving written notice of the appeal to the Clerk of the SDAB within twenty-one (21) consecutive days after receipt of the order, decision, or date of issuance of the development permit. The written notice of appeal must contain reasons for the appeal.
6. The date of receipt of a decision or order is deemed to be 7 days from the date that the decision or order is mailed.

7. The SDAB shall hold an appeal hearing within 30 days of the receipt of a notice of Appeal.
8. The procedures followed for an appeal hearing are governed by the *Municipal Government Act*.
9. The decision of the SDAB is final and binding except on a question of jurisdiction or law, in which case the appellant may appeal to the Court of Appeal as provided in the *Municipal Government Act*.

Part 6 Contravention and Enforcement

6.1 Contravention

1. For the information of readers, 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 Authority 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 Matters Relating to Subdivision and Development Regulation, a development permit or subdivision approval, the Development Authority 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 Matters Relating to 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 (a) may appeal to the Subdivision and Development Appeal Board pursuant to this Land Use Bylaw.
 - c. The Summer Village may register a caveat under the Land Titles Act in respect of an order referred to in subsection (a) 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 (a) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within

the time specified, the Summer Village 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 (a) 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 Summer Village 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 (a) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Municipality, 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 the Municipality carries out an order, the costs and expenses incurred in carrying out the order shall be placed on the tax roll of the property that is subject of the order.
2. An Enforcement 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 an Enforcement Officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this bylaw.
3. The provisions and regulations of the Provincial Offences Procedures Act, as amended, may apply to the provisions and enforcement of this Land Use Bylaw. The Chief Administrative Officer or designate is hereby authorized to enforce this Land Use Bylaw.

6.2 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 the specified penalty as follows:
 - a. \$150 in the case of development that has commenced without a development permit;
 - b. \$150 in the case of any contravention or breach of this Land Use Bylaw;
 - c. in the case of an offence for which there is no specified penalty, to a fine of not less than \$250 and not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
3. Where a person is found guilty of an offence under this Land Use Bylaw, the court may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw, or a development permit or condition attached thereto.
4. Where a Designated Officer reasonably believes that a person has contravened any provision of this Bylaw, the Designated Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the particular offence, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.
5. Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of occurrence of the first offence under that section of

this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be:

- a. \$250 in the case of a second offence;
 - b. \$500 in the case of a third or subsequent offence.
6. This section shall not prevent any Designated Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of issuing a violation ticket.
 7. A person named on the violation ticket may, in lieu of being prosecuted, plead guilty to the offence by signing the violation ticket and paying the specified penalty at the location indicated on the violation ticket.
 8. If payment of a violation ticket is not made within the time specified, a Designated Officer may issue an Offence Notice under Part 3 of the Provincial Offences Procedures Act requiring the person named to appear in court on the date indicated in the violation ticket.

Part 7 Amending the Land Use Bylaw

1. The 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. a statement of the applicant's interest in the lands;
 - e. any other studies and information that the Development Officer deems necessary to fully evaluate the proposed amendment; and
 - f. an application fee, the amount of which shall be determined from time to time by Council or payment of a fee equal to the costs incurred by the Summer Village to review the proposed redesignation.
3. Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis 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 in preparation;
 - c. compatibility with surrounding development in terms of land use function and scale of development;
 - d. traffic impacts;
 - e. relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;

- f. relationship to municipal land, right-of-way or easement requirements;
 - g. effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - h. necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - i. relationship to the documented concerns and opinions of area residents regarding development implications.
4. Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than five (5) days' notice to the applicant advising that he/she may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt by the Development Officer.
5. Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
- a. refer the application for further information; or
 - b. pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or
 - c. pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.
6. Following first reading of an amending bylaw, the Council shall
- a. establish the date, time and place for a public hearing on the proposed bylaw;
 - b. outline the procedures to be followed by anyone wishing to be heard at the public hearing; and
 - c. outline the procedure by which the public hearing will be conducted.
7. 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 newspaper or other publication circulating in the area to which the proposed bylaw relates; or

- b. arranging for notice to appear in one or more alternative means of advertising in accordance with a bylaw made pursuant to Section 606.1 of the Municipal Government Act.
8. A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
9. 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.
10. 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 subsections (7) through (9),
 - 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 (9) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
11. If the land referred to in subsection (10)(b) is in Ponoka County, 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 assessment roll of Ponoka County.
12. Notwithstanding subsection (6), 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.
13. In the public hearing, the Council

- a. must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council; and
 - b. may hear any other person who wishes to make representations and whom the Council agrees to hear.
14. After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, the Council may,
- a. refer it for further information or comment;
 - b. pass the bylaw;
 - 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.
15. 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. Ponoka County, if it received a copy of the proposed bylaw pursuant to subsection (11).
16. The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the 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.
17. In this section,
- a. **“adjacent land”** means land that is contiguous to the parcel of land that is being redesignated and includes
 - i. land that would be contiguous if not for a highway, road, river or stream; and
 - ii. any additional land identified by the Development Officer; and

- b. **“owner”** means the person shown as the owner of land on the assessment roll prepared pursuant to the *Municipal Government Act*.

Part 8 General Regulations

8.1. Accessory Buildings

8.1.1. All Districts

1. Setback requirements for accessory buildings shall comply with the regulations of this section where a conflict exists between this section and any District Regulations.
2. For the purpose of calculating yard requirements as provided in this Land Use Bylaw, an accessory building, if connected to the main building by a structural element including but not limited to a common foundation, roof or wall, shall be deemed to be part of the main building.
3. No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
4. An accessory building shall be situated so that the exterior wall is at least 1.0 m (3.28 ft.) from the side and rear boundaries of the parcel.
5. No accessory building or any portion thereof shall be erected or placed within the minimum required front yard of a parcel, except for those accessory buildings listed in, or similar to those described in section 2.4 (6) Development Not Requiring a Development Permit.
6. An accessory building shall not be used for human habitation except where a secondary suite has been approved.
7. There shall be no more than one (1) Soft Sided Building approved per parcel at any given time.

8.1.2. Residential Districts

1. The total number of accessory buildings permitted on a parcel shall not exceed five (5).
2. An accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels. The Summer Village may as a condition of approval, require the owners to construct a firewall and cause to register a party wall agreement on both affected titles.

3. An accessory building shall be located a minimum of 3.0 m (10 ft.) from the main building.

8.1.3. Secondary Suites

1. A secondary suite shall be restricted to a site occupied by a detached dwelling.
2. One (1) secondary suite may be allowed per detached dwelling lot.
3. A secondary suite shall not exceed 46 m² (500 ft.²) in gross floor area.
4. A secondary suite developed on a second floor integral to an accessory building shall not be more than 7.5 m (25 ft.) in height and shall not exceed the height of the principal building.
5. Notwithstanding subsection 8.1.2(3), a secondary suite shall be situated so the exterior walls are at least:
 - a. 1.5 m (5 ft.) from the side parcel boundaries and on a corner parcel no closer to the street than the principal building;
 - b. 3.0 m (10 ft.) from the rear parcel boundary;
 - c. 3.0 m (10 ft.) from the principal building and any other accessory buildings on the parcel.
6. One (1) off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal building.

8.2. Alternative Energy Collecting and Storing Devices

1. Solar energy devices attached to a principal or accessory building shall:
 - a. be integrated so as to mimic the roof or wall/structure. The mounted panel shall project no more than 0.15 m (6 in) from the surface of the building;
 - b. where located on buildings with flat roofs, not project vertically more than 1.0 m (3.28 ft.) above the roof line in residential districts and not more than 1.8 m (6 ft.) above the roof line in all other districts; and,
 - c. not extend beyond the outermost edge of the roof or wall to which it is mounted;

2. Solar energy devices not attached to a building shall:
 - a. be located in a side or rear yard only;
 - b. not exceed 2.5 m (8.2 ft.) in height above the ground; and
 - c. be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority.

3. Wind Energy Devices shall:
 - a. Be located in a side or rear yard only;
 - b. Be subject to the district requirements for height on the parcel which they are located;
 - c. Be sized appropriately to the district in which they are located. Devices located on residential lots shall be designed specifically to be for such use;
 - d. not generate any noise that extends beyond the property boundary in a residential district;

4. The Development Authority may require provision of a visual and noise impact statement including steps proposed to mitigate such impacts.

5. Geothermal Energy Devices shall:
 - a. Be permitted provided its underground components meet the required setbacks for accessory buildings in the district;
 - b. In the case of above ground components, adhering to the following:
 - i. in a residential district, be subject to the district requirements for an accessory building on the lot where the device is located;
 - ii. in all other districts, be subject to the district requirements for a principal building on the lot where the device is located; and
 - iii. not require a development permit, subject to meeting the requirements of the district in which they are located.

8.3. Bed and Breakfast Establishments

1. Bed and breakfast establishments are allowed in the Summer Village provided that they are secondary to the residential use of the dwelling. Such accommodation shall not interfere with the use and enjoyment of the neighbourhood as a residential area. In this regard, bed and breakfast establishments shall comply with the following standards:
 - a. alterations to the residence shall be limited so that a home can be easily re-converted back to a residence and to ensure that the home is virtually indistinguishable from other houses in the neighbourhood. Any alterations are to be approved by the Development Authority;
 - b. one sign only shall be permitted to identify, rather than advertise the establishment. Such sign must not exceed 1.0 m² (10 ft.²) in area;
 - c. off-street parking shall be provided as follows: two parking spaces for the dwelling unit plus one space per guest room; and
2. A development permit issued for a bed and breakfast establishment does not exempt compliance with health regulations or any other permit requirements.

8.4. Building Demolition

1. In addition to the requirements of section 3.1, the Development Officer may require an application for demolition of a building to be accompanied by a statement indicating how the demolition will be carried out so as to avoid or minimize the creation of nuisances or safety hazards.
2. Whenever a development permit is issued for the demolition of a building, it shall be a condition of the permit that the site be properly cleaned, with all debris removed, and left in a graded condition acceptable to the Development Authority.
3. Where a permit is approved, the Development Authority may require the applicant to provide a letter of credit or other security of such amount to cover the costs of reclamation and any damages to utilities.

8.5. Building Orientation and Design

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

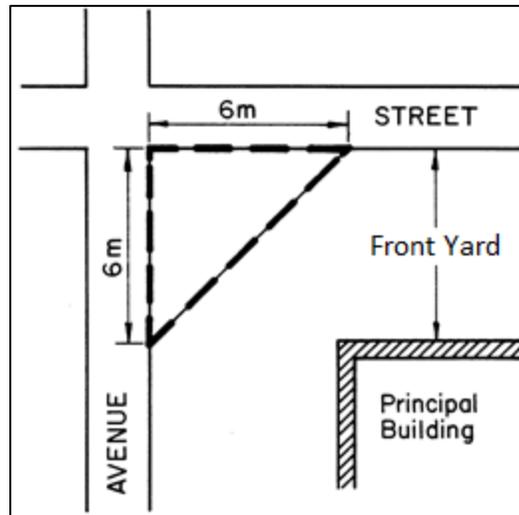
2. The design, character, and appearance of any building, structure, or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to:
 - a. Amenities such as daylight, sunlight and privacy;
 - b. Compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing; and
 - c. The buildings effect on adjacent parcels.
3. Rooflines and facades of large buildings where a single wall exceeds 30 m (99 ft.) shall be designed to reduce the perceived mass by the inclusion of design elements such as arches, columns or gables with exterior finish materials comprised of predominantly muted colours.

8.6. Communication Towers

1. The height of the tower structure is limited to the maximum height limit of the respective district, but antennas may extend above the structure.
2. The appearance of a communication tower shall be to the satisfaction of the Development Authority.
3. 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.
4. Notwithstanding any of the municipal requirements outlined above, all proponents for communication towers must comply with applicable federal legislation and regulations, including but not limited to Industry Canada Client procedures Circular (CPC 2-0-0-3) *Radiocommunication and Broadcasting Antenna Systems*.

8.7. Corner Visibility Setbacks

1. No person shall place or maintain a wall, fence, shrub, hedge, tree or other object or structure which exceeds 1 m (3 ft.) in height in or upon that portion of a lot or site within a sight triangle. Any vegetation placed in or upon that area identified as a sight triangle which exceeds 1 m (3 ft.) in height, shall be kept trimmed and/or pruned so as to not obstruct sight lines through the sight triangle area.



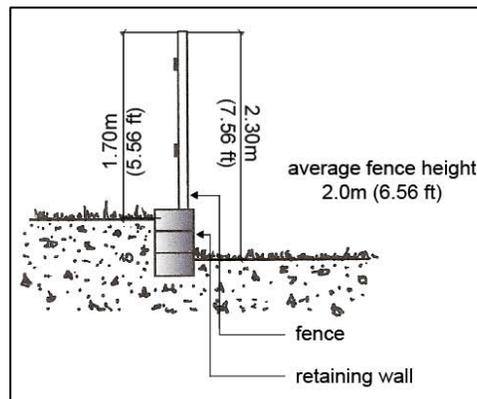
8.8. Driveways

1. The number of driveways on a property designated Residential shall be limited to not more than one (1) driveway on a property with less than 40 m (131 ft.) of frontage and not more than two (2) driveways for properties with more than 40 m (131 ft.) 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. Where the Development Authority has approved a second driveway, according to subsections (1) or (2), the second driveway shall not exceed 6.0 m (20 ft.) in width.
4. The number of driveways on properties in all other districts shall be limited to two (2), 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.

5. The width of driveways in all districts shall not exceed 7.2 m (23 ft.) 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. (2019-04)

8.9. Fencing and Screening

1. The maximum height of a fence, as measured from grade, shall be:
 - a. 2.0 m (6.5 ft.) in the rear and side yards; and
 - b. 1.3 m (4 ft.) in the front yard.
2. Notwithstanding subsection 8.7 (1), a higher fence may be approved for public safety, security, privacy, or buffering purposes at the discretion of the Development Authority.
3. Where a fence is constructed on a retaining wall or where a significant difference in grade exists on adjacent parcels, height shall be calculated as the average combined height measured from grade on both sides of the fence and/or



retaining wall.

4. All fencing shall compliment the character and quality of the principal building.
5. Fences containing barbed wire are not permitted except in a commercial district where barbed wire is required for security purposes and is located only in the side and rear yards, above a height of 2.0 m (6.5 ft.).
6. Electric fences shall not be permitted.
7. All commercial and industrial developments, which share a property line with a residential development or a lane which abuts a residential development, shall

be screened from the view of the residential development with a 2.0m (6.56 ft.) fence and/or landscaping to the satisfaction of the Development Authority.

8. For any site where noise is a potential nuisance, the Development Authority may specify that fencing be designed to attenuate noise. Where noise attenuation fencing is required, the developer/applicant may be required to submit a report, prepared by a qualified professional, outlining the type and specifications for the fencing.
9. Materials and landscaping used for screening and buffering shall provide year round screening.

8.10. Home Occupations

1. A home occupation may be operated from within the principal dwelling, or an accessory building.
2. Any required outside storage of equipment, materials, commodities, packaging, or finished products shall be screened from adjacent parcels to the satisfaction of the Development Authority.
3. 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.
4. No commodity other than the product or service of the home occupation shall be sold on the premises.
5. Shall not have more than one (1) employee who is not a permanent resident of the dwelling, on the parcel at any one time.
6. A home occupation shall be incidental and subordinate to both the residential use and the accessory building.
7. Signage for the home occupation shall be limited to one un-illuminated window sign, not exceeding 50% of the area of the window, or one A-Board sign no larger than 1.0 m² (10 ft²) advertising the one home occupation operated from the parcel.
8. A permit issued for a home occupation is liable for recall at any time after 30 days and is valid for two years, at which time the applicant may reapply.

8.11. Manufactured Homes

1. The external appearance of manufactured homes must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and must have:
 - a. A minimum roof pitch of 4:12;
 - b. A minimum roof overhang or eaves of 0.4 m (16 inches) from each external wall;
 - c. A maximum length to width ratio of 3:1; and
 - d. A minimum width of 6.0 m (20 ft.).
2. All skirting and structures attached to the manufactured homes shall be factory built with matching exterior finish or be of durable all weather construction designed in a manner that will enhance the appearance of the overall development when assembled.
3. Manufactured homes shall be no older than ten (10) years as of the date of a completed development permit application for their placement and shall be similar and consistent with the character of the area.

8.12. Moved-In Buildings

1. No person shall locate on a parcel a building which has previously been erected or placed on a different parcel, or alter the location on a parcel of a building which has already been constructed on that parcel, unless a development permit has been issued by the Development Authority.
2. In addition to the requirements of section 3.1 (Application for Development), the Development Officer may require an application for a development permit to be accompanied by:
 - a. recent colour photographs showing all sides of the building;
 - b. a statement of the age, size and general condition of the building;
 - c. a statement prepared and signed by a qualified person on the structural condition of the building; and
 - d. an indication of the improvements proposed to the building.

3. Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Officer may require the applicant to provide a letter of credit or other security of such amount to ensure completion of any renovations set out as a condition of development approval.

8.13. Non-Conforming Uses and Buildings

1. A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with 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, may not be enlarged or added to and no structural alterations may be made to it or in it.
3. A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
4. A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except;
 - a. to make it a conforming building,
 - b. for routine maintenance of the building, if the Development Authority considers it necessary, or
 - c. in accordance with the provisions of section 2.12 (5) (variances).
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 may not be repaired or rebuilt except in accordance with this Land Use Bylaw.
6. The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

8.14. Number of Dwelling Units on a Parcel

1. The number of dwelling units allowed on any parcel shall not exceed one (1), except where the additional dwelling unit is an approved secondary suite.

8.15. 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 or permit in any part of the parcel in any residential district:
 - a. any dismantled or wrecked vehicle for more than fourteen consecutive days, or
 - b. any truck or truck tractor in excess of 6804 Kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle,
 - c. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the surrounding area, or
 - d. any excavation, storage or piling up of building materials or supplies required during the construction of a development unless all necessary safety measures are undertaken and the situation does not prevail longer than the Development Authority considers necessary for completion of construction work on the site.

8.16. Outdoor Hot Tubs and Whirl Pools

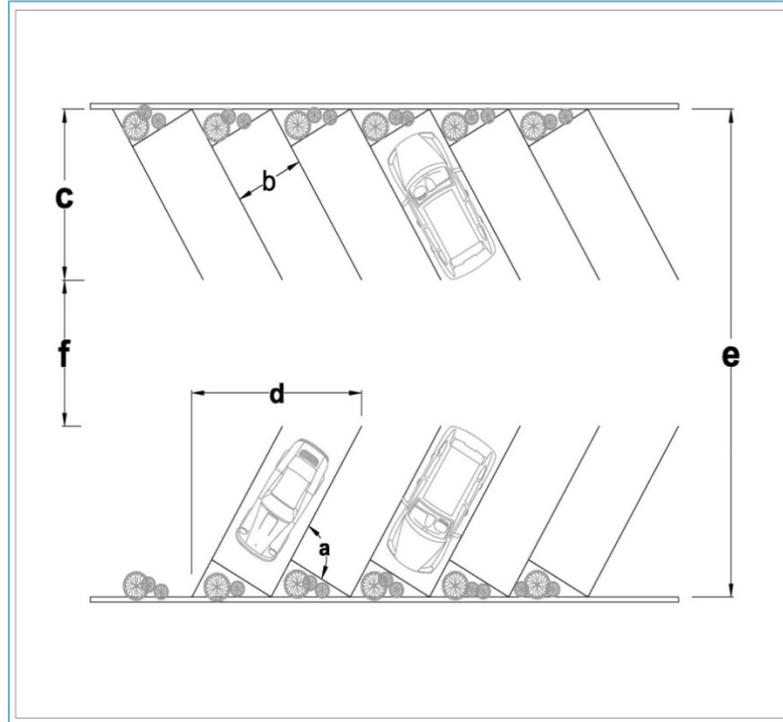
1. Every outdoor hot tub or whirl pool shall be secured against entry by the public other than owners, tenants or their guests.
2. Outdoor hot tubs and whirl pools shall not be located within any required minimum front or side yard.

8.17. Parking

1. An off-street parking area or accessory off-street parking area:
 - a. shall not be located within 1 m (3.25 ft.) of a lot line;
 - b. shall be constructed so that adequate access to and exit from each parking space is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
 - c. shall have necessary access located and constructed to the satisfaction of the Development Authority; and
 - d. shall be adequately signed so as to direct access to it.

2. All parking areas shall conform to the requirements outlines in the table below.

(a) Parking Angles in Degrees	(b) Width of Space	(c) Depth of Space Perpendicular to Maneuvering Aisle	(d) Width of Space Parallel to Maneuvering Aisle	(e) Overall Depth	(f) Width of Maneuvering Aisle
0	2.7 (9)	2.7 (9)	7.0 (23)	9.1 (30)	One Way 3.6 (12)
30	2.7 (9)	5.2 (17)	5.5 (18)	14.0 (46)	One Way 3.6 (12)
45	2.7 (9)	5.8 (19)	4.0 (13)	15.2 (50)	One Way 3.6 (12)
60	2.7 (9)	6.1 (20)	3.1 (10)	18.2 (59)	One Way 6.0 (19.5)
90	2.7 (9)	6.1 (20)	2.7 (9)	19.5 (64.5)	Two Way 7.3 (24)



3. Within the Commercial District, the Development Authority may require some parking spaces provided to be a minimum width of 3 m (10 ft.) and a minimum depth of 20 m (65.5 ft.), specifically designed for large trucks. Maneuvering aisles and accesses will be sized appropriately to permit vehicular access to these spaces.
4. Every off-street parking space provided, and the access thereto, shall be hard surfaced if the access is from a street or lane which is hard surfaced; parking areas must be paved or of gravel mixture as approved by the Development Authority.
5. Each parking area shall be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk unless allowed otherwise by the Development Authority.
6. The minimum number of off-street parking spaces required for each building or use shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

Use of Building or Development	Minimum No. of Parking Spaces
Detached Dwelling, Manufactured Homes	2 per dwelling unit
Secondary Suites	1 per dwelling unit
Home occupations	1 additional stall
Commercial	2.5 per 100 m ² (1076 ft ²)
Places of Public Assembly	1 per 4 seats
All other uses not listed	To the Satisfaction of the Development Authority

8.18. Personal Recreational Use

1. Where a Personal Recreational Use has been approved, up to three (3) recreational vehicles or developed pads to accommodate a recreational vehicle may be permitted. The three (3) recreational vehicles or developed pads shall collectively be considered the main or principal building for the site.
2. Recreational vehicles being placed on a parcel where approval for a Personal Recreational Use has been granted shall maintain a 1 m (3ft) setback from all side and rear property boundaries. The setback shall be measured from the property boundary to the nearest portion of the recreational vehicle with any slide outs and pull outs fully extended.
3. Recreational vehicles being placed on a parcel where approval for a Personal Recreational Use has been granted shall not be located in the minimum required front yard, except where the Development Authority determines that the slope of the parcel provides no other suitably level location for the placement of the recreational vehicle.
4. The maximum number of accessory buildings on a site where a Personal Recreational Use has been approved shall be one (1) accessory building per approved recreational vehicle or developed pad for a recreational vehicle up to a maximum of three (3) accessory buildings. For the purposes of this section, decks shall not be counted as part of the maximum number of allowable accessory buildings.

5. Accessory buildings which are constructed on parcels with the principal use Personal Recreational Use shall be sited on a parcel so as to not impede the potential for future development of a detached dwelling.
6. The Development Authority, at their discretion, may require the installation of a private sewage disposal system, to be installed:
 - a. in an area where recreational vehicles on-site can be directly connected to, or
 - b. in an area that is easily accessible to the recreational vehicles for periodic use, or
 - c. as otherwise approved at the discretion of the Development Authority.

8.19. Projections into Yards

1. Building projections constructed on foundation walls and footings shall be deemed to be part of the building and shall not be considered a projection over a yard.
2. Subject to the requirements of the Alberta Building Code, the following features may project into any yard required by the Land Use Bylaw:

Feature	Yard in Which Projection is Permitted	Maximum Permitted Projection into the Minimum Required Yard
Eaves, chimney	Any Yard	61 cm (2 ft.)
Unenclosed steps and exterior staircases	Front and Rear Yards	1.5 m (5 ft.)
	Side Yards	61 cm (2 ft.)
Bay or Box window	Front and Rear Yards	1 m (3 ft.)
	Side Yards	61 cm (2 ft.)
Unenclosed verandas, porches, balconies, terraces, patios or decks	Front Yards	1.8 m (6 ft.) including eaves and cornices
	Rear Yards	3.5 m (11 ft.)
	Side Yards	61 cm (2 ft.)
Cantilevered wall sections with a width less than 2.5 m (8 ft.)	Rear and Side Yards	61 cm (2 ft.)

8.20. Recreational Vehicles

1. Where a detached dwelling exists, the maximum number of recreational vehicles that may be stored on site when not in use for overnight accommodation is one (1).
2. Where a personal recreational use has been approved, the maximum number of recreational vehicles that may be stored on site when not in use for overnight accommodation shall not exceed the number of recreational vehicle pads that have been approved as part of the personal recreational use.
3. Up to three (3) recreational vehicles may be situated and occupied on a residential parcel where a detached dwelling exists.
4. Up to three (3) recreational vehicles may be situated and occupied on a residential parcel where a permit has been issued for a personal recreational use.
5. A maximum of two (2) additional recreational vehicles above the number indicated in subsection 3 or subsection 4 above, is allowed for no more than 7 consecutive days.
6. Where a dispute arises as to the initial date of occupancy or any time period specified in subsection 5, the Development Authority shall decide thereupon.

8.21 Signs

1. A Sign shall not conflict with the general character of the surrounding streetscape or the architecture of nearby Buildings or be liable to create a cluttered appearance to the streetscape.
2. No Sign shall project higher than the roof-line of the Building to which it is attached.
3. A Sign shall not project closer than 0.75 m (2.5 ft.) to the existing or future curb line.
4. Where a Sign projects over public property, a minimum clearance of 2.5 m (8.2 ft.) above Grade level shall be maintained.
5. Notwithstanding subsection (4), where a Sign is located in or projects into or over a Driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft.) above Grade level shall be maintained.

6. A Sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.
7. A Sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.

8.22 Special Setback Regulations and Requirements

Notwithstanding any specific provisions in this Land Use Bylaw, setbacks in excess of the minimum yard requirements may be required when deemed necessary by the Development Authority.

8.22.1. Sites Adjacent Pipeline Rights-of-Way

Notwithstanding any other provision of this Land Use Bylaw, where a development is proposed on a site adjacent a pipeline as defined in the Pipeline Act no part of any building to be occupied by persons on a regular basis shall be constructed closer than 15 m (49 ft.) from the edge of the pipeline right-of-way. In certain instances, a greater distance may be required by the Development Authority after consultation with the pipeline operator.

8.23 Tourist Homes

1. A valid development permit issued by the Summer Village is required to operate a tourist home.
2. Tourist home permits will initially be issued for 2 years, after which the applicant may reapply for a development permit that may not have a set time limit.
3. Tourist homes shall be limited to one rental unit per parcel.
4. The maximum number of bedrooms allowed in a tourist home shall be five (5), and the number of approved bedrooms shall be stated on the development permit.
5. The operator of a tourist home shall provide the Summer Village with the name and phone number(s) of at least one local person (adult) that is authorized to act on the owner/operator's behalf in the owner/operator's absence. The owner/operator is responsible for informing the Summer Village of any changes in this information.
6. In residential districts tourist homes shall not display any sign other than one board or window sign not exceeding 1.0 m² (10 ft²) advertising the tourist home.
7. On-site parking shall be provided in accordance with the following:
 - a. Where front yard parking is permitted, a maximum of 50% of the front yard may be used for driveways and parking stalls.
 - b. Parking stalls shall be provided at the following rate:
 - i. A minimum of two (2) stalls for one - three bedroom units, three (3) stalls for four bedroom units, and four (4) stalls for five bedroom units.

8.24 Temporary Buildings

1. The Development Officer may conditionally approve a temporary building, to be placed on a site subject to the owner agreeing to remove the building in accordance with the terms and conditions affixed to the development permit.

2. The Development Authority may issue a Development Permit for a Temporary Building that will include conditions concerning:
 - a. the size, height and location of the Building,
 - b. the appearance of the Building,
 - c. the length of time within which the Building may remain erected, to a maximum of 12 months, and
 - d. the provision of a performance bond to ensure the Building is removed within 30 days of the expiry of the Development.
3. The Development Authority may consider a renewal of the Development Permit upon the submission of a new Development Permit application.
4. There shall not be more than one (1) temporary building approved per parcel at any given time.
5. A sea/land container may be approved, by the Development Authority, for placement within the rear yard of a residential parcel for temporary storage for a maximum of 90 days.

8.25 Site Grading, Placement of Fill and Drainage of Properties

1. No land shall be stripped or graded or raised or filled unless a development permit has been issued or the activity is exempt under Section 2.4 of this bylaw.
2. Site grading that alters or impacts natural drainage patterns or affects an abutting property or municipal roadway shall not be permitted unless allowed by the Development Authority in accordance with an approved grading and drainage plan.
3. A private driveway shall not be constructed to interfere with the natural drainage of water, and if a driveway is constructed across a drainage ditch, a culvert must be installed to the satisfaction of the Development Authority.
4. Any changes to grading shall be done so that the finished grade and contours do not direct surface drainage onto an abutting parcel unless otherwise approved by the Development Authority and made subject to a drainage easement agreement over the affected parcel or parcels.

5. All roof drainage from any building on a parcel shall be directed onto the parcel upon which such building is situated by means of eave troughs and downspouts or other suitable means to the satisfaction of the Development Authority.
6. Where the final site grades of a parcel have been established through approved engineering drawings, the Development Authority shall require the grading and elevations of the parcel to meet the requirements of the approved engineering drawings and storm water collection system for the area.

Part 9 District Regulations

9.1. Residential (R) District

Purpose

To provide an area for high quality resort residential development in the form of single detached dwellings and personal recreational vehicle use.

Permitted Uses

- a) Single Detached Dwellings;
- b) Personal Recreational Use; and
- c) Accessory Buildings.

Discretionary Uses

- a) Accessory Uses;
- b) Bed and Breakfasts;
- c) Home Occupations;
- d) Manufactured Homes;
- e) Secondary Suites;
- f) Tourist Homes;
- g) Essential Public Services;
- h) Public Utility Building; and
- i) Public Parks.

Development Standards	
Minimum Parcel Area	1,858 m ² (20,000 ft ²)
Minimum Parcel Frontage	30 m (100 ft.)
Maximum Principal Use Parcel Coverage	20%
Maximum Accessory Building Parcel Coverage	10%
Minimum floor area for Principal Building	60 m ² (650 ft ²) at grade
Maximum Building Height for Principal Building	10 m (33 ft.)
Maximum Building Height for Accessory Building	6.75 m (22 ft.) if floor area of accessory building is 37m ² (400 ft ²) or more 5 m (16.4 ft) if floor area of accessory

building is less than 37m ² (400 ft ²)	
Yards – Principal Building Only (except for Personal Recreational Use)	
Minimum Front Yard	8 m (26 ft.)
Minimum Rear Yard	6 m (20 ft.)
Minimum Side Yard	3 m (10 ft.)

Special Provisions for Lakefront Lots

Notwithstanding the Development Standards above, a minimum rear yard of 8 m (26 ft.) shall be required for all buildings including accessory buildings on lakefront lots.

Site Servicing

Except for an approved Personal Recreational Use, every development shall install a Private Sewage Disposal System approved by the safety codes agency contracted by the municipality.

Holding tanks are the preferred method of private sewage disposal.

Individual onsite NSF 40 Advanced Wastewater Treatment Systems may be approved for year-round use. This method will not be approved for seasonal use.

The release of any wastewater, including grey water, is strictly prohibited on any land within the municipality including ditches, public lands, and private property.

Landscaping

Where no mature trees exist on a parcel, the minimum number of trees to be planted shall be six (6).

Deciduous trees must have a minimum calliper width of 50mm (2in) measured at a point 1.5ft above the top of the root ball.

Coniferous trees must have a minimum height of 1.8m (6ft) above the top of the root ball.

9.2. Commercial (C) District

Purpose

To provide land for the development of a range of commercial uses that are conducive to the resort nature of the Summer Village.

Permitted Uses

- a) Retail Stores;
- b) Restaurants;
- c) Personal Services;
- d) Gas Bar; and
- e) Accessory buildings.

Discretionary Uses

- a) Accessory Motel;
- b) Alcohol Sales;
- c) Convenience Store;
- d) Commercial Recreation and Entertainment;
- e) Drinking Establishment;
- f) Institutional uses;
- g) Campground;
- h) Park Model Campground;
- i) Dwelling units above, beside or behind the ground floor;
- j) Detached dwellings;
- k) Signs; and
- l) Utility building.

Development Standards	
Minimum Parcel Area	1,858 m ² (20,000 ft ²)
Minimum Parcel frontage	30 m (100 ft.)
Maximum Principal Use Parcel Coverage	50%
Maximum Accessory Building Parcel Coverage	10%
Maximum Building Height	10 m (33 ft.)
Yards – Principal Building Only	
Minimum Front Yard	8 m (26 ft.)
Minimum Rear Yard	6 m (20 ft.)
Minimum Side Yard	3 m (10 ft.)

Site Servicing

Every Development shall install a Private Sewage Disposal System approved by the safety codes agency contracted by the municipality.

Holding tanks are the preferred method of private sewage disposal.

Individual onsite NSF 40 Advanced Wastewater Treatment Systems may be approved for year-round use. This method will not be approved for seasonal use.

The release of any wastewater, including grey water, is strictly prohibited on any land within the municipality including ditches, public lands, and private property.

Dwelling Units

Developments incorporating dwelling units above, beside or behind the ground floor shall:

- a. Have an entrance that is separate and distinct from the entrance of any non-residential component of the building;
- b. Not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.

Campground Standards

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.

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.

Development Standards	
Minimum Parcel Area	All the land contained in the existing titled area unless otherwise approved by the Subdivision Authority.
Roads	7.0 m (23 ft.) wide, all weather construction
Landscaping	3.0m (10 ft.) strip around the 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.
Site/Stall Size and Density	
Maximum Gross Density	38 sites/ha (15.4/ac)
Minimum Stall/Site Size	195 m ² (2,100 ft ²)
Minimum Stall/Site Width	10.7 m (35 ft.)
Minimum Stall Depth	18.3 m (60 ft.)
Parking	1 all-weather stall (min. 3.0m 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 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.

Park Model Campground Standards

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.

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.

Development Standards	
Minimum Parcel Area	All the land contained in the existing titled area unless otherwise approved by the Subdivision Authority.
Minimum Site Area	Each site shall be a minimum of 235 m ² (2,530 ft ²)
Sites Lines	Each site shall be clearly defined on the ground by permanent flush stakes/markers.
Internal Roads	Internal roads shall be of all weather construction built to a standard acceptable to the Development Authority.
Landscaping	3.0m (10 ft.) strip around the 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.
Siting of Park Model Recreation Vehicles	
Front Yard	6.0 m (20 ft.)
Side Yard	1.5 m (5 ft.) on a side without a door, or 3.0 m (10 ft.) on a side with a door
Rear Yard	4.5 m (15 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.

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.)

Storage Facilities

An area equal to a minimum of 2.5 percent of the 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.

9.3. Park (P) District

Purpose

To provide land for recreational, educational and community uses.

Permitted Uses

- a) Accessory Buildings and Uses;
- b) Public Parks;
- c) Public Uses; and
- d) Natural Environment Area.

Discretionary Uses

- a) Private Recreational Development; and
- b) Public Utility Buildings.

Development Standards	
Maximum Building Height	10 m (33 ft.)
Yards – Principal Building Only	
Minimum Front Yard	8m (26 ft.)
Minimum Rear Yard	6m (20 ft.)
Minimum Side Yard	3m (10 ft.)

Site Servicing

Every Development shall install a Private Sewage Disposal System approved by the safety codes agency contracted by the municipality.

Holding tanks are the preferred method of private sewage disposal.

Individual onsite NSF 40 Advanced Wastewater Treatment Systems may be approved for year-round use. This method will not be approved for seasonal use.

The release of any wastewater, including grey water, is strictly prohibited on any land within the municipality including ditches, public lands, and private property.

9.4. Public Institutional (I) District

Purpose

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

Permitted Uses

- a) Institutional Service Facility;
- b) Educational Uses; and
- c) Public Use.

Discretionary Uses

- a) Accessory buildings and uses;
- b) Essential Public Services;
- c) Public Parks; and
- d) Public utility buildings.

Development Standards	
Minimum Parcel Area	1,858 m ² (20,000 ft ²)
Minimum Parcel Frontage	30 m (100 ft.)
Maximum Parcel Coverage	30%
Maximum Building Height	10 m (33 ft.) or 2 floors above grade
Yards – Principal Building Only	
Minimum Front Yard	8m (26 ft.)
Minimum Rear Yard	6m (20 ft.)
Minimum Side Yard	3m (10 ft.)

Site Servicing

Every Development shall install a Private Sewage Disposal System approved by the safety codes agency contracted by the municipality.

Holding tanks are the preferred method of private sewage disposal.

Individual onsite NSF 40 Advanced Wastewater Treatment Systems may be approved for year-round use. This method will not be approved for seasonal use.

The release of any wastewater, including grey water, is strictly prohibited on any land within the municipality including ditches, public lands, and private property.

Schedule A – Land Use District Map

*See attached map **Schedule A – Land Use District Map** on the last page.*

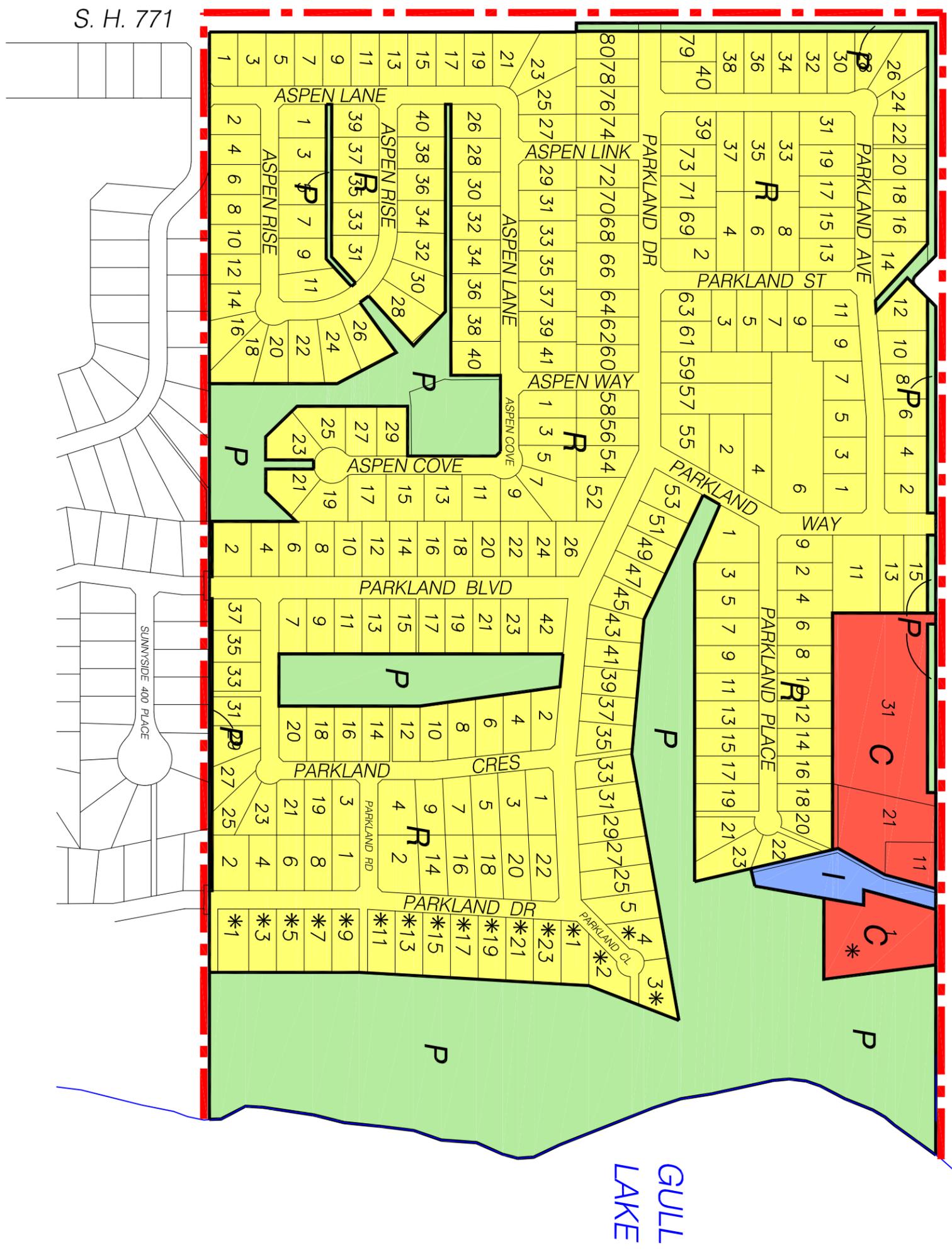
LAND USE BYLAW DISTRICTS

- Residential
- Commercial
- Public & Institutional
- Park
- Lakefront Parcels
- Village Boundary

Schedule A Land Use District Map
 Bylaw No. 2018-01
 Summer Village of
 Parkland Beach



Scale 1:5,000
 April 2018



S. H. 771

SUNNYSIDE 400 PLACE

GULL
 LAKE