

SUMMER VILLAGE OF NORRIS BEACH

BYLAW No. 180

SUMMER VILLAGE OF NORRIS BEACH LAND USE BYLAW

A Bylaw of the Summer Village of Norris Beach, in the Province of Alberta for the purpose of repealing Bylaw 73 and adopting a new Land Use Bylaw for the Summer Village of Norris Beach.

WHEREAS a Land Use Bylaw has been prepared for the Summer Village of Norris Beach based on public input and studies of land use, development, and other relevant information; and

WHEREAS the foresaid Land Use Bylaw describes the way in which the future development of the Summer Village of Norris Beach may be carried out in an orderly and economic manner;

NOW THEREFORE the Council of the Summer Village of Norris Beach, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended, enacts as follows:

1. This new Bylaw may be cited as the "Summer Village of Norris Beach Land Use Bylaw."
2. The Land Use Bylaw of the Summer Village of Norris Beach attached hereto as Schedule "A" to this Bylaw is hereby adopted.
3. Bylaw 73, as amended, being the previous Land Use Bylaw of the Summer Village of Norris Beach, is hereby repealed.
4. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

READ A FIRST TIME this 14th day of April, A.D., 2023

READ A SECOND TIME this day of, A.D., 2023

READ A THIRD TIME THIS day of, A.D., 2023

MAYOR, Brian Keeler

CHIEF ADMINISTRATIVE OFFICER, Sylvia Roy



LAND USE BYLAW

Summer Village of Norris Beach | Bylaw No. 180



FOR FIRST READING

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Guide to Using the Land Use Bylaw

The Land Use Bylaw establishes regulations for how land can be developed within the Summer Village of Norris Beach. Regulations vary depending on the location and type of development. A development permit must be obtained prior to any new construction, structural renovations, opening of a new business and/or changing the use of an existing building. Development permits provide municipal approval for the use of land as well as the placement, size and location of new buildings or structures. In addition to the Land Use Bylaw, other bylaws, regulations and policies of the Summer Village of Norris Beach, Provincial and Federal governments must also be followed.

The following steps may assist the user of the Land Use Bylaw:

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| LOCATE | <p>Locate the subject property on the Land Use Districts Map in Section 14.</p> <p>This map divides the Summer Village into three different land use districts. Take note of which land use district the subject property is located in. Note that land use districts are often referred to as “Zones” or “Zoning.”</p> <p>To conform to the language of the Municipal Government Act, this Land Use Bylaw uses the terms “district” and “districting.”</p> |
| CHECK | <p>Check the Table of Contents and locate the land use district you are interested in. Each land use district is listed in Section 10.</p> <p>In each land use district you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given land use district. There are definitions in Part 2 that should also be reviewed to ensure that the words and terms used in the Land Use Bylaw are understood.</p> |
| REVIEW | <p>Review the Table of Contents to see if there are any regulations that apply to the situation or use in question.</p> <p>For example, Section 9 contains regulations affecting accessory buildings, recreational vehicles, sea cans, and suites, among many others.</p> |
| DISCUSS | <p>Discuss your proposal or concern with Summer Village Administration.</p> <p>Administration is trained and eager to assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or Land Use Bylaw amendments.</p> |

Please note that this guide is only intended to assist users and does not form part of the Summer Village of Norris Beach Land Use Bylaw.

1. Introduction

1.1. TITLE

1.1.1 The title of this Bylaw shall be the Norris Beach Land Use Bylaw (Bylaw No. 180).

1.2. REPEAL

1.2.1 Bylaw No. 73, the former Summer Village of Norris Beach Land Use Bylaw (as amended) is repealed and shall cease to have effect on the day that this Land Use Bylaw comes into effect.

1.3. PURPOSE

1.3.1 The purpose of this bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

- a. To divide the municipality into land use districts;
- b. To prescribe and regulate for each land use district the purposes for which land and buildings may be used unless the district is designated as a Direct Control District pursuant to section 641 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
- c. To establish the office of Development Authority;
- d. To establish a method of making decisions on applications for development permits including the issuing of development permits;
- e. To provide the manner in which a notice of the issuance of a development permit is to be given;
- f. To establish a system of appeals against the decisions of the Subdivision Authority and the Development Authority;
- g. To establish the number of dwelling units permitted on a parcel of land;
- h. To protect the shoreline and water quality of Pigeon Lake; and
- i. To follow:
 - i. adopted statutory plans and watershed management plans;
 - ii. the Municipal Government Act, R.S.A. 2000, c.M-26, as amended;
 - iii. the Subdivision and Development Regulation, AR43/2002, as amended; and
 - iv. the Provincial Land Use Policies (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, S.A. 2009, c. A-26.8, as amended).

1.4. APPLICATION

1.4.1 The provisions of this Bylaw apply to all land and buildings within the boundaries of the Summer Village of Norris Beach.

1.5. CONFORMITY

1.5.1 No person shall commence any subdivision or development unless it is in accordance with the terms and conditions of this Bylaw.

1.6. COMPLIANCE

1.6.1 Compliance with the requirements of this Bylaw does not exempt a person from:

- a. The requirements of any federal or provincial legislation;
- b. The policies and regulations of Summer Village statutory plans and bylaws;

- c. Complying with any easement, covenant, agreement, or contract affecting the development.

1.6.2 Nothing in this Bylaw removes the obligation of a person to obtain other permits, licenses or approvals required by other legislation, statutory plans, or bylaws.

1.7. SEVERABILITY

1.7.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.

1.7.2 If any provision of this Bylaw be declared invalid, that provision shall be severed and all other provisions of the Bylaw shall remain in force and effect.

FOR FIRST READING

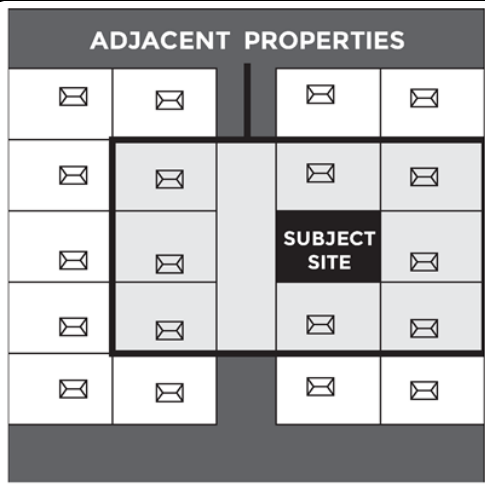
2. Interpretation

2.1. MEASUREMENTS

- 2.1.1** The metric measurement shall take precedence for the purposes of interpretation of this Land Use Bylaw.
- 2.1.2** The imperial measures are approximate and are provided only for information.
- 2.1.3** Unless specified elsewhere in this Land Use Bylaw, measurements shall be rounded to the tenth decimal place.
- 2.1.4** Notwithstanding 2.1.3, measurements shall not be rounded up for the purpose of determining minimum side yard widths on a lot.

2.2. DEFINITIONS

- 2.2.1** Where a term is defined in legislation and in this bylaw, and the definitions differ, the definition in legislation prevails.
- 2.2.2** For the purpose of interpreting this bylaw:

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| 1. | ABUT | means immediately contiguous to, or physically attaching to, and when used in respect of a parcel, means that the parcel physically touches upon another parcel and shares a property line with it. |
| 2. | ACCESSORY BUILDING | means a building separate and subordinate to the principal building, the use of which is incidental to that main building and is located on the same lot. An accessory building shall generally be secondary to the principal building on the lot in size and use. A building which does not share footings with the main building on the lot is deemed to be an accessory building even if it is connected to the main building by a roof, breezeway, deck, patio, or other at grade or above grade connection. |
| 3. | ACCESSORY USE | means a use separate and subordinate to any use of land or use of the principal building lawfully occurring on a site. |
| 4. | ACT | means the Municipal Government Act R.S.A. 2000 c. M—26 as amended. |
| 5. | ADJACENT LAND | <p>means land that is immediately contiguous to a contiguous parcel of land or would be immediately contiguous to a site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.</p>  <p>The diagram illustrates a central 'SUBJECT SITE' (shaded grey) surrounded by 'ADJACENT PROPERTIES' (white boxes with envelope icons). The properties are arranged in a grid: two rows above and below the subject site, and two columns to the left and right. A vertical road or lane runs between the left and right columns of properties. The subject site is located in the center-right of the grid, between the two columns of properties.</p> |
| 6. | ADJACENT LANDOWNER | <p>means owners of land that is contiguous to the land that is the subject of an application, and includes owners of:</p> <ol style="list-style-type: none"> land that would be contiguous if not for a highway, road, river or stream; and any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 5.7 of this Bylaw. |

2. Interpretation

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| 7. | ALBERTA CLEAN RUNOFF ACTION GUIDE | means the most current guide created by the Pigeon Lake Watershed Association in partnership with the Alberta Low Impact Development Partnership to encourage lake-friendly development and landscaping to minimize runoff. |
| 8. | APPLICANT | means the person applying for a development permit, subdivision, or an amendment, who shall be the registered owner(s) of the land to be developed or the representative or agent of the owner(s), duly authorized by the owner in writing to make application on behalf of the owner(s) as evidenced on the application form. |
| 9. | AQUIFER | Refers to a sub-surface layer or layers of porous rock which hold water within the spaces between the rocks (interstitial spaces). |
| 10. | ARBORIST'S REPORT | Means a report prepared by a certified arborist includes an inventory of the trees on the site and identifies a plan to manage the trees on the site to best preserve their health and function. |
| 11. | BASEMENT | means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above. |
| 12. | BED AND BREAKFAST ESTABLISHMENT | Means a dwelling which possesses a dwelling unit where temporary sleeping accommodations - up to a maximum of three (3) bedrooms, with or without meals - are provided for remuneration to members of the public. |
| 13. | BED AND SHORE | means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself. |
| 14. | BOAT HOIST | means a hoist installed within a waterbody for the purpose of raising boats and other watercraft from, or lowering into, a waterbody. |
| 15. | BOAT HOUSE | means an accessory building designed and used primarily for the storage of boats and is normally designed such that the main door faces the lake as to permit the direct removal of boats from the water to the structure. |
| 16. | BUFFER | means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses. |
| 17. | BUILDING | includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road. |
| 18. | BUILDING HEIGHT | see "Height of Building." |
| 19. | BUILDING POCKET | means the land on which yard amenity areas, the main building on the site, and all accessory buildings will be situated. |
| 20. | 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 and its regulations, as amended from time to time and includes edible products that contain cannabis. |
| 21. | CANOPY (OR, AWNING) | means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun. |
| 22. | CAR PORT | means a roofed structure used for storing or parking of not more than two private vehicles (including recreational vehicles and boats) which has not less than 40% of its total perimeter open and unobstructed. |

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| 23. | CHATTEL | means a moveable item of personal property. |
| 24. | COMMERCIAL USE | means a development without a residential component through which products, services, or entertainment are available to consumers, whether the public or other commercial establishments, and is not developed as a home business. |
| 25. | CORNER | means the intersection of any two property lines of a site. |
| 26. | CORNER SITE | see “Site, Corner.” |
| 27. | COUNCIL | means the Council of the Summer Village of Norris Beach. |
| 28. | DECK | means 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 railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.). |
| 29. | DEMOLITION | means the tearing down, wrecking, destroying, or removal of a development, and is considered a form of development. |
| 30. | DEVELOPER (OR, DEVELOPMENT PROPONENT) | means an owner, agent or any person, firm or company required to obtain or having obtained a development permit. |
| 31. | DEVELOPMENT | <p>means:</p> <ul style="list-style-type: none"> 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, or under land; c. removal or demolition of a building or structure in whole or in part; d. a change in the use of land or of 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 e. a change in the intensity of use of land or of 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; f. redevelopment of a previously developed parcel of land; g. vegetation removal; h. tree removal; i. stripping; j. grading; k. recontouring; or l. a change of use of land or a building that alters natural drainage patterns. |
| 32. | DEVELOPMENT AUTHORITY | means the Development Authority established by this Land Use Bylaw and as appointed by Council. |
| 33. | DEVELOPMENT, MAJOR | means a development that has regional significance due to the size, economic value, or the potential impacts to local infrastructure (transportation, municipal water, wastewater, or stormwater) generated in part or in whole by the development. |
| 34. | DEVELOPMENT OFFICER | means the person(s) appointed as the Summer Village’s Development Officer as established by this bylaw. |

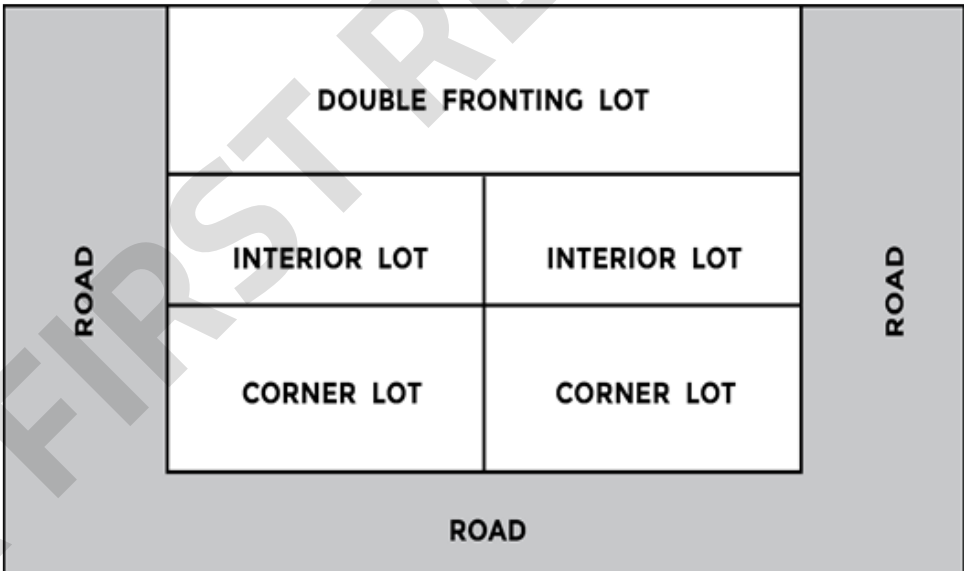
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| 35. | DEVELOPMENT PERMIT | means a document authorizing a Development issued pursuant to this Bylaw. |
| 36. | DISCONTINUED | means the time at which, in the sole opinion of the Development Authority, substantial construction activity, or a non-conforming use or conforming use, or the use of a non-conforming building or conforming building has ceased. |
| 37. | DISCRETIONARY USE | means the use of land or a building provided for in this bylaw for which a development permit may or may not be issued, at the discretion of the Development Authority. Discretionary uses are listed in the land use districts in which they may be considered. |
| 38. | DWELLING | means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings and modular dwellings. |
| 39. | DWELLING, MANUFACTURED HOME | means a dwelling, constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling, and further, which conforms to the Canadian Standards Association A277 and Z-240 Standards (or subsequent CSA Standards). |
| 40. | DWELLING, MULTI-UNIT | means a development containing two or more dwelling units, and includes residential uses such as duplexes, triplexes, and apartment buildings. |
| 41. | DWELLING, SINGLE DETACHED | means a building consisting of one (1) dwelling unit. A single detached dwelling is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling. Single detached dwellings do not include manufactured home dwellings, guesthouses, tiny home dwellings, or recreational vehicles. |
| 42. | DWELLING UNIT | means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit. |
| 43. | EASEMENT | means a right to use land, generally for access to other property or as a right-of-way for a public utility. |
| 44. | EASEMENT, ENVIRONMENTAL RESERVE | see "Reserve, Environmental Easement." |
| 45. | ENVIRONMENTALLY SENSITIVE AREA | means: <ul style="list-style-type: none"> a. Hazardous lands and areas that are unsuitable for development in their natural state (i.e. floodplains, steep and unstable slopes); b. Areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas); c. Areas that contain unique geological or physiological features; d. Areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons; e. Areas that contain significant rare or endangered animal or plant species; f. Areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared; |

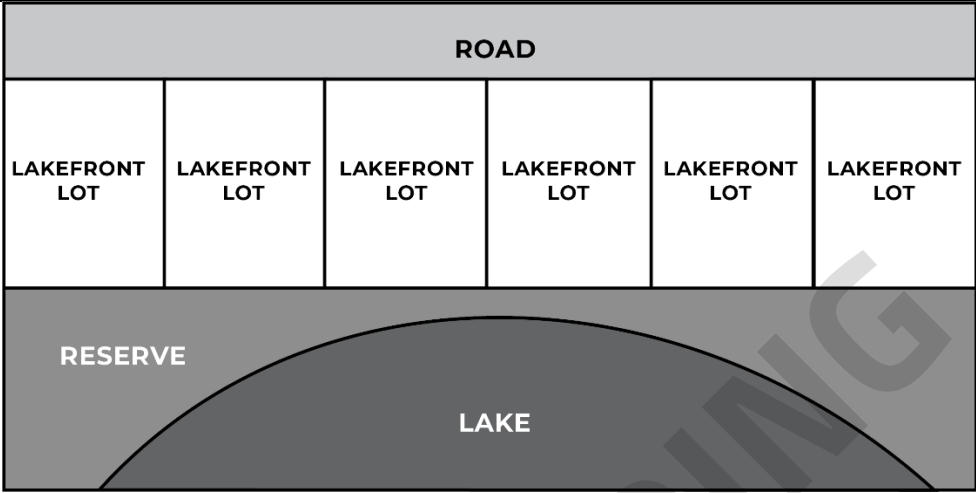
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| | | <p>g. Areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;</p> <p>h. Areas that provide an important link for the natural migration of wildlife; and/or</p> <p>i. Riparian areas of water bodies, wetlands, and watercourses.</p> |
| 46. | ENVIRONMENTALLY SIGNIFICANT AREA | are generally defined as areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a larger spatial context. ESAs are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update. |
| 47. | EROSION AND SEDIMENT CONTROL PLAN | means a plan that satisfies the requirements of the Development Authority which is to be provided to the contractor for implementation to address erosion and sedimentation issues both through temporary measures during construction and permanent measures to address post-construction conditions. It provides details about how the site will be managed during construction for the preservation of vegetation, topsoil, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized. |
| 48. | EXCAVATION | means any breaking of ground, except common household gardening, landscaping, and ground care. |
| 49. | EXISTING | means existing on the date on which this bylaw comes into force, unless otherwise noted. |
| 50. | EXTERIOR WALL | means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys, and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.). |
| 51. | FENCE | means a vertical physical barrier constructed to prevent or reduce visual intrusion, noise, or unauthorized access. |
| 52. | FIRST STOREY | <p>means the lowermost storey having its floor level not more than 2.0 m (6.6 ft.) above grade. A basement does not constitute the first storey if the floor level above it is consistent with this definition.</p> <p>The Development Authority may, at its discretion, determine that a floor level that is mostly recessed below grade, but is at-grade in a localized area due to sloping of the land is a walk-out basement, and in this circumstance the floor level above the walk out basement can be considered the first storey even though it is more than 2.0 m (6.6 ft.) above grade at the localized, walk-out area of the basement.</p> |
| 53. | FLOOR AREA | means the total area of all floors of all buildings including accessory buildings located on any lot, excluding the area of basement floors. |
| 54. | FLOOR AREA, GROSS | means the area of all finished floors at or above grade, measured from the inside of the exterior walls. |
| 55. | FOUNDATION | means the total area of all floors of all buildings on a site above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centreline of firewalls, but not including the floor area of basements, attached garages, accessory buildings, open porches, or breezeways. |
| 56. | FRAGMENTED PARCEL | means the lower portion of a building and includes the footings which transfer the weight of and loads on a building to the ground. Though normally below grade, a foundation may be above or at grade. |

2. Interpretation

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| 57. | FRONT | for a lakefront lot, “front” means the side facing or closest to the lake where the lot abuts the lake or a reserve parcel that abuts the lake, and for a lot that does not abut the lake, “front” means the side facing a public road. |
| 58. | GARAGE | means an accessory building, or part of a main building, designed and used primarily for the storage of motor vehicles, recreational vehicles, boats, and chattel and is not intended to be occupied. |
| 59. | GARDEN SHED (OR STORAGE SHED) | means an accessory building used for storage that does not exceed 15m ² (161 ft. ²). |
| 60. | GEOTECHNICAL REPORT | Means a report prepared by a qualified professional that may include the following: <ul style="list-style-type: none"> a. Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site-specific information completed by a qualified surveyor); b. Seasonally adjusted and recommended water tables; c. Location of on-site storage of sewage; d. Recommended building foundations and basement construction; and e. Soil bearing capabilities. |
| 61. | GRADE OF A LOT | means: <ul style="list-style-type: none"> a. the elevation of the crown of the road adjacent to that lot; or b. the average elevation of the two adjacent lots; whichever is lower. |
| 62. | GRADE OF AN ADJACENT LOT | means the average elevation of the comers of the main building on the adjacent lot. |
| 63. | GRADING | means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties. |
| 64. | GROSS FLOOR AREA | see “Floor Area, Gross.” |
| 65. | GUEST HOUSE SUITE | means a permanent accessory building which has sleeping accommodation and may have a bathroom, but does not have cooking facilities, and is not intended to be used as a self-contained dwelling, but which provides overflow accommodation for the main dwelling on the lot. |
| 66. | HEIGHT OF A BUILDING | Means the vertical distance from the grade of a lot to roof peak. The height of a building shall be determined without considering an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smokestack, a firewall, a parapet wall, a flagpole, or similar device or feature not structurally essential to the building. |
| 67. | HE/SHE/HIM/HER/THEM | are to be read interchangeably as the context requires. |
| 68. | HISTORIC RESOURCE | means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significance. |

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| 69. | HOME OCCUPATION, MAJOR | <p>means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling and/or within the accessory buildings associated with that dwelling by at least one permanent resident of said dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw.</p> <p>Major home occupations may generate some external impacts on the neighborhood due to regular business activities. These impacts may include: traffic generation due to client visits to the site, dust, and noise due to use of equipment on the site, or visual impacts due to outdoor storage.</p> <p>A major home occupation shall not include a hobby farm or a farming operation.</p> |
| 70. | HOME OCCUPATION, MINOR | <p>means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling, but not within any accessory buildings associated with that dwelling, by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located.</p> <p>A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw.</p> |
| 71. | IMPERVIOUS SURFACE | see "Surface, Non-permeable." |
| 72. | INSTITUTIONAL USE | <p>means the use of land, buildings, or other structures non-commercial public or social purpose. Uses include but are not limited to libraries and cultural exhibits, community halls, private institutional camps, information kiosks, memorials, and cemeteries, but do not include detoxification centres or remand and/or correction centres.</p> |
| 73. | INVASIVE SPECIES | means non-native species that have been introduced, that threaten our ecosystems and biodiversity. |
| 74. | KENNEL | means a development in which domestic pets are maintained, boarded, trained, cared for, bred, or raised for remuneration or for sale, or the keeping of more than one (1) unsprayed female domestic pet over the age of six (6) months. |
| 75. | LANDSCAPING | <p>means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment and may include the placement or addition of any or a combination of soft landscaping elements and/or hard landscaping elements.</p> <p>Landscaping does not include stripping, grading, shoreline modification, and architectural elements (i.e. decorative fencing, sculpture).</p> |
| 76. | LANDSCAPING ELEMENTS, HARD | means a non-permeable surface or landscaping element such as, but not limited to, ceramic, brick, wood, concrete, or marble. Retaining walls, are also considered as hard landscaping elements. |
| 77. | LANDSCAPING ELEMENTS, SOFT | means vegetation such as, but not limited to, grass, hedges, ground cover, flowering plants, shrubs, and trees and may also include non-grass alternatives such as rock gardens that incorporate vegetation and xeriscaping. |
| 78. | LANDSCAPING PLAN | means a site plan detailing the design of the non-building area of a site. |

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| 79. | LEGAL BANK | means the line where the bed and shore of the body of water cease and the line is to be referred to as the bank of the body of water. The legal bank in Alberta is the line separating the Crown-owned bed and shore from the adjoining upland. |
| 80. | LOT | means (1) an individual lot for which a title has been issued, or (2) two or more lots which are 'tied' for assessment purposes, or (3) two or more lots on a single title. |
| 81. | LOT, BACK | Means a lot that is not lakefront. |
| 82. | LOT, CORNER | means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall include a lane. |
| 83. | LOT COVERAGE | means the combined area covered by all buildings, structures, and non-permeable surfaces on a lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane. |
| 84. | LOT, DEPTH | means the average distance between front and rear property lines of a lot. |
| 85. | LOT, DOUBLE FRONTING | <p>means a lot which abuts two (2) roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, c. T-06, as amended) which are parallel or nearly parallel where abutting the lot, but does not include a corner lot.</p>  |
| 86. | LOT, INTERIOR | means a lot which is bordered by only one road. |
| 87. | LOT, LAKEFRONT | means a lot adjacent to a water body or would be adjacent to a water body if not for a reserve lot or public/crown land parcel. |

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| | |  <p>The diagram illustrates a coastal or lakeside property layout. At the top is a horizontal band labeled 'ROAD'. Below the road are six rectangular blocks, each labeled 'LAKEFRONT LOT'. Below these lots is a larger area labeled 'RESERVE'. At the bottom is a curved, semi-circular area labeled 'LAKE'.</p> |
| 88. | LOT, SUBSTANDARD | means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the lot is located. |
| 89. | LOT, UNDEVELOPED | means a lot which does not contain a residence, building or structure. |
| 90. | LOT GRADING AND DRAINAGE PLAN | means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading. |
| 91. | LOT WIDTH | means the length of a line parallel to the front property line or, in a lot with a curved front property line, perpendicular to a line running between the mid-point of the front property line and the mid-point of the rear property line, measured at a distance from the front property line equal to the minimum required front yard. |
| 92. | LOW IMPACT DEVELOPMENT (LID) | <p>means land planning and engineering design approach for managing stormwater runoff. LID emphasizes conservation, the minimization of hard surfaces, and use of natural features and processes to replicate predevelopment hydrology in terms of rate, volume, and quality. Both natural and engineered solutions are employed to prevent and manage runoff as close to its source as possible with a treatment-train approach using the processes of evaporation, transpiration, storage, infiltration, and treatment.</p> <p>The term “green infrastructure” or “green stormwater infrastructure” or “natural/engineered natural infrastructure” are sometimes used to refer to the constructed components of an LID approach.</p> |
| 93. | MAIN BUILDING | see “Principal Building.” |
| 94. | MAIN USE | see “Principal Use.” |
| 95. | MAINTENANCE | means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building. |
| 96. | MAY | is an operative word meaning a choice is available, with no direction or guidance intended. |
| 97. | MOBILE HOME | see “Dwelling, Manufactured Home.” |

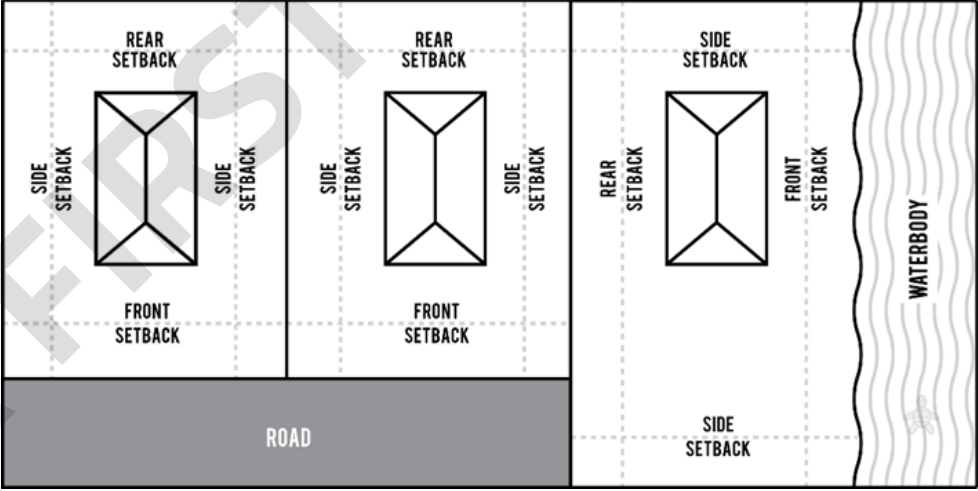
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| 98. | MODULAR BUILDING | means a structure that is manufactured off-site, is capable of being moved from one place to another by being towed or carried and can provide year-round living accommodation for one or more people and can be connected to utilities. |
| 99. | MUNICIPALITY | means the Summer Village of Norris Beach. |
| 100. | MUNICIPAL BUILDING AND USE | means a building or use owned, operated, or predominantly utilized by a municipality to provide public services to the municipality. |
| 101. | NATURAL OPEN SPACE AREAS | means areas of protected or conserved land or water on which development is indefinitely set aside. The purpose of a natural open space area may include the preservation or conservation of a community's natural or historic character; the conservation or preservation of a land or water area for the sake of recreational, ecological, environmental, aesthetic, or agricultural interests. |
| 102. | NATURAL STATE | means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities. |
| 103. | NON-CONFORMING BUILDING | means a building that: <ul style="list-style-type: none"> a. is lawfully constructed or is lawfully under construction at the date on which this bylaw or any amendment thereto, affecting the building or land on which the building is situated, becomes effective; and b. on the date this bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw. |
| 104. | NON-CONFORMING USE | means a lawful specific use: <ul style="list-style-type: none"> a. being made of land or a building or intended to be made of a building lawfully under construction on the date which this bylaw or any amendment thereto, affecting the land or building, becomes effective; and b. that on the date this bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw. |
| 105. | NUISANCE | means any use of or activity upon any property which in the opinion of a Designated Officer of the Summer Village, the Province of Alberta, or the Royal Canadian Mounted Police is dangerous to health, or has or may have a detrimental impact upon any person or other property in the neighbourhood, or which creates an unreasonable interference with the use or enjoyment of other property, and without limiting the generality of the foregoing, includes the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition whether or not their posting or exhibiting is permitted by this or any other bylaw. |
| 106. | OBJECTIONABLE | See "Offensive." |
| 107. | OCCUPANCY | means the use or intended use of a building or part thereof for the shelter or support of persons or property. |
| 108. | OCCUPANT | means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant, or agent of the owner. |

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| 109. | OFFENSIVE | <p>means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of:</p> <ul style="list-style-type: none"> a. noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter; b. radiation, fire or explosion hazard, heat, humidity, glare; or c. the unsightly storage of goods, materials, salvage, junk, waste, or other materials. <p>Such a use may adversely affect the amenities of the neighbourhood, or interfere with the normal enjoyment of any land, building or structure. An offensive or objectionable use may be further defined and/or regulated in a specific Community Standards bylaw of the Summer Village.</p> |
| 110. | OWNER | <p>means:</p> <ul style="list-style-type: none"> a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or b. in the case of any other land, the person shown as the owner of the lot on the current Certificate of Title. |
| 111. | PARCEL OF LAND | means the aggregate of one or more areas of land described in a certificate of title. |
| 112. | PARK | see "Public Park." |
| 113. | PARK MODEL | means a recreational vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which can be relocated from time to time; which has a maximum length of 12.8 m (42.0 ft.) and a maximum width of 3.66 m (12.0 ft.), excluding all extensions, pull outs, tip outs, etc. |
| 114. | PARKING AREA | means the area set aside for the storage and/or parking of vehicles and include parking stalls, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building. |
| 115. | PARKING, OFF-SITE | means an area for the parking vehicles that is located on a lot and not on a highway or road, or the right-of-way for a highway or road. |
| 116. | PARKING STALL | means a designated space for the parking of one (1) vehicle in a parking area. |
| 117. | PERMITTED USE | means the use of land or a building provided for in a Land Use Bylaw for which a development permit shall be issued upon application having been made, provided all the regulations of this Bylaw have been met to the satisfaction of the Development Authority. |
| 118. | PERSON RESPONSIBLE FOR RECREATIONAL VEHICLE | means the owner or occupant of the lot, or the owner or occupant of the recreational vehicle on a lot. |
| 119. | PRINCIPAL BUILDING | means a building in which, in the sole opinion of the Development Authority, the main or principal use of the lot on which it is erected is conducted. There shall only be one principal building on a site. |
| 120. | PRINCIPAL USE | means the use which, in the sole opinion of the Development Authority, is the main or principal use of the lot on which the use is located. |
| 121. | PROPERTY LINE | means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a real property report prepared by an Alberta Land Surveyor. |

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| 122. | PROPERTY LINE, FRONT | means the property line closest to the shore of Pigeon Lake (for a lakefront lot). For a backlot, the front property line is the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front property line. |
| 123. | PROPERTY LINE, REAR | means the boundary line of a lot lying opposite to the front property line of the lot. |
| 124. | PROPERTY LINE, SIDE | means the boundary line of a lot lying between a front property line and a rear property line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side property line. |
| 125. | PRUNING | means the removal of branches in a way that does not jeopardise the vitality of the tree, shrub, or vegetation being altered. |
| 126. | PUBLIC OR QUASI-PUBLIC BUILDING | means a building which is owned or leased by a department or agency of the federal or provincial government, or the municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture, or for community activities. |
| 127. | PUBLIC OR QUASI-PUBLIC USE | means a use undertaken by a department or agency of the federal or provincial government, or the municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture, or enlightenment, or for community related activities. |
| 128. | PUBLIC PARK | means an outdoor area accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment. |
| 129. | PUBLIC UTILITY | means a public utility, as defined in the Act. |
| 130. | PUBLIC UTILITY BUILDING | means a building in which the proprietor of the public utility maintains its offices and/or maintains or houses any equipment used in connection with the public utility. |
| 131. | QUALIFIED WETLAND PROFESSIONAL | means a registered member of an Alberta Professional Regulatory Organization who is also an approved Wetland Practitioner under the Alberta Wetland Policy. |
| 132. | REAL PROPERTY REPORT | means a drawing prepared by an Alberta Land Surveyor showing the location of improvements on a lot. |
| 133. | RECREATIONAL VEHICLE | means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether it has been modified to no longer be mobile or capable of being mobile, and includes but is not limited to holiday trailers, tent trailers, truck campers, fifth wheel trailers, camper vans, and motor homes, but does not include manufactured home dwellings. |
| 134. | RECONTOURING | means the addition or removal of soil (or other material) on a parcel of land that alters its natural topography to promote a building site and/or to create an aesthetically appealing area. |
| 135. | RENOVATION | means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing, gas, or an electrical permit pursuant to the Safety Codes Act, R.S.A. 2000, c. S-01, as amended. |
| 136. | RESERVE | means a parcel of land owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and |

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| | | playgrounds separating areas used for different purposes, and registered at an Alberta Land Titles Office as reserve, environmental reserve, or municipal reserve parcels. |
| 137. | RESERVE, COMMUNITY SERVICES | means land designated Community Services Reserve (CSR) that may be used for community services (e.g., library, fire station, etc.), pursuant to the Act. |
| 138. | RESERVE, CONSERVATION (CR) | <p>means land designated Conservation Reserve (CR) at time of subdivision Conservation Reserve at time of subdivision if:</p> <ul style="list-style-type: none"> a. in the opinion of the subdivision authority, the land has environmentally significant features; b. The land is not land that could be required to be provided as environmental reserve; c. The purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land; and d. The taking of the land as conservation reserve is consistent with the municipality's municipal development plan and area structure plan. <p>The municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.</p> |
| 139. | RESERVE, ENVIRONMENTAL (ER) | <p>means designated as "Environmental Reserve" are lands designated at time of subdivision that are left in a natural state or may be used as a public park. Lands may be designated as "Environmental Reserve" if they consist of the following:</p> <ul style="list-style-type: none"> a. a swamp, gully, ravine, coulee, or natural drainage course, b. land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or c. a strip of land, not less than 6.0 m (19.7 ft.) in width, adjacent to the bed and shore of any body of water. <p>Environmental Reserves are primarily used to establish development setbacks from water bodies and watercourses to prevent development from occurring too close to the shoreline.</p> |
| 140. | RESERVE - ENVIRONMENTAL RESERVE EASEMENT (ERE) | means lands that would normally be taken as Environmental Reserve at the time of subdivision may instead be the subject of an Environmental Reserve Easement. The lands are owned by the landowner and not the municipality; however, the lands subject to the ERE must remain in a natural state as if they were owned by the municipality and the ERE may be enforced by the municipality. |
| 141. | RESERVE, MUNICIPAL (MR) | means lands designated as "Municipal Reserve" are lands designated at time of subdivision for schools, parks and public recreation purposes provided by the developer as part of the subdivision process. |
| 142. | RESERVE, MUNICIPAL AND SCHOOL (MSR) | means land designated Municipal and School Reserve (MSR) that may be used for municipal and school purposes, pursuant to the Act. |
| 143. | RESERVE, SCHOOL (SR) | means land designated School Reserve (SR) that may be used for school purposes, pursuant to the Act. |
| 144. | RESIDENTIAL USE | means the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis. |

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| 145. | RETAINING WALL | means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades. |
| 146. | RIPARIAN AREA | means transitional areas between upland and aquatic ecosystems. They have variable width and extent above and below ground and perform various functions. These lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological, and other physical characteristics that reflect the influence of water and hydrological processes. |
| 147. | ROAD | means land: <ul style="list-style-type: none"> a. shown as a road on a plan of survey that has been filed or registered in an Alberta 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. |
| 148. | RUNOFF | means water that moves over the surface of the ground. Runoff collects sediments and contaminants as it moves from higher elevations to lower elevations. |
| 149. | SAFETY CODES OFFICER | means an individual certified as a Safety codes officer under section 27 of the <i>Safety Codes Act</i> . |
| 150. | SEA CAN | means a shipping container which is used as a storage vault and includes sea/land/rail shipping containers. |
| 151. | SETBACK | <p>means the distance from a building to the front, side, or rear property line of the building site.</p>  |
| 152. | SHALL | is an operative word which means the action is obligatory. |
| 153. | SHORELINE | means the line of the bed and shore of a water body. |
| 154. | SHORELINE MODIFICATION | means any activity, modification, alteration that alters the shoreline including but not limited to placing sand, removing rocks and vegetation, tilling, armouring with rip rap or vegetative rip rap, constructing retaining walls or other permanent structures such as piers, groins, and docks. |

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| 155. | SHOULD | is an operative word which means that, to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances. |
| 156. | SHRUB | means plant species with woody stems that are distinguished from trees by their lower stature and multiple stems and may be native or horticultural. |
| 157. | SIGN | means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event. |
| 158. | SIMILAR USE | means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment. |
| 159. | SITE | means a lot or parcel on which a development exists or for which an application for a development permit is made. |
| 160. | SITE BUILT | means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished on location using stock materials. |
| 161. | SITE, CORNER | means a site at the intersection of two abutting streets where the intersection of the two streets is less than 135 degrees. A site abutting a curved street or streets is a corner site if the arc of the inside boundary of the street is less than 45.0 m (148.0 ft.) in radius over an angle of more than 135 degrees. |
| 162. | SITE PLAN | means a plan drawn to scale showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot 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. |
| 163. | SOAKAWAY | means a pit filled with sand or gravel into which storm water is directed so that the water may soak into the ground. |
| 164. | SOLAR ENERGY COLLECTION SYSTEM | means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment, and additional required conversion electronics. |
| 165. | SPECIAL EVENT | means an occasion of temporary duration typically attended by friends of family not usually residing on the lot, including but not limited to anniversaries, birthdays, weddings, funerals, or reunions, but not including an event of a commercial nature whether held for profit or for a non-profit purpose. |
| 166. | STOREY | means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it. |
| 167. | STORMWATER MANAGEMENT PLAN | means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and watercourses. SMWPs must include: <ul style="list-style-type: none"> a. Topography; b. Proposed plan to control runoff; c. Proposed minor drainage system (ditches/pipes/catch basin locations/flow rate); |

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| | | <ul style="list-style-type: none"> d. Proposed major drainage systems (direction of surface drainage/flow rate); e. Proposed on-site detention/retention facility (location/size/capacity); f. Location of outflow/outfall structures; g. Any related modeling and calculation information; and <p>Conform to an approved master drainage plans.</p> |
| 168. | STRIPPING | means the removal of some or all vegetation and topsoil on lot in preparation for construction activities. |
| 169. | SUBDIVISION AUTHORITY | means a subdivision authority established and appointed pursuant to a Summer Village Bylaw and the Act. |
| 170. | SUBDIVISION AND DEVELOPMENT APPEAL BOARD | means the Subdivision and Development Appeal Board established by the Council in accordance with the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act. |
| 171. | SUBSTANDARD LOT | see "Lot, Substandard." |
| 172. | SUMMER VILLAGE ADMINISTRATOR | is the Chief Administrative Officer of the Summer Village of Norris Beach named by Council. |
| 173. | SURFACE, NON-PERMEABLE | means solid surfaces, including hard landscaping elements that do not allow water to penetrate, forcing it to run off. (e.g., asphalt, concrete, paving stones, etc.). |
| 174. | SURFACE, PERMEABLE | means surfaces (also known as porous or pervious surfaces) allow water to percolate into the vegetation and/or soil to filter out pollutants and recharge the water table. Permeable surfaces allow for the absorption of water into the ground and minimizes runoff (e.g., vegetated areas, flower beds, grass, gravel, etc.). |
| 175. | TEMPORARY | means a period up to one year, or a period determined by the Development Authority. |
| 176. | TEMPORARY USE | means a use that has been allowed to be located and/or operate for a limited time only. |
| 177. | TENTED STRUCTURE | means a building that uses masts or poles and tensile membrane (e.g., polyester, fabric, animal hide, etc.) to create a temporary enclosure. Portable garages and reception tents are examples of tented structures. Tented structures do not include gazebos and awnings permanently affixed to a principal dwelling, patio, or deck. |
| 178. | TOURIST HOME | <p>means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:</p> <ul style="list-style-type: none"> a. The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence; b. The commercial nature of a tourist home; c. The management or advertising of the dwelling unit as a tourist home or "vacation rental," on any website such as Airbnb or VRBO; and/or |

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| | | d. The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc. |
| 179. | TRAILER | means a licensed portable vehicular structure enclosed or unenclosed, that is designed to be attached to or drawn by a motor vehicle and to transport property, household goods, tools, equipment, supplies, off-highway vehicles, etc. For the purposes of this definition, a recreational vehicle is not a trailer. |
| 180. | TREE | means a woody perennial plant, either deciduous or coniferous, that typically has a single self-supporting trunk and in most species the trunk produces secondary limbs, called branches. |
| 181. | TREE REMOVAL | means the cutting down and/or removal of trees or shrubs other than for commercial logging. This does not include the removal of dead trees or shrubs, or selective management by a qualified arborist to maintain tree stand health and remove hazards. |
| 182. | UNDEVELOPED LOT | See "Lot, Undeveloped." |
| 183. | USE | means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained. |
| 184. | UTILITY | means a building, system or works to provide water, steam, sewage disposal, transportation, irrigation, drainage, fuel, electric power, heat, waste management, and telecommunications, for public consumption, benefit, or use. |
| 185. | VEGETATION | means non-invasive plant species that are native and/or appropriate for the relevant plant hardiness zone and are: <ul style="list-style-type: none"> a. Structurally sound, well-balanced, healthy and vigorous; b. Of normal growth habits; and/or Densely foliated when in leaf, with a healthy, well developed root system. |
| 186. | VEGETATION, NATIVE | means those plant species that are indigenous to a particular region. They have adapted over time in association with landscape and climate. |
| 187. | VEHICLE, HEAVY | means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight of 4,500 kg (10,080 lbs.) or higher, or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles. |
| 188. | WASTEWATER | means the composite of water and water-carried sewage or waste from a premise or any other source. |
| 189. | WATER BODY | any location where water flows or is present, whether the flow or the presence of water is continuous, intermittent, or occurs only during a flood. This includes, but is not limited to, wetlands and aquifers. |
| 190. | WATERCOURSE | means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or a canal, ditch, reservoir, or other artificial surface feature made by humans, whether it contains or conveys water continuously or intermittently. |
| 191. | WETLAND | means land saturated with water long enough to promote wetland or aquatic processes as indicated by the poorly drained soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to a wet environment. |

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| 192. | WETLAND ASSESSMENT | means an assessment prepared by a qualified wetland professional that delineates and classifies wetland(s) within the site and is consistent with the requirements of Alberta Environment and Parks, the <i>Alberta Wetland Policy</i> , and the <i>Alberta Wetland Identification and Delineation Directive</i> . |
| 193. | WETLAND BOUNDARY | means the furthest ecological extent of a wetland bordering upland or other non-wetland habitat, as indicated by a shift in soils and vegetation. Indicators of a wetland boundary are delineated by a Qualified Wetland Professional. |
| 194. | WIDTH | means the length of a line parallel to the front property line or, in a lot with a curved front property line, perpendicular to a line running between the mid-point of the front property line and the mid-point of the rear property line, measured at a distance from the front property line equal to the minimum required front yard. |
| 195. | WIND ENERGY CONVERSION SYSTEM (MICRO) | means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure. |
| 196. | WOODSHED | Means a structure for the storage of firewood. A woodshed may have a hard or soft surface roof/cover and shall include a maximum of three walled sides. A woodshed has a maximum floor area of 7.0 m ² (75 ft. ²). |
| 197. | YARD | means that part of a lot upon or over which no principal building is erected. |
| 198. | YARD, FRONT | means that portion of the site extending across the full width of the site and lying between the front property line and the exterior wall(s) of the main building situated on the site. For lakefront lots, the front yard is the yard closest to the lake. |
| 199. | YARD, SIDE | means that portion of the site extending from the front yard to the rear yard and lying between the side property line and the nearest portion of the exterior wall(s) of the main building. |

2.2.3 All other words and expressions shall have the meanings assigned to them in the Act, other applicable provincial legislation, and/or the Summer Village of Norris Beach Municipal Development Plan.

3. Authorities

3.1. COUNCIL

3.1.1 Council shall perform such duties as are specified for it in this Bylaw.

3.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

3.2. DEVELOPMENT AUTHORITY

3.2.1 The office of the Development Authority is hereby established.

3.2.2 The Development Authority shall be filled by a person or persons appointed by the resolution of Council as the Development Officer. If no person is appointed, the Chief Administrative Officer shall act as Development Authority.

3.2.3 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the municipality.

3.2.4 The Development Authority shall perform such duties that are specified in this Bylaw.

3.3. DEVELOPMENT OFFICER

3.3.1 The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:

- a. Keeping and maintaining for the inspection of the public a copy of this Land Use Bylaw and all amendments thereto; and
- b. Keeping a register of all applications for development, including the decisions thereon and the reasons, therefore. This information will be released to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act.

3.4. SUBDIVISION AUTHORITY

3.4.1 The Subdivision Authority of the Summer Village of Norris Beach shall be established by the Summer Village's Subdivision Authority Bylaw, as amended or replaced.

3.4.2 The Subdivision Authority shall be appointed by resolution of Council.

3.4.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Subdivision Authority Bylaw, as amended or replaced.

3.5. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

3.5.1 The Subdivision and Development Appeal Board established by the Summer Village's Subdivision and Development Appeal Board Bylaw, as amended or replaced, shall perform such duties as are specified in Section 6 of this Bylaw.

4. Amendments

4.1. APPLICATIONS

4.1.1 Subject to the Act, any section in this Land Use Bylaw may be amended.

4.1.2 Notwithstanding this section, the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.

4.1.3 Council may at any time initiate an amendment to this Land Use Bylaw by directing Summer Village Administration to initiate an application, therefore. Depending on the complexity of the application, Administration could undertake the application, or use the Summer Village's planning services provider.

4.1.4 All applications for amendment to this Land Use Bylaw shall be accompanied by the following:

- a. A statement of the specific amendment requested;
- b. The purpose and reasons for the application;
- c. If the application is for a change of a land use district:
 - i. the legal description of the lands;
 - ii. a plan showing the location and dimensions of the lands; and
 - iii. a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land that is dated within thirty (30) days of application;
- d. The applicant's interest in the lands; and
- e. An application fee to be established by Council.

4.1.5 If the amendment is for the redistricting of land, Summer Village Administration may require:

- a. A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Summer Village Administration that provides Council with information to determine:
 - i. If the site is suitable for the intended use;
 - ii. If the site can be reasonably and cost effectively serviced; and
 - iii. That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
- b. Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
- c. Technical studies requested by the Summer Village Administration to assess site suitability and servicing requirements.

4.1.6 Upon receipt of an application to amend this Land Use Bylaw, Summer Village Administration shall refer the application to the Summer Village's planning and engineering service providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:

- a. Relationship to and compliance with approved statutory plans and Council policies;
- b. Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;
- c. Relationship to and compatibility with the Pigeon Lake Watershed Management Plan;
- d. Compatibility with surrounding development in terms of land use function and scale of development;
- e. Traffic impacts;

- f. Relationship to, or impacts on, water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
- g. Relationship to municipal land, right-of-way, or easement requirements;
- h. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
- i. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
- j. Relationship to the documented concerns and opinions of area residents regarding development implications.

4.1.7 Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:

- a. prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
- b. mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;
- c. provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
- d. prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
- e. inform the applicant of the recommendation to Council.

4.1.8 At the same time as forwarding the application for amendment to Council, Summer Village Administration may, at its sole discretion, refer the application for further information to any person or agency it wishes.

4.1.9 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:

- a. Refuse the application; or
- b. Refer the application for further information; or
- c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
- d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
- e. Pass first reading of an alternative amendment to this Land Use Bylaw.

4.1.10 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.

4.1.11 Following establishment of the date, time and place for a public hearing, Summer Village Administration shall issue a notice of the public hearing by:

- a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
- b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.

4.1.12 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.

4.1.13 A notice must contain:

- a. A statement of the general purpose of the proposed bylaw and public hearing;
- b. The address where a copy of the proposed bylaw and any document relating to it, or the public hearing may be inspected; and
- c. The date, place, and time where the public hearing will be held.

4.1.14 In the case of an amendment to change the land use district designation of a parcel of land, Summer Village Administration must, in addition to the requirements of section 4.12:

- 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 Section 4.12.a to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
- c. Give written notice containing the information described in Section 4.13.a to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- d. If the land referred to in section 4.12 is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- e. In the public hearing, Council:
 - i. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
 - ii. May hear any other person who wishes to make representations and whom the Council agrees to hear.

4.1.15 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:

- a. Pass the bylaw;
- b. Defer it for further information or comment;
- c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
- d. Defeat the bylaw.

4.1.16 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

4.1.17 After third reading of the Bylaw, the Development Authority shall send a copy of it to:

- a. the applicant;
- b. the registered owner of the land (if different from the applicant);
- c. The Summer Village's subdivision and planning services provider; and
- d. the adjacent municipality if it received a copy of the proposed bylaw pursuant to section 4.12.

5. Development Process

5.1. CONTROL OF DEVELOPMENT

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

5.1.2 No development other than that designated in section 5.2 shall be undertaken within the Municipality Summer Village of Norris Beach unless an application for it has been approved and a development permit has been issued.

5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.

5.1.4 Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.

5.1.5 For the purposes of this section, signs, posters, and billboards are deemed to be developments.

5.1.6 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

5.2. DEVELOPMENT NOT REQUIRING A PERMIT

5.2.1 The following developments shall not require a development permit provided that the development otherwise complies with all other regulations of this Bylaw:

- a. the carrying out of works of improvement, maintenance, renovation, or repair to any (but not limited to) building, deck, and/or driveway provided that such works do not include structural alterations, additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw.
- b. the completion of a development which was lawfully under construction at the date of the approval of this Bylaw (or any amendment thereof), provided that the development is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the development is completed within a period of twelve (12) months from the notification of the permit;
- c. the use of any such buildings as referred to in Section 5.2.1.b for the purpose for which development was commenced;
- d. the erection, construction, or maintenance, improvement or alteration of gates, fences, walls, or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in 9.6 – Fences and Walls of this Bylaw;
- e. the installation, maintenance and repair of public works, services, or utilities carried out by or on behalf of federal, provincial, and/or municipal authorities on land that is publicly owned or controlled;
- f. a maximum of one single storey accessory building with a floor area not more than 10.2 m² (110.0 ft.²) and a height not more than 3.0 m (9.7 ft.), provided that the accessory building:
 - i. is not a garage; and
 - ii. satisfies the setback requirements for accessory buildings in the land use district in which it is located;
- g. a development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- h. a development that is exempted from requiring a development permit pursuant to the Act;
- i. the following signs:
 - i. signs posted or exhibited within a building;
 - ii. signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;

- iii. a statutory or official notice of a function of the municipality;
- iv. traffic signs authorized by the municipality and/or provincial authorities;
- v. signs posted or exhibited solely for the identification of the land or building on which the signs are displayed, or to give directions to visitors, including professional, corporate, or trade name plates identifying the occupants, and signs indicating the street address of a building or lot, if the total area of the signs on a lot does not exceed 0.5 m² (5.4 ft.²) in area, subject to all other orders, bylaws, and regulations affecting such signs;
- vi. a maximum of two (2) on-site signs relating to the sale, lease, or rental of the buildings on the lot or the land on which the signs may be erected or attached, provided that:
 - 1. such signs on any lot in any residential land use district do not exceed 0.5 m² (5.4 ft.²) in area each; and
 - 2. such signs are not illuminated;
- vii. campaign signs for federal, provincial, municipal, or school board elections on lots for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:
 - 1. such signs are removed within fourteen (14) days after the election date;
 - 2. the consent of the lot owner and/or occupant is obtained;
 - 3. such signs do not obstruct or impair visibility or traffic;
 - 4. such signs are not attached to trees or utility poles on municipally owned property; and
 - 5. such signs indicate the name and address of the sponsor and the person responsible for the sign's removal.
- viii. signs on land or buildings used for public or quasi-public uses, provided that:
 - 1. such signs do not exceed 1.10 m² (12.0 ft.²) in area each; and
 - 2. there are no more than one (1) sign for each side of the land or buildings on a different road.
- ix. signs of building contractors relating to construction work in progress on the lot on which the signs are erected, provided that:
 - 1. such signs do not exceed 3.0 m² (32.0 ft.²) in area each;
 - 2. there are no more than one (1) sign for each side of the land or buildings on a different road; and
 - 3. such signs are removed within fourteen (14) days of occupancy of the building which has been constructed.
- j. the construction, maintenance, and repair of retaining walls up to 1.0 m 1.2 m (3.9 ft.) in height provided the wall does not encroach onto public land or into a utility right-of-way;
- k. exterior steps;
- l. roof repairs such as replacement of shingles or their underlay;
- m. any mechanical, plumbing, or electrical work providing the use of the building and the number of dwelling units within the building or on the site do not change;
- n. a maximum of one woodshed with a floor area not more than 7.0 m² (75.0 ft.²);
- o. roof mounted solar energy collection systems;
- p. micro wind energy conversion systems; and
- q. the demolition or removal of any building or use for which erection or use a development permit would not be required pursuant to this section.

5.2.2 No development permit is required for landscaping, provided that the proposed grades and surface drainage patterns on and from the site will not adversely affect the subject site or adjacent properties or result in an increase of runoff and sediment into Pigeon Lake.

- 5.2.3** No development permit is required for the removal of invasive species, removal of dead or hazardous trees or vegetation, cutting grass, pruning, and typical yard maintenance.
- 5.2.4** Notwithstanding any regulation in this section, other permits and approvals (such as building permits) may be required.
- 5.2.5** No development permit is required for a tented structure erected:
- after September 1 and removed before May 31 and used to shelter boats or other chattel during winter months; or
 - used temporarily (to a maximum of one week) for a special event (e.g., wedding).

5.3. NON-CONFORMING BUILDINGS AND USES

- 5.3.1** Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2** A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 5.3.3** A non-conforming use of part of a building may be extended throughout the building. The building, whether it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.4** A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 5.3.5** A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
- to make it a conforming building;
 - for the routine maintenance of the building, if the Development Authority considers it necessary; or
 - in accordance with the powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.
- 5.3.6** If a non-conforming building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.3.7** The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.
- 5.3.8** If the Development Authority has reasonable basis to believe a building or development on a lot encroaches onto an adjacent lot the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent lot, and (if necessary) can arrange for the removal of the building or development at the owner's expense. The Development Authority may require a lot owner to erect permanent, visible markers at the corners of any lot, to a standard approved by the Development Authority.

5.4. APPLICATION REQUIREMENTS FOR DEVELOPMENT PERMITS

- 5.4.1** An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
- a non-refundable application fee, as established by Council;
 - a site plan showing:
 - front, side, and rear yards;
 - north point;
 - legal description of the property;

- iv. access and egress points to the property; and
- v. the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
- c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
- d. a statement of ownership of the land and the interest of the applicant therein; and
- e. a statutory declaration indicating that the information supplied is accurate.

5.4.2 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the lot do not correspond with the legal boundaries of the lot.

5.4.3 In making a decision, the Development Authority may also require additional information to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):

- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
- b. the height and horizontal dimensions of all existing and proposed buildings;
- c. outlines of roof overhangs on all buildings;
- d. existing and proposed elevations on the site and on adjacent sites, roads, and lanes;
- e. post construction site and building elevations;
- f. floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
- g. Reports, plans, and studies prepared by qualified professionals, including:
 - i. Arborist Report;
 - ii. Erosion and Sediment Control Plan;
 - iii. Geotechnical Report;
 - iv. Landscaping Plan;
 - v. Slope Stability Analysis;
 - vi. Wetland Assessment; and
 - vii. Any other reports, plans, and studies that provides information requested by the Development Authority;
- h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
- i. future development plans for a site which is to be partially developed through the applicable development permit;
- j. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and
- k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.

- 5.4.4** In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- location and area of the site where the excavation is to take place;
 - existing land use and vegetation;
 - the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - identification of potential for outdoor noise and the discharge of substances into the air;
 - the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling, or lessening erosion or dust from the site;
 - an indication of all municipal servicing costs associated with the development; and
 - the proposed haul route, dust control plan and expected hours of operation.
- 5.4.5** In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- 5.4.6** In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
- 5.4.7** At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
- 5.4.8** The Development Authority may refer any application for a development permit to any municipal, provincial, or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 5.4.9** When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
- 5.4.10** The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.
- 5.4.11** Where a development permit for an accessory building has been applied for before a principal building or principal use has been developed on a lot, the applicant must provide a site plan which identifies the proposed location for the principal building or principal use on the lot as part of the application.
- 5.4.12** As a condition of issuing a development permit, the Development Authority may require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.

5.5. PERMISSION FOR DEMOLITION

5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.

5.5.2 The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.

5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:

- a. the value of the development;
- b. the alternatives to demolition if the building is of historic or architectural value;
- c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
- d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
- e. the destination of debris materials;
- f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
- g. a copy of the original development approval including building permits where applicable;
- h. the form of demolition to be used (heavy equipment or by hand);
- i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished);
- j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
- k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
- l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
- m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.

5.5.4 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to:

- a. Identify proposed haul routes and destination for the demolition materials;
- b. Complete a Hazardous Materials Assessment Report; and/or
- c. Complete any phase of an environmental site assessment to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.5.5 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements:

- a. Require that the applicant undertake all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up; and
- b. Require the applicant to post a \$10,000 bond to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.

5.6. NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS

- 5.6.1** The Development Authority shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 5.6.2** The period referred to in Part 5.6.1 may be extended by an agreement in writing between the applicant and the Development Authority.
- 5.6.3** An application is complete if:
- in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application; or
 - the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.
- 5.6.4** If the Development Authority determines that the application is complete, the Development Authority shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 5.6.5** If the Development Authority determines that the application is incomplete, the Development Authority shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application and provide a date by which the documents or information must be submitted for the application to be considered complete.
- 5.6.6** If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Part 5.6.5, the application is deemed refused.
- 5.6.7** Despite that the Development Authority has issued an acknowledgment under Part 5.6.5 or Part 5.6.6, while reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

5.7. DEVELOPMENT PERMIT NOTIFICATION

- 5.7.1** A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.
- 5.7.2** When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.7.3** In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance to any regulation has been granted**, the Development Authority shall:
- send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent landowners within 100.0 m (300.0 ft) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
 - post notice of the decision on the Summer Village's website; and may
 - send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization, or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- 5.7.4** The notice indicated in Parts 5.7.2 and 5.7.3 shall state:
- the legal description and the street address of the site of the proposed development;
 - the uses proposed for the subject development;

5. Development Process

- c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
- d. the date the development permit was issued; and
- e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.

5.7.5 Except for those permits described in Part 5.7.2 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

5.7.6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.

5.7.7 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void; unless an alternate time frame has been identified in the conditions, or an extension to this period is granted by the Development Authority.

5.7.8 A development, once begun, shall not be abandoned or left for an extended period in what the Development Authority considers to be an unsightly or unsafe condition.

5.7.9 The application may be responsible for any damages to public or private property occurring because of development.

5.7.10 A decision of the Development Authority on an application for a development permit shall be given in writing.

5.7.11 When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

5.8. DEVELOPMENT PERMIT CONDITIONS AND DEVELOPMENT AGREEMENTS

5.8.1 The Development Authority may require the following conditions as part of development permit approval:

- a. Compliance with the Erosion and Sediment Control Plan;
- b. Compliance with the Landscaping Plan;
- c. Compliance with the Lot Grading and Drainage Plan; and
- d. Any other conditions requested by the Development Authority.

5.8.2 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:

- a. Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
- b. Install or pay for the installation of utilities; and/or
- c. Pay for an off-site levy or redevelopment levy imposed by bylaw.

5.8.3 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

5.9. VALIDITY OF PERMITS

- 5.9.1** A Development Permit does not come into effect until at least twenty-one (21) days have elapsed from the date it is granted and, in any event, does not come into effect until the plans for the building have been approved by an accredited Safety Codes Inspector and all necessary permits pertaining to the construction of the Building have been obtained and copies sent to the Municipality, and posted on site.
- 5.9.2** If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.
- 5.9.3** A Development Permit is valid for one (1) year from the date it comes into effect and work authorized pursuant to a Development Permit must be commenced within six (6) months and completed within twelve (12) months from the date the Development Permit comes into effect. Extensions may be granted at the sole discretion of the Development Authority at a cost of 50% of the original development permit fee.
- 5.9.4** If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke or modify the development permit and shall have the right to suspend all construction activity on the site.

5.10. VARIANCES

- 5.10.1** The Development Authority may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.
- 5.10.2** The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in his opinion the proposed development would not:
- unduly interfere with the amenities of the neighbourhood; or
 - materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and
 - the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.
- 5.10.3** A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements. Except as otherwise provided in this bylaw, there shall be no variance from the following:
- Lot coverage;
 - Fence height; and
 - Building height.
- 5.10.4** Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
- 5.10.5** 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.

6. Subdivision Process

6.1. APPLICATION REQUIREMENTS

- 6.1.1** All subdivision applications for lands within the Summer Village of Norris Beach shall comply with the provisions under this Section.
- 6.1.2** A subdivision application may be submitted by:
- the registered owner of the land to be subdivided; or
 - a person with written authorization to act on behalf of the registered owner.
- 6.1.3** Subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.
- 6.1.4** If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.1.5** If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.1.6** Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.1.7** The tentative plan of subdivision shall:
- clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - show the location, dimensions, and boundaries of:
 - each new lot to be created;
 - reserve land(s), if required;
 - the rights-of-way of each public utility, if required; and
 - other rights-of-way, if required;
 - indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.1.8** The Summer Village may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a figure showing topographic contours at no greater than 1.5 m (4.9 ft.) intervals;
 - if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
 - an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site

sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;

- d. reports, plans, and studies prepared by qualified professionals, including:
 - i. Arborist Report;
 - ii. Geotechnical Report;
 - iii. Lot Grading and Drainage Plan or Stormwater Management Plan;
 - iv. Slope Stability Analysis;
 - v. Water Report;
 - vi. Wetland Assessment;
 - vii. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
- e. if the land that is the subject of an application is located within a potential flood plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
- f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
- g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and
- h. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

6.2. PROCESS

6.2.1 The Subdivision Authority shall:

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

6.2.2 Notice of Complete or Incomplete Application:

- a. The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.
- b. The period referred to in Section 6.2.2.a may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.
- c. An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- d. If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- e. If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- f. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.2.2.e, the Subdivision Authority must deem the application to be refused.

- g. Despite that the Subdivision Authority has issued an acknowledgment under Section 6.2.2.d or 6.2.2.e, while reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.3. DUTIES OF THE SUBDIVISION AUTHORITY

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

- a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
 - i. this Bylaw;
 - ii. applicable statutory plans; and
 - iii. the Act and the Regulations thereunder;
- b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. applicable statutory plans; and/or
 - ii. the Act and the Regulations thereunder;
- c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 5.3.1.d;
- d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
 - i. would not unduly interfere with the amenities of the neighbourhood;
 - ii. would not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
 - iii. conforms to the use prescribed for that land in this Bylaw;
- e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

6.4. REQUIREMENTS AND CONDITIONS OF SUBDIVISION

6.4.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.

6.4.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.

6.4.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.

6.4.4 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.

6.4.5 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.

6.4.6 The Subdivision Authority shall not approve a subdivision which is inconsistent with the Summer Village of Norris Beach Municipal Development Plan and/or the provisions of any statutory plans that affect the land proposed to be subdivided.

6.4.7 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained).

- 6.4.8** As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as Environmental Reserve.
- 6.4.9** Where a subdivision is proposed on lands adjacent to Pigeon Lake, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:
- a. Recommendations by qualified professionals; and/or
 - b. Riparian Setback Matrix Model (RSMM); and/or
 - c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region; and/or
 - d. The Recommended Setbacks Chart (see Appendix A).
- 6.4.10** Property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.
- 6.4.11** The developer may be required to provide for Inclusionary Housing in accordance with the Act and the Regulations therein.
- 6.4.12** All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 6.4.13** The Subdivision Authority may require the following conditions as part of subdivision approval:
- a. Compliance with an approved Erosion and Sediment Control Plan;
 - b. Compliance with an approved Landscaping Plan;
 - c. Compliance with an approved Lot Grading and Drainage Plan;
 - d. Compliance with an approved Stormwater Management Plan; and/or
 - e. Any other conditions requested by the Subdivision Authority.

7. Appeals

7.1. DEVELOPMENT APPEALS

- 7.1.1** An appeal may be made if the Development Authority:
- fails or refuses to issue a development permit;
 - issues a development permit subject to conditions; or
 - issues a stop order under Section 645 of the Act;
- by the applicant of the development permit or any person affected by the order.
- 7.1.2** In addition to Section 7.1.1, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2) of the Act.
- 7.1.3** Despite Sections 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied, or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8) of the Act.
- 7.1.4** Despite Sections 7.1.1, 7.1.2 and 7.1.3, if a decision with respect to a development permit application in respect of a direct control district:
- is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
 - is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5** An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6** An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- 7.1.7** An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.1 may be made by serving a written notice of appeal to the board hearing the appeal:
- within 21 days after the date on which the written decision is given; or
 - if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
 - With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8** An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.2) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9** An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10** An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
 - the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
 - the name, contact information and address of the appellant; and

- d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.

7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:

- a. in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
- b. in the case of a person referred to in Section 7.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2. SUBDIVISION APPEALS

7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:

- a. by the applicant for the approval;
- b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
- c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
- d. by a school board with respect to:
 - i. the allocation of municipal reserve and school reserve or money in place of the reserve;
 - ii. the location of school reserve allocated to it; or
 - iii. the amount of school reserve or money in place of the reserve.

7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.

7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.

7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.

7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:

- a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
- b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
- c. the name, contact information, and address of the appellant; and
- d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.

7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3. APPEAL HEARING AND DECISION

- 7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.
- 7.3.2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680 and 681 of the Act.

FOR FIRST READING

8. Enforcement

8.1. PROVISION OF ENFORCEMENT

- 8.1.1** Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action to ensure compliance.

8.2. PROHIBITION

- 8.2.1** No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 8.2.2** No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 8.2.3** No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 8.2.4** No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

8.3. RIGHT OF ENTRY

- 8.3.1** After reasonable notice (generally to mean 48 hours) to the owner or occupant in accordance with the Municipal Government Act, a Designated Officer may enter the property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Bylaw requirements are being met.
- 8.3.2** A Designated Officer may enter the property outside of the identified period if, in their opinion, a possible violation constitutes an immediate health, safety, or environmental concern.

8.4. VIOLATION WARNINGS

- 8.4.1** A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.
- 8.4.2** A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

8.5. OFFENCES AND FINES

- 8.5.1** A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Fees and Charges Bylaw.
- 8.5.2** If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.

8.6. STOP ORDERS

On finding that a development, land use, or use of a building does not conform to the Municipal Government Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:

- a. stop the development or use of the land or building in whole or part as directed by the notice;
- b. demolish, remove, or replace the development or landscaping; or
- c. carry out any other actions required by the notice for compliance.

- 8.6.2** The notice shall specify a deadline for compliance.

- 8.6.3** A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

8.6.4 Subject to Section 542 of the Municipal Government Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.

8.6.5 The Summer Village may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.

8.6.6 The Summer Village's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

8.7. VIOLATION TAGS AND TICKETS

8.7.1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there are reasonable and probable grounds to believe there is a contravention of this Bylaw.

A violation tag may be issued to a person either personally or by registered mail.

The violation tag shall be in a form approved by the Summer Village and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Summer Village.

8.7.2 The Development Authority is hereby authorized and empowered to issue a violation tag to any person who the Development Authority has reasonable and probable grounds to believe has contravened any provision of this bylaw.

8.7.3 Offenses and related fines are as specified in the Summer Village's Fees and Charges Bylaw.

8.7.4 Where a contravention is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues. The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.

8.7.5 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.

8.7.6 Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

9. General and Specific Regulations

9.1. ACCESSORY BUILDINGS AND USES

- 9.1.1** A building or structure which does not share footings with the principal building on a lot is deemed to be an accessory building even if it is connected to the principal building by a roof, breezeway, deck, patio, or other at grade or above grade connection.
- 9.1.2** An accessory building shall only be allowed on a lot with an existing building with an approved development permit.
- 9.1.3** Notwithstanding 9.1.2, a development permit for an accessory building may be approved on a lot that has an approved development permit for a dwelling that is currently under construction, at the discretion of the Development Authority.
- 9.1.4** The maximum number of accessory buildings on a lot with an existing building with an approved development permit shall be three.
- 9.1.5** Accessory buildings shall be of new, conventional construction or prefabricated construction installed on a properly designed and permanent foundation or shall be moved-in buildings subject the provisions of Section 9.14 of this Bylaw.
- 9.1.6** On lakefront lots a maximum of one single-story accessory building may be located within the front yard (lakefront yard).
- 9.1.7** Further to 9.1.6, all other accessory buildings shall be located within the rear or side yard of a lakefront lot.
- 9.1.8** An accessory building in the front yard of a lakefront lot shall include the following design elements:
- Low-slope roof to minimize view obstruction; and
 - Gutters and downspouts that direct water away from Pigeon Lake and into rain barrels and/or rain gardens.
- 9.1.9** Accessory buildings on a backlot may be allowed within the front, rear, or side yard of the lot.
- 9.1.10** Setback requirements for accessory buildings are established in the land use districts (and are illustrated in Appendix B – Diagram Illustrating Front, Rear, and Side Yards).
- 9.1.11** No accessory building or uses other than a fence, pool, deck, or patio shall be located:
- Within 3.0 m (9.9 ft.) of a principal building; or
 - Within any easement or right-of-way.
- 9.1.12** The maximum area of an accessory building shall be as provided for in the land use districts.
- 9.1.13** Notwithstanding 9.1.8, the siting of an accessory building on an irregularly shaped lot shall be as required by the Development Authority.
- 9.1.14** The maximum floor area of a tented structure shall be 31.2 m² (336.0 ft.²) and shall be secured to the ground to the satisfaction of the Development Authority.
- 9.1.15** A utility trailer shall not be used as an accessory building on a lot.

9.2. CORNER AND DOUBLE FRONTING LOTS

- 9.2.1** Notwithstanding any other provision contained in this bylaw, landscaping, the erection of fences, walls, or other means of enclosure on a corner lot shall be to the satisfaction of the Development Authority to ensure that vision around the corner is not hindered.
- 9.2.2** To implement Section 9.2.1, no fence, wall, tree, bush, structure, or thing more than 0.9 m (3.0 ft) in height shall be erected, placed, or maintained within the triangular area formed by the intersecting road or lane lines and a straight-line joining point on the road or lane 6.0 m (19.7 ft) from their intersection.
- 9.2.3** A double fronting lot abutting two or more streets shall have a front yard setback on each street in accordance with the front yard setback requirements of this bylaw.

9.2.4 One flanking yard on a double fronting lot may be subject to side yard setback requirements in all land use districts unless a separate flanking setback is described in the subject land use district.

9.3. DWELLING UNITS ON A LOT

9.3.1 No permit shall be issued for more than one dwelling unit on a lot in a residential land use district.

9.4. ENVIRONMENTAL PROTECTION

9.4.1 The permanent disturbance of watercourses, wetlands, other water bodies shall be prohibited.

9.4.2 Applications for development and/or subdivision on sites that may be affected by a wetland must include a wetland assessment prepared by a qualified professional that delineates and classifies wetland(s) within the building pocket on the site.

9.4.3 Development permits shall be required for shoreline modifications on lands adjacent to the legal bank to Pigeon Lake.

9.4.4 Where shoreline modifications are proposed in the bed and shore of Pigeon Lake, approval from the Government of Alberta shall be required.

9.4.5 Where shoreline modifications are proposed adjacent to the legal bank of Pigeon Lake that alter the flow of water, approval from the Government of Alberta may be required.

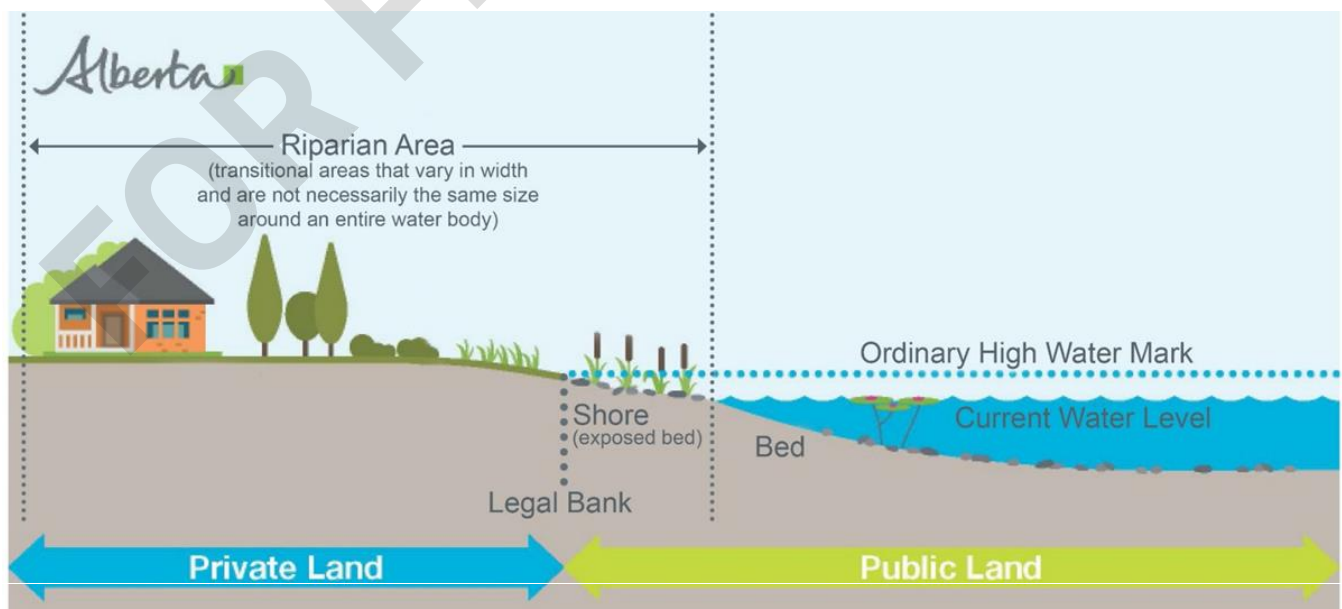
9.4.6 Shoreline modifications shall be discouraged except for erosion protection.

9.4.7 Shoreline modifications shall:

- a. Incorporate re-vegetation and the use of soft landscaping elements;
- b. Incorporate low impact development strategies;
- c. Utilize materials that do not include creosote or other contaminants that may impact the health of Pigeon Lake or local ground water; and
- d. Minimize the use of hard landscaping elements.

9.4.8 The addition of sand to the bed and shore of Pigeon Lake and or lands adjacent to the bed and shore of Pigeon Lake shall not be allowed.

9.4.9 Where shoreline modifications include activities such as stripping, grading, or landscaping, the regulations in Grading, Stripping and Drainage on Lots and Lot Coverage and Landscaping shall apply.



9.5. EROSION AND SEDIMENT CONTROL

9.5.1 An erosion and sediment control plan shall be required to control and restrict sediment from leaving the site where a development impacts drainage on the site or on adjacent properties, including but not limited to:

- a. Grading;
- b. Stripping;
- c. Moving, depositing, storage, or removal of topsoil, fill, aggregate or similar material;
- d. Landscaping;
- e. Dwelling; or
- f. Accessory building or use.

9.5.2 Where an erosion and sediment control plan is required in this Land Use Bylaw, applicants shall be required to submit the erosion and sediment control plan with the development permit application. Compliance with the erosion and sediment control plan shall be a condition of development permit approval.

9.5.3 When an erosion and sediment control plan is required, it may be required to include the following:

- a. Description of the proposed land disturbing activities, existing site conditions and adjacent areas (such as creeks and buildings) that might be affected by the land disturbance;
- b. Description of critical areas on the site – areas that have potential for serious erosion problems such as severe grades, highly erodible soils, and areas near watercourses, wetlands, or other water bodies;
- c. Construction schedule that includes the date stripping and grading will begin and the expected date of stabilization;
- d. Description of the management of construction vehicles and materials;
- e. Description of the measures that will be used to minimize erosion and control sedimentation on the site, when they will be installed, and where they will be located for the following:
 - i. The stockpiling and retention of topsoil removed during construction;
 - ii. The control of mud and earthen materials on nearby roads and trails;
 - iii. The control of stormwater runoff and drainage channels;
 - iv. The control of onsite sediments and treatment of runoff flows;
- f. Description of how the compaction of soils will be minimized;
- g. Dust, noise, and light control measures;
- h. Identification of the vegetation, trees and shrubs that are to be retained on the site;
- i. The provision of protective fencing around trees, tree stands, shrubs, and vegetation that is to be retained on the site;
- j. Shutdown plans where construction activities are delayed for an extended period. ESC shutdown plans need to address ongoing maintenance and inspection issues;
- k. Any other matter requested by the Development Authority.

9.5.4 A site plan identifying the location of control measures may be required to accompany the erosion and sediment control plan.

9.6. FENCES AND WALLS

9.6.1 No electric fence shall be constructed within the municipality.

9.6.2 No barbed wire fence shall be constructed except where required by the Alberta Building Code.

9.6.3 Gates, fences, walls, and other means of enclosure shall be a maximum of 1.5 m (5.0 feet) in height in front yards, and a maximum of 2.0 m (6.6 ft.) elsewhere on a lot.

9.6.4 Fences of a height less than that identified in 9.6.3 shall not require a development permit.

9.6.5 Notwithstanding any other regulation in Section 9.6, No fence shall be constructed across the lakefront of a lot.

9.6.6 In calculating the height of a fence, all materials affixed to the fence that provide visual screening shall be considered part of the fence. This includes materials such as lattices, trellises, etc.

9.7. GRADING, STRIPPING AND SITE DRAINAGE

9.7.1 Except as provided for in Section 5.2.2, No land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued.

9.7.2 Land shall be graded so that excess clean natural run-off water flows into the lake, a soakaway, or a street. Water shall not be diverted to flow from one lot on to a neighbouring lot unless a drainage easement is agreed in writing between the two property owners and the municipality.

9.7.3 A private driveway or walkway across a boulevard or ditch shall be constructed:

- a. consistent with the requirements of the Summer Village's Driveway & Culverts Bylaw; and
- b. so as not to interfere with the natural flow or absorption of water and a culvert shall be installed to the specifications of the municipality.

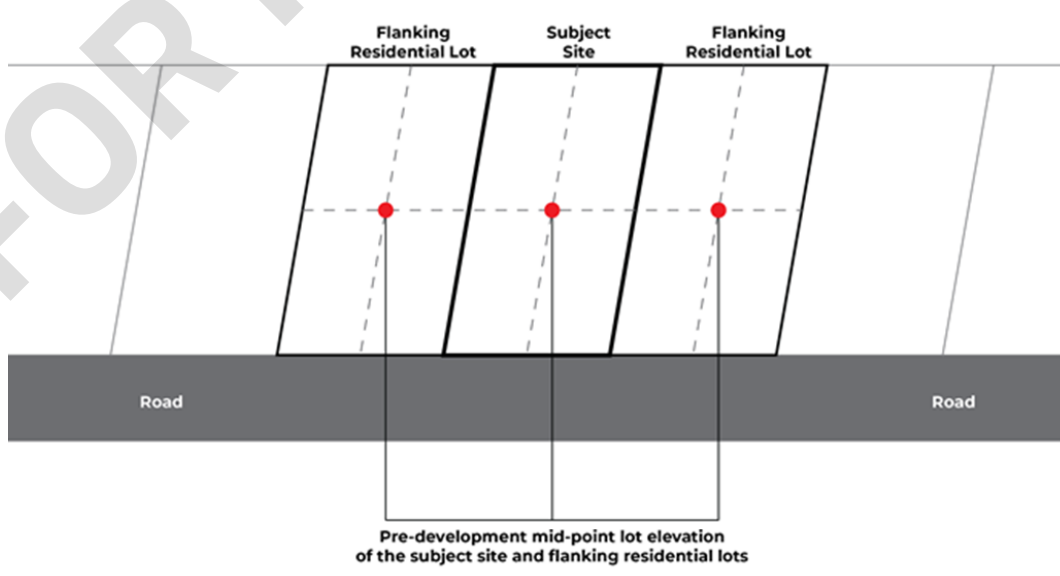
9.7.4 Any culvert which carries water away from a lot or runs across a driveway, walkway, boulevard, or ditch shall have a diameter of at least 300 mm (11.8 inches).

9.7.5 Further to 9.7.1, development permits shall be required for:

- a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan;
- b. Moving, depositing, or removal of topsoil, fill, aggregate or similar material; and
- c. Any other development that:
 - i. Alters drainage on the site;
 - ii. Increases runoff onto adjacent lands; or
 - iii. Alters the quantity or quality of runoff into a watercourse or water body.

9.7.6 The elevation of a lot may be increased (with the approval of the Development Authority) up to a maximum of 300 mm from the lower of:

- a. the pre-development mid-point lot elevation of the lot; and
- b. the pre-development mid-point lot elevation of flanking residential lots.



- 9.7.7** To determine the lowest pre-development mid-point lot elevation, the application must include the following:
- the pre-development mid-point lot elevation of the lot for which the development is being proposed; and
 - the pre-development mid-point lot elevation of residential lots flanking the subject site.
- 9.7.8** Site grading shall not be permitted to impede or interfere with the natural flow of surface water onto adjacent municipal lands or public ditches, or neighbouring properties.
- 9.7.9** A lot grading and drainage plan shall be required as part of the development permit application for:
- Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan; and
 - Any other development that:
 - Alters drainage on the site;
 - Increases runoff onto adjacent lands; or
 - Alters the quantity or quality of runoff into a watercourse or water body.
- 9.7.10** Where a lot grading and drainage plan is required, it shall be prepared by a qualified professional and shall:
- Identify pre-development and proposed grades;
 - Specify design elevations, surface gradients, and swale locations;
 - Demonstrate how runoff will be controlled on the site; and
 - Include any other drainage information required by the Development Authority.
- 9.7.11** A stormwater management plan may be required for multi-lot subdivisions and major developments, at the discretion of the Approving Authority.
- 9.7.12** Where a stormwater management plan is required, it must:
- Demonstrate that runoff will be managed on the site;
 - Conform to municipal stormwater management systems and practices, where applicable; and
 - Incorporate best management practices and low impact development strategies and technologies for:
 - Treating stormwater prior to discharge into water bodies, watercourses, or riparian areas;
 - Preventing pollution of water bodies, watercourses, or riparian areas; and
 - Minimizing or mitigating impacts of runoff on adjacent environmentally sensitive lands and hazardous lands.
- 9.8. GUEST HOUSE SUITES**
- 9.8.1** Guest house suites shall not be developed on a lakefront lot. On all other lots:
- A maximum of one (1) guest suite may be developed on a lot.
 - Guest houses shall be of new, conventional construction and good appearance.
 - Guest houses shall have only one storey unless they are built over a garage.
 - Guest houses shall not be constructed in the front yard of the lot, in front of the front walls of the main buildings on the two immediately adjacent lots, unless built over a garage.
 - The maximum floor area of a guest house suite shall be 83.6 m² (900.0 ft.²) and shall not exceed the floor area of the principal building on the lot.
 - Notwithstanding 9.8.1.e, the maximum floor area of a guest house suite built over a garage shall be the floor area of the garage's building footprint.
 - Sleeping accommodation in or above a garage or any other accessory building is deemed to be a guest house and where such accommodation exists, no additional free-standing guest house shall be constructed on the lot.

9.9. HEIGHT OF BUILDINGS

9.9.1 No principal building shall exceed 8.5 m (28.0 ft.) in height.

9.9.2 No accessory shall exceed 5.0 m (16.5 ft.) in height.

9.9.3 Notwithstanding 9.9.2, the maximum height of an accessory building with a guest house suite developed above a garage shall be 7.3 m (24.0 ft.)

9.10. HOME OCCUPATIONS

9.10.1 A major home occupation shall comply with the following regulations:

- a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking which is excessive for its location relative to other dwellings.
- b. The number of non-resident employees working on-site shall not exceed one.
- c. The outdoor storage of productions and materials shall be prohibited.
- d. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this bylaw and the Safety Codes Act and the regulations made thereunder.
- e. There shall be no exterior signage, display or advertisement except for a business identification sign, the size of which shall be entirely at the discretion of the Development Authority.
- f. Business activities must be carried out entirely within the principal dwelling or an accessory building.
- g. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located as a commercial use in a commercial land use district having regard for the overall compatibility of the use with the residential character of the area.

9.10.2 A minor home occupation shall comply with the following regulations:

- a. A minor home occupation shall not employ any person on-site other than residents of the dwelling.
- b. No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.
- c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed only in either the dwelling or accessory buildings.
- d. Business activities must be carried out entirely within the dwelling.
- e. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
- f. There shall be no exterior signage, display, or advertisement.

9.10.3 All home occupations shall comply with the following requirements:

- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
- c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 35.0 m² (377.0 ft.²), whichever is less, of the dwelling unit for business usage. Except as noted in Section 9.19, there shall be no exterior signage, display, or advertisement, but there may be a limited volume of on-premises sales.
- d. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

9.10.4 Home occupations shall not involve:

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- a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
- b. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- c. In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- d. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- e. A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this bylaw or conditions of the approval of the development permit.

9.11. KEEPING OF ANIMALS AND LIVESTOCK

9.11.1 The keeping of livestock shall not be allowed within the Summer Village.

9.11.2 The keeping of domestic pets shall be in accordance with any Summer Villages bylaw addressing animal control.

9.12. LOT DIMENSIONS AND AREAS

9.12.1 A lot that is smaller than the minimum required area in the applicable Land Use District, but to which a separate title was registered at the Land Titles Office on the date this bylaw comes into effect, shall be considered a conforming lot.

9.12.2 Lot size requirements do not apply to utility lots, reserve land, or public parks.

9.12.3 The boundary between two existing lots may be adjusted to accommodate buildings on the site, and to ensure that the resulting lots are conforming lots under this bylaw.

9.12.4 Regulations in this bylaw shall not prevent:

- a. the adjustment of a property line where no additional lots are created, or
- b. the re-subdivision of a lot formed by the consolidation of two previously existing lots, but in this case the setbacks for all the existing buildings on these lots must conform to the current bylaw.

9.13. MOVING BUILDINGS IN AND OUT OF THE SUMMER VILLAGE

9.13.1 A person wishing to move an existing building on to a lot shall:

- a. make an application for a development permit;
- b. state the present location of the building; and
- c. provide photographs showing each side and the general condition of the building.

9.13.2 The Development Authority may, at their discretion, inspect the building or cause it to be inspected by another person, and determine the suitability of the building for the proposed use.

9.13.3 The Development Authority may, at their discretion, require that the building be improved to meet the requirements of this Bylaw and the Alberta Building Code.

9.13.4 No manufactured dwelling other than those approved within the Summer Village at the date of the approval of this bylaw shall be permitted.

9.13.5 If the work required under 9.14.3 is to be done after the building is moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work as a condition of a development permit approval. The bond shall be released when the work is satisfactorily completed to the satisfaction of the Development Authority but shall otherwise be forfeited.

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9.13.6 Any travel or other costs incurred by the Development Authority in processing an application for a development permit for a moved-in building shall be added to the fee for the development permit.

9.13.7 A person wishing to move an existing building off a lot in the Summer Village for which a development permit has (or should have) been issued shall:

- a. make an application for a development permit;
- b. state the intended destination of the building; and
- c. provide photographs showing each side and the general condition of the building.

9.13.8 Notwithstanding the above, the Development Authority may, at their discretion, inspect the building to be removed (or cause it to be inspected by another person), and determine the suitability of the building for transportation.

9.14. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

9.14.1 All properties shall be kept in a neat and orderly manner and no yard shall contain loose garbage, wrecked or abandoned vehicles, or other unsightly or dangerous items.

9.14.2 No storage or activity may be undertaken which in the opinion of the Development Authority constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, dust and other particulate matter, heat, humidity, glare, smoke, waste matter, toxic and noxious matter, traffic, water, or steam.

9.14.3 No person shall keep or permit in any part of a yard in any residential land use district:

- a. any dismantled or wrecked vehicle for more than 14 successive days; or
- b. any object or chattel that, in the opinion of the Development Authority, is unsightly or may adversely affect the use and enjoyment of adjacent or surrounding properties;
any excavation, storage, or stockpile of materials required during the construction stage unless all necessary safety measures are undertaken to the satisfaction of the Development Authority. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
- c. garbage, unless in a standard approved container;
- d. any portable or permanent gas or fuel tanks larger than 100 litres; and/or
- e. any other inappropriate items that are unsightly or tend to adversely affect the amenities of the district or duly interfere with the neighbours unless specifically named and authorized in a development permit.

9.15. POOLS AND HOT TUBS

9.15.1 The development of a pool or hot tub in the Summer Village shall require a development permit.

9.15.2 A pool or hot tub shall only be located on a lot with an existing dwelling with an approved development permit.

9.15.3 A pool or hot tub may be allowed in any yard on a lot.

9.15.4 A pool or hot tube shall not be developed within 6.0 m (19.7 ft.) of the front property line of a lakefront lot.

9.15.5 The development of a pool or hot tub shall comply with all applicable safety and utility requirements of the Alberta Building Code. Proof that Alberta Building Code requirements have been complied with shall be required as part of a development permit.

9.16. RECREATIONAL VEHICLES

9.16.1 A recreational vehicle shall not be allowed on a lot without a principal dwelling in the Summer Village.

9.16.2 Notwithstanding 9.16.1, The Development Authority may, at their discretion, approve a development permit for the temporary placement of one (1) recreational vehicle on a lot (for a maximum of 24 months) to be used as a temporary dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.

9.16.3 A maximum of one (1) recreational vehicle may be situated on a lot with a principal dwelling in the Summer Village in accordance with the following:

- a. A recreational vehicle shall not be used as the primary or sole dwelling on a lot.
- b. A recreational vehicle shall not be used as a guest house or tourist home.
- c. A recreational vehicle may be situated on a lot without a development permit for up to a maximum of 14 days in a calendar year.
- d. The siting of the recreational vehicle on a lot must comply with all site coverage and setback requirements for accessory buildings in this land use bylaw.
- e. A recreational vehicle may be stored unoccupied on a lot for more than fourteen days in a calendar year provided that a temporary annual development permit has been issued.
- f. Where possible, a recreational vehicle shall be stored in the rear yard of the lot.
- g. In no instance shall a recreational vehicle be situated in the front yard (lake side yard) of a lakefront lot.

9.16.4 Notwithstanding 9.16.3, upon receiving two weeks' notice, the Development Authority may issue a temporary development permit allowing an additional recreational vehicle to be parked and occupied on a lot for an extraordinary event such as a family reunion. The development permit shall indicate:

- a. The license number of the recreational vehicle;
- b. The effective and expiry dates of the permit; and
- c. How power and wastewater servicing are to be provided to the recreational vehicle.

9.16.5 Before issuing a development permit for a recreational vehicle, the Development Authority must be satisfied that suitable arrangements have been made for the disposal of wastewater.

9.16.6 In no instance shall a recreational vehicle remain on a lot after a development permit has expired.

9.16.7 The placement of a recreational vehicle on a lot may be subject to Section 9.13 – Moving Buildings in and Out of the Summer Village, at the discretion of the Development Authority.

9.17. RETAINING WALLS

9.17.1 Retaining walls shall:

- a. respect overland drainage patterns established for the lot at the time the lot was created;
- b. maintain positive overland drainage on all portion of the site;
- c. not divert overland drainage onto adjacent properties;
- d. not be located within a right-of-way or easement intended for overland drainage that the Summer Village is party to;
- e. be constructed of (or finished with) materials that compliment those on the principal building(s);
- f. be constructed of materials that do not include creosote or other contaminants that may impact the health of Pigeon Lake or local ground water; and
- g. meet the setback requirements for the principal building on the lot, if greater than 1.2 m (3.9 ft.) in height.

9.17.2 If a retaining wall will not conform to the above, a Development Permit must be obtained before construction.

9.18. SEA CANS

- 9.18.1** The placement of a sea can on a lot shall require a development permit.
- 9.18.2** A sea can shall not be used as a principal building or a dwelling.
- 9.18.3** Sea cans shall only be allowed as a temporary accessory building (for the storage of tools, building materials, and equipment associated with the construction of a dwelling or other development on a lot with an approved development permit) and shall be removed prior to the occupancy of the dwelling.
- 9.18.4** A maximum of one (1) sea can may be allowed on a lot as a temporary accessory building, at the sole discretion of the Development Authority.
- 9.18.5** As a condition of granting a development permit for the temporary placement of a sea can on a lot, the Development Authority may require the sea can to be buffered from public view.
- 9.18.6** Sea cans shall be strictly prohibited in any front yard of the property and shall meet all other required setback regulations for the applicable land use district.
- 9.18.7** The maximum height for a sea can allowed on any lot is 3.0 m (10.0 ft.).

9.19. SIGNS

- 9.19.1** All signs other than those identified in Section 5.2 require a development permit.
- 9.19.2** A sign which is a hazard to persons or traffic, or which applies to a past event, shall be removed immediately.
- 9.19.3** Signs shall not be placed within a ditch or road right-of-way.

9.20. LOT COVERAGE AND LANDSCAPING

- 9.20.1** The combined ground floor area of all buildings on a lot shall be no more than 55% of the total area of the lot.
- 9.20.2** The areas of concrete pads and at-grade patios, and uncovered decks no more than 0.6 metres above grade, shall not be included when the area of a building is calculated.
- 9.20.3** Except as provided for in Section 5.2.2, a development permit shall be required for all landscaping that:
- Alters the natural drainage patterns on the site; or
 - Alters the quantity or quality of runoff into a watercourse or water body, including Pigeon Lake.
- 9.20.4** A landscaping plan may be required as part of the development permit application for:
- Landscaping that alters natural drainage patterns on the site or alters the quantity or quality of runoff into a watercourse or water body, including Pigeon Lake;
 - Stripping;
 - Grading;
 - The construction of new buildings or redevelopment of existing buildings; and
 - Any other development that alters drainage on the site.
- 9.20.5** Where a landscaping plan is required, it shall include the site plan requirements outlined in Section 5.4 and the following:
- Boundaries and dimensions of the site, location, and name of adjacent streets;
 - Location of adjacent sidewalks, pathways, driveway entrances, easements, rights-of-way, and laneways;
 - All existing and proposed berms, contours, walls (including retaining walls), fences;
 - Proposed lot grading and drainage;
 - Location of all existing vegetation to be retained;
 - Location, dimensions, areas, and description or illustrations of all existing and proposed:
 - Non-permeable surfaces;

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- h. Vegetation (including trees and shrubs);
- i. Vegetation that comprises native vegetation (including trees and shrubs);
- j. Other soft landscaping elements and permeable surfaces other than vegetation (e.g., rock gardens, gravel, permeable pavement, etc.).

9.20.6 The area of the lot covered in vegetation shall be a minimum of 30% of the total lot area and shall incorporate native vegetation (See the figure below for an illustration of the landscaping lot coverage requirements).

9.20.7 Of the 30% minimum vegetation cover required in the previous regulation, the area of the lot covered in trees and shrubs shall be a minimum of 10% of the total lot area (See the figure below for an illustration of landscaping lot coverage requirements).

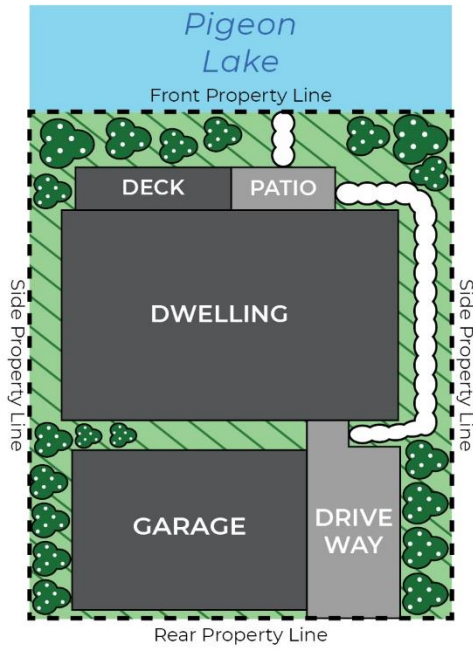
9.20.8 The area of the lot covered in non-permeable surfaces (e.g., driveways, patios, paving stones, sidewalks, asphalt, concrete) excluding the buildings shall not exceed 10% of the total lot area or 140 m² (1500 ft.²), whichever is less (See the figure below for an illustration of landscaping lot coverage requirements).

9.20.9 Landscaping should be designed to maximize water infiltration on the site.

9.20.10 Landscaping plans shall incorporate low impact development and design strategies to slow and filter excess nutrients and pollutants from entering the lake from runoff including but not limited to:

- a. Grading of lots to drain and retain runoff to control and reduce runoff leaving the lot;
- b. Inclusion of the following clean runoff landscaping strategies:
 - i. Within planting beds and natural areas, keep the areas rough, with dished areas for trapping water;
 - ii. Where possible include a depression to intercept surface water (including snowmelt) before it leaves the site;
 - iii. Minimize turf areas on lakefront lots to decrease soil compaction and the proliferation of invasive species;
 - iv. Incorporate tools for capturing, treating, and using runoff into lot grading and landscaping;
 - v. Incorporate deciduous native plant species and wildflowers into landscaping plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.

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| Symbol | Type | % of Lot Area |
|--------|------------------------|---------------|
| | Buildings | 55% Maximum |
| | Non-permeable Surfaces | 10% Maximum |
| | Vegetation | 30% Minimum* |
| | Trees and Shrubs | |
| | Flex Area | 5%** |
| | Lot Boundary | 100% |

*The total **vegetation** coverage requirement is a minimum 30% of the total lot area. Included in this 30% minimum requirement, 10% of the total lot area must be covered in **trees** and **shrubs**.

Flex Area means the remainder of the lot area where **soft landscaping elements or **permeable surfaces** (e.g., gravel, rock gardens, permeable pavement) are encouraged.

Note: Illustration demonstrates an example of site coverage only and is not representative of requirements for setbacks, building floor area, and siting. The location of buildings, decks, non-permeable surfaces, vegetation (including trees and shrubs), and flex area is an example only.

Figure: Lot Coverage Requirements for the Residential District

9.20.11 No trees shall be planted within 1.0 (3.3. ft.) of a power line.

9.21. SOLAR ENERGY COLLECTION SYSTEMS

9.21.1 A development permit is required for ground mounted solar energy collection systems.

9.21.2 Solar energy collection systems shall only be allowed as accessory developments.

9.21.3 Ground mounted solar collectors shall be located within a side or rear yard only.

9.21.4 The Summer Village shall not be held responsible for protecting access to solar energy on private land.

9.21.5 No solar energy collection system that is tied into a grid shall be installed until evidence has been given that the franchise utility provider has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility provider is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

9.22. TOURIST HOMES

9.22.1 Tourist homes are not permitted within the Summer Village of Norris Beach.

9.22.2 The rental of dwellings in the Summer Village for a period longer than 30 consecutive days does not constitute a tourist home.

9.22.3 Persons found operating a tourist home within the Summer Village may be issued a penalty for the offense as identified in the Summer Village's Fees Bylaw.

9.23. TREE REMOVAL

9.23.1 Notwithstanding any regulation in this bylaw, the removal of evergreen and birch trees shall not be allowed in the Summer Village, as provided for in Caveat 2423 NF.

9.23.2 Where permitted, tree removal shall require a development permit unless exempted by this Bylaw.

9.23.3 Where mature trees are removed from a lot, they shall be replaced with new trees on the following basis:

- a. Where an existing deciduous tree has a caliper between 100.0 mm and 200.0 mm, one (1) new tree shall be required;
- b. Where an existing deciduous tree has a caliper greater than or equal to 200.0 mm, two (2) new trees shall be required;
- c. Where an existing coniferous tree has a height between 4.0 m and 7.0 m, one (1) new tree shall be required; and
- d. Where an existing coniferous tree has a height greater than or equal to 7.0 m, two (2) new trees shall be required.

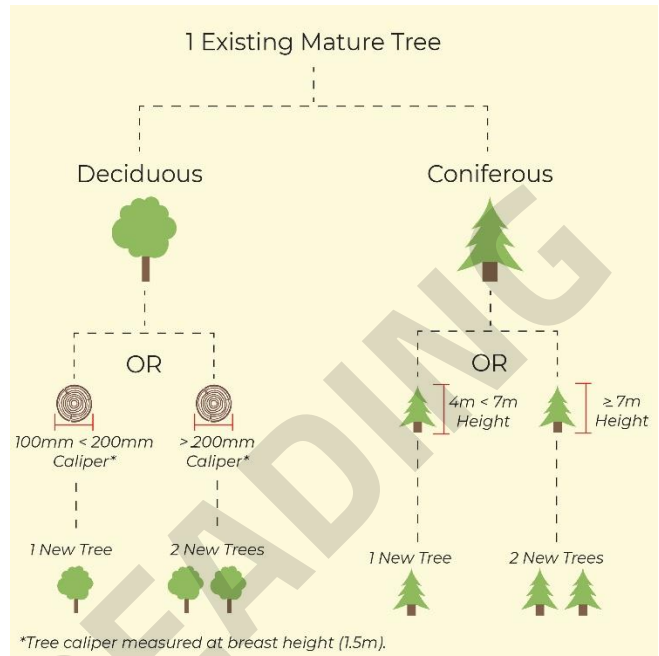


Figure: Tree Replacement Examples

9.23.4 Further to the previous subsection, the tree caliper shall be measured at breast height (1.5 m).

9.23.5 As part of an application for tree removal, an applicant may be required to provide the following information:

- a. Reasons for the proposed tree removal;
- b. A description of the trees or shrubs to be cleared;
- c. A site plan with dimensions showing the area to be cleared and any significant natural features on and adjacent to the area to be cleared;
- d. A proposed schedule for tree removal and hauling;
- e. The proposed access and haul routes for removing timber;
- f. Arborist report; and/or
- g. Proposed landscaping plan, if applicable.

9.23.6 When considering an application for tree removal, the Development Authority shall have regard for whether the site to be cleared is within an environmentally sensitive area, and the potential impacts on adjacent lands, watercourses, and water bodies.

9.23.7 Tree removal shall be discouraged within 6.0 m of the legal bank of water bodies, wetlands, and watercourses except where required as a part of a development permit application for shoreline modification to prevent erosion.

9.23.8 Tree removal shall be discouraged within 6.0 m of the road right of way.

9.24. WASTEWATER DISPOSAL

9.24.1 The disposal of wastewater within the Summer Village shall be as provided for in the Summer Village's Wastewater Bylaw, as amended or replaced.

9.24.2 The development of an outdoor privy on a lot may be allowed if it is connected to the Summer Village's wastewater system in accordance with the Summer Village's Wastewater Bylaw, as amended or replaced.

9. General and Specific Regulations

- 9.24.3** Existing pre-approved systems shall be required to be adequate and functional for the current and future demand conditions. The system must be re-approved for any development changes as per the Safety Codes Act.
- 9.24.4** The Development Authority may refuse to issue a Letter of Compliance for any property if the wastewater disposal system does not conform to the Summer Village's Wastewater Bylaw, as amended, or replaced.
- 9.24.5** No treated or un-treated sewage including grey water, may be directly pumped out or discharged on the surface of any grounds, on any lot or on any part of the municipality.

9.25. WIND ENERGY CONVERSION SYSTEMS

- 9.25.1** The only form of wind energy conversion systems allowed in the Summer Village are micro systems.
- 9.25.2** Notwithstanding any other provisions in this Bylaw, micro wind energy conversion systems, which are systems with a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.
- 9.25.3** Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.
- 9.25.4** The maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.
- 9.25.5** One micro wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the lot.

10. Land Use Districts

10.1. ESTABLISHMENT OF LAND USE DISTRICTS

10.1.1 For the purpose of this Land Use Bylaw, the Summer Village of Norris Beach is divided into the following land use districts:

| LAND USE DISTRICT NAME | SYMBOL | MAP COLOUR |
|------------------------------------|-----------|------------|
| SMALL LOT RESIDENTIAL | R1 | Yellow |
| LARGE LOT RESIDENTIAL | R2 | Orange |
| RESERVES AND PARKS DISTRICT | P | Green |

10.1.2 The Land Use District Map in this Land Use Bylaw divides the Summer Village of Norris Beach into land use districts.

10.1.3 Section 9: General and Specific Regulations applies to land use and development within all land use districts in the Summer Village.

10.2. BOUNDARIES

10.2.1 The boundaries of the Land Use District Map shall be interpreted as follows:

- where a boundary is shown as following a street, lane, or watercourse, it shall be deemed to follow the centre line thereof;
- where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;
- in circumstances not covered by 10.2.1.a or 10.2.1.b above, the location of the land use district boundary shall be determined by the Development Authority by measurement of, and use of the scale shown on the Land Use District Map.

10.2.2 Where the application of the rules outlined in Section 10.2.1 does not determine the exact location of the boundary of a land use district, or there is a dispute regarding the exact boundary of the land use district, then Council may determine the boundary, either:

- on its motion; or
- upon written application being made to it by any person requesting the determination of the exact location of the boundary in question.

10.2.3 After Council has fixed a land use district boundary pursuant to the provisions of Section 10.2.2, the boundary shall not be altered, except by an application to amend this Bylaw.

10.2.4 The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

11. Small Lot Residential District (R1)

11.1. PURPOSE

11.1.1 To provide for the development of residential land uses on smaller lots.

11.2. PERMITTED USES

11.2.1 Dwellings, single detached

11.2.2 Home occupations, minor

11.2.3 Public parks

11.2.4 Public and quasi-public buildings and use

11.2.5 Public utilities

11.2.6 Recreational vehicles

11.2.7 Buildings and uses accessory to a permitted use (except those located within the front yard of a lakefront lot)

11.3. DISCRETIONARY USES

11.3.1 Accessory buildings in the front yard of a lakefront lot

11.3.2 Guest house suites

11.3.3 Moved-in buildings

11.3.4 Sea cans

11.3.5 Solar energy collection systems

11.3.6 Tented structures

11.3.7 Tree removal

11.3.8 Wind energy conversion systems, micro

11.3.9 Buildings and uses accessory to discretionary uses

11.3.10 Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

11.4. MINIMUM LOT SIZES

11.4.1 Lots shall have a width of at least 30.0 m (98.4 ft.), a depth of at least 60.0 m (196.9 ft.), and an area of at least 1,850 m² (19,913 ft.²).

11.5. DENSITY

11.5.1 The combined ground coverage of all buildings on a lot shall not exceed 55% of the area of the lot.

11.6. BUILDING HEIGHT

11.6.1 The height of buildings shall be as required in Section 9.9 – Height of Buildings.

11.7. PRINCIPAL BUILDINGS - YARDS AND SETBACKS

11.7.1 **Front Yard, Lakefront Lots:** 6.0 m (19.7 ft.) from the lakeside property line.

11.7.2 **Front Yard, Backlots:** 6.0 m (19.7 ft.) in the case of a single storey building, or 10.0 m (32.8 ft.) in the case of a building over one storey.

11.7.3 **Side:** 1.5 m (5.0 ft.), or half the height from grade to the eaves on that side of the building, whichever is greater.

11.7.4 **Rear:** 6.0 m (19.7 ft.).

11.8. ACCESSORY BUILDINGS – YARDS AND SETBACKS

11.8.1 **Front Yard, Lakefront Lots:** A maximum of one accessory building (up to a maximum area of 13.9 m² (150.0 ft.²)) may be located up to 1.0 m (3.3 ft.) from the lakeside property line. Only single-story accessory buildings are permitted within the front yard of a lakefront lot.

11.8.2 All accessory buildings in the front yard of a lakefront lot are discretionary uses.

11.8.3 Front Yard, Backlots: 1.5 m (5.0 ft.), except that where the vehicle doors of a garage face a road abutting the lot, the garage shall be no closer than 6.0 m (19.7 ft.) to the road.

Garages placed 1.5 m (5.0 ft.), from the street side property line are discretionary uses.

11.8.4 Side Yard, All Lots: 1.5 m (5.0 ft.), except that where the vehicle doors of a garage face a road abutting the lot, the garage shall be no closer than 6.0 m (19.7 ft.) to the road. Access from the side of a lot would be at the discretion of the Development Officer.

11.8.5 Rear Yard, All Lots: 1.5 m (5.0 ft.), where the vehicle doors of a garage face the front road abutting the lot. Vehicle access is not available or permitted from the back or rear of any lot.

11.9. DEVELOPMENT NEAR WATERCOURSES

11.9.1 Where a watercourse or wetland are adjacent to or run through a lot, development setbacks shall be determined by the Development Authority who shall take into consideration the site characteristics and the recommended setbacks outlined in the Recommended Setbacks Chart (See Appendix A).

11.10. LOT COVERAGE AND LANDSCAPING

11.10.1 Lot coverage and landscaping shall be as required in Section 9.19 – Lot Coverage and Landscaping.

12. Large Lot Residential District (R2)

12.1. PURPOSE

12.1.1 To provide for the development of low-density residential land uses on larger lots.

12.2. PERMITTED USES

12.2.1 Dwellings, single detached

12.2.2 Home occupations, minor

12.2.3 Public parks

12.2.4 Public and quasi-public buildings and use

12.2.5 Public utilities

12.2.6 Recreational vehicles

12.2.7 Buildings and uses accessory to a permitted use

12.3. DISCRETIONARY USES

12.3.1 Guest house suites

12.3.2 Moved-in buildings

12.3.3 Sea cans

12.3.4 Solar energy collection systems

12.3.5 Tree removal

12.3.6 Wind energy conversion systems, micro

12.3.7 Buildings and uses accessory to discretionary uses

12.3.8 Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

12.4. MINIMUM LOT SIZES

12.4.1 All lots shall have a mean width of at least 40.0 m (131.2 ft.) and an area of at least 4,000 m² (43,055 ft.²).

12.5. DENSITY

12.5.1 The combined ground coverage of all buildings on a lot shall not exceed 55% of the area of the lot.

12.6. BUILDING HEIGHT

12.6.1 The height of buildings shall be as required in Section 9.9 – Height of Buildings.

12.7. PRINCIPAL BUILDINGS - YARDS AND SETBACKS

12.7.1 **Front:** 6.0 m (19.7 ft.) in the case of a single storey building, or 10.0 m (32.8 ft.) in the case of a building over one storey.

12.7.2 **Side:** 1.5 m (5.0 ft.), or half the height from grade to the eaves on that side of the building, whichever is greater.

12.7.3 **Rear:** 6.0 m (19.7 ft.).

12.8. ACCESSORY BUILDINGS – YARDS AND SETBACKS

12.8.1 **Front:** 1.5 m (5.0 ft.), except that where the vehicle doors of a garage face a road abutting the lot, the garage shall be no closer than 6.0 m (19.7 ft.) to the road.

Garages placed 1.5 m (5.0 ft.), from the street side property line are discretionary uses.

Side: 1.5 m (5.0 ft.), except that where the vehicle doors of a garage face a road abutting the lot, the garage shall be no closer than 6.0 m (19.7 ft.) to the road. Access from the side of a lot would be at the discretion of the Development Officer.

12.8.2 **Rear:** 1.5 m (5.0 ft.), where the vehicle doors of a garage face the front road abutting the lot. Vehicle access is not available or permitted from the back or rear of any lot.

12.9. DEVELOPMENT NEAR WATERCOURSES

- 12.9.1** Where a watercourse or wetland are adjacent to or run through a lot, development setbacks shall be determined by the Development Authority who shall take into consideration the site characteristics and the recommended setbacks outlined in the Recommended Setbacks Chart.

12.10. LOT COVERAGE AND LANDSCAPING

- 12.10.1** Lot coverage and landscaping shall be as required in Section 9.20 – Lot Coverage and Landscaping.

FOR FIRST READING

13. Reserves and Parks District (P)

13.1. PURPOSE

- 13.1.1** To provide for the preservation and low-impact recreational use of important natural areas owned or managed by the Summer Village of Norris Beach.

13.2. PERMITTED USES

- 13.2.1** Natural open space areas
- 13.2.2** Public and quasi-public buildings and uses
- 13.2.3** Public parks
- 13.2.4** Public utilities
- 13.2.5** Buildings and uses accessory to a permitted use

13.3. DISCRETIONARY USES

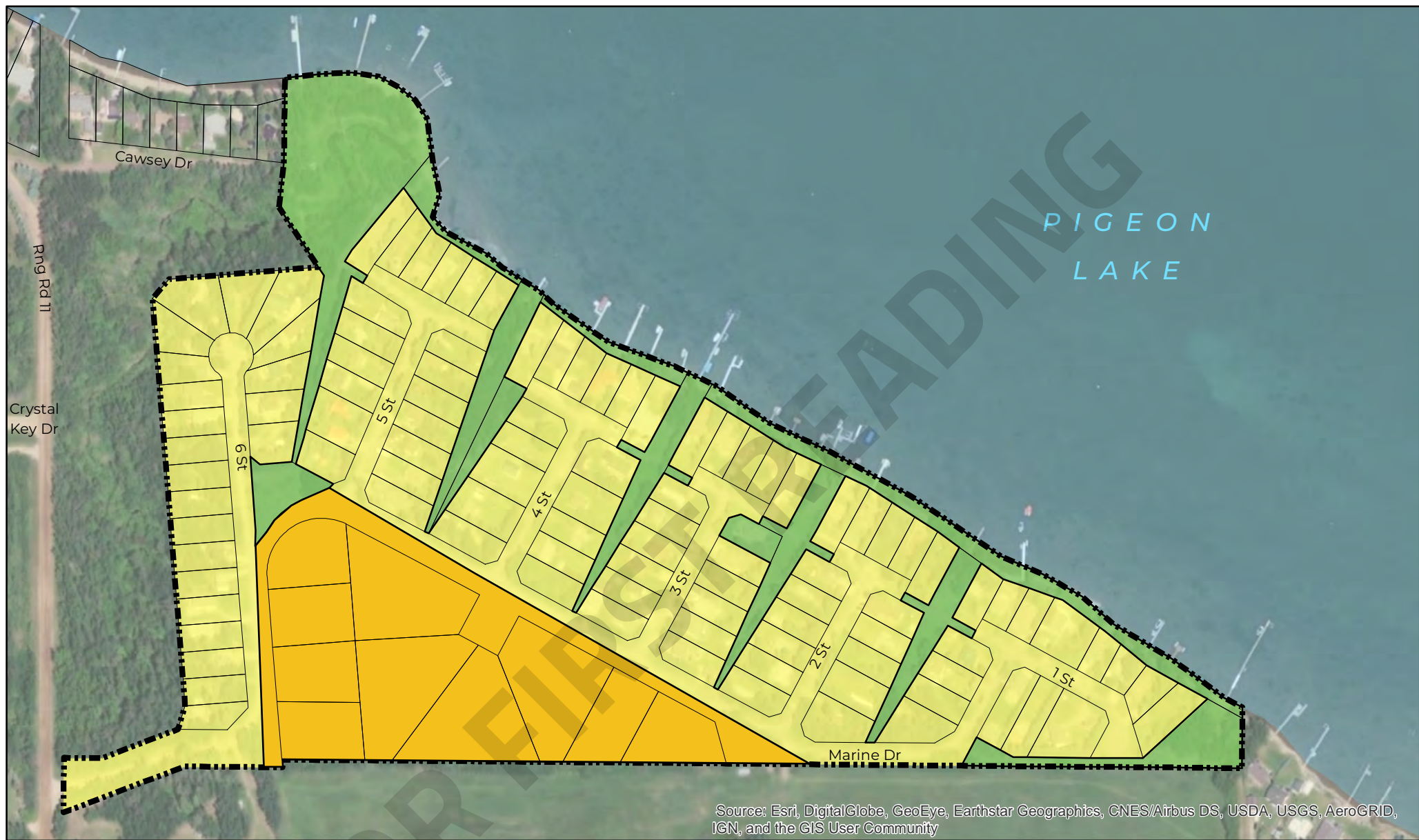
- 13.3.1** Storm water, wastewater, and potable water management systems
- 13.3.2** Shoreline stabilization
- 13.3.3** Tree Removal
- 13.3.4** Buildings and uses accessory to a discretionary use
- 13.3.5** Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses




13.4. OTHER REGULATIONS

- 13.4.1** Lot sizes, building sizes, and locations are at the discretion of the Development Authority.
- 13.4.2** Shoreline stabilization and the development of stairs and retaining walls within the Reserves and Parks District shall be at the discretion of the Development Authority.

14. Land Use District Map

FOR FIRST READING



-  Small Lot Residential District (R1)
-  Large Lot Residential District (R2)
-  Reserves and Parks District (P)

SECTION 14

LAND USE DISTRICT MAP

August 2021



Digital Information:
Geogratis, Geodiscover,
and Altalis
Projection: UTM NAD 83 12N



Appendix A

Recommended Setbacks Chart

Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.

| Water Feature | Minimum ER Width ² | Notes |
|--|---|--|
| Reservoirs & Regulated Lakes | 30 m from right of way or easement boundary | A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body). |
| Lake (natural & controlled) | 30 m from natural boundary | On controlled lakes, 30 m from sill elevation of licensed control structure. |
| Swamp/wetland ¹ | Variable, include wet meadow zone | Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function. |
| Large River (≥ 15 m width) | 30+ m | See additional requirements for hazardous lands. |
| Small River/Large Stream (6-15 m) | 15 m | See additional requirements for hazardous lands. |
| Medium Stream (3 - 6 m) | 10 m | See additional requirements for hazardous lands. |
| Small Stream (≤ 3 m) | 6 m | See additional requirements for hazardous lands. |
| Ephemeral watercourse (no defined channel) | 0 m | Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage. |
| Braided Stream | 10 m from outside boundary of active floodway | |

¹ Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands)

² In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.

| Hazardous Lands | ER Modifier | Notes |
|--|--|--|
| Floodplain | <ul style="list-style-type: none"> The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less. The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley. | <ul style="list-style-type: none"> Residential development within a floodplain is discouraged. Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines). The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt. |
| Erosion prone areas | Provide for a toe erosion allowance. | Consider highly erosive soils and annual recession rates. |
| Gully, ravine, coulee, or valley escarpments | Provide for a stable slope allowance. Apply construction and building setbacks from this line. | Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland. |
| Steep Slopes ($>15\%$) | 3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc. | |

Appendix B

Diagram Illustrating Front, Rear, and Side Yards

