



LAND USE BYLAW

BYLAW 130/2020

October 2020



**SUMMER VILLAGE OF HORSESHOE BAY
PROVINCE OF ALBERTA
BY-LAW NO. 130/2020**

**A Bylaw of the Summer Village of Horseshoe Bay in the Province of Alberta, to
Adopt the Land Use Bylaw of the Summer Village of Horseshoe Bay.**

WHEREAS, Section 639 of the *Municipal Government Act*, 2000 as amended, provides that a municipal council shall, by bylaw, adopt a Land Use Bylaw for the purpose of regulating and controlling the use and development of land and buildings within the municipality.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other powers enabling it, the Council of the Summer Village of Horseshoe Bay hereby assembled enacts as follows:

1. Bylaw 130/2020, adopting this document as the Land Use Bylaw (2020) insofar as it affects lands within the Summer Village of Horseshoe Bay, is hereby adopted.
2. Bylaw 74/2006 adopting the Summer Village of Horseshoe Bay Land Use Bylaw insofar as it affects lands with the Summer Village of Horseshoe Bay, is hereby repealed.

Read for a **First** time in council this 15th day of August, 2020.

Original signed by Gary Burns _____
Mayor

Original Signed by Norman Briscoe _____
Chief Administrative Officer

Read for a **Second** time in council this 2nd day of July, 2022.

Original signed by Gary Burns _____
Mayor

Original signed by Norman Briscoe _____
Chief Administrative Officer

Read for a **Third and Final** time this 2nd day of July, 2022

Original signed by Gary Burns _____
Mayor

Original signed by Norman Briscoe _____
Chief Administrative Officer

ACKNOWLEDGEMENTS

The Summer Village of Horseshoe Bay Land Use Bylaw (LUB) would not have been accomplished without the support of Village residents, Council and administration, who have provided their perspectives, passion and commitment to creating a vision and direction for the Summer Village.

The project team would like to acknowledge the following individuals who shared their time, expertise, knowledge and support to discuss strategies and aspirations in the Summer Village of Horseshoe Bay.



Summer Village of Horseshoe Bay

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Mayor Gary Burns
Deputy Mayor Dave Amyotte
Councillor Eli Gushaty

Administration

Norman Briscoe,
Chief Administrative Officer



In Partnership with:

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Table of Contents

PART 1: ENACTMENT	1
1.1 Title	1
1.2 Purpose	1
1.3 Application	1
1.4 Conformity with Bylaw	1
1.5 Additional Requirements	1
1.6 Interpretation	1
1.7 Severability	1
PART 2: DEVELOPMENT AUTHORITIES	2
2.1 Establishment of Development Authorities	2
2.2 Duties and Powers of Development Authorities	2
2.3 Subdivision and Development Appeal Board	3
2.4 Subdivision Authority	3
2.5 The Development Authority's Discretion and Variances	3
PART 3: ADMINISTRATIVE PROVISIONS	5
3.1 Development Permits Not Required	5
3.2 Development Permit Applications	6
3.3 Subdivision Applications	6
3.4 Complete Development Permit and Subdivision Application	7
3.5 Notification and Electronic Means	7
3.6 Permit Referrals	8
3.7 Variance Request	8
3.8 Conditions of Development Permit	8
3.9 Notice of Decision	9
3.10 Permit Validity	10
3.11 Development Appeals	11
3.12 Non-conforming Building and Uses	11
3.13 Contravention	11
3.14 Right of Entry	11
3.15 Stop Orders	12
3.16 Penalties	12
3.17 Amendment Applications	12
3.18 Amendment Process	13
PART 4: LAND USE DISTRICTS	15
4.1 Land Use District	15
4.2 Land Use District Map	15
4.3 Residential Single Family (R1) District	16
4.4 Public Park (P) District	19
4.5 Natural Area (NA) District	20
4.6 Crown Land (CL) District	21
4.7 Direct Control (DC) District	22
PART 5: GENERAL REGULATIONS	23
5.1 Access	23
5.2 Accessory Buildings	23
5.3 Controlled Appearance	25
5.4 Environmental Standards	25
5.5 Fencing and Screening	25
5.6 Grading and Drainage	25
5.7 Height of Buildings	26
5.8 Lot Density	26
5.9 Landscaping	26
5.10 Objects Prohibited or Restricted in Yards	26
5.11 Parking Requirements	27
5.12 Permitted Encroachments	27

5.13	Relocated Buildings	27
5.14	Sewage Disposal System	27
5.15	Sign Regulations	27
5.16	Shoreline Reserve and Crown Bed and Shore	27
5.17	Substandard Lots	27
5.18	Topsoil Excavation	28
PART 6: SPECIAL REGULATIONS		29
6.1	Garage and Garden Suites	29
6.2	Home Occupations	29
6.3	Manufactured Homes	29
6.4	Recreational Vehicles	30
6.5	Secondary Suites	30
6.6	Solar Collectors	30
PART 7: DEFINITIONS		31

SCHEDULES

Schedule A	Amendments
Schedule B	Land Use Bylaw Forms
Schedule C	Land Use District Map

FIGURES

Figure 5.1	Location of Accessory Buildings
Figure 5.2	Building Height
Figure 7.1	Definition of Yards

TABLES

Table 1	Land Use Districts
Table 2	Minor Agricultural Pursuits

■ PART 1: ENACTMENT

1.1 Title

This Bylaw may be cited as the “Summer Village of Horseshoe Bay Land Use Bylaw”.

1.2 Purpose

The purpose of this Bylaw is to regulate and control the use and Development of land and Buildings as per the requirements of the Municipal Government Act (Act) in order to achieve the orderly and economic Development of land, to support the efficient use of Summer Village infrastructure, and to implement the objectives and policies of the Municipal Development Plan.

1.3 Application

The provisions of this Bylaw apply to all land and Buildings within the boundaries of the Summer Village.

1.4 Conformity with Bylaw

No person shall commence any Development unless it is in accordance with this Bylaw and the conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

1.5 Additional Requirements

In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such permits, approvals or licenses that may be required by the Summer Village, the Province of Alberta, or Government of Canada.

1.6 Interpretation

For the purpose of interpreting this Bylaw, the definitions provided in Section 7 shall apply.

- a) In the event of conflict between the Bylaw and Act, the Act shall take precedence.
- b) If there is conflict between the Bylaw’s text and maps or drawings, the text shall prevail.
- c) If there is conflict between metric and imperial measures, the metric shall prevail.

1.7 Severability

In the event that any portion of this Bylaw is found invalid or is overturned by a Court of Law, the validity of the remaining portions of this Bylaw shall not be affected.

PART 2: DEVELOPMENT AUTHORITIES

2.1 Establishment of Development Authorities

1. The Development Authority is hereby established.
2. The Development Authority, shall be:
 - a) The Development Officer pursuant to Section 2.2.1;
 - b) The Municipal Planning Commission pursuant to Section 2.2.2; and
 - c) Council pursuant to Section 2.2.3.

2.2 Duties and Powers of Development Authorities

1. The Development Officer:
 - a) Shall be hereby appointed a “Designated Officer” for the purpose of entering and inspecting land;
 - b) Shall keep and maintain for public inspection at reasonable times a copy of this Bylaw and all amendments in Schedule A – Amendments thereto and ensure copies are available to the public;
 - c) Shall administer this Bylaw and receive, process and review all Development Permit and subdivision applications;
 - d) Shall keep and maintain for the inspection of the public during office hours, a register of all Development Permit applications, and decisions;
 - e) Shall issue decisions, with or without conditions, for all Development Permit applications for those uses listed as Permitted Uses and Discretionary Uses in the subject land use district;
 - f) May refer any Development Permit application to the Municipal Planning Commission for comment or a decision; and
 - g) Shall refer all Development Permit applications located in a Direct Control District to Council.
2. The Municipal Planning Commission:
 - a) Shall undertake the responsibilities and duties established by separate bylaw;
 - b) Shall provide comment to the Development Officer upon receipt of a Development Permit application referral; and
 - c) Shall render decisions upon any Development Permit applications referred to it by the Development Officer.

3. Council:
 - a) Shall make decisions on all Development Permit applications for Direct Control Districts, unless otherwise delegated within the provisions of that District.
 - b) May authorize the Development Authority to prepare and use such forms and notices as are required for the purpose of administering this Bylaw.
 - c) Shall, from time to time, establish such fees as required for the purpose of administering this Bylaw.

2.3 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board (SDAB) and its responsibilities are established by separate bylaw.

2.4 Subdivision Authority

The Subdivision Authority and its responsibilities are established by separate Bylaw.

2.5 The Development Authority's Discretion and Variances

1. The Development Authority shall consider and decide upon applications for Development Permits within forty (40) days of the receipt of the application in its complete form. If a decision is not made within forty (40) days, the application shall at the option of the applicant be deemed refused.
 - a) If a decision is not made within forty (40) days, as specified in Subsection 2.5.1, the applicant may enter into an agreement with the Development Authority to extend the forty (40) day period.
2. A Development Permit application for a use that is not listed as a Permitted Use or a Discretionary Use in the subject Land Use District shall be refused.
3. Notwithstanding Section 2.5.2, the Development Authority may determine that the proposed use of land or a Building is similar in character and purpose to a use listed under that Land Use District, despite that the use is not listed as Permitted Use or Discretionary Use in this Bylaw, the Development Authority may issue a Development Permit.
4. In making a decision on a Development Permit for a Permitted Use, the Development Authority shall:
 - a) Approve with or without conditions, an application for a Development Permit where the proposed Development conforms with this Bylaw; or
 - b) Refuse an application for a Development Permit if the proposed Development does not conform to the Bylaw.
5. In making a decision on an application for a Discretionary Use, the Development Authority:
 - a) May approve, either permanently or for a limited period of time, a Development Permit application that meets the requirements of this Bylaw, with or without conditions;
 - b) May refuse a Development Permit application even though it meets the requirements of this Bylaw;

- c) Shall refuse, a Development Permit application if the proposed Development does not conform with this Bylaw.
6. In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard to:
 - a) The purpose and intent of the Act, any Statutory Plans adopted by the municipality, and the purpose of the District; and
 - b) The context and merits of the application, including but not limited to:
 - i. Its conformity to the Act, Statutory Plans, and this Bylaw; and
 - ii. The design, character and appearance of the Development, and its compatibility with surrounding Development.
 7. The Development Authority shall refuse an application for a Development Permit that is deemed to be incomplete in accordance with Section 3.2, and the Subdivision Authority shall refuse an application for a subdivision that is deemed to be incomplete in accordance with Section 3.3.
 8. The Development Authority may allow a variance to any prescribed regulation, if in the opinion of the Development Authority:
 - a) The proposed variance would not result in a Development that will
 - i. Unduly interfere with the amenities of the neighbourhood; or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbourhood properties; and
 - b) The proposed Development conforms to a Statutory Plan, the purpose of the District, and the use prescribed for the land or building in this Bylaw.
 9. Notwithstanding any other provisions of this Bylaw, a vacant Lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum area of width may, at the discretion of the Development Authority, be used for any purpose allowed for in the District in which the Lot is located. A building may be erected on the Lot provided that all other applicable provisions in this Bylaw are satisfied.
 10. A Variance will not be allowed if the granting of the variance results in a Development which does not meet the requirements of the Subdivision and Development Regulation.
 11. In the event that a variance is granted, the Development Authority shall specify the nature of the approved variance in a Development Permit.

PART 3: ADMINISTRATIVE PROVISIONS

3.1 Development Permits Not Required

1. The following developments do not require a Development Permit provided that the development complies with all other requirements of this Bylaw:
 - a) The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial or municipal authorities on land which is publicly owned or controlled;
 - b) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a permit under the Safety Codes Act;
 - c) The completion and use of a building which was lawfully under construction on the date this Bylaw comes into effect, provided that the building is completed in accordance with the terms of any Development Permit granted, subject to the conditions of that Development Permit, and provided also that the building is completed within a period of twelve (12) months from the date this Bylaw comes into effect;
 - d) In all districts, construction of an accessory building with no permanent foundation that is less than 13.8 m² (148.5 ft²) or less in floor area, if the development complies with the provisions of Section 5.2 of this Bylaw;
 - e) Sidewalks, Patios and Decks that are not more than 0.6 m (2 ft.) off the ground.
 - f) The construction of gates, fences or walls or other means of enclosure (except on corner lots) less than 1.82 m (6 ft.) in height, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;
 - g) Landscaping where the proposed grades will not adversely affect the subject or abutting properties, except where landscaping forms part of a Development that requires a Development Permit;
 - h) The continued use of Minor Agricultural Pursuits;
 - i) A Solar Collector located on a roof or a wall of a Building that meets the provisions of Section 6.6 of this Bylaw;
 - j) The demolition or removal of any building or structure for which a Development Permit would not be required pursuant to subsections (d) through (j);
 - k) A temporary, On-Site Sign of a non-commercial nature, which does not exceed 1 m² (11 ft²) in area and 1.5 m (5 ft.) in height and is intended to advertise the sale or lease of the property, garage sale and election signs.
 - l) A permanent, On-Site Sign displaying the address and names of owners or occupants of the property.

3.2 Development Permit Applications

1. Except as provided under Section 3.1, no development shall be undertaken in the Summer Village unless an application has been approved and a Development Permit has been issued.
2. A Development Permit application shall be made to the Development Officer in writing on the prescribed form in Schedule B – Land Use Bylaw Forms and signed by the landowner or authorized agent.
3. The Development Authority shall require the following information in order determine whether the application is complete:
 - a) The signed application form and non-refundable application fee;
 - b) A right-of-entry form and Abandoned Well Form signed by the landowner;
 - c) A Site Plan with dimensions showing the legal description, location of all buildings, showing front, rear, and side yards, provision for vehicle parking and access to the site and elevations;
 - d) If considered necessary by the Development Authority, a Site Plan showing site drainage existing and finished lot grades, the grades of the streets and the location of drainage course, slope stability, and information respecting and proposed methods of sewage disposal;
 - e) A statement of existing and proposed uses; and
 - f) The estimated commencement and completion dates, and estimated cost of the project or contract price.

3.3 Subdivision Applications

1. A subdivision application shall be made to the Development Officer in writing on the prescribed form and shall be signed by the landowner or an authorized agent.
2. The Development Officer shall require the following information in order to be considered a complete subdivision application:
 - a) the application form;
 - b) a right of entry form signed by the landowner;
 - c) a tentative plan;
 - d) a copy of the certificate of title dated within 30 days of the application;
 - e) information respecting existing and proposed methods of sewage disposal, including setback distances; and
 - f) the prescribed non-refundable application fee, the amount of which shall be established by resolution of Council from time to time.
3. In addition to the requirements of 3.3.2, other information may be required by the Subdivision Authority to review a subdivision permit application, including: water testing, soil testing, geotechnical reports, floodplain mapping, and site topography and drainage patterns.

3.4 Complete Development Permit and Subdivision Application

1. Within twenty (20) days of receipt of an application pursuant to Subsections 3.2.3 and 3.3.2, the Development Officer shall determine whether an application is complete, unless an agreement is reached between the Development Officer and the applicant to extend the twenty (20) day period. If the Development Officer fails to determine that the application is complete within the prescribed time period, the application shall be deemed to be complete.
2. When, in the opinion of the Development Officer an application is deemed incomplete, the applicant shall be advised in writing, by letter or email, that the application is incomplete and that the application will not be processed until all of the required information is provided. The letter or email shall include a description of the information required for the application to be considered complete and the deadline by which the required information is to be submitted.
3. If the required information is not provided by the date set out in the notice issued pursuant to Subsection 3.4.2, the Development Officer shall issue a subsequent notice, via letter or email, to the applicant stating that the application has been refused and the reason for the refusal.
4. Upon receipt of the required information listed in the letter or email, issued pursuant to Subsection 3.4.2 or Subsection 3.4.3, the Development Officer shall issue a notice, via letter or email, to the applicant advising that the application is complete.
5. Once an application is deemed to be complete in accordance with Subsection 3.2.3 or Subsection 3.3.2, the applicant shall be advised in writing, by letter or email, that the application is complete, and the Development Officer shall process the application.
6. The requirements of this Section do not apply to the optional information identified in Subsections 3.2.3(d) and 3.3.3, but if required shall be provided by the applicant to the Development Authority or Subdivision Authority prior to a decision being made.

3.5 Notification and Electronic Means

1. Any notice or acknowledgment issued pursuant to Subsection 3.3, 3.4, 3.6, 3.9 and 3.17 shall include:
 - a) The date of issuance of the notice or acknowledgment;
 - b) Contact information for the Summer Village;
 - c) The municipal address of the property subject to the application;
 - d) The municipal file number for the application; and
 - e) Any other information at the discretion of the Development Authority.
2. Any notice of acknowledgment issued pursuant to Sections 3.2 and 3.3 may be sent by electronic means.
3. A notice of decision may be sent by electronic means.

3.6 Permit Referrals

1. The Development Officer may refer any application for a Development Permit to any government, agency, municipal department, adjacent landowners, or any person. For the purpose of this Subsection, written notifications shall include the following:
 - a) Location and nature of the proposed development;
 - b) A copy of relevant drawings;
 - c) A location and date to submit comments; and,
 - d) Any other relevant information as determined by the Development Authority.
2. An application for a Development Permit which may impact any historical or archaeological Site within the Summer Village should be submitted to Alberta Culture and Tourism for comment prior to a Development Permit being issued.

3.7 Variance Request

1. An applicant seeking a Variance pursuant to Subsection 2.5.8 shall state the reasons for the Variance, outline how the proposal has considered Subsection 2.5.6, and any other information required by the Development Authority.
2. If a Variance is granted pursuant to this section, the Development Authority shall:
 - a) Specify its nature in the Development Permit approval; and
 - b) Consider the Use Discretionary and, therefore, the Development Permit is subject to the notification requirements of a Discretionary Development Permit pursuant to Subsection 3.9.2.

3.8 Conditions of Development Permit

1. The Development Authority may impose any condition on a Development Permit that is designed to:
 - a) Meet the policies of a statutory plan;
 - b) Meet the applicable provisions of this Bylaw; and
 - c) Ensure the orderly development of land within the Summer Village.
2. The Development Authority may, as a condition of issuing a Development Permit, require the applicant to:
 - a) Meet the provisions of this Bylaw;
 - b) Enter into a development agreement with Council to construct, install or pay for the construction of all or any of the following:
 - i. a driveway and culvert to give access to the development;
 - ii. on-site parking, any municipal improvements and/or utilities which will be needed to serve the development; and/or
 - iii. landscaping and drainage for the site.
 - c) Conform to the recommendations of any professional assessments or studies, if required;

- d) Provide an irrevocable letter of credit, having the value equivalent to a maximum of 100% of the established cost of the condition, to ensure the conditions of the approval are completed; and
 - e) Comply with applicable federal, provincial and/or other municipal legislation or approvals;
 - f) To ensure compliance with a Development Agreement, the Summer Village may register a caveat under the Land Titles Act against the Land Title Certificate of the property being developed. The caveat shall be discharged when the obligations to be assumed by the applicant under the agreement have been fulfilled.
3. The Development Authority may, as a condition of issuing a Development Permit for a Discretionary Use or as a condition of granting a variance to the regulations of this Bylaw for a Permitted Use or a Discretionary Use, impose any condition that addresses any relevant planning and development matter, such as:
- a) Consolidating parcels; and
 - b) Any other condition to ensure the proposed development is compatible with surrounding development.

3.9 Notice of Decision

1. The decision of the Development Authority on an application for a Permitted Use shall be given in writing, by mail or email, to the applicant by the Development Officer on the same day the decision is made in the form prescribed in Schedule B – Land Use Bylaw Forms.
2. The decision of the Development Authority on an application for a Discretionary Use, Variance or a refusal shall be given in writing, by the Development Officer on the same day the decision is made in the form prescribed in Schedule B– Land Use Bylaw Forms. The notice will include:
 - a) The decision of the Development Authority, the date the decision was made, and the reasons for the decision if the application is refused.
 - b) A description of the Site location; and a description of the proposed development: and an advisement stating:
 - i. That a Development Permit shall come into effect twenty-one (21) days after the date of receipt of the Notice of Decision, unless an appeal is made to the SDAB; and
 - ii. That any development commenced prior to the Development Permit coming into effect is done solely at the risk of the applicant.
 - iii. That a Development Permit appeal to the SDAB may be made by any person affected by the issue of a Development Permit for a Discretionary Use or the granting of a variance, or the refusal of a Development Permit, pursuant to the provisions of the Act; and
 - iv. The address where a copy of the Development Permit may be viewed.
3. The Notice of Decision referred to in Section 3.9.2 shall be sent to:
 - a) The applicant and the owner of the parcel;
 - b) Each owner of adjacent land;

- c) Each owner at such additional distance and direction from the boundaries of the proposed development as, in the opinion of the Development Authority, may be materially impacted by the Development.
- 4. Where an appeal has been made on a Development Permit, the Development Permit shall not come into effect until a decision allowing the development has been made by the SDAB.

3.10 Permit Validity

- 1. A Development Permit shall lapse and be revoked when no development has been commenced on the site affected by the Development Permit within a twelve (12) month period after the date on which the Development Permit was issued, unless an extension to this period has been granted by the Development Authority.
- 2. When a development, once commenced, has been discontinued for a period totaling twelve (12) months, the Development Officer may:
 - a) Require the applicant and/or owner provide in writing the reasons for the discontinuance of the development;
 - b) Permit the discontinuance of the Development for a further specified period of time; or
 - c) Notify the applicant and/or owner of the Development Permit that the Development Permit has lapsed and is revoked.
- 3. Where a decision on a Development Permit has been made, pursuant to this Bylaw, the Development Permit shall not be valid until any conditions of approval, except those of a continuing nature, have been fulfilled. Any development that proceeds prior to obtaining a valid Development Permit is done solely at the risk of the applicant.
- 4. A Development Permit issued pursuant to this Bylaw is not a Building Permit and, notwithstanding that plans and specifications for Buildings may have been submitted as part of an application for a Development Permit, work or construction shall neither commence nor proceed until a Building Permit has been issued, pursuant to applicable bylaws and regulations.

3.11 Development Appeals

1. The person applying for a Development Permit, or any person affected by a Development Permit decision or Stop Order, may appeal the decision to the Subdivision and Development Appeal Board (SDAB) when the Development Authority:
 - a) Issues a deemed refusal for an incomplete application.
 - b) Refuses or fails to issue a Development Permit;
 - c) Issues a Development Permit subject to conditions;
 - d) Issues a Development Permit where the provisions of the Bylaw were varied; or
 - e) Issues a Stop Order under Section 645 of the Act.
2. An appeal must be filed with the SDAB within twenty-one (21) days after the Notice of Decision concerning a Development Permit or Stop Order was made.
3. When an appeal is made, the decision on a Development Permit or Stop Order shall be suspended until the decision of the SDAB is made.

3.12 Non-conforming Building and Uses

Non-conforming Buildings or Uses shall be governed by Section 643 of the Act.

3.13 Contravention

1. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or fails to comply with any order, notice, or direction given under this Bylaw, commits an offence. Each calendar day that a violation is permitted to exist shall constitute a separate offence.
2. No person shall authorize or undertake any Development that is in contradiction with the description, specifications or plans that were the basis for issuing a Development Permit under this Bylaw.
3. No person shall contravene a condition of a Development Permit issued under this Bylaw.

3.14 Right of Entry

1. Pursuant to Section 542 of the Act, a Designated Officer may enter into or upon any land or structure within the Summer Village for the purpose of ensuring compliance with this Bylaw or the Act.
2. After the registered owner or occupant, in accordance with the Act has been provided with a notice explaining that the Summer Village will visit the Site for the purpose of Bylaw compliance and 48 hours has passed, a Designated Officer of the Summer Village will enter the property between 8:00 am and 6:00 pm to determine if the provisions of this Bylaw are being met.

3. A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Summer Village may apply for an authorizing order (e.g. Order of Court of Queen's Bench).

3.15 Stop Orders

1. If the Development Authority finds that a development, land use or use of a building is not in accordance with the Act, the Regulation, a development permit or subdivision approval, or this Bylaw, the Development Authority may issue a Stop Order governed by Sections 645(1) and 646(1) of the Act.
2. The costs incurred by the Summer Village for carrying out any actions required for compliance shall be added to the tax roll of the land subject to the order.
3. In a Direct Control District, Council may delegate its authority to a Designated Officer to undertake compliance.

3.16 Penalties

1. A person who violates or contravenes the provisions of this Bylaw or permits a violation of this Bylaw, is guilty of an offence and is liable to a fine of not less than \$250.00 and not more than \$10,000 and, in addition, to an additional fine for every calendar day the offence continues, exclusive of any additional legal and/or construction costs associated with remedying the contravention as undertaken by the Summer Village.
2. Fines are prescribed by bylaw passed by Council from time to time.
3. An offence ticket having printed wording approved by the Summer Village, may be issued by a Designated Officer to any person alleged to have breached any provision of this Bylaw. The notice shall specify the alleged offence and require payment within 14 days to the Summer Village.
4. In case on non-payment of the fine and costs imposed, the Summer Village may file an appeal to the Alberta Court of Appeal.

3.17 Amendment Applications

1. Any amendment to this Bylaw shall be made by an amending Bylaw pursuant to Section 692 of the Act, following a Public Hearing in accordance with Section 230 of the Act.
2. If the proposed amendment to this Bylaw is contradictory to a Statutory Plan, the Development Officer shall advise the applicant that an amendment must be made to the Statutory Plan prior to, or concurrently with, the amendment to this Bylaw.
3. Council may, on its own initiative, commence an amendment to this Bylaw by directing the Development Officer to initiate an application.
4. All applications for amendment to this Bylaw shall be made to the Development Officer in writing, in accordance with the form provided in Schedule B – Land Use Bylaw Forms, and shall be signed by the registered owner or the registered owner's authorized agent.
5. In addition to the requirements of Section 3.17.1-4, an application to redistrict a Site by amending Schedule C - Land Use District Map shall include, but is not limited to, the following:

- a) A written statement from the applicant explaining the reasons for the proposed Bylaw amendment, and how the amendment conforms with relevant Statutory Plan(s);
- b) The exact content of the proposed text amendment;
- c) A non-refundable application fee, as determined by Council;
- d) A description of how the proposed text amendment may affect properties or developments of a similar nature; and
- e) Any other information or documents required by the Development Officer.

3.18 Amendment Process

1. Upon receipt of a complete application to amend the text of this Bylaw, the Development Officer shall:
 - a) Refer the application to any agency as deemed necessary for review and comment;
 - b) Prepare a written report on the proposed amendment;
 - c) Provide the applicant with a notice that states:
 - i. they are prepared to recommend the amendment to Council without further investigation;
 - ii. they are not prepared to recommend the amendment;
 - iii. they require further investigation to make a recommendation; or,
 - iv. they are prepared to recommend an alternative amendment;
 - d) Ask the applicant to reply to the notice referred to in Subsection 3.18.1(c) above with one of the following advisements:
 - i. that they would like to advance the proposed amendment to Council, in which case they must prepay the advertising costs prior to the amendment proceeding to Council; or
 - ii. that they do not want to advance the proposed amendment Council, in which case the application is considered abandoned. If the applicant does not respond to the Development Officer's notification, the application shall be cancelled after one year from the date of the notice of the Development Officer;
 - e) Draft an amending Bylaw;
 - f) Advertise the proposed amendment(s) and public hearing in accordance with Section 606 of the Act,
 - g) Present the proposed amendment to this Bylaw, the report and its recommendations to Council at a public hearing.
2. In addition to the requirements under subsection 3.18.1, in the case of applications to amend the Land Use District Map, the Development Officer Shall:
 - a) Give written notice to the assessed owner(s) of the parcel(s) subject to the proposed amendment(s) and every adjacent landowner within a 60.0 m (197 ft) radius from the boundaries of such parcel(s) in accordance with Section 692(4) of the Act;

- i. Where, in the opinion of the Development Officer, a proposed amendment is likely to affect other owners of land beyond 60.0 m, the Development Officer must notify owners of land at such additional distance and direction from the site as, in the opinion of the Development Officer, may experience any impact attributable to any development allowed under the proposed District;
 - b) Initiate an investigation and analysis of the potential impacts of development under the proposed District, considering:
 - ii. conformance to applicable Statutory Plans;
 - iii. compatibility with surrounding development in terms of land use, function and scale of permitted development;
 - iv. impacts on the transportation network, and municipal servicing infrastructure; and
 - v. documented concerns and opinions of adjacent landowners and agencies regarding the application;
3. After considering any representation made at the public hearing and any statutory plan affecting the application and the provisions of this Bylaw, Council may:
 - a) Pass the amendment Bylaw;
 - b) Make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the amendment Bylaw without further advertisement or hearing(s);
 - c) Defer the decision on the amendment Bylaw until new or additional information is provided; or
 - d) Defeat the amendment Bylaw.
4. Where an application for an amendment has been refused by Council, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal.

■ PART 4: LAND USE DISTRICTS

4.1 Land Use District

For the purpose of this Bylaw, all lands within the Summer Village area divided into Land Use Districts and are classified as follows:

LAND USE DISTRICT	SYMBOL
Residential Single Family	R1
Public Park	P
Natural Area	NA
Crown Land	CL
Direct Control	DC

Table 1: Land Use Districts

4.2 Land Use District Map

1. The Land Use District Map, as may be amended or replaced from time to time, divide the Summer Village into Land Use Districts, and is contained in Schedule C – Land Use District Map.
2. Where uncertainty exists as to the location of a Land Use District boundary, the following rules shall apply where a District boundary:
 - a) Follows a ditch, canal or lane, it shall be deemed to follow the center line thereof;
 - b) Follows a Highway or Road, it shall be deemed to follow the right- of-way limit that abuts the subject District; and
 - c) Is shown as approximately following an existing or proposed line, it shall be deemed to follow the Lot Line established by a subdivision plan registered at Alberta Land Titles at the date the District boundary is established, or such future subdivision plan registered at Alberta Land Titles as was contemplated by a rezoning bylaw that is included in the District Map prior to the registration of the subdivision plan at Alberta Land Titles, as the case may be.

4.3 Residential Single Family (R1) District

1. Purpose:

This Land Use District accommodates low density residential development in the form of Single Detached Dwellings and associated uses.

a) Permitted Uses	b) Discretionary Uses
<ul style="list-style-type: none"> • Single Detached Dwelling 	<ul style="list-style-type: none"> • Garage, Garden or Secondary Suite • Home Occupation • Manufactured Home • Minor Agricultural Pursuits • Public Use • Public Utility • Recreational Use • Recreational Vehicle • Sign • Solar Collector
<p>Accessory Buildings or Uses are permitted where the Principal Building or Use is a Permitted Use and for which a Development Permit has been issued, and are discretionary where the Principal Building or Use is a Discretionary Use and for which a Development Permit has been issued.</p>	



2. Development Regulations:

- a) In addition to those regulations in Section 5 - General Regulations and Section 6 - Special Regulations, the following regulations shall apply.

Site Provisions		
a) Lot Area:	Minimum:	For Single Detached Dwellings and Manufactured Homes - 1,500 m ² (16,146 ft ²) All other Uses - as required by the Development Authority.
b) Lot Width:	Minimum:	For Single Detached Dwellings and Manufactured Homes - 30 m (100 ft.) All other Uses - as required by the Development Authority.
c) Front Yard:	Minimum:	For Single Detached Dwellings and Manufactured Homes - 4.5 m (14.75 ft.) All other Uses - as required by the Development Authority.
d) Side Yard:	Minimum:	For Single Detached Dwellings and Manufactured Homes – 1.5 m (4.92 ft.) All other Uses - as required by the Development Authority.
e) Rear Yard:	Minimum:	For Single Detached Dwellings and Manufactured Homes - 3.0 m (9.84 ft.)
f) Height:	Maximum:	Single Detached Dwellings - 9.1 m (30 ft.) or 2 storeys whichever is less All other Uses - as required by the Development Authority.

3. Additional Requirements: Minor Agricultural Pursuits

- a) The keeping of Animals shall be limited to no more than one (1) animal unit per acre to be calculated in accordance with Table 1. No roosters or cocks are permitted.
- b) Adequate pens, cages, fencing and/or buffering shall be constructed to the satisfaction of the Development Authority to ensure the on-site confinement of Animals and to reduce the impact of noise or visual presence on surrounding properties.
- c) Owners of bees must comply with the Animal Health Act and Bee Act and regulations. A beekeeper must apply for registration with the Provincial Apiculturist each year.

Type of Animal	Number of Animals Equivalent to One Animal Unit	Maximum Number per Parcel of Land
Fowl	15	30
Rabbits	10	20
Bees	2 Hives	4 Hives

Table 2: Minor Agricultural Pursuits

4.4 Public Park (P) District

1. Purpose

This Land Use District provides land for active and/or passive recreational and leisure pursuits that are publicly or privately-owned.

a) Permitted Uses	b) Discretionary Uses
<ul style="list-style-type: none"> • Public Park • Public Use • Recreational Use • Urban Gardens 	<ul style="list-style-type: none"> • Exterior Storage • Public Utility • Recreational Vehicle • Sign • Solar Collector
<p>Accessory Buildings or uses are permitted where the Principal Building or use is a Permitted Use and for which a Development Permit has been issued, and are discretionary where the Principal Building or Use is a Discretionary Use and for which a Development Permit has been issued.</p>	

2. Development Regulations

- a) In addition to those regulations in Section 5 - General Regulations and Section 6 - Special Regulations, the following regulations shall apply:

Site Provisions		
a) Front Yard:	Minimum:	6.0 m (19.67 ft.)
b) Side Yard:	Minimum:	4.5 m (14.75 ft.)
c) Rear Yard:	Minimum:	7.5 m (24.61 ft.)
d) Building Height:	Maximum:	10.0 m (32.81 ft.) Unless otherwise approved by the Development Authority where deemed appropriate for the Use and having regard to the Height allowed in adjacent Land Use Districts.

- a) Lot Area and Lot Width shall be at the discretion of the Development Authority.

4.5 Natural Area (NA) District

1. Purpose:

This Land Use District facilitates the conservation, preservation and restoration of identified natural areas and features and ecological processes.

a) Permitted Uses	b) Discretionary Uses
<ul style="list-style-type: none">• Public Park• Temporary Use	<ul style="list-style-type: none">• Accessory Buildings or Uses• Sign

2. Development Regulations

- a) Regulations within Section 5 - General Regulations, and Section 6 - Special Regulations apply to all Developments within this District.
- b) Lot area, lot width, yards and building height shall be at the discretion of the Development Authority, who may consider the recommendations of any geotechnical or engineering studies that are required to determine suitability of the development.
- c) The design and siting of the development, and its landscaping, screening and buffering, if any, shall minimize any nuisances to the satisfaction of the Development Authority.

3. Additional Requirements: Dispositions

- a) The Development Authority may issue a Development Permit for proposed developments on Crown Land subject to the appropriate disposition (lease, license, disposition leading to a patent) being first obtained from Alberta Environment and Parks.

4.6 Crown Land (CL) District

1. Purpose:

This Land Use District provides for a limited variety of land uses on Crown Land

a) Permitted Uses	b) Discretionary Uses
<ul style="list-style-type: none"> • Public Park • Public Use • Public Utility 	<ul style="list-style-type: none"> • Exterior Storage • Recreational Use
<p>Accessory Buildings or Uses are permitted where the Principal Building or Use is a Permitted Use and for which a Development Permit has been issued, and are discretionary where the Principal Building or Use is a Discretionary Use and for which a Development Permit has been issued.</p>	

2. Development Regulations

- a) Regulations within Section 5 - General Regulations, and Section 6 - Special Regulations apply to all Developments within this District.
- b) Lot area, lot width, yards and building height shall be at the discretion of the Development Authority.
- c) The design and siting of the development, and its landscaping, screening and buffering, if any, shall minimize any nuisances to the satisfaction of the Development Authority.

3. Additional Requirements: Dispositions

- a) The Development Authority may issue a Development Permit for proposed developments on Crown Land subject to the appropriate disposition (lease, license, disposition leading to a patent) being first obtained from Alberta Environment and Parks.

4.7 Direct Control (DC) District

1. Purpose:

This Land Use District provides for land uses under individually unique circumstances where there is a need to provide site-specific controls.

a) Permitted Uses	b) Discretionary Uses
<ul style="list-style-type: none">• Those uses listed by Council.	<ul style="list-style-type: none">• Those uses listed by Council.

2. Development Regulations

- a) District requirements will be established by Bylaw by Council and may include, but not be limited to such provisions regulating density, lot area, lot width, yard requirements, building size and height, parking and landscaping, servicing standards, and any other matter Council deems appropriate under the circumstances.
- b) When deciding on an application, Council shall have regard to the following:
 - i. Any Statutory Plan that applies to the site;
 - ii. Existing and future use of adjacent lands; and
 - iii. Results of any geotechnical or engineering studies that are required to determine soil suitability, slope stability, flood risk, or other related matters.

■ PART 5: GENERAL REGULATIONS

5.1 Access

1. All Development shall have legal and physical road access to the satisfaction of the Summer Village.
2. The Development of an access or egress for vehicles from a site to a public roadway requires authorization from the Summer Village.

5.2 Accessory Buildings

1. Accessory Buildings may be located within shaded areas, as shown in Figure 5.1.
2. Accessory Buildings shall be located at least 2.0 m (6.6 ft.) from any principal building, as shown on Figure 5.1.
3. Notwithstanding Subsection 5.2.1, when a building used or proposed to be used as an Accessory Building is located or proposed to be located closer than 2.0 m (6.6 ft.) to a principal building, it shall be connected to that principal building by a structural element such as a common foundation, common roof or common wall.
4. An Accessory Building shall not be used as a dwelling.
5. The siting of an Accessory Building shall be as approved by the Development Authority.
6. The maximum height of an Accessory Building shall be 4.5 m (14.8 ft.) or 1 story, whichever is the shorter, except for telecommunications facilities, towers, and similar structures. Only small-scale wind turbines for individual use are permitted in the Summer Village.
7. No Accessory Buildings shall be located within the setback distances indicated on Figure 5.1 of this Bylaw.
8. The total floor area of all Accessory Buildings on a lot shall not exceed 150 m² (1,615 ft²) or 12% of the lot area, whichever is the lesser area.

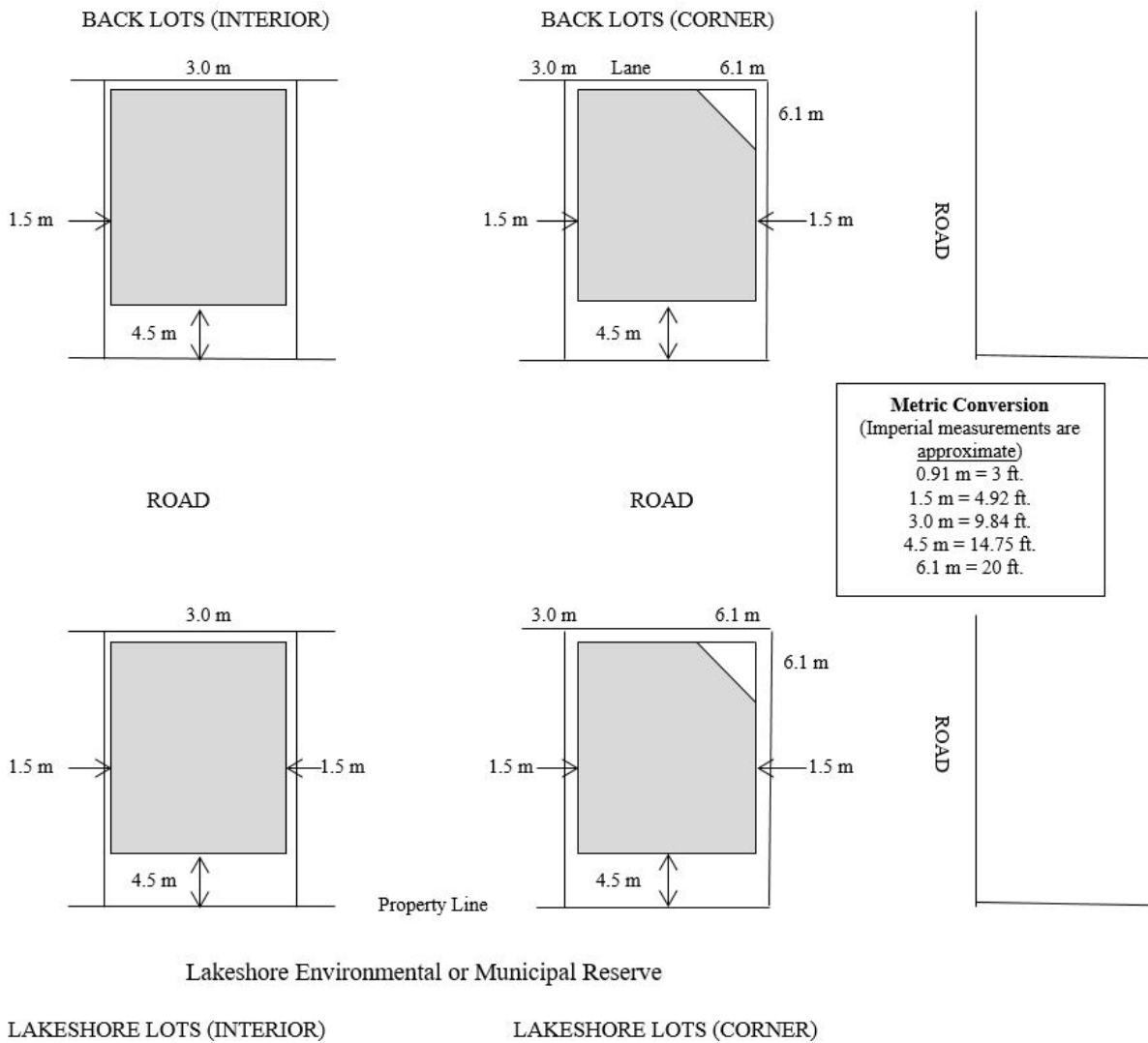


Figure 5.1: Location of Accessory Buildings

5.3 Controlled Appearance

1. The design and appearance of any proposed building or structure shall be acceptable to the Development Authority, having regard for the amenities and character of the existing development. A completed design of the exterior of the building or structure is to be included with any application for a Development Permit.
2. The exterior finish of the building shall be completed within 2 years of the date of the Development Permit issuance unless otherwise stipulated by the Development Permit.

5.4 Environmental Standards

Landowners must ensure that all developments adhere to the following practices to the satisfaction of the Development Authority:

- a) Minimizing soil erosion when stripping vegetation or grading;
- b) Retaining and protecting natural vegetation;
- c) Minimizing the extent and the duration a disturbed area is exposed; and
- d) Retaining natural drainage patterns, except where controlled improvements are warranted.

5.5 Fencing and Screening

1. Notwithstanding yard provisions, a fence, trees or hedge may be constructed or planted adjacent to a property line, and within the subject development site.
2. No Fence or other enclosure shall be:
 - a) Hazardous, including electrical or barbed wire fences;
 - b) Higher than 2.0 m (6.6 ft.) measured as the average elevation from the ground; and
 - c) Higher than 1.0 m (3.3 ft.) within 6.0 m (20 ft.) of the intersection of two roads.
3. No hedge shall be higher than 1.0 m (3.3 ft.) within 6.0 m (20 ft.) of the intersection of two roads.

5.6 Grading and Drainage

1. All Development shall be graded in accordance with any drainage plan approved by the Summer Village.
2. In all cases, site grades shall be established so as to prevent drainage from one site to the next, except where grades and drainage conform to a municipal drainage plan.
3. The installation of culverts is the responsibility of the developer, shall be provided to the satisfaction of the Summer Village and must not block or redirect the existing flow of water.

5.7 Height of Buildings

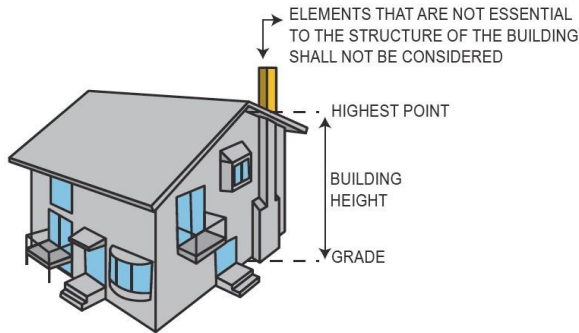


Figure 5.2: Building Height

Building height shall be measured from finished grade and the highest point of a building. In determining the highest point of a building or structure, elements that are not essential to the structure of the building or structure shall not be considered (see Figure 5.2).

5.8 Lot Density

1. A maximum of one (1) Single Family Detached Dwelling or Manufactured Home shall be permitted on a lot.
2. Each Single Family Detached Dwelling or Manufactured Home may also accommodate one of the following:
 - a) A Basement Suite,
 - b) Garage Suite, or
 - c) Garden Suite.

5.9 Landscaping

As a condition of a Development Permit, and to the satisfaction of the Development Authority, landscaping and planting must be carried out within one (1) year of occupancy.

5.10 Objects Prohibited or Restricted in Yards

1. No person shall keep in any part of a yard:
 - a) Any unlicensed, dismantled or wrecked vehicle for more than twenty-one (21) successive days;
 - b) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the municipality;
 - c) Any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken and the Owner of such materials or Excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
 - d) Fur bearing animals, fowl or animals other than domestic pets, unless permitted as Minor Agricultural Pursuits under Section 4.3.3 of this Bylaw.

5.11 Parking Requirements

1. All development shall be required to provide adequate on-site parking to the satisfaction of the Development Authority.
2. All off-street parking shall be provided in a manner shown on an approved site plan with the entire area to be graded so as to ensure that drainage will be disposed of in a manner satisfactory to the Development Authority.

5.12 Permitted Encroachments

1. Any eave, canopy, bay window, a cantilevered wall section or chimney may project over or onto a required yard to a maximum of 0.6 m (2 ft.).
2. Decks which are less than 0.6 m (2 ft.) in height or steps or a porch may project over a required yard to a maximum of 1 m in front and rear yards, and up to the side property line in side yards.

5.13 Relocated Buildings

Any person who wishes to place on a lot a building which has previously been erected or placed on a different lot shall:

1. Make a Development Permit application, except for an accessory building which meets the requirement under section 3.1;
2. In addition to the submission requirements of Section 3.2, provide photographs of the building showing each elevation, the condition of the building, and provide the present location and use of the building; and
3. Provide an engineer's certificate, at the discretion of the Development Officer, to confirm that the building is structurally sound.

5.14 Sewage Disposal System

All developments serviced by a private sewage disposal system are required to meet the *Alberta Private Sewage Systems Standard of Practice*.

5.15 Sign Regulations

Permanent advertising signs are not allowed in the Summer Village, except for a sign approved for a Home Occupation.

5.16 Shoreline Reserve and Crown Bed and Shore

Private Development on Municipal Reserve (MR) and Environmental Reserve (ER) is prohibited. Under Provincial regulations, development in Crown owned bed and shore of a lake is required to obtain a License of Occupation (DLO) from the Province prior to construction.

5.17 Substandard Lots

Development on existing lots which do not satisfy the minimum lot size requirement of this Bylaw will be considered at the discretion of the Development Authority. Compliance with any Provincial regulations regarding the disposal of sewage will be required.

5.18 Topsoil Excavation

1. No person shall commence or continue the removal of topsoil without first obtaining a Development Permit. Topsoil and landscaping sufficient to avoid erosion are required, as determined by the Development Authority.
2. The Development Authority may refer any application for removal of topsoil to the Soil Conservation Officer acting under the Soil Conservation Act, for approval

PART 6: SPECIAL REGULATIONS

6.1 Garage and Garden Suites

1. The Development Authority may exercise discretion in considering a Garage Suite or Garden Suite, and have regard to:
 - a) Compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding dwellings; and
2. The minimum distance between a detached garage containing a Garage Suite, or a Garden Suite and a Single Detached Dwelling shall be 2.2m. (7.2 ft)
3. Only one Garage Suite or Garden Suite may be developed on a site.
4. A Garage Suite or Garden Suite shall not be subject to separation from a Single Detached Dwelling through a condominium conversion or subdivision.

6.2 Home Occupations

1. A Home Occupation shall be clearly incidental and subordinate to the principal residential use of a lot.
2. All permits issued for the Home Occupations shall be reviewed annually. The Development Authority may revoke a permit if the use is or has become detrimental to the residential character of the Summer Village.
3. No Home Occupation shall include the keeping of a stock in trade unless it is kept entirely within buildings on the site, nor the employment of any persons who attend the dwelling.
4. The maximum size of a Sign allowed at a Home Occupation shall be 0.2 m² (2 ft²).
5. Home Occupations are limited to those uses which:
 - a) Do not create or become a public nuisance;
 - b) Are not visible from outside the building; and
 - c) Require no outside storage of materials, goods, or equipment.
6. Bed and Breakfast and/or AirBnB establishments, shall not be allowed with the Summer Village.

6.3 Manufactured Homes

1. All Manufactured Homes must conform to the Canadian Standards Association (CSA Z240) certification and all skirting, accessory structures, additions and porches shall be of sound construction and appearance to the satisfaction of the Development Authority.
2. Manufactured Homes shall be placed on a permanent foundation or base and shall be attached by means of bolting or otherwise to the foundation or base plate pursuant to the Alberta Building Code.
3. Axle, wheels, running gear and towing tongue shall be removed before the Owner attaches the Manufactured Home to a permanent foundation conforming to the requirements of the Alberta Building Code.

4. All accessory structures, such as patios, porches, additions and skirting, shall be:
 - a) Factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the Manufactured Home, and
 - b) Considered as part of the principal Building; and
 - c) Erected only after obtaining a Development Permit.
5. A Manufactured Home shall be skirted from the floor level to the ground level.

6.4 Recreational Vehicles

1. A lot containing a Single Family Detached Dwelling or Manufactured Home may accommodate one Recreational Vehicle.
2. A lot containing a Single Family Detached Dwelling or Manufactured Home and one of a Garden Suite or, Garage Suite, or Secondary Suite may not accommodate a Recreational Vehicle.
3. A vacant lot may accommodate two Recreational Vehicles, in accordance with the list of uses in the applicable District.
4. Where any Recreational Vehicle is to be placed on a lot for more than twenty-one (21) consecutive days, it shall require a Development Permit and shall be located in a manner satisfactory to the Development Authority.
5. Recreational Vehicles stored or parked on a lot in the Public Park District shall be developed at the discretion and to the satisfaction of the Development Authority.

6.5 Secondary Suites

A Secondary Suite shall comply with the following Regulations:

1. The floor area of a Secondary Suite shall not exceed the floor area of the main floor of the associated principal dwelling;
2. A Secondary Suite shall be developed in such a manner that the exterior of the principal building containing the Secondary Suite shall appear as a single dwelling;
3. Only one (1) of Secondary Suite, a Garage Suite or Garden Suite may be developed in conjunction with a principal dwelling; and
4. The Secondary Suite shall not be subject to separation from the principal dwelling through subdivision.

6.6 Solar Collectors

1. A Solar Collector may be located on the roof or wall of a Building.
2. A Solar Collector mounted on a roof must not extend beyond the outermost edge of the roof.
3. A Solar Collector located within a yard shall be provided in accordance with the applicable District, or as required by the Development Authority.

PART 7: DEFINITIONS

In this Bylaw, the following definitions shall apply. All other words or expressions shall have the meanings respectively assigned to them in the Act and the Regulation. In any other cases, the meaning shall be the customary meaning of the word or expression.

“ACCESSORY BUILDING” means a building or use which, in the opinion of the Development Authority, is subordinate to, exclusively devoted to, and located on the same site as the principle building or use.

“ACT” means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended and its associated regulations.

“ADJACENT” means land or portion of land that shares a property line with another site and includes land or a portion of land that would be contiguous if not for a river,

stream, railway, road or utility right-of-way or reserve land.

“ANIMAL” means domestic fowl, rabbits, and other domesticated animals.

“BACK LOT” means any lot that is not a lakeshore lot. In a back lot the front yard is adjacent to a road, extending from the foremost exterior wall of the principal building to the front lot line.

“BASEMENT” means that portion of a Building between two floor levels which is partially underground, but which has two feet of its height from finished floor to finished ceiling above the adjacent finished grade.

“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 the adjacent finished grade and the highest point of a Building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a tire wall, or a parapet wall and flagpole or similar device not structurally essential to the Building.

“COUNCIL” means the Council of the Summer Village of Horseshoe Bay.

“DECK” means a wooden or hard-surfaced area attached to a Dwelling, or any open structure attached to a Building, having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railing as outlined in Regulations approved under the Safety Codes Act.

“DEVELOPMENT” means: (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 in, on, over or under land of any of them; (c) a change of Use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the Use of the land or Building, or (d) a change in the intensity of Use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the intensity of Use of the land or building.

“DEVELOPMENT AUTHORITY” means the Development Officer, Municipal Planning Commission, or Council of the Summer Village of Horseshoe Bay.

“DEVELOPMENT OFFICER” means the official(s) appointed by the Summer Village Chief Administrative Officer, with the responsibility of receiving, considering and deciding on applications for Development under this Bylaw.

“DEVELOPMENT PERMIT” means a document authorizing a Development issued pursuant to this Bylaw.

“DISCRETIONARY USE” means the Use of land or of a Building which is listed in the column captioned Discretionary Uses in a table of uses for certain districts in this Bylaw, and for which a Development Permit may be issued subject to the provisions of this Bylaw.

“DWELLING” means any Building used exclusively for human habitation and which is supported on a permanent foundation or base. This definition shall include residential single

family dwellings and Manufactured Homes.

“DWELLING UNIT” means one or more rooms used as or designed to be used as a residence and containing sleeping, cooking and sanitary facilities and with an independent entrance either directly from outside a Building or from a common hallway inside a Building.

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

“EXTERIOR STORAGE” means the Use of a Site or portion of a Site used for the storage of products, goods, materials, machinery, vehicles, or equipment that is not contained within a Building.

“FENCE” means a vertical physical barrier constructed to provide aesthetic decoration, visual screening, or sound abatement, or to prevent unauthorized access.

“FLOOR AREA” means the total Floor Area of every room and passageway contained in a Building but not including the Floor Area of Basements, attached garages, sheds, open porches, Patios, open Decks or verandas, or breezeways.

“GARAGE” means an accessory building or part of the principle building, designed and used primarily for the storage of motor vehicles.

“GARAGE SUITE” means a Dwelling Unit located above a Garage; or a single story Dwelling attached to the side or rear of, a Garage. A Garage Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling Unit located on the Site. This use class does not include a Secondary Suite or Garden Suite.

“GARDEN SUITE” means a single story Dwelling Unit, which is located in a Building separate from the principal Single Detached Dwelling on a Lot. A Garden Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal Dwelling Unit located on the Site. It includes a guest house, but does not include a Secondary Suite or Garage Suite.

“GRADE” means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grading plan.

“HIGHWAY” means a primary Highway or secondary Road that is under the direction, control and management of the Provincial Government pursuant to the Public Highways Development Act.

“HOME OCCUPATION” means the use of a residential Building to conduct a business or commercial enterprise. The business portion shall be incidental or subordinate to the primary residential function and shall be limited to the confines of the residence. This use shall not have any employees other than the resident and the resident’s family who permanently reside in the dwelling, and shall not include any outside storage or commercial vehicles associated with the business. This definition does not include the sale of cannabis, or a bed and breakfast establishment.

“LAKE SHORE LOT” means a lot which faces onto Vincent Lake and has any part of a lot line adjacent to the Lake or the buffer strip of Municipal Reserve or Environmental Reserve land that may be located adjacent to the lake. In a lakeshore lot:

a. The front yard is adjacent to the lakeshore, extending from the foremost exterior wall of the principal building to the front lot line.

b. The rear yard is adjacent to a road, extending from the rearmost exterior wall of the principal building to the rear lot line.

“LANE” means a public right-of-way which provides a secondary means of access to a Lot or Lots and which is registered in the Land Titles Office.

“LOT” means a part of a parcel of land described in a Certificate of Title by reference to a plan of subdivision. It is the lot number shown in the legal description on the certificate of title.

“LOT AREA” means the area contained within the boundaries of a lot shown on a plan of subdivision or described in a Certificate of Title.

“LOT, CORNER” means a lot having a frontage on two or more streets at their intersection or junction.

“LOT DEPTH” means the length of a straight line joining the middle of the front Lot Line with the middle of the rear lot line.

“LOT LINE” means a legally defined limit of any lot.

“LOT LINE, FRONT” means the boundary dividing the Lot from an abutting public Roadway. In the case of a corner lot the shorter lot line shall be the front lot line.

“LOT LINE, REAR” means the lot line of a Lot that is directly opposite to the front line.

“LOT LINE, SIDE” means any lot line other than the front or rear lot line.

“LOT WIDTH” means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

“MANUFACTURED HOME” means a prefabricated dwelling that meets Canadian Standards Association and Alberta Building Code regulations, and when placed on a foundation support and connected to utilities, is ready for occupancy. A Manufactured Home may also be referred to as a mobile home.

“MINOR AGRICULTURAL PURSUITS” means the non-commercial rearing of limited number of Animal on a residential parcel. This number is limited by the Regulation in the R1 District regarding the number of animal units allowed per acre.

“MUNICIPAL DEVELOPMENT PLAN” means a Statutory Plan, prepared pursuant to the Act, which provides a general planning policy framework for the Summer Village of Horseshoe Bay.

“MUNICIPAL PLANNING COMMISSION” means the Municipal Planning Commission established by Council pursuant to the Act.

“ORDER” means an order of compliance issued in writing by the Development Authority.

“OWNER” means the person shown as the Owner of a parcel of land on the Certificate of

Title.

“PATIO” means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level.

“PERMANENT BUILDING” means any building placed on a foundation structure which cannot be readily relocated without significant expense. It may also include any Building not on a permanent foundation which has utility servicing to the building, resulting in difficulty in moving such structures. For the purpose of this definition all residences, including Manufactured Homes are considered permanent buildings.

“PERMITTED USE” means the use of land or of a building which is listed in the column captioned “Permitted Uses” in a table of uses for most districts in this Bylaw, and for which a Development Permit shall be issued subject to the provisions of this Bylaw.

“PRINCIPAL BUILDING OR USE” means a building or use which, in the opinion of the Development Authority, is the main purpose for which the building or site is ordinarily used.

“PUBLIC PARK” means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of Public Parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.

“PUBLIC USE” means a building, structure, or site used for public administration and services by a municipality, by any board or agency of a municipality, by any department, commission or agency of the Government of Alberta or Canada, or by a community organization and may include a community hall, school, park, cemetery, or similar use.

“PUBLIC UTILITY” means a Public Utility as defined in Part 17 of the Act.

“RECREATIONAL USE” means a recreation development located in the Summer Village to take advantage of natural physical features including the availability of large areas of land to provide for the non-facility oriented recreational activities such as but not limited to trail riding, hiking, sports fields, and similar activity.

“RECREATIONAL VEHICLE” means a unit designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks), designed or constructed or reconstructed or added to by means of accessories in such a manner as will permit its use for sleeping or living purposes. The Recreational Vehicle is intended to provide seasonal or temporary accommodations for travel, vacation or recreational use. The Recreational Vehicle does not accommodate a residential Use.

“REGULATION” means the Subdivision and Development Regulation.

“ROAD” means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or 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.

“SECONDARY SUITE” means development consisting of a dwelling located within, and accessory to, a structure in which the principal use is a Single Detached Dwelling. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the development or conversion of basement space or above-grade space to a separate dwelling, or the addition of new floor space for a Basement Suite to an existing Single Detached Dwelling.

“SHORELINE” means the line or contour between the ordinary high water mark and the low water mark of a water body or watercourse.

“SIGN” means any structure, device, light or fixture, or any part thereof, used to identify, advertise or attract attention to any person, object, product, event, place, organization, institution, development, business, group, profession, enterprise or industry and is intended to be seen from on or off the site where the Sign is located.

“SIMILAR USE” means a specific use of land or of a building that is not expressly mentioned in this Bylaw but which the Development Authority has determined to be similar in character and purpose to a use listed as a Permitted or Discretionary Use in the District in which the use is proposed.

“SINGLE DETACHED DWELLING” means a dwelling consisting of one (1) dwelling unit, and if the provisions of this bylaw allow, a secondary suite, construction on site, or modular (factory constructed) residential building, but does not include a Manufactured Home.

“SITE” means a division of land legally described as one entity on one certificate of title. A site may also be referred to as a lot.

“SITE PLAN” means a plan showing the boundaries of the site, the location of all existing and proposed buildings upon the site, and the use or the intended use of the portions of the site on which no Buildings are situated, and showing fencing, screening, grassed areas, and the location and species of all existing and proposed shrubs and trees within the development.

“SOLAR COLLECTOR” means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.

“STATUTORY PLAN” means a Municipal Development Plan, Intermunicipal Development Plan, Area Structure Plan, or Area Redevelopment Plan approved in accordance with the Act.

“STOREY, FIRST” means the story with its floor closest to grade and having its ceiling more than 2.0 m (6.6 ft.) above grade.

“STOREY, SECOND” means the story immediately located above the first story.

“STRUCTURAL ALTERATION” means the construction or reconstruction of supporting elements of a Building.

“TEMPORARY” means a period of time up to one (1) year.

“TEMPORARY BUILDING” means a building, other than a Manufactured Home, constructed without any foundation below grade or any other building determined by the Development Authority to be temporary for a period of up to one (1) year, as a condition to the issuance of a Development Permit.

“TEMPORARY USE” means erection of a small removable seasonal domestic pier, or placement of a removable boat lift on the lakebed during the summer months.

“URBAN GARDEN” means the cultivation and harvesting of plant and/or animal products in the Summer Village for the primary purpose of food production, education, recreation, or social or community programming. Accessory Buildings or structures may include Hen Enclosures, or those used for the operation of the site and the extension of the growing season, such as greenhouses. On-Site sales and processing of plants or animal products are prohibited. Accessory activities may include outdoor storage or composting of plants grown on-site. Typical activities include community gardens. This use does not include Cannabis Production.

“USE” means the purpose or function of land or buildings as determined by the Development Authority.

“VARIANCE” means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Board.

“WATERCOURSE” means the bed and shore of a river, stream, creek or other natural body of water, and/or a canal, ditch or other man-made surface feature whether or not it contains water continuously or intermittently.

“WIND TURBINE, SMALL-SCALE” means a

wind energy conversion system. This system is an accessory use, for on-site use and consists of a wind turbine and associated control or conversion electronics. The system does not exceed a rated capacity of 1 kW.

“YARD, FRONT” means that portion of land extending across the full width of a lot and located between the foremost exterior wall of the principal building to the front lot line. Figure 7.1 shows the location of the front yards in back lots and lakeshore lots.

“YARD, REAR” means that portion of land extending across the full width of a lot and located between the rearmost exterior wall of the principal building to the rear lot line. Figure 7.1 shows the location of the rear yard in back lots and lakeshore lots.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and located between the side lot line and the nearest exterior wall of the principal building, as shown in Figure 7.1.

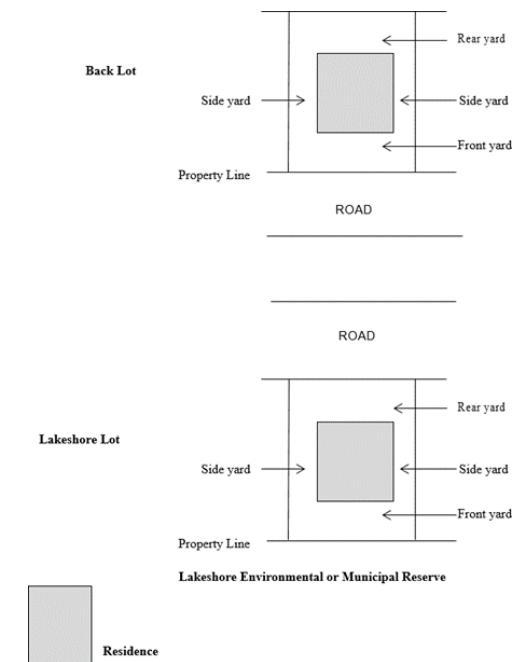


Figure 7.1: Definition of Yards

SCHEDULE A – Amendments



Amendment	Bylaw No.	Details	Final Reading Date
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SCHEDULE B – Land Use Bylaw Forms



**SUMMER VILLAGE OF HORSESHOE BAY
APPLICATION FOR DEVELOPMENT**

FORM "A"

APPLICATION NO.: _____

FEE: _____

I/We hereby apply for a Development Permit in accordance with the accompanying plans and supporting information. A site plan shall be submitted with this application. It shall be drawn to clearly show site boundaries, lot dimensions and area; the location of existing and proposed buildings, the use or intended use of all areas of the site not covered by buildings including decks, fences, driveways, paved areas, easements, utility lines and major landscaping features including trees, shrubs and planted areas; existing and proposed setbacks from property lines; and those portions of the site which shall be left in their natural state.

Note: This is an application for a development permit only. All other permits are to be obtained through an Accredited Agency under the Alberta Safety Codes Act.

APPLICANT INFORMATION

Applicant: _____

Address: _____ Telephone: _____

_____ Email: _____

Registered owner of land (if different): _____

Address: _____ Telephone: _____

_____ Email: _____

LAND INFORMATION

Address of property to be developed: _____

Lot _____ Block _____ Registered Plan No. _____ Roll No. _____

Existing use of property: _____

DEVELOPMENT INFORMATION

Proposed development (state exactly what it is you plan to do):

Estimated start date: _____ Estimated completion date: _____

Estimated value of project/construction: _____

DECLARATION

I/We hereby declare that the above information is, to the best of my/our knowledge, factual and correct. I/We hereby give consent to allow authorized persons to enter the above land with respect only to this application.

NOTE: Signature of Registered landowner, or their letter of authorization is required if different from applicant.

Signature of Applicant

Date

Signature of Registered Landowner

Date



**SUMMER VILLAGE OF HORSESHOE BAY
DEVELOPMENT PERMIT APPROVAL
NOTIFICATION**

FORM "B"

APPLICATION NO.: _____ **ROLL NO.:** _____ **PERMIT NO.** _____

You are hereby notified that the development proposed as further described in Application No. _____
Involving _____

AT:
Address of Property: _____

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

Has been APPROVED subject to the following conditions:

NOTE:

1. The issuance of a Development Permit in accordance with the notice of decision is subject to the condition that it does not become effective until 21 days after the receipt of the Notice of Decision
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Authority may appeal to the Subdivision and Development Appeal Board by serving written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within 21 days after notice of decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or if the development is not completed within 3 years of commencement of construction shall be null and void.
4. In addition to this development, permits under Alberta Safety Codes Act may also be required for construction.

Date of Decision of Application _____

Date of Issue of Permit _____

Signature of Development Authority _____

Should the decision to issue this permit be appealed, the permit is suspended until such time as the Development Board decides on the Appeal, at which time the Board may confirm the issuance of the permit with immediate effect or order the permit to be modified with immediate effect or the Board may order the permit to be cancelled, as the case may be.



**SUMMER VILLAGE OF HORSESHOE BAY
DEVELOPMENT PERMIT REFUSAL
NOTIFICATION**

FORM "C"

APPLICATION NO. _____ **PERMIT NO.** _____

You are hereby notified that the development proposed as further described in Application No. _____
Involving _____

AT:
Address of Property: _____

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

has been REFUSED for the following reasons:

Date of Decision: _____

Signature of Development Authority: _____

NOTE:
The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Authority may appeal this decision to the Subdivision and Development Appeal Board by serving written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within 21 days of the date the notice of the decision is given. The notice must state the reason for appeal.

For further information on this approval, please contact the Summer Village Administrator at (780) 645-4677.



**SUMMER VILLAGE OF HORSESHOE BAY
DEVELOPMENT PERMIT APPROVAL
NOTIFICATION (ADJACENT LANDOWNERS)**

FORM "D"

APPLICATION NO.

PERMIT NO.

You are hereby notified that an application for a development permit involving:

AT:

Address of Property: _____

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

has been:

_____ APPROVED

_____ APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

Date of Decision: _____

Signature of Development Authority: _____

NOTE:

The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Authority may appeal this decision to the Subdivision and Development Appeal Board by serving written notice of appeal to the Clerk of the Subdivision and Development Appeal Board within 21 days of the date the notice of the decision is given. The notice must state the reason for appeal.

For further information on this approval, please contact the Summer Village Administrator at (780) 645-4677.



**SUMMER VILLAGE OF HORSESHOE BAY
NOTICE OF APPEAL HEARING**

FORM "E"

APPLICATION NO.

PERMIT NO.

This is to notify you that an appeal has been lodged with the Subdivision and Development Appeal Board against a decision made in respect to Development Permit Application No. _____

Involving _____

AT:

Address of Property: _____

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

- The Development Authority APPROVED
- APPROVED WITH CONDITIONS
- REFUSED

This development permit for the following reasons:

PLACE OF HEARING: _____

DATE OF HEARING: _____

TIME OF HEARING: _____

Any persons affected by the proposed development have the right to be present and to be heard at the hearing, as well as to present a written brief prior to or at the hearing.

Date

Signature of Clerk
Subdivision and Development Appeal Board



**SUMMER VILLAGE OF HORSESHOE BAY
NOTICE OF APPEAL DECISION**

FORM "F"

APPLICATION NO.

PERMIT NO.

This is to notify you that an appeal against the: ___ APPROVAL
 ___ APPROVAL WITH CONDITIONS
 ___ REFUSAL

of the Development Permit Application No. _____

Involving _____

AT:
 Address of Property: _____

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

Was considered by the Subdivision and Development Appeal Board on _____ and the decision of the Subdivision and Development Appeal Board is as follows:

Date

 Signature of Clerk
 Subdivision and Development Appeal Board

Note:

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act. An application for leave to appeal to the Court of Appeal shall be made:

- (a) to a judge of the Court of Appeal, and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.



**SUMMER VILLAGE OF HORSESHOE BAY
APPLICATION TO AMEND THE LAND USE
BYLAW**

FORM "G"

APPLICATION NO.	PERMIT NO.	FEE:
------------------------	-------------------	-------------

I/We hereby make application to amend the Land Use Bylaw. I/We agree to pay all costs incurred by Council to review and decide this application for amendment.

APPLICANT INFORMATION

Applicant: _____

Address: _____ Telephone: _____
_____ Email: _____

Registered owner of land (if different): _____
Address: _____ Telephone: _____
_____ Email: _____

LAND DESCRIPTION

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

Certificate of Title: _____

PROPOSED AMEUREMENT

From: _____

To: _____

Reasons for proposing an amendment to the Land Use Bylaw:

Signature of Applicant

Date



**SUMMER VILLAGE OF HORSESHOE BAY
STOP ORDER**

FORM "H"

APPLICATION NO.

PERMIT NO.

Please be advised that you, as the registered owner, person in possession, or person responsible, are immediately required, by virtue of the Order as per Section 645 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, to stop

_____ the development or construction of _____

_____ the use of land being on the parcel of land with address: _____

LEGAL DESCRIPTION

Lot: _____ Block: _____ Registered Plan: _____ Roll No.: _____

And to _____ demolish _____

_____ remove _____

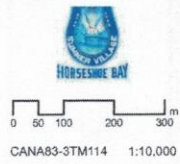
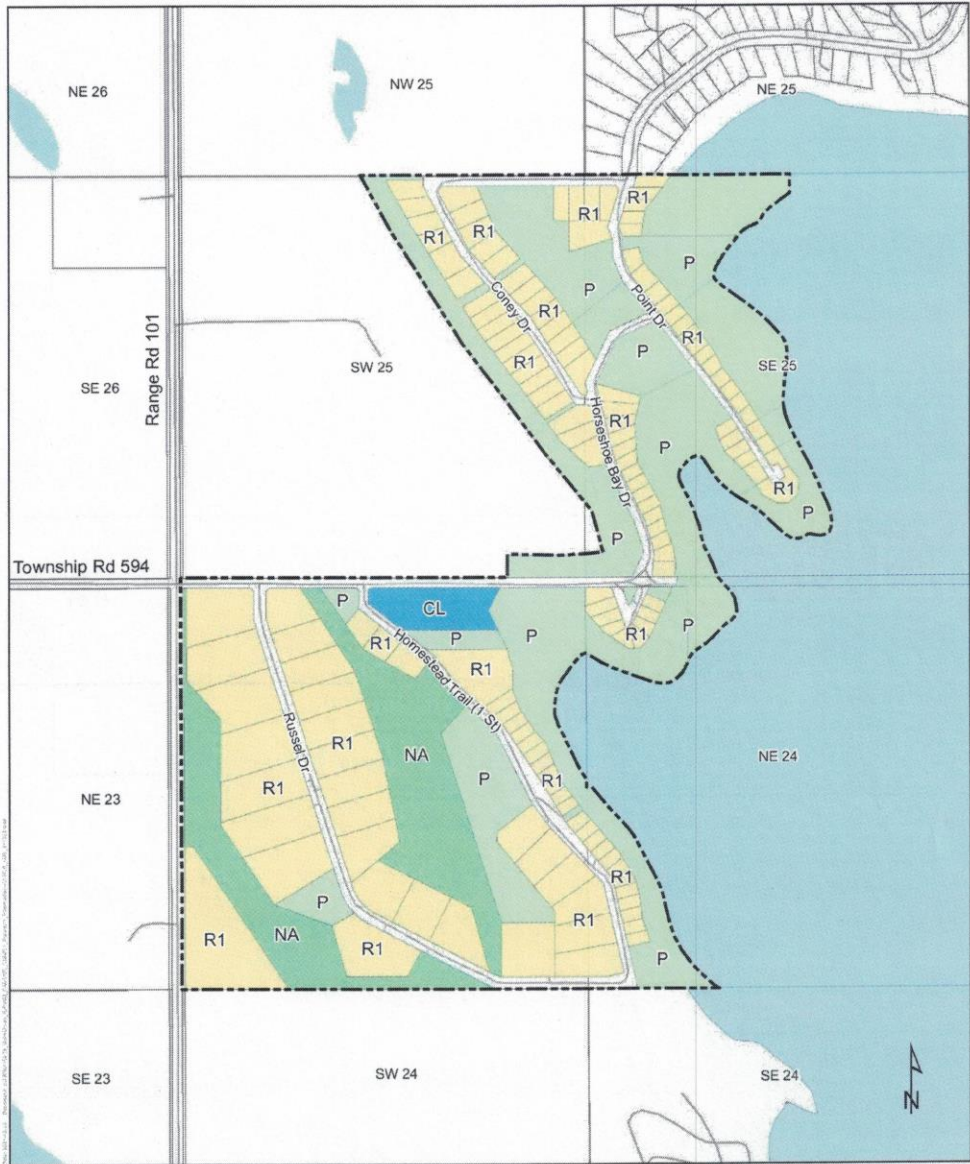
By _____ to make same comply with the Summer Village of Horseshoe Bay Land Use Bylaw and the Municipal Government Act, as amended.

You may appeal this Order to the Subdivision and Development Appeal Board within 21 days after the receipt of the Notice of Decision. If you should fail to comply with this Order, the Summer Village may take legal action under the Municipal Government Act. The maximum fine for contravening a bylaw under the Municipal Government Act is \$10,000.

_____ Date

_____ Development Authority

SCHEDULE C - LAND USE DISTRICT MAP



- Road Network
- Hydrology
- Parcel
- Summer Village Boundary
- Natural Area (NA) District
- Public Park (P) District
- Crown Land (CL) District
- Residential Single Family (R1) District

SUMMER VILLAGE OF HORSESHOE BAY: LAND USE BYLAW

SCHEDULE C:
LAND USE DISTRICT
MAP

Summer Village of Horseshoe Bay Land Use Bylaw