

**Summer Village of Yellowstone  
LAND USE BYLAW**

Bylaw 171-11 (May 2012)

**BYLAW NO. 171-11**

Being a Bylaw of the Summer Village of Yellowstone, in the Province of Alberta.

WHEREAS the Municipal Government Act, R.S.A. 2000, c M-26 and any amendments thereto, mandates the Council of a municipality to enact a bylaw to regulate the use and development of land and buildings.

In this Bylaw, the words imparting the singular shall include the plural and words imparting the masculine shall include the feminine or neuter forms or corporations, or vice versa, save where the context otherwise requires.

Therefore the Municipal Council repeals the Summer Village of Yellowstone Land Use Bylaw No. 123 and all amendments thereto, on the date of the final passing and adoption of this Bylaw, May, 5, 2012, enacts as follows:

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**PART 1 GENERAL**

**Section 1 - Title**

This Bylaw may be referred to as "The Summer Village of Yellowstone Land Use Bylaw."

**Section 2 - Scope**

No subdivision or development shall hereafter be carried out within the boundaries of the Summer Village of Yellowstone except in conformity with the provisions of this Bylaw.

**Section 3 - Purpose**

The purpose of this Bylaw is to, amongst other things:

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate the use(s) for each district;
- (3) to establish the office of Development Officer;
- (4) to establish the Subdivision Officer;
- (5) to establish a method of making decisions on applications for development permits and the issuance of development permits;
- (6) to provide the manner in which notice of the issuance of a development permit is to be given;
- (7) to establish a method for making decisions on applications for subdivision approval in accordance with the Municipal Government Act and its regulations;
- (8) to implement the policies of the statutory plans of the Summer Village of Yellowstone;
- (9) to establish supplementary regulations governing certain specific land uses; and
- (10) to establish the procedures for making amendments to this Bylaw.

**Section 4 - Relationship to the Municipal Government Act**

This Summer Village of Yellowstone Land Use Bylaw has been prepared and adopted in accordance with the provision of the Act, its regulations, and amendments thereto.

**Section 5 - Metric and Imperial Measurements**

The imperial equivalents provided in parentheses after reference to metric units of measurement are approximate and intended for informational purposes only.

**Section 6 - Previous Municipal Bylaws**

No provisions of any other Bylaws with respect to zoning, development control and land use classifications shall hereafter apply to any part of the Summer Village described in this Bylaw, subject to the transitional provisions of this Bylaw.

**Section 7 - Effective Date**

The effective date of this Bylaw shall be the date of the third reading thereof.

**Section 8 - Establishment of General Conditions**

General conditions shall be set forth in Part I of "General Conditions" and the same may be amended in the similar manner as any other part or section of this Bylaw.

**Section 9 - Other Legislative and Bylaw Requirements**

Nothing in this Bylaw affects the duty or obligation of a person to obtain a development permit as required by this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw, or Act or any regulation pursuant to those Acts.

**Section 10 - Definitions**

In this Bylaw:

**"ACCESSORY BUILDING"** - means a building which is subordinate to, and the use of which is incidental to that of, a principal building and which includes such buildings as a garage, storage shed and guesthouse. This structure can be up to 1 ½ storeys in height with a maximum height of 22'. This height can exceed the height of the principal residence. If a garage is 1½ storeys in height it can only include storage or sleeping accommodation over the garage. No accessory structure may be erected on a property prior to the construction of the principal building.

**"ACCESSORY BUILDING, LAKESHORE"** - means an accessory building or structure located immediately adjacent to a lakeshore or lake tributary or within the actual water body proper (with all necessary approvals), and includes but is not limited to a boathouse;

**"ACCESSORY USE"** - means a use of a building or land which is incidental to and subordinate to the principal use of the parcel on which it is located;

**"ACT"** - means THE MUNICIPAL GOVERNMENT ACT, as amended, and the regulations pursuant thereto;

**"ADJACENT LAND"** - means land that is contiguous to the parcel of land in question and includes;

- (a) land that would be contiguous if not for a highway, road, river or stream, and
- (b) any other land identified in the Land Use Bylaw as adjacent land for the purpose of notification.

**"AREA STRUCTURE PLAN"** - means a plan adopted by the Council as an area structure plan pursuant to the Municipal Government Act;

**"APPEAL BOARD"** - means a Subdivision and Development Appeal Board appointed pursuant to the Act;

**"BED AND BREAKFAST"** - means the use of part of a residential dwelling for overnight commercial accommodation where breakfast is usually served as part of the accommodating service. A bed and breakfast is a home occupation for the purpose of this bylaw;

**“BOATHOUSE”** - means an accessory building designed and used primarily for the storage of boats and which is designed in such a way as to permit the direct removal of boats from the water into the structure;

**“BUFFER”** - means a row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

**“BUILDING”** - means anything constructed or placed on, in, over, or under land, but does not include a highway or public roadway or related developments;

**“BUILDING HEIGHT”** - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

**“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;

**“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;

**“CHATTEL”** - means a moveable item of personal property;

**“CORNER”** - means the intersection of any two property lines of a parcel;

**“DECK”** - means a hard surfaced urea typically adjoining a dwelling unit; more than 0.6 m (1.97 ft) above grade;

**“DESIGNATED OFFICER”** - means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Municipal Government Act and this Bylaw;

**“DEVELOPABLE AREA”** - means an area of land suitable for a building parcel and containing adequate surface elevation to preclude marshland, wetland, or groundwater inundation or high groundwater table conditions;

**“DEVELOPER”** - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

**“DEVELOPMENT”** - means development as defined in the Act, including the following:

- (a) The carrying out of any construction or excavation, or other operations, in, on, over or under land, or the making of any change in the use or the intensity of use of any land, buildings or premises, and without restricting the generality of the foregoing, includes the removal of topsoil. For the purposes of this Bylaw, development also means any demolition activities,

- (b) In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alteration or additions which provide for an increase in the number of dwelling units within the building or on the parcel,
- (c) The placing of refuse or waste material on any land,
- (d) The resumption of the use to which land or buildings have been previously put,
- (e) The use of the land for the storage or repair of motor vehicles or other machinery or equipment,
- (f) The continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw is enacted,
- (g) The installation of any type of sewage disposal system including but not limited to holding tanks, and
- (h) The digging of a well or installation of a water cistern;

**“DEVELOPMENT AUTHORITY”** - means the Development Officer as designated by bylaw;

**“DEVELOPMENT OFFICER”** - means the person(s) appointed as Development Officer in accordance with the Development Authority Bylaw;

**“DEVELOPMENT PERMIT”** - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit and must be approved prior to issuance of a building permit;

**“DISCONTINUED”** - means the time at which, in the opinion of the Development Officer, substantial construction activity or nonconforming use, or conforming use has ceased to continue;

**“DISCRETIONARY USE”** - means a use of land or buildings provided for in the District Regulations of the Bylaw, for which a development permit may or may not be issued with or without conditions;

**“DOUBLE FRONTING PARCEL”** - means a parcel bounded by two or more streets on opposite ends; but is not a corner parcel;

**“DWELLING”** – means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level, and includes single family dwellings, but does not include mobile homes or temporary mobile living accommodations such as holiday trailers;

**“DWELLING UNIT”** – means a self-contained structure with sleeping, washroom and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a single household;

**“EASEMENT”** - means a right to use land, generally for access to other property or as a right-of-way for a public utility;

**“EXCAVATION”** - means any breaking of ground, except common household gardening and ground care;

**“FENCE”** - means a vertical physical barrier constructed to prevent visual intrusion or unauthorized access or sound abatement;

**“FLOOR AREA”** - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centre-line of fire walls encompassing all levels of the structure;

**“FLOODPLAIN”** – means the highest elevation of the level of floodwaters occurring in the 1:100 flood event, as established from time-to-time by Alberta Environment;

**“FOUNDATION”** - means the lower portion of a building, usually concrete or masonry, and includes the footings and pilings which transfer the weight of and loads on a building to the ground;

**“FRONTAGE”** - means the lineal distance measured along the front parcel line;

**“GARAGE”** - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles; sleeping accommodation only is permitted over a garage;

**“GRADE”** - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

**“GUEST HOUSE”** - means an accessory building used for seasonal or part-time sleeping accommodation with bathroom facilities and not containing such facilities as a kitchen, living room or recreation room. A guest house does not mean a recreational vehicle, or a converted mobile home. A guest house shall not be used as a rental accommodation;

**“HIGH GROUNDWATER TABLE”** - means a water table level measuring less than 1.5 m (5.0 ft) from the ground surface, or as otherwise approved by the Development Officer

**“HOME OCCUPATION”** – means the accessory use of a dwelling by a resident of that dwelling for a business which is conducted within the dwelling, does not employ persons who are not resident within the dwelling, and is undetectable from the outside;

**“LAKEFRONT DWELLINGS”** - means those dwellings whose properties extend to the lakeshore but also includes those dwellings whose parcels are only separated from the lakeshore by an environmental reserve;

**“LANDSCAPING”** - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, or other structures and materials as used in modern landscape architecture but does not include changes in grade, stockpiling and excavation;

**“LANE”** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (33.0 ft) and is not less than 6.0 m (20.0 ft) wide, and which provides a secondary means of access to a parcel or parcels;

**“LOT”** - means a parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered plan of subdivision;

**“MINOR”** - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Officer, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

**“MOBILE HOME”** - means a building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured in one or two parts with each part being moved from one point to another and put together on parcel to form a single unit and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A mobile home is not a Single Detached Dwelling;

**“MODULAR HOME”** - means a dwelling which 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 is a Single Detached Dwelling;

**“MUNICIPAL DEVELOPMENT PLAN”** - means the Summer Village of Yellowstone Municipal Development Plan;

**“MUNICIPALITY”** - means the Summer Village of Yellowstone;

**“NON-CONFORMING BUILDING OR USE”** - means a building or use which is regarded as non-conforming in accordance with the provisions of the Act;

**“OCCUPANCY”** - means the use or intended use of a building or part thereof for the shelter or support of persons or property;

**“OUTDOOR STORAGE - MINOR ”**- means the accessory storage of equipment, goods, and materials in the open air where such storage of goods and materials does not involve the use of permanent structures or the material alteration of the existing state of the land;

**“PARCEL”** - means the aggregate of the 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;

**“PARCEL AREA”** - means the total area of a parcel;

**“PARCEL BOUNDARIES”** - means the property boundaries which bound the parcel as determined by the Development Officer;

**“PARCEL, CORNER”** - means a parcel at the intersection of two abutting streets;

**“PARCEL COVERAGE”** - means, in the case of a residential building or structure, the combined area of all buildings on the parcel, measured at the level of the lowest storey above grade, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases, square footage of all levels, all porches and verandas, open or covered but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within a building except inner and outer courts;

**“PARCEL DEPTH”** - means the average horizontal distance between the front and rear parcel boundaries;

**“PARCEL, INTERIOR”** - means a parcel which is bounded by only one street;

**“PARCEL, LAKEFRONT”** - means a parcel adjacent to a lakeshore excluding any existing park or reserve land, public roadways or public utility lots

**“PARCEL WIDTH”** - means the distance between the side property lines of a parcel at the minimum permissible front yard, measured parallel to the road or to the tangent on a curved road;

**“PARK OR PLAYGROUND”** - means an area of land that is used for recreation purposes and may include such facilities as playground equipment;

**“PARKING FACILITY”** - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

**“PARKING STALL”** - means a hard surfaced space set aside for the parking of one vehicle;

**“PERMITTED USE”** - means the use of land or building provided for in the District Regulations of this Bylaw for which a development permit shall be issued with or without conditions which conforms to the Land Use Bylaw;

**“PRINCIPAL BUILDING OR USE”** - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar building or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one principal building or use on a single lot;

**“PUBLIC PARK”** - means an active or passive public recreation area together with any accessory buildings or uses complimentary to the said recreational purpose;

**“PUBLIC ROAD”** - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any structure;

**“PUBLIC USE”** - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations;

**"PUBLIC UTILITY BUILDING"** means a building to house a public utility, its office or equipment;

**"PUBLIC WORKS BUILDING"** - means any building, structure, facility, yard or complex used by the municipality to facilitate the performance of, or storage with respect to, the maintenance and care of public infrastructure;

**"RECREATIONAL VEHICLE"** - means a portable structure intended as temporary accommodation for travel, vacation, or recreational use. Such structures may include but not be limited to a motor home, fold-down camping trailer, truck camper, holiday trailer or fifth wheel travel trailer. Conventional or converted mobile homes are not recreational vehicles, as defined under this bylaw

**"SETBACK"** - means the distance that a development, or a specified portion of it, must be set back from a property line;

**"SEWAGE COLLECTION SYSTEM"** - consists of a CSA approved sealed impermeable holding tank;

**"SHORELINE"** - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the waterbody and the vegetation of the surrounding land;

**"SHORT FORM"** - means an abbreviation;

**"SIGN"** - means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or other wise developed and used or serving or intended to serve to identify, to advertise, or to give direction;

**"SINGLE DETACHED DWELLING"** - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a residence not separated from direct access to the outside by another structure. A mobile home or recreational vehicle is not a single detached dwelling as defined under this Bylaw;

**"STOREY"** - means a floor of a building, excepting the basement;

**"STOREY, HALF"** - means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor;

**"STREET"** - means a right-of-way no less than 10.0 m (32.8 ft) in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic, but does not include a lane or as defined as a street in the Highway Traffic Act;

**"STRUCTURE"** - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**"SUBDIVISION AUTHORITY"** - means a Subdivision Authority established Pursuant to Section 623 of the Municipal Government Act. Council shall exercise Subdivision Authority powers on behalf of the Municipality;

**“SUBDIVISION AND DEVELOPMENT APPEAL BOARD** - means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the Municipal Government Act

**“SUBDIVISION OFFICER”** - means a person authorized to accept, process and endorse subdivisions on behalf of the subdivision authority pursuant to the provisions of the Municipal Government Act;

**“TEMPORARY DEVELOPMENT”** - means a development for which a development permit has been issued for a limited time only;

**“TEMPORARY USE OR BUILDING”** - means a use or building developed on a parcel which is not permanent in nature and can conveniently and economically be removed so as to not prejudice the future subdivision or development of that parcel;

**"TEMPORARY LIVING ACCOMMODATION"** - means any recreational vehicle, holiday trailer, camper or tent situated on a residential lot;

**"USE"** - means a use of land or a building as determined by the Development Officer;

**"UTILITY"** - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system;

**"UTILITY BUILDING"** - means a building in which the proprietor of a utility company maintains his office or offices and/or maintains or houses any equipment used in connection with the utility;

**“YARD”** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw;

**“YARD, FRONT”** - means that portion of the parcel extending across the full width of the parcel from the front property boundary line of the parcel to the front wall of the main building. In the case of lake front lots, the front yard is the area between the lake shore property line (or, if the front property line is not a fixed point, the standard mean high water mark as defined by Alberta Environmental Protection) and the wall of the main building facing the lake;

**“YARD, LAKEFRONT”** - means the yard extending across the full width of a lakefront parcel and situated between the parcel line closest to the lake and the nearest portion of the exterior wall of the principal building;

**“YARD, REAR”** - means that portion of the parcel extending across the full width of the parcel from the rear property boundary to the exterior wall of the building; and

**“YARD, SIDE”** - means that portion of the parcel extending from the front yard to the rear yard and lying between the side property boundary of the parcel and the nearest portion of the exterior wall of the principal building.

All other words and expressions have the meanings respectively assigned to them in the Act.

## **PART 2 DEVELOPMENT CONTROL AGENCIES**

### **Section 11 - Establishment of a Development Officer**

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by Resolution of Council.
- (2) For the purposes of the Act, the Development Officer is hereby declared to be a Designated Officer of Council.
- (3) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:
  - (a) keeping and maintaining for the inspection of the public during all regular hours, a copy of this Land Use Bylaw and all amendments thereto, and
  - (b) keeping a register of all applications for development including the decisions thereon and the reasons therefore.
- (4) For the purposes of this Bylaw, the Development Officer shall constitute the Development Authority of the Summer Village of Yellowstone.

### **Section 12 - Subdivision Officer**

- (1) The office of the Subdivision Officer is hereby established and such office shall be filled by a person or persons appointed by Resolution of Council.
- (2) The Subdivision Officer or designate(s) shall perform such duties that are specified in Part IV of this Bylaw.
- (3) The Subdivision Officer or designate(s) shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this bylaw and all amendments thereto; keep a register of all applications for subdivision, including the decisions thereon and the reason therefore.
- (4) For the purposes of the Municipal Government Act, the Subdivision Officer or his designate(s) is/are hereby declared to be a Designated Officer of Council.
- (5) For the purposes of this Bylaw, the Subdivision Officer shall constitute the Subdivision Authority of the Summer Village of Yellowstone.

### **Section 13 - Subdivision and Development Appeal Board**

- (1) The Subdivision and Development Appeal Board is established through separate bylaw.
- (2) The Subdivision and Development Appeal Board shall perform such duties as specified in the Act.

## **PART 3 DEVELOPMENT CONTROL**

### **Section 14 - Control of Development**

No development other than that designated in Section 15 of this Bylaw shall be undertaken within the municipality unless an application for it has been received by the Development Officer, and a development permit has been issued.

**Section 15 - Where a Development Permit is not Required**

The following developments shall not require a development permit provided the proposed development conforms to all other provisions of this Bylaw:

- (a) The maintenance or repair of any conforming building if the work does not include structural alterations;
- (b) The erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer;
- (c) The completion, alteration, maintenance or repair of a street, lane or utility, undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- (d) Hard-surfacing of any yard area on a parcel for the purpose of providing vehicular access from a public roadway to an on-site parking stall, provided that such hard-surfacing does not drain onto adjacent properties;
- (e) The erection of freestanding towers, electronic equipment, flag poles and other poles not exceeding 6.1 m (20.0 ft), provided that the structure is not located in a front yard or on a building or structure;
- (f) Landscaping (this includes at grade decks) where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- (g) The erection of campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
  - (i) such signs are removed within fourteen (14) days of the election date, and
  - (ii) the consent of the property owner or occupant is obtained, and
  - (iii) such signs do not obstruct or impair vision or traffic, and
  - (iv) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (h) The erection or construction of gates, fences, walls or other means of enclosure, subject to Section 56 of this Bylaw, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure;
- (i) One sign on internal parcels or two signs on corner parcels advertising a residential property for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed after the sale or rental agreement has been entered into. Such signs shall be a maximum of 0.6 m<sup>2</sup> (6.4 ft<sup>2</sup>) and shall be placed or erected no closer than 3.0 m (10.0 ft) to a public right-of-way; or
- (j) The erection or construction of accessory structures (sheds or garden sheds) up to 9 m<sup>2</sup> (100 ft<sup>2</sup>) of floor area provided they meet the setback requirements for an accessory building and site coverage regulations as defined under this Bylaw; and the principal building has already been constructed.

**Section 16 - Prohibited Development**

For the purposes of this Bylaw, the following shall apply as prohibited development:

- (a) Tarp structures (greater than 9M2 or 100Ft2),
- (b) Pit toilets (with or without a holding tank),
- (c) Mobile homes, trailers, and recreational vehicles placed on a vacant parcel,
- (d) The permanent, or seasonal, storage of boats, snowmobiles, ATV's, utility trailers, or recreational vehicles on a vacant parcel,
- (e) The placing of refuse or waste material on any land, and/or
- (f) The more frequent or intensive use of land for the parking of trailers, bunkhouses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed or affixed to the land in any way.

**Section 17 - Non-Conforming Buildings and Uses**

Non-conforming buildings and uses must comply with Section 643 of the Act.

**Section 18 - Application for Development Permit**

- (1) An application for a development permit shall be made to the Development Officer in writing on the application form provided in the parts forming this Bylaw, and shall:
  - (a) be accompanied by a fee as set by Council;
  - (b) be signed by the registered owner or their agent where a person other than the owner is authorized by the owner to make application; The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;
  - (c) state the proposed used or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and
  - (d) at the discretion of the Development Officer include parcel plans at a scale satisfactory to the Development Officer, showing any or all of the following:
    - (i) Front, side and rear yards;
    - (ii) Outlines of the roof overhangs on all buildings;
    - (iii) North point;
    - (iv) Legal description of the property;
    - (v) Location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
    - (vi) The provision of off-street loading and vehicle parking,
    - (vii) Access and egress points to and from the parcel,
    - (viii) Location of water and sewage collection systems on adjacent properties.
    - (ix) The grades of the adjacent streets and lanes;

- (x) the location of existing and proposed municipal and private local improvements as well as an estimation of the installation thereof,
  - (xi) The exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
  - (xii) The lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable;
  - (xiii) a parcel grading plan indicating but not limited to indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;
  - (xiv) storm drainage plan,
  - (xv) On a vacant parcel in a residential district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal; and
  - (xvi) estimated cost of the project, excluding land prices, and
  - (xvii) Any other information or tests respecting the parcel or adjacent lands which is pertinent to an assessment of the conformity of the proposal to this Bylaw and any other resolutions of Council dealing with development.
- (2) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- (3) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be considered to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.

## **Section 19 - Decisions on Development Permit Applications**

- (1) Permitted / Discretionary Applications
- (a) The Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw. The Development Officer may approve an application for a discretionary use or may refer the application with the Development Officer's recommendations to Council for decision.
  - (b) All applications for the placement of Modular Homes shall be referred, by the Development Officer, to Council for a decision. Manufactured, or mobile, homes are prohibited development.
  - (c) The Development Officer or Council may require, as a condition of issuing a development permit, that:
    - (i) a Real Property Report, signed by an Alberta Land Surveyor, along with a signed authorization form or letter from the Alberta Land Surveyor stating that the Summer Village may utilize the Surveyor's Real Property Report for evaluating the compliance of the proposed or existing development against all regulations relating to the use and building(s) that are the subject of the development permit application;

- (ii) prior to making a decision, refer any application to any municipal department or external agency for comment;
  - (iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with the Summer Village of Yellowstone to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-site levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Summer Village of Yellowstone may be protected by caveat registered in favour of the Summer Village;
  - (iv) require financial guarantees, in a form and an amount acceptable to the Village, from the applicant to secure performance of any of the conditions of a development permit;
  - (v) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or
  - (vi) issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature.
- (d) Where development permit applications are referred to Council, Council shall be subject to the same variance provisions that apply and are available to the Development Officer as noted in Section 19 (2), (3) and (4).

(2) Variance Provisions

The Development Officer may, in deciding upon an application for a permitted or discretionary use, allow a minor variance to a maximum of ten percent (10%) of the stated setback or other provision provided such variance does not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of land.

(3) Limitations on Variance Provisions

In approving an application for a development permit under Section 19 (2), the Development Officer or Council shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- (a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same district.
- (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing density.
- (c) Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer to relax a regulation of a land use district or any other regulation of this Bylaw, they shall not permit any variance from that regulation other than that contained in Section 19 (2).

(4) Additional Provisions:

The Development Officer may impose such additional conditions on the approval of an application that are considered necessary by the Development Officer, or Council to:

- (a) uphold the intent and objectives of any area structure plan or other statutory plan or land use regulation as adopted or amended from time to time; and
- (b) ensure the orderly and economic development of land within the Summer Village of Yellowstone

**Section 20 - Notice of Proposed Development**

- (1) Prior to an application being considered for a discretionary use, the Development Officer may require one or more of the following:
  - (a) cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than seven (7) days prior to the date of consideration of such an application;
  - (b) cause a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or
  - (c) cause a similar notice to be sent by mail to all assessed property owners within 30.0 m of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, may be affected, not less than seven (7) days prior to the date of consideration of the application.
- (2) The notices issued pursuant to Section 20 (1) shall state:
  - (a) the proposed use of the building or parcel;
  - (b) that an application respecting the proposed use will be considered by the Development Officer;
  - (c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
    - i) their full name and address for service of any notice to be given to them in respect of the objection, and
    - ii) the reasons for their objections to the proposed use;
  - (d) the date by which objections must be received by the Development Officer; and
  - (e) the date, time and place the application will be considered by the Development Officer or Council.
- (3) When considering applications under Section 20 (1) for which notices have been served, the Development Officer may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

**Section 21 - Notice of Decision**

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Officer or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) When a decision on a development permit for a permitted use is made, the Development Officer shall require the developer to immediately post a notice, for no less than fourteen (14) days, conspicuously on the parcel on which the proposed development has been permitted.
- (4) When a decision on a development permit for a discretionary use is made, the Development Officer may undertake or be directed to undertake by the Summer Village Council, as the case may be, any or all of the following:
  - (a) publish a notice in a newspaper circulating in the municipal area; and/or
  - (b) immediately mail a notice to all assessed property owners within 30.0 m of the parcel with respect to which the application has been made and to those assessed property owners who, in the opinion of the Development Officer, may be affected; and/or
  - (c) post a notice conspicuously on the parcel with respect to which the application has been made, for a period of no less than twenty one (21) days after the day the permit was issued.
- (5) The notices issued pursuant to Sections 21(3), or 21(4) shall indicate:
  - (a) the date a decision on the development permit application was made;
  - (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, and
  - (c) that an appeal may be made by a person affected by the decision by serving written notice of the appeal to the Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 21(4)c of this Bylaw.

**Section 22 - Effective Date of Permit**

The decision on a development permit application shall come into effect,

- (1) if it is made by the Development Officer or Summer Village Council, on the fourteenth (14) day after the date of the issue of the Notice of Decision, or
- (2) If an appeal is made, on the date that the appeal is finally determined and a decision is issued.

**Section 23 - Validity of Development Permits**

- (1) A development permit is valid unless:
  - (a) it is suspended or cancelled; or
  - (b) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or

- (c) the development that is the subject of the development permit is not commenced within a time period specified in the permit or not carried out with reasonable diligence, if the Development Officer, or Council has specified that the development permit is to remain in effect for less than twelve months.
- (2) If the development has not been completed prior to the expiry date of the Permit, the Development Officer may grant one extension, to a maximum of twelve months, to the approval of the Development Permit where requested in writing by the applicant.
- (3) Temporary Development Permits shall have the expiry date of the permit clearly indicate on the notice of decision.

#### **Section 24 - Deemed Refusals**

In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer, as the case may be, is not made within forty (40) days of the completed application being received by the Development Officer unless an agreement to extend the 40-day period herein described is confirmed in writing between the applicant(s) and the Development Officer.

#### **Section 25 - Subsequent Applications**

If an application for a development permit is refused by the Development Officer or on an appeal from the Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,

- (a) on the same parcel; and
- (b) for the same or similar use,

may not be made until at least six (6) months after the date of the refusal, subject to resolution from Council authorizing an earlier date.

#### **Section 26 - Suspension or Cancellation of Development Permits**

- (1) If, after a development permit has been issued, the Development Officer becomes aware that:
  - (a) the application for the development contains a misrepresentation; or
  - (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
  - (c) the development permit was issued in error, the Development Officer, as the case may be, may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of it.
- (2) If a person fails to comply with a notice under Section 645 of the Act, the Development Officer may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (3) A person whose development permit is suspended or cancelled under this Section may appeal to the Subdivision and Development Appeal Board.

**Section 27 - Developer's Responsibility**

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances streets, lanes sidewalks, lakes, and run-off lanes and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (4) Sections 27 (2) and (3) may be enforced pursuant to PART VI of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where financial guarantees have been required pursuant to Sections 18.
- (5) The Development Officer may require a Real Property Report prepared by an Alberta Land Surveyor relating to the building(s) that is (are) the subject of a development permit application.
- (6) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.
- (7) Further to Section 26, a person in receipt of an occupancy permit issued pursuant to the Alberta Safety Codes Act is not in receipt of permission to occupy under this Bylaw.
- (8) A person in receipt of a development permit issued pursuant to this Bylaw must obtain where applicable a building permit issued pursuant to the Alberta Safety Codes, some of the regulations/provisions of which may not be consistent with the regulations/provisions of this Bylaw.
- (9) The Development Officer may require, with respect to a development that as a condition of issuing a development permit, the applicant enter into a negotiated Development Agreement with the Municipality to do all or any of the following:
  - (a) To construct or pay for the construction of:
    - (i) a public roadway required to give access to the development, or
    - (ii) a pedestrian walkway system to serve the development; or
    - (iii) pedestrian walkways that will 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; or
  - (b) To install or pay for the installation of utilities that are necessary to serve the development; or
  - (c) To construct or pay for the construction of:
    - (i) off-street or other parking facilities, and
    - (ii) loading or unloading facilities; or
  - (d) To pay off-site levy or redevelopment levy imposed by bylaw.

- (10) Where an application for a development permit is approved with conditions, the Development Officer may, before issuing the Development Permit, require the applicant or owner of the land affected by the Development Permit to enter into an agreement with the Municipality to ensure compliance with the condition and such an agreement may be protected by Caveat registered by the Municipality.

## **PART 4 SUBDIVISION OF LAND**

### **Section 28 - Control of Subdivision**

No subdivision of land shall be undertaken within the Municipality unless an application for it has been approved pursuant to Division 7 of the Municipal Government Act.

### **Section 29 - Subdivision Fees**

All fees and charges pursuant to this Bylaw shall be as established by a Municipal Services Agreement established by Resolution of Council.

**PART 5 AMENDMENT AND ENFORCEMENT**

**Section 30 - Development Appeals and Procedures**

Development appeals and procedures must be undertaken in conformity with the Act.

**Section 31 - Subdivision Appeals and Procedures**

Subdivision appeals and procedures must be undertaken in conformity with the Act.

**Section 32 - Application to Amend Bylaw**

(1) Subject to the provisions of the Municipal Government Act, any Section or Part of this Bylaw may be amended in accordance with Section 32 of this Bylaw.

(2) Application

Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, and request that the Development Officer submit the amendment application to the Council for consideration.

(3) As part of the application referred to in Section 32 (2), the applicant must provide the following information:

- (a) reasons in support of the amendment application;
- (b) the use to be made of the land that is the subject of the application; and
- (c) the program of land servicing.

(4) Payment and Undertaking

A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- (a) pay an application fee as set by Resolution of Council;
- (b) agree to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Summer Village of Yellowstone may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
- (c) sign a certificate authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed amendment.

(5) Investigation by Development Officer

Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:

- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment; and
- (b) prepare a detailed report including all maps and relevant material.

(6) Procedure by Applicant

Upon receiving the preliminary advice of the Development Officer, the applicant shall advise the Development Officer if:

- (a) they wish the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
- (b) they wish to withdraw his application for an amendment.

(7) Decision by Council:

As soon as reasonably convenient the Development Officer shall submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the report of the Development Officer and other relevant material, if any, and the Council shall then consider the proposed amendment.

(8) Council May Direct Repayment:

If it appears that the proposed amendment is one which is applicable to and for the benefit of the Summer Village of Yellowstone at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Summer Village of Yellowstone pay the expense which the applicant has agreed to pay pursuant to the provisions of Section 32.

(9) Amendments Proposed in Council:

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment any proposals shall first be referred to the Development Officer for review and recommendation.

(10) Limit on Frequency of Applications:

Notwithstanding anything in this Section or this PART, a proposed amendment which has been rejected by Council within the previous twelve (12) months may not be reconsidered unless Council otherwise allows.

(11) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws, Section 692 specifically.

(12) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

## **PART 6 CONTRAVENTION, PENALTIES AND FINES**

### **Section 33 - Contravention**

- (1) Contravention of the provisions of this Land Use Bylaw must conform to Section 645 of the Act.
- (2) Where a notice is issued under Section 645 of the Act, the notice shall state the following and any other information considered necessary by the Development Officer:
  - (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
  - (b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
  - (c) A time frame in which the contravention must be corrected prior to the Summer Village of Yellowstone pursuing action; and
  - (d) Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

### **Section 34 - Offenses and Penalties**

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Alberta Court of Appeal upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who:
  - (a) contravenes any provision of the Act or the regulations under the Act,
  - (b) contravenes this Bylaw,
  - (c) contravenes an order under Section 33 of this Bylaw and/or Section 645 of the Act,
  - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
  - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw
  - (f) is guilty of an offense and is liable to a fine prescribed in Section 566 of the Municipal Government Act.
- (2) If a person is found guilty of an offense under Section 33 of this Bylaw (Section 557 of the Municipal Government Act), the court may, in addition to any other penalty imposed, order the person to comply with:
  - (a) the Act and the regulations under the Act,
  - (b) this Bylaw,
  - (c) an order under Section 33 of this Bylaw and/or Section 645 of the Act, and/or,
  - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
  - (a) delivered personally to the person or their agent it is directed to; or
  - (b) mailed by certified mail to the last known address of the person it is directed to; or
  - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.

## **PART 7 GENERAL REGULATIONS**

### **Section 35 - On-Parcel and Off-Parcel Services and Improvements**

Where any on parcel services or improvements, or any off parcel local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer is satisfied that such services or improvements will be undertaken.

### **Section 36 - Utility Easements**

Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

- (1) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purposes of installation or land maintenance of the utility, and
- (2) written consent has been obtained from the person for whose use the easement has been granted.

### **Section 37 - Parcel Grading**

In all cases, parcel grades shall be established with regard to preventing drainage from one parcel to the next except where drainage conforms to an acceptable local or subdivision drainage plan which may be approved by the Summer Village.

### **Section 38 - Building Appearance and Building Exteriors**

- (1) The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Officer.
- (2) The exterior finish on all buildings shall be of a permanent material satisfactory to the Development Officer.

### **Section 39 - Mobile Homes**

Mobile homes of any kind (included Manufactured Homes) are not allowed to be placed on any lot within the corporate boundaries of the Summer Village of Yellowstone. Existing placements are deemed legally non-conforming by the Summer Village.

**Section 40 - Corner and Double Fronting Sides**

In residential areas, a parcel abutting onto two streets or more shall have a front yard setback on a selected street in accordance with the front yard requirements of this Bylaw. The other yard shall be considered a flanking yard and shall maintain a minimum setback of 3.15M (10.0 Feet).

On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge or any object over 0.9 m (3 ft) in height above the lowest street grade adjacent to the intersection

**Section 41 - Dwelling Units on a Parcel**

No person shall construct or locate or cause to be constructed or located more than one principal dwelling unit on a single parcel.

**Section 42 - Building Attached to Principal Buildings**

Where a building is attached to the principal building by an open or enclosed roofed structure, it is considered a part of the principal building and not an accessory building.

**Section 43 - Relocation of Existing Buildings within the Summer Village**

- (1) No person shall:
  - (a) place on a parcel a building which has previously been erected or placed on a different parcel, or
  - (b) alter the location of a building which has already been constructed on that parcel,unless the Development Officer approved the placement or alteration.
- (2) Approval shall not be granted under Subsection (1) unless the Development Officer is satisfied that:
  - (a) the placement or location of the building would meet the requirements of this Bylaw, and
  - (b) the building and the parcel meet the requirements of this Bylaw and the Land Use District in which it is proposed to be located.
- (3) The Development Officer shall require any applicant for a relocated building to submit recent photographs of the building which demonstrate the condition and appearance of the proposed building to the satisfaction of the Development Officer.

**Section 44 - Garages and Accessory Buildings**

- (1) In residential districts, unless otherwise provided, garages and accessory buildings shall be built and located based on the following AND only after development of the principal building:
  - (a) All required yards and setbacks are maintained.
  - (b) The total floor area for all buildings shall not exceed 40% of the area of the parcel.
  - (c) The Development Officer will require that there be adequate clearance between all buildings.

- (d) In the case of lakefront parcels, all accessory buildings except boathouses shall be located in the rear yard or rear half of the parcel (away from lake).
  - (e) In the case of non-lakefront parcels, all accessory buildings shall be located in the rear yard and rear half of half of the parcel (away from the road).
  - (f) A boathouse on a lakefront parcel will be located to the satisfaction of the Development Officer, and with all necessary approvals from the Province of Alberta Sustainable Resource department, and Alberta Environment.
  - (g) All accessory buildings shall be fixed to the ground.
  - (h) Where a garage's vehicle door faces the accessing roadway, the garage must be setback a minimum of 6.1M (22.0 ft).
  - (i) Garages will be limited to a maximum of 1½ storeys in height and shall not exceed 6.7M (22.0 ft) in height (as measured from grade).
  - (j) A guest house shall contain rooms for sleeping accommodation and bathroom facilities only and if additional rooms or facilities are contained therein, it shall be considered and evaluated as a dwelling unit.
  - (k) No eave of an accessory building shall be closer than 0.3M (1.0 ft) to any property line, with the foundation or structure of any accessory building being no closer than 0.9M (3.0 ft) from any property line.
  - (l) Accessory buildings shall not be erected unless the principal building (dwelling) has already been constructed, or the principal building is constructed simultaneously.
- (2) On lakefront parcels a residence, guest house, boathouse, and garage may be allowed as long as development adheres to all requirements of this Bylaw.
- (3) Private Swimming Pools and Hot Tubs:
- (a) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants or their guests.
  - (b) No privately owned outdoor swimming pool or hot tub shall be constructed unless fenced; except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of fence.
  - (c) Every fence enclosing an outdoor swimming pool or hot tub shall be at least 1.5 m (5.0 ft) in height above the level of the grade outside the enclosure and shall be of approved design such that it will deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device located on the inside of the gate.
  - (d) Notwithstanding the foregoing in Section 44 (3) (c), a hot tub or outdoor swimming pool may alternatively be secured against entry by means of a locking cover suitable to the Safety Codes Officer.

### **Section 45 - Accessory Uses**

- (1) Lakeshore Accessory Use:
- (a) Prior to the issuance of a development permit for a lakeshore accessory use, the Development Officer shall require a parcel plan giving information as to exact location in relation to property lines, architectural appearance, construction, materials, standards and access.

- (b) Any lakeshore accessory use which lies only partially within the Summer Village and therefore extends beyond the corporate boundaries of the Summer Village, shall require a development permit for any portion located within said corporate boundary.

### **Section 46 - Home Occupations**

- (1) Home occupations shall be limited to those areas which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home occupations shall not be a primary use of the principal building or accessory structures and shall not:
  - (a) involve the storage of goods in the public view, result in a change in the appearance of the residence or its accessory buildings, unless otherwise approved by the Development Officer;
  - (b) require alterations to the building unless the alterations are approved by the Development Officer; and
  - (c) shall not employ any employees who do not reside on-site.
- (2) Development approval for home occupations business signage shall be as described under Section 60.
- (3) Bed and Breakfast Operations

In addition to all other requirements of this Section, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 10 of this Bylaw:

- (a) A bed and breakfast shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
  - (b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
  - (c) In addition to off-street parking requirements contained within Section 54 of this Bylaw, one (1) off-street parking space per rented guest room shall be required for any approved bed and breakfast operation.
  - (d) A bed and breakfast shall be required to hold any permits or authorizations required by the local or Provincial Health Authority, as well as be in compliance with the Safety Codes Act.
  - (e) A bed and breakfast shall contain a maximum of two guest rooms.
- (4) Development approval for home occupations business signage shall be at the discretion of the Development Officer, and despite Section 60 of this bylaw, no sign shall be greater than (0.2 m<sup>2</sup>) 2.2 ft<sup>2</sup> and shall not be illuminated.
  - (5) All permits for home occupations that are valid for one year may apply for renewal and shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighborhood.

- (6) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.

#### **Section 47 - Development on Lands Containing a High-Water Table**

- (1) Residential development shall not occur on lands containing a high water table until satisfactory arrangements are made to provide adequate fill or trenching so as to lower the water table to a suitable level. In this respect the Development Officer may require testing by a professional engineer to confirm that any issues have been addressed.
- (2) The Development Officer may refer to Alberta Environmental Protection for their comments prior to issuing a development permit for filling or trenching for assistance in assessing any water table results.

#### **Section 48 - Flood Prone Lands**

- (1) Development on land which may be subject to flooding shall be discouraged, and/or on lands which within the 1:100 year flood plain (723.8 M ASL), or as determined by Alberta Environment and the Summer Village of Yellowstone.
- (2) Any development within the 1:100 flood plain shall be subject to the following:
  - (a) All development shall comply with Canada Mortgage and Housing Corporation standards for flood-proofing of buildings;
  - (b) The first floor and all mechanical and electrical installations within any structures or buildings shall be a minimum of 0.5 m (1.6 ft) above the 1:100 flood plain elevation level; and
  - (c) Buildings shall have no finished floor space below the 1:100 year flood elevation.
- (3) In floodway areas, new development shall not be permitted unless the proposed development is directly related to a recreational or lake use, such as picnic tables, boat docks, launch ramps, etc
- (4) Development in areas with a potential to be flooded may have, at the discretion of the Development Officer, a restrictive covenant related to the approved development registered against the certificate of title for the subject property.
- (5) Development on lands which have a gross slope in excess of 15% shall be accompanied by a site plan designed and approved by a professional engineer.

#### **Section 49 - Environmentally Sensitive Lands**

- (1) Development on lands which are designated, or deemed by the Development Officer, to be environmentally sensitive shall be discouraged.
- (2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
  - (a) The impact of the development on the subject and surrounding area;
  - (b) The soil types and conditions of the area surrounding the subject property;

- (c) Any information on the past history of the subject property and surrounding area from a geo-technical perspective; and
  - (d) Comments and recommendations if provided by Alberta Environment.
- (3) As part of the development permit application, the Development Officer may require a geotechnical study, prepared by a qualified engineer, addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon land characteristic of the subject property.
- (4) The Development Officer may require the following as a condition of approval for a development permit on land considered environmentally sensitive:
- (a) That measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
  - (b) The registration of a restrictive covenant against the certificate of title for the subject property related to the approved development.

### **Section 50 - Sewage Disposal**

- (1) A development permit shall be required for construction of an on-parcel sewage collection system consisting of an approved sealed impermeable holding tank.
- (2) All dwellings must have an approved sewage disposal system, and must also connect to a centralized collection system when such becomes available.

### **Section 51 - Water Supply**

- (1) All wells and potable water cisterns shall require a development permit and shall be excavated in conformance with the Alberta Building Code.
- (2) All dwellings shall be required to connect to a centralized potable water distribution system when such becomes available.

### **Section 52 - Development of Hazardous Lands**

- (1) It is the responsibility of the developer to provide adequate protection against flooding, subsidence and slumping and he shall engage such professional assistance as is determined necessary to protect his development.
- (2) Development on lands with a slope of greater than 15% shall be accompanied by a parcel plan designed and stamped by a professional engineer.
- (3) The Development Officer may consult with Alberta Environment to assist in determining high-water marks, floodplain area, banks and the like of the lake.

### **Section 53 - Building Demolition**

- (1) The demolition of a building shall require a Development Permit. Such a Permit shall not be approved without a statement indicating:
  - (a) how the demolition will be carried out; and
  - (b) how the parcel will be reclaimed and/or redeveloped.
  - (c) demolition, and reclamation, must be completed within a six months.

**Section 54 - Off-Street Parking Development Regulations**

- (1) Parking stalls and loading spaces shall be clearly marked and regularly maintained in the parking facility to the satisfaction of the Development Officer.
- (2) All off-street parking shall be provided according to the following standards:
  - (a) Grades and drainage shall dispose of surface water to the satisfaction of the Development Officer. In no case shall grades be established that would permit surface drainage to cross any walkway or parcel boundary without the approval of the Development Officer.
  - (b) Parking for the physically handicapped shall be provided as provincial regulations require, be considered as part of the number of stalls required for the project and be clearly identified for use only by the physically handicapped.

**Section 55 - Number of Off-Street Parking Stalls Required**

- (1) A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made in accordance with this Bylaw to increase the number of parking stalls or loading spaces required on the total parcel for which the addition or change in use is proposed.
- (2) The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
 

Residential Dwelling	2 spaces per dwelling.
Bed and Breakfast	1 space per sleeping unit.
- (3) Where, in the opinion of the Development Officer, municipal parking facilities have previously been provided to specifically serve a project, the number of parking stalls required on a parcel may be reduced accordingly.
- (4) In the case of a use not specified in Subsection (2), the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.
- (5) Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Subsection (2).
- (6) No development shall be permitted unless all parking needs are accommodated on-site.

**Section 56 - Fences and Screening**

- (1) In any district, a person shall not construct a fence, wall or permit a hedge to grow higher than 1.8 m (6.0 ft) unless a development permit has been provided.
- (2) Siting of a fence, wall or hedge over 1.8 m (6.0 ft) shall be determined by the Development Officer, taking into consideration the fences which exist on the parcels abutting the parcel in question.
- (3) In front yards, no fence shall be higher than 0.9 m (3.0 ft), except in the case of double fronting sites, where fence height shall be at the Development Officer’s discretion, but must be consistent with neighbouring properties. Front yard fences may be up to 1.5 m (5.0 ft) when the fence is constructed with open chain link (no slats or screening permitted).

**Section 57 - Non Conforming Uses**

In accordance with the Municipal Government Act, the following shall apply to non-conforming uses and structures:

- (1) If a development permit has been issued on or before the day on which a land use bylaw or a land use bylaw amendment bylaw comes into force in the Summer Village and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the change in the bylaw.
- (2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw in effect.
- (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.
- (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on 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 routine maintenance of the building, if the Development Officer considers it necessary, or
  - (c) in accordance with this Bylaw where the Development Officer may approve minor variances which include, but are not necessarily limited to: foundation repairs, addition of open porches or decks, or replacement of roofing and siding on a building.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except where allowed under this Bylaw.
- (7) The land use or the use of the building is not affected by a change in ownership or tenancy of the land or building.

**Section 58 - Temporary Living Accommodation**

- (1) No recreational vehicle shall be parked on any undeveloped lot within the Village, except that any person in possession of a valid building permit can be granted a development permit to park and use a holiday / vacation trailer for a temporary residence during the construction of the permanent residence.
- (2) The development permit approval for 57 (1) shall be restricted to twelve months, but on request to Council may be extended for an additional twelve months.
- (3) A recreational vehicle, holiday trailer, motor home, camper or tent trailer shall not be used as a permanent or seasonal dwelling unit. One (1) of these units can be used as guest accommodation on a developed lot provided a permanent dwelling already exists on the property.

**Section 59 - Landscaping**

- (1) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- (2) Development permit applications shall be accompanied by a general site grading plan, drainage plan and indicate any existing or proposed retaining wall construction, and change in grade/elevation.
- (3) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.5 cm (0.25 ft.) and the affected area shall be landscaped to the satisfaction of the Development Officer.
- (4) In any commercial, all areas of a parcel not covered by buildings, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer.

**Section 60 - Signs**

- (1) No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the municipality.
- (3) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a development permit, provided that no such signs are illuminated;
  - (a) signs for the purpose of identification, direction, and warning; and
  - (b) advertisements in relation to the function of public or quasi-public bodies.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign.

**Section 61 – Modular Homes**

- (1) Modular Home placements are discretionary uses and may be considered by the Development Officer, or forwarded by the Development Officer, to Council for a decision.
- (2) Modular Homes shall have a length to width ratio no greater than 3:1.
- (3) When considering an application for a Modular Home Council shall consider the following in rendering its decision:
  - (a) Appearance (including elements of age, design, orientation, finish and colour); or
  - (b) Method of foundation (piles (including proposed skirting) or other foundation type accepted under the Safety Codes Act); or
  - (c) Accessory development (if any) - including proposed decks or garages; or
  - (d) Council may require a security bond to insure that development is completed as conditionally approved by Council; or
  - (e) Any other factors Council deems appropriate in making its decision.

**PART 8 ESTABLISHMENT OF DISTRICTS & LAND USE DISTRICT REGULATIONS****Section 62 - Land Use Districts**

The Summer Village is hereby divided into the following districts:

<b>Short Form</b>	<b>District Designation</b>
R	Residential District
P	Park and Recreation District
UR	Urban Reserve District

**Section 63 - Land Use Districts**

- (1) Land use districts specified under Section 60 are described in the short form on the Summer Village's LAND USE DISTRICT MAP
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following rules shall apply:
  - (a) Where district boundaries are shown they shall be deemed to be:
    - (i) the parcel boundaries, or
    - (ii) the municipal boundaries.
  - (b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.
  - (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the Certificate of Title or the plan of survey when registered in a Land Titles Office. Prior to the registration, the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

**Section 64 - R – Residential District**

- (1) General Purpose of District  
To provide an area for low density residential development in the form of single detached dwellings and compatible uses in a lakeshore setting.

(2) Permitted Uses	Discretionary Uses
Single detached dwelling	Modular home Sewage collection system Well Accessory buildings Temporary living accommodation Home occupation Bed & Breakfast Public park Public utility building Public utility operations

- (3) Site Requirements:
  - (a) Coverage of all buildings shall not exceed 40% of the total area.
  - (b) Minimum floor area per dwelling unit (not including attached garage or deck) shall be 93.9 m<sup>2</sup> (1,000 ft<sup>2</sup>).
  - (c) Minimum area of lot 557 m<sup>2</sup> (6000 ft<sup>2</sup>).
  - (d) No principal building shall be less than 6.0m (20.0 ft.) in width, not including decks, porches or any other attachment.
  - (e) One Recreational Vehicle shall only be allowed on a lot in conjunction with a principal building and/or during the construction of the principal building as a condition of the Development Permit.
  - (f) Maximum Height:
    - (i) (Principal Building): Maximum of 9.4 m (31 ft) measured from grade to the highest point.
    - (ii) (Accessory Buildings): Maximum of 6.7 m (22 ft) and may exceed the height of the primary dwelling measured from grade to the highest point.
  - (g) Minimum Front Yard Setback:
    - (i) In the case of a lake front lot, the lake shall be considered the front yard and the street facing yard shall be regarded as the rear yard.
    - (ii) Lakefront - at the discretion of the Development Officer but not less than 8.0 m (26.2 ft).
    - (iii) Street Front - 6.1 m (20.0 ft).
  - (h) Minimum Rear Yard Setback:
    - (i) (Principal Building) Minimum of 1.5m (5.0 ft).
    - (ii) (Accessory Building) Minimum of 1.0 m (3.3ft)

- (i) Minimum Side Yard Setback:
  - (i) (Principal Building) Minimum of 1.5m (5.0 ft.).
  - (ii) (Accessory Building) Minimum of 1.0m (3.3 ft.)

**NOTE:** The Alberta Safety Codes Act may supersede the noted minimum side yard distances and/or restrict the number and location of unprotected openings. It is the responsibility of the owner or designer to confirm these implications.

(4) Accessory Buildings

(a) A garage, storage shed or guesthouse may be built on a lot provided that:

- (i) all required yard setbacks are maintained; and
- (ii) the total floor area of all buildings does not exceed 40% of the area of the lot.
- (iii) a permanent dwelling already exists on the property

(b) The Development Officer may require that there be adequate clearance between all buildings.

(c) Basements will not be allowed where high water tables would in all likelihood cause flooding to occur.

(5) Parking

Parking shall be provided in accordance with the provisions of this Bylaw.

(6) Sewage Collection Systems

Every dwelling must provide an on parcel approved sewage collection system. A proposed sewage collection system shall:

- (a) require a development permit prior to commencement of construction; and
- (b) meet the requirements of the Alberta Safety Codes Act.

(7) Notwithstanding Sec. 64 (6) property owners may be required to hook up to a centralized sewage collection system, at such a time as this infrastructure is provided, and may be required to discontinue use of any previously approved on-site collection systems.

(8) The Development Officer may decide on such other requirements as are necessary having due regard to the nature of a proposed development and the purpose of this district.

**Section 65 - P – Park and Recreation District**

- (1) General Purpose of District

To provide for public and recreational buildings and uses.

(2) Permitted Uses	Discretionary Uses
Recreational building or use Public park Public utility building Public utility operations	Accessory building or use Sewage collection system Well

- (3) Development Regulations

All regulations shall be at the discretion of the Development Officer. The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibilities with development in abutting districts.

- (4) Parking and Loading

The provisions for parking and loading shall be at the discretion of the Development Officer except as otherwise specified within the Bylaw.

**Section 66 - UR – Urban Reserve District**

- (1) General Purpose of District

The general purpose of this district is to allow for uses which are semi-public in nature including church camps and golf courses and accessory uses related to the same. The district recognizes that the uses have recreational characteristics distinct of other districts.

(2) Permitted Uses	Discretionary Uses
Public park Public works building Public utility building Public utility operations Temporary use or building Single detached dwelling Accessory building or use	Recreational building or use Sewage collection system Well

- (3) Development Regulations:

- (a) The maximum building height shall be 10.0 m (32.8 ft) except in the case of buildings or structures accessory to a farm operation other than dwellings. In such cases the accessory building height(s) shall be at the discretion of the Development Officer.

- (b) Minimum side yard, rear yard and front yard setbacks shall be at the discretion of the Development Officer.