



Summer Village of Kapasiwin LAND USE BYLAW

279-04
May 2025

Acknowledgements

The Summer Village of Kapasiwin would like to thank the community members who contributed to the Summer Village of Kapasiwin Land Use Bylaw by attending public meetings and providing written feedback. This Land Use Bylaw is the result of your community's pride and Hard work.

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Guide to Using the Land Use Bylaw

The Land Use Bylaw establishes regulations for how land can be developed within the Summer Village of Kapasiwin. Regulations vary depending on the location and type of Development. A Development Permit must be obtained prior to any new construction, structural Renovations, and/or changing the Use of an Existing building. Development Permits provide municipal approval for the Use of land as well as the placement, size and location of new buildings or structures. In addition to the Land Use Bylaw, other bylaws, regulations, and policies of the Summer Village of Kapasiwin, Provincial and Federal governments must also be followed, particularly when activities are proposed within the Bed and Shore of Wabamun Lake.

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

LOCATE	<p>Locate the subject property on Map 1 – Land Use District Map</p> <p>This map divides the Summer Village into three different land use districts. Take note of which land use district the subject property is located in. Note that land use districts are often referred to as “Zones” or “Zoning.”</p> <p>In order to conform to the language of the Municipal Government Act, this Land Use Bylaw Uses the terms “district” and “districting.”</p>
CHECK	<p>Check the Table of Contents and locate the land use district you are interested in. Each land use district is listed in Section 10.</p> <p>In each land use district, you will find a list of permitted and Discretionary Uses, subdivision regulations, Development regulations and other miscellaneous regulations. This determines how and what can be developed in any given land use district. There are definitions in Section 2 that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.</p>
REVIEW	<p>Review the Table of Contents to see if there are any regulations that apply to the situation or use in question.</p> <p>For example, Section 9 contains regulations affecting Accessory Buildings, Recreational Vehicles, Sea Cans, and suites, among many others.</p>
DISCUSS	<p>Discuss your proposal or concern with Summer Village Administration.</p> <p>Administration is trained and eager to assist you with your Development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement, Land Use Bylaw amendments, or proposed activities in the Bed and Shore of Wabamun Lake that may require provincial approval.</p>

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

1. Introduction

1.1. TITLE

The title of this bylaw shall be the Kapasiwin Land Use Bylaw (Bylaw 279-2024).

1.2. SCOPE

1.2.1 No subdivision or Development shall hereafter be carried out within the boundaries of the Municipality 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 of Kapasiwin and to achieve the orderly and economic Development of land, and for that purpose, among other things:

- a. To divide the Municipality in land use districts;
- b. To prescribe and regulate for each land use district the purpose for which land and buildings may be used unless the district is designated a Direct Control District pursuant to section 641 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- c. To establish a method of making decisions on applications for Development Permits including the issuing of Development Permits;
- d. To establish a method of making decisions on applications for subdivision approval;
- e. To provide a manner in which notice of the issuance of a Development Permit is to be given;
- f. To establish a system of Appeals against the decisions of the Subdivision Authority and the Development Authority;
- g. To establish the Development Authority and the office of the Development Officer for the Summer Village of Kapasiwin.
- h. To establish the number of Dwelling Units permitted on a Parcel of land;
- i. To protect the shoreline and water quality of Wabamun Lake; and
- j. To follow:
 - i. adopted statutory plans and watershed management plans;
 - ii. the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;
 - iii. the *Matters Related to Subdivision and Development Regulation*, AR84/2022, as amended; and
 - iv. the Provincial Land Use Policies (or where applicable, a regional plan adopted under the *Alberta Land Stewardship Act*, S.A. 2009, c. A-26.8, as amended).

1.4. COMMENCEMENT

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

1.5. REPEAL

1.5.1 Bylaw No. 242, the former Summer Village of Kapasiwin 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. HEADINGS

1.6.1 Headings and titles appearing in this bylaw shall be deemed to form a part of this bylaw.

1.7. APPLICATION

1.7.1 The provisions of this bylaw apply to all land and buildings within the boundaries of the Summer Village of Kapasiwin.

1.8. CONFORMITY

1.8.1 No person shall commence any subdivision or Development unless it is in accordance with the terms and conditions of this bylaw.

1.9. COMPLIANCE

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

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

1.9.2 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.

1.9.3 A condition attached to a Development Permit issued under a previous bylaw continues under this bylaw.

1.10. SEVERABILITY

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

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

1.11. FORMS

1.11.1 For the purpose of administering the provisions of this Land Use Bylaw, Council shall, by resolution, authorize the preparation and Use of such forms and notices as it deems necessary.

2. Interpretation

2.1. MEASUREMENTS

- 2.1.1 Whenever dimensions are present or calculations are required, the metric dimensions, values or results shall be used for the purposes of interpretation of this bylaw.
- 2.1.2 Unless specified elsewhere in this Land Use Bylaw, measurements shall be rounded to the tenth decimal place.
- 2.1.3 Notwithstanding 2.1.2, measurements shall not be rounded up for the purpose of determining minimum Side Yard widths on a Lot.

2.2. DEFINITIONS

- 2.2.1 Where a term is defined in legislation and in this bylaw, and the definitions differ, the definition in legislation prevails.
- 2.2.2 Where this Bylaw requires interpretation, the decision shall be that of the Development Authority or on Appeal, either the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal (whichever has jurisdiction to hear the Appeal).
- 2.2.3 For the purpose of the interpretation of this bylaw:

1.	ABUT	means immediately contiguous to, or physically attaching to, and when used in respect of a Parcel, means that the Parcel physically touches upon another Parcel and shares a Property Line with it.
2.	ACCESSORY BUILDING	means a Building separate and subordinate to the Principal Building on the Parcel where both are located and which the Development Authority decides is incidental to that of the Principal Building, and includes Garages, Boat Houses, accessory Dwelling Units, and sheds. A Building which does not share footings with the Main Building on the Lot is deemed to be an Accessory Building even if it is connected to the Main Building by a roof, breezeway, Deck, Patio, or other at Grade or above Grade connection.
3.	ACCESSORY USE	means a Use of a Building or land which the Development Authority decides is incidental and subordinate to the Principal Use of the Parcel on which it is located.
4.	ACT	means the <i>Municipal Government Act</i> R.S.A. 2000 c. M—26 as amended, and the regulations pursuant thereto.
5.	AND	means both, does not mean and/or.
6.	ADJACENT LAND	means land that is contiguous to a Parcel of land that is being subdivided, developed or redesignated, and includes: <ul style="list-style-type: none"> 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 5.9 of this Bylaw.
7.	ADJACENT LANDOWNER	means the Owner(s) of land that is contiguous to a Parcel of land that is being subdivided, developed or redesignated, and includes Owners of: <ul style="list-style-type: none"> 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 5.9 of this Bylaw.
8.	APPEAL	means Development Appeal or Subdivision Appeal, and: <ul style="list-style-type: none"> 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.

2. Interpretation

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 an application on behalf of the Owner(s) as evidenced on the application form.
10.	AQUIFER	refers to a sub-surface layer or layers of porous rock which hold water within the spaces between the rocks (interstitial spaces).
11.	ARBORIST 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.
12.	AREA STRUCTURE PLAN	means a plan approved by Bylaw as an Area Structure Plan pursuant to Section 633 of the Act.
13.	BACK LOT	see “Lot, Back.”
14.	BASEMENT	means the portion of a Building which is wholly or partially below Grade, having above Grade no more than 1.8 m of its clear height which lies below the finished level of the floor directly above.
15.	BED AND BREAKFAST ESTABLISHMENT	means a Minor and Accessory Use of a Dwelling where accommodation, with or without meals, is provided for periods of fourteen (14) days or less in three (3) or fewer guest rooms.
16.	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.
17.	BOAT HOIST	means a hoist installed within a waterbody for the purpose of raising boats and other watercraft from, or lowering into a waterbody.
18.	BOAT HOUSE	means a small, Accessory Building designed and used primarily for the storage of boats and equipment associated with watercraft and watersport activities. Boat Houses are not a form of Dwelling Unit and shall not include sleeping, food preparation, cooking and/or sanitary facilities.
19.	BUFFER	means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses.
20.	BUILDING	includes any structure, erection, stockpile, sign or fixture that may be built 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.
21.	BUILDING HEIGHT	see “Height of Building.”
22.	BUILDING POCKET	means the land on which yard amenity areas, the Main Building on the site, and all Accessory Buildings will be situated.
23.	BUNKHOUSE	means a type of Accessory Building intended to provide overflow sleeping accommodations that do not include cooking facilities.
24.	CANNABIS	means Cannabis plant, fresh Cannabis, dried Cannabis, Cannabis oil and Cannabis plant seeds and any other substance defined as Cannabis in the <i>Cannabis Act</i> and its regulations, as amended from time to time and includes edible products that contain Cannabis.
25.	CANOPY (OR, AWNING)	means a projection extending from the outside wall of a Building normally for the purpose of shielding a part of the Building from the sun.

2. Interpretation

26.	CAR PORT	means a roofed structure used for storing or Parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.
27.	CHATTEL	means a moveable item of personal property.
28.	COMMERCIAL USE	means a Development without a residential component through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and is not developed as a home business. Commercial Uses are not allowed within the Summer Village.
29.	CONSTRUCTED PAD	means a designated area for the parking of storage of Recreational Vehicles which provides long term support of the wheels without sinking and is normally comprised of gravel, concrete, pavement, or paving stones.
30.	CORNER	means the intersection of any two Property Lines of a Parcel.
31.	CORNER SITE	see "Site, Corner."
32.	COUNCIL	means the Council of the Summer Village of Kapasiwin.
33.	DECK	means any open structure attached to a Building having a height greater than 0.6 m above Grade, thereby requiring stairs and railings as outlined in regulations approved under the <i>Safety Codes Act</i> . A Deck shall not have walls higher than 1.25 m.
34.	DEMOLITION	means the tearing down, wrecking, destroying, or removal of a Development, and is considered a form of Development.
35.	DEVELOPABLE AREA	means an area of land suitable for a Building site and containing adequate surface elevation to preclude marshland, wetland, or high-water table conditions.
36.	DEVELOPER (OR, DEVELOPMENT PROPONENT)	means an Owner, agent or any person, firm or company required to obtain or have obtained a Development Permit.
37.	DEVELOPMENT	means Development as defined in the Act, and includes the following: <ul style="list-style-type: none"> a. The carrying out of any construction or Excavation, or other operations, in, on, over or under any land, b. a change in the Use of land or of a building, or an act done in relation to land or a Building that results in or is likely to result in a change in the intensity of Use of the land or building, c. in a Building or on a Parcel used for Dwelling purposes, any increase in the number of Dwelling Units in the Building or on the Parcel, and any alteration or additions which provide for an increase in the number of Dwelling Units within the Building or on the Parcel, d. redevelopment of a previously developed Parcel of land, e. removal or Demolition of a Building or structure in whole or in part, f. an Excavation or stockpile and the creation of either of them, g. removal of topsoil, earth and/or gravel extraction from the land, h. stripping, Grading, Recontouring or a change of Use of land or a Building that alters the natural drainage patterns, i. the placing of refuse or waste material on any land, j. vegetation and/or tree removal,

2. Interpretation

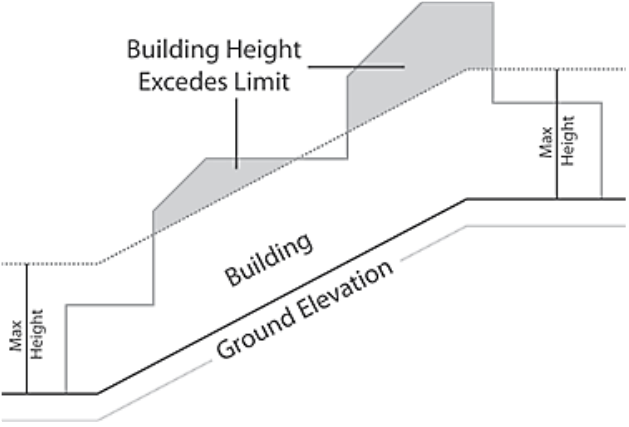
		<ul style="list-style-type: none"> k. the resumption of the Use for which land or buildings had previously been utilized, l. the Use of the land for the storage or repair of motor vehicles or other machinery or equipment, m. the continued Use of land or of a Building for any purpose for which it is being used unlawfully when this Bylaw comes into effect, n. the more frequent or intensive Use of land for the Parking of trailers, Bunkhouses, portable Dwellings, skid shacks or any other type of portable Building whatsoever whether or not the same has been placed or affixed to the land in any way, o. the erection of signs, p. the recommencement of any Use to which the land or buildings had been, previously put, if that Use had been Discontinued for a period of more than six months, q. the installation of any type of sewage disposal system including, but not limited to, holding tanks and outside privies, and r. the digging of a well or installation of a water cistern.
38.	DEVELOPMENT AUTHORITY	means the Development Authority established by this Land Use Bylaw and as appointed by Council.
39.	DEVELOPMENT OFFICER	means the person(s) appointed as the Summer Village's Development Officer as established by this bylaw.
40.	DEVELOPMENT PERMIT	means a document authorizing a Development issued pursuant to this bylaw.
41.	DISCONTINUED	means the time at which, in the sole opinion of the Development Authority, substantial construction activity or a Non-conforming Use or conforming Use, or the Use of a Non-conforming Building or conforming Building has ceased.
42.	DISCRETIONARY USE	means the Use of land or a Building provided for in the land use district regulations of this Bylaw, for which a Development Permit may or may not be issued, with or without conditions, at the discretion of the Development Authority. Discretionary Uses are listed in the land use districts in which they may be considered.
43.	DWELLING	means any Building used for residential Occupancy and containing one or more Dwelling Units.
44.	DWELLING, MANUFACTURED HOME	<p>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, Mobile Homes, or temporary living accommodations. Under this Bylaw, a Manufactured Home features the following design standards:</p> <ul style="list-style-type: none"> a. a minimum roof pitch of 5.0 cm of vertical rise for every 30.5 cm of horizontal run (2:12 pitch); b. have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, or hand split shakes; c. have a minimum roof overhang or eaves of 30.5 cm from the primary surface of each façade; d. have a minimum length width (or width length) ration of 2:1;

2. Interpretation

		<p>e. meets the National Building Code of Canada CAN/CSA A277 standard; and</p> <p>f. constructed on or after January 1, 1996.</p>
45.	DWELLING, MOBILE HOME	means a Dwelling which was constructed prior to January 1, 1996 , does not meet the National Building Code of Canada CAN/CSA A277 standards, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the Dwelling. A Mobile Home does not include a Modular Home, Manufactured Home, temporary living accommodation or Single Detached Dwelling as described in this Bylaw. A Mobile Home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete Dwelling.
46.	DWELLING, MODULAR	means a structure that is manufactured off-site, either in whole or in sections, is capable of being moved from one place to another by being towed or carried and is capable of providing year-round living accommodation for one or more people and can be connected to utilities. Does not include mobile or Manufactured Homes.
47.	DWELLING, MULTI-UNIT	means a Development containing two or more Dwelling Units, and includes Residential Uses such as duplexes, triplexes, and apartment buildings.
48.	DWELLING, SINGLE DETACHED	means a Building consisting of one (1) Dwelling Unit. A Single Detached Dwelling is normally constructed on-site. Single Detached Dwellings do not include Manufactured Homes, Mobile Homes, Modular Homes or accessory Dwelling Units.
49.	DWELLING UNIT	means a complete Dwelling or self-contained portion of a Dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic Use, and Used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate Dwelling Unit.
50.	EASEMENT	means a right to use land, generally for access to other property or as a right-of-way for a Public Utility.
51.	EASEMENT, ENVIRONMENTAL RESERVE	means lands that would normally be taken as Environmental Reserve at the time of subdivision may instead be the subject of an Environmental Reserve Easement (ERE). The lands are owned by the Landowner and not the Municipality; however, the lands subject to the ERE must remain in a natural state as if they were owned by the Municipality and the ERE may be enforced by the Municipality.
52.	ENVIRONMENTALLY SIGNIFICANT AREA (ESA)	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.
53.	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, topsoils, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, and how the disturbance of vegetation and topography will be minimized.
54.	ESCARPMENT	means an extended linear topographical feature of a relatively steep slope and significant change in elevation, as per the diagrams below.

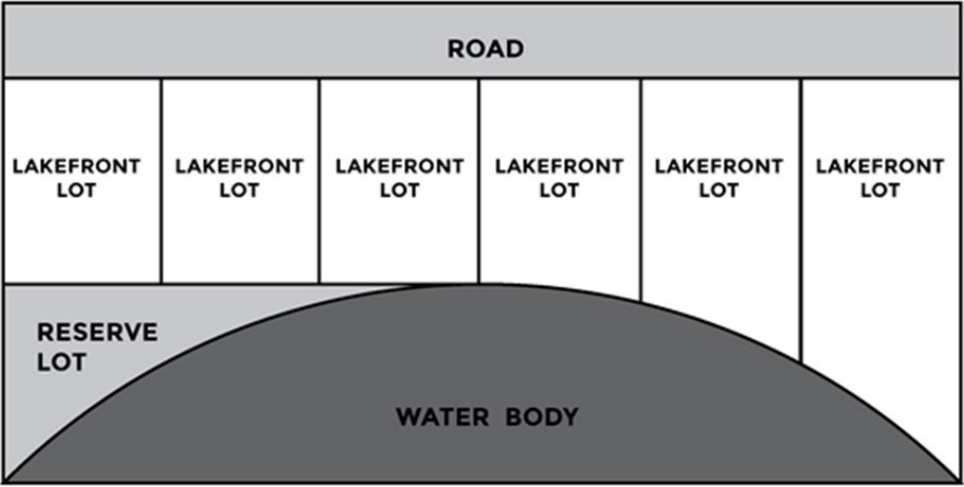
55.	EXCAVATION	means any breaking of ground, except common household gardening, Landscaping and ground care.
56.	EXISTING	means Existing on the date on which this Bylaw comes into force, unless otherwise noted.
57.	EXTERIOR WALL	means the outermost point of a Building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m.
58.	FENCE	means a vertical physical barrier constructed to prevent or reduce visual intrusion, noise or unauthorized access.
59.	FIRST STOREY	means the lowermost storey having its floor level not more than 2.0 m above Grade. A basement does not constitute the First Storey as long as the floor level above it is consistent with this definition. The Development Authority may, at its discretion, determine that a floor level that is mostly recessed below Grade, but is at Grade in a localized area due to sloping of the land is a walk-out basement, and in this circumstance, the floor level above the walk-out basement can be considered the First Storey even though it is more than 2.0 m above Grade at the localized, walk-out area of the Basement.
60.	FLOOR AREA	means the total area of all floors of all buildings including Accessory Buildings located on any Lot, excluding the area of basement floors.
61.	FLOOR AREA, GROSS	means the area of all finished floors at or above Grade, measured from the inside of the Exterior Walls.
62.	FOOTPATH	means the physical pathway lying within the Footpath Easement registered as Plan No. 902 1906.
63.	FOOTPATH EASEMENT	means a right-of-way for a Footpath 3.05 metres (10.0 ft.) in width lying within the limits of the plan registered in the Land Titles Office for the North Alberta Land Registration District as Plan No. 9021906 on July 10, 1990, pursuant to instrument number 902203995 and granted by virtue of Easement instrument registered against certain titles to Parcels within the Summer Village of Kapasiwin as Instrument No. 1420 E.T. and being a right-of-way granted in favour of the property Owners of the Summer Village of Kapasiwin and their invitees for the purpose of a continuous and uninterrupted Footpath.
64.	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. Though normally below Grade, a Foundation may be above or at Grade.
65.	FRONT YARD	see "Yard, Front."
66.	FRONTAGE	means the length of a street boundary measured along the front Lot line.

67.	GARAGE	means an Accessory Building, or part of a Main Building, designed and used primarily for the storage of motor vehicles, Recreational Vehicles, boats, and other Chattel and is not intended to be occupied.
68.	GARAGE SUITE	see "Suite, Garage."
69.	GARDEN SUITE	see "Suite, Garden."
70.	GEOTECHNICAL REPORT	<p>means a report prepared by a qualified professional that may include the following:</p> <ul style="list-style-type: none"> a. Slope stability, including slope Setback distances, cross-sections of the slope area both before and after Development and final Grading (The height and Existing angle of the slope verified by accurate historical survey data or site-specific information completed by a qualified surveyor); b. Seasonally adjusted and recommended water tables; c. Location of on-site storage of sewage; d. Recommended Building Foundations and basement construction; and e. Soil bearing capabilities.
71.	GRADE	<p>means the ground elevation established for the purpose of determining Building Height. In determining Grade, the Development Authority shall select from the following methodologies, whichever one best ensures compatibility with neighbouring Developments:</p> <ul style="list-style-type: none"> a. If the Applicant can show by reference to reliable surveys that the pre-Development elevation of the subject Parcel varies by no more than 1.0 m in 30 linear metres, the Development Authority may determine Grade by calculating the average of the highest and lowest elevation on the Parcel; or b. The Development Authority may determine Grade by calculating the average of the pre-Development elevations at the Corners of the Parcel as shown on a reliable survey; or c. The Development Authority may determine Grade by calculating the average elevation of the Corners of the Principal Buildings on all properties Abutting the subject Parcel; or d. the average of the pre-Development elevations at the Corners of the Building as shown on a survey prepared by an Alberta Land Surveyor.
72.	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.
73.	GROSS FLOOR AREA	see "Floor Area, Gross."
74.	GUEST HOUSE	see "Suite, Guest House."
75.	HABITABLE ROOM	means a room or enclosed space Used or usable for human Occupancy, including but not limited to kitchens, bedrooms, living rooms and dens, excluding NON-HABITABLE ROOMS which include bathrooms, laundries, pantries, foyers, hallways, entryways, storage areas and rooms in basements and cellars Used only for recreational purposes or any space in a Dwelling providing a service function and not intended primarily for human Occupancy.
76.	HALF STOREY	see "Storey, Half."

<p>77.</p>	<p>HEIGHT OF A BUILDING</p>	<p>means the vertical distance of a Building measured from the Grade to the highest point of a Building (see “Grade”). The highest point of a Building shall be determined without considering an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smokestack, a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building.</p> 
<p>78.</p>	<p>HISTORIC RESOURCE</p>	<p>means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significance.</p>
<p>79.</p>	<p>HOME OCCUPATION, MAJOR</p>	<p>means any business, Occupation, trade, profession, or craft that is carried on as a secondary Use within a Dwelling and/or within the Accessory Buildings associated with that Dwelling by at least one permanent resident of said Dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A Home Occupation does not change the character of the Dwelling in which it is located or have any exterior evidence of secondary Use other than a small sign as provided for in this Bylaw.</p> <p>Major Home Occupations may generate some external impacts on the neighbourhood due to regular business activities. These impacts may include: traffic generation due to client visits to the site, dust, and noise due to the Use of equipment on the site, or visual impacts due to outdoor storage.</p>
<p>80.</p>	<p>HOME OCCUPATION, MINOR</p>	<p>means any business, Occupation, trade, profession, or craft that is carried on as a secondary Use within a Dwelling, by at least one permanent resident of said Dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located.</p> <p>A Minor Home Occupation does not change the character of the Dwelling in which it is located or have any exterior evidence of secondary Use.</p> <p>A Minor Home Occupation does not include Remote Work-From-Home Activities.</p>
<p>81.</p>	<p>IMPERVIOUS SURFACE</p>	<p>see “Surface, Non-permeable.”</p>
<p>82.</p>	<p>INSTITUTIONAL USE</p>	<p>means the Use of land, buildings or other structures for non-commercial public or social purposes. Uses include but are not limited to libraries and cultural exhibits, community halls, private institutional camps, information kiosks, memorials, and cemeteries, but do not include detoxification centres or remand and/or correction centres.</p>
<p>83.</p>	<p>INVASIVE SPECIES</p>	<p>means non-native species that have been introduced, that threaten our ecosystems and biodiversity.</p>
<p>84.</p>	<p>KENNEL</p>	<p>means a Development in which domestic pets are maintained, boarded, trained, cared for, bred, or raised for remuneration or sale, or the keeping of more than one (1) un-spayed female domestic pet over the age of six (6) months.</p>
<p>85.</p>	<p>LANDSCAPING</p>	<p>means the incorporation, preservation, or enhancement of vegetation and other materials on a site 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</p>

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		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 regular Maintenance of trees, shrubs or other vegetation, stripping, Grading, shoreline modification, and architectural elements (e.g. decorative fencing, sculpture).
86.	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.
87.	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.
88.	LANDSCAPING PLAN	means a site plan detailing the design of the non-building area of a site.
89.	LOT	means a Parcel of land, the boundaries of which are separately described in a certificate of title, which may or may not be shown on a registered plan of subdivision.
90.	LOT, BACK	means a Lot that is not lakefront.
91.	LOT, CORNER	means a Lot with boundary lines on two separate Roads or highways or a single Road or highway that curves at an angle of sixty (60) degrees or more at the subject Lot.
92.	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.
93.	LOT, DEPTH	means the average distance between front and Rear Property Lines of a Lot.
94.	LOT, DOUBLE FRONTING	means a Lot which Abuts two (2) Roads (except alleys or lanes as defined in the <i>Traffic Safety Act</i> , R.S.A. 2000, c. T-06, as amended) which are parallel or nearly parallel where Abutting the Lot, but does not include a Corner Lot. <div style="text-align: center; margin-top: 10px;"> </div>
95.	LOT, INTERIOR	means a Lot which is bordered by only one Road.

<p>96.</p>	<p>LOT, LAKEFRONT</p>	<p>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.</p> 
<p>97.</p>	<p>LOT, SUBSTANDARD</p>	<p>means any Lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the Lot is located.</p>
<p>98.</p>	<p>LOT, UNDEVELOPED</p>	<p>means a Lot which does not contain a residence, Building or structure.</p>
<p>99.</p>	<p>LOT GRADING AND DRAINAGE PLAN</p>	<p>means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for Lot Grading.</p>
<p>100.</p>	<p>LOT WIDTH</p>	<p>means the distance between the Side Property Lines of a Parcel at the minimum permissible Front Yard, measured parallel to the Road or the tangent on a curved Road.</p>
<p>101.</p>	<p>LOW IMPACT DEVELOPMENT (LID)</p>	<p>means a land planning and engineering design approach for managing stormwater Runoff. Low Impact Development (LID) emphasizes conservation, the minimization of Hard surfaces, and the use of natural features and processes to replicate predevelopment hydrology in terms of rate, volume and quality. Both natural and engineered solutions are employed to prevent and manage Runoff as close to its source as possible with a treatment-train approach using the processes of evaporation, transpiration, storage, infiltration and treatment.</p> <p>The terms “green infrastructure” or “green stormwater infrastructure” or “natural/engineered natural infrastructure” are sometimes used to refer to the constructed components of an LID approach.</p>
<p>102.</p>	<p>MAIN BUILDING</p>	<p>see “Principal Building.”</p>
<p>103.</p>	<p>MAIN USE</p>	<p>see “Principal Use.”</p>
<p>104.</p>	<p>MAINTENANCE</p>	<p>means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the <i>Safety Codes Act</i>. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a Development, but will not include any activity that will change the habitable Floor Area of any Dwelling Unit or the internal volume of any building.</p>
<p>105.</p>	<p>MAJOR</p>	<p>means where added as a prefix to a permitted or Discretionary Use, a Use which due to its nature or relatively large size will, at the discretion of the Development Authority, have a large impact on surrounding Uses, or which is intended to serve a larger area.</p>

106.	MAY	is an operative word meaning a choice is available, with no particular direction or guidance intended.
107.	MINOR	means where added as a prefix to a permitted or Discretionary Use, a Use which due to its nature or relatively small size will, at the discretion of the Development Authority, have a limited impact on surrounding Uses, or which is intended to serve a small or local rather than a Major or municipal area.
108.	MOBILE HOME	see “Dwelling, Manufactured Home.”
109.	MODULAR HOME	see “Dwelling, Modular”
110.	MUNICIPAL DEVELOPMENT PLAN (MDP)	means a plan approved by Bylaw as a Municipal Development Plan pursuant to Section 632 of the Act.
111.	MUNICIPALITY	means the Summer Village of Kapasiwin.
112.	MUNICIPAL BUILDING AND USE	means a Building or Use owned, operated, or predominantly utilized by a Municipality in order to provide public services to the Municipality.
113.	NATURAL OPEN SPACE AREAS	means areas of protected or conserved land or water on which Development is indefinitely set aside. The purpose of a Natural Open Space Area may include the preservation or conservation of a community’s natural or historic character; and the conservation or preservation of a land or water area for the sake of recreational, ecological, environmental, aesthetic, or agricultural interests.
114.	NON-CONFORMING BUILDING	means a Building that: <ul style="list-style-type: none"> a. is lawfully constructed or is lawfully under construction at the date on which this bylaw or any amendment thereto, affecting the Building or land on which the Building is situated, becomes effective; and b. on the date this bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw.
115.	NON-CONFORMING USE	means a lawful specific Use: <ul style="list-style-type: none"> a. being made of land or a Building or intended to be made of a Building lawfully under construction at the date which the Land Use Bylaw or any amendment thereto, affecting the land or building, becomes effective; and b. that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a Building under construction will not, comply with this Land Use Bylaw.
116.	NUISANCE	means any Use of or activity upon any property which in the opinion of a Designated Officer of the Summer Village, the Province of Alberta, or the Royal Canadian Mounted Police is: <ul style="list-style-type: none"> a. dangerous to health; or b. has or may have a detrimental impact upon any person or other property in the neighbourhood; or c. creates an unreasonable interference with the Use or enjoyment of other property; <p>and without limiting the generality of the foregoing, includes the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any Fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly</p>

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		condition whether or not their posting or exhibiting is permitted by this or any other bylaw.
117.	OBJECTIONABLE	see “Offensive.”
118.	OCCUPANCY	means the Use or intended Use of a Building or part thereof for the shelter or support of persons or property.
119.	OCCUPANT	means any person occupying or having control over the condition of any property and the Activities conducted on the property, and includes the Owner, lessee, tenant or agent of the Owner.
120.	OFFENSIVE	<p>means, when Used with reference to a Development, a Use which by its nature, or from the manner of carrying on the same, creates or is liable to create, in the sole opinion of the Development Officer or their designate, by reason of:</p> <ul style="list-style-type: none"> a. noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter; b. radiation, fire or explosion hazard, heat, humidity, glare; or c. the unsightly storage of goods, materials, salvage, junk, waste or other materials. <p>Such a Use may adversely affect the amenities of the neighbourhood, or interfere with the normal enjoyment of any land, Building or structure. Such Uses are beyond what is reasonably expected in a residential setting. An Offensive or Objectionable Use may be further defined and/or regulated in a specific community Standards bylaw of the Summer Village.</p>
121.	ON-PARCEL SEWAGE DISPOSAL SYSTEM	means a method of treating effluent recognized by Alberta Labour and/or Alberta Environment involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition or the Actual primary or secondary treatment of sewage effluent on the Parcel of its origin and may include a septic tank, holding tank or evapo-transpiration mound system but does not include pit style privies.
122.	ONE AND A HALF STOREY BUILDING	means a Building where the height of the second level cannot exceed 75% of the height of the main floor.
123.	OWNER	<p>means:</p> <ul style="list-style-type: none"> a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or b. in the case of any other land, the person shown as the Owner of the Lot on the current Certificate of Title.
124.	PARCEL	means the aggregate of one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a land titles office.
125.	PARCEL AREA	means the total area of a Parcel.
126.	PARCEL COVERAGE	see “Lot Coverage.”
127.	PARCEL, INTERIOR	see “Lot, Interior.”
128.	PARCEL WIDTH	see “Lot Width.”
129.	PARK	see “Public Park.”
130.	PARK MODEL	means a Recreational Vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which

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		can be relocated from time to time; which has a maximum length of 12.8 m and a maximum width of 3.7 m, excluding all extensions, pull outs, tip outs, etc.
131.	PARKING AREA	means the area set aside for the storage and/or Parking of vehicles and includes Parking Stalls, loading spaces, aisles, entrances and exits to the Parking Area, and traffic islands where they are part of the Parking Area. A Parking Area may be within a building.
132.	PARKING, OFF-SITE	means an area for Parking vehicles that is located on a Lot and not on a highway or Road, or the right-of-way for a highway or Road.
133.	PARKING STALL	means a designated space set aside for the Parking of one (1) vehicle in a Parking Area.
134.	PATIO	means a Hard surfaced area usually adjoining but not attached to a Dwelling Unit; no more than 0.6 m. high above Grade, for outdoor living.
135.	PERMANENT	means something that is lasting or intended to last indefinitely.
136.	PERMITTED USE	means the Use of land or a Building provided for in this Bylaw for which a Development Permit shall be issued upon an application having been made provided that all of the regulations of this Bylaw have been met to the satisfaction of the Development Authority.
137.	PLANTING	see "Landscaping."
138.	PRINCIPAL BUILDING	means a Building in which, in the sole opinion of the Development Authority: <ul style="list-style-type: none"> a. occupies the Major or central portion of a Parcel, b. is the 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. There shall only be one Principal Building on a site.
139.	PRINCIPAL USE	means the primary Use, in the sole 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.
140.	PROPERTY LINE	means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a Real Property Report prepared by an Alberta Land Surveyor.
141.	PROPERTY LINE, FRONT	means the Property Line closest to the shore of Wabamun Lake (for a Lakefront Lot). For a Back Lot, the Front Property Line is the boundary line of a Lot lying adjacent to a highway or Road. In the case of a Corner Lot, the shorter of the two boundary lines adjacent to the highway or Road shall be considered the Front Property Line.
142.	PROPERTY LINE, REAR	means the boundary line of a Lot lying opposite to the Front Property Line of the Lot.
143.	PROPERTY LINE, SIDE	means the boundary line of a Lot lying between a Front Property Line and a Rear Property Line of a Lot. In the case of a Corner Lot, the longer of the two boundary lines adjacent to the Road shall be considered a Side Property Line.
144.	PRUNING	means the removal of branches in a way that does not jeopardize the vitality of the tree, shrub, or vegetation being altered.
145.	PUBLIC OR QUASI-PUBLIC BUILDING	means a Building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a Building for the purpose of assembly, instruction, culture or enlightenment, or for community activities.

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146.	PUBLIC OR QUASI-PUBLIC USE	means a Use undertaken by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include Uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities.
147.	PUBLIC PARK	means a Parcel of land accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment or other accessory structures, designated as Municipal Reserve land or by Resolution or Bylaw of Council.
148.	PUBLIC UTILITY	means a Public Utility, as defined in the Act.
149.	PUBLIC UTILITY BUILDING	means a Building in which the proprietor of the Public Utility maintains its offices and/or maintains or houses any equipment Used in connection with the Public Utility.
150.	PUMPHOUSE	means an accessory structure built to enclose water pump equipment for irrigation or other Permitted Uses within a Parcel.
151.	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.
152.	QUASI-PERMANENT	means equal to or greater than 21 days in total between May 1 and October 31 annually.
153.	REAL PROPERTY REPORT	means a drawing prepared by an Alberta Land Surveyor showing the location of improvements on a Lot.
154.	REAR YARD	see "Yard, Rear."
155.	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: <ul style="list-style-type: none"> 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 the said activity.
156.	RECREATIONAL VEHICLE	means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether or not 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, truck campers, fifth wheel trailers, camper vans, and motor homes, but does not include Manufactured Home Dwellings or tent trailers.
157.	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.
158.	REMOTE WORK-FROM-HOME ACTIVITIES	means regular office-based activities conducted over the internet or telephone services to remotely access an off-site Occupation carried on as a secondary Use within a Dwelling, by at least one permanent resident of said Dwelling, and which does not result in any traffic circulation in the neighbourhood in which it is located. Remote Work-From-Home Activities do not change the character of the Dwelling in which they are located or have any exterior evidence of secondary Use.

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159.	RENOVATION	means an addition to, deletion from, or change to any Building which does not require a permit other than a plumbing, gas or electrical permit pursuant to the <i>Safety Codes Act</i> , R.S.A. 2000, c. S-01, as amended.
160.	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 as Reserve, Environmental Reserve, or Municipal Reserve Parcels.
161.	RESERVE, ENVIRONMENTAL (ER)	<p>means designated as "Environmental Reserve" are lands designated at the time of subdivision that are left in a natural state or may be used as a Public Park. Lands may be designated as "Environmental Reserve" if they consist of the following:</p> <ol style="list-style-type: none"> a. a swamp, gully, ravine, coulee or natural drainage course, b. land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or c. a strip of land, not less than 6.0 m in width, adjacent to the Bed and Shore of any body of water. <p>Environmental Reserves are primarily Used to establish Development Setbacks from water bodies and watercourses to prevent Development from occurring too close to the shoreline.</p>
162.	RESERVE, MUNICIPAL (MR)	means lands designated as "Municipal Reserve" are lands designated at the time of subdivision for schools, Parks and public recreation purposes provided by the Developer as part of the subdivision process.
163.	RESIDENTIAL USE	means the Occupation and Use of land and buildings as Dwellings, whether on a seasonal or year-round basis.
164.	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.
165.	RIPARIAN AREA	means transitional areas between upland and aquatic ecosystems. They have variable widths and extend 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.
166.	ROAD	see "Street."
167.	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.
168.	SAFETY CODES OFFICER	means an individual certified as a Safety Codes Officer under section 27 of the <i>Safety Codes Act</i> .
169.	SEA CAN	means a shipping container which is Used as a storage vault and includes sea/land/rail shipping containers.
170.	SETBACK	means the distance from a Building to the front, side or Rear Property Line of the building.

		<p>The diagram illustrates setback requirements for a building (represented by a grey square) situated between Wabamun Lake (a blue area on the left) and a Road (a black area on the right). A green dashed line indicates the Footpath and Footpath Easement. Dashed lines represent the Front, Side, and Rear Setbacks. The legend defines the symbols: a grey square for Dwelling, a green dashed line for Footpath and Footpath Easement, and a dashed line for Setback.</p>
171.	SECONDARY SUITE	see "Suite, Secondary."
172.	SEWAGE COLLECTION SYSTEM	means a privately owned system for treating sewage effluent, recognized by Alberta Environment, consisting of an on-site sewage collection system.
173.	SHALL	is an operative word which means the action is obligatory.
174.	SHIPPING CONTAINER	see "Sea Can."
175.	SHORELINE	means the line of the Bed and Shore of a water body.
176.	SHORELINE MODIFICATION	means any activity, modification, or 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, but does not include temporary docks that do not alter the shoreline as described above.
177.	SHOULD	is an operative word which means that, to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances.
178.	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.
179.	SIGN	means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.
180.	SIGN, FREESTANDING	means a sign supported by one or more uprights, braces or pylons, and which stands independently of buildings.

181.	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.
182.	SINGLE DETACHED DWELLING	see “Dwelling, Single Detached.”
183.	SITE	means a Lot or Parcel on which a Development exists or for which an application for a Development Permit is made.
184.	SITE BUILT	means a Building that is constructed primarily on its site. Although some components may be prefabricated off-site, the Building is erected, framed, and finished on location using stock materials.
185.	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.
186.	SOAKAWAY	means a pit filled with sand or gravel into which stormwater is directed so that the water may soak into the ground.
187.	SOLAR ENERGY COLLECTION SYSTEM	means the complete system required to convert solar rays into usable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics.
188.	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.
189.	STORMWATER MANAGEMENT PLAN	<p>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 (SWMPs) should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and watercourses.</p> <p>SMWPs must include:</p> <ol style="list-style-type: none"> a. Topography; b. Proposed plan to control Runoff; c. Proposed Minor drainage system (ditches/pipes/catch basin locations/flow rate); d. Proposed Major drainage systems (direction of surface drainage/flow rate); e. Proposed on-site detention/retention facility (location/size/capacity); f. Location of outflow/outfall structures; g. Any related modeling and calculation information; and <p>must conform to an approved master drainage plans.</p>
190.	STREET	means a registered Road right-of-way no less than 10.0 m in width for a public thoroughfare and designed for the use of vehicular or pedestrian traffic but does not include a lane or as defined as a street in the <i>Highway Traffic Act</i> .
191.	STRIPPING	means the removal of some or all vegetation and topsoil on the Lot in preparation for construction activities.

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192.	STRUCTURE	means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings.
193.	SUBDIVISION AUTHORITY	means a Subdivision Authority established and appointed pursuant to a Summer Village Bylaw and the Act.
194.	SUBDIVISION AND DEVELOPMENT APPEAL BOARD	means the Subdivision and Development Appeal Board established by the Council in accordance with the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act.
195.	SUBDIVISION AUTHORITY	means the Subdivision Authority established by Council in accordance with this Bylaw adopted pursuant to the Act.
196.	SUBSTANDARD LOT	see "Lot, Substandard."
197.	SUITE, GARAGE	means an accessory Dwelling Unit, which is located above, or connected adjacent to, a detached Garage. A Garage Suite is an Accessory Use to an Accessory Building in which the Principal Use is a Single Detached Dwelling. A Garage Suite must be subordinate in area to the principal Dwelling on the Lot. A Garage Suite may have cooking facilities, food preparation, sleeping, living and sanitary facilities which are separate from those of the Principal Building located on the site. A Garage Suite has an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure. A Garage Suite does not include secondary suites or Garden Suites. A Garage Suite may not be rented for long-term accommodation.
198.	SUITE, GUEST HOUSE	means an accessory Dwelling Unit, which is located in a Building separate from the Principal Use which is a Single Detached Dwelling. A Guest House suite must be subordinate in area to the principal Dwelling on the Lot. A Guest House suite may have food preparation facilities, sleeping, living and sanitary facilities which are separate from those of the Principal Building located on the site. A Guest House suite may not be rented for long-term accommodation.
199.	SUITE, SECONDARY	means a Development consisting of an accessory Dwelling Unit located within, and accessory to, a principal Dwelling in which the Principal Use is a Single Detached Dwelling. A secondary suite must be subordinate in area to the principal Dwelling on the Lot. A Secondary Suite may have cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from the entrance to the Principal Building, either from a common indoor landing or directly from the side or rear of the structure. This Use class includes the Development or conversion of basement space or above-Grade space to a separate Dwelling Unit, or the addition of new floor space for a secondary suite to an Existing Single Detached Dwelling. This Use class does not include a Garage Suite or Guest House suite. A secondary suite may not be rented for long-term accommodation.
200.	SUMMER VILLAGE ADMINISTRATOR	means the Chief Administrative Officer of the Summer Village of Kapasiwin named by Council.
201.	SURFACE, NON-PERMEABLE	means solid surfaces, including Hard Landscaping Elements that do not allow water to penetrate, forcing it to run off. (e.g., asphalt, concrete, paving stones, etc.).
202.	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 minimize Runoff (e.g., vegetated areas, flower beds, grass, gravel, etc.).
203.	TEMPORARY	means a period of time up to one year, or a period of time determined by the Development Authority.

2. Interpretation

204.	TEMPORARY BUILDING	means a structure that has been permitted to exist for a limited time only.
205.	TEMPORARY USE	means a Use that has been allowed to be located and/or operated for a limited time only.
206.	TENTED STRUCTURE	means a Building that Uses masts or poles and tensile membrane (e.g., polyester, fabric, animal hide, etc.) to create a temporary enclosure. Portable Garages and reception tents are examples of tented structures. Tented structures do not include gazebos and Awnings permanently affixed to a principal Dwelling, Patio, or Deck.
207.	TOURIST HOME	means a Dwelling (or a portion of a Dwelling) operated as a temporary place to stay for compensation (less than one month in duration). An example of a tourist home is a Dwelling (or portion of a Dwelling) advertised for short-term rental on a website such as Airbnb. For the purposes of this Bylaw, a tourist home does not include a Bed and Breakfast.
208.	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.
209.	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.
210.	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. It also does not include selective management by a qualified arborist to maintain tree stand health and remove hazards.
211.	UNDEVELOPED LOT	see "Lot, Undeveloped."
212.	USE	means the purpose or activity for which a site, a Parcel of land, or a Lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained.
213.	UTILITY	means a building, system or works to provide water, steam, sewage disposal, transportation, irrigation, drainage, fuel, electric power, heat, waste management, and telecommunications, for public consumption, benefit or Use.
214.	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 Densely foliated when in leaf, with a healthy, well developed root system.
215.	VEGETATION, NATIVE	means those plant species that are indigenous to a particular region. They have adapted over time in association with landscape and climate.
216.	VEHICLE, HEAVY	means any vehicle, with or without a load, that exceeds a maximum Gross vehicle weight of 4,500 kg or higher, or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include Recreational Vehicles.
217.	WASTEWATER	means the composite of water and water-carried sewage or waste from a premise or any other source.

2. Interpretation

218.	WATER BODY	means any location where water flows or is present, whether or not 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.
219.	WATER DISTRIBUTION SYSTEM	means a waterworks system (as defined in the <i>Plumbing and Drainage Act</i>) that serves two (2) or more Dwelling Units which is registered by title only, on all titles involved.
220.	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.
221.	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.
222.	WETLAND ASSESSMENT	means an assessment prepared by a Qualified Wetland Professional that delineates and classifies wetland(s) within the site and is consistent with the requirements of Alberta Environment and Parks, the <i>Alberta Wetland Policy</i> , and the <i>Alberta Wetland Identification and Delineation Directive</i> .
223.	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.
224.	WIDTH	means the length of a line parallel to the Front Property Line or, in a Lot with a curved Front Property Line, perpendicular to a line running between the mid-point of the Front Property Line and the mid-point of the Rear Property Line, measured at a distance from the Front Property Line equal to the minimum required Front Yard.
225.	WIND ENERGY CONVERSION SYSTEM (MICRO)	means a small-scale wind turbine, normally no greater than 400W, which is small in height and diameter and can be installed on the roof of a Building or structure.
226.	YARD	means that part of a Lot upon or over which no Principal Building is erected.
227.	YARD, FRONT	means that portion of the Parcel extending across the full width of the Parcel from the front property boundary line of the Parcel to the front wall of the Main Building. In the case of lake front Lots, the Front Yard is the area between the lake shore Property Line and the wall of the Main Building facing the lake.
228.	YARD, REAR	means that portion of the Parcel extending across the full width of the Parcel from the rear property boundary of the Parcel to the nearest Exterior Wall of the Principal Building.
229.	YARD, SIDE	means that portion of the Parcel extending from the Front Yard to the Rear Yard and lying between the side property boundary of the Parcel and the nearest portion of the Exterior Wall of the building.

2.2.4 All other words and expressions shall have the meanings assigned to them in the *Municipal Government Act*, other applicable provincial legislation, and/or the Summer Village of Kapasiwin Municipal Development Plan.

3. Authorities

3.1. COUNCIL

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

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

3.2. DEVELOPMENT AUTHORITY

3.2.1 The office of the Development Authority is hereby established.

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

3.2.3 For the purposes of Section 542 of the Act, the person holding the office of the Development Authority is a Designated Officer of the Municipality.

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

3.3. DEVELOPMENT OFFICER

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

- a. Keep and maintain for the inspection of the public a copy of this Land Use Bylaw and all amendments thereto; and
- b. Make available for inspection:
 - i. a copy of this Bylaw;
 - ii. 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. For the purpose of administering the provisions of this bylaw, the Chief Administrative Officer or the designate shall specify and prepare such forms and notices as may be necessary and expedient. 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.

3.4. SUBDIVISION AUTHORITY

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

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

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

3.5. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

3.5.1 The Subdivision and Development Appeal Board established by the Summer Village's Subdivision and Development Appeal Board Bylaw, as amended or replaced, shall perform such duties as are specified in Section 7 - Appeals of this Bylaw.

4. Amendments

4.1. APPLICATIONS

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

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

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

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

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

4.1.5 An application to amend this Land Use Bylaw to redistrict land may be initiated only by the Owner of that land, an agent acting on behalf of the Owner, by administration, or by Council.

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

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

4.1.6 Upon receipt of an application to amend this Land Use Bylaw, Summer Village Administration 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 and Council policies;
- b. Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;
- c. Relationship to and compatibility with the Wabamun Lake Watershed Management Plan;
- d. Compatibility with surrounding Development in terms of land use function and scale of Development;
- e. Traffic impacts;
- f. Relationship to, or impacts on, water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
- g. Relationship to municipal land, right-of-way, or Easement requirements;
- h. Effect on stability, retention and rehabilitation of desirable Existing land uses, buildings, or both in the area;

- i. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the Applicant; and
- j. Relationship to the documented concerns and opinions of area residents regarding Development implications.

- 4.1.7** Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:
- a. Prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
 - b. Mail notify or deliver in person a written notice to landowners who are adjacent to the Parcel of land affected by the proposed amendment or to a larger area as directed by Council;
 - c. Provide notice of the Public Hearing to the Applicant, the Owner of the subject land if different than the Applicant, to all directly adjacent property Owners, and any other individuals or organizations identified by Council;
 - d. Prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
 - e. Inform the Applicant of the recommendation to Council.

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

- 4.1.9** In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
- a. Refuse the application; or
 - b. Refer the application for further information; or
 - c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
 - d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
 - e. Defer first reading to a bylaw to amend this Land Use Bylaw, with or without amendments, until after a public hearing on the proposed amendment; or
 - f. Pass first reading of an alternative amendment to this Land Use Bylaw.

- 4.1.10** Following its first consideration, unless the application for amendment was refused or defeated at first reading, the Council shall establish the date, time and place for a public hearing on the proposed amendment.

- 4.1.11** Following establishment of the date, time and place for a public hearing, Summer Village Administration shall issue a notice of the public hearing by:
- a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
 - b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.

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

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

- 4.1.14** In the case of an amendment to change the land use district designation of a Parcel of land, Summer Village Administration must, in addition to the requirements of Section 4.1.13:
- a. Include in the notice:
 - i. the municipal address, if any, and the legal address of the Parcel of land; and
 - ii. a map showing the location of the Parcel of land;
 - b. Give written notice containing the information described in Section 4.1.13 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 4.1.13 to each Owner of Adjacent Land at the name and address shown for each Owner on the tax roll of the Municipality.

- d. If the land referred to in Section 4.1.14 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.

4.1.15 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.

4.1.16 After considering any representations made at the public hearing, all applicable Statutory Plans, and any other matter it considers appropriate, Council may:

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

4.1.17 Prior to third reading of the proposed Bylaw, Council may require the Applicant to apply for a Development Permit and negotiate a Development agreement in respect of the proposal which initiated the application for amendment.

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

- a. The Applicant;
- b. The registered Owner of the land (if different from the Applicant);
- c. The Summer Village's subdivision and planning services provider; and
- d. The adjacent Municipality if it received a copy of the proposed bylaw pursuant to section 4.1.14.

5. Development Process

5.1. CONTROL OF DEVELOPMENT

- 5.1.1** Development Permits are required to ensure that all Development is achieved in an orderly manner.
- 5.1.2** No Development other than that designated in section 5.2 of this Bylaw shall be undertaken within the Summer Village of Kapasiwin unless an application for it has been approved and a Development Permit has been issued.
- 5.1.3** In addition to meeting the requirements of this Bylaw, it is the responsibility of the Applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.
- 5.1.4** Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the Applicant to ensure that their Development is consistent with the conditions of any registered Easements or covenants which affect the subject site.
- 5.1.5** For the purposes of this section, signs, posters and billboards are deemed to be Developments.
- 5.1.6** Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any Development listed in Section 5.2, a Development Permit shall be required.

5.2. DEVELOPMENT NOT REQUIRING A PERMIT

- 5.2.1** The following Developments shall not require a Development Permit provided that the Development otherwise complies with all other regulations of this Bylaw:
- a. The carrying out of works of improvement, Maintenance, Renovation, or repair to any (but not limited to) building, Deck, and/or driveway provided that such works do not include structural alterations, additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw;
 - b. The completion of any Development which was lawfully under construction at the date of the approval of this Bylaw (or any amendment thereof), provided that the Development is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the Development is completed within a period of twelve (12) months from the notification of the permit;
 - c. The Use of any such buildings as referred to in Section 5.2.1.b for the purpose for which Development was commenced;
 - d. The Maintenance, improvement or alteration of gates, Fences, walls, privacy screens or other means of enclosure less than 2.0 m in height, provided the Development meets the requirements of 9.9 – Fences and Walls of this Bylaw;
 - e. The erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a Building for which a Development Permit has been granted, provided the temporary Building is removed within sixty (60) days of substantial completion or as determined by the Development Officer;
 - f. The installation, Maintenance and repair of public works, services, or utilities carried out by or on behalf of federal, provincial, and/or municipal authorities on land that is publicly owned or controlled;
 - g. Development exempted from this Bylaw under Sections 618 or 619 of the Act;
 - h. Any Development carried out by or on behalf of the Municipality provided that such Development complies with all applicable provisions of this Bylaw;
 - i. The continuation of a legal nonconforming Use as identified in Section 5.4 of this Bylaw;
 - j. A maximum of one single storey Accessory Building with a Floor Area not more than 9.3 m² and a height not more than 2.5 m, provided that the Accessory Building:
 - i. is not a Garage;
 - ii. is not to be used for human habitation;
 - iii. satisfies the Setback requirements for Accessory Buildings in the land use district in which it is located; and
 - iv. the Accessory Building is not located west of the Footpath Easement Area (see Map 2 – Development Setback from Front Property Line).
 - k. A Development that is exempted from requiring a Development Permit pursuant to the Act;

- I. The following signs:
 - i. signs posted or exhibited within a building;
 - ii. signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently Parked solely for the purpose of displaying the sign;
 - iii. a statutory or official notice of a function of the Summer Village of Kapasiwin;
 - iv. traffic signs authorized by the Summer Village of Kapasiwin and/or provincial authorities;
 - v. signs posted or exhibited solely for the identification of the land or Building on which the signs are displayed, or to give directions to visitors, and signs indicating the street address of a Building or Lot, if the sign(s) does not exceed 0.19 m² in area, subject to all other orders, bylaws, and regulations affecting such signs;
 - vi. a maximum of two (2) on-site signs relating to the sale, lease or rental of the buildings on the Lot or the land on which the signs may be erected or attached, provided that:
 1. such signs on any Lot in any residential land use district do not exceed 0.56 m² in area each; and
 2. such signs are not illuminated;
 - vii. campaign signs for federal, provincial, municipal, or school board elections on Lots for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:
 1. such signs are removed within fourteen (14) days after the election date;
 2. the consent of the Lot Owner and/or Occupant is obtained;
 3. such signs do not obstruct or impair visibility or traffic;
 4. such signs are not attached to trees or utility poles; and
 5. such signs indicate the name and address of the sponsor and the person responsible for the sign's removal.
 - viii. signs on land or buildings used for public or quasi-public Uses, provided that:
 1. such signs do not exceed 1.10 m² in area each; and
 2. there are no more than one (1) sign for each side of the land or buildings on a different Road.
 - ix. signs of Building contractors relating to construction work in progress on the Lot on which the signs are erected, provided that:
 1. such signs to do exceed 3.0 m² in area;
 2. there are no more than one (1) sign for each boundary of the Lot under construction which fronts onto a public Road; and
 3. such signs are removed within fourteen (14) days of Occupancy of the Building which has been constructed.
- m. The construction, Maintenance and repair of Retaining Walls up to 0.6 m in height, provided that:
 - i. the Retaining Wall does not alter the Existing natural surface drainage pattern on- or off-site; and
 - ii. the wall does not encroach onto public land or into a utility right-of-way.
- n. Erection of communication towers, antennas, poles, etc. not exceeding 4.5 m in height from Grade provided that the structure is not located in the Front Yard or on public land (i.e. lakefront or beach areas);
- o. A fire pit, provided that it is located a minimum of 3.0 m from any building, Fence or vegetation;
- p. Flagpoles, up to a maximum of 7.6 m in height, within the Lot boundaries and including the Front Yard;
- q. Decks or Patios at ground level;
- r. Exterior steps;
- s. Roof repairs such as replacement of shingles or their underlay;
- t. 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;
- u. Micro wind energy conversion systems; and
- v. The Demolition or removal of any Building or Use for which erection or Use of a Development Permit would not be required pursuant to this section.

5. Development Process

- 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.
- 5.2.5** No Development Permit is required for a fabric covered structure or tented structure erected:
- After 30 September and removed before 1 May and Used to shelter boats or other Chattel during winter months; or
 - Used temporarily (to a maximum of one week) for a special event (e.g. wedding).
- 5.2.6** Notwithstanding any other regulation in this section excluding 5.2.3, all Development within the Footpath Easement Area, as shown on Map 1 - Land Use District Map, shall require a Development Permit.
- 5.3. SAME OR SIMILAR USES**
- 5.3.1** Where a specific Use does not conform to the wording of any definition, the Development Authority may, at their discretion, determine that the Use conforms to the spirit and intent of the purpose of the land use district and is determined “same” or “similar” to other Uses allowed in that land use district. Notwithstanding the above, all Uses defined as “same” or “similar” shall be considered discretionary.
- 5.4. NON-CONFORMING BUILDINGS AND USES**
- 5.4.1** 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.
- 5.4.2** 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.
- 5.4.3** A Non-conforming Use of part of a Building may be extended throughout the building. The building, whether or not it is a Non-conforming Building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.4.4** 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.
- 5.4.5** A Non-conforming Building may continue to be Used but the Building may not be enlarged, added to, rebuilt or structurally altered except:
- To make it a conforming building;
 - For the routine Maintenance of the building, if the Development Authority considers it necessary; or
 - In accordance with the powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a Development Permit despite any non-compliance with the regulations of this Bylaw.
- 5.4.6** If a Non-conforming Building is damaged or destroyed to the extent of more than seventy-five percent (75%) of the value of the Building above its Foundation, the Building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.4.7** 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.
- 5.4.8** If the Development Authority has reasonable basis to believe a Building or Development on a Lot encroaches onto an adjacent Lot the Development Authority may require the Owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the Building or Development that encroaches onto the adjacent Lot, and (if necessary) can arrange for the removal of the Building or Development at the Owner’s expense. The Development Authority may require a Lot Owner to erect permanent, visible markers at the Corners of any Lot, to a standard approved by the Development Authority.
- 5.5. APPLICATION REQUIREMENTS FOR DEVELOPMENT PERMITS**
- 5.5.1** An application for Development Permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:

- a. A non-refundable application fee, as established by Council;
- b. A site plan showing:
 - i. front, side and Rear Yards;
 - ii. north point;
 - iii. legal description of the property;
 - iv. access and egress points to the property; and
 - v. the location and dimensions of Existing and proposed municipal and private local improvements, Principal Building and other structures including Accessory Buildings, Garages, carports, Fences, driveways, paved areas, and Major landscaped areas including Buffering and screening areas where provided;
- c. On Lakefront Lots or where flooding may occur, the site plan shall also show the 1-in-100 flood line as determined by survey (725.42 m above sea level contour);
- 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.

5.5.2 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.

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

- a. The location of Existing and proposed municipal and private storm and sanitary sewage collection and disposal, water supply and distribution utilities, landscaped areas and Buffering and screening;
- b. The height and horizontal dimensions of all Existing and proposed buildings;
- c. Outlines of roof overhangs on all buildings;
- d. Existing and proposed elevations on the site and on adjacent sites, Roads and lanes;
- e. Post construction site and Building elevations;
- f. Floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the Basement or on the main floor in the principal and Accessory Buildings;
- g. Reports, plans, and studies prepared by qualified professionals, including:
 - i. Arborist Report;
 - ii. Erosion and Sediment Control Plan;
 - iii. Geotechnical Report;
 - iv. Landscaping Plan;
 - v. Lot Grading and Drainage Plan;
 - vi. Noise Study
 - vii. Slope Stability Analysis;
 - viii. Vibration Study;
 - ix. Wetland Assessment; and
 - x. Any other reports, plans, and studies that provide 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; and

- j. For a moved-in (relocated) building, pictures of the exterior of the structure 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.

5.5.4 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 the 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.

5.5.5 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.

5.5.6 At the sole discretion of the Development Authority, any new Development within an Existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage Easements or rights-of-way are in place. If the Applicant for a Development Permit indicates that the Municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the Lot Grades have been completed according to the plan shall be included in the cost of the Development Permit.

5.5.7 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.

5.5.8 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.

5.5.9 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.

5.5.10 As a condition of issuing a Development Permit, the Development Authority may require the Applicant to post a \$10,000 bond to cover the cost of repairing Roads and other municipal improvements damaged as a result of the work authorized in the permit.

5.6. PERMISSION FOR DEMOLITION

5.6.1 The Demolition of a structure not identified in Section 5.2 shall require a Development Permit.

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

5.6.3 In addition to the requirements of Section 5.5 of this Bylaw, an application for a Development Permit for the Demolition of a Building or structure shall include the following information:

5. Development Process

- 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. The form of Demolition to be used (heavy equipment or by hand);
- g. The method whereby public safety is to be protected (normally a Fence that is at least 1.8 m in height is required around the Excavation or structure to be demolished);
- h. An indication that all utility services to the site and/or the Building have been disconnected to the satisfaction of the Development Authority;
- i. 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;
- j. 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
- k. 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.

5.6.4 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. Any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.6.5 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 any and 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.

5.6.6 Burning shall not be permitted as a form of Demolition.

5.7. NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS

5.7.1 The Development Authority shall, within 20 days of the receipt of an application for a Development Permit, determine whether the application is complete.

5.7.2 The time period referred to in Part 5.7.1 may be extended by an agreement in writing between the Applicant and the Development Authority.

5.7.3 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.

5.7.4 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.

5.7.5 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 in order for the application to be considered complete.

5.7.6 If the Applicant fails to submit all the outstanding information and documents on or before the date referred to in 5.7.5, the application is deemed refused.

5.7.7 Despite that the Development Authority has issued an acknowledgment under 5.7.4 or 5.7.5, 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.

5.8. DECISION OF DEVELOPMENT PERMIT APPLICATIONS

5.8.1 Permitted and Discretionary Use Applications (Non-Direct Control Districts).

- a. The Development Officer shall be the approving authority for all proposed Development, which is listed as either a permitted or Discretionary Use under a land use district under this Bylaw.
- b. Upon receipt of a completed application for a Development Permit for a Permitted Use, the Development Officer shall approve the application with or without conditions, where the proposed Use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all Permitted Use Development Permit applications.
- c. The Development Officer is authorized to decide all Discretionary Use Development Permit applications which are related to an approved Use on the subject property.
- d. When approving a Discretionary Use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw.

5.9. DEVELOPMENT PERMIT NOTIFICATION

5.9.1 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.

5.9.2 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.

5.9.3 In addition to 5.9.1 and 5.9.2, 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 Adjacent Landowners within 100.0 m 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.

5.9.4 The notice indicated in 5.9.2 and 5.9.3 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.

5.9.5 Except for those permits described in 5.9.2 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or Development Permit is received. For

the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any Development proceeded with by the Applicant prior to the expiry of this period is done solely at the risk of the Applicant.

5.9.6 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.

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

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

5.9.9 A decision of the Development Authority on an application for a Development Permit shall be given to the Applicant in writing.

5.9.10 When a Development Authority refuses an application for a Development Permit, the notice of decision shall contain reasons for the refusal.

5.10. DEVELOPMENT PERMIT CONDITIONS AND DEVELOPMENT AGREEMENTS

5.10.1 The Development Authority may require any of the following provisions listed in Section 5.10 as part of Development Permit approval. Other conditions, not listed here, may be applied by the Development Authority subject to the unique conditions of the proposed Development or site, at the discretion of the Development Authority.

5.10.2 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.

5.10.3 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 connection with the proposed Development.

5.10.4 The Applicant shall be financially responsible during construction for any damage by the Applicant, his servants, suppliers, agents or contractors to any public property. The Applicant shall repair, reinstate, or pay for the repair or reinstatement to the original condition of any street, curbing, sidewalks, walkways, boulevard Landscaping or trees, utility appurtenances and any other public facility or utility.

5.10.5 Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village as a result of neglect to public property may be collected from the Applicant.

5.10.6 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.

5.10.7 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.

5.10.8 The Applicant is responsible for ascertaining that the lowest finished floor elevation in either the Basement or main floor in the principal and Accessory Buildings, where applicable, is high enough to ensure a gravity flow connection to the design or Existing sewer elevations at the Property Line. In the event that gravity sewer flow is not possible or desirable; the Applicant is responsible for installing a pump to discharge sewage in accordance with the Alberta Building Code and Plumbing Regulations.

5.10.9 To post the municipal address of the property in a location visible from both directions.

5.10.10 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.

- 5.10.11** The Development Authority may require that as a condition of issuing a Development Permit, the Applicant enter into an agreement to:
- a. Construct or pay for the construction of culverts, public Roadways, pedestrian walkways, 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.

5.10.12 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.

5.11. VALIDITY OF PERMITS

5.11.1 A Development Permit comes into effect immediately if all proposed Development is for a Permitted Use and the Bylaw was not relaxed or varied.

5.11.2 Despite the preceding section, a Development Permit involving construction does not come into effect until the plans for the Building have been approved by the person appointed by Council as Building Inspector and a Building permit has been issued by that person.

5.11.3 A Development Permit for a Discretionary Use, or for which a provision of the Bylaw has been relaxed or waived, does not come into force until 14 days after the date of its issue, and during this time any person affected by the proposed Development may Appeal the decision of the Development Authority. Any Development proceeded with by the Applicant prior to the expiry of the 14 day period is done solely at the risk of the Applicant;

5.11.4 The Development Permit will not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled;

5.11.5 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.

5.11.6 Unless an extension has previously been granted by the Development Authority, a Development Permit will expire and will no longer be valid after one (1) year from the date of its issuance or within an extended period granted by a Development Officer if:

- a. No substantial construction has been initiated (for purposes of this subsection, construction includes, but is not limited to, site preparation or Excavation);
- b. The exterior of the Building is not completed within twelve months of the date of issue; or
 - i. the Development is not completed within 12 months or carried out with reasonable diligence;
 - ii. in which case, subject to new information being submitted as to the timing and completion date of the Development, another Development Permit with a specified expiry date will be issued or Sections 645 and 646 of the Act will be invoked.
- c. Despite the preceding section, at the discretion of the Development Authority, a Building may be constructed in stages over a period of time exceeding one year providing that the Applicant submits a construction schedule as part of the application.

5.11.7 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.

5.11.8 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.

5.11.9 A Development Permit is valid for one (1) year from the date it comes into effect and work authorized pursuant to a Development Permit must be commenced within twelve (12) months and completed within twelve (12) months from the commencement of Development. Extensions may be granted at the sole discretion of the Development Authority at a cost of 50% of the original Development Permit fee.

5.11.10 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.

5.11.11 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.

5.12. VARIANCES

5.12.1 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.

5.12.2 The Development Authority may approve an application for a Development Permit notwithstanding that the proposed Development does not comply with this Bylaw if, in its 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
- c. The proposed Development conforms to the Use prescribed for that land or Building in the Land Use Bylaw.

5.12.3 A variance shall be considered only where warranted by the merits of the proposed Development and in response to irregular Parcel lines, Parcel shapes or site characteristics which create difficulties in siting structures within the required Setback or in meeting the usual bylaw requirements. Except as otherwise provided in this bylaw, there shall be no variance from the following:

- a. Lot Coverage;
- b. Building Height; and
- c. Any provisions related to the Footpath or Footpath Easement.

5.12.4 Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.

5.12.5 Where the issuance of a Development Permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a district or any other regulation of this Bylaw, the Development Authority shall not permit any additional variance from that regulation.

5.13. DEEMED REFUSALS ON DEVELOPMENT PERMIT APPLICATIONS

5.13.1 In accordance with Section 684 of the Act, an application for a Development Permit shall, at the option of the Applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority unless the Applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

6. Subdivision Process

6.1. APPLICATION REQUIREMENTS

- 6.1.1** All subdivision applications for lands within the Summer Village of Kapasiwin shall comply with the provisions under this Section.
- 6.1.2** A subdivision application may be submitted by:
- a. The registered Owner of the land to be subdivided; or
 - b. 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** Notwithstanding any other provision in this Land Use Bylaw, no further subdivision of Existing residential Lots that would increase the number of Lots will be permitted within the Summer Village of Kapasiwin. Subdivision of residential Lots may only be approved to adjust Parcel boundaries, subject to the requirements of the land use district and any other applicable provision of this Land Use Bylaw.
- 6.1.5** 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.
- 6.1.6** 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.
- 6.1.7** Information on abandoned oil and gas wells as required by the *Matters Related to Subdivision and Development Regulation* and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6.1.8** The tentative plan of subdivision shall:
- a. Clearly outline the location, dimensions, and boundaries of the land which the Applicant wishes to subdivide;
 - b. Show the location, dimensions and boundaries of:
 - i. each new Lot to be created;
 - ii. Reserve land(s), if required;
 - iii. the rights-of-way of each Public Utility, if required; and
 - iv. other rights-of-way, if required.
 - c. 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;
 - d. 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;
 - e. 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;
 - f. 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
 - g. Identify the Existing and proposed access to the proposed Parcels and the remainder of the titled area.
- 6.1.9** The Summer Village may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a. A figure showing topographic contours at no greater than 1.5 m intervals;
 - b. 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;
 - c. An assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site

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

- d. Reports, plans, and studies prepared by qualified professionals, including:
 - i. Arborist Report;
 - ii. Geotechnical Report;
 - iii. Lot Grading and Drainage Plan or Stormwater Management Plan;
 - iv. Slope Stability Analysis;
 - v. Water Report;
 - vi. Wetland Assessment;
 - vii. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;
- e. If the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
- f. Information respecting the land surface characteristics of land within 0.8 km of the land proposed to be subdivided; and
- g. If any portion of the Parcel of land affected by the proposed subdivision is situated within 1.5 km of a sour gas facility, a map showing the location of the sour gas facility.

6.2. PROCESS

6.2.1 The Subdivision Authority shall:

- a. Participate in a pre-application submission meeting with Development Proponents (as requested);
- b. Receive all applications for subdivision applications;
- c. Assess and provide notice of a complete or incomplete application; and
- d. Issue notices in writing as required in the Act.

6.2.2 Notice of Complete or Incomplete Application:

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

6.3. DUTIES OF THE SUBDIVISION AUTHORITY

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

- a. Shall approve, with or without conditions, a subdivision application for a Permitted Use where the proposed subdivision conforms to:
 - i. this Bylaw;

- ii. the Municipal Development Plan and any other applicable statutory plans; and
 - iii. the Act and the Regulations thereunder.
- b. Shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. the Municipal Development Plan and any other applicable statutory plans; and/or
 - ii. the Act and the Regulations thereunder.
- c. Shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 6.3.1.d;
- d. May approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
 - i. would not unduly interfere with the amenities of the neighbourhood;
 - ii. would not materially interfere with or affect the Use, enjoyment or value of neighbouring Parcels of land; and
 - iii. conforms to the Use prescribed for that land in this Bylaw;
- e. Prior to making a decision, shall refer the subdivision application to any external agencies and Adjacent Landowners for comment and may refer the subdivision application to any municipal department as required.

6.3.2 The boundary between two Existing Lots may be adjusted to accommodate buildings on the site, and to ensure that the resulting Lots are conforming Lots under this Bylaw.

6.3.3 Regulations in this Bylaw shall not prevent:

- a. The adjustment of a Property Line where no additional Lots are created; or
- b. The re-subdivision of a Lot formed by the consolidation of two previously Existing Lots, but in this case the Setbacks for all the Existing buildings on these Lots must conform to the current Bylaw.

6.4. REQUIREMENTS AND CONDITIONS OF SUBDIVISION

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

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

6.4.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a Public Utility or an Institutional Use.

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

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

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

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

6.4.8 As a condition of subdivision approval, the Summer Village may require that the proponent provide hazard land as an Environmental Reserve.

6.4.9 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 Recommended Setbacks Chart (see Appendix A).

6.4.10 Property taxes must be up to date prior to final endorsement of any subdivision within the Summer Village.

6.4.11 The Developer may be required to provide for Inclusionary Housing in accordance with the Act and the Regulations therein.

6.4.12 All proposed Parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient Development of the remnant lands.

6.4.13 The Subdivision Authority may require the following conditions as part of subdivision approval:

- a. Compliance with an approved Erosion and Sediment Control Plan;
- b. Compliance with an approved Landscaping Plan;
- c. Compliance with an approved Lot Grading and Drainage Plan;
- d. Compliance with an approved Stormwater Management Plan; and/or
- e. Any other conditions requested by the Subdivision Authority.

7. Appeals

7.1. DEVELOPMENT APPEALS

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

deemed to have received the notice of Appeal from the Applicant on the date it receives the notice of Appeal from the first board, if:

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

7.2. SUBDIVISION APPEALS

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

- a. By the Applicant for the approval;
- b. By a government department if the application is required by the *Matters Related to Subdivision and Development Regulation* 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 or a Designated Officer of the Municipality is not the Subdivision Authority; or
- d. By a school board with respect to:
 - i. the allocation of Municipal Reserve and school Reserve or money in place of the Reserve;
 - ii. the location of school Reserve allocated to it; or
 - iii. the amount of school Reserve or money in place of the Reserve.

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

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

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

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

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

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

7.3. APPEAL HEARING AND DECISION

7.3.1 Hearings for Development Appeals and decisions made by the board hearing the Appeal shall be in accordance with Sections 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 Sections 679, 680 and 681 of the Act.

8. Enforcement

8.1. PROVISION OF ENFORCEMENT

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

8.2. PROHIBITION

8.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a Development, Use, or sign that is not permitted by this Bylaw.

8.2.2 No person shall contravene a condition of a Development Permit or subdivision approval issued under this Bylaw.

8.2.3 No person shall authorize or undertake any Development that is not compliant with the description, specifications or plans that were the basis for the issuance of a Development Permit.

8.2.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

8.3. RIGHT OF ENTRY

8.3.1 After reasonable notice (generally to mean 48 hours) to the Owner or Occupant in accordance with the Municipal Government Act, a Designated Officer may enter the property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Bylaw requirements are being met.

8.3.2 A Designated Officer may enter the property outside of the identified time period if, in their opinion, a possible violation constitutes an immediate health, safety, or environmental concern.

8.4. VIOLATION WARNINGS

8.4.1 A Designated Officer may issue a violation warning for Minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

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

8.5. STOP ORDERS

8.5.1 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:

- a. Stop the Development or Use of the land or Building in whole or part as directed by the notice;
- b. Demolish, remove, or replace the Development or Landscaping; or
- c. Carry out any other actions required by the notice for compliance.

8.5.2 The notice shall specify a deadline for compliance.

8.5.3 A person named in a stop order may Appeal to the Subdivision and Development Appeal Board.

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

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

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

8.6. VIOLATION TAGS AND TICKETS

8.6.1 In accordance with the Provincial Offences Procedures Act the Development Authority or a Designated Officer are authorized and empowered to issue a violation tag to a person for specific offences in contravention of a violation

issuing a warning notice, a final warning notice, or stop order where there are reasonable and probable grounds to believe there is a contravention of this Bylaw.

- 8.6.2** A violation tag may be issued to such person:
- a. Either personally; or
 - b. By mailing a copy by registered mail to such person at their last known address or address indicated on the Development Permit issued to that person.
- 8.6.3** 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 penalty for the offence;
 - d. A requirement that the penalty shall be paid within 30 days of the issuance of the violation tag;
 - e. The method by which the tag may be paid;
 - f. Any other information as may be required by the Municipality;
- 8.6.4** Offenses and related fines are as specified in the Summer Village's Fees and Charges Bylaw.
- 8.6.5** Where a contravention is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.
- 8.6.6** The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 8.6.7** If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8.6.8** Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

9. General and Specific Regulations

9.1. ACCESSORY BUILDINGS AND USES

- 9.1.1** In residential districts, detached Garages and Accessory Buildings shall be located according to the following and Figure 1 (following page):
- a. No closer to the Front Yard than the closest portion of the Principal Building, except in the case of Boat Houses and hot tubs which may be built in the Front Yard subject to applicable regulations in 9.2 and 9.16, and the size restriction of 9.1.1.i.;
 - b. An Accessory Building shall be situated so that the Exterior Wall is at least 1.4 m from the Side Property Line and 1.2 m from the Rear Property Line of the Parcel;
 - c. An Accessory Building shall not be more than 4.5 m in height and shall not be taller than the Principal Building, except where otherwise noted in this Bylaw;
 - d. Notwithstanding 9.1.1(c), an Accessory Building located within the Rear Yard shall not be more than 9.0 m in height;
 - e. An Accessory Building shall not exceed the Floor Area of the Main Building;
 - f. Notwithstanding 9.1.1(a) where an Accessory Building is a Garage, vehicle access doors shall be a minimum of 7.6 m from the Property Line with the Roadway when the doors face the Roadway, and when facing away from the Roadway the vehicle doors shall be a minimum of 6.1 m from the Property Line;
 - g. No roof overhang shall be situated within 0.3 m of the side and Rear Property Line;
 - h. An Accessory Building shall be located in such a manner that it does not encroach upon utility Easements and rights of way; and
 - i. Where an Accessory Building is a Boat House or hot tub the structure shall be restricted to a height of 4.5 m and a maximum footprint of 37.16 m². All other side and Rear Yard Setbacks and restrictions of 9.1 shall also apply.
- 9.1.2** Notwithstanding 9.1.1, the siting of an Accessory Building on an irregularly shaped Lot shall be as required by the Development Authority.
- 9.1.3** Accessory Buildings that are not permanently affixed to a Foundation or pad are still required to comply with the requirements of 9.1.1.
- 9.1.4** An Accessory Building shall not be used as a Dwelling except where provided for as an Accessory Dwelling Unit subject to the supplementary Development regulations in Section 9.3.
- 9.1.5** A Building or structure which does not share footings with the Principal Building on a Lot is deemed to be an Accessory Building even if it is connected to the Principal Building by a roof, breezeway, Deck, Patio, or other at Grade or above Grade connection.
- 9.1.6** Notwithstanding the above, a Development Permit for an Accessory Building may be approved on a Lot that has an approved Development Permit for a Dwelling that is currently under construction, at the discretion of the Development Authority.
- 9.1.7** Accessory Buildings shall be of new, conventional construction or prefabricated construction installed and affixed to the ground or shall be moved-in buildings subject the provisions of Section 9.14 of this Bylaw.
- 9.1.8** The number of Accessory Buildings on a Lot shall only be limited by the maximum Lot Coverage established for the site in the applicable land use district.
- 9.1.9** No Accessory Building or Uses other than a Fence, Pool, Deck, hot tub, or Patio shall be located:
- a. Within 3.0 m of a Principal Building; or
 - b. Within any Easement or right-of-way.
- 9.1.10** Notwithstanding 9.1.9, no accessory buildings or uses shall be allowed within the Footpath Easement.
- 9.1.11** Notwithstanding 9.1.9, a Recreational Vehicle may be located within 3.0 m of a Principal Building.
- 9.1.12** The maximum Floor Area of a tented structure shall be 31.2 m² and shall be secured to the ground to the satisfaction of the Development Authority.

9.1.13 Notwithstanding any other provision of this Bylaw, a maximum of one Garage per Lot may be considered a Permitted Use.

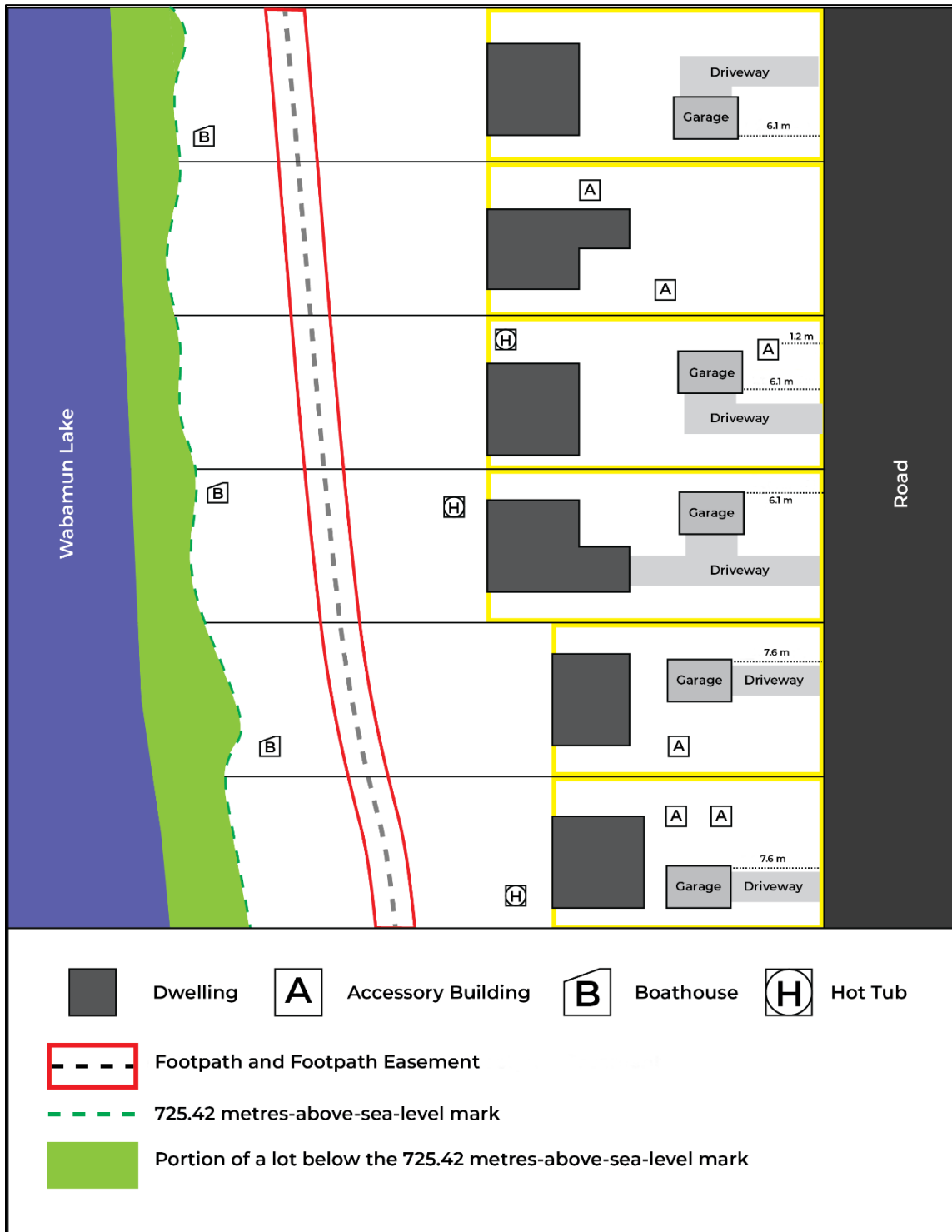


Figure 1: Siting Requirements for Accessory Buildings

9.2. ACCESSORY BUILDING, BOAT HOUSES

9.2.1 Notwithstanding Section 9.1, the following apply to Development and Use of Boat Houses in the Summer Village.

9.2.2 All Boat Houses shall require a Development Permit.

9.2.3 The maximum number of Boat Houses allowed on a Lot shall be one (1).

9.2.4 Further to 9.2.3, only a Boat House may be built in the Front Yard of a Lot, west of the most western extent of the Footpath Easement, as shown in Figure 2, below.

9.2.5 No portion of a Boat House shall not be located below the 725.42 m above-sea-level mark, as shown in Figure 2, below.

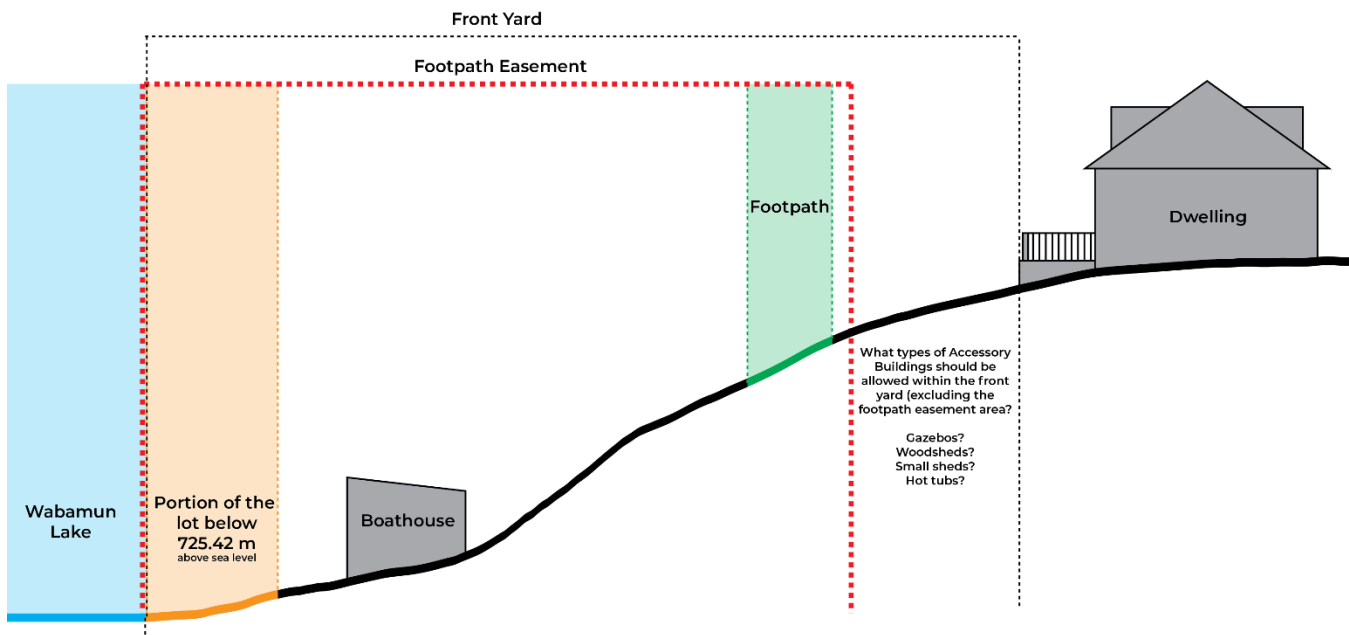


Figure 2: Siting Requirements for Boat Houses

9.2.6 The size and height of a Boat House shall be as identified for an Accessory Building in Section 9.1 – Accessory Buildings and Uses and the applicable land use district of this Bylaw.

9.2.7 Sleeping accommodations shall not be allowed in Boat Houses.

9.2.8 Where possible, Boat Houses shall be built on piles or skids, to enable the structure to be relocated should the lake water level rise.

9.3. ACCESSORY DWELLING UNITS (SUITES, RECREATIONAL VEHICLES, AND BUNKHOUSES)

9.3.1 Notwithstanding the general provisions of Accessory Buildings under Section 9.1 of this Bylaw, the specific Use attached to Dwelling Units (i.e. human habitation) requires particular consideration be given to the Development standards of accessory Dwelling Units above those provisions provided for other types of Accessory Buildings. These considerations will help ensure that the Development of Accessory Dwelling Units conform to the purpose of the district the Dwelling Units are being built in and that the Development standards align with other federal and provincial regulations including safety codes.

9.3.2 Accessory Dwelling Units shall meet all applicable Alberta Safety Code requirements for their Use as habitable Dwelling Units.

9.3.3 Permitted types of Accessory Dwelling Units shall be Garage Suites, Guest House Suites, Secondary Suites, Bunkhouses or Recreational Vehicles stored on a permanent or quasi-permanent basis, as defined in this Bylaw.

9.3.4 The maximum number of Accessory Dwelling Units allowed per Lot in any Residential District shall be two (2). The following maximums shall apply to specific Accessory Dwelling Unit types allowed within the overall maximum of two (2):

- a. A maximum of one (1) Garage Suite, Secondary Suite or Guest House Suite;
- b. A maximum of two (2) Permanent or Quasi-Permanent Recreational Vehicles;
- c. A maximum of two (2) Bunkhouses.

9.3.5 Onsite parking requirements for an Accessory Dwelling Unit shall comply with Section 9.6.4. No offsite Parking (i.e. Parking within the adjacent Road right-of-way, on municipal land, or on adjacent private land) shall be allowed. Parking Areas sufficient to accommodate the Principal Building and any Accessory Dwelling Units shall be identified on the site plan provided with the Development Permit application for the Accessory Dwelling Unit.

9. General and Specific Regulations

- 9.3.6** Notwithstanding 9.1.1.b., the minimum distance between a detached Accessory Dwelling Unit, excluding Recreational Vehicles, and the Principal Dwelling on the same site shall be 4.0 m, to conform to Alberta Building and Safety Code requirements.
- 9.3.7** As a condition of Development Permit approval for a Guest House suite, Garage Suite or secondary suite, the Applicant shall provide an original copy of a fire inspection report to the Development Officer, no older than one (a) month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to Occupancy of the Suite.
- 9.3.8** Special considerations for a Bunkhouse:
- a. A Bunkhouse shall not be located within a Boat House;
 - b. The maximum height of a Bunkhouse shall be 4.5 m;
 - c. The minimum Side Yard Setback shall be the same as that for the Principal Building in the applicable district; and
 - d. A Bunkhouse shall not include cooking facilities or a kitchen.
- 9.3.9** Special considerations for Garage Suites:
- a. A Garage Suite shall be developed as an integral part of a detached Garage where the Principal Building is a Single Detached Dwelling;
 - b. A Garage Suite shall have an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or direction from the exterior of the structure;
 - c. The maximum height of a Garage and Garage Suite shall be 9.0 m (total height);
 - d. The minimum Side Yard Setback shall be, for that portion of a detached Garage that contains a Garage Suite, the same as that for the Principal Building in the applicable district; and
 - e. Where a Garage Suite is two storeys, upper storey windows contained within the Garage Suite portion of the detached Garage shall be placed and sized such that they minimize overlook into yards and windows of Abutting properties.
- 9.3.10** Special considerations for Guest House Suites:
- a. A Guest House shall not be located within a Boat House.
 - b. The maximum height of a Guest House Suite shall be 4.5 m;
 - c. The minimum Side Yard Setback for a Guest House Suite shall be the same as that for the Principal Building Dwelling in the applicable district; and
 - d. Where a Guest House Suite has windows above the ground level storey, upper storey windows contained within the Guest House Suite shall be placed and sized such that they minimize overlook into yards and windows of Abutting properties.
- 9.3.11** Special considerations for Secondary Suites:
- a. A Secondary Suite shall be operated as an Accessory Use only and shall not change the residential character of the Principal Dwelling on the Lot;
 - b. A Secondary Suite shall not contain more than thirty percent (30%) of the total Floor Area of the Principal Building;
 - c. The maximum height of a secondary suite shall not exceed the maximum height of a Single Detached Dwelling in the applicable district; and
 - d. Prior to its Use as an approved Secondary Suite the property Owner shall be required to meet all applicable safety code requirements.

9.4. BED AND BREAKFAST OPERATIONS

- 9.4.1** The Development of a Bed and Breakfast Establishment shall be prohibited in all land use districts within the Summer Village.

9.5. BUILDING ORIENTATION AND DESIGN

- 9.5.1** The design, construction and appearance of every Building and structure must be compatible with other buildings and structures in the Municipality, and the Development Authority may require changes to a design or refuse a Development Permit if a proposed Development would be detrimental to the Municipality, even if the proposed Use is a Permitted Use in the R1 and R2 districts. Among other matters, the Development Authority may consider the

9. General and Specific Regulations

style of architecture, the materials to be Used, the placement of the Building on the Lot, and the effect of the proposed Building on privacy of neighbours.

9.6. DWELLING UNITS AND PARKING REQUIREMENTS ON A LOT

9.6.1 A maximum of one (1) Single Detached Dwelling or Modular Home shall be allowed on a Parcel.

9.6.2 In accordance with the provisions in Section 9.3 - Accessory Dwelling Units, up to two (2) Accessory Dwelling Units may be allowed at the discretion of the Development Authority where parking and maximum lot coverage requirements can be satisfied.

9.6.3 A minimum of two (2) on site Parking Stalls shall be required for a Single Detached Dwelling or Modular Home.

9.6.4 A minimum of one (1) on site Parking Stall shall be required for each Accessory Dwelling Unit on a lot.

9.7. ENVIRONMENTAL PROTECTION

9.7.1 The removal of vegetation shall be discouraged within:

- a. 6.0 m of the 725.42 metres-above-sea-level mark on Lakefront Lots in the R1 Residential District;
- b. 3.0 m of the shoreline of Wabamun Lake in the R2 Residential District.

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

9.7.3 Development Permits shall be required for shoreline modifications on lands adjacent to Wabamun Lake.

9.7.4 Where shoreline modifications are proposed in the Bed and Shore of Wabamun Lake, approval from the Government of Alberta shall be required.

9.7.5 Where shoreline modifications are proposed adjacent to Wabamun Lake that alter the flow of water, approval from the Government of Alberta may be required.

9.7.6 Shoreline modifications shall be discouraged except for erosion protection.

9.7.7 Where shoreline modifications have been allowed, they shall:

- a. Incorporate re-vegetation and the Use of Soft Landscaping Elements;
- b. Incorporate Low Impact Development strategies; and
- c. Minimize the Use of Hard Landscaping Elements.

9.7.8 The addition of sand to the Bed and Shore of Wabamun Lake or lands adjacent to the Bed and Shore of Wabamun Lake shall not be allowed.

9.7.9 Where shoreline modifications include activities such as stripping, Grading, or Landscaping, the regulations in this section and Section 9.13 - Landscaping Requirements shall apply.

9.8. EROSION AND SEDIMENT CONTROL

9.8.1 An Erosion and Sediment Control Plan shall be required to control and restrict sediment from leaving the site where a Development is proposed that may impacts drainage on the site or on adjacent properties, including but not limited to:

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

9.8.2 Where an Erosion and Sediment Control Plan is required by this Land Use Bylaw, applicants shall submit the Erosion and Sediment Control Plan with the Development Permit application. Compliance with the Erosion and Sediment Control Plan shall be a condition of Development Permit approval.

9.8.3 When an Erosion and Sediment Control Plan is required, it shall include the following:

- a. Description of the proposed land disturbing activities, Existing site conditions and adjacent areas (such as creeks and buildings) that might be affected by the land disturbance;
- b. Description of critical areas on the site – areas that have potential for serious erosion problems such as severe Grades, highly erodible soils, and areas near watercourses, wetlands or other water bodies;

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- c. Construction schedule that includes the date stripping and Grading will begin and the expected date of stabilization;
- d. Description of the management of construction vehicles and materials;
- e. Description of the measures that will be used to minimize erosion and control sedimentation on the site, when they will be installed, and where they will be located for the following:
 - i. The stockpiling and retention of topsoils removed during construction;
 - ii. The control of mud and earthen materials on nearby Roads and trails;
 - iii. The control of stormwater Runoff and drainage channels;
 - iv. The control of onsite sediments and treatment of Runoff flows;
- f. Description of how the compaction of soils will be minimized;
- g. Dust, noise, and light control measures;
- h. Identification of the vegetation, trees and shrubs that are to be retained on the site;
- i. The provision of protective fencing around trees, tree stands, shrubs, and vegetation that is to be retained on the site;
- j. Shutdown plans where construction activities are delayed for an extended period of time. Shutdown plans shall address ongoing Maintenance and inspection requirements to ensure site safety during the shutdown period; and
- k. Any other matter requested by the Development Authority.

9.8.4 A site plan identifying the location of control measures and or facilities may be required to accompany the Erosion and Sediment Control Plan.

9.9. FENCES AND WALLS

9.9.1 Notwithstanding any regulation respecting Yard Setback requirements in this Bylaw, a Fence may be constructed along the boundary line of a Lot.

9.9.2 Where a Fence is located on a Lot with variations in elevation, no portion of the Fence shall exceed the maximum height identified in 9.9.3(a)(ii) and as illustrated in Figure 4, below.

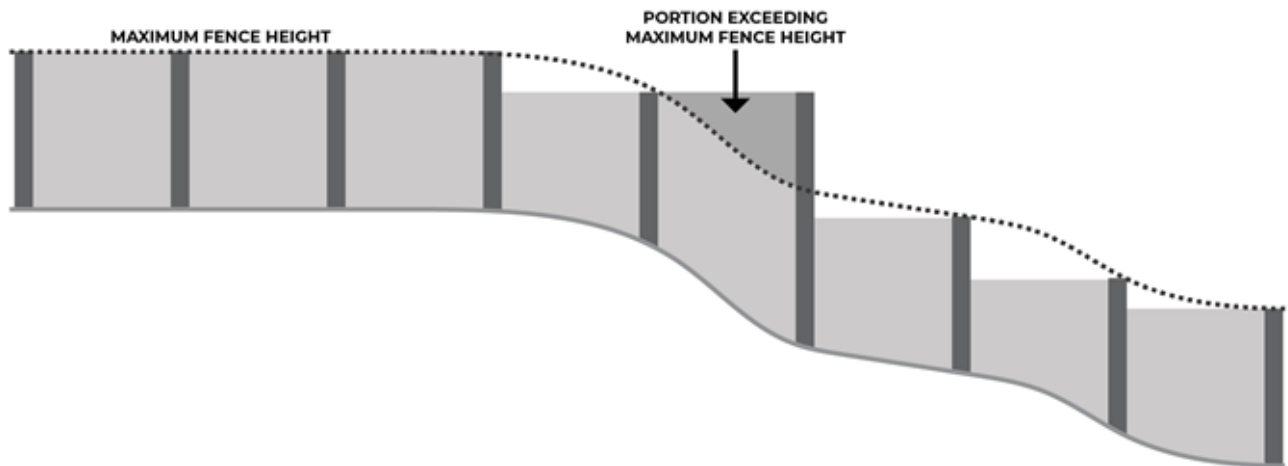


Figure 4: Maximum Fence Height

9.9.3 No Fence shall be constructed in any residential district, except as herein provided, as illustrated on Figure 5:

- a. No Fence, wall or other means of enclosure shall be constructed that is:
 - i. electrified or barbed wire Fences;
 - ii. higher than 2.0 m in height;
 - iii. located in Front Yard (see Yard, Front definition).

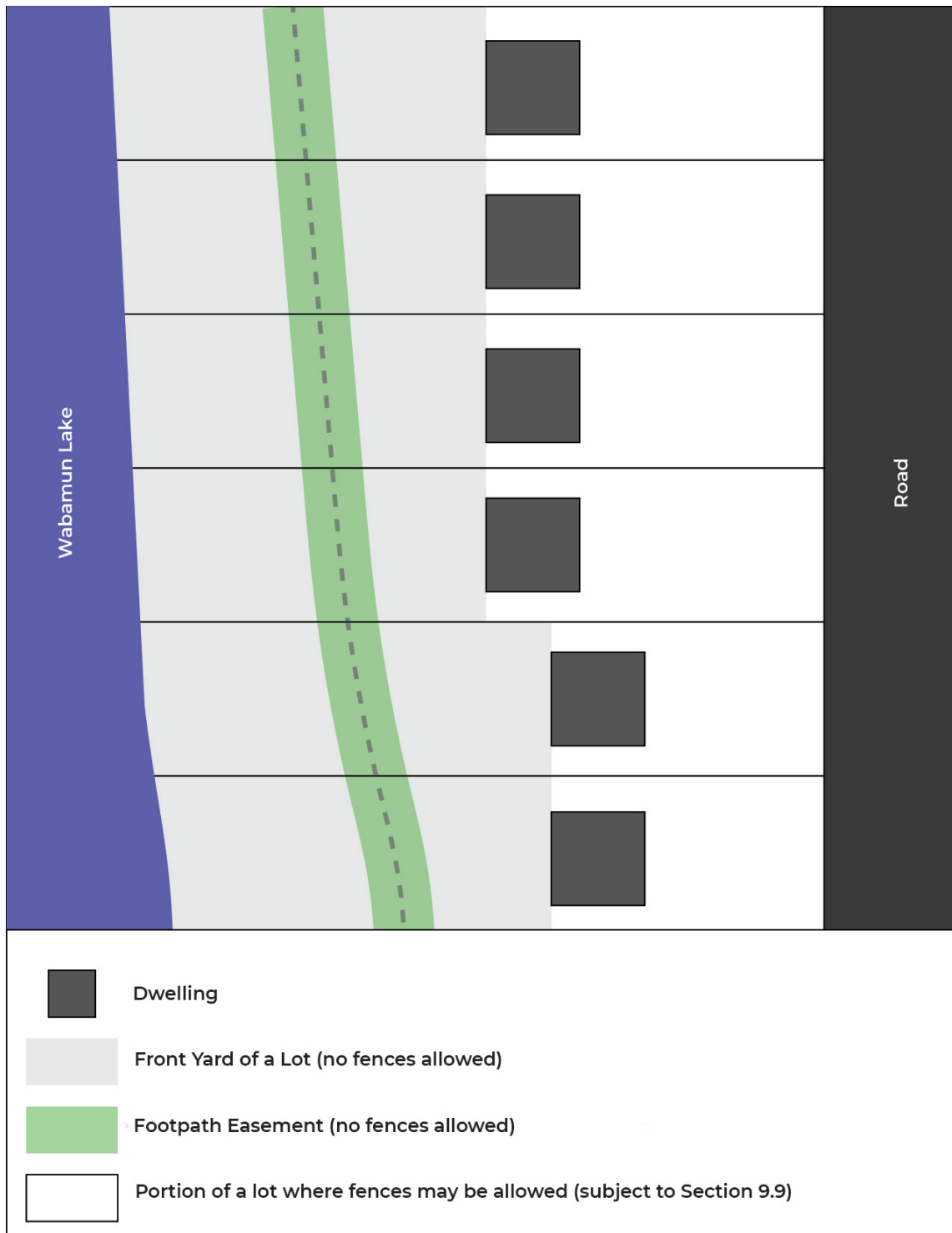


Figure 5: Portion of Lot where Fences may be allowed.

9.10. GRADING, STRIPPING AND SITE DRAINAGE

9.10.1 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:

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- i. alters drainage on the site;
- ii. increases Runoff onto Adjacent Lands; or
- iii. alters the quantity or quality of Runoff into a watercourse or water body.

9.10.2 Site Grading shall not be permitted to impede or interfere with the natural flow of surface water onto adjacent municipal lands or public ditches, or neighbouring properties.

9.10.3 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:
 - i. alters drainage on the site;
 - ii. increases Runoff onto Adjacent Lands; or
 - iii. alters the quantity or quality of Runoff into a watercourse or water body.

9.10.4 Where a Lot Grading and Drainage Plan is required, it shall be prepared by a qualified professional and shall:

- a. Identify pre-Development and proposed 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.

9.10.5 Grading, Excavation, stripping, Landscaping or Planting that encompasses the lands known as the Footpath Easement, as illustrated in Figure 6, under the definitions of this Bylaw, shall not be undertaken without:

- a. Written consent from the Municipality to conduct this Development; and
- b. Development Authority approval.

The Development Authority may apply conditions to the decision relating to the disturbance of the Footpath Easement in order to limit the impact the disturbance will have on the community's use of the Easement, which may include time restrictions on when the work can occur, Grading parameters, vegetation restoration, and any other measure the Municipality deems appropriate.

9.10.6 A private driveway across a boulevard or ditch

shall be constructed so as not to interfere with the natural flow or absorption of water, and if there is any flow of water in the Roadside ditch, a culvert will be installed to the specifications of the Municipality.

9.10.7 Any culvert that carries water from offsite must have a diameter satisfactory to the Development Authority and must be at least as large as the immediately upstream culvert.

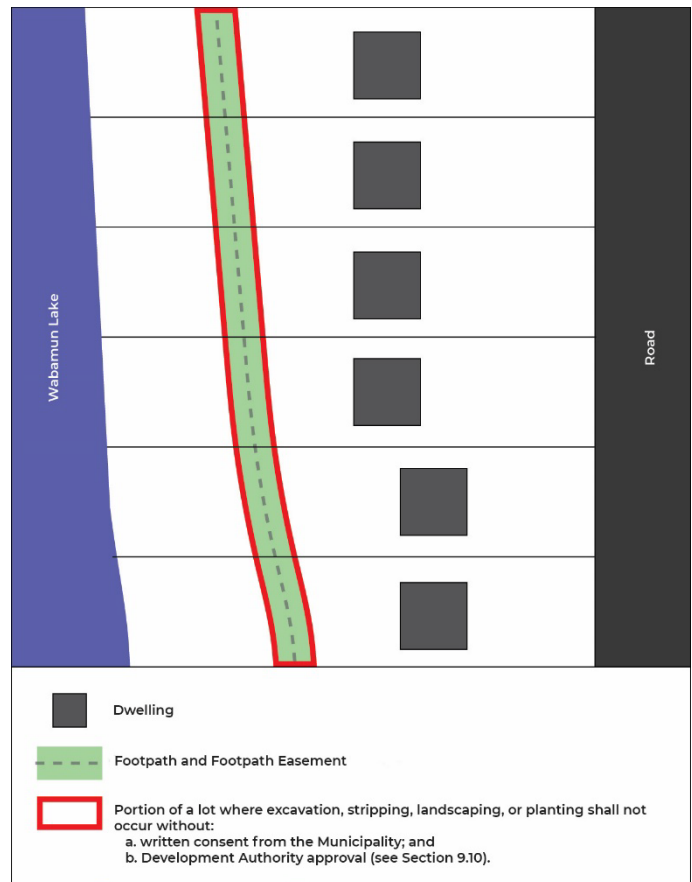


Figure 6: Excavation, Striping and Grading in the Footpath Easement Area

9.11. HOME OCCUPATIONS

9.11.1 Major Home Occupation shall not be allowed within the Summer Village.

9.11.2 A Minor Home Occupation shall comply with the following regulations:

- a. A Minor Home Occupation shall not change the principal character or external appearance of the Dwelling involved, nor use more than 20% or 35.0 m², whichever is less, of the Dwelling Unit for business usage. Except as noted in Section 9.22, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
- b. When a Development Permit is issued for a Minor Home Occupation, such permit shall be terminated should the Applicant vacate the property for which the permit has been issued.
- c. In addition to a Development Permit application, each application for a Minor Home Occupation shall be accompanied by a description of the business to be undertaken, an indication of the anticipated number of business visits per week, and details for the provision of Parking along with other pertinent details of the business operation.
- d. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent Dwellings.
- e. A Minor Home Occupation shall not employ any person on-site other than residents of the Dwelling.
- f. No Offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the Lot on which the Minor Home Occupation is located shall be produced by the Home Occupation.
- g. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the Minor Home Occupation allowed on the site. Storage related to the Minor Home Occupation shall be allowed only in either the Dwelling or Accessory Buildings.
- h. Business activities must be carried out entirely within the Dwelling.
- i. There shall be no exterior signage, display, or advertisement.
- j. The Minor Home Occupation shall not create any Nuisance by way of noise, dust, odour, or smoke, or anything of an Offensive or Objectionable nature.

9.11.3 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.

9.12. KEEPING OF ANIMALS AND LIVESTOCK

9.12.1 The keeping of domestic pets in accordance with this section shall not require a Development Permit.

9.12.2 No person shall keep or permit to be kept in any part of any Yard in any land use district any pets or domestic animals of any kind on a commercial basis, that is, for the purpose of breeding or caring in exchange for pay or other compensation or remuneration.

9.12.3 No animals other than domestic pets shall be allowed. Livestock, including cattle, horses, goats, sheep, chickens and fowl shall be strictly prohibited.

9.12.4 The total number of domestic pets per Lot shall not exceed five (5).

9.13. LANDSCAPING REQUIREMENTS

9.13.1 A Development Permit shall be required for all Landscaping 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.

9.13.2 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. General and Specific Regulations

9.13.3 Where a Landscaping Plan is required, it shall include the site plan requirements outlined in 5.5.1.b. 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 Plan;
- 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. Native vegetation (including trees and shrubs);
 - iii. Other vegetation (including trees and shrubs);
 - iv. Soft Landscaping Elements; and
 - v. Permeable surfaces.

9.13.4 The area of the Lot covered in vegetation (including lawn) shall be a minimum of 30% of the total Lot area. Of that minimum vegetation cover, 10% of the total Lot area shall be trees and shrub coverage. See the figure below for an illustration of the Lot Coverage and Landscaping site coverage requirements.

9.13.5 The maximum Parcel Coverage area (including buildings and non-permeable surfaces such as Hard-surfaced Patios or driveways) in the R1 Area is 40% of the Parcel. Figure 7, below, illustrates the site coverage requirements for Parcel in the Residential District (R1).

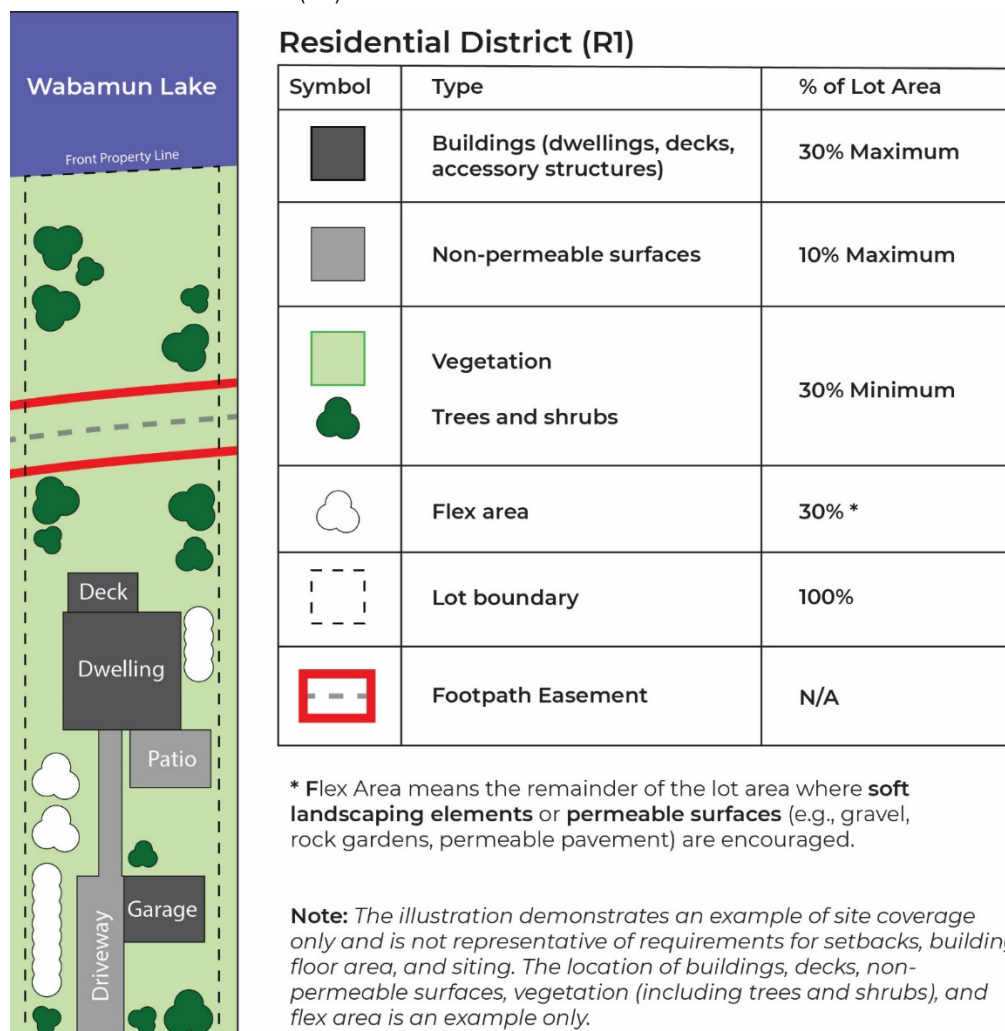


Figure 7: Site Coverage Requirements in the Residential District (R1)

9.13.6 The maximum Parcel Coverage area (including buildings and non-permeable surfaces such as Hard-surfaced Patios or driveways) in the R2 Area is 50% of the Parcel. Figure 8, below, illustrates the site coverage requirements for Parcels in the Residential District (R2).

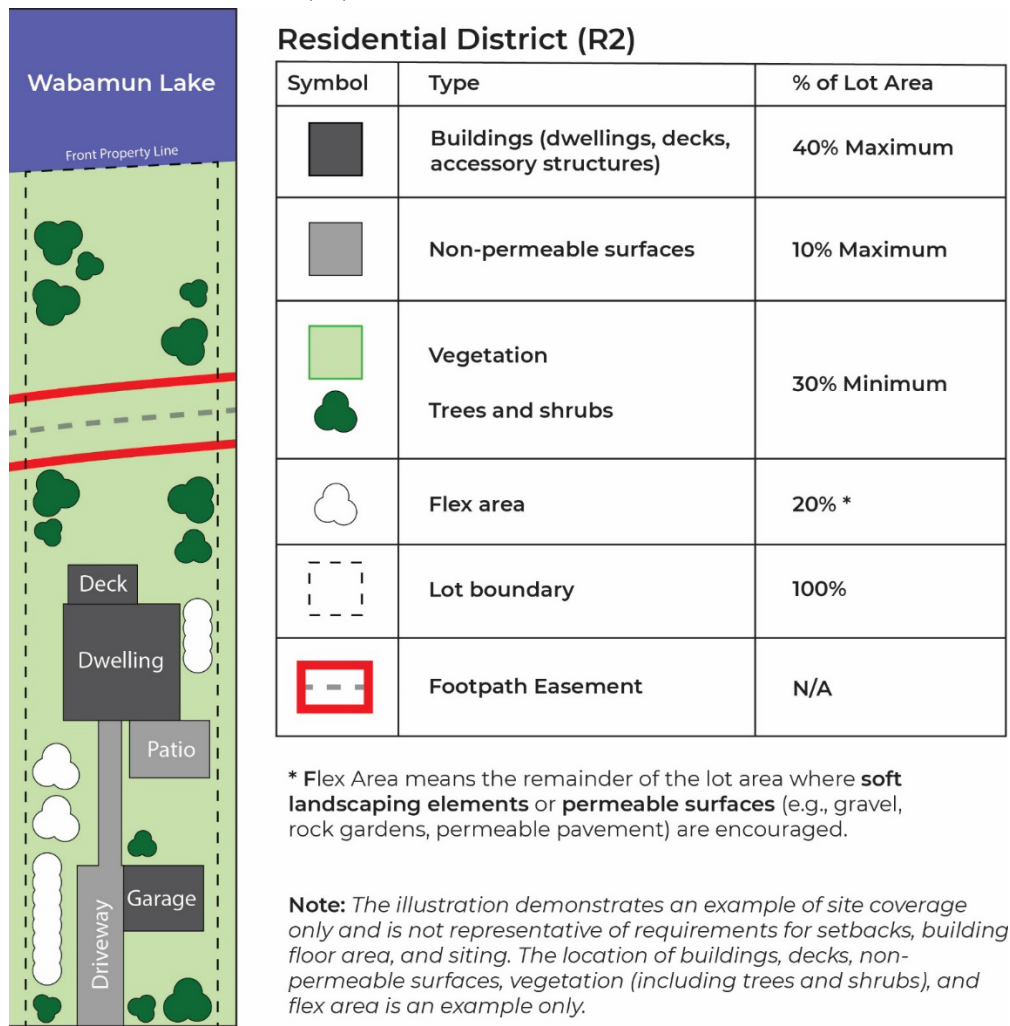


Figure 8: Site Coverage Requirements in the Residential District (R2)

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

9.13.8 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; and
 - v. incorporate deciduous native plant species and wildflowers into Landscaping Plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.

9. General and Specific Regulations

- 9.13.9** As a condition of the Development Permit, all required Landscaping and Planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of Occupancy or commencement of operation of the proposed Development.
- 9.13.10** As a condition of the Development Permit, the Development Authority may require that the Developer provide a financial guarantee, in a form acceptable to the Summer Village of Kapasiwin, up to the value of the estimated cost of the proposed Landscaping/Planting to ensure that such Landscaping/Planting is carried out with reasonable diligence.
- 9.13.11** In-ground irrigation systems and sump-pump discharge outlets shall not be located within the Footpath Easement Area, as shown on Map 1 Land Use District Map, or below the 725.42 m above sea level line as shown on Map 2 Development Setback from Front Property Line, on Lots not affected by the Footpath Easement Area.
- 9.13.12** Sump-pump outlets shall be located such that the water discharges and drains toward the Roadway ditch. Where site topography and Building location prevents discharge to the Roadway, outlets shall be located such that they discharge into Low Impact Development facilities, such as rain gardens or bio-swales to control the flow rate and minimize slope instability and/or erosion.
- 9.14. MOVED-IN BUILDINGS**
- 9.14.1** No person shall:
- Place on a Parcel a Building which has previously been erected or placed on a different Parcel, unless the Development Authority approves the placement; or
 - Alter the location on a Parcel of a Building which has already been constructed on that Parcel, unless the Development Authority approves the alteration.
- 9.14.2** Notwithstanding any other provision of this Bylaw, no Mobile Homes may be moved into the corporate boundaries of the Summer Village of Kapasiwin.
- 9.14.3** In addition to the requirements of Section 5.5, an applicant for a Development Permit to relocate a Building may be required to provide:
- Colour photograph(s) of the building;
 - A statement of the present location of the building;
 - A notification of the relocation route, date, and time that the relocation is to take place; and
 - A complete site plan showing all buildings located or to be located on the Lot.
- 9.14.4** The Development Authority may require, when a Development Permit application is received to relocate a building, a notice in writing be forwarded to all Adjacent Landowners in the receiving neighbourhood.
- 9.14.5** 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.
- 9.14.6** 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.
- 9.14.7** An approval shall not be granted under Subsection 9.14.1 unless the Development Authority is satisfied that:
- The placement or location of the Building would meet the requirements of this Bylaw; and
 - 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 standards of the Alberta Government.
- 9.14.8** The Development Authority may, at their discretion, inspect the Building or cause the Building to be inspected by a person they appoint, and shall determine the suitability of the Building for the proposed Use.
- 9.14.9** The Development Authority may, at their discretion, require that any modification, Renovations or improvements required to the design, construction, sighting, finishing or cladding of the relocated Building shall comply with this Bylaw and the Alberta Building Code and shall be listed as conditions of the Development Permit.
- 9.14.10** If the work required under 9.14.9 is to be done after the Building is moved to the new site, the Development Authority may require that a performance bond be posted, equal to the estimated cost of the necessary work as a condition of a Development Permit approval. The bond shall be released when the work is satisfactorily completed to the satisfaction of the Development Authority, but shall otherwise be forfeited.

9. General and Specific Regulations

9.14.11 Any Renovations and any conditions imposed by the Development Authority to a relocated Building shall be completed within one (1) year of the issuance of the Development Permit. Non-compliance shall result in the forfeiture of the performance bond.

9.14.12 Any travel or other costs incurred by the Development Authority in processing a Development Permit for a moved-in Building may be added to the fee for the Development Permit.

9.15. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

9.15.1 All matters related to unsightly property, improper storage of vehicles, Parking of commercial vehicles over 5,500 kg shall not be permitted.

9.15.2 Subject to Section 9.20.1 no person shall keep or permit in any part of a Yard in a residential land use district:

- a. Any unregistered, dismantled and/or wrecked vehicle for more than fourteen (14) successive days;
- b. Any object or Chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the Use and enjoyment of adjacent or surrounding properties;
- c. Any Excavations, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken to the satisfaction of the Development Authority. The Owner of such materials or Excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
- d. Construction or Demolition materials not being used specifically for the permitted construction or repairs of the buildings on the property;
- e. Any portable or permanent gas or fuel tanks larger than 100 litres; and/or
- f. Any other inappropriate items that are unsightly or tend to adversely affect the amenities of the district or duly interfere with the neighbours unless specifically named and authorized in a Development Permit.

9.15.3 Notwithstanding 9.15.2(e) above, the placement of propane storage tanks larger than 100 litres on a Lot for the sole purpose of heating or servicing a Dwelling or Accessory Building may be allowed within a Lot at the discretion of the Development Authority.

9.15.4 In all land use districts, garbage shall be stored in weather and animal proof containers screened from adjacent Parcels and public thoroughfares to the satisfaction of the Development Authority.

9.15.5 Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

9.15.6 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 site, on public property, or on any other site, by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.

9.15.7 The Development Authority is authorized to follow Sections 545 and 546 of the Act in dealing with dangerous or unsightly property.

9.16. POOLS AND HOT TUBS

9.16.1 The Development of a pool or hot tub in the Summer Village shall require a Development Permit.

9.16.2 A pool or hot tub shall only be located on a Lot with an Existing Dwelling with an approved Development Permit.

9.16.3 A hot tub may be allowed in any Yard on a Lot.

9.16.4 Notwithstanding, 9.16.3, a hot tub shall not be developed:

- a. On Lots that are affected by the Footpath Easement:
 - i. West of the Footpath Easement;
 - ii. Within the Footpath Easement; or
 - iii. Within 4.0 m of the east boundary of the Footpath Easement;
- b. On Lots that are not affected by the Footpath Easement;
 - i. Below the 725.42 m above sea level line; or
 - ii. Within 6.0 m of the eastern boundary of the 725.42 m above sea level line.

9.16.5 Pools shall only be developed within the Rear Yard of a Lot.

9. General and Specific Regulations

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

9.17. PROJECTIONS OVER YARDS

9.17.1 Projections on Foundation walls and footings or on piles are deemed to be part of the Building and shall not be considered as a projection over a Yard.

9.17.2 Projections over Yards for Accessory Buildings and Garages shall be in accordance with section 9.1 of this Bylaw.

9.17.3 Dwelling and Dwelling Unit eaves shall be considered part of the Building and may project over a Yard provided the projection is no closer than 1.2 m to a property boundary adjoining a privately owned Lot.

9.18. RECREATIONAL VEHICLES

9.18.1 A Development Permit is required for the installation of a Recreational Vehicle Parking Stall where a Recreational Vehicle is to be kept on a property on a permanent or quasi-permanent basis.

9.18.2 The total maximum number of Recreational Vehicles that shall be allowed on a Lot shall be as provided for in Section 9.3 - Accessory Dwelling Units.

9.18.3 Recreational Vehicles be they, holiday trailers, motor homes, or campers, either occupied or unoccupied for storage purposes, shall be situated such that:

- a. They conform to the minimum Side Yard Setbacks for a Principal Building in the applicable district, and
- b. They are located in the rear portion of the Yard.

9.18.4 At no time may a person store any derelict Recreational Vehicle on a property. Dereliction may be assessed by inoperability, immobility, excessive rust, decay or damage, fluid leaks, abandonment, lack of registration, or any or all of these.

9.18.5 Recreational Vehicles situated on a Lot on a permanent or quasi-permanent basis are encouraged to be located on a constructed pad.

9.18.6 A Recreational Vehicle shall not be Used as the primary or sole Dwelling on a Lot.

9.18.7 Recreational Vehicles (and vehicles used for the towing of the Recreational Vehicle) must be located entirely within the boundaries of the Lot.

9.18.8 Recreational Vehicles shall not be powered by generators. Electrical Use shall be limited to direct connection to Lot power facilities or solar power generation systems.

9.19. RETAINING WALLS

9.19.1 Retaining Walls shall:

- a. Respect overland drainage patterns established for the Lot at the time the Lot was created;
- b. Maintain positive overland drainage on all portion of the site;
- c. Not divert overland drainage onto adjacent properties;
- d. Not be located within a right-of-way or Easement intended for overland drainage that the Summer Village is party to (this provision does not include the Footpath Easement);
- e. Be constructed of (or finished with) materials that compliment those on the Principal Building(s); and
- f. Meet the Setback requirements for the Principal Building on the Lot, if greater than 1.2 m in height.

9.19.2 If a Retaining Wall will not conform to the above, a Development Permit must be obtained before construction. No Development Permit will be approved for a Retaining Wall located within the Footpath Easement.

9.20. SEA CANS

9.20.1 The placement of a Sea Can on a Lot shall require a Development Permit.

9.20.2 As a condition of granting a Development Permit for a Sea Can, the Development Authority may require the Sea Can to conform aesthetically to buildings upon adjacent properties and those within the District. This may include, but is not limited to, Buffering it from public view, adding cladding, and/or enclosing it entirely within a building.

9.20.3 A maximum of one (1) Sea Can will be permitted on a residential Lot.

9.21. SIGNS

- 9.21.1** No signs advertising any type of business whatsoever shall be permitted anywhere within the Summer Village of Kapasiwin. Specifically, no signs other than gate number signs, property Owner name signs, property listing signs, directional or informational signs, or municipal, provincial or federal election signs shall be permitted.
- 9.21.2** Signs shall comply with the Setback requirements for Principal Buildings in the district in which the sign is located unless otherwise allowed by this Bylaw or the Development Authority.
- 9.21.3** 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.
- 9.21.4** No sign shall project more than 1.5 m out from the face of any Building to which it is affixed unless, in the opinion of the Development Authority it has been designed as an integral part of the building.
- 9.21.5** The Development Authority may refuse to allow any sign which is deemed to be Offensive in nature or inappropriate in design.
- 9.21.6** The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.
- 9.21.7** The Development Authority may require the removal of any sign which, in their opinion is or has become unsightly or is in such state of disrepair as to constitute a hazard.
- 9.21.8** All signs other than the following require a Development Permit:
- One sign, of not more than 1.0 m² advertising for sale the property on which it stands;
 - One name plate, not exceeding 1.0 m² giving the name of the Owner, and/or the name of the property, and/or the municipal address, and/or other pertinent information; and
 - Signs protected by section 2(b) of the *Constitution Act* (Canada).
- 9.21.9** A sign which is a hazard to persons or traffic, or which applies to a past event, shall be removed immediately.
- 9.21.10** Signs shall not be placed within a ditch or Road right-of-way.

9.22. SITE CONDITIONS

- 9.22.1** Development shall not be permitted on unstable slopes, land characterized by soil instability or land exhibiting evidence of poor drainage unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise.
- 9.22.2** Development shall be discouraged within 6.0 m from the toe and crest of any 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.
- 9.22.3** Development and redevelopment shall be consistent with the requirements of the Alberta Wetland Policy. In order to ensure consistency with this policy a proponent may be required at the time of Development, permit application to provide the Summer Village with a Wetland Assessment, prepared by a Certified Wetland Professional, which delineates and classifies all wetlands within the proposed Development area. Development that would cause the permanent destruction of permanent wetlands will be discouraged and will not be permitted without the consent of Alberta Environment and Parks.

9.23. SITE DESIGN – DEVELOPMENT BELOW THE 725.42M ABOVE SEA LEVEL MARK

- 9.23.1** The below 725.42 metre-above-sea-level mark is identified on Map 2 – Development Setback from Front Property Line. No new Developments shall be permitted where the Foundation of the structure would be set below the 725.42 metre-above-sea-level mark. This restriction includes Single Detached Dwellings, Boat Houses, Garage Suites, Guest House Suites, and all other Accessory Buildings. **See Map 2 and the Figure 9 below.**
- 9.23.2** Notwithstanding 9.23.1, Development on Parcels in the R2 Residential (Shallow Lot) District with greater than 50% of the Lot located below the 725.42 metre-above-sea-level mark shall be at the discretion of the Development Officer who shall require that the proposed Development be designed to incorporate appropriate geotechnical and flood proofing measures to the satisfaction of the Summer Village Engineer.

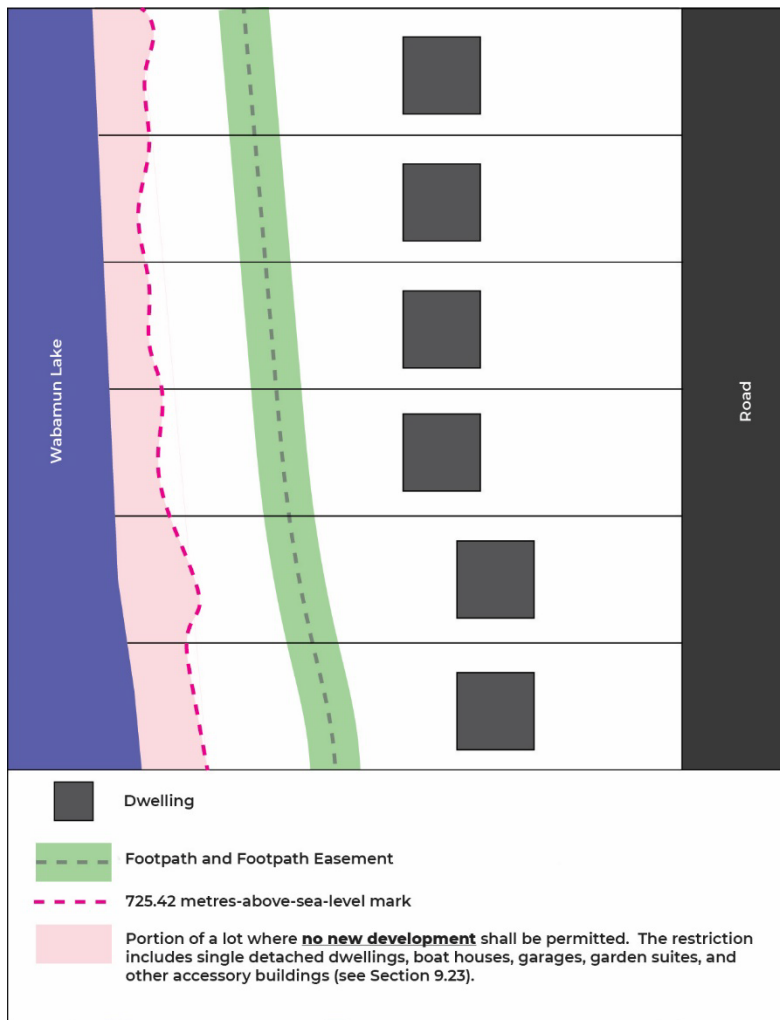


Figure 9: Site Development Below the 725.42 m Above-Sea-Level Mark

9.24. SOLAR ENERGY COLLECTION SYSTEMS

9.24.1 A Development Permit is required for roof, wall, or ground mounted solar energy collection systems.

9.24.2 Ground mounted solar collectors shall be located in a side or Rear Yard only.

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

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

9.25. TOURIST HOMES

9.25.1 The Development of Tourist Homes shall be prohibited in all land use districts within the Summer Village.

9.26. TREE REMOVAL

9.26.1 Tree removal that will result in less than 10% of the total Lot area being covered by tree Canopy shall require a Development Permit.

9.26.2 Where mature trees are removed from a Lot, and their removal results in less than 10% of the total area of the Lot being covered by tree Canopy, they shall be replaced with new trees on the following basis as illustrated in Figure 10:

- a. Where an Existing deciduous tree has a caliper between 100.0 mm and 200.0 mm, one (1) new tree shall be required;
- b. Where an Existing deciduous tree has a caliper greater than or equal to 200.0 mm, two (2) new trees shall be required;
- c. Where an Existing coniferous tree has a height between 4.0 m and 7.0 m, one (1) new tree shall be required;
- d. Where an Existing coniferous tree has a height greater than or equal to 7.0 m, two (2) new trees shall be required; and
- e. An estimate of the average tree Canopy at maturity for the tree species selected should be used to determine Lot Coverage percentages on a required Landscaping Plan.

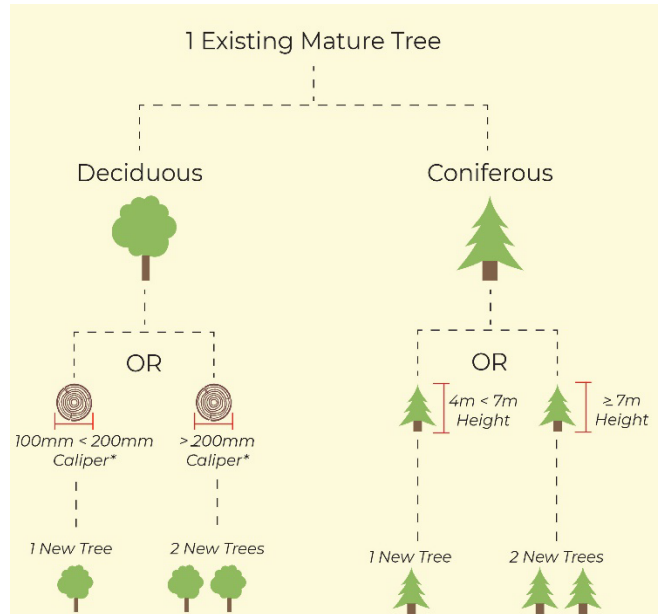


Figure 10. Tree Replacement Examples

9.26.3 Further to the previous subsection, the tree caliper shall be measured at 1.5 m above ground level.

9.26.4 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 to be cleared;
- c. A site plan with dimensions showing the area to be cleared and any significant natural features on and adjacent to the area to be cleared;
- d. A proposed schedule for tree removal and hauling;
- e. The proposed access and haul routes for removing timber;
- f. Arborist Report; and/or
- g. Proposed Landscaping Plan, if applicable.

9.27. WASTEWATER DISPOSAL

9.27.1 No treated or un-treated sewage including grey water, may be directly pumped out or discharged on the surface of any grounds, on any Lot or on any part of the Municipality.

9.27.2 No Development Permit shall be issued for any Building until the Development Authority is satisfied that there are satisfactory arrangements for the lawful disposal of sewage.

9.27.3 No new pit toilets, septic fields, mounds or surface discharge systems shall be allowed. All new Private Sewage disposal Systems shall be below ground holding tanks, which conform to current Provincial Private Sewage Regulation requirements.

10. Land Use Districts

10.1. ESTABLISHMENT OF LAND USE DISTRICTS

10.1.1 For the purpose of this Bylaw, the Summer Village of Kapasiwin is divided into the following land use districts:

LAND USE DISTRICT DESIGNATION	SHORT FORM	MAP COLOUR
RESIDENTIAL DISTRICT	R1	Orange
RESIDENTIAL (SHALLOW LOT) DISTRICT	R2	Yellow
NATURAL ENVIRONMENT RECREATIONAL DISTRICT	NER	Green

10.1.2 The boundaries of the districts listed in 10.1.1 are as delineated on the Land Use District Map, Part 14 of this Bylaw.

10.1.3 Section 9 – General and Specific Regulations applies to land Use and Development within all land use districts in the Summer Village.

10.2. BOUNDARIES

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

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

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

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

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

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

11. Residential District (R1)

11.1. PURPOSE

11.1.1 This district is generally intended to accommodate Single Detached Dwellings and Modular Homes, and associated Uses on small Lots.

11.2. PERMITTED USES

- Buildings and Uses accessory to Permitted Uses
- Dwelling, Single Detached
- Dwelling, Modular
- Garage (first on a Lot)
- Home Occupation, Minor
- Public Parks
- Public and quasi-public buildings and Uses

11.3. DISCRETIONARY USES

- Accessory Dwelling Units
- Boat House
- Buildings and Uses Accessory to Discretionary Uses
- Garage (second on a Lot)
- Moved-in buildings
- Public utilities required to serve the immediate area
- Sea Cans
- Solar energy collection systems
- Tented structures
- Wind energy conversion systems, micro
- Other Uses that, in the opinion of the Development Authority, are similar to the permitted and Discretionary Uses

11.4. MAXIMUM PARCEL COVERAGE

11.4.1 Coverage of all buildings on a Parcel shall not exceed 30% of the total Parcel Area.

11.5. MINIMUM PARCEL WIDTH AND AREA

11.5.1 All new Parcels to be created shall have a minimum width of 15.0 m.

11.5.2 All new Parcels to be created shall have a minimum Parcel Area not less than 1115.4 m².

11.6. MAXIMUM BUILDING HEIGHT

11.6.1 The maximum Building Height of any Principal Building on a Parcel shall be 9.0 m subject to the provisions of this Bylaw.

11.6.2 The maximum height of Accessory Buildings, including Accessory Dwellings Units shall be as provided for in Sections 9.1, 9.2 and 9.3 of this Bylaw.

11.7. YARDS AND SETBACKS

11.7.1 All buildings must be set back the following distances from Property Lines.

FRONT PROPERTY LINE:	Principal Building on Lots subject to the Footpath Easement	8.0 m from the easterly limit of the Footpath Easement
	Principal Building on all other Lots	8.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw
REAR PROPERTY LINE:	Principal Building	6.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw
SIDE PROPERTY LINE:	Principal Building	2.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw

11.7.2 Yard and Setback requirements apply to Decks, but not to steps or Patios.

11.7.3 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the Building footings will not intrude more than 0.5 m into the Side Yards required by Section 11.7.1.

11.7.4 The heat exchange unit and exhaust fan of a built-in air conditioner must meet the Setbacks required for buildings.

11.8. ACCESSORY BUILDINGS

11.8.1 All Accessory Buildings may only be built on the rear portion of the Lot (Rear Yard) except structures such as a Boat House, hot tub, pergola, or pump house in accordance with the Setbacks and height restrictions outlined above and in Section 9.1.

11.9. ONSITE WASTEWATER DISPOSAL

11.9.1 No Development Permit shall be issued for any Building until the Development Authority is satisfied that there are satisfactory arrangements for the lawful disposal of sewage.

11.9.2 No new pit toilets, septic fields, mounds or surface discharge systems shall be allowed. All new Private Sewage Disposal Systems shall be below ground holding tanks, which conform to current Provincial Private Sewage Regulation requirements.

11.10. SITE COVERAGE AND LANDSCAPING

11.10.1 Site coverage and Landscaping shall be as required in Section 9.13 – Landscaping Requirements.

11.11. ADDITIONAL REGULATIONS

11.11.1 All applications for subdivision and Development within areas identified as containing Historic Resources must provide a Historic Resources Impact Assessment (HRIA) and letter of clearance from the Government of Alberta. Where an HRIA has been waived by the department, a letter of clearance indicating that the HRIA is not required must be provided.

12. Residential (Shallow Lot) District (R2)

12.1. PURPOSE

12.1.1 This district is generally intended to accommodate Single Detached Dwellings and Modular Homes, and associated Uses on smaller Lots with particularly shallow Parcel depth, as measured between front and Rear Property Lines.

12.2. PERMITTED USES

- Buildings and Uses accessory to Permitted Uses
- Dwellings, Single Detached
- Dwellings, Modular
- Garage (first on a Lot)
- Home Occupations, Minor
- Public Parks
- Public and quasi-public buildings and Uses

12.3. DISCRETIONARY USES

- Accessory Dwelling Units
- Boat Houses
- Buildings and Uses Accessory to Discretionary Uses
- Garage (second on a Lot)
- Moved-in buildings
- Public utilities required to serve the immediate area
- Sea Cans
- Solar energy collection systems
- Tented structures
- Wind energy conversion systems, micro
- Other Uses that, in the opinion of the Development Authority, are similar to the permitted and Discretionary Uses

12.4. PARCEL COVERAGE

12.4.1 Coverage of all buildings on a Parcel shall not exceed 40% of the total Parcel Area.

12.5. PARCEL WIDTH AND AREA

12.5.1 All new Parcels to be created shall have a minimum width of 15.0 m.

12.5.2 All new Parcels to be created shall have a minimum area not less than 557.4 m².

12.6. BUILDING HEIGHT

12.6.1 The maximum Building Height of any Principal Building on a Parcel shall be 9.0 m, subject to the provisions of this Bylaw.

12.6.2 The maximum height of Accessory Buildings, including accessory Dwellings units shall be as provided for in Sections 9.1 Accessory Buildings (Including Garages) and 9.3 Accessory Dwelling Units of this Bylaw.

12.7. YARDS AND SETBACKS

12.7.1 All buildings must be set back the following distances from Property Lines.

FRONT PROPERTY LINE:	Principal Building on Lots subject to the Footpath Easement	8.0 m from the easterly limit of the Footpath Easement
	Principal Building on all other Lots	8.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw
REAR PROPERTY LINE:	Principal Building	6.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw
SIDE PROPERTY LINE:	Principal Building	2.0 m
	Accessory Buildings	As per Section 9.1 of this Bylaw

12.7.2 Yard and Setback requirements apply to Decks, but not to steps or Patios.

12.7.3 Cantilevered extensions, bay windows, chimneys, eaves, and other features extending outside the Building footings will not intrude more than 0.5 m into the Side Yards required by Section 12.7.1.

12.7.4 The heat exchange unit and exhaust fan of a built-in air conditioner must meet the Setbacks required for buildings.

12.8. ACCESSORY BUILDINGS

12.8.1 All Accessory Buildings may only be built on the rear portion of the Lot except structures such as a Boat House, hot tub, pergola, or pump house in accordance with the Setbacks and height restrictions outlined above and in Section 9.1.

12.9. ONSITE WASTEWATER DISPOSAL

12.9.1 No Development Permit shall be issued for any Building until the Development Authority is satisfied that there are satisfactory arrangements for the lawful disposal of sewage.

12.9.2 No new pit toilets, septic fields, mounds or surface discharge systems shall be allowed. All new Private Sewage disposal Systems shall be below ground holding tanks, which conform to current Provincial Private Sewage Regulation requirements.

12.10. SITE COVERAGE AND LANDSCAPING

12.10.1 Site coverage and Landscaping shall be as required in Section 9.13 – Landscaping Requirements.

12.11. SUBSTANDARD PARCELS

12.11.1 Notwithstanding any other provision in this bylaw, the Setback requirements for Parcels in the R2 Residential (Shallow Lot) District with less than 464.5 m² of Developable Area shall be at the sole discretion of the Development Officer.

12.11.2 Notwithstanding any other provision in this bylaw, all Development regulations affecting Parcels in the R2 Residential (Shallow Lot) District with greater than 50% of the Lot located below the 725.42 m above sea level elevation shall be at the discretion of the Development Officer who shall require that the proposed Development be designed to incorporate appropriate geotechnical and flood proofing measures to the satisfaction of the Summer Village Engineer.

12.12. ADDITIONAL REGULATIONS

12.12.1 Development shall not be allowed within wetlands. Where a Development is proposed on a Parcel that has been identified as containing or potentially containing a wetland, the proponent will be required to submit a wetland assessment with their Development application which identifies the Building Pocket on the site outside of the delineated wetland area.

12.12.2 All applications for subdivision and Development within areas identified as containing Historic Resources must provide a Historic Resources Impact Assessment (HRIA) and letter of clearance from the Government of Alberta. Where an HRIA has been waived by the department, a letter of clearance indicating that the HRIA is not required must be provided.

13. Natural Environment Recreational District (NER)

13.1. PURPOSE

13.1.1 This District is generally intended to establish an area for the preservation of natural habitats and environmentally sensitive lands. Development is to be severely restricted on lands in this District.

13.2. PERMITTED USES

- Buildings and Uses accessory to a Permitted Use
- Natural Open Space Areas
- Public and quasi-public buildings and Uses
- Public Parks
- Public Utilities
- Recreational Facilities

13.3. DISCRETIONARY USES

- Buildings and Uses accessory to a Discretionary Use
- Institutional Uses
- Shoreline stabilization
- Other Uses that, in the opinion of the Development Authority, are similar to the permitted and Discretionary Uses

13.4. DEVELOPMENT REGULATIONS

13.4.1 All subdivision and Development 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 Abutting other Districts.

13.4.2 Crown Land, Public Lands and all lands designated under the Act as Environmental Reserve or shall be Districted under this Section.

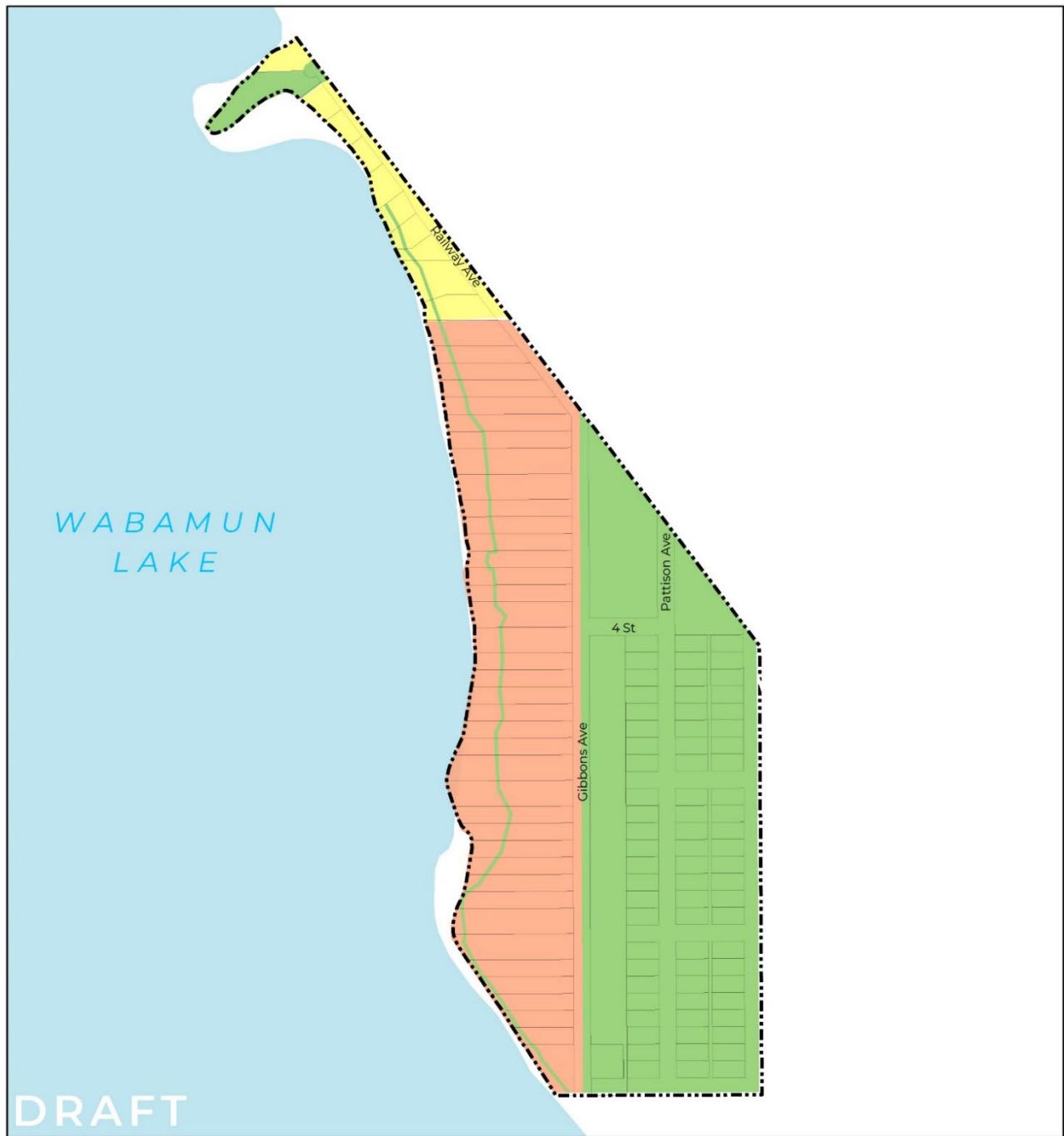
13.4.3 Development shall not be allowed within wetlands. Where a Development is proposed on a Parcel that has been identified as containing or potentially containing a wetland, the proponent will be required to submit a wetland assessment with their Development application which identifies the Building Pocket on the site outside of the delineated wetland area.

13.4.4 All applications for subdivision and Development within areas identified as containing Historic Resources must provide a Historic Resources Impact Assessment (HRIA) and letter of clearance from the Government of Alberta. Where a HRIA has been waived by the department, a letter of clearance indicating that the HRIA is not required must be provided.

13.4.5 The Development of trails or walkways in natural areas may include interpretive or directional signage.

13.4.6 Notwithstanding Sections 9.13 – Landscaping neither Landscaping (whether new or restorative) nor Parking regulations shall apply to lands within in this District. All Landscaping and Parking requirements shall be at the discretion of the Development Authority.

Map 1 - Land Use District Map



Summer Village Boundary	R2 - Residential (Shallow Lot) District	June 2023
R1 - Residential District	NER - Natural Environment Reserve District	
		0 37.5 75 150 M

MAP 1
LAND USE DISTRICT MAP

SV of KAPASIWIN
LAND USE BYLAW

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



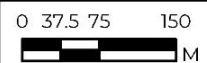
Map 2 - Development Setback From Front Property Line



 Summer Village Boundary
 725.42 m above sea level

No development shall be located west of the 725.42 m above sea level line, as per 9.23.1.

June 2023



MAP 2
DEVELOPMENT SETBACK FROM FRONT PROPERTY LINE

SV of KAPASIWIN
LAND USE BYLAW

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

