

**SUMMER VILLAGE OF BETULA BEACH
LAND USE BYLAW | BYLAW 01-2026**

LIST OF AMENDMENTS

The following is a list of amendments to the Summer Village of Betula Beach Land Use Bylaw. This page is provided for information only and is not approved as part of the bylaw.

Bylaw	Third Reading Date	Description
01-2026	March 15, 2026	Adoption of the Betula Beach Land Use Bylaw and repeal of previous Land Use Bylaw.

GUIDE TO USING THE LAND USE BYLAW

The Summer Village of Betula Beach Land Use Bylaw establishes regulations on how land can be developed (that is, how land can be used, and how buildings can be constructed or moved) in the Summer Village. Regulations vary depending on the location, type, and density/intensity of development proposed. In addition to the Land Use Bylaw, development in the Summer Village must also comply with the Summer Village’s statutory plans and bylaws, as well as all applicable acts, laws, and regulations of the Provincial and Federal governments.

There are several parts of the Land Use Bylaw that need to be reviewed together to understand how the Land Use Bylaw affects the use and development of lands within the Summer Village.

The following steps may assist a prospective development or subdivision proponent when using the Land Use Bylaw:

LOCATE

1

Locate your property on the Land Use District map. This map divides the Summer Village into various Land Use Districts. Each Land Use District has a designation such as “R” for RESIDENTIAL DISTRICT.

Please note that Land Use Districts are commonly referred to as “Zones” or “Zoning.” To conform to the language of the Municipal Government Act, this Land Use Bylaw uses the terms “District” and “Districting.”

CHECK

2

Check the table of contents and locate the section that applies to your Land Use District. Each Land Use District is listed in Section 10 – Land Use Districts. In each Land Use District, you will find a list of permitted and discretionary uses, subdivision regulations, and regulations for development. These districts identify what can be developed in any given Land Use District.

The definitions provided in Section 3.2 – Definitions should also be consulted to ensure that terms and use classes used in the Land Use Bylaw are understood.

REVIEW

3

Review the table of contents to see if there are any general regulations that apply to your proposed development or subdivision. For example, Section 8 describes the enforcement procedure, Section 9.1 contains general regulations about accessory buildings, and Section 9.22 contains general regulations about Recreational Vehicles.

DISCUSS

4

Discuss your proposed development or subdivision with Summer Village staff. Summer Village staff are well trained and eager to assist you with your development/subdivision or general inquiries and to explain processes. They can also assist with other situations such as enforcement matter or a Land Use Bylaw amendment.

Please note that this page is intended to assist the reader of the Land Use Bylaw and does not form part of the approved bylaw.

TABLE OF CONTENTS

LIST OF AMENDMENTS	I
GUIDE TO USING THE LAND USE BYLAW	II
1. ADMINISTRATION	1
1.1 TITLE	1
1.2 SCOPE	1
1.3 PURPOSE	1
1.4 COMMENCEMENT	1
1.5 REPEAL	1
1.6 AREA OF APPLICATION	1
1.7 CONFORMITY	1
1.8 COMPLIANCE	1
1.9 SEVERABILITY	1
2. AUTHORITIES.....	2
2.1 COUNCIL	2
2.2 DEVELOPMENT AUTHORITY.....	2
2.3 DEVELOPMENT AUTHORITY OFFICER	2
2.4 SUBDIVISION AUTHORITY	2
2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD	2
3. INTERPRETATION	3
3.1 MEASUREMENTS	3
3.2 DEFINITIONS	3
3.3 ALL OTHER TERMS	15
4. AMENDMENTS	16
4.1 APPLICATIONS.....	16
4.2 PUBLIC HEARING AND DECISION	17
5. DEVELOPMENT PERMITS	19
5.1 CONTROL OF DEVELOPMENT.....	19
5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT.....	19
5.3 NON-CONFORMING BUILDINGS AND USES.....	20
5.4 DEVELOPMENT PERMIT APPLICATIONS.....	21
5.5 APPLICATION FOR DEMOLITION OR REMOVAL OF BUILDINGS	22
5.6 NOTICE OF COMPLETE OR INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS	23
5.7 DEVELOPMENT PERMIT NOTICES	23
5.8 CONDITIONS AND DEVELOPMENT AGREEMENTS.....	24
5.9 CANCELATION OF PERMITS.....	25
5.10 VARIANCES	25
5.11 ISSUANCE OF COMPLIANCE CERTIFICATES	26
6. SUBDIVISION APPLICATIONS	27
6.1 APPLICATION REQUIREMENTS	27
6.2 ASSESSMENT OF APPLICATIONS	28
6.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATIONS	28
6.4 SUBDIVISION AUTHORITY DECISION	28
6.5 REQUIREMENTS AND CONDITIONS OF SUBDIVISION APPROVAL	28
7. APPEALS	30
7.1 DEVELOPMENT APPEALS.....	30
7.2 SUBDIVISION APPEALS	31
7.3 HEARING AND DECISION	31
8. ENFORCEMENT	32
8.1 SCOPE OF ENFORCEMENT.....	32

- 8.2 PROVISION OF ENFORCEMENT 32
- 8.3 PROHIBITION..... 32
- 8.4 RIGHT OF ENTRY..... 32
- 8.5 VIOLATION WARNINGS 32
- 8.6 OFFENSES AND FINES 32
- 8.7 STOP ORDERS 32
- 8.8 VIOLATION TAGS AND TICKETS 32
- 9. GENERAL AND SPECIFIC LAND USE REGULATIONS 34**
- 9.1 ACCESSORY BUILDINGS AND USES..... 34
- 9.2 BED AND BREAKFAST ESTABLISHMENTS 34
- 9.3 BOATHOUSES 34
- 9.4 BUILDING APPEARANCE AND EXTERIOR FINISH..... 34
- 9.5 DEVELOPMENT ON CORNER LOTS..... 35
- 9.6 DEVELOPMENT ON LANDS CONTAINING A HIGH-WATER TABLE..... 35
- 9.7 DEVELOPMENT ON HAZARDOUS LANDS 35
- 9.8 DWELLING UNITS ON A PARCEL 35
- 9.9 EXISTING SUB-STANDARD LOTS..... 35
- 9.10 FENCES, WALLS, AND HEDGES 36
- 9.11 FIREPITS 36
- 9.12 FIRE SEPARATION AND EMERGENCY PREPAREDNESS 36
- 9.13 GRADING, STRIPPING, AND SITE DRAINAGE 36
- 9.14 HOME OCCUPATIONS..... 37
- 9.15 KEEPING OF ANIMALS..... 38
- 9.16 LANDSCAPING 38
- 9.17 RELOCATION OF BUILDINGS 39
- 9.18 OBJECTS PROHIBITED OR RESTRICTED IN YARDS 39
- 9.19 PARKING 40
- 9.20 PROJECTION INTO YARDS..... 40
- 9.21 RECREATIONAL VEHICLES 41
- 9.22 SEA CANS..... 41
- 9.23 SOLAR ENERGY COLLECTION SYSTEMS..... 41
- 9.24 SIGNS 42
- 9.25 SUITES, GUEST HOUSE..... 42
- 9.26 SUITES, GARAGE..... 42
- 9.27 SUITES, GARDEN 43
- 9.28 SUITES, SECONDARY 43
- 9.29 TOPSOIL REMOVAL 43
- 9.30 TOURIST HOMES..... 44
- 9.31 TREE REMOVAL..... 44
- 9.32 UTILITY EASEMENTS..... 45
- 9.33 WIRELESS COMMUNICATION FACILITIES 45
- 9.34 WATER, PRIVATE SEWAGE DISPOSAL SYSTEMS, AND ROAD INFRASTRUCTURE 45
- 10. LAND USE DISTRICTS 47**
- 10.1 ESTABLISHMENT OF LAND USE DISTRICTS 47
- 10.2 BOUNDARIES 47
- 10.3 SAME OR SIMILAR USES 47
- 11. R - RESIDENTIAL DISTRICT..... 48**
- 12. P – PARK AND RECREATION DISTRICT 49**
- 13. LAND USE DISTRICT MAP 50**

1. ADMINISTRATION

1.1 TITLE

1.1.1 This Bylaw may be referred to as "The Summer Village of Betula Beach Land Use Bylaw."

1.2 SCOPE

1.2.1 No development shall be permitted within the boundaries of the Summer Village of Betula Beach except in conformity with the provisions of this Bylaw.

1.3 PURPOSE

1.3.1 The purpose of this Bylaw is to regulate the use and development of land and buildings within the Summer Village to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- a. to divide the Summer Village into districts;
- b. to prescribe and regulate for each district the purposes for which land and buildings may be used;
- c. to establish a method of making decisions on applications for development permits including the issuing of development permits;
- d. to provide the manner in which notice of the issuance of a development permit is to be given; and
- e. to establish the number of dwelling units allowed on a parcel of land.

1.4 COMMENCEMENT

1.4.1 This bylaw comes into effect upon the date of third reading.

1.5 REPEAL

1.5.1 Bylaw No. 3-2014, the former Summer Village of Betula Beach Land Use Bylaw (as amended), is repealed and shall cease to have effect on the day that this Land Use Bylaw comes into effect.

1.6 AREA OF APPLICATION

1.6.1 The provisions of this Bylaw apply to all land and buildings within the Summer Village of Betula Beach.

1.7 CONFORMITY

1.7.1 No person shall commence any subdivision or development unless it is in accordance with this Bylaw.

1.8 COMPLIANCE

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

- a. The requirements of any federal or provincial legislation;
- b. The policies and regulations of the Summer Village's statutory plans and bylaws; and
- c. Complying with any easement, covenant, agreement, or contract affecting the development.

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

1.8.3 A condition attached to a development permit issued under a previous bylaw continues under this bylaw.

1.9 SEVERABILITY

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

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

2. AUTHORITIES

2.1 COUNCIL

- 2.1.1 Council shall perform such duties as are specified in this Bylaw.
- 2.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

2.2 DEVELOPMENT AUTHORITY

- 2.2.1 The office of the Development Authority is established in the Summer Village of Betula Beach Development Authority Bylaw, Bylaw No. 1-2023.
- 2.2.2 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a designated officer of the municipality.
- 2.2.3 The Development Authority shall perform such duties that are specified in this Bylaw.

2.3 DEVELOPMENT AUTHORITY OFFICER

- 2.3.1 For the purposes of the Act, the Development Officer is hereby declared to be a Designated Officer for the purposes of Section 210 of the Act.
- 2.3.2 The position of Development Officer for the Summer Village of Betula Beach is established in the Summer Village of Betula Beach Development Authority Bylaw, Bylaw No. 1-2023, as amended or replaced.
- 2.3.3 For the purposes of this Bylaw, Council shall appoint one or more Development Authority Officer(s) who shall be designated officers within the meaning of the Act.
- 2.3.4 The Development Officer shall perform such duties that are specified in this Land Use Bylaw, and shall:
 - a. Keep and maintain for the inspection of the public a copy of this Land Use Bylaw, as amended; and
 - b. Make available for public inspection:
 - (a) A copy of this bylaw; and
 - (b) A register of all applications for development, including the decisions thereon and the reasons, therefore. This information will be released to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act; and
 - c. Receive, consider, and decide on applications for a development permit in accordance with the provision of the bylaw and the Act; and
 - d. Exercise development powers and perform duties on behalf of the Summer Village in accordance with this Bylaw and the Act; and
 - e. Prepare and maintain forms and notices as may be necessary to administer the Land Use Bylaw. Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized, and issued.

2.4 SUBDIVISION AUTHORITY

- 2.4.1 The Subdivision Authority of the Summer Village of Betula Beach shall be established by the Summer Village's Subdivision Authority Bylaw, as amended or replaced.
- 2.4.2 The Subdivision Authority shall be appointed by resolution of Council.
- 2.4.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Subdivision Authority Bylaw, as amended or replaced.

2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 2.5.1 The Subdivision and Development Appeal Board shall perform such duties as specified in the Subdivision and Development Appeal Board Bylaw, this Bylaw, and the Act.

3. INTERPRETATION

3.1 MEASUREMENTS

- 3.1.1 Within this Bylaw, all measurements are in metric. The imperial equivalents provided in parentheses after each reference to metric units of measurement are approximate and intended for information only.

3.2 DEFINITIONS

- 3.2.1 **"abut" or "abutting"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- 3.2.2 **"accessory building"** means a use, building, or structure which is separate and subordinate to the principal residential use of the principal building located on the parcel, but does not include a residence;
- 3.2.3 **"accessory use"** means a use of a building or land which is normally incidental and subordinate to the principal use of the parcel on which it is located;
- 3.2.4 **"Act"** means the Municipal Government Act, R.S.A. 2000, c M-26, as amended, and the regulations pursuant thereto;
- 3.2.5 **"adjacent"** 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, or similar feature;
- 3.2.6 **"adjacent landowner"** means owners of land that is contiguous to the land that is the subject of an application, and includes owners of:
- a. land that would be contiguous if not for a highway, road, river or stream; and
 - b. any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 5.7 of this Bylaw;
- 3.2.7 **"AirBNB"** see "tourist home";
- 3.2.8 **"appeal"** means a Development Appeal or Subdivision Appeal, and:
- a. Development Appeal means an appeal under Section 685 of the Act; and
 - b. Subdivision Appeal means an appeal under Section 678 of the Act;
- 3.2.9 **"applicant"** means the person applying for a development permit, subdivision, or an amendment, who shall be the registered owner(s) of the land to be developed or the representative or agent of the owner(s), duly authorized by the owner in writing to make application on behalf of the owner(s) as evidenced on the application form;
- 3.2.10 **"arborist's report"** means a report prepared by a certified arborist includes an inventory of the trees on the site and identifies a plan to manage the trees on the site to best preserve their health and function;
- 3.2.11 **"basement"** means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft) of its clear height lying below the finished level of the floor directly above;
- "bed and breakfast establishment"** means the use of part of a residential dwelling for commercial overnight accommodation by the principal occupants where breakfast is usually served as part of the accommodating service;
- 3.2.12 **"bed and shore"** means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself;
- 3.2.13 **"boarding house"** means a building or portion thereof where meals and accommodations are provided for remuneration to three (3) or more persons, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use;
- 3.2.14 **"boathouse"** means an accessory building in the lakefront yard of a lakefront lot designed and used primarily for the storage of boats and is designed such that the main door faces the lake as to permit the direct removal of boats from the water to the structure;
- 3.2.15 **"buffer"** means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses;
- 3.2.16 **"building"** means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- 3.2.17 **"building height"** means the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, or a flagpole, or similar device not structurally essential to the building;
- 3.2.18 **"building pocket"** means the land on which yard amenity areas, the main building on the site, and all accessory buildings will be situated;

- 3.2.19 **“bunk house”** means an accessory building that contains temporary sleeping accommodations but does not have plumbing or electrical servicing that would enable the development of cooking or washroom facilities within the building;
- 3.2.20 **"campground"** means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short term accommodation. A campground includes any building, structure, tent, vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;
- 3.2.21 **“cannabis”** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act and its regulations, as amended from time to time and includes edible products that contain cannabis;
- 3.2.22 **“cannabis retail sales”** – means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend the premises;
- 3.2.23 **"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;
- 3.2.24 **"carport"** means a roofed structure used for storing or parking not more than two (2) private vehicles and which has not less than 40% of its total perimeter open and unobstructed;
- 3.2.25 **"carrier"** means a company or applicant that provides wireless commercial or essential institutional communications services;
- 3.2.26 **"cemetery"** means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, mausoleums, and memorial parks or a religious assembly, and one attached or separate manse;
- 3.2.27 **"chattel"** means a moveable item of personal property;
- 3.2.28 **"co-location"** means locating on a site and tower with other Wireless Communications Operators;
- 3.2.29 **"commercial use"** means a development without a residential component through which products, services, or entertainment are available to consumers, whether the public or other commercial establishments and is not developed as a home business;
- 3.2.30 **“cooking facility”** means an area of a common living space of a dwelling or suite that contains counters, cabinets, plumbing, appliances which taken together, may be intended for the cooking, preparation, and storage of food. Cooking facilities must conform to all applicable building and safety code requirements;
- 3.2.31 **“corner”** means the intersection of any two property lines of a parcel;
- 3.2.32 **"Council"** mean the Council of the Summer Village of Betula Beach;
- 3.2.33 **"coverage"** means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot;
- 3.2.34 **"day home"** means an accessory use development located within a single detached dwelling that provides temporary child care and supervision for a maximum of 6 children that are not residents of the dwelling, subject to provincial regulations;
- 3.2.35 **"day home"** means an accessory use development located within a single detached dwelling that provides temporary child care and supervision for a maximum of 6 children that are not residents of the dwelling, subject to provincial regulations;
- 3.2.36 **"deck"** means any open structure attached to a building having a height greater than 0.6 m (2.0 ft) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.2 m (4.1 ft) or a roof;
- 3.2.37 **“demolition”** means the tearing down, wrecking, destroying, or removal of a development, and is considered a form of development;
- 3.2.38 **"density"** means a measure of the average number of persons or dwelling units per unit of area;
"designated officer" means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Act and this Bylaw;
- 3.2.39 **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- 3.2.40 **"development"** means:
- a. an excavation or stockpile and the creation of either of them;
 - b. a building or addition to, or replacement, or repair, or a building and the construction or placing in, on, over, or under land or any of them;
 - c. a change in the use of land or a building or an act done in relation to and or a building that results in, or is likely to result in a change in the use of land or building;
 - 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 the intensity of use of the land or building;
 - e. removal or demolition of a building or structure in whole or in part;

- f. redevelopment of a previously developed parcel of land;
- g. vegetation removal;
- h. tree removal;
- i. stripping;
- j. grading;
- k. recontouring; or
- l. a change of use of land or a building that alters natural drainage patterns;

3.2.41 **"development authority"** means the development authority of the Summer Village as established by the Summer Village's Development Authority 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 permit issued under the National Building Code (Alberta Edition);

3.2.42 **"discontinued"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;

3.2.43 **"discretionary use"** means the use of land or a building provided for in this bylaw for which a development permit may or may not be issued, at the discretion of the Development Authority. Discretionary uses are listed in the land use districts in which they may be considered;

3.2.44 **"domestic pets"** means small animals which are normally kept as companions or as household pets such as cats and dogs. This does not include livestock as defined in the Agricultural Operation Practices Act, controlled animals or wildlife as those terms are defined in the Wildlife Act, or fowl.

3.2.45 **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level;

3.2.46 **"dwelling, duplex"** - means two attached dwellings, each with a separate entrance;

3.2.47 **"dwelling, manufactured home"** means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick-built dwellings, modular homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards:

- a. a minimum roof pitch of 5.0 cm (2.0 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
- b. have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
- c. have a minimum roof overhang or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
- d. have a minimum length width (or width length) ratio of 2:1;
- e. meets the National Building Code of Canada CAN/CSA A277 standard, as amended or replaced; and
- f. constructed after January 1, 1996.

This use does not include park models, mobile homes, or single detached dwellings developed with modular construction methods;

3.2.48 **"dwelling, lakefront"** means a dwelling whose property extends to the lakeshore but also includes those dwellings whose parcels are only separated from the lakeshore by a road, park, or environmental reserve, or municipal reserve;

3.2.49 **"dwelling, multi-unit"** means a development containing two or more dwelling units, and includes residential uses such as duplexes, triplexes, and apartment buildings;

"dwelling, single detached" means a building consisting of one (1) dwelling unit. A single detached dwelling is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling. Single detached dwellings do not include manufactured home dwellings, guest house suites, park model trailers, relocatable industrial accommodations (i.e., ATCO trailers), or recreational vehicles. A single detached dwelling must:

- a. have a front door facing the road or clearly visible from the road directly into the main level of building;
- b. occupy a greater floor area than the attached garage in the building; and
- c. comply with orientation and design requirements in Section 9.4 – Building Appearance and Exterior Finish.

3.2.50 **"dwelling unit"** means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended

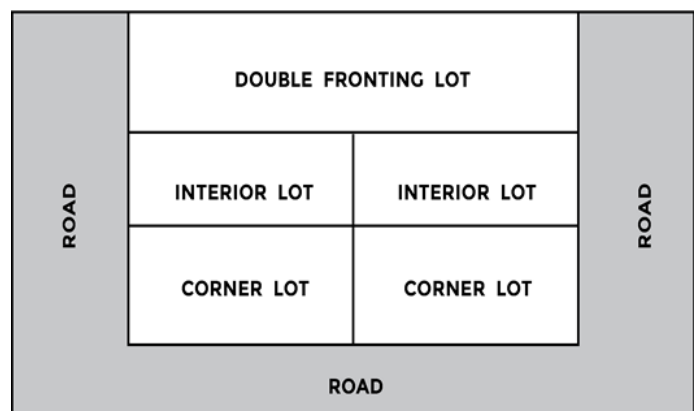
to be used permanently, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

- 3.2.51 **"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;
- 3.2.52 **"environmentally sensitive area"** means:
- Hazardous lands and areas that are unsuitable for development in their natural state (i.e., floodplains, steep and unstable slopes);
 - Areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas);
 - Areas that contain unique geological or physiological features;
 - Areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons;
 - Areas that contain significant rare or endangered animal or plant species;
 - Areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
 - Areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;
 - Areas that provide an important link for the natural migration of wildlife; and/or
 - Riparian areas of water bodies, wetlands, and watercourses;
- 3.2.53 **"environmentally significant areas (or ESAs)"** are generally defined as areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a larger spatial context. ESAs are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update;
- 3.2.54 **"erosion and sediment control plan"** means a plan that satisfies the requirements of the Development Authority which is to be provided to the contractor for implementation to address erosion and sedimentation issues both through temporary measures during construction and permanent measures to address post-construction conditions. It provides details about how the site will be managed during construction for the preservation of vegetation, topsoil, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized;
- 3.2.55 **"excavation"** means any breaking of ground, except common household gardening and ground care;
- 3.2.56 **"existing"** means existing on the date on which this bylaw comes into force, unless otherwise noted;
- 3.2.57 **"extensive agriculture"** means a system of tillage which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming;
- 3.2.58 **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft);
- 3.2.59 **"fence"** means a vertical physical barrier constructed to:
- prevent visual intrusion or unauthorized access; or
 - provide onsite safety or security; or
 - to provide sound abatement or decoration;
- 3.2.60 **"firewall"** means a type of fire separation of non-combustible construction which subdivides a Building or separates adjoining Buildings to resist the spread of fire and which has a fire-resistance rating as prescribed in the National Building Code (Alberta Edition) and has structural stability to remain intact under fire conditions for the required fire-rated time;
- 3.2.61 **"floor area"** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of firewalls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area;
- 3.2.62 **"floor area ratio"** means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel on which the buildings are located;
- 3.2.63 **"foundation"** means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;
- 3.2.64 **"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;
- 3.2.65 **"garage"** means an accessory building or part of the principal building, designed and used primarily for the non-commercial storage of motor vehicles, boats, recreational vehicles and other chattels, and is not intended for human habitation;
- 3.2.66 **"geotechnical report"** means a report prepared by a qualified professional that may include the following:

- a. Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site specific information completed by a qualified surveyor);
 - b. Seasonally adjusted and recommended water tables;
 - c. Location of on-site storage of sewage;
 - d. Recommended building foundations and basement construction; and
 - e. Soil bearing capabilities;
- 3.2.67 **“grade”** means the ground elevation established for the purpose of determining building height. In determining the grade of a lot, the Development Authority shall select from the following methodologies, whichever one, in the opinion of the Development Authority, will result in a building height that is consistent with developments on adjacent lots:
- a. The Development Authority may determine grade of a lot by calculating the average of the pre-development elevations at the corners of the parcel as shown on a reliable survey; or
 - b. The Development Authority may determine grade of a lot by calculating the average elevation of the corners of the principal buildings on all properties abutting the subject parcel; or
 - c. The average of the pre-development lot elevations at the corners of the building as shown on a survey prepared by an Alberta Land Surveyor;
- 3.2.68 **“grading”** means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties;
- 3.2.69 **“grading and drainage plan”** means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading;
- 3.2.70 **“greenhouse”** means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden or plant nursery;
- 3.2.71 **“gross area”** means the area of a development, neighbourhood or planned area, before deductions for roads, municipal and environmental reserves and public utilities have been made;
- 3.2.72 **“gross vehicle weight”** means the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers;
- 3.2.73 **“guest suite”** see "suite, secondary";
- 3.2.74 **“habitable room”** means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, bathrooms and dens, excluding NON-HABITABLE ROOMS which include utility spaces, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements and cellars used only for storage purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;
- 3.2.75 **“heavy truck and equipment”** means a truck or equipment, loaded or unloaded, with a gross vehicle weight in excess of 4.8 tonnes (10,560 lbs.);
- 3.2.76 **“heavy truck and equipment storage”** means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident or residents of the single detached dwelling or manufactured home situated on the same lot;
- 3.2.77 **“high groundwater table”** means a water table level measuring less than 1.5 m (5.0 ft) from the ground surface;
- 3.2.78 **“historic resource”** means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significant;
- 3.2.79 **“home occupation, major”** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling and/or within the accessory buildings associated with that dwelling by at least one permanent resident of said dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A Major home occupation may generate some external impacts on the neighborhood due to regular business activities. These impacts may include traffic generation due to client visits to the site, dust, and noise due to use of equipment on the site, or visual impacts due to outdoor storage;
- 3.2.80 **“home occupation, minor”** means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling, but not within any accessory buildings associated with that dwelling, by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A Minor home occupation shall not generate external impacts on the neighborhood due to regular business activities. These

impacts may include traffic generation due to client visits to the site, dust, and noise due to use of equipment on the site, or visual impacts due to outdoor storage;

- 3.2.81 **"institutional use"** includes but is not limited to public offices, educational facilities, religious assemblies, libraries, and senior citizen housing;
- 3.2.82 **"intensive agriculture"** means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, and kennels, but not confined feeding operations;
- 3.2.83 **"intensive recreation"** means high density recreational activities such as campgrounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, golf courses, arenas, swimming pools, tennis courts and other similar activities;
- 3.2.84 **"invasive species"** means non-native species that have been introduced, that threaten our ecosystems and biodiversity;
- 3.2.85 **"kennel"** means a dwelling, shelter, room, or place so considered housing or keeping three (3) or more dogs or cats over the age of three (3) months. For the purpose of this bylaw, a kennel shall not be a home occupation;
- 3.2.86 **"lakefront dwelling"** see "dwelling, lakefront";
- 3.2.87 **"landscaping"** means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment and may include the placement or addition of any or a combination of soft landscaping elements and/or hard landscaping elements. Landscaping does not include stripping, grading, shoreline modification, and architectural elements (i.e., decorative fencing, sculpture);
- 3.2.88 **"landscaping elements, hard"** means a non-permeable surface or landscaping element such as, but not limited to, ceramic, brick, wood, concrete, or marble. Retaining walls, are also considered as hard landscaping elements;
- 3.2.89 **"landscaping elements, soft"** means vegetation such as, but not limited to, grass, hedges, ground cover, flowering plants, shrubs, and trees and may also include non-grass alternatives such as rock gardens that incorporate vegetation and xeriscaping;
- 3.2.90 **"landscaping, major"** means landscaping that
- 3.2.91 **"landscaping plan"** means a site plan drawing detailing the design of the non-building area of a site which incorporates scaled dimensions and provides a visual representation of the proposed trees, vegetation, walkways, garden beds and other design elements including irrigation and lighting proposed to be developed on the site;
- 3.2.92 **"lane"** means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft) and is not less than 6.0 m (19.7 ft) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Traffic Safety Act;
- 3.2.93 **"legal bank"** means the line where the bed and shore of the body of water cease and the line is to be referred to as the bank of the body of water. The legal bank in Alberta is the line separating the Crown-owned bed and shore from the adjoining upland;
- 3.2.94 **"livestock"** means livestock as defined in the Agricultural Operation Practices Act and as identified in the Summer Village's Animal Control Bylaw;
- 3.2.95 **"lot"** means
- a river lot, lake lot, or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office;
 - 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
 - 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;
- 3.2.96 **"lot, back"** means a lot that is not lakefront;
- 3.2.97 **"lot, corner"** means a lot having boundary lines on two or more roads, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;
- 3.2.98 **"lot coverage"** means the combined area covered by all buildings, structures, and non-permeable surfaces on a lot, expressed as a percentage of the lot area, measured as the area of the projection of the outline of the buildings and structures onto a horizontal plane;
- 3.2.99 **"lot, depth"** means the average distance between front and rear property lines of a lot;

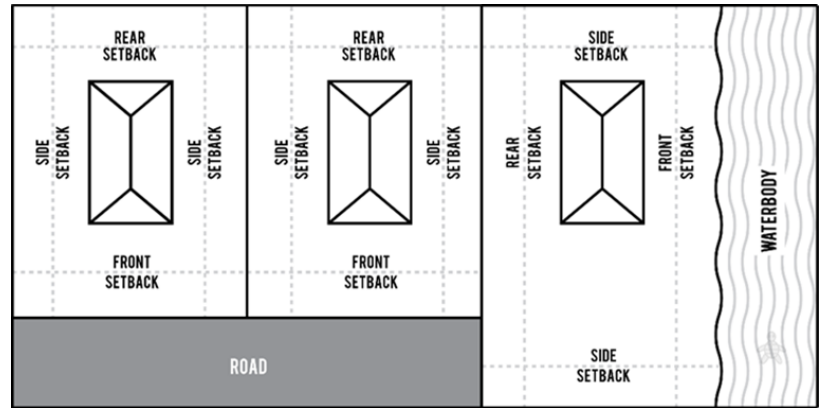


- 3.2.100 **“lot, double fronting”** means a lot which abuts two (2) roads (except alleys or lanes as defined in the Traffic Safety Act which are parallel or nearly parallel (where abutting the lot) but does not include a corner lot;
- 3.2.101 **“lot grading and drainage plan”** means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading;
- 3.2.102 **“lot, interior”** means a lot which is bordered by only one road;
- 3.2.103 **“lot, lakefront”** means a lot adjacent to a water body or would be adjacent to a water body if not for a reserve lot or public/crown land parcel;
- 3.2.104 **“lot, substandard”** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- 3.2.105 **“lot, undeveloped”** means a lot which does not contain a residence, building or structure;
- 3.2.106 **“lot width”** means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- 3.2.107 **“low impact development (LID)”** means land planning and engineering design approach for managing stormwater runoff. LID emphasizes conservation, the minimization of hard surfaces, and use of natural features and processes to replicate predevelopment hydrology in terms of rate, volume, and quality. Both natural and engineered solutions are employed to prevent and manage runoff as close to its source as possible with a treatment-train approach using the processes of evaporation, transpiration, storage, infiltration, and treatment. The term “green infrastructure” or “green stormwater infrastructure” or “natural/ engineered natural infrastructure” are sometimes used to refer to the constructed components of an LID approach;
- 3.2.108 **“main building”** see **“principal building”**;
- 3.2.109 **“main use”** see **“principal use”**;
- 3.2.110 **“maintenance”** means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;
- 3.2.111 **“may”** is an operative word meaning a choice is available, with no particular direction or guidance intended;
- 3.2.112 **“municipality”** means the Summer Village of Betula Beach, unless otherwise noted;
- 3.2.113 **“must”** is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;
- 3.2.114 **“natural state”** means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities;
- 3.2.115 **“net area”** means the area of a development, neighbourhood or planned area, after deductions for roads, municipal and environmental reserves and public utilities have been made;
- 3.2.116 **“non-conforming building or use”** means a building or use which is regarded as non-conforming in accordance with the provisions of the Act;
- 3.2.117 **“nuisance”** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Municipality’s office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;
- 3.2.118 **“obnoxious”** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- 3.2.119 **“occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- 3.2.120 **“occupant”** means any person occupying or having control over the condition of any property, dwelling, or recreational vehicle and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner, whether such person resides thereon or conducts a business thereon;
- 3.2.121 **“off-street”** means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot;
- 3.2.122 **“offensive”** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate

- matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- 3.2.123 **“onsite sewage disposal system”** - means a non-municipal on-site sewage containment system that satisfies regulations made pursuant to the Safety Codes Act which may include a holding tank, septic tank, or evaporation mound;
- 3.2.124 **“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;
- 3.2.125 **“outdoor storage”** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- 3.2.126 **“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 land on the municipality's assessment role prepared under the Act;
- 3.2.127 **“parcel”** shall have the same meaning as “lot”;
- 3.2.128 **“park model”** means a recreational unit designed to be transportable and primarily designed for long term or permanent placement on a lot. When set up, park model trailers can be connected to the utilities necessary to operate home style fixtures and appliances. Park model trailers are manufactured in accordance with CSA Z-241 standards or a current equivalent industry standard. For the purposes of this Land Use Bylaw, park model trailers are not considered a form of single detached dwelling;
- 3.2.129 **“parking stall”** means an area set aside for the parking of a vehicle;
- 3.2.130 **“patio”** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft) above ground level and without a roof or walls. A patio is designed and intended for use as an outdoor amenity area;
- 3.2.131 **“permitted use”** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;
- 3.2.132 **“principal building”** means a building which, in the opinion of the Development Authority:
- a. occupies the major or central portion of a parcel;
 - b. is the chief or main building among one or more buildings on the parcel; or
 - c. constitutes by reason of its use the primary purpose for which the parcel is used;
- 3.2.133 **“principal use”** means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;
- 3.2.134 **“property line”** means the boundary line of a lot;
- 3.2.135 **“property line, front”** see “front line”;
- 3.2.136 **“property line, rear”** see “rear line”;
- 3.2.137 **“property line, side”** see “side line”;
- 3.2.138 **“pruning”** means the removal of branches in a way that does not jeopardize the vitality of the tree, shrub, or vegetation being altered;
- 3.2.139 **“public or quasi-public building or use”** means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, museum, or senior citizen drop-in centre;
- 3.2.140 **“public park”** means an outdoor area accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment and accessory buildings for the storage of maintenance and operational equipment;
- 3.2.141 **“public utility”** means a public utility as defined in the Act;
- 3.2.142 **“public utility building”** means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or stores any equipment used in connection with the public utility;
- 3.2.143 **“qualified wetland professional”** means a registered member of an Alberta Professional Regulatory Organization who is also an approved Wetland Practitioner under the Alberta Wetland Policy;
- 3.2.144 **“Real Property Report”** means a codified standard report adopted by the Alberta Land Surveyor’s Association which contains pertinent information on a parcel and the development which exists on the property;
- 3.2.145 **“recontouring”** means the addition or removal of soil (or other material) on a parcel of land that alters its natural topography to promote a building site and/or to create an aesthetically appealing area;

- 3.2.146 **"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;
- 3.2.147 **"recreational use"** means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:
- a. non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and
 - b. means an active or passive recreational use and any facility or building required to carry out said activity;
- 3.2.148 **"recreational vehicle"** means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether it has been modified so as to no longer be mobile or capable of being mobile, and includes but is not limited to holiday trailers, tent trailers, truck campers, fifth wheel trailers, camper vans, and motor homes, but does not include manufactured home dwellings or park model trailers;
- 3.2.149 **"recreational vehicle park"** means a development on which three or more recreational vehicles are harboured, without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such recreational vehicle park. A recreational vehicle park may include within it a campground;
- 3.2.150 **"recreational vehicle storage"** means a development where recreational vehicles, boats, off-highway vehicles, and other chattel are stored on a parcel when they are not in use on a commercial basis or on common property within a bareland condominium development. This use does not include a campground or outdoor storage;
- 3.2.151 **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- 3.2.152 **"reserve"** means a parcel of land owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes and registered at an Alberta Land Titles Office;
- 3.2.153 **"reserve, community services (CSR)"** means land designated Community Services Reserve (CSR), pursuant to the Act;
- 3.2.154 **"reserve, conservation (CR)"** means land designated Conservation Reserve (CR) pursuant to the Act;
- 3.2.155 **"reserve, environmental (ER)"** means designated as Environmental Reserve (ER) pursuant to the Act;
- 3.2.156 **"reserve- environmental reserve easement (ERE)"** means lands that would normally be taken as Environmental Reserve (ERE) at the time of subdivision may instead be the subject of an Environmental Reserve Easement pursuant to the Act;
- 3.2.157 **"reserve, municipal (MR)"** means lands designated as Municipal Reserve (MR), pursuant to the Act;
- 3.2.158 **"reserve, municipal and school (MSR)"** means land designated Municipal and School Reserve (MSR) pursuant to the Act;
- 3.2.159 **"reserve, school (SR)"** means land designated School Reserve (SR) pursuant to the Act;
- 3.2.160 **"residential use"** includes the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis;
- 3.2.161 **"retaining wall"** means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades;
- 3.2.162 **"riparian area"** means transitional areas between upland and aquatic ecosystems. They have variable width and extent above and below ground and perform various functions. These lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological, and other physical characteristics that reflect the influence of water and hydrological processes;
- 3.2.163 **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;
- 3.2.164 **"roof"** means the top of any enclosure, above or within the vertical walls of a building;
- 3.2.165 **"runoff"** means water that moves over the surface of the ground. Runoff collects sediments and contaminants as it moves from higher elevations to lower elevations;
- 3.2.166 **"Safety Codes Officer"** means an individual certified as a safety codes officer, as identified in the Safety Codes Act;
- 3.2.167 **"sea can"** means a container, including a sea/land/rail shipping container, which is generally used as a storage vault;

3.2.168 **"setback"** means, depending on the context of the term, the minimum horizontal distance between buildings or a lot boundary and buildings; 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;



3.2.169 **"shall"** is an operative word which means the action is obligatory;

3.2.170 **"shed"** means an accessory building used for storage;

3.2.171 **"shoreline"** means the line of the bed and shore of a water body, as determined pursuant to the Surveys Act;

3.2.172 **"shoreline modification"** means any activity, modification, alteration that alters the shoreline including but not limited to placing sand, removing rocks and vegetation, tilling, armouring with rip rap or vegetative rip rap, constructing retaining walls or other permanent structures such as piers, groins, and docks;

3.2.173 **"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;

3.2.174 **"shrub"** means plant species with woody stems that are distinguished from trees by their lower stature and multiple stems and may be native or horticultural;

3.2.175 **"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;

3.2.176 **"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 otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction;

3.2.177 **"similar use"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;

3.2.178 **"site"** means a lot or parcel on which a development exists or for which an application for a development permit is made;

3.2.179 **"site coverage"** means the combined area of all buildings on a lot, measured at the level of the lowest containing habitable or usable rooms, including porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections;

3.2.180 **"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;

3.2.181 **"solar energy collection system"** means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;

3.2.182 **"special event"** means an occasion of temporary duration typically attended by friends of family not usually residing on the lot, including but not limited to anniversaries, birthdays, weddings, funerals, or reunions, but not including an event of a commercial nature whether held for profit or for a non-profit purpose;

3.2.183 **"statutory plan"** means a statutory plan adopted by the Summer Village, pursuant to the Act;

3.2.184 **"storey"** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft) above grade;

3.2.185 **"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;

3.2.186 **"stormwater management plan"** means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and watercourses. Stormwater management plans must include:

- a. Topography;
- b. Proposed plan to control runoff;
- c. Proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
- d. Proposed major drainage systems (direction of surface drainage/flow rate);
- e. Proposed on-site detention/retention facility (location/size/capacity);
- f. Location of outflow/outfall structures; and
- g. Any related modeling and calculation information.

Stormwater management plans must conform to an approved master drainage plan;

3.2.187 **“stripping”** means the removal of some or all vegetation and topsoil on lot in preparation for construction activities;

3.2.188 **"structural alterations"** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;

3.2.189 **"Subdivision and Development Appeal Board"** means the Subdivision and Development Appeal Board appointed pursuant to the Summer Village’s Subdivision and Development Appeal Board Bylaw and the Act;

3.2.190 **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality’s Subdivision Authority Bylaw;

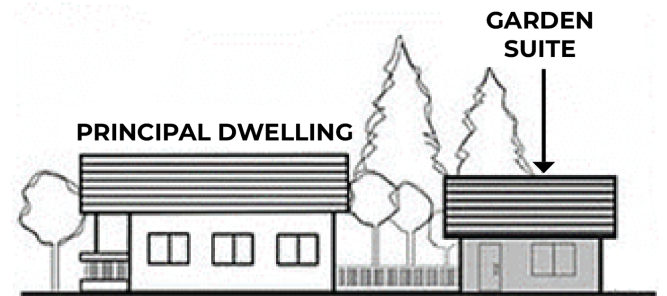
3.2.191 **“subsidence”** means a lowering of the soil surface due to a reduction in volume through settling or other means;

3.2.192 **“suite, garage”** is a type of guest house quite that is a self-contained dwelling unit located above or within a detached garage that is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, and shall not have a kitchen or cooking facilities;



3.2.193 **“suite, garden”** is a type of guest house quite that is an accessory building with sleeping quarters that is separate from the principal single detached dwelling, and shall not have a kitchen or cooking facilities;

3.2.194 **“suite, guest house”** means an accessory building containing sleeping facilities for temporary usage only and may have a bathroom. but shall not have a kitchen or other cooking facilities. A guest house provides overflow accommodation for a detached dwelling located on the same parcel, is not available for rent by a third party, and does not include recreational vehicles and sea cans. A guest house suite includes garage suites, garden suites, and secondary suites;

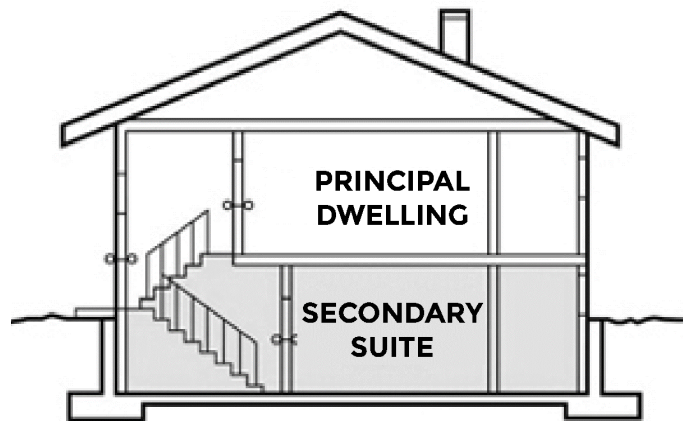


"suite, secondary" is a type of guest house quite that is a subordinate self-contained dwelling unit located in a structure in which the principal use is a single-detached dwelling or semidetached dwelling. A secondary suite has sleeping and bathing facilities which are separate from those of the principal dwelling within the structure, but shall not have a kitchen or cooking facilities. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include:

- a. semi-detached dwellings or other forms of residential development that includes more than 1 dwelling unit; or
- b. boarding and lodging houses;

3.2.195 **“Summer Village Administrator”** means the Chief Administrative Officer of the Summer Village of Betula Beach as named by Council;

3.2.196 **“surface, non-permeable”** means solid surfaces, including hard landscaping elements that do not allow water to penetrate, forcing it to run off. (e.g., asphalt, concrete, decks, patios, paving stones, etc.);



- 3.2.197 **“surface, permeable”** means surfaces (also known as porous or pervious surfaces) allow water to percolate into the vegetation and/or soil to filter out pollutants and recharge the water table. Permeable surfaces allow for the absorption of water into the ground and minimizes runoff (e.g., vegetated areas, flower beds, grass, gravel, etc.);
- 3.2.198 **“telecommunications tower”** means any tower used to provide a broad range of communication services through the transmitting, receiving, or relaying of voice and data signals such as radio, cellular, broadcast, and wireless data. Examples include cell phone towers and wireless internet towers;
- 3.2.199 **“temporary development”** means a development for which a development permit has been issued and which is to exist for a limited time only and the expiry date is clearly indicated on the development permit;
- 3.2.200 **“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 lot;
- 3.2.201 **“tented structure”** means an accessory structure consisting of canvas, tarp or other similar fabric and supported by a metal or wooden frame used for the storage of motor vehicles, recreational vehicles or other chattels. Tented structures are to be for temporary use only;
- 3.2.202 **“tourist home”** means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:
- a. The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence;
 - b. The commercial nature of a tourist home;
 - c. The management or advertising of the dwelling unit as a tourist home on any website such as Airbnb or VRBO; and/or
 - d. The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc.
- 3.2.203 **“trailer”** means a licensed portable vehicular structure enclosed or unenclosed, that is designed to be attached to or drawn by a motor vehicle and to transport property, household goods, tools, equipment, supplies, off-highway vehicles, etc. For the purposes of this definition, a recreational vehicle is not a trailer;
- 3.2.204 **“tree”** means a woody perennial plant, either deciduous or coniferous, that typically has a single self-supporting trunk and in most species the trunk produces secondary limbs, called branches;
- 3.2.205 **“tree removal”** means the cutting down and/or removal of trees or shrubs other than for commercial logging. This does not include the removal of dead trees or shrubs, or selective management by a qualified arborist to maintain tree stand health and remove hazards;
- 3.2.206 **“unsightly condition”** means:
- a. in respect of a structure, includes a structure whose exterior:
 - (a) shows signs of significant physical deterioration; or
 - (b) is substantially incomplete as per the terms of an approved development permit; and
 - b. in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep;
- 3.2.207 **“use”** means a use of land or a building as determined by the Development Authority in accordance with this Bylaw;
- 3.2.208 **“vegetation”** means non-invasive plant species that are native and/or appropriate for the relevant plant hardiness zone and are:
- a. structurally sound, well-balanced, healthy, and vigorous;
 - b. of normal growth habits; and/or
 - c. densely foliated when in leaf, with a healthy, well developed root system;
- 3.2.209 **“wastewater”** means the composite of water and water-carried sewage or waste from a premise or any other source;
- 3.2.210 **“water body”** means any location where water flows or is present, whether the flow or the presence of water is continuous, intermittent, or occurs only during a flood. This includes, but is not limited to, wetlands and aquifers;
- 3.2.211 **“watercourse”** means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or a canal, ditch, reservoir, or other artificial surface feature made by humans, whether it contains or conveys water continuously or intermittently;
- 3.2.212 **“wetland”** means land saturated with water long enough to promote wetland or aquatic processes as indicated by the poorly drained soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to a wet environment;
- 3.2.213 **“wetland assessment”** means an assessment prepared by a qualified wetland professional that delineates and classifies wetland(s) within the site and is consistent with the requirements of Alberta Environment and Parks, the *Alberta Wetland Policy*, and the *Alberta Wetland Identification and Delineation Directive*;

- 3.2.214 **“wetland boundary”** means the furthest ecological extent of a wetland bordering upland or other non-wetland habitat, as indicated by a shift in soils and vegetation. Indicators of a wetland boundary are delineated by a Qualified Wetland Professional;
- 3.2.215 **“wind energy conversion system”** - means a type of individual alternative energy system or commercial alternative energy system that consists of facilities designed to convert wind energy into mechanical or electrical energy. If the mechanical energy is used directly by machinery (pump or grinding stones) the machine is known as a windmill. If the mechanical energy is converted to electricity, the machine is called a wind energy conversion system;
- 3.2.216 **“woodshed”** - means a type of accessory building for the storage of firewood. A woodshed may have a hard or soft surface roof/cover and shall include a maximum of three walled sides. A woodshed has a maximum floor area of 7.0 m² (75.0 ft²).
- 3.2.217 **“yard”** means a space between the property boundaries of the parcel and the exterior walls of the principal building on the parcel. Yards shall generally remain unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise allowed in this Bylaw;
- 3.2.218 **“yard, front”** 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 normally considered to be the front yard shall be considered to be the rear yard;
- 3.2.219 **“yard, lakefront”** means the area between that property line of a parcel which is a shoreline, or which is separated from a shoreline either by a reserve parcel or by a public road or by a road on a Plan of Survey and the wall of the principal building. Notwithstanding any other provision of this bylaw to the contrary, where a parcel has a lakefront yard, the yard opposite the lakefront yard (which would normally be considered to be a front yard if it is adjacent to a road) shall be considered to be a rear yard for the purposes of definitions of yards and yard and setback requirements;
- 3.2.220 **“yard, rear”** 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; and
- 3.2.221 **“yard, side”** means that portion of a parcel extending from the front yard to the rear yard and lying between the property boundaries of the parcel which are neither adjacent to or directly opposite a public road and the nearest portion of the exterior wall of the building.

3.3 ALL OTHER TERMS

- 3.3.1 All other words and expressions have the meaning respectively assigned to them by the Act, any other applicable Statute of Alberta, and in common law.

4. AMENDMENTS

4.1 APPLICATIONS

- 4.1.1 Subject to the Act, any section in this Land Use Bylaw may be amended.
- 4.1.2 Notwithstanding this section, the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- 4.1.3 All applications for amendment to this Land Use Bylaw shall be accompanied by the following:
- a. A statement of the specific amendment requested;
 - b. The purpose and reasons for the application;
 - c. If the application is for a change of a land use district:
 - (a) the legal description of the lands;
 - (b) a plan showing the location and dimensions of the lands; and
 - (c) a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land that is dated within thirty (30) days of application;
 - d. A statement indicating the applicant's interest in the lands; and
 - e. An application fee as established by Council.
- 4.1.4 An application to redistrict land may be initiated by:
- a. the owner of that land;
 - b. an agent acting on behalf of the owner;
 - c. Summer Village Administration; or
 - d. Summer Village Council.
- 4.1.5 If the amendment is for the redistricting of land, Summer Village Administration may require:
- a. A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Summer Village Administration that provides Council with information to determine:
 - (a) If the site is suitable for the intended use;
 - (b) If the site can be reasonably and cost effectively serviced; and
 - (c) That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
 - b. Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
 - c. Technical studies requested by the Summer Village Administration to assess site suitability and servicing requirements.
- 4.1.6 Upon receipt of an application to amend this Land Use Bylaw, Summer Village Administration may refer the application to the Summer Village's planning and engineering service providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:
- a. Relationship to and compliance with approved statutory plans;
 - b. Compatibility with surrounding development in terms of land use function and scale of development;
 - c. Traffic impacts;
 - d. Relationship to, or impacts on, water, wastewater, and other public utilities and facilities such as recreation facilities and schools;
 - e. Relationship to municipal land, rights-of-way, or easement requirements;
 - f. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
 - g. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - h. Relationship to the documented concerns and opinions of area residents regarding development implications.
- 4.1.7 Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:
- a. Prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
 - b. Mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;

- c. Provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
 - d. Prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
 - e. Inform the applicant of the recommendation to Council.
- 4.1.8 At the same time as forwarding the application for amendment to Council, Summer Village Administration may, at its sole discretion, refer the application for further information to any person or agency it wishes.
- 4.1.9 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
- a. Refuse the application; or
 - b. Refer the application for further information; or
 - c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
 - d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
 - e. Pass first reading of an alternative amendment to this Land Use Bylaw.

4.2 PUBLIC HEARING AND DECISION

- 4.2.1 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.
- 4.2.2 Following establishment of the date, time and place for a public hearing, Summer Village Administration shall issue a notice of the public hearing by:
- a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
 - b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.
- 4.2.3 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- 4.2.4 A notice must contain:
- a. A statement of the general purpose of the proposed bylaw and public hearing;
 - b. The address where a copy of the proposed bylaw and any document relating to it, or the public hearing may be inspected; and
 - c. The date, place, and time where the public hearing will be held.
- 4.2.5 In the case of an amendment to change the land use district designation of a parcel of land, Summer Village Administration must, in addition to the requirements of Section 4.2.4:
- a. Include in the notice:
 - (a) The municipal address, if any, and the legal address of the parcel of land; and
 - (b) A map showing the location of the parcel of land;
 - b. Give written notice containing the information described in Section 4.2.4 to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
 - c. Give written notice containing the information described in Section 4.2.4 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
- 4.2.6 If the land referred to in Section 4.2.5 is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- 4.2.7 In the public hearing, Council:
- a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
 - b. May hear any other person who wishes to make representations and whom the Council agrees to hear.
- 4.2.8 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
- a. Pass the bylaw;
 - b. Defer the bylaw for further information or comment;
 - c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
 - d. Defeat the bylaw.
- 4.2.9 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- a. After third reading of the Bylaw, the Development Authority shall send a copy of it to:
 - b. The applicant;

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

5. DEVELOPMENT PERMITS

5.1 CONTROL OF DEVELOPMENT

- 5.1.1 No development other than that designated in Section 5.2 shall be undertaken within the Summer Village unless an application for it has been approved and a development permit and a building permit have been issued.
- 5.1.2 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.
- 5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to:
- obtain other required provincial and federal approvals, permits, and licenses; and
 - ensure that their development is consistent with the conditions of any registered easements or covenants affecting the subject site.
- 5.1.4 The landowner of a development shall be financially responsible during construction for any damage by their applicant, their servants, suppliers, agents, or contractors to any public or neighbouring private property.

5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 5.2.1 The following developments shall not require a development permit provided that the development otherwise complies with all other regulations of this Bylaw:
- the carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations and additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw;
 - the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the notification of the permit;
 - the use of any such buildings as referred to in Section 5.2.1.b for the purpose for which construction was commenced;
 - the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure:
 - less than 0.9 m (3.0 ft) in height in front yards or in side yards abutting a highway or road; and
 - less than 1.8 m (6.0 ft) in rear yards or in other side yards;and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure;
 - the erection or placement of a temporary building or sign, 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, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
 - the completion, alteration, maintenance, or repair of a street, lane, or utility carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
 - any development carried out by or on behalf of the Crown;
 - a development that is exempted from requiring a development permit pursuant to the Act;
 - a statutory or official notice of a function of the Summer Village of Betula Beach;
 - a maximum of one (1) accessory building not on a fixed foundation in the rear yard of a residential parcel that does not to exceed 9.3 m² (100.1 ft²) in floor area and 2.5 m (8.2 ft) in height, and that conforms to the required setbacks for accessory buildings in this Bylaw;
 - the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
 - such signs for any dwelling or dwelling parcel does not exceed 0.5 m² (5.0 ft²) in area, and
 - such signs for a multiple dwelling parcel, a commercial parcel, or an industrial parcel does not exceed 0.8 m² (9.0 ft²), and
 - such signs shall not be illuminated;
 - campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
 - such signs are removed within fourteen (14) days after the election date;
 - the consent of the property owner or occupant is obtained;

- (c) such signs do not obstruct or impair vision or traffic;
 - (d) such signs are not attached to fences, trees, or utility poles; and
 - (e) such signs indicate the name and address of the sponsor and the person responsible for removal;
 - m. signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
 - (a) such signs do not exceed 1.1 m² (12.1 ft²) in area, and
 - (b) there shall be a limit of one sign not including signs related to public safety for each boundary of the property under construction which fronts onto a public street, and
 - (c) such signs shall be removed within fourteen (14) days of occupancy;
 - n. development within a basement which does not change or add to the uses within a dwelling;
 - o. the removal of topsoil in conjunction with a development for which a development permit has been issued as per the requirements of Section 9.29 of this Bylaw;
 - p. grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent lots, but does not include stockpiling or excavation;
 - q. 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;
 - r. the erection of towers, satellite dishes, electronic equipment, flag poles and other poles not exceeding 4.5 m (15.0 ft) provided that the structure is not located in a front yard or on a building or structure;
 - s. the construction, maintenance, and repair of retaining walls up to 1.2 m (3.9 ft) in height provided the wall:
 - (a) does not encroach onto public land or into a utility right-of-way; and
 - (b) does not obstruct natural drainage patterns from or onto municipal lands or adjacent properties;
 - t. exterior steps;
 - u. roof repairs such as replacement of shingles or their underlay;
 - v. any mechanical, plumbing, or electrical work providing the use of the building and the number of dwelling units within the building or on the site do not change;
 - w. minor home occupations;
 - x. micro wind energy conversion systems; and
 - y. the demolition or removal of any building or use for which erection or use a development permit would not be required pursuant to this section
- 5.2.2 No development permit is required for landscaping, provided that the proposed grades and surface drainage patterns on and from the site will not adversely affect the subject site or adjacent properties or result in an increase of runoff and sediment into Wabamun Lake.
- 5.2.3 No development permit is required for the removal of invasive species, removal of dead or hazardous trees or vegetation, cutting grass, pruning, and typical yard maintenance.
- 5.2.4 Notwithstanding any regulation in this section, other permits, and approvals (such as building permits) may be required.

5.3 NON-CONFORMING BUILDINGS AND USES

- 5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 5.3.3 A non-conforming use of part of a building may be extended throughout the building. The building, whether it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.4 A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:
 - 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 this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.
- 5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

- 5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.
- 5.3.8 If the Development Authority has reasonable basis to believe a building or development on a lot encroaches onto an adjacent lot the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent lot, and (if necessary) can arrange for the removal of the building or development at the owner's expense. The Development Authority may require an owner to erect permanent, visible markers at the corners of any lot, to a standard approved by the Development Authority.

5.4 DEVELOPMENT PERMIT APPLICATIONS

- 5.4.1 An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
- a. a non-refundable application fee, as established by Council;
 - b. a site plan showing:
 - (a) front, side, and rear yards;
 - (b) north point;
 - (c) legal description of the property;
 - (d) access and egress points to the property; and
 - (e) the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures, including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas, including buffering and screening areas where provided;
 - c. the location of all proposed footings for dwellings and accessory buildings;
 - d. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
 - e. a statement of ownership of the land and the interest of the applicant therein; and
 - f. a statutory declaration indicating that the information supplied is accurate.
- 5.4.2 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the lot do not correspond with the legal boundaries of the lot.
- 5.4.3 In making a decision, the Development Authority may also require additional information to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
 - b. the height and horizontal dimensions of all existing and proposed buildings;
 - c. outlines of roof overhangs on all buildings;
 - d. existing and proposed elevations on the site and on adjacent sites, roads, and lanes;
 - e. post construction site and building elevations;
 - f. floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
 - g. Reports, plans, and studies prepared by qualified professionals, including:
 - (a) Erosion and Sediment Control Plan;
 - (b) Geotechnical Report;
 - (c) Landscaping Plan;
 - (d) Slope Stability Analysis;
 - (e) Wetland Assessment; and
 - (f) Any other reports, plans, and studies that provides information requested by the Development Authority;
 - h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - i. future development plans for a site which is to be partially developed through the applicable development permit;
 - j. in the case of a proposed major home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and

- k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.
- 5.4.4 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
 - b. existing land use and vegetation;
 - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - e. identification of potential for outdoor noise and the discharge of substances into the air;
 - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling, or lessening erosion or dust from the site;
 - g. an indication of all municipal servicing costs associated with the development; and
 - h. the proposed haul route, dust control plan and expected hours of operation.
- 5.4.5 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment and the measures necessary to mitigate such effects.
- 5.4.6 Any new development within an existing subdivision may be required to provide to the Development Authority, for approval, a post-construction lot grading and drainage plan which includes lot elevations on the subject site and indicates where the surface water is to be directed. Surface water from the subject site shall not be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place.
- 5.4.7 The Development Authority may refer any application for a development permit to any municipal, provincial, or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 5.4.8 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
- 5.4.9 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

5.5 APPLICATION FOR DEMOLITION OR REMOVAL OF BUILDINGS

- 5.5.1 The demolition of a structure not identified in Section 5.2 requires a development permit.
- 5.5.2 The demolition of any structure must be done in accordance with the National Building Code (Alberta Edition), and any other applicable provincial or municipal building and/or safety code requirements.
- 5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:
- a. the value of the development;
 - b. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
 - c. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
 - d. the destination of debris materials;
 - e. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
 - f. a copy of the original development approval including building permits where applicable;
 - g. the form of demolition to be used (heavy equipment or by hand);

- h. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft) in height is required around the excavation or structure to be demolished);
 - i. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
 - j. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
 - k. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
 - l. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.
- 5.5.4 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
- a. a Hazardous Materials Assessment Report; and/or
 - b. an environmental site assessment to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.
- 5.5.5 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

5.6 NOTICE OF COMPLETE OR INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS

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

5.7 DEVELOPMENT PERMIT NOTICES

- 5.7.1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given, or sent to the applicant on the same day the written decision is given.
- 5.7.2 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.7.3 In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance to any regulation has been granted, the Development Authority shall:

- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected landowners within 100.0 m (300.0 ft) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
 - b. post notice of the decision on the Summer Village's website; and may
 - c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization, or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- 5.7.4 The notice indicated in Parts 5.7.2 and 5.7.3 shall state:
- a. the legal description and the street address of the site of the proposed development;
 - b. the uses proposed for the subject development;
 - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
 - d. the date the development permit was issued; and
 - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 5.7.5 A permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.7.6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.
- 5.7.7 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void unless:
- a. an alternate time frame has been identified in the conditions; or
 - b. an extension to this period is granted by the Development Authority.
- 5.7.8 A development, once begun, shall not be abandoned or left for an extended period in what the Development Authority considers to be an unsightly or unsafe condition.
- 5.7.9 The applicant will be held responsible for any damages to public or private property occurring because of development.
- 5.7.10 A decision of the Development Authority on an application for a development permit shall be given in writing.
- 5.7.11 When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 5.7.12 The Development Permit will not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled.
- 5.7.13 When a Development Appeal is filed against the issuance of a Development Permit or against any condition on a Development Permit, the Development Permit will be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board. Where a subsequent appeal is taken to the Court of King's Bench pursuant to Section 688 of the Act, the Development Permit will be further suspended and deemed invalid pending the final decision of the Court and the completion of any process directed by the Court.

5.8 CONDITIONS AND DEVELOPMENT AGREEMENTS

- 5.8.1 If the proposed development is for a new building, the owner or developer must provide a Real Property Report, prepared by an Alberta Land Surveyor after the footing has been installed, but before any flooring or framing work has commenced, and in the case of a slab foundation, before concrete is poured, certifying that the building under construction meets the yard and setback requirements of the Land Use Bylaw and the Alberta Building Code.
- 5.8.2 A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building, sewers, water mains, electricity and highways, and all other permits required in connections with the proposed development.
- 5.8.3 The landowner of a development shall be financially responsible during construction for any damage by their applicant, their servants, suppliers, agents, or contractors to any public or neighbouring private property. The landowner shall repair, reinstate, or pay for the repair or reinstatement to original condition of any street, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility damaged as a result of development undertaken on their land.

- 5.8.4 Further to 5.8.3, as a condition of issuing a development permit, the Development Authority may require the applicant to post a bond (or an irrevocable letter of credit) of 5% of the cost of construction (up to \$20,000) to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.
- 5.8.5 As a condition of issuing a development permit for landscaping, the Development Authority will require the applicant to post a bond (or an irrevocable letter of credit) up to a value of one hundred twenty five percent (125%) of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence. A condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the plan within one (1) growing season after the completion of the development. If the landscaping does not survive a two (2) year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.
- 5.8.6 The applicant shall take precautions, including the placement of silt fences or traps, to prevent soil or debris from being spilled on public streets, lanes sidewalks, and the lake, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- 5.8.7 Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village because of neglect to public property may be collected from the applicant.
- 5.8.8 The applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.
- 5.8.9 To post in a location visible from both directions the municipal address of the property.
- 5.8.10 The Development Authority may require the following conditions as part of development permit approval:
 - a. Compliance with the Erosion and Sediment Control Plan;
 - b. Compliance with the Landscaping Plan;
 - c. Compliance with the Lot Grading and Drainage Plan; and
 - d. Any other conditions requested by the Development Authority.
- 5.8.11 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:
 - a. Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
 - b. Install or pay for the installation of utilities; and/or
 - c. Pay for an off-site levy or redevelopment levy imposed by bylaw.
- 5.8.12 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

5.9 CANCELTION OF PERMITS

- 5.9.1 If a Development Permit is issued for a site for which any other Development Permit has been previously issued, all previous Development Permits will be invalid to the extent the physical aspects of the newly approved Development conflict or could not occur simultaneously on the site in conformity with the provision of this Bylaw.
- 5.9.2 The Development Authority may modify, suspend, or cancel a development permit which apparently has been obtained by fraud or misrepresentation, or by failure to disclose pertinent information, or been issued in error.
- 5.9.3 If a development permit has been revoked, the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a Stop Order under Section 645 of the Act.
- 5.9.4 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.
- 5.9.5 If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke, or modify the development permit and shall have the right to suspend all construction activity on the site.

5.10 VARIANCES

- 5.10.1 The Development Authority may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.
- 5.10.2 The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in their opinion the proposed development would not:
 - a. unduly interfere with the amenities of the neighbourhood; or
 - b. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and

- the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.
- 5.10.3 A variance shall be considered only when warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.
- 5.10.4 In consideration of any relaxation or variance of this regulation for building height, the Development Authority shall take careful note of the heights of surrounding developments and shall ensure that any development exceeding this regulation is not higher than existing development in an area.
- 5.10.5 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
- 5.10.6 Where the issuance of a Development Permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this bylaw, the Development Authority shall not permit any additional variance from that regulation.
- 5.10.7 No variance to the regulations of this Land Use Bylaw shall be granted by the Development Authority for:
- a. the maximum parcel coverage of a lot; and
 - b. the maximum height of a building on a residential lot.

5.11 ISSUANCE OF COMPLIANCE CERTIFICATES

- 5.11.1 The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee.
- 5.11.2 The applicant shall pay all costs associated with the preparation of the Real Property Report, which must meet the requirements of the Development Authority. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is required.
- 5.11.3 In determining whether a Compliance Certificate can be issued for a site, the Development Authority shall rely on the Real Property Report provided by the applicant. The Development Authority shall not undertake independent site inspections.
- 5.11.4 The Development Authority may issue a Compliance Certificate when, in their opinion, the building(s) located on a site, and shown on the Real Property Report, are in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.
- 5.11.5 The Development Authority may refuse to issue a Compliance Certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this Bylaw and/or the yards specified in any development permit which may have been issued for the site.
- 5.11.6 The Development Authority and the Summer Village shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the Real Property Report.

6. SUBDIVISION APPLICATIONS

6.1 APPLICATION REQUIREMENTS

- 6.1.1 All subdivision applications for lands within the Summer Village of Betula Beach shall comply with the provisions under this Section.
- 6.1.2 A subdivision application may be submitted by:
- the registered owner of the land to be subdivided; or
 - a person with written authorization to act on behalf of the registered owner.
- 6.1.3 Subdivisions shall be developed in accordance with the provisions of the land use district affecting the subject site at time of application.
- 6.1.4 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.1.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.1.6 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.1.7 The tentative plan of subdivision shall:
- clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - show the location, dimensions, and boundaries of:
 - each new lot to be created;
 - reserve land(s), if required;
 - the rights-of-way of each public utility, if required; and
 - other rights-of-way, if required;
 - indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.1.8 The Summer Village may also require an applicant to submit to the Subdivision Authority any or all the following:
- a figure showing topographic contours at no greater than 1.5 m (4.9 ft) intervals;
 - if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
 - an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
 - reports, plans, and studies prepared by qualified professionals, including:
 - Geotechnical Report;
 - Lot Grading and Drainage Plan or Stormwater Management Plan;
 - Water Report;
 - Wetland Assessment;
 - Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
 - if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and
 - where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

6.2 ASSESSMENT OF APPLICATIONS

- 6.2.1 The Subdivision Authority shall:
- a. receive all applications for subdivision applications;
 - b. assess and provide notice of a complete or incomplete application; and
 - c. issue notices in writing as required in the Act.

6.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATIONS

- 6.3.1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.
- 6.3.2 The period referred to in Section 6.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to the Act.
- 6.3.3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- 6.3.4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 6.3.5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- 6.3.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.3.5, the Subdivision Authority must deem the application to be refused.
- 6.3.7 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.3.4 or 6.3.5, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.4 SUBDIVISION AUTHORITY DECISION

- 6.4.1 Upon receipt of a completed subdivision application, the Subdivision Authority:
- a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
 - (a) this Bylaw;
 - (b) applicable statutory plans; and
 - (c) the Act and the regulations thereunder;
 - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - (a) applicable statutory plans; and/or
 - (b) the Act and the regulations thereunder;
 - c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.4.1.d;
 - d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
 - (a) would not unduly interfere with the amenities of the neighbourhood;
 - (b) would not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
 - (c) conforms to the use prescribed for that land in this Bylaw;
 - e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

6.5 REQUIREMENTS AND CONDITIONS OF SUBDIVISION APPROVAL

- 6.5.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
- 6.5.2 Subdivision approvals must comply with Part 17 and 17.1 of the Act and the Regulations therein.
- 6.5.3 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.
- 6.5.4 More than one active subdivision application will not be allowed affecting a single titled area. Where a subdivision is proposed for a titled area which is, at time of receipt of the new application, affected by an active subdivision file,

the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.

- 6.5.5 The Subdivision Authority shall not approve a subdivision which is inconsistent with:
 - a. The Summer Village of Betula Beach and Parkland County Intermunicipal Development Plan;
 - b. The Summer Village of Betula Beach Municipal Development Plan; and
 - c. The provisions of any other statutory plans or bylaws that affect the land proposed to be subdivided.
- 6.5.6 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Summer Village) or as an Environmental Reserve Easement (private ownership is retained).
- 6.5.7 As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as Environmental Reserve.
- 6.5.8 Where a subdivision is proposed on lands adjacent to Wabamun Lake, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:
 - a. Recommendations by qualified professionals; and/or
 - b. Riparian Setback Matrix Model (RSMM); and/or
 - c. The Government of Alberta's Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region; and/or
 - d. The Province of Alberta's Recommended Setbacks Chart.
- 6.5.9 Property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.
- 6.5.10 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 6.5.11 The Subdivision Authority may require the following conditions as part of subdivision approval:
 - a. Compliance with an approved Erosion and Sediment Control Plan;
 - b. Compliance with an approved Landscaping Plan;
 - c. Compliance with an approved Lot Grading and Drainage Plan;
 - d. Compliance with an approved Stormwater Management Plan; and/or
 - e. Any other conditions requested by the Subdivision Authority.

7. APPEALS

7.1 DEVELOPMENT APPEALS

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

7.2 SUBDIVISION APPEALS

- 7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
- a. by the applicant for the approval;
 - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
 - d. by a school board with respect to:
 - (a) the allocation of municipal reserve and school reserve or money in place of the reserve;
 - (b) the location of school reserve allocated to it; or
 - (c) the amount of school reserve or money in place of the reserve.
- 7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.
- 7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;
 - b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
 - c. the name, contact information, and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.2.6 If the applicant files a notice of appeal within 14 days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3 HEARING AND DECISION

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

8. ENFORCEMENT

8.1 SCOPE OF ENFORCEMENT

8.1.1 Regulations in Section 8 are related to the enforcement of Land Use Bylaw regulations exclusively.

8.2 PROVISION OF ENFORCEMENT

8.2.1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action under the Act to ensure compliance with the regulations of this Land Use Bylaw.

8.3 PROHIBITION

- 8.3.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or action that is not permitted by this Bylaw.
- 8.3.2 No person shall contravene the conditions of a development permit or subdivision approval issued under this Bylaw.
- 8.3.3 No person shall authorize or undertake any development that is not compliant with the description, specifications, or plans that were the basis for the issuance of a development permit.
- 8.3.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of a permit by the Development Authority.

8.4 RIGHT OF ENTRY

- 8.4.1 After reasonable notice (generally to mean 48 hours) has been provided to the owner or occupant of a parcel or building that is subject to an order, a Designated Officer may enter a property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Land Use Bylaw and development permit conditions/requirements are being met.
- 8.4.2 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Summer Village may apply to the Court of King's Bench for an authorizing order.

8.5 VIOLATION WARNINGS

8.5.1 A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

8.6 OFFENSES AND FINES

- 8.6.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence as specified in the Summer Village's Fees and Charges Bylaw.
- 8.6.2 If the penalty is not paid, the person may be liable for imprisonment for not more than one year, or to both fine and imprisonment, as identified in Section 7 of the Act, as amended or replaced.

8.7 STOP ORDERS

- 8.7.1 On finding that a development, land use, or use of a building does not conform to the Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:
- stop the development or use of the land or building in whole or part as directed by the notice;
 - demolish, remove, or replace the development or landscaping; or
 - carry out any other actions required by the notice for compliance.
- 8.7.2 The notice shall specify a deadline for compliance.
- 8.7.3 A person named in a stop order may appeal to the Subdivision and Development Appeal Board.

8.8 VIOLATION TAGS AND TICKETS

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

- 8.8.2 A violation tag may be issued to such person
- a. either personally; or
 - b. by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.
- 8.8.3 The violation tag shall be in a form approved by the municipal administrator and shall state:
- a. the name of the person;
 - b. the offence;
 - c. the appropriate penalty for the offence as established in the Summer Village's Fees and Charges Bylaw.
 - d. that the penalty shall be paid within 30 days of the issuance of the violation tag; and
 - e. any other information as may be required by the municipality.
- 8.8.4 Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 8.8.5 Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the violation tag.
- 8.8.6 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.
- 8.8.7 In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, the Development Authority is hereby authorized and empowered to issue a violation ticket (to be served by the Summer Village's Peace Officer) pursuant to Part II of the Provincial Offences Procedure Act, as amended or replaced.

9. GENERAL AND SPECIFIC LAND USE REGULATIONS

9.1 ACCESSORY BUILDINGS AND USES

- 9.1.1 Accessory buildings shall only be allowed on a lot with an existing dwelling with an approved development permit.
- 9.1.2 Where a building is attached to the main building on a site by its roof, an open or enclosed structure, a floor or a foundation, it is considered to be a part of the main building, at the discretion of the Development Authority.
- 9.1.3 Accessory buildings on residential lots shall not be constructed or placed within required yards and setbacks as established in the R – Residential District.
- 9.1.4 The total floor area of all accessory buildings shall not exceed 92.9 m² (1,000 ft²), or the floor area of the principal building, whichever is lesser.
- 9.1.5 All accessory buildings shall be a minimum of 3.0 m (10.0 ft) from any other structure.
- 9.1.6 In the case of lakefront parcels, all accessory buildings except boathouses shall be located in the rear yard and the rear half of the parcel.
- 9.1.7 In the case of non-lakefront lots, all accessory buildings shall be located in the rear yard and in the rear half of the parcel.
- 9.1.8 Notwithstanding the above, within the residential lots identified on the Land Use District Map as being subject to this regulation, accessory buildings may be allowed within either a front yard or rear yard where in the opinion of the Development Authority:
- Site topography;
 - Site access; and/or
 - Existing development on the site;
- would make it unfeasible to locate an accessory building in the rear yard of the lot.
- 9.1.9 A boathouse on a lakefront parcel will be located to the satisfaction of the Development Authority.
- 9.1.10 All accessory buildings that require a development permit (except boathouses) shall be fixed to the ground, or on a foundation.
- 9.1.11 Where a garage door faces a roadway, the garage shall be set back a minimum 6.1 m (20.0 ft) from the roadside property line.
- 9.1.12 An accessory building shall not exceed the maximum height identified in the R - Residential District.
- 9.1.13 All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.

9.2 BED AND BREAKFAST ESTABLISHMENTS

- 9.2.1 The development and operation of tourist homes shall not be permitted in the Summer Village of Betula Beach.

9.3 BOATHOUSES

- 9.3.1 Notwithstanding Section 9.1, the following apply to development and use of boathouses in the Summer Village.
- 9.3.2 The placement of boathouses on a lot shall require a development permit.
- 9.3.3 The maximum number of boathouses allowed on a lot shall be one (1).
- 9.3.4 On lake front parcels, a boathouse may be built in the front yard of a lot.
- 9.3.5 The maximum size and height of a boathouse shall be the same as for an accessory building in Section 9.1 – Accessory Buildings and Uses and the applicable land use district of this bylaw.
- 9.3.6 Boathouses shall adhere to the same floor area and lot coverage requirements as accessory buildings in Section 9.1 and shall not exceed the total lot coverage requirements for buildings in the R-Residential District.
- 9.3.7 Sleeping accommodations shall not be allowed in boathouses; a boathouse shall not be developed or redeveloped as a garage suite or garden suite.
- 9.3.8 Boathouses shall include the following design elements:
- Low-slope roof (3:12 roof or less, or flat roof) to minimize view obstruction; and
 - Gutters on all down-sloping sides of the building and downspouts that are directed away from Wabamun Lake and into rain barrels and/or rain gardens.
- 9.3.9 Boathouses shall be built on piles or skids, where possible.
- 9.3.10 Boathouses shall not be placed (in full or part) on municipal or environmental reserve lands.

9.4 BUILDING APPEARANCE AND EXTERIOR FINISH

- 9.4.1 The design, character and architectural appearance of any building or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard for:

- a. amenities such as daylight, sunlight and privacy;
 - b. the character of existing development in the district;
 - c. its effect on adjacent parcels; and
 - d. the exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.
- 9.4.2 Unless forming part of a single project which has been designed and approved under one development application, no single detached dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road, shall be located adjacent to each other.

9.5 DEVELOPMENT ON CORNER LOTS

- 9.5.1 In a residential area, a parcel abutting two (2) streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.
- 9.5.2 In all cases, the location of buildings on corner parcels shall be subject to approval by the Development Authority who shall take into account the location of existing adjacent buildings or the required setback on adjacent parcels where a building does not exist.
- 9.5.3 At the discretion of the Development Authority one of the front yards on corner sites with more than one front yard may be considered a side yard for setback purposes.
- 9.5.4 On any corner site in a residential district, no person shall erect, place or maintain within the site sight line triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (0.3 ft) in height above the lowest street grade adjacent to the intersection.
- 9.5.5 On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2.0 ft) within the area defined as a sight line triangle.
- 9.5.6 When a parcel has more than one (1) front yard line (corner parcel), the front yard requirements shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

9.6 DEVELOPMENT ON LANDS CONTAINING A HIGH-WATER TABLE

- 9.6.1 Residential development or any development generating sewage effluent shall not occur on lands containing a high water table unless arrangements are made to the satisfaction of the Development Authority to provide adequate fill or trenching so as to lower the water table to a suitable level. The Development Authority may require testing to confirm that the water table has been suitably lowered.
- 9.6.2 The Development Authority may refer proposed development permit applications on lands containing a high water table to Alberta Environment and Protected Areas (or other applicable provincial agencies) for their comments prior to issuing a development permit for filling or trenching or for assistance in assessing any water table results.
- 9.6.3 The development of basements is discouraged in areas where the presence of a high-water table would likely cause flooding of the development.

9.7 DEVELOPMENT ON HAZARDOUS LANDS

- 9.7.1 It is the responsibility of the development proponent to provide adequate protection against flooding, subsidence, and slumping. Development proponents may be required to engage the services of qualified professionals to demonstrate the suitability of the proposed development to satisfaction of the Development Authority.
- 9.7.2 Development on land which may be subject to flooding shall be discouraged, especially on lands which are within the 1:100-year flood plan, as determined by the province, the Summer Village of Betula Beach, or qualified professionals.
- 9.7.3 Residential development on lands which have been identified as a flood area shall be prohibited.
- 9.7.4 All development shall be setback a minimum of 15.0 m (49.2 ft) from the toe and crest of any slope and slopes of fifteen percent (15%) or greater, unless a lesser amount is identified in a geotechnical study prepared by a qualified professional engineer registered in the Province of Alberta.

9.8 DWELLING UNITS ON A PARCEL

- 9.8.1 A Development Permit shall not be issued for more than one (1) principal dwelling on a lot.
- 9.8.2 A Development Permit shall not be issued for more than one (1) garage suite, garden suite, or secondary suite on a lot.

9.9 EXISTING SUB-STANDARD LOTS

- 9.9.1 Development on existing substandard lots may be allowed by the Development Authority. Compliance with the Safety Codes Act and any applicable Provincial Health Regulations shall be required.

9.10 FENCES, WALLS, AND HEDGES

- 9.10.1 Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence, wall, or hedge may be constructed along a boundary line of a lot.
- 9.10.2 No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 9.10.3 No fence, wall or other means of enclosure in the Residential District shall exceed:
- a. 1.8 m (6.0 ft) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - b. 0.9 m (3.0 ft) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or
 - c. 0.9 m (3.0 ft) within 6.1 m (20.0 ft) of the intersection of roads.
 - d. 0.9 m (3.0 ft) within 4.5 m (14.8 ft) of the intersection of lanes, roads, or any combination of them.
- 9.10.5 Razor wire, barbed wire, and electrified fences shall not be allowed within the Residential District.

9.11 FIREPITS

- 9.11.1 Within the corporate limits of the Summer Village of Betula, fire pits must:
- a. Be at least 3.0 m (10.0 ft) from buildings, property lines and anything else that could catch fire;
 - b. Be less than 0.6 m (2.0 ft) high;
 - c. Be less than 1.0 m (3.3 ft) wide;
 - d. Have enclosed sides made from bricks, concrete or heavy-gauge metal; and
 - e. Have a mesh screen on top to stop sparks (spark-arrestor) with openings smaller than 1.25 cm (0.50 in).

9.12 FIRE SEPARATION AND EMERGENCY PREPAREDNESS

- 9.12.1 Every building served by electricity or a heating system shall be located at least 3.0 m (10.0 ft) from every other building unless a variance has been obtained under the National Building Code (Alberta Edition).
- 9.12.2 New developments shall be designed and constructed to allow access to the development site for emergency vehicles.
- 9.12.3 To reduce the threat of wildfire, the Development Authority encourages the incorporation of the following design elements on lots on residential lots:
- a. the construction of roofs with non-combustible or fire-retardant materials with a minimum Class B fire rating;
 - b. the placement of non-combustible landscaping materials such as rock, gravel, asphalt, brick or concrete within a 1.5 m (4.9 ft) radius of all buildings; and
 - c. restricting the placement of woody shrubs, trees, or other similar plants within a 1.5 m (4.9 ft) radius of all buildings.

9.13 GRADING, STRIPPING, AND SITE DRAINAGE

- 9.13.1 Except as provided for in Section 5.2, no land shall be filled or raised, and no stripping, grading, or drainage may be undertaken, unless a development permit has been issued.
- 9.13.2 Land shall be graded so that excess clean natural run-off water flows into the lake, a soakaway, or a street. Water shall not be diverted to flow from one lot on to a neighbouring lot unless a drainage easement is agreed in writing between the two property owners and the municipality.
- 9.13.3 A private driveway or walkway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water and a culvert shall be installed to the specifications of the municipality.
- 9.13.4 Any culvert which carries water away from a lot or runs across a driveway, walkway, boulevard or ditch shall have a diameter of at least 300.0 mm (11.8 in).
- 9.13.5 Further to 9.13.1, development permits shall be required for:
- a. stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan;
 - b. moving, depositing, or removal of topsoil, fill, aggregate or similar material; and
 - c. any other development that:
 - (a) Alters natural drainage on the site (or on adjacent parcels);
 - (b) Increases runoff onto adjacent lands; or
 - (c) Alters the quantity or quality of runoff into a watercourse or water body.
- 9.13.6 Site grading shall not be permitted to impede or interfere with the natural flow of surface water onto (or from) adjacent municipal lands or public ditches, or neighbouring properties.

- 9.13.7 A lot grading and drainage plan shall be required as part of the development permit application for:
- a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan; and
 - b. Any other development that:
 - (a) Alters drainage on the site;
 - (b) Increases runoff onto adjacent lands; or
 - (c) Alters the quantity or quality of runoff into a watercourse or water body.
- 9.13.8 Where a lot grading and drainage plan is required, it shall be prepared by a qualified professional and shall:
- a. Identify pre-development and post development lot elevations and grades;
 - b. Specify design elevations, surface gradients, and swale locations;
 - c. Demonstrate how runoff will be controlled on the site; and
 - d. Include any other drainage information required by the Development Authority.
- 9.13.9 A stormwater management plan may be required for multi-lot subdivisions and major developments, at the discretion of the Approving Authority.
- 9.13.10 Where a stormwater management plan is required, it must:
- a. Demonstrate that runoff will be managed on the site;
 - b. Conform to municipal stormwater management systems and practices, where applicable; and
 - c. Incorporate best management practices and low impact development strategies and technologies for:
 - (a) Treating stormwater prior to discharge into water bodies, watercourses, or riparian areas;
 - (b) Preventing pollution of water bodies, watercourses, or riparian areas; and
 - (c) Minimizing or mitigating impacts of runoff on adjacent environmentally sensitive lands and hazardous lands.

9.14 HOME OCCUPATIONS

- 9.14.1 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
- 9.14.2 A **major home occupation** shall comply with the following regulations:
- a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
 - b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
 - c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
 - d. Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
 - e. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- 9.14.3 A **minor home occupation** shall comply with the following regulations:
- a. The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
 - b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- 9.14.4 **All home occupations** shall comply with the following requirements:
- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
 - b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
 - c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30.0 m² (322.9 ft²), whichever is less, of the dwelling unit for business usage. Except as noted in Sections 5.2 and 9.24, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
 - d. No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.

- e. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
 - f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one identification sign on the parcel or the dwelling, providing that the sign does not exceed 0.9 m² (10.0 ft²) in area.
 - g. In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - h. Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- 9.14.5 Home occupations shall not involve:
- a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
 - b. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties; or
 - c. any no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- 9.14.6 In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

9.15 KEEPING OF ANIMALS

- 9.15.1 The keeping of domestic pets shall be in accordance with the Summer Village's Animal Control Bylaw.
- 9.15.2 The keeping of livestock and poultry within the Summer Village is prohibited.
- 9.15.3 The operation of kennels within the Summer Village is prohibited.

9.16 LANDSCAPING

- 9.16.1 A development permit shall be required for all landscaping (including vegetation removal) that:
- a. Alters the natural drainage patterns on the site; or
 - b. Alters the quantity or quality of runoff into a watercourse or water body, including Wabamun Lake.
- 9.16.2 A landscaping plan may be required as part of the development permit application for:
- a. Landscaping that alters natural drainage patterns on the site or alters the quantity or quality of runoff into a watercourse or water body, including Wabamun Lake;
 - b. Stripping and grading;
 - c. The construction of new buildings or redevelopment of existing buildings; and
 - d. Any other development that alters drainage on the site.
- 9.16.3 Where a landscaping plan is required, it shall include the site plan requirements outlined in Section 6.4 and the following:
- a. Boundaries and dimensions of the site, location, and name of adjacent streets;
 - b. Location of adjacent sidewalks, pathways, driveway entrances, easements, rights-of-way (ROW), and laneways;
 - c. All existing berms, contours, walls (including retaining walls), fences;
 - d. Proposed lot grading and drainage;
 - e. Location of all existing vegetation to be retained;
 - f. Locations, dimensions, areas, and description or illustrations of all existing and proposed:
 - (i) Non-permeable surfaces;
 - (ii) Vegetation (including trees and shrubs);
 - (iii) Vegetation that comprises native vegetation (including trees and shrubs);
 - (iv) Other soft landscaping elements and permeable surfaces other than vegetation (e.g., rock gardens, gravel, permeable pavement, etc.).
- 9.16.4 The following regulations shall apply in any residential district:
- a. The area of the lot covered in vegetation shall be a minimum of 50% of the total lot area and shall incorporate native vegetation.
 - b. Of the 50% minimum vegetation cover required in the previous regulation, the area of the lot covered in trees and shrubs shall be a minimum of 10% of the total lot area.

- c. The maximum parcel coverage area (including buildings and non-permeable surfaces such as hard-surfaced patios or driveways) is identified in each Land Use District.
 - d. The lot is to be in the process of being landscaped within one (1) year of project completion, to the satisfaction of the Development Authority.
- 9.16.5 Landscaping should be designed to maximize water infiltration on the site.
- 9.16.6 Landscaping plans shall incorporate low impact development and design strategies to slow and filter excess nutrients and pollutants from entering the lake from runoff including but not limited to:
- a. Grading of lots to drain and retain runoff to control and reduce runoff leaving the lot;
 - b. Inclusion of the following clean runoff landscaping strategies:
 - (i) Within planting beds and natural areas, keep the areas rough, with dished areas for trapping water;
 - (ii) Where possible include a depression to intercept surface water (including snowmelt) before it leaves the site;
 - (iii) Minimize turf areas on lakefront lots to decrease soil compaction and the proliferation of invasive species;
 - (iv) Incorporate tools for capturing, treating, and using runoff into lot grading and landscaping;
 - (v) Incorporate deciduous native plant species and wildflowers into landscaping plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.

9.17 RELOCATION OF BUILDINGS

- 9.17.1 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 on a parcel of a building which has already been constructed on that parcel;
- unless a development permit has been issued for the new location.
- 9.17.2 An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.
- 9.17.3 An application to “relocate” or “move in” a building may require:
- a. Colour photographs of the building;
 - b. A statement of the present location of the building;
 - c. Information about the building’s dimensions, construction materials, and history;
 - d. A notification of the relocation route, date, and time that the relocation is to take place; and
 - e. A complete site plan showing all buildings located or to be located on the lot.
- 9.17.4 The Development Authority may require, when a development permit is issued for a relocated building, a performance bond (or an irrevocable letter of credit) related to the proposed development, up to a value of one hundred twenty five percent (125%) of the estimated cost of the proposed development.
- 9.17.5 Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond (or an irrevocable letter of credit).
- 9.17.6 When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- 9.17.7 In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
- 9.17.8 An approval shall not be granted unless the Development Authority 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 the building is proposed to be located as well as all applicable building and safety codes standards.

9.18 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 9.18.1 No person shall keep or permit in any part of any yard in any Residential District:
- a. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located; or
 - b. any excavation, storage or piling up of materials required during construction 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; or
 - c. more than one (1) wrecked or unlicensed or inoperable vehicle for more than fourteen (14) consecutive days;

- d. unless it is covered, any wrecked or unlicensed or inoperable vehicle for more than fourteen (14) consecutive days; or
 - e. any heavy vehicle such as logging trucks, tractor units with or without trailers, gravel trucks and graders, excluding recreational vehicles.
- 9.18.2 No person shall keep or permit in any part of any yard in the Residential District any more than one (1) vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4,800 kg (10,560 lb.) for longer than is reasonably necessary to load or unload the vehicle.
- 9.18.3 Garbage shall be stored in weather and animal proof containers and screened from adjacent parcels and public thoroughfares and shall be in a location easily accessible for pickup.
- 9.18.4 Outside storage areas shall be screened from adjacent parcels and thoroughfares.
- 9.18.5 No person shall keep or permit in a yard adjacent to a dwelling, either:
- a. a propane tank that is larger than 68.2 kg (150 lbs.);
 - b. more than four (4) propane tanks; or
 - c. any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.);
- without first obtaining a development permit.
- 9.18.6 Notwithstanding Section 9.18.5 above, on lots in the Residential District which are:
- a. greater than 1.2 ha (3.0 ac.) in area; and
 - b. where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;
- The Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91 kg (200 lbs.) to be located on a lot.
- 9.18.7 All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91 kg (200 lbs.), to be located within individual stalls, in approved campground or recreational vehicle park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to issuance of a development permit.
- 9.18.8 Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.
- 9.18.9 In any district, no storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the parcel, on public property, or on any other parcels, by reason of the generation of noise, vibration, dust and other particulate matter, smoke, odour, toxic and noxious matter, traffic, radiation hazards, fires and explosive hazards, heat, humidity and glare, refuse matter, waste or waterborne waste, and water or steam.
- 9.18.10 Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lake shore shall be prohibited.
- 9.18.11 Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

9.19 PARKING

- 9.19.1 On lots within the Residential District, a minimum of two (2) parking stalls shall be provided per dwelling.
- 9.19.2 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 (19.7 ft) long and shall be located on the same lot as the principal building or use.
- 9.19.3 A parking stall shall not be located within 1.0 m (3.3 ft) of a lot line common to the lot and a street.
- 9.19.4 Parking stalls shall be hard surfaced to the satisfaction of the Development Authority or of a gravel mixture approved by the Development Authority.
- 9.19.5 Construction of entrances and exits, including culverts where required by the Development Authority, shall be at the expense of the development proponent and to the satisfaction of the Development Authority.
- 9.19.6 Parking provisions for home occupations shall be consistent with the requirements in Section 9.14.
- 9.19.7 Parking provisions for suites shall be consistent with the requirements in Sections 9.26 to 9.29.

9.20 PROJECTION INTO YARDS

- 9.20.1 No person shall allow any portion of a principal or accessory building to project over or onto the required minimum front yard, required minimum side yard, or required minimum rear yard except for a chimney, sill, cornice, canopy, bay or bow window, or any other feature which, in the opinion of the Development Authority, is similar.
- 9.20.2 In all residential districts, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement are:

- a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft) into the minimum yard requirement.
 - b. Side Yards: Including un-enclosed steps or eaves, not exceeding 50% of the minimum side yard requirement.
- 9.20.3 In all other districts, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement is:
- a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft) into the minimum yard requirement.
 - b. Side Yards: Not exceeding 0.6 m (1.9 ft) into the minimum side yard requirement.
- 9.20.4 No portion of a building unless otherwise provided for under this Bylaw shall project into a public road or street or other parcel.
- 9.20.5 When determining setbacks, they shall be calculated from the building.

9.21 RECREATIONAL VEHICLES

- 9.21.1 On a lot with a developed principal dwelling, a maximum of one (1) recreational vehicle may be stored unoccupied on a lot without a development permit.
- 9.21.2 In no instance shall a recreational vehicle be stored or occupied on an undeveloped lot. Notwithstanding 9.22.1, the Development Authority may, at their discretion, approve a development permit for the temporary placement of a recreational vehicle on a lot (for a maximum of 12 months) to be used as a temporary dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.
- 9.21.3 In addition to 9.22.1, one additional recreational vehicle may be parked and occupied on a lot for a period up to (but not exceeding) 1 week without a development permit.
- 9.21.4 Recreational Vehicles shall adhere to the front, rear, and side yard requirements for accessory buildings identified in the applicable Land Use Districts.
- 9.21.5 Recreational Vehicles shall not be located within a front yard of a lakefront lot.
- 9.21.6 Recreational vehicles (and vehicles used for the towing of the recreational vehicle) must be located entirely within the boundaries of the lot.
- 9.21.7 Recreational Vehicles shall not be permitted to connect to onsite water or sewage disposal facilities, other than electricity.
- 9.21.8 Notwithstanding the regulations of this section, additional Recreational Vehicles may be allowed for up to 4 consecutive days (96 hours) on a lot for special events, with an approved development permit at the discretion of the Development Authority.

9.22 SEA CANS

- 9.22.1 Sea cans shall not be placed on a residential lot within the Summer Village of Betula Beach.
- 9.22.2 Notwithstanding 9.22.1, a maximum of one (1) sea can may be placed on a residential lot on a temporary basis as part of a Development Permit for the construction or placement of a Single Detached Dwelling, subject to the following:
- a. The sea can may be placed on the lot for a maximum of 9 consecutive months; and
 - b. The sea can must be placed entirely on the lot subject to the Development Permit.

9.23 SOLAR ENERGY COLLECTION SYSTEMS

- 9.23.1 The placement of a ground mounted solar energy collection system on a lot requires a development permit.
- 9.23.2 Solar energy collection systems shall only be allowed as accessory developments.
- 9.23.3 Ground mounted solar collectors shall be located in a side or rear yard only.
- 9.23.4 When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot should not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
- a. is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.7 m (12.0 ft) obstruction located on the lot line;
 - b. has an area not greater than half of the heated floor area of the structure (or largest structure, if multiples exist);
 - c. Notwithstanding the foregoing, the Village shall not be held responsible for protecting access to solar energy on private land.
- 9.23.5 No solar energy collection system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.

9.24 SIGNS

- 9.24.1 Unless identified in Section 6.2 – Development Not Requiring a Permit, the placement of a sign on a lot requires a development permit.
- 9.24.2 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.
- 9.24.3 No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the Summer Village.
- 9.24.4 No sign, other than one providing a public service and deemed appropriate by the Development Authority shall be permitted to locate on a public right of way or reserve.
- 9.24.5 No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.

9.25 SUITES, GUEST HOUSE

- 9.25.1 The development of a guest house suite on a lot requires a development permit.
- 9.25.2 A guest house suite may be developed as a Garage Suite (See Section 9.26), Garden Suite (see Section 9.27), or Secondary Suite (see Section 9.28).
- 9.25.3 A guest house suite shall not be allowed on a lot for which a development permit for a principal dwelling has not been issued.
- 9.25.4 Guest house suites shall be located according to the following:
 - a. A maximum of one (1) guest house suite is allowed on a parcel.
 - b. Must be located in the rear yard and rear half of the property.
 - c. For a guest house suite situated over a garage a rear yard setback shall be provided of not less than 1.5 m (4.9 ft). Where the principal door of the garage faces a roadway, the garage shall be setback 6.0 m from the boundary of the parcel adjacent to the roadway.
 - d. Side yards shall total at least 10% of the lot width with each side yard being at least 1.5 m (4.9 ft) and 2.3 m (7.5 ft) for buildings 7.6 m (24.9 ft) or more in height.
 - e. No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft) into a yard.
 - f. A guest house suite shall be situated in such a manner that it does not encroach upon easements and rights-of-way.
- 9.25.5 A guest house suite shall be operated as an accessory use only and shall not change the residential character of the principal dwelling on the lot.
- 9.25.6 A guest house suite may be considered within:
 - a. The principal dwelling as a secondary suite (see Section 9.28 – Suite, Secondary);
 - b. The second storey of a detached garage as a garage suite (see Section 9.26 – Suites, Garage); or
 - c. A stand-alone accessory building or structure as a garden suite (see Section 9.27 – Suites, Garden).
- 9.25.7 As a condition of development permit approval, an application for a guest house suite on a lot shall provide evidence that all safety code requirements are met with the proposed guest house suite.
- 9.25.8 As a condition of the development permit, a guest house suite shall be connected to an onsite sewage disposal system satisfactory to the Development Authority.
- 9.25.9 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 9.25.10 Onsite parking for guest house suites shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the suite. Required parking stall(s) shall not be allowed on public roadways. Tandem parking may be permitted at the discretion of the Development Authority.

9.26 SUITES, GARAGE

- 9.26.1 The regulations in Section 9.25 (Suites, Guest House) apply to garage suites.
- 9.26.2 A garage suite shall only be allowed on a lot occupied by a single-detached dwelling.
- 9.26.3 If a permit for a garage suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
- 9.26.4 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).
- 9.26.5 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.
- 9.26.6 The minimum floor area for an at-grade garage suite is 30.0 m² (322.9 ft²).

- 9.26.7 The minimum floor area for an above-grade garage suite is 30.0 m² (322.9 ft²).
- 9.26.8 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 9.26.9 A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 9.26.10 No additional approach will be permitted to provide access or egress to the suite.

9.27 SUITES, GARDEN

- 9.27.1 The regulations in Section 9.25 (Suites, Guest House) apply to garden suites.
- 9.27.2 A garden suite shall only be allowed on a lot occupied by a single-detached dwelling.
- 9.27.3 If a permit for a garden suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
- 9.27.4 Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- 9.27.5 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.
- 9.27.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
- 9.27.7 A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220-volt wiring) and toilet with bathing facilities.
- 9.27.8 The minimum floor area for a garden suite shall be 30.0 m² (322.9 ft²).
- 9.27.9 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft²) in floor area.
- 9.27.10 Garden suites shall have a maximum height of 4.3 m (14.1 ft).
- 9.27.11 Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
- off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garden suite window on an abutting site;
 - strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - placing larger windows (such as living room windows), to face a lane, flanking street, or the larger of any side yard abutting another property.
- 9.27.12 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
- 9.27.13 No additional approach will be permitted to provide access or egress to the suite.

9.28 SUITES, SECONDARY

- 9.28.1 The regulations in Section 9.25 (Suites, Guest House) apply to secondary suites.
- 9.28.2 A secondary suite shall only be allowed on a lot occupied by a single-detached dwelling.
- 9.28.3 If a permit for a secondary suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
- 9.28.4 A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).
- 9.28.5 The minimum floor area for a secondary suite is 30.0 m² (322.9 ft²)
- 9.28.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 9.28.7 A secondary suite includes sleeping and bathing facilities which are separate from those of the principal dwelling within the structure, but shall not include kitchens or cooking facilities.
- 9.28.8 A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- 9.28.9 A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- 9.28.10 The applicant shall provide an original copy of a fire inspection report to the Development Authority, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a secondary suite.

9.29 TOPSOIL REMOVAL

- 9.29.1 No person shall commence or continue the removal of topsoil where the removal will alter drainage from the subject site onto adjacent properties or into Wabamun Lake without first obtaining a development permit.

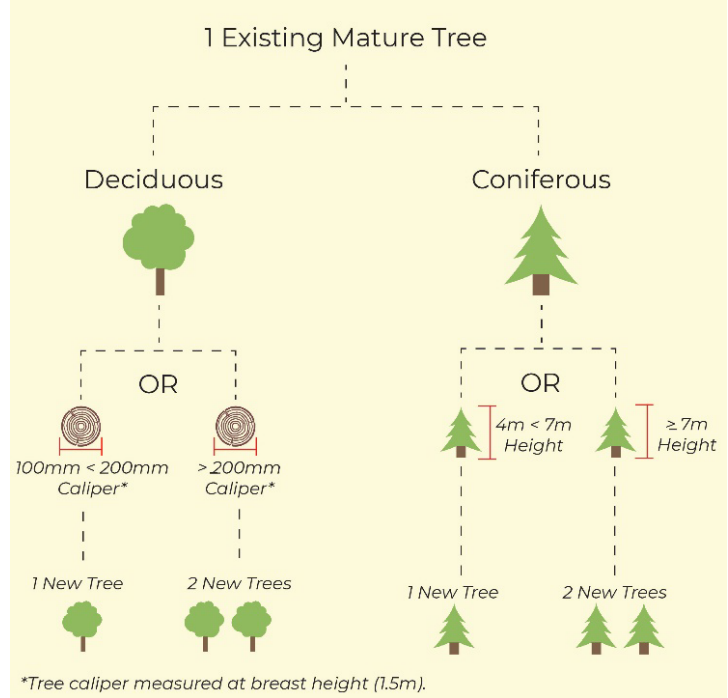
- 9.29.2 Development Permits may only be granted for top soil removal where it is shown to the satisfaction of the Development Authority that the subject site, adjacent properties, and Wabamun Lake will not be adversely affected by topsoil removal.
- 9.29.3 The developer shall provide upon occupancy of a development a minimum topsoil coverage of 15.2 cm (6.0 in) and the affected area shall be landscaped to the satisfaction of the Development Authority.

9.30 TOURIST HOMES

- 9.30.1 The development and operation of tourist homes shall not be permitted in the Summer Village of Betula Beach.

9.31 TREE REMOVAL

- 9.31.1 The regulations in this section are intended to implement policy direction in the Summer Village’s Municipal Development Plan related to the retention of natural vegetation. These regulations aim to:
 - a. Maintain and enhance the existing tree canopy in the Summer Village;
 - b. Maintain and improve shoreline stabilization; and
 - c. Maintain and improve groundwater filtration.
- 9.31.2 The clearing of trees on a lot for construction will only be approved concurrently with a development permit for a single detached dwelling. The construction of the single detached dwelling must be commenced within one (1) year of the issuance of the development permit. If construction is not commenced within one (1) year, the Development Authority will require the replacement of any trees removed on the lot.
- 9.31.3 The removal of non-hazardous mature trees (with a total combined caliper of 500.0 mm (19.7 inches or greater) from a lot shall require a development permit.
- 9.31.4 Where mature trees are removed from a lot they shall be replaced with new trees on the following basis:
 - a. Where an existing deciduous tree has a caliper between 100.0 mm (3.9 in.) and 200.0 mm (7.9 in.), one (1) new tree shall be required;
 - b. Where an existing deciduous tree has a caliper greater than or equal to 200.0 mm, two (2) new trees shall be required;
 - c. Where an existing coniferous tree has a height between 4.0 m (13.1 ft) and 7.0 m (23.0 ft), one (1) new tree shall be required; and
 - d. Where an existing coniferous tree has a height greater than or equal to 7.0 m (23.0 ft), two (2) new trees shall be required.
- 9.31.5 The minimum caliper size of a replacement tree shall be 40.0 mm.
- 9.31.6 The removal of mature trees on a lot may be replaced with either deciduous or coniferous trees (or a combination thereof).
- 9.31.7 Further to the previous subsection, the tree caliper shall be measured at breast height (1.5 m).
- 9.31.8 As part of an application for tree removal, an applicant may be required to provide the following information:
 - a. Reasons for the proposed tree removal;
 - b. A description of the trees or shrubs to be cleared;
 - c. A site plan with dimensions showing the area to be cleared and any significant natural features on and adjacent to the area to be cleared;
 - d. A proposed schedule for tree removal and hauling;
 - e. The proposed access and haul routes for removing timber;
 - f. Arborist report; and/or
 - g. A new landscaping plan that includes tree replanting.
- 9.31.9 As a condition of a development permit for tree removal, all tree replanting must be completed within 1 year.
- 9.31.10 When considering an application for tree removal, the Development Authority shall have regard for



whether the site to be cleared is within an environmentally sensitive area, and the potential impacts on adjacent lands, watercourses, and water bodies.

- 9.31.11 Tree removal shall be discouraged within 6.0 m (19.7 ft) of the legal bank of water bodies, wetlands, and watercourses except where required as a part of a development permit application for shoreline modification to prevent erosion.
- 9.31.12 Tree removal shall be discouraged within 6.0 m (19.7 ft) of the road right of way, except when required to provide a safe setback from overhead utilities.
- 9.31.13 Development proponents are encouraged to use native tree species as part of replanting plans.

9.32 UTILITY EASEMENTS

- 9.32.1 Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless written consent has been obtained from the person or agency for whose use the easement has been granted.

9.33 WIRELESS COMMUNICATION FACILITIES

- 9.33.1 The Development Authority may review applications for the siting of telecommunication towers and has the authority to issue a letter of support or non-support in accordance with the spirit and intent of this Bylaw. Such considerations may include:
 - a. aesthetics;
 - b. opportunity to co-locate on an existing telecommunication tower;
 - c. consultation with affected landowners;
 - d. benefit to residents; and
 - e. whether or not the telecommunication unduly interferes with the amenities of the areas which may include, but shall not be limited to:
 - (a) the natural environment;
 - (b) residential developments; and
 - (c) recreational opportunities.
- 9.33.2 Notwithstanding any other provision of this Bylaw, the Summer Village recognizes that Industry Canada regulates the telecommunication industry in Canada is the authority that approves the location of Telecommunication Towers.
- 9.33.3 In consideration of Section 9.33.1, the Development Authority may request the following:
 - a. identification of any other similar structures within an 8.0 km radius of the proposed site location. Each request shall also provide documentary evidence that co-location of the existing structures is not a viable alternative for co-location; and
 - b. details regarding lighting.

9.34 WATER, PRIVATE SEWAGE DISPOSAL SYSTEMS, AND ROAD INFRASTRUCTURE

- 9.34.1 The construction of a private sewage disposal system shall require a development permit.
- 9.34.2 No development permit shall be issued for any building or use on a lot unless and until the Development Authority is satisfied that the sewage collection system is satisfactory.
- 9.34.3 All private sewage disposal systems must meet the requirements of the Safety Codes Act, the Alberta Private Sewage Disposal Standard of Practice, both as amended or replaced.
- 9.34.4 A development permit shall not be valid for a proposed use without the necessary approvals respecting the proposed type of sanitary facilities required by provincial regulation.
- 9.34.5 No new pit toilets, septic fields, mounds, or surface discharge systems shall be allowed in the Summer Village.
- 9.34.6 All new private sewage disposal systems shall be below ground holding tanks that conform to current Provincial private sewage requirements.
- 9.34.7 No sealed impermeable holding tank sewage collection system shall be constructed closer than:
 - a. 5.0 m (17.0 ft) to a street or lane;
 - b. 1.0 m (3.3 ft) to a property line;
 - c. 1.0 m (3.3 ft) to any building; and
 - d. 10.0 m (32.8 ft) from a well.Where the foregoing precludes any location for a sewage collection system, the Development Authority may issue a permit for construction in a location deemed most suitable in consultation with the local Health Authority.
- 9.34.8 Every residential dwelling shall provide an on-parcel sewage collection system consisting of a sealed impermeable holding tank.

- 9.34.9 A development permit shall not be issued for residential or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are available to support existing and proposed development.
- 9.34.10 All wells and potable water cisterns shall require a development permit and shall be excavated in conformance with the Alberta Building Code and all such other regulations which may apply to their construction.
- 9.34.11 No development shall take place and no development permit shall be approved unless the lot on which the development is to take place has direct access to a developed, all-weather road constructed to municipal standards or better. Alternatively, the Development Authority may establish as a condition of approval that an all-weather road be constructed by the developer/landowner to municipal standards or better from the nearest such road to the lot.
- 9.34.12 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 Authority is satisfied that such services or improvements will be undertaken.

10. LAND USE DISTRICTS

10.1 ESTABLISHMENT OF LAND USE DISTRICTS

10.1.1 For the purposes of this Bylaw, the Summer Village of Betula Beach is divided into the following districts:

LAND USE DISTRICT	SYMBOL
Residential District	R
Park and Recreation District	P

10.2 BOUNDARIES

10.2.1 The boundaries of the districts listed in Section 10.1 are as delineated on the Land Use District Map.

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

- a. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
- b. Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the lot line;
- c. In circumstances not covered by 10.2.1 or 10.2.2, the location of the district boundary shall be determined by the Development Authority by measurement of, and use of, the scale shown on the Land Use District Map.

10.2.3 Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

10.2.4 After the Council has fixed a district boundary pursuant to Section 10.2.3, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

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

10.3 SAME OR SIMILAR USES

10.3.1 Where a specific use does not conform to the wording of any definition, the Development Authority may deem that the proposed use conforms to the spirit and intent of the purpose of the land use district and is deemed similar to other uses allowed in that land use district. Notwithstanding, all uses defined as “same or similar uses” shall be discretionary.

11. R - RESIDENTIAL DISTRICT

11.1 PURPOSE

11.1.1 To accommodate the development and redevelopment of residential (and accessory) uses.

11.2 PERMITTED USES

- a. Dwellings, single detached
- b. Day homes
- c. Public utilities
- d. Public and quasi-public buildings and uses
- e. Buildings and uses accessory to permitted uses

11.3 DISCRETIONARY USES

- a. Boat houses
- b. Home occupations, minor
- c. Suites, garage
- d. Suites, garden
- e. Suites, secondary
- f. Public parks
- g. Buildings and uses accessory to discretionary uses
- h. Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

11.4 SUBDIVISION REGULATIONS

- 11.4.1 Minimum Lot Width
- All lots created for residential use after the date of adoption of this Bylaw shall have a width of no less than 15.2 m (50.0 ft) at both front and rear property lines. The minimum lot width required by this Bylaw shall not prevent:
- a. the adjustment of a property line where no additional lots are being created; or
 - b. the subdivision of a lot formed by the consolidation of two previously existing lots.

11.5 DEVELOPMENT REGULATIONS

- | | | |
|---------|--|---|
| 11.5.1 | Maximum Lot Coverage (All Buildings) | 40% of the total lot area |
| 11.5.2 | Minimum Floor Area | 55.7 m ² (600.0 ft ²) |
| 11.5.3 | Maximum Height (Dwelling) | 9.0 m (29.5 ft) |
| 11.5.4 | Maximum Height (Boat House) | 3.0 m (10.0 ft) |
| 11.5.5 | Maximum Height (Garage Suite) | 9.0 m (29.5 ft) |
| 11.5.6 | Maximum Height (All Other Accessory Buildings) | 4.6 m (15.0 ft) |
| 11.5.7 | Minimum Front Yard (Lakefront Lot) | At the discretion of the Development Authority but no less than 8.0 m (26.2 ft). |
| 11.5.8 | Minimum Front Yard (Back Lot) | 6.1 m (20.0 ft) |
| 11.5.9 | Minimum Side Yard | 1.5 m (5.0 ft) |
| 11.5.10 | Minimum Rear Yard | 6.1 m (20.0 ft) |
| 11.5.11 | Minimum Yards (Accessory Building) | The setback from the rear property boundary shall be at the discretion of the Development Authority but shall be no less than 1.5 m (5.0 ft). |

11.6 PARKING AND LOADING

11.6.1 The provision for parking and loading shall be at the discretion of the Development Authority except as otherwise specified within this Bylaw.

12. P – PARK AND RECREATION DISTRICT

12.1 PURPOSE

- 12.1.1 The general purpose of this District is to provide land for recreational development. To accommodate the development of recreational uses and leisure activities for the benefit of Summer Village residents and visitors.

12.2 PERMITTED USES

- a. Public and quasi-public buildings and uses
- b. Public parks
- c. Public utilities
- d. Recreational uses
- e. Buildings and uses accessory to permitted uses

12.3 DISCRETIONARY USES

- a. Institutional uses
- b. Intensive recreational uses
- c. Buildings and uses accessory to discretionary uses
- d. Other uses which, in the opinion of the Development Authority, are similar to the listed permitted and discretionary uses

12.4 DEVELOPMENT REGULATIONS

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

12.5 PARKING AND LOADING




- 12.5.1 The provision for parking and loading shall be at the discretion of the Development Authority except as otherwise specified within this Bylaw.

13. LAND USE DISTRICT MAP

SUMMER VILLAGE OF BETULA BEACH Land Use District Map



Land Use Districts

-  R - Residential District
-  P - Park and Recreation District
-  Residential Lots Subject to Land Use Bylaw Regulation 9.1.8

