

# SUMMER VILLAGE OF ITASKA BEACH

## LAND USE BYLAW

Bylaw No. ~~2005-04~~2021- TBA

Revisions Following March 16/21 Meeting to March 30, 2021

**SUMMER VILLAGE OF ITASKA BEACH LAND USE BYLAW  
BYLAW NO. 2005-012021-TBA**

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**SUMMER VILLAGE OF ITASKA BEACH LAND USE BYLAW**  
**BYLAW NO. ~~2005-01~~[New Bylaw #]**

**SECTION 1 – DEFINITIONS AND INTERPRETATION**

**1.1 Title:**

This Bylaw is the **SUMMER VILLAGE OF ITASKA BEACH LAND USE BYLAW** and will be referred to as such.

**1.2 Repeal and Replacement:**

Bylaw No. ~~162, as amended by Bylaw No. 187 and Bylaw No. 200~~2005-01MC (the “Previous Land Use Bylaw”), is hereby repealed in its entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no application for a Development Permit shall be evaluated under the Previous Land Use Bylaw whether the application respecting same was received before the enactment of this Bylaw or not.

~~(a) Bylaws No. 110, 112, 171 and any other Bylaws of the Summer Village relative to the establishment and operation of a Development Appeal Board or a Subdivision and Development Appeal Board (the “Previous Appeal Bylaws”) are hereby repealed in their entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment, and, thereafter, no Development Appeal shall be pursued under the Previous Appeal Bylaws whether the Development Appeal was filed before the enactment of this Bylaw or not.~~

**1.3 Items Included:**

This Bylaw includes the text contained herein and the Land Use Districts Map appended hereto as Schedule “A”.

**1.4 Headings:**

Headings and titles appearing in this Bylaw shall be deemed to form a part of the text of this Bylaw.

**1.5 The Land Use Districts Map:**

The Land Use Districts Map appended hereto as Schedule “A” divides the geographic area of the Summer Village into distinct Land Use Districts. In

the event of any dispute arising as to the geographical extent of any Land Use District or as to the precise location of the boundary of any Land Use District, the following rules shall apply:

- (a) where a Land Use District boundary is shown as approximately following the centre of any roadway, it shall be deemed to follow the centre line thereof;
- (b) where a Land Use District boundary is shown as approximately following the boundary of a Site, the Site boundary shall be deemed to be the boundary of the Land Use District for that portion of the Land Use District boundary which approximates the Site boundary;
- (c) where a Land Use District boundary is shown as approximately following the corporate limits of the Summer Village, it shall be deemed to be following corporate limits of the Summer Village; and
- (d) where a Land Use District boundary is shown as approximately following the shore line of Pigeon Lake, it shall be deemed to follow such shore line, and, in the event of any movement in such shore line, it shall be deemed to move with the same.

## 1.6 Definitions, General:

Words and phrases appearing in this Bylaw which are otherwise defined in the Act shall bear the meaning prescribed by the Act. Subject thereto, the following words shall bear the following meanings, unless the context requires otherwise, namely:

- (a) "Accessory Building" ~~mean~~means a building or structure located on the same Site as a Principal Building, which building is subordinate to and is of a type normally incidental to the Principal Building and the use of which building is subordinate to and is normally incidental to the use of the Principal Building;
- (b) "Accessory Use" means a use of land or a building which is subordinate to and is normally incidental to any use of land or use of the Principal Building lawfully occurring on a Site;
- (c) "Act" means the ***Municipal Government Act***, RSA 2000, c. M-26 and all amendments thereto and substitutions therefor. Sections of the Act referenced herein by number and subsequently renumbered will be read as references to that section as it is renumbered;
- ~~(d) "Appeal" means a Development Appeal or a Subdivision Appeal, as the case may be, and:~~

- (i) ~~“Development Appeal” means an appeal taken pursuant to section 685 of the Act; and~~
- (ii) ~~“Subdivision Appeal” means an appeal taken pursuant to section 678 of the Act;~~
- (e) ~~“Board” means the Subdivision and Development Appeal Board established at Section 2.9 of this Bylaw;~~
- (f)(d) ~~“Boathouse” means an Accessory Building, the purpose of which is the storage of boats and related equipment or the Intermunicipal Subdivision and Development Appeal Board, as the case may be;~~
- (g)(e) “Building Height” means the vertical distance between the horizontal plane through Grade and a horizontal plane through:
- (i) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
  - (ii) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof or a roof having a slope of more than 20 degrees; provided that, in all such cases, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted Building Height of the Land Use District;
- (h)(f) “Carport” means an Accessory Building (which may or may not be attached to the Principal Building) used for parking not more than two private motor vehicles and which has not less than 40 percent of its total perimeter open and unobstructed;
- (i)(g) “Council” means the municipal council of the Summer Village;
- (j)(h) “Development” means development as defined in the Act;
- (k)(i) “Development Appeal” means an appeal taken pursuant to section 685 of the Act;
- (l)(i) “Discretionary Use” means a use of land or buildings in a Land Use District in respect of which a Development Permit may be issued at the discretion of the Development Authority, with or without conditions;



(k) “Driveway” means an area that provides access for vehicles between a public roadway and a Garage or a Parking Pad;

~~(m)~~(l) “Dwelling Unit” means a self-contained living premises consisting of one or more rooms with cooking, eating, living, sleeping and sanitary facilities for domestic use, but does not include a Mobile Home, a Recreational Vehicle nor a Guest Cottage;

~~(n)~~(m) “Garage” means an Accessory Building (which may or may not be attached to the Principal Building but which does not share footings with the Principal Building) used for parking not more than three private motor vehicles;

~~(o)~~(n) “Guest Cottage” means an Accessory Building consisting of one or more rooms with sleeping accommodation and which may contain sanitary facilities, but which does not contain cooking or eating facilities and which is not intended to comprise a self-contained ~~unit~~Dwelling Unit, but is intended to provide overflow accommodation for the Principal Building located on the Site;

~~(p)~~(o) “Grade” means the elevation of a Site employed for purposes of determining Building Height. In determining Grade, the Development Authority shall select from the following the methodologies that one which best ensures compatibility with neighbouring developments, namely:

- (i) if the applicant can show by reference to reliable surveys that the pre-Development elevation of the Site varies by no more than one meter in 30 lineal meters, the Development Authority may determine Grade by calculating the average of the highest and lowest elevation on the Site; or
- (ii) the Development Authority may determine Grade by calculating the average of the pre-Development elevations at the corners of the Site as shown on a reliable survey; or
- (iii) the Development Authority may determine Grade by calculating the average elevation of the corners of the buildings on all properties abutting the Site;

~~(q)~~(p) “Lot” means one or more parcels of land in respect of which a single Certificate of Title has been issued;

~~(q)~~ (q) “Mobile Home” means a year-round, portable residential structure that is constructed in one or more parts on a permanent undercarriage or chassis and is specifically designed with the intent of being easily transported from time to time from one location to another and is designed to be occupied without being placed on a permanent foundation;

(r) “Parking Pad” means an area that is used for the parking of private motor vehicles and is comprised of one or more vehicle parking spaces, but does not include a Driveway;

(s) “Permitted Use” means a use of land or buildings in a Land Use District in respect of which a Development Permit must be issued by the Development Authority, with or without conditions, provided that the same is otherwise in strict compliance with and conformity to the provisions of this Bylaw and the Act;

(t) “Principal Building” means a building which:

(i) is the chief or main building amongst all buildings on a Site; and

(ii) exemplifies, by reason of its character and intended function, the primary use of the Site upon which it is located;

(u) “Recreational Vehicle” means a mobile unit which is designed to be used as temporary living or sleeping accommodation, and includes, but is not limited to, holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include a Mobile Home;

(v) “Site” means one or more contiguous Lots in respect of which an application for a Development Permit is being made;

(w) “Site Coverage” means the total horizontal area of all buildings or structures on a Site which are located at or higher than 1.0 metre above Grade calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the Site. This calculation shall not include:

(i) steps, eaves, cornices, and similar, minor projections;

(ii) driveways, aisles and parking areas or pads unless they comprise part of a structure which extends 1.0 metres or more above Grade; or

- (iii) unenclosed inner and outer courts, terraces and patios where these are less than 1.0 metre above Grade.
- (x) “Storey” means each portion of a building situated between the top of any floor and the top of the floor next above it. If there is no floor above, the Storey is the portion of the building situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 metres above Grade, such basement shall be considered a Storey for the purpose of this Bylaw;
- (y) “Storey, Half” means a Storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 metres above the floor of such Storey;
- (z) “Summer Village” means the Summer Village of Itaska Beach; and
- (aa) “Yard” means a required open space running the full length or width of a Site, as the case may be, unoccupied and unobstructed (except to the extent otherwise permitted by this Bylaw) by any structure or portion of a structure at or above 4-0.9 metres above Grade. The Front Yard is the Yard extending back into the Site from the Site boundary nearest to and generally parallel to the shore of Pigeon Lake. The Rear Yard is the Yard extending forward into the Site from the Site boundary furthest from and generally parallel to the shore of Pigeon Lake. The Side Yards are the Yards commencing at the Site boundaries perpendicular to the Front Yard and the Rear Yard and extending into the Site from each such Site boundary.

## 1.7 Land Use Definitions:

The following definitions apply to the uses of land and buildings referred to in this Bylaw, namely:

- (a) “Single Detached Housing” means Development consisting of a single Principal Building containing only one Dwelling Unit and associated Accessory Buildings;
- (b) “Municipal Park” means Development consisting of park and open space intended, generally, for use and access by the public together with recreation facilities, storage, Accessory Buildings and parking areas appurtenant thereto;
- ~~(b)~~(a) “Nature Preserve” means Development consisting of land left in its natural state for the purpose of preserving the same for the benefit of native flora and fauna;

~~(e)~~(b) "Office in the Home" means Development consisting of the use of a minor portion of an approved Single Detached Housing Development by a resident of the Principal Building as an office for a business which business meets the following criteria, namely:

- (i) the business use is secondary to the residential use of the building in which it is located;
- (ii) the business and its operations are undetectable from the exterior of the property; and
- (iii) except for residents of the Principal Building, no employees of the business use any portion of the Site or any improvement thereon as a workplace;

~~(d)~~(c) "Overflow Parking Facilities" means Development designed to provide parking for public or private events.; and

(d) "Public Utility Services" means Development designed to provide and accommodate public utilities and servicing and to provide municipal access ways.

## **SECTION 2 – ADMINISTRATION**

### **2.1 Development Authority:**

The Development Authority for the Summer Village shall be that designated officer, municipal planning commission or other person or organization designated as such by the Council, by bylaw, from time to time. In addition, the Development Authority shall be the designated officer of the Summer Village contemplated at Section 542 of the Act.

### **2.2 Duties of Development Authority:**

The Development Authority shall:

- (a) receive, consider and decide upon all Development Permit applications in accordance with the provisions of this Bylaw and the Act;
- (b) make available for inspection by members of the public a copy of this Bylaw and ensure that copies of this Bylaw are available for purchase at a reasonable price;
- (c) make available for inspection by members of the public copies of all Development Permit applications made and all Development Permits issued hereunder; and
- (d) exercise development powers and perform duties on behalf of the Summer Village in accordance with the Act and this Bylaw.

### **2.3 Duties With Respect to Development Permit Applications:**

The Development Authority:

- (a) shall review each Development Permit application submitted to the Summer Village and confirm that the same is complete in accordance with the requirements of this Bylaw;
- (b) shall approve, without conditions or with such conditions as required to ensure compliance with this Bylaw, a Development Permit application for the development of a Permitted Use, provided that such Development complies with all of the provisions of this Bylaw;
- (c) shall refuse a Development Permit application for the development of a Permitted Use or a Discretionary Use if the Development does not otherwise comply with this Bylaw unless a variance is granted

in accordance with Section 2.4 of this Bylaw, in which latter case the proposed Development shall be deemed to constitute a Discretionary Use in any event;

- (d) may refuse or approve, with or without conditions, a Development Permit application for the Development of a Discretionary Use;
- (e) shall refuse a Development Permit application for the Development of a use which is neither a Permitted Use nor a Discretionary Use in the applicable Land Use District;
- (f) shall, where any Development Permit application is refused, provide notice of such refusal in writing to the applicant together with the Development Authority's reasons for such refusal;
- (g) shall, where any Development Permit application is approved and the remaining requirements and provisions of this Bylaw have been complied with and met:
  - (i) attach to the Development Permit as a part of the Development Permit written reasons for the granting of any variance given in accordance with Section 2.4;
  - (ii) issue the Development Permit to the applicant;
  - (iii) provide by regular mail to all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 metres of the boundaries of the Site a copy of the Development Permit; and
  - (iv) cause to be posted at a conspicuous location on the site a copy of the Development Permit which posting shall remain until the earlier of the expiry of the Development Permit or the completion of the Development described therein; and
- (h) may require as a condition of issuing a Development Permit that the applicant enter into an agreement with the Summer Village to do all or of any of the following:
  - (i) to construct or pay for the construction of a road required to give access to the Development;
  - (ii) to construct or pay for the construction of a pedestrian walkway system to serve the Development or pedestrian walkways to connect the pedestrian walkway system serving

the Development with a pedestrian walkway system that serves or is proposed to serve an adjacent Development or both;

- (iii) to install or pay for the installation of public utilities that are necessary to serve the Development;
- (iv) to construct or pay for the construction of off-street or other parking facilities;
- (v) to pay any off-site levy or redevelopment levy imposed by Bylaw;
- (vi) to give security to ensure that the terms of any agreement entered into pursuant to this Section are carried out.

#### **2.4 Variance Powers:**

- (a) Subject to the provisions of Section 2.4(c), the Development Authority may, with respect to any Development Permit application, vary the requirements of the Development Control Regulations of this Bylaw where the proposed Development would not, in the Development Authority's opinion:

- (i) unduly interfere with the amenities of the neighbourhood; nor
- (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

the proposed Development would conform with the use prescribed for the subject land or building in this Bylaw.

- (b) Where an applicant requests or requires the Development Authority to exercise its variance powers pursuant to this Section, the Summer Village shall, at the sole cost and expense of the applicant:

- (i) post for no less than seven (7) consecutive days a notice at a conspicuous location on the Site, clearly visible from the adjacent roadway, advising the public of the variance or variances requested or required; and
- (ii) provide all assessed owners of property (whether such property lies inside or outside the corporate limits of the Summer Village) within 60 metres of the boundaries of the

Site with detailed, written notice of the variance or variances requested or required,

and the Development Authority shall not exercise its variance powers unless and until these preconditions are completed to the satisfaction of the Development Authority. The foregoing notwithstanding, the Development Authority may, at any time prior to exercising the same, consult with property owners who may be affected by a proposed exercise of the Development Authority's variance powers.

(c) The provisions of Section 2.4(a) notwithstanding, the Development Authority is not authorized to vary any Development Control Regulation which addresses:

(i) Building Height; ~~nor~~

(ii) Fence and / or Gate Height; nor

~~(ii)~~(iii) the number of Dwelling Units that may exist on a Site.

## 2.5 Development Permits:

(a) Except as provided herein, no person shall commence, or cause or allow to be commenced nor carry on, or cause or allowed to be carried on a Development without a Development Permit therefor issued under the provisions of this Bylaw.

(b) A Development Permit issued under the provisions of this Bylaw shall not be required for any of the following:

(i) maintenance of or repairs to a building if the work to be undertaken does not include any structural alterations and does not result in the addition of a Dwelling Unit;

(ii) the erection of a single Storey Accessory Building comprising no greater than 10.0 square metres in Site Coverage; provided that the area of the same shall be considered in calculating aggregate Site Coverage for the Site;

~~(iii)~~(iv) the erection of a temporary structure, the sole purpose of which is incidental to the carrying out of a Development for which a Development Permit has been issued hereunder, provided that the same is removed promptly upon completion of the said Development;



~~(iv)~~(v) landscaping where the existing grade of and the existing surface drainage pattern of and from the Site is not materially altered;

~~(vi)~~ the development of a driveway, other than a hard surfaced driveway, where the existing grade of and the existing surface drainage pattern of and from the Site is not materially altered;

~~(v)~~(vii) the demolition of a building or structure where a Development Permit has been issued hereunder for a new Development on the same Site and the demolition of an existing building or structure is implicit in that Development Permit;

~~(vi)~~(viii) the erection on a Site of a temporary sign of modest proportions advising that the Site is for sale or for rent, provided the sign is removed promptly upon the sale or rental of the Site, as the case may be;

~~(vii)~~(ix) the erection on a Site of a temporary sign in connection with an election for public office, provided the sign is removed promptly upon the completion of the election;

~~(viii)~~(x) the erection of a fence or gate ~~no higher than 0.9 metres in any Front Yard or 1.5 metres in any Side Yard or in any Rear Yard~~ that complies with the provisions of this Bylaw;

~~(ix)~~(xi) the installation, repair or maintenance of a public utility (as defined in the Act) within or upon a road or a public utility lot;

~~(x)~~(xii) activities otherwise exempted by the Act from the requirement for a Development Permit; and

~~(xi)~~(xiii) work being pursued under the authority of a Development Permit issued pursuant to the Previous Land Use Bylaw.

- (c) When an application for a Development Permit has been approved by the Development Authority, such Development Permit shall not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled and until the statutory period for the filing of ~~an appeal~~ Development Appeal against the issuance of such Development Permit has expired.

- (d) When a Development Appeal is filed against the issuance of a Development Permit or against the imposition of any condition on a Development Permit, the Development Permit shall be suspended and deemed invalid pending the withdrawal of the ~~appeal~~Development Appeal or the final decision of the Board, as the case may be. Where a subsequent appeal is taken to the Court of Appeal, the Development Permit shall be further suspended and deemed invalid pending the final decision of the Court of Appeal and the completion of any process directed by the Court of Appeal.
- (e) A Development Permit shall expire and shall no longer be valid after one year from the date of its issuance if no substantial construction pursuant thereto has been initiated. For purposes of this Subsection, construction includes, but is not limited to, site preparation or excavation.
- (f) All construction relative to a Development Permit shall be completed within one year next following the issuance of that Development Permit or within one year next following the final decision of the Board in relation thereto, as the case may be. The Development Authority may, on application made prior to the expiry of such one year period and at its discretion, extend the said period for one further year.
- (g) If a Development Permit is issued for a Site in respect of which any other Development Permit has been previously issued, all previous Development Permits shall be invalid to the extent the physical aspects of the newly approved Development conflict with the same or to the extent the newly approved Development could not occur simultaneously upon the Site in conformity with the provisions of this Bylaw.

## **2.6 Development Permit Applications:**

Every application for Development Permit shall:

- (a) be initiated by the submission to the Summer Village of a standard form application document adopted from time to time by resolution of Council;
- (b) be signed by the registered owner of the Site or by the authorized agent of the registered owner;
- (c) contain sufficient details as to the proposed use and occupancy of all parts of the Site and of all buildings located or proposed to be

located thereon to enable the Development Authority to determine compliance with this Bylaw;

- (d) include site plans to a scale, in a form and to a standard satisfactory to the Development Authority demonstrating:
  - (i) the location and dimensions of all required Yards;
  - (ii) the location and horizontal dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (iii) the location and horizontal dimensions of all roof overhangs, balconies and other projections from buildings located and proposed to be located on the Site;
  - (iv) calculations of Site Coverage;
  - (v) the locations of all municipal services to and within the Site;
  - (vi) details as to the landscaping proposed for the Site; and
  - (vii) parking areas, driveways and the location of all proposed accesses on to public roads;
- (e) include elevations and other drawings as the Development Authority may require, all to a scale, in a form and to a standard satisfactory to the Development Authority demonstrating:
  - (i) the height and other dimensions of all buildings and other improvements located and proposed to be located on the Site;
  - (ii) the location of all exterior windows, doors and other openings in the buildings and other improvements located and proposed to be located on the Site; and
  - (iii) the exterior finishes and treatments to be incorporated in the Development; and
- (f) include any other drawings, plans, information, tests or surveyors' reports regarding the Site, the proposed Development or the potential impact of the proposed Development on neighbouring properties as may be directed by this Bylaw or as the Development Authority may, in its discretion, direct;

The Development Authority may, at its discretion and in light of the nature of the Development being proposed, waive or modify any of the requirements of subsections 2.6(d) and (e).

## 2.7 Development Permit Fees and Deposits:

The Council may, by ~~resolution,~~ Resolution:

(a) impose a fee or a schedule of fees for the making of any Development Permit application; and

(b) require a security deposit to paid on the making of any Development Permit application to ensure compliance with the terms of the Development Permit being sought and the provisions of this Bylaw,

and no application for a Development Permit will be considered complete until such ~~fee has~~ amounts have been paid to the Summer Village.

## ~~2.8 Appeals:~~

~~(a) The Subdivision and Development Appeal Board is hereby established to deal with Appeals in accordance with the Act. The members of the Board shall be three in number, the majority of whom shall not be members of Council, and shall, subject to the provisions of the Act, be appointed by Resolution of Council on an *ad hoc* basis as and when any Appeal is received. The Board members' terms of office shall extend to the time when the Board issues a decision in relation to the Appeal which prompted their appointment. A majority of the members of the Board then currently holding office constitutes a quorum of the Board.~~

~~(b) Hearings before the Board shall be open to the public, but, following the close of a hearing, the Board shall deliberate and arrive at its decision *in camera*. All Appeals shall be undertaken and conducted in accordance with the Act.~~

~~(c) Prior to the commencement of a hearing, the members of the Board shall elect from amongst their number a Chairperson who shall preside at the hearing. Subject to the provisions of the Act and this Bylaw, the Board shall be the master of its own proceedings.~~

~~(d) A decision of the Board is final when it is issued in writing and all decisions of the Board shall be signed by the Chairperson or by another member of the Board on the Chairperson's behalf.~~

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## SECTION 3 – DEVELOPMENT CONTROL REGULATIONS, GENERAL

### 3.1 Site Grading:

- (a) Where substantial grading of a Site is undertaken separate and apart from any other development of or on that Site, the grading shall be deemed to be a Development and shall require a Development Permit. Grading will be considered substantial if the same may substantially affect drainage patterns on the Site or may cause any adverse impact on neighbouring properties ~~or~~ roadways or Pigeon Lake.
- (b) In every case, whether Site grading forms a separate ~~a~~ part of an overall Development or constitutes a Development in and of itself, Site grades shall be established:
  - (i) in a manner satisfactory to the Development Authority;
  - (ii) in a manner designed to prevent any adverse impact on neighbouring properties ~~or~~ roadways or Pigeon Lake; and
  - (iii) in compliance with any applicable Drainage or Grading Bylaws or Plans adopted by the Summer Village.
- (c) The Development Authority may, at its discretion and in light of the nature of the Development being proposed, require the applicant to provide an engineered grading plan for the site.

### **3.2 Relocation of Buildings:**

The relocation of an existing building to a Site as either a Principal Building or an Accessory Building constitutes a Development of that Site. Where a building is to be relocated to a site, the use to which the building is intended to be put:

- (a) must be listed in this Bylaw as a Permitted Use or a Discretionary Use available for that Site; and
- (b) shall be deemed to be a Discretionary Use for purposes of the relocation of that building.

### **3.3 Engineering Requirements and Other Referrals:**

- (a) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may direct that the applicant for a Development Permit provide a certificate or other report from an engineer or other professional person in relation to a proposed Development or any aspect of it. In such circumstances, the costs of complying with the Development Authority's direction shall be borne by the applicant, and the applicant's application for a Development Permit shall be deemed incomplete until such time as the direction has been complied with.
- (b) In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may refer an application to Alberta Environmental Protection or to any other governmental authority for their comments prior to issuing a Development Permit and may, thereafter, impose a condition on any Development Permit issued that the applicant comply with such requirements of the referral agency as the Development Authority may deem appropriate in the circumstances.

### **3.4 Appearance of Buildings:**

The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Authority, shall not threaten public health or safety and shall be compatible with the general standard of design and construction in the immediate neighbourhood of the Site.

### **3.5 Stockpiles:**

Stockpiles of excavated or proposed fill materials shall not be located in areas of concentrated flows of storm water runoff and shall be protected by a perimeter erosion barrier designed to prevent sediment from leaving the immediate vicinity of the stockpile. Stockpiles of excavated or proposed fill materials shall be incorporated into the project for which they are intended at the earliest, practicable opportunity.

### **3.6 Sewage Disposal:**

All buildings, facilities and Developments undertaken on a Site shall comply with Bylaw 142 and all amendments thereto or substitutions therefor, and such compliance is hereby imposed as a condition on all Development Permits issued hereunder.

### **3.67 Potable Water Supply:**

Every application for a Development Permit in respect of a residential use shall contain a detailed proposal as to how the Development is to be provided with a supply of potable water, and no Development for residential use shall be permitted unless the same shall be supplied with potable water.

### **3.73.8 Non-Permeable Surfaces:**

- (a) Driveways shall be of permeable design and construction and shall not be impermeably hard-surfaced with asphalt, concrete or similar materials. Acceptable Driveway construction may consist of materials such as gravel, grass, or plastic or concrete grid systems designed to allow water to freely penetrate into the ground.
- (b) In addition to the Site Coverage limitations provided for in any Land Use District, impermeable hard-surfaced features such as patios, walkways and Parking Pads shall be limited, in the aggregate, to a total area not to exceed fifteen (15%) percent of the total area of a Site.

### **3.9 Guest Cottages:**

- (a) Guest Cottages shall be of permanent, conventional construction.
- (b) Guest Cottages shall be constructed behind the rear face of the Principal Building on a site.



- (c) A Guest Cottage may be developed as a stand-alone Accessory Building or may be incorporated into any other Accessory Building on a Site provided all requirements of this Bylaw applicable to such Accessory Building are complied with.

### **3.810 Mobile Homes:**

Mobile Homes are not permitted on any Site.

### **3.911 Recreational Vehicles:**

- (a) Except during the period of construction of a Principal Building on that Site, a Recreational Vehicle shall not be utilized as a Principal Building or as a Guest Cottage for the residential use of a Site.
- (b) Provided the same does not, in the opinion of the Development Authority, present an unsightly condition on a Site, and provided the same is stored to the rear of the Principal Building, one, unoccupied Recreation Vehicle may be stored on a Site between the months of October and April in each off-season without the need for a Development Permit. Otherwise, no Recreational Vehicles shall be stored on a Site except within an Accessory Building.
- (c) The provisions of section 3.11(a) notwithstanding, for two separate periods in each calendar year not to exceed seven (7) consecutive days, each, one Recreation Vehicle being used for accommodation purposes may be parked on a Site without the need for a Development Permit. At no time shall there be more than one Recreational Vehicle parked on a Site.

## **SECTION 4 – LAND USE DISTRICTS**

### **4.1 P PARK DISTRICT**

#### **(a) General Purpose:**

The purpose of this District is to provide for municipally owned park space for public access and recreation.

#### **(b) Permitted Uses:**

- (i) Municipal Park

(c) **Discretionary Uses:**

- (i) Public Utility Services;
- (ii) Overflow Parking Facilities.

(d) **Development Control Regulations:**

- (i) Development in this District shall be undertaken only by or at the direction of the Summer Village.
- (ii) Use of and access to all facilities in this District shall be subject to the direction and control of Council.

**4.2 R RESIDENTIAL DISTRICT**(a) **General Purpose:**

The purpose of this District is to provide for low density, residential land use in a lakeside setting.

(b) **Permitted Uses:**

- (i) Single Detached Housing.

(c) **Discretionary Uses:**

- (i) Office in the Home;
- (ii) Public Utility Services.

(d) **Development Control Regulations:**

- (i) The minimum Site width shall be 15.0 metres.
- (ii) The maximum number of Dwelling Units that may be located on a Lot is one. Where a Site is comprised of more than one Lot, the maximum number of Dwelling Units that may be located on that Site is one.
- (iii) The maximum Building Height for a Principal Building shall be the lesser of:
  - (A) 8 metres; and
  - (B) 2½ storeys.

- (iv) The maximum Building Height for an Accessory Building shall be the lesser of:
  - (A) 5 metres; and
  - (B) 1½ storeys.
- (v) The maximum ~~site coverage~~Site Coverage for all buildings shall be 30% of the Site Area. The maximum ~~site coverage~~Site Coverage for Accessory Buildings shall be limited to 93 square metres, in the aggregate. In the case of any site exceeding ~~150 feet~~45 metres in depth, the Development Authority shall direct that buildings be designed and located on the Site in a manner that will, in the opinion of the Development Authority, avoid excessive massing at any particular location on the Site and distribute the impact of construction more evenly over the developable areas of the Site.
- (vi) The minimum Front Yard shall be 8 metres deep.
- (vii) The minimum Rear Yard shall be:
  - (A) in the case of a Principal Building, 6 metres deep; and
  - (B) in the case of Accessory Buildings, 3 metres deep except where the vehicle doors of a Garage or the vehicle entrance of a Carport face the rear of a Site, in which case the minimum Rear Yard in respect of that Garage or Carport shall be 6 metres deep.
- (viii) The minimum Side Yards :
  - ~~(A) shall be a minimum of 2 metres deep, each; and~~
  - ~~(B) shall in total, comprise no less than 10% of the width of the Site.~~
- (ix) The foregoing provisions of this Section notwithstanding:
  - (A) verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to 1.0 metres into any required Front Yard or Rear Yard; and
  - (B) eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay, oriel or similar windows) and other architectural features which are of a

similar character may project up to 0.6 metres into any required Yard.

- (x) Accessory Buildings shall be located no further forward on a Site than the front line of the Principal Building.
- (xi) Landscaping shall be provided to the satisfaction of the Development Authority, and Sites in this District shall be landscaped in a manner complementary to and consistent with the lakeside residential character of the District.

(xii) Fences and gates shall be no higher than:

A. 0.9 metres in any Front Yard including the adjacent Side Yards, and

B. 1.5 metres in Rear Yard including the adjacent Side Yards.

#### **4.3 NH NATURAL HABITAT DISTRICT**

(a) **General Purpose:**

The purpose of this District is to provide for areas where no active Development will occur.

(b) **Permitted Uses:**

- (i) Nature Preserve

(c) **Discretionary Uses:**

None

(d) **Development Control Regulations:**

- (i) Except for fencing at the perimeter of a Site and except for public utilities (as defined in the Act) passing through a Site, no improvements or structures of any nature or kind may be erected or brought onto the lands.
- (ii) Improvements or structures existing on a Site at the date this district is applied may remain as non-conforming buildings within the meaning of the Act, and the Development Authority is authorized to issue any necessary Development Permits for the repair, maintenance and refurbishing of the same, even to the extent some structural alterations may be required.

- (iii) This district may be applied to lands owned by the Summer Village and may be applied to other lands within the Summer Village only with the consent of the owner of those lands.

| Read a first time this ~~24<sup>th</sup>XX~~ day of ~~August, 2005YYYY, 2021~~.

| Read a second time this ~~24<sup>th</sup>XX~~ day of ~~August, 2005YYYY, 2021~~.

| Read a third time, by unanimous consent, and finally passed, this ~~24<sup>th</sup>XX~~ day of ~~August, 2005YYYY, 2021~~.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

| **In Memory:**

\_\_\_\_\_  
~~2005 Martin Casault~~

