

SUMMER VILLAGE OF ISLAND LAKE

LAND USE BYLAW

NO. 01-2010

September 2010

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BYLAW NO. 03-2009

LAND USE BYLAW

Pursuant to the Municipal Government Act, R.S.A. 2000, as amended, the Council of the Summer Village of Island Lake duly assembled, hereby enacts as follows:

PART ONE - GENERAL ADMINISTRATIVE PROCEDURES AND AGENCIES

1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of the Summer Village of Island Lake.

1.2 PURPOSE

The purpose of this Bylaw is to regulate the use and development of land and buildings within the municipality to achieve the orderly and economic development of land. To this end the bylaw, amongst other matters:

- (1) divides the municipality into districts;
- (2) describes the purposes for which land and buildings may be used for each district;
- (3) establishes a method of making decisions on development permit applications;
- (4) prescribes the procedure for notifying landowners likely to be affected by the issuance of a development permit; and
- (5) establishes the number of dwelling units permitted on a lot.

1.3 CONTROL OF DEVELOPMENT

- (1) No development other than that designated in Section 1.5 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- (2) This Bylaw and any amendment thereto shall be enacted in conformance with any statutory plan as adopted or amended by the Summer Village of Island Lake.

- (3) Notwithstanding that a development permit may not be required by this Bylaw in certain, specified instances, nothing in this Bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw of the Summer Village of Island Lake, or Acts of the Province of Alberta, or Acts of the Federal Government, or any regulation pursuant to said Acts.
- (4) Compliance with the provisions and requirements of this Bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the development.
- (5) Certain types of development may require the developer to post a bond in order to cover damages to the summer village roads. The maximum amount of the bond will be \$10,000.00 and will be entirely at the discretion of the Development Authority.

1.4 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- (1) The following development shall not require a development permit:
 - (a) the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit under the Alberta Safety Codes Act;
 - (b) the completion and use of a building which was lawfully under construction on the date this Bylaw comes into effect provided that the building is completed in accordance with the terms of any permit granted;
 - (c) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
 - (d) the erection or maintenance of gates, fences, or other means of enclosure (other than on corner lots) less than 1 m (3.3 ft.) in height in front yards and less than 2 m (6.6 ft.) in height in side and rear yards and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure;
 - (e) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been issued under this Bylaw;
 - (f) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
 - (g) movable buildings under 11.2 sq. m (120.6 sq. ft.) in area which comply with the regulations of this Bylaw;
 - (h) development within a basement which does not change or add to the uses within a dwelling; and/or

- (i) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (a) through (h) above, both inclusive.
- (j) Notwithstanding any provision of Section 1.4.1 above, specifically subsection (g), an approved development permit will be required for any addition to a movable building. The approval of any such Development Permit application will be entirely at the discretion of the Development Authority.

1.5 METRIC AND IMPERIAL MEASUREMENTS

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.

1.6 DEVELOPMENT APPROVAL AUTHORITY

- (1) The Development Authority for the Summer Village of Island Lake is hereby established.
- (2) The Development Authority shall be:
 - (a) the Development Authority Officer (DAO); and
 - (b) the Municipal Planning Commission (MPC), with their duties and responsibilities as described elsewhere in this Bylaw.
- (3) If the DAO is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be the Development Authority Officer.
- (4) If MPC is to be making the decision on a development permit application, the term "Development Authority", when used in this Bylaw, shall be MPC.
- (5) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a DAO for the Summer Village is hereby established.
- (6) The DAO shall be appointed by resolution of the Council.

- (7) The Development Authority Officer:
- (a) shall keep and maintain for the inspection of the public during office hours a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at a reasonable charge;
 - (b) shall make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;
 - (c) shall collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Summer Village Council;
 - (d) shall be declared to be the designated officer for the purposes of Section 542 of the Act; and
 - (e) may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.
- (8) The MPC shall be authorized to decide upon all development permit applications referred to it by the DAO and to issue such orders that it sees fit.

1.7 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

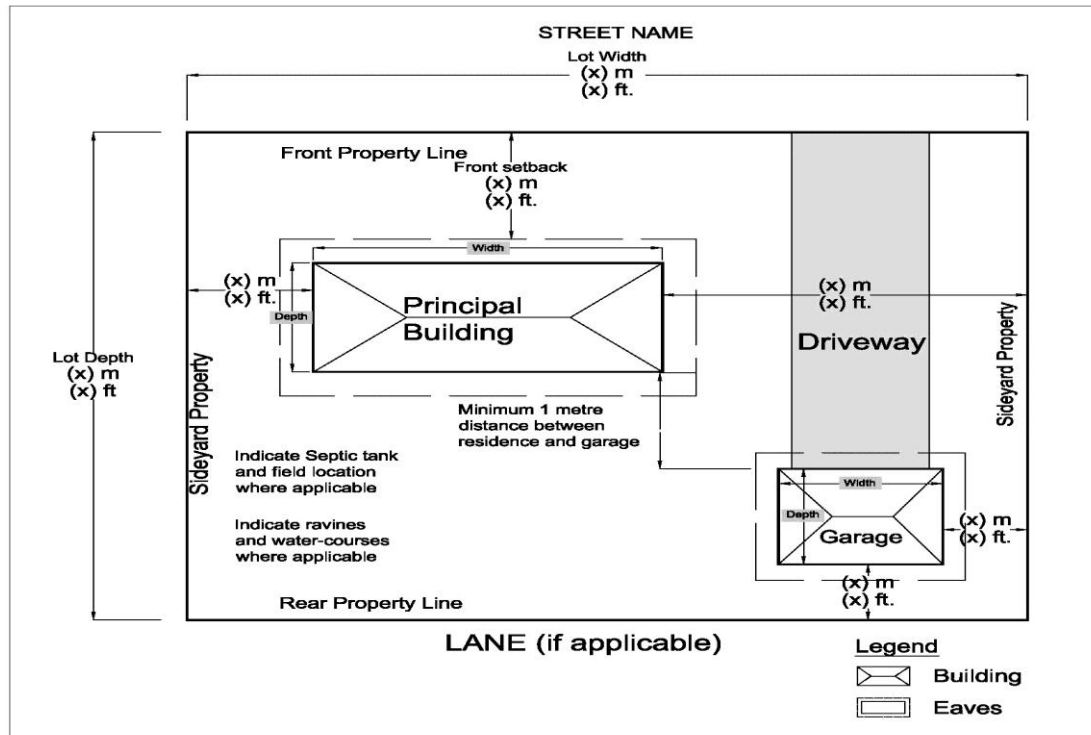
The Subdivision and Development Appeal Board as established by Summer Village Bylaw shall be authorized to decide upon all development permit applications as provided for by this Bylaw and the Act.

PART TWO - DEVELOPMENT APPLICATION AND APPEAL PROCESS

2.1 APPLICATION FOR DEVELOPMENT

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
- (a) a site plan, to scale, in duplicate showing the legal description; the front, rear, and side yards, if any; any provision for vehicle parking and access to the site (refer to **Figure 1** for a sample site plan);
 - (b) building dimensions including, but not limited to, the house, garage, decks and any covered structures such as car ports;
 - (c) the type and location of water supply and sewage and waste water disposal facilities;
 - (d) a statement of uses;
 - (e) a statement of ownership of the land and the interest of the applicant therein;

- (f) the estimated commencement and completion dates;
- (g) the estimated cost of the project or contract price;
- (h) an application fee as established by resolution of Council; and
- (i) any other information as required by the Development Authority.



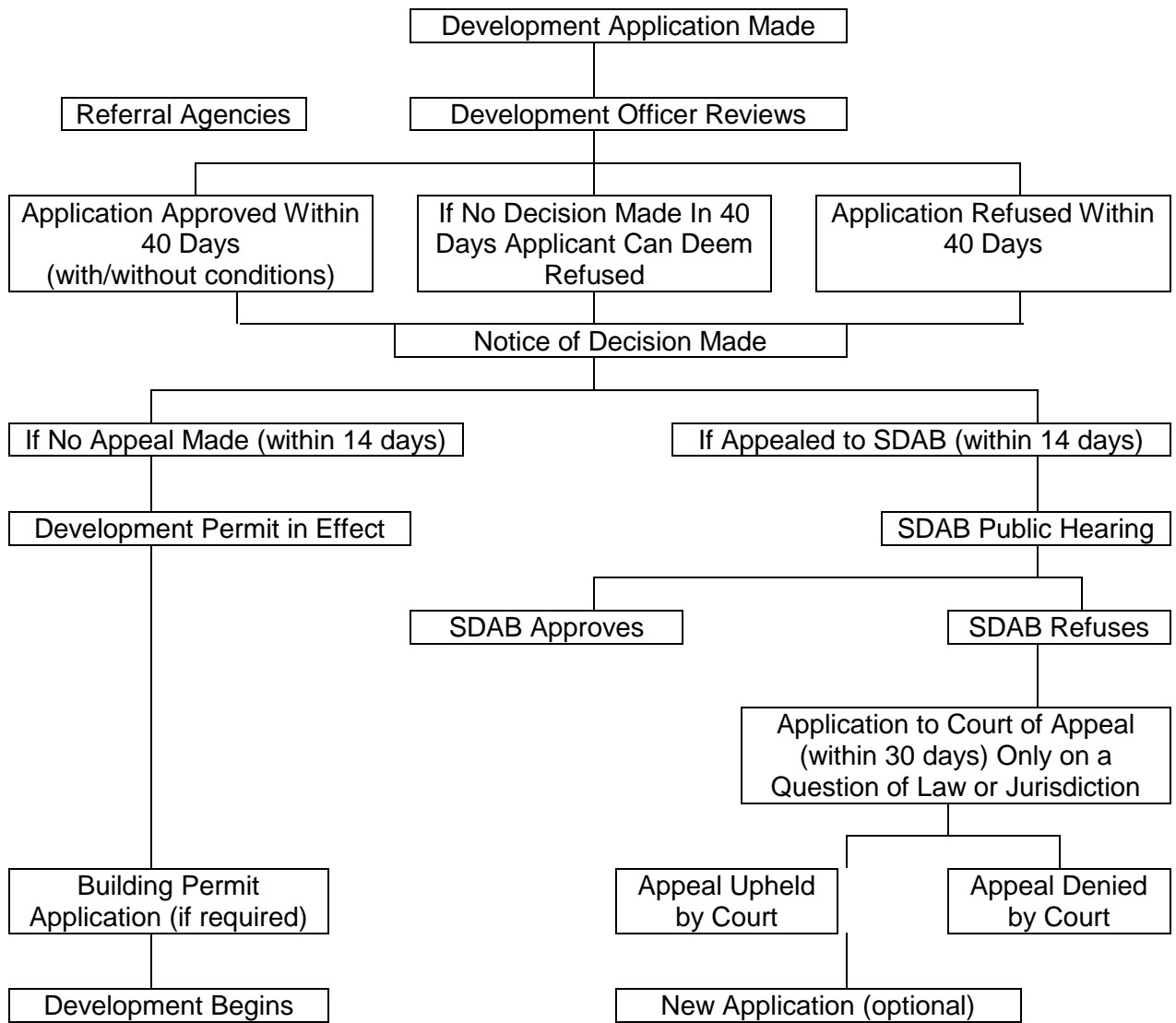
* Site Plan must also include the site coverage percentage.

Figure 1: Sample Site Plan (for non-lake fronting lots)

- (2) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
 - (a) floor plans;
 - (b) elevations and sections of any proposed buildings;

- (c) a Real Property Report, or building site certificate; or other documentation indicating the exact location of all structures on the property in a form that is acceptable to the Development Authority;
 - (d) drainage, grading and landscaping plans which provide pre and post construction site elevations;
 - (e) in the case of the placement of on already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located; and/or
 - (f) a hydro geological assessment, prepared by a registered professional engineer or hydro geologist, of any potential flooding or subsidence hazard that may, in the sole opinion of the Development Authority, affect the subject site.
- (3) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.
- (4) Each application for a development permit shall be accompanied by a fee as established by Council.
- (5) All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.
- (6) If approval of the application is subject to Section 2.2(5) of this bylaw the applicant may be required to submit, along with the application a Real Property Report, a building site certificate, or other documentation indicating the exact location of all structures on the property in a form that is acceptable to the Development Authority.

TABLE 1: DEVELOPMENT PERMIT PROCESS



Note: This diagram is for information only, and is not adopted as part of this Bylaw.

Figure 2: Development Permit Process

2.2 DECISION PROCESS

- (1) The Development Authority shall receive, consider and decide on all applications for a development permit.
- (2) In making a decision, the Development Authority may approve the application

unconditionally, approve the application subject to those conditions s/he considers appropriate, approve the application permanently or for a limited period of time, or refuse the application.

- (3) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (4) In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.
- (5) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
 - (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (6) When a development permit application is refused, the Development Authority may or may not, at their sole discretion, accept the submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- (7) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after the Development Authority receives the application. The applicant may appeal the decision as though the application had been refused.

2.3 RESERVES AND DEVELOPMENT ON RESERVE LANDS

- (1) An environmental reserve (ER) of approximately 30.0 m (98.0 ft) in width from the high water mark of water bodies and/or the top of bank of Island Lake shall be required as a condition of new subdivision approval. As a condition of development approval of new developments where there is no subdivision, a comparable setback of 30.0 m (98.0 ft) shall be required from the high water mark of Island Lake and/or the top of bank of the lake to the wall of the nearest building. **Figure 3** illustrates the recommended water buffer adjacent to a large waterway.

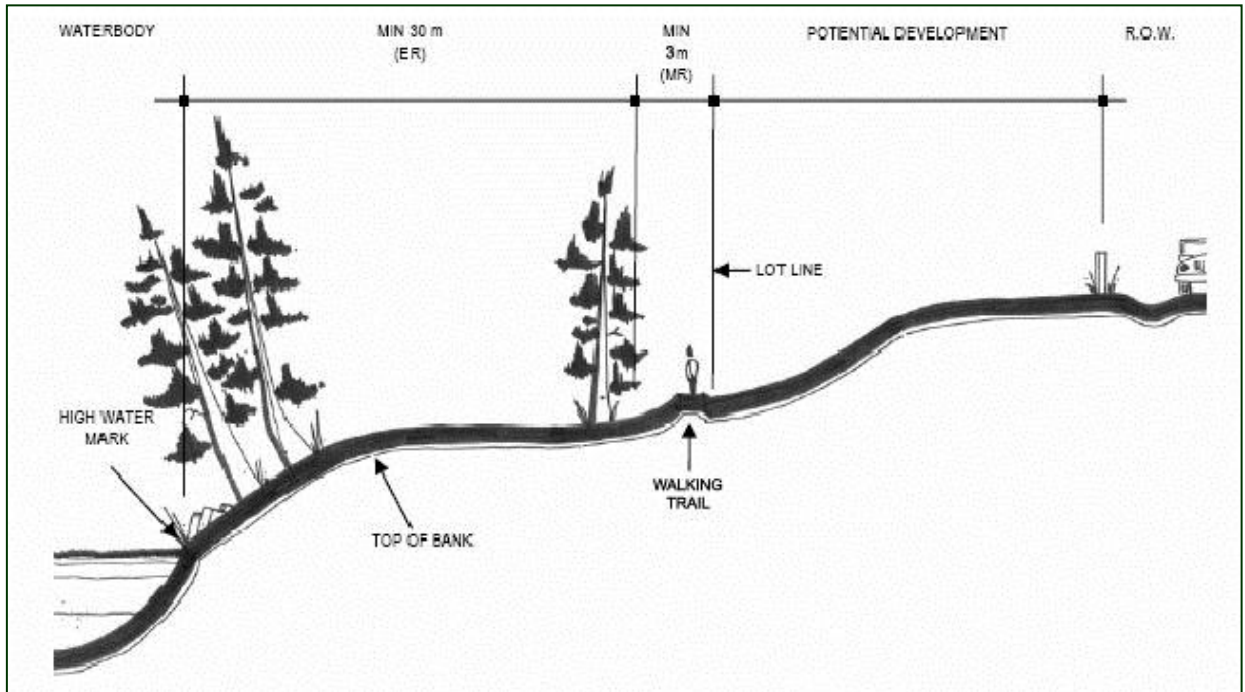


Figure 3: Recommended Environmental (ER) Setback

- (2) Additional reserve and/or setback may be required by the Summer Village based on the recommendations of any engineering and/or geotechnical study requested by the Summer Village. In these cases, the amount of reserves required will be determined using the guidelines for ER width developed by Sustainable Resource Development (SRD) (see Appendix A for SRD recommended setbacks).
- (3) Under provincial law, most development on the bed or shoreline of a lake (up to the high water mark) is required to obtain a License of Occupation from Alberta Environmental prior to construction. Improvements not requiring a License include minor bank stabilization, erection of a small removable seasonal domestic pier, or placement of a removable boat lift on the lakebed during the summer months.

- (4) The placement or installation of permanent piers and boat launches is currently under provincial and federal jurisdiction. These types of developments may require provincial or federal approval.
- (5) All improvements on environmental and other reserve lands require a development permit from the Summer Village's Development Authority.
- (6) Improvements on environmental and other reserve lands which do not require a permit from a provincial agency may be allowed to exist on Environmental and other Reserve Lands adjacent to lakes and other water bodies only if they serve the interests of the general public.
- (7) Development permits may be issued on Environmental and other Reserve Lands for developments such as landings, walkways, stairs, retaining walls or similar structures if, in the opinion of the Development Authority, the development does not pose a hazard to public safety, impede or restrict year round public access to the reserve, or unduly interfere with the use and enjoyment of neighbouring properties.
- (8) The approval of all development permits on Environmental and other Reserve Lands shall be subject to the following conditions, in addition to any others that the Development Authority may deem reasonable or necessary:
 - (a) the applicant shall indemnify the Summer Village from liability for the development; and
 - (b) the permit may be revoked at any time if, in the sole opinion of the Development Authority, the development poses a hazard to public safety, impedes public access, or interferes with the use and enjoyment of neighbouring properties.

2.4 DEVELOPMENT PERMITS AND NOTICES

- (1) When a development permit has been issued for a permitted use where no variance or relaxation of a regulation of this Bylaw has been granted, the development permit comes into effect one (1) day after the date the decision on the development permit is made.
- (2) When a development permit has been issued for a discretionary use or for a permitted use where a variance or relaxation of a regulation of this Bylaw has been granted, the Development Authority shall immediately:
 - (a) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or

- (b) publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property and the use approved.
- (3) A development permit issued for a discretionary use or for a permitted use where a variance or relaxation of a regulation of this Bylaw has been granted does not come into effect until fifteen (15) days after the date the decision is publicized as described in subsection (2). Any development proceeded with prior to the expiry of this period is done solely at the risk of the applicant.
- (4) When approval of a permit described in subsection (1) above has been given, notification as described in subsection (2) above may be done, at the sole discretion of the Development Authority.
- (5) Where an appeal is made pursuant to Section 2.5 of this Bylaw, a development permit which has been issued shall not come into effect until the appeal has been determined. The permit may then be confirmed, modified or nullified.
- (6) If the development authorized by a permit is not commenced within twelve (12) months from the date of the permit's issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension has been granted by the Development Authority.
- (7) A decision of the Development Authority on a development permit application shall be given in writing and a copy of it sent to the applicant.
- (8) When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal.
- (9) Where an appeal is made pursuant to Section 2.5 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit modified or nullified thereby.

2.5 APPEAL PROCEDURE

- (1) An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority
 - (a) refuses a development permit application; or
 - (b) fails to render a decision on a development permit application within forty (40) days of its receipt; or
 - (c) approves a development permit application; or

- (d) issues an order under Section 3.1 of this Bylaw.
- (2) Notwithstanding subsection 1 above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, or any other person may appeal to the Subdivision and Development Appeal Board.
- (4) An appeal shall be made by serving a written notice of appeal, together with reasons to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after
 - (a) the date the order, decision or permit was publicized; or
 - (b) the forty (40) day period referred to in subsection 2.2.6 has expired.
- (5) Where a notice of appeal against the issuance of a development permit or a condition attached thereto is filed with the Secretary of the Subdivision and Development Appeal Board, the development permit shall be suspended and ceases to be in force or effect pending the outcome of the appeal.
- (6) Appeal hearings and procedures shall be pursuant to the requirements of the Act.
- (7) In addition to reasons, when an appeal is filed, the appellant must pay the appeal fee as established by resolution of Council. The fee set will be adjusted, from time to time, in accordance with the costs of handling and holding appeals. Council may choose to refund all, a portion or none of the fee at their sole discretion, based on the nature of and the reason for the appeal, but only if the appeal is successful.

2.6 APPEAL HEARING

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal.
- (2) The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
 - (a) the appellant;
 - (b) the Development Authority from whose order, decision or development permit the appeal is made;

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

2.7 APPEAL DECISION

- (1) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- (2) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- (3) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the DAO shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.

- (4) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the DAO shall forthwith issue the development permit in accordance with the decision of the Subdivision and Development Appeal Board.
- (5) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

PART THREE - ENFORCEMENT AND ADMINISTRATION

3.1 CONTRAVENTION AND PENALTIES

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - (a) the Act or the regulations made thereunder; or
 - (b) a development permit or subdivision approval; or
 - (c) this Bylaw;

the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- (ii) demolish, remove or replace the development; and/or
- (iii) take such other measures as are specified in the notice;

so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.

- (2) Where a person does not comply with an order made under subsection 3.1.1 or an order of the Subdivision and Development Appeal Board, the Development Authority may, in

accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

- (3) A person who contravenes any provision of this Bylaw, a development permit, or an order issued pursuant to subsection 3.1 (1) is guilty of an offence and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- (4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (5) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.
- (6) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (7) Violation Tickets
 - (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
 - (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Summer Village.
 - (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
 - (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
 - (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.

3.2 NON-CONFORMING USES AND BUILDINGS

- (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.
- (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 with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (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) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building;
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary; or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.2(4) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (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.
- (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.

PART FOUR - BYLAW AMENDMENT PROCESS

4.1 APPLICATION FOR AMENDMENT

- (1) A person may apply to have this Bylaw amended by applying in writing, furnishing reasons in support of the application and paying the fee required.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the DAO to initiate an amendment.
- (3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:
 - (a) an application fee according to the governing Land Use Bylaw fee schedule as amended from time to time by resolution of Council shall be submitted for each application. If the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;
 - (b) a title search for the land affected or other documents satisfactory to the DAO indicating the applicant's interest in the said land;
 - (c) drawings drawn on standard drafting material to the satisfaction of the DAO, which shall be fully dimensioned, accurately figured, explicit and complete; and
 - (d) any other information deemed necessary by the Development Authority Officer.
- (4) Notwithstanding Subsection (3)(a) above, Council may waive payment of an application fee or any part thereof.
- (5) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (6) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

4.2 PUBLIC HEARING PROCESS

- (1) At the discretion of Council, first reading of a proposed amendment may be considered after the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Council.
- (2) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.

MAP 1: LAND USE DISTRICT MAP



PART FIVE - LAND USE DISTRICTS

5.1 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw, the Summer Village of Island Lake is divided into the following Districts and overlay Areas:

Residential (R) District
Community (P) District
Commercial (C) District
Natural (N) District

- (2) The boundaries of these Districts are as shown on the Land Use District Map.

5.2 RESIDENTIAL (R) DISTRICT

- (1) Permitted Uses

- (a) Single family dwellings
- (b) Public utility installations and uses
- (c) Buildings and uses accessory to permitted uses

- (2) Discretionary Uses

- (a) Guest houses
- (b) Home occupations
- (c) Recreational vehicles
- (d) Mobile homes
- (e) Modular homes
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

- (3) Regulations

- (a) Maximum Height
 - (i) Principal building - 2 storeys or 9.7 m (32.0 ft.) –which ever is less in relation to the elevation of the adjacent road.
 - (ii) Garage - 1 storey or 6.7 m (22.0 ft) in relation to the elevation of the adjacent road for a garage or as allowed by the Development Authority.
 - (iii) Other accessory buildings - 1 storey or 4.6 m (15.0 ft) in relation to the elevation of the adjacent road for a garage or as allowed by the

Development Authority.

- (b) Minimum Required Yards for Principal Buildings - (see **Fig. 4** at the end of **Part 5**)
 - (i) Front – 8.0 m (26.2 ft.)
 - (ii) Rear – 8.0 m (26.2 ft.)
 - (iii) Side - 10% of the lot width, or as required by the Development Authority
- (c) Minimum Required Yards for Accessory Buildings excluding garages (see Figure 4 at the end of Part Five).
- (d) Minimum Required Yards for Garages - (see **Figure 5** at the end of **Part Five**).
- (e) Maximum Lot Coverage
 - (i) Dwellings - 23%
 - (ii) Accessory buildings - 12%
 - (iii) Other uses - as permitted by the Development Authority
- (f) Minimum Floor Area
 - (i) Single Family Dwellings – 45 sq. m (484 sq. ft.)
 - (ii) Mobile homes – 45 sq. m (484 sq. ft.)
 - (iii) Guest Houses - 13 sq. m (140 sq. ft.)
 - (iv) All other uses – as required by the Development Authority
- (g) All development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.
- (h) Any re-subdivisions shall require a minimum lot size of 0.4 ha (1 ac.).
- (i) All other requirements shall be as required by the Development Authority.

5.3 COMMUNITY (P) DISTRICT

- (1) Permitted Uses
 - (a) Natural open space areas
 - (b) Public recreational facilities and uses
 - (c) Public utility installations and uses

- (d) Municipal buildings and uses
- (e) Accessory buildings and uses (excluding docks)

(2) Discretionary Uses

- (a) Docks, piers and hoists
- (b) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(3) Regulations

All site requirements shall be as required by the Development Authority.

5.4 COMMERCIAL (C) DISTRICT

(1) Permitted Uses

- (a) Gas Bars
- (b) General Stores
- (c) Restaurants
- (d) Retail Stores
- (e) Accessory Buildings and Uses
- (f) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(2) Discretionary Uses

- (a) Secondary Residential Uses
- (b) Surveillance Suites

(3) Regulations

All site requirements shall be as required by the Development Authority.

5.5 NATURAL (N) DISTRICT

(1) Permitted Uses

- (a) Natural Open Space Areas
- (b) Public Recreational Facilities and Uses

- (c) Public Utility Installations and Uses
- (d) Municipal buildings and uses
- (e) Accessory buildings and uses (excluding docks)

(2) Discretionary Uses

- (a) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

(3) Regulations

All site requirements shall be as required by the Development Authority.

Figure 4 - Minimum Setback Requirements for Accessory Buildings (Excepting Garages)

This sketch shows the permitted building envelop for accessory buildings excluding garages. The shaded areas are those areas of the lot where accessory buildings (excepting garages) may be located.

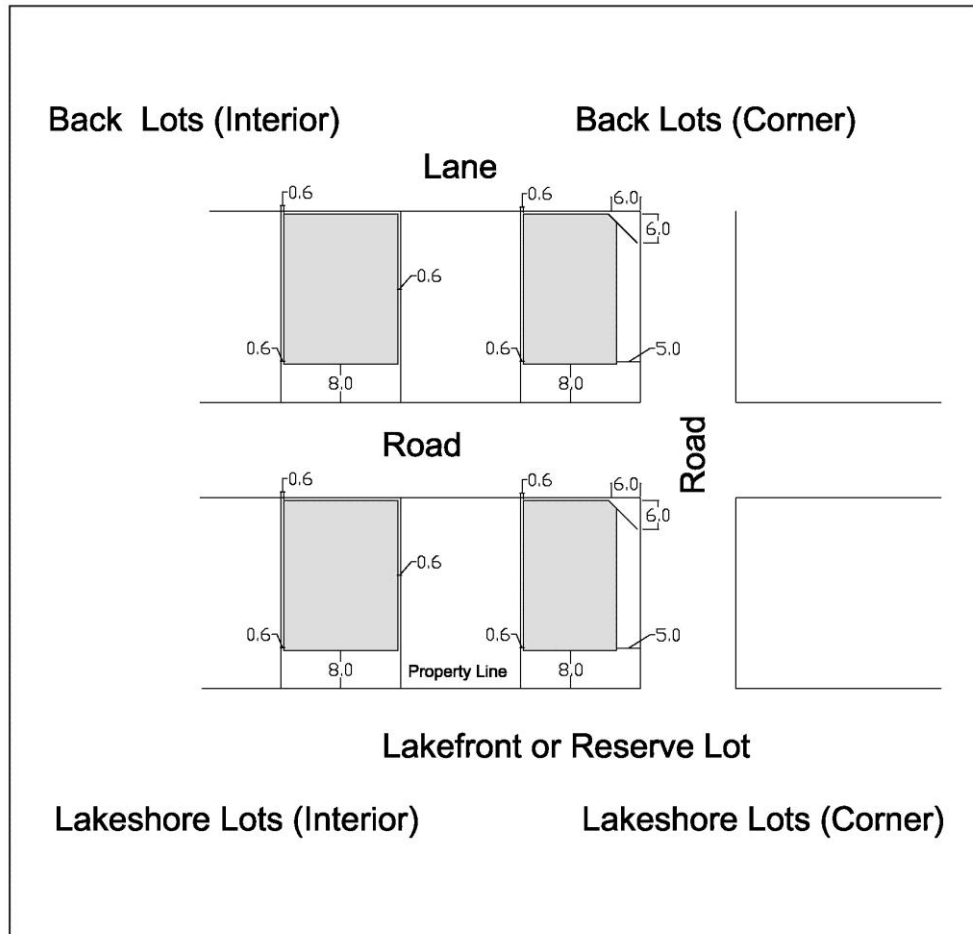


Figure 4: Minimum Setback Requirements for Accessory Buildings except Garages

*Note: Boat houses will be permitted within the required yard from the lot line fronting the Lake. The required yard will be 2.0 metres (both front yard and side yard).

All distances shown in metres

Figure 5 - Minimum Setback Requirements for Garages

This sketch show required yards

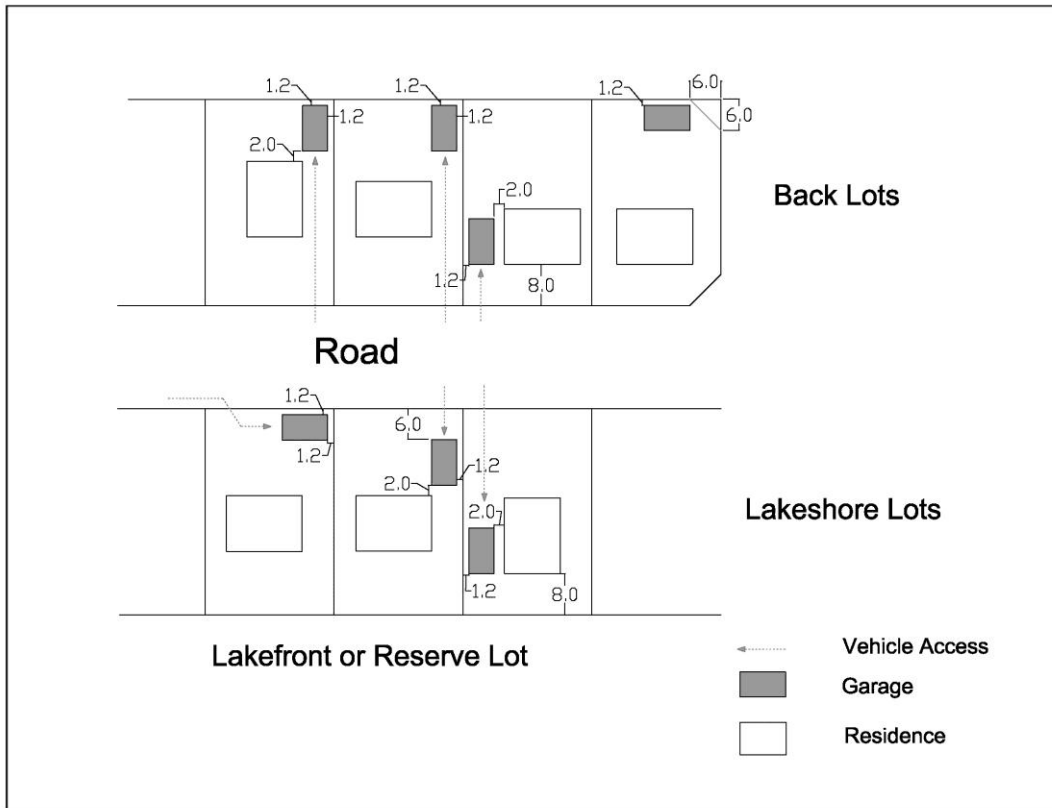


Figure 5: Minimum Setback Requirements for Garages

All distances shown in metres

PART SIX - LAND USE REGULATIONS AND PROVISIONS

6.1 NUMBER OF DWELLING UNITS ON A LOT

- (1) Only one dwelling unit may be permitted on each lot.

6.2 GUEST HOUSES

- (1) Only one guest house may be permitted on each lot. A guest house means a building on a lot, on which a single family dwelling is located, which is used for the accommodation of guests. A guest house shall not contain cooking facilities. Basement suites and/or garage suites which may include cooking facilities, shall not be considered guest houses and shall not be permitted within the Summer Village.

6.3 LANDSCAPING

- (1) Landscaping and planting must be carried out within one year after the completion of construction. The Development Authority, at its sole discretion, may extend this period.
- (2) When landscaping is to be undertaken as a condition of the approval of a development permit, such landscaping shall be to the satisfaction of the Development Authority.

6.4 TOPSOIL EXCAVATION

- (1) No person shall commence or continue the removal of topsoil without first obtaining a development permit. Topsoil and landscaping sufficient to avoid erosion are required, as determined by the Development Authority.

6.5 DRAINAGE

- (1) Any development shall be such that the finished surface contours or ground elevations do not redirect surface drainage onto adjacent buildings.
- (2) Any landscaping or topographic reconstruction shall be such that the finished surface contours do not redirect surface drainage onto another lot.

6.6 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No person shall keep or permit in any part of any yard in any Residential District:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the municipality;
 - (c) any excavation, storage or piling up of materials required during the construction, demolition or removal stage unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
 - (d) any fur bearing animals, fowl or livestock other than domestic pets;
 - (e) any outdoor wood boilers or furnaces;
 - (f) any propane tanks larger than 2000 L; and
 - (g) any portable gas tanks larger than 100 L.

6.7 KENNELS

- (1) Kennels are not allowed in the Summer Village.

6.8 ACCESSORY BUILDINGS

- (1) Notwithstanding any regulation in this Bylaw to the contrary, a fence or hedge may be constructed along a boundary line of a lot or immediately adjacent to a principal building.
- (2) An accessory building shall not be used as a dwelling.
- (3) Except for fences, accessory buildings shall be located such that the minimum distances shown on Figures "3" and "4" between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.
- (4) The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- (5) The height of an accessory building shall not exceed 1 storey in relation to the elevation of the adjacent road.

6.9 SANITARY FACILITIES

- (1) All buildings to be used as a dwelling unit shall be provided with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.

6.10 PARKING AND ACCESS

- (1) The location of vehicular access to a lot shall be as approved by the Development Authority.
- (2) Unless otherwise approved by the Development Authority, a parking space shall not be less than 2.5 m (8.5 ft.) wide and 6.0 m (19.68 ft.) long and shall be located on the same lot as the principal building or use.
- (3) Construction of entrances and exits, including culverts if required, shall be at the expense of the landowner and to the satisfaction of the Development Authority.

6.11 SIGNS

- (1) All signs of a commercial, directional or informative nature erected on land or affixed to any exterior surface of any building or structure shall require a development permit and shall be subject to the following requirements:
 - (a) No signs shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
 - (b) No signs shall be erected on or affixed to public property without the prior consent of the appropriate public body.
 - (c) No signs shall resemble or conflict with a traffic sign, nor shall any sign be a traffic hazard. No sign shall be in contravention of a Summer Village traffic speed bylaw or in contravention of any other Summer Village bylaw.
 - (d) All signs shall be kept in a safe, clean and tidy condition, and may, by order of the Development Authority, be required to be renovated or removed.

- (2) Notwithstanding Subsection (1) above, the following signs do not require a development permit, provided that they are not illuminated and that any necessary permits have been obtained from Alberta Transportation:
 - (a) signs, not to exceed 1.0 sq. m (10.76 sq. ft.) in area, for the purpose of identification, direction and warning, or relating to a commercial use, institutional use or club;
 - (b) temporary signs, not to exceed 2.0 sq. m (21.5 sq. ft.) in area, to be removed by the advertiser within 15 days of the completion of the event or works;
 - (c) signs in relation to public or quasi-public bodies.

6.12 CORNER LOTS

- (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.

- (2) In order to implement subsection 1., no fence, wall, tree, bush, structure or thing more than 0.9 m (3 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 points on the road or lane 6.0 m (19.7 ft.) from their intersection.

6.13 MOBILE AND MODULAR HOMES

- (1) Mobile and modular homes shall have Canadian Standard Association Certification.

- (a) mobile homes must conform to the CSA Z240MH National Mobile Home Standard,
 - (b) modular homes must conform to the Canadian Standards Association A-277 Series certified standards.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be:
- (a) designed and erected as to harmonize with the ,mobile or modular home home:
 - (b) considered as part of the principal building, and
 - (c) erected only after obtaining a development permit.
- (3) A mobile home shall be skirted from the floor level to the ground level.
- (4) The wheels are to be removed from the mobile or modular home.
- (5) All mobile or modular homes shall be placed on a foundation or base. The mobile or modular home is to be attached by means of bolting or otherwise to the foundation or base.

6.14 RECREATIONAL VEHICLES

- (1) Where a recreational vehicle is to be maintained on a parcel for more than 21 consecutive days, it shall require a development permit and shall be located in a manner satisfactory to the Development Authority and will be required to be legally connected to sewer and water.
- (2) Not more than two (2) recreational vehicles shall be permitted on a lot at any time.
- (3) Notwithstanding subsection (2) at the discretion of the Development Authority, a temporary permit may be issued for one (1) additional recreational vehicle.
- (4) Notwithstanding Subsection (1) and (2) above, if a recreational vehicle shall be or has been on the site for more than 12 months the following provisions apply:
- (a) a recreational vehicle shall be skirted from the floor level to the ground level;
 - (b) the wheels are to be removed from the recreational vehicle; and
 - (c) all recreational vehicles shall be placed on a foundation or base. The recreational vehicle is to be attached by means of bolting or otherwise to the foundation or base.

6.15 HOME OCCUPATIONS

- (1) A home occupation shall be clearly incidental and secondary to the principal residential use and shall not change or disrupt the residential character of the neighbourhood.
- (2) No more than one (1) paid assistant other than the occupant and the occupant's family shall be engaged in the home occupation at the dwelling.
- (3) The use shall not involve the outdoor display or storage of goods or equipment, and the goods or equipment shall not be visible from outside any building.
- (4) All development permits issued for home occupations shall be revocable at any time if, in the opinion of the Development Authority, the use is or has become detrimental to the amenities of the neighbourhood.

6.16 FIRESMART DEVELOPMENT REGULATIONS

- (1) All roofing materials on new, replacement, or retrofitted dwellings, accessory buildings and commercial buildings shall meet a minimum Class C ULC rating.
- (2) All new dwellings, accessory buildings, and commercial buildings with exposed undersides and/or with raised decks and porches less than 2 metres from ground level shall be sheathed from the floor level to the ground level to prohibit the entry of sparks and embers under the structure.
- (3) All new dwellings, accessory buildings, and commercial buildings shall establish and maintain FireSmart defensible space for a minimum of 10 metres or to the lot boundary.
- (4) All new dwellings, accessory buildings, and commercial buildings shall have one-metre of non-combustible surface cover (gravel, rock, concrete, etc.) around the perimeter of the structure. All new exposed decks, greater than 2 metres from ground level shall require one-metre of non-combustible surface cover placed around the outside perimeter and underneath.

6.17 FIRESMART DEVELOPMENT RECOMMENDATIONS

- (1) All above-ground propane tanks greater than or equal to 80 U.S. gallons (420 lbs) should have a minimum of 3.0 m (9.8 ft.) clearance from combustible vegetation and materials.
- (2) All combustible material piles should be stored a minimum of 10.0 m (32.8 ft.) from all primary structures and propane tanks.

PART SEVEN - DEFINITIONS

For the purposes of the interpretation of this Bylaw:

1. **"accessory building"** means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same lot. Examples of accessory buildings include: legal outhouses, sheds, garages and detached car ports. Where a structure is attached to the principal building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.
2. **"accessory use"** means a use customarily incidental and subordinate to the main use or building and located on the same lot with such principal use or building;
3. **"Act"** means the Municipal Government Act, R.S.A. 2000 as amended;
4. **"adjacent land"** means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river, stream, walkway, Public Utility Lot, or Reserve lot;
5. **"applicant"** means the person applying for a development permit, 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;
6. **"basement suite"** means a self-contained dwelling unit, in the basement of a single family dwelling, having a common access with a dwelling unit on the main floor;
7. **"bed and breakfast establishment"** means a development within 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;
8. **"building"** includes anything constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
9. **"buffer"** means a row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

10. **“canopy”** - 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;
11. **“carport”** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;
12. **"corner lot"** 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;
13. **"Council"** means the Council of the Summer Village of Island Lake;
14. **“Curb-cut”** - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;
15. **"day home"** means a provincially licensed facility operated from a residence supplying supervision of a maximum of five (5) children under the age of eleven (11) years or senior citizens over the age of sixty-five (65) years, including any resident children and seniors. A day home may supply an outside recreation space that is both fenced and gated, and shall meet all fire regulations and health regulations;
16. **"daycare centre"** means a place that receives for temporary custody more than five (5) children under eleven (11) years of age not of common parentage, and which is not part of a public school or separate school;
17. **"development"** means:
 - (a) an excavation or stockpile and the creation of either of them; or
 - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land; or
 - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
 - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
18. **"Development Authority"** means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
19. **"development permit"** means a document authorizing a development issued pursuant to this Bylaw;

20. **"discretionary use"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
21. **"domestic pet"** means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but do not include livestock;
22. **"double fronting lot"** means a lot which abuts two roads or highways, or a road and a highway, and which is not a corner lot;
23. **"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 family dwellings and mobile homes, but not guest houses;
24. **"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;
25. **"easement"** - means a right to use land, generally for access to other property or as a right-of-way for a public utility and is registered to a Certificate of Title;
26. **"Environmental Reserve"** means an environmental reserve as determined in accordance with the Act which is land designated as environmental reserve on a plan of subdivision;
27. **"Environmental Reserve Easement"** means an environmental reserve easement as determined in accordance with the Act;
28. **"fragmented parcel"** means a parcel of land that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access;
29. **"front line"** means 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 line;
30. **"front yard"** - means that portion of a parcel extending across the full width of the parcel from the property boundary line of the parcel adjacent to a public road to the front wall of the principal building, except that on a parcel with a lakefront yard, the portion of the parcel adjacent to a public road shall be considered to be the rear yard;

31. **"gross floor area"** 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 glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in and apartment shall be included in the calculation of gross floor area;
32. **"guest house"** means a building on a lot, on which a single family dwelling is located, which is used for the accommodation of guests; however, a guest house shall not contain cooking facilities;
33. **"highway"** means a highway or proposed highway that is designated or numbered and is under the management and control of the Province of Alberta pursuant to the Public Highways Development Act;
34. **"height"** means the vertical distance from the average elevation of the proposed finished grade along the wall of a building or structure to the highest point of the roof;

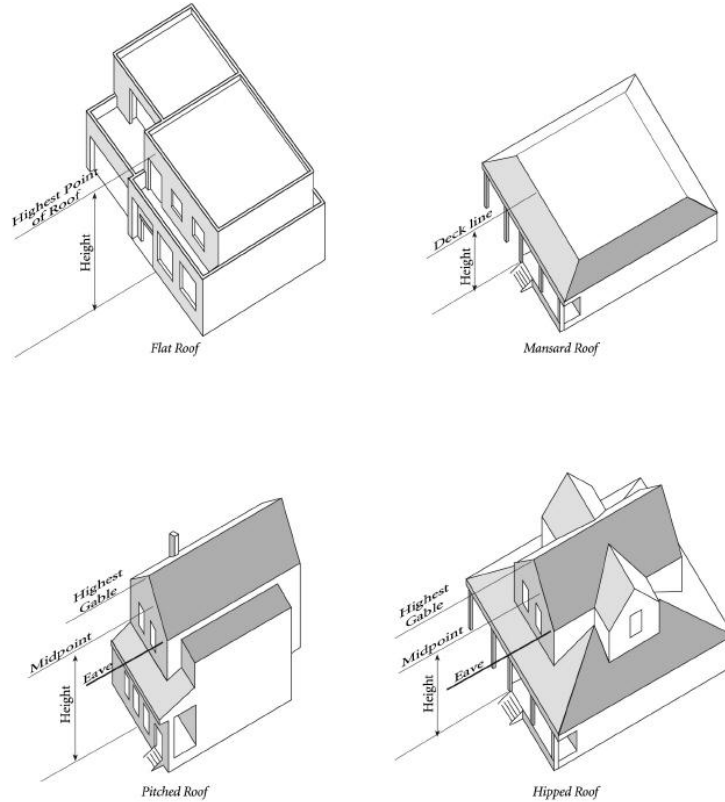


Figure 6: Examples of Height Measurements for Different Roof Types

35. **"home occupation"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of the area or have any exterior evidence thereof other than a small name plate not exceeding 0.2 sq metres (2.15 sq. ft.) in area;
36. **"household"** means:
- (a) a person, or
 - (b) two (2) or more persons related by blood, marriage, or adoption; or
 - (c) a group of not more than three (3) persons who are not related by blood, marriage, or adoption;
all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants;
37. **"internal local roads"** includes all roads within subdivisions, and all service roads adjacent to major two-lane highways, minor two-lane highways, and multi-lane highways;
38. **"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;
39. **"lake"** means a body of water, free from large quantities of aquatic vegetation, and characterized by relatively large open water (limnetc) and deep water (profundal) zones compared with the shore (littoral) zone; and, as defined by the Summer Village of Island Lake;
40. **"lot"** means:
- (a) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
 - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision;
41. **"main building"** means a building in which is conducted the main or principal use of the lot on which it is erected;
42. **"main use"** means the main or principle use of a lot;
43. **"may"** is an operative word meaning a choice is available , with no particular direction or guidance intended;

44. **“mobile home”** - means a dwelling that is manufactured in full compliance with the CSA Z240MH National Mobile Home Standard and is constructed with a chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A mobile home may be a single structure (single-wide) or two part (double-wide) which when put together comprise a complete dwelling. A mobile home does not include a modular home, nor does it include stick built dwellings or recreational vehicles;
45. **“modular home”** - means a dwelling that conforms to the Canadian Standards Association A-277 Series certified standards and that is designed to be transported to the building site in pieces and assembled on-site on top of a site-constructed basement or foundation; is prefabricated or factory built, and which is assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side-by-side or vertically. A modular home does not include a single detached dwelling or mobile home;
46. **“municipality”** means the Summer Village of Island Lake;
47. **“municipal building and use”** means a building or use owned, operated or predominantly utilized by a municipality in order to provide public services to the municipality.
48. **“natural open space areas”** means areas of protected or conserved land or water on which development is indefinitely set aside. The purpose of an 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;
49. **“non-conforming building”** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and
 - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
50. **“non-conforming use”** means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use Bylaw affecting the land or building becomes effective; and
 - (b) that on the date the land use Bylaw becomes effective does not, or in the case of

a building under construction will not, comply with the land use Bylaw;

51. **“on-site sewage disposal system”** - means a non-municipal on-site sewage containment system that satisfies regulations made pursuant to the Alberta Safety Codes Act, R.S.A. 2000, which may include a holding tank, septic tank, or evaporation mound;
52. **"open space"** means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;
53. **"owner"** means:
 - (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 municipality's assessment roll;
54. **"parcel of land"** means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
55. **"permitted use"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made if the proposal satisfies the regulations of this Bylaw or provides the requirements as established by the Development Authority where, in this Bylaw, the Development Authority is given the authority and responsibility to establish requirements or regulations;
56. **“principal building”** means a building which, in the opinion of the Development Authority:
 - (a) occupies the major or the central portion of a lot; or
 - (b) is the chief or main one among the buildings on a lot; or
 - (c) constitutes by reason of its use the primary purpose for which the lot is used;
57. **“public recreational facilities and uses”** means organized campgrounds, day use areas, picnic sites, and other similar uses;
58. **"public utility"** means a public utility, as defined in the Act;
59. **"rear line"** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;

60. **“rear yard”** – means that portion of a parcel extending across the full width of the parcel from the property boundary of the parcel directly opposite the boundary line adjacent to a public road to the exterior wall of the building, except that on a parcel with a lakefront yard, the portion of the parcel adjacent to a public road which is normally considered to be the front yard shall be considered to be the rear yard;
61. **“renovation”** – means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
62. **“recreational vehicle”** means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motor power or is mounted or drawn by another vehicle. The base entries are, travel trailer, camping trailer, truck camper, fifth wheel and motor home;
63. **“secondary suite”** means a self-contained living space located on the same property as a detached house. It has a separate entrance, cooking, sleeping and bathing facilities;
64. **“setback”** – means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building as specified in this Bylaw. Where the parcel boundary is curved due to the curvature of a public road or for other reasons, the midpoint of the facing wall or portion of the building may be used as a basis to calculate the setback distance;
65. **"shall"** is an operative word which means the action is obligatory;
66. **"shoreline"** means the line of the bed and shore of the body of water;
67. **"should"** is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
68. **"side line"** means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
69. **"side yard"** means a yard extending from the nearest eave of the principal building situated on a lot to the side line, and lying between the front and rear yards on the lot;

70. **"single family dwelling"** means a dwelling consisting of one (1) dwelling unit. A single family dwelling is a dwelling which is normally constructed on-site. However, a single family 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. A single family dwelling shall include a dwelling that would be considered to be a mobile home if the roof pitch were less than 1:4, or if the depth of eaves were less than 45 cm (18 in.), or if the ratio of depth vs. width (or width vs. depth) were more than 2.5:1. If the roof pitch is more than 1:4, and if the depth of eaves is more than 45 cm (18 in.), and if the ratio noted above is less than 2.5:1, the dwelling shall be considered to be a single family dwelling;
71. **"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;
72. **"subdivision authority"** means a subdivision authority established and appointed pursuant to Summer Village Bylaw and the Act;
73. **"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;
74. **"surveillance suites"** means a portable dwelling unit forming part of a development and used solely to accommodate a person(s) related as a family, or employee whose official function is to provide surveillance for the maintenance and safety of the development;
75. **"temporary"** means a period of time up to one year;
76. **"temporary building"** means a building, other than a mobile home, constructed without any foundation below grade or any other building determined by the Development Authority to be temporary as a condition of the issuance of a development permit;
77. **"undeveloped lot"** means a lot which does not contain a residence, building or structure;
78. **"yard"** means a part of a lot upon or over which no principal building is erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

PART EIGHT - GENERAL

8.1 AMENDING BYLAWS

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

8.2 SEVERABILITY PROVISION

It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Town Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

8.3 ATTACHED FIGURES

Various Figures are included within this Bylaw for information purposes, but they do not form part of this Bylaw unless specifically referenced to in the text of the Bylaw.

8.4 REPEALING EXISTING CONTROLS

Bylaw No. 190-98, as amended, is hereby repealed.

8.5 DATE OF COMMENCEMENT

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS 9th DAY OF November, A.D. 2011

Mayor Administrator

Public Hearing Date: _____ 2012

READ A SECOND TIME IN COUNCIL THIS XXTH DAY OF XXXX, A.D. 2012

Mayor Administrator

READ A THIRD TIME IN COUNCIL THIS XXTH DAY OF XXXX, A.D. 2012

Mayor

Administrator

APPENDIX A – SRD RECOMMENDED GUIDELINES

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 (≥ 15m 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 (Gully, ravine, coulee, or valley escarpments)	Provide for a toe erosion allowance. Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Consider highly erosive soils and annual recession rates. 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.	