LAND USE BYLAW

Summer Village of Seba Beach
Bylaw 05-2025 | June 2025

LIST OF AMENDMENTS

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

BYLAW	THIRD READING DATE	DESCRIPTION

GUIDE TO USING THE LAND USE BYLAW

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

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

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

LOCATE

1

Locate your property on the Land Use District map. This map divides the Summer Village into various Land Use Districts. Each Land Use District has a designation such as "R1A" for RESIDENTIAL or "C1" for COMMERCIAL.

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

CHECK

2

Check the table of contents and locate the section that applies to your Land Use District. Each Land Use District is listed in Section 11 – Land Use Districts. In each Land Use District, you will find a list of permitted and discretionary uses, subdivision regulations, and regulations for development. These districts identify what can be developed in any given Land Use District. The definitions provided in Section 3.2 – Definitions should also be consulted to ensure that terms and use classes used in the Land Use Bylaw are understood.

REVIEW

3

Review the table of contents to see if there are any general regulations that apply to your proposed development or subdivision. For example, Section 8 describes the enforcement procedure, Section 9.1 contains general regulations about accessory buildings, and Section 10.2 contains general regulations about Home Occupations.

DISCUSS

4

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

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

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1. ADMINISTRATION

1.1 TITLE

1.1.1 This Bylaw may be cited as the Summer Village of Seba Beach Land Use Bylaw.

1.2 COMMENCEMENT

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

1.3 REPEAL

1.3.1 The former Summer Village of Seba Beach Land Use Bylaw (as amended), Bylaw 02-2008, is repealed and shall cease to have effect on the day that this Land Use Bylaw is given third reading by Council.

1.4 PURPOSE

1.4.1 The purpose of this bylaw is to regulate and control the use and development of land and buildings within the Summer Village and to achieve the orderly and economic development of land, and:

a. To divide the municipality into land use districts;
b. To prescribe and regulate for each land use district the purposes for which land and buildings may be used unless the district is designated as a Direct Control District pursuant to section 641 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended (the Act);
c. To establish supplementary regulations governing general and specific land uses;
d. To establish a method of making and issuing decisions on development permit applications;
e. To provide the manner in which notice of the issuance of a development permit is to be given;
f. To establish a system of appeals for decisions of the Subdivision Authority and the Development Authority;
g. To establish the number of dwelling units permitted on a parcel of land;
h. To protect the shoreline and water quality of Wabamun Lake; and
i. To implement and follow:
   (a) adopted statutory plans;
   (b) the Act, as amended (and regulations thereto); and
   (c) the Provincial Land Use Polices (or, where applicable, a regional plan adopted under the Alberta Land Stewardship Act, S.A. 2009, c. A-26.8, as amended).

1.5 AREA OF APPLICATION

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

1.6 CONFORMITY

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

1.7 COMPLIANCE

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

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

1.7.2 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.

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

1.8 SEVERABILITY

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

1.8.2 If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

1.9 FEES AND FORMS

1.9.1 All fees identified in this Land Use Bylaw shall be as established in the Summer Village's Fees and Charges Bylaw.

1.9.2 All forms for the application of this Land Use Bylaw shall be developed by Administration and adopted by Council.

2. AUTHORITIES

2.1 COUNCIL

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

2.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control Districts, as stated in the Act.

2.2 DEVELOPMENT AUTHORITY

2.2.1 The office of the Development Authority is established in Summer Village of Seba Beach Bylaw 5-2020.

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

2.2.3 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.

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

2.3 DEVELOPMENT OFFICER

2.3.1 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:
   (a) A copy of this bylaw; and
   (b) A register of all applications for development, including the decisions thereon and the reasons, therefore. This information will be released to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act; and

c. Receive, consider, and decide on applications for a development permit in accordance with the provision of the bylaw and the Act; and

d. Exercise development powers and perform duties on behalf of the Summer Village in accordance with this Bylaw and the Act; and

e. 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.

2.4 SUBDIVISION AUTHORITY

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

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

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

2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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

3. INTERPRETATION

3.1 MEASUREMENTS

3.1.1 Whenever dimensions are present or calculations are required the metric measurement shall take precedence for the purposes of interpretation of this Land Use Bylaw.

3.1.2 The imperial equivalents provided in parenthesis after each reference to metric units of measurements are approximate and intended for information only.

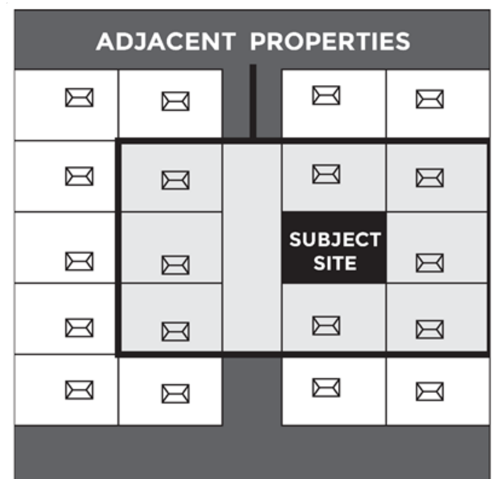
3.2 DEFINITIONS

3.2.1 **ABUT" or "ABUTTING"** - means immediately contiguous or physically touching, and, when used with respect to a parcel or site, means that the parcel or site physically touches upon another parcel or site, and shares a property line or boundary line with it;

3.2.2 **"ACCESSORY BUILDING OR USE"** - means a use, building, or structure which is separate and subordinate to the principal residential use of the principal building located on the parcel, but does not include a residence;

3.2.3 **"ACT"** - means THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, as amended, and the regulations pursuant thereto;

3.2.4 **"ADJACENT"** - means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river, stream, or similar features;



3.2.5 **"ADJACENT LANDOWNER"** - means owners of land that is contiguous to the land that is the subject of an application, and includes owners of:

a. land that would be contiguous if not for a highway, road, river, or stream; and
b. any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 5.7 of this Bylaw;

3.2.6 **"ALCOHOL RETAIL SALES"** - means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods. This use class does not include cannabis stores;

3.2.7 **"APPEAL"** - means a Development Appeal or Subdivision Appeal, and:

a. Development Appeal means an appeal under Section 685 of the Act; and
b. Subdivision Appeal means an appeal under Section 678 of the Act;

3.2.8 **"APPLICANT"** - means the person applying for a development permit, subdivision, or an amendment, who shall be the registered owner(s) of the land to be developed or the representative or agent of the owner(s), duly authorized by the owner in writing to make application on behalf of the owner(s) as evidenced on the application form;

3.2.9 **"ARBORIST'S REPORT"** - means a report prepared by a certified arborist includes an inventory of the trees on the site and identifies a plan to manage the trees on the site to best preserve their health and function;

3.2.10 **"BASEMENT"** - means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;

3.2.11 **"BED AND BREAKFAST"** - means the use of part of a residential dwelling for commercial overnight accommodation by the principal occupants where breakfast is usually served as part of the accommodating service;

3.2.12 **"BED AND SHORE"** - means the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself;

3.2.13 **"BIOPHYSICAL ASSESSMENT"** – means an assessment of the biological and physical elements of an ecosystem, including geology, topography, hydrology and soils prepared by a qualified professional.

3.2.14 **"BOAT HOIST"** – means a hoist installed within a waterbody for the purpose of raising boats and other watercraft from, or lowering into, a waterbody;

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

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

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

3.2.18 **"BUILDING POCKET"** - means the land on which yard amenity areas, the main building on the site, and all accessory buildings will be situated;

3.2.19 **"BUNK HOUSE" –** means an accessory building that contains temporary sleeping accommodations but does not have plumbing or electrical servicing that would enable the development of cooking or washroom facilities within the building.

3.2.20 **"BUSINESS SUPPORT SERVICES"** - means development primarily used for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, engineers, doctors, architects, offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering and similar office support services, banks, credit unions, loan offices and similar financial uses, printing establishments, film processing establishments, janitorial firms, and business equipment repair shops;

3.2.21 **"CANNABIS"** - means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act and its regulations, as amended from time to time and includes edible products that contain cannabis;

3.2.22 **"CANNABIS RETAIL SALES"** – means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend the premises.

3.2.23 **"CANOPY"** - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

3.2.24 **"CARPORT"** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;

3.2.25 **"CARE FACILITY"** - means a use intended to provide care or supervision and may include educational services for more than 20 persons during the day or evening which is authorized by the Province of Alberta. This includes group day care centres, out of school care centres, nursery or play schools and drop-in centres.

3.2.26 **"CARETAKER'S RESIDENCE"** - means a single detached dwelling or modular home secondary to the principal commercial use on the property and occupied by a person or family responsible for the maintenance and security of that parcel;

3.2.27 **"CHATTEL"** - means a moveable item of personal property;

3.2.28 **"CLINIC, MEDICAL"** – means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services;

3.2.29 **"COMMERCIAL USE"** means a development without a residential component through which products, services, or entertainment are available to consumers, whether the public or other commercial establishments and is not developed as a home business;

3.2.30 **"COOKING FACILITY"** - means an area of a common living space of a dwelling or suite that contains counters, cabinets, plumbing, and appliances which taken together, may be intended for the cooking, preparation, and storage of food. Cooking facilities must conform to all applicable building and safety code requirements;

3.2.31 **"CORNER"** - means the intersection of any two property lines of a parcel;

3.2.32 **"COUNCIL"** - means the Council of the Summer Village of Seba Beach;

3.2.33 **"CURB CUT"** - means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a parcel;

3.2.34 **"DAY HOME"** – means an accessory use development located within a single detached dwelling that provides temporary child care and supervision for a maximum of 6 children that are not residents of the dwelling, subject to provincial regulations.

3.2.35 **"DECK"** - means any open structure attached to a building having a height greater than 0.6 m (2.0 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.2 m (4.1 ft.) or a roof. For the purposes of parcel coverage calculations in this bylaw, a deck is considered part of a dwelling.

3.2.36 **"DEMOLITION"** - means the tearing down, wrecking, destroying, or removal of a development, and is considered a form of development;

3.2.37 **"DESIGNATED OFFICER"** – means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Act and this Bylaw.

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

3.2.39 **"DEVELOPMENT"** - means:

a. an excavation or stockpile and the creation of either of them;

b. a building or addition to, or replacement, or repair, or a building and the construction or placing in, on, over, or under land or any of them;
c. a change in the use of land or a building or an act done in relation to and or a building that results in, or is likely to result in a change in the use of land or building;
d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in the intensity of use of the land or building;
e. removal or demolition of a building or structure in whole or in part;
f. redevelopment of a previously developed parcel of land;
g. vegetation removal;
h. tree removal;
i. stripping;
j. grading;
k. recontouring; or
l. a change of use of land or a building that alters natural drainage patterns.

3.2.40 **"DEVELOPMENT AUTHORITY"** - means the authority(s) established by Council through a Development Authority Bylaw and may include one or more Development Officer(s);

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

3.2.42 **"DEVELOPMENT PERMIT"** - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a permit issued under the National Building Code (Alberta Edition).

3.2.43 **"DISCONTINUED"** - means the time at which, in the opinion of the Development Authority, substantial construction activity or a non-conforming use, or a conforming use has ceased;

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

3.2.45 **"DRIVE-IN BUSINESS"** - means an establishment which services customers traveling in motor vehicles driven onto the parcel where such business is carried on, where normally the customer either remains in the vehicle for service, or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations and drive-in restaurants;

3.2.46 **"DRINKING ESTABLISHMENT"** - means an establishment of any kind in which customers are served alcoholic beverages, either with or without food, for consumption either on the premises or off the premises;

3.2.47 **"DWELLING" -** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level.

"DWELLING, MANUFACTURED HOME"- means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick-built dwellings, modular homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards:
a. a minimum roof pitch of 5.0 cm (2.0 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
b. have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes;
c. have a minimum roof overhang or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
d. have a minimum length width (or width length) ratio of 2:1;
e. meets the National Building Code of Canada CAN/CSA A277 standard; and
f. constructed after January 1, 1996.

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

3.2.48 **"DWELLING, SEMI-DETACHED"** - means two attached dwellings, side by side, under one roof;

"DWELLING, SINGLE DETACHED" means a building consisting of one (1) dwelling unit. A single detached dwelling is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site and thus may be a modular dwelling. Single detached dwellings do not include manufactured home dwellings, guest house suites, park model trailers, relocatable industrial accommodations (i.e., ATCO trailers), or recreational vehicles. A single detached dwelling must:
a. have a front door facing the road or clearly visible from the road directly into the main level of building;
b. occupy a greater floor area than the attached garage in the building; and

c. comply with orientation and design requirements in Section 9.3 - Building Orientation and Design.

3.2.49 **"DWELLING UNIT"** - means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;

3.2.50 **"EASEMENT"** - means a right to use land, generally for access to other property or as a right-of-way for a public utility and is registered to a Certificate of Title;

3.2.51 **"ENVIRONMENTALLY SENSITIVE AREA"** - means:

a. Hazardous lands and areas that are unsuitable for development in their natural state (i.e., floodplains, steep and unstable slopes);
b. Areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas);
c. Areas that contain unique geological or physiological features;
d. Areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons;
e. Areas that contain significant rare or endangered animal or plant species;
f. Areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
g. Areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;
h. Areas that provide an important link for the natural migration of wildlife; and/or
i. Riparian areas of water bodies, wetlands, and watercourses;

3.2.52 **"ENVIRONMENTALLY SIGNIFICANT AREAS"** - 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. Environmentally Significant Areas are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update;

3.2.53 **"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, topsoil, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized;

3.2.54 **"EROSION CONTROL"** – means actions intended to prevent erosion on a property, and may include interventions such as retaining walls, sediment or aggregate/rock barriers, and vegetation planting, which are implemented to safeguard the land from damage caused by wind or water flow, particularly in areas with steep slopes or sensitive ecosystems.

3.2.55 **"EXCAVATION"** - means any breaking of ground, except common household gardening and ground care.

3.2.56 **"EXISTING"** - means existing on the date on which this bylaw comes into force, unless otherwise noted.

3.2.57 **"EXTERIOR WALL"** - means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);

3.2.58 **"EXTENSIVE AGRICULTURAL USE"** - means a system of tillage which depends upon large areas of land for the raising of crops. Extensive agricultural uses include buildings and other structures incidental to farming;

3.2.59 **"FENCE"** - means a vertical physical barrier constructed to:

a. prevent visual intrusion or unauthorized access;
b. provide onsite safety or security; or
c. to provide sound abatement or decoration;

3.2.60 **"FIREWALL"** - means a type of fire separation of non-combustible construction which subdivides a Building or separates adjoining Buildings to resist the spread of fire and which has a fire-resistance rating as prescribed in the National Building Code (Alberta Edition) and has structural stability to remain intact under fire conditions for the required fire-rated time;

3.2.61 **"FLANKAGE"** - means the side yard of a parcel which is adjacent to two public roads;

3.2.62 **"FLOOR AREA"** - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glass-line of exterior walls and the centreline of firewalls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

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

3.2.64 **"FRONTAGE"** - means the length of the boundary line of a parcel adjacent to a public road. Where a parcel is adjacent to two or more public roads, the Development Authority will determine which boundary line shall be considered for frontage;

3.2.65 **"GARAGE"** - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles, recreational vehicles, boats, and other chattel and is not intended for human habitation;

3.2.66 **"GEOTECHNICAL REPORT"** - means a report prepared by a qualified professional that may include the following:

a. Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site specific information completed by a qualified surveyor);
b. Seasonally adjusted and recommended water tables;
c. Location of on-site storage of sewage;
d. Recommended building foundations and basement construction; and
e. Soil bearing capabilities;

3.2.67 **"GRADE"** - means the pre-development ground elevation at the four corners of the subject parcel. If there are more than four corners of a subject parcel (due to the irregularity of the boundary and/or dimensions of the parcel), then grade shall mean the pre-development ground elevation at four points on the boundary of the parcel, which points shall be determined at the sole discretion of the Development Authority. If the ground is not entirely level the grade shall be determined by averaging the pre-development elevation of the ground for each corner or point;

3.2.68 **"GRADING"** - means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties;

3.2.69 **"GRADING AND DRAINAGE PLAN"** - means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for parcel grading;

3.2.70 **"GROUP HOME"** - means a care facility licensed by the Province of Alberta to provide room and board with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This does not include boarding and lodging houses, congregate care, or temporary shelter services;

3.2.71 **"GUEST HOUSE"** – see "Suite, Guest House;"

3.2.72 **"HAZARDOUS TREE"** means a destabilized or structurally compromised tree that:

a. presents a significant risk of harm to people or property;
b. cannot have its life prolonged or be made safe;
c. is in a state of irreversible decline and is unlikely to become healthy through a natural process of recovery; or
d. is a threat to the surrounding natural environment;

3.2.73 **"HEIGHT"** – means the vertical distance of a building, fence, sign, or other form of development between grade and the highest point of the development, as determined by the Development Authority;

3.2.74 **"HABITABLE ROOM"** - means a room or enclosed space used or usable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, bathrooms and dens, excluding NON-HABITABLE ROOMS which include utility spaces, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements and cellars used only for storage purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

3.2.75 **"HISTORIC RESOURCE"** - means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significant;

3.2.76 **"HOME OCCUPATION"** - means an occupation carried on within a dwelling which is not visible or noticeable in any manner from outside the dwelling. Such occupation is an accessory use and is secondary to the residential occupancy and does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types - minor home occupations and major home occupations;

3.2.77 **"HOME OCCUPATION, MAJOR"** - means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling and/or within the accessory buildings associated with that dwelling by at least one permanent resident of said dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A Major home occupation may generate some external impacts on the neighborhood due to regular business activities. These impacts may include traffic generation due to client visits to the site, dust, and noise due to use of equipment on the site, or visual impacts due to outdoor storage.

3.2.78 **"HOME OCCUPATION, MINOR"** - means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling, but not within any accessory buildings associated with that dwelling, by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A Minor home occupation shall not generate external impacts on the neighborhood due to regular business activities. These

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

3.2.79 **"HUMAN HABITATION"** - means the use of a building or structure by a person or persons for shelter, cooking of food or sleeping and includes temporary use for these purposes.

3.2.80 **"INSTITUTIONAL USE"** - includes but is not limited to hospitals, public offices, educational facilities, places of worship, libraries, and senior citizen housing;

3.2.81 **"INTENSIVE RECREATIONAL USE"** - means a facility oriented recreational land use. Without restricting the generality of the foregoing, this shall include serviced campgrounds, picnic grounds, marinas, lodges, swimming beaches, boat launches, parks, hotels, recreational vehicle campgrounds, and golf courses;

3.2.82 **"INVASIVE SPECIES"** - means non-native species that have been introduced, that threaten our ecosystems and biodiversity;

3.2.83 **"KENNEL"** - means a development in which four (4) or more domestic pets, of any single species are maintained, boarded, bred, trained or cared for, or kept for remuneration. For the purpose of this bylaw, a kennel shall not be a home occupation;

3.2.84 **"LANDSCAPING"** - means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment and may include the placement or addition of any or a combination of soft landscaping elements and/or hard landscaping elements. Landscaping does not include stripping, grading, shoreline modification, and architectural elements (i.e., decorative fencing, sculpture);

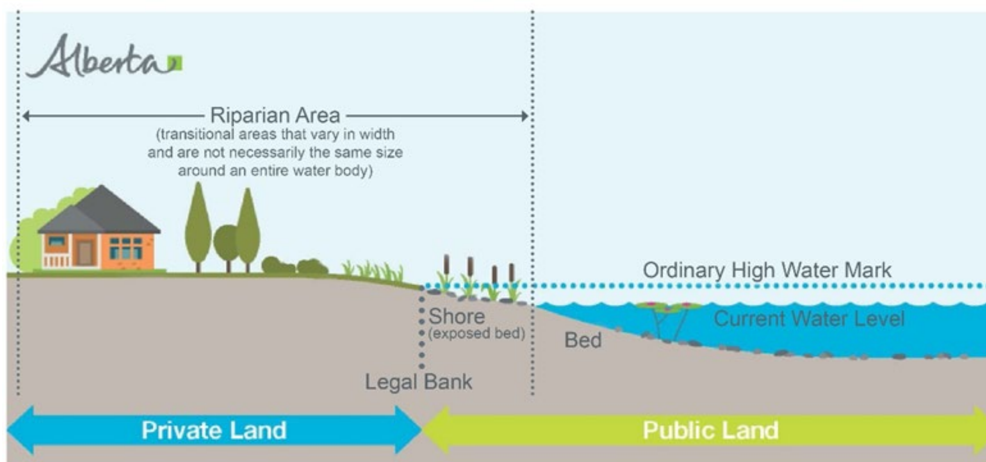
3.2.85 **"LANDSCAPING ELEMENTS, HARD"** - means a non-permeable surface or landscaping element such as, but not limited to, ceramic, brick, wood, concrete, or marble. Retaining walls, are also considered as hard landscaping elements;

3.2.86 **"LANDSCAPING ELEMENTS, SOFT"**- means vegetation such as, but not limited to, grass, hedges, ground cover, flowering plants, shrubs, and trees and may also include non-grass alternatives such as rock gardens that incorporate vegetation and xeriscaping;

3.2.87 **"LANDSCAPING PLAN"**- means a site plan drawing detailing the design of the non-building area of a site which incorporates scaled dimensions and provides a visual representation of the proposed trees, vegetation, walkways, garden beds and other design elements including irrigation and lighting proposed to be developed on the site;

3.2.88 **"LANE"** - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) and is not less than 6.0 m (19.7 ft.) wide, and which provides a secondary means of access to a parcel or parcels, or as defined as an alley in the Traffic Safety Act;

3.2.89 **"LEGAL BANK"** - means the line where the bed and shore of the body of water cease and the line is to be referred to as the bank of the body of water. The legal bank in Alberta is the line separating the Crown-owned bed and shore from the adjoining upland;



3.2.90 **"LIVESTOCK"** - means animals raised in captivity as defined in the Agricultural Operation Practices Act;

3.2.91 **"LOADING SPACE"** - means an off-street space on the same parcel as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

3.2.92 **"LOT" -** means a parcel of land. See "Parcel";

3.2.93 **"LOW IMPACT DEVELOPMENT (LID)"** - means land planning and engineering design approach for managing stormwater runoff. LID emphasizes conservation, the minimization of hard surfaces, and use of natural features and processes to replicate predevelopment hydrology in terms of rate, volume, and quality. Both natural and engineered solutions are employed to prevent and manage runoff as close to its source as possible with a treatment-train

approach using the processes of evaporation, transpiration, storage, infiltration, and treatment. The term "green infrastructure" or "green stormwater infrastructure" or "natural/ engineered natural infrastructure" are sometimes used to refer to the constructed components of an LID approach;

3.2.94 **"MAINTENANCE"** - means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. 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;

3.2.95 **"MAY"** - is an operative word meaning a choice is available, with no particular direction or guidance intended;

3.2.96 **"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, as determined by 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;

3.2.97 **"MUNICIPALITY"** - means the Summer Village of Seba Beach;

3.2.98 **"MUST"** - is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;

3.2.99 **"NATURAL STATE"** - means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities;

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

3.2.101 **"NOXIOUS WEEDS"** means any restricted, noxious, invasive, or nuisance weed listed in the Province of Alberta's Weed Control Act and Weed Control Regulation;

3.2.102 **"NUISANCE"** - means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Summer Village's office or the Summer Village's contracted enforcement services, whether or not such act or deed or omission or thing constitutes nuisance at common law;

3.2.103 **"OBNOXIOUS"** - means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;

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

3.2.105 **"OCCUPANT"** - means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner, whether such person resides thereon or conducts a business thereon;

3.2.106 **"OFFENSIVE"** - means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

3.2.107 **"OFF-STREET PARKING"** - means an off-street facility for the parking of vehicles;

3.2.108 **"ON-SITE SEWAGE DISPOSAL SYSTEM"** - means a non-municipal on-site sewage containment system that satisfies regulations made pursuant to the Alberta Safety Codes Act, R.S.A. 2000, which may include a holding tank, septic tank, or evaporation mound;

3.2.109 **"OWNER"** - means

a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
b. in the case of any other land, the person shown as the owner of land on the municipality's assessment role prepared under the Act;

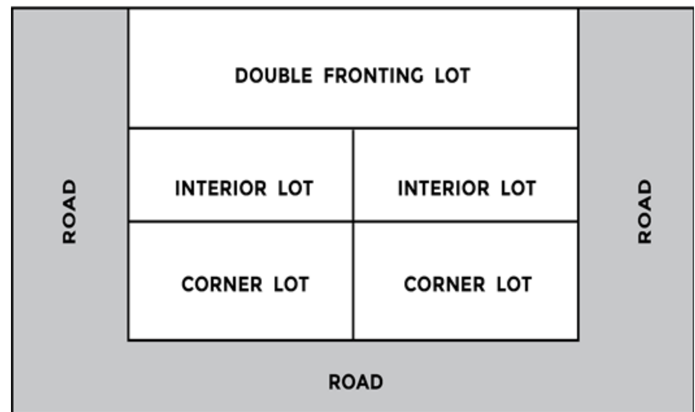
3.2.110 **"PARCEL"** - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office. A parcel may also be referred to as a "lot";

3.2.111 **"PARCEL, CORNER"** - means a parcel adjacent to two or more streets;

3.2.112 **"PARCEL COVERAGE"** - means the combined area of all buildings and non-permeable surfaces on a parcel excluding all features which would be permitted under this Bylaw as projections into required yards;

3.2.113 **“PARCEL DEPTH”** - means the average distance between the front and rear property lines;

3.2.114 **“PARCEL, DOUBLE FRONTING”** - means a parcel which abuts two (2) roads (except alleys or lanes as defined in the Traffic Safety Act, 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 parcel;



3.2.115 **“PARCEL, FRAGMENTED”** - means a lot that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access;

3.2.116 **“PARCEL, INTERIOR”** - means a lot which is bordered by only one road;

3.2.117 **“PARCEL, LAKEFRONT”** - means a lot adjacent to a water body or would be adjacent to a water body if not for a reserve lot or public/crown land parcel;

3.2.118 **“PARCEL, NON-LAKEFRONT”** - means a lot that is neither:

a. adjacent to a water body; or
b. adjacent to reserve lot or public/crown land parcel that is adjacent to a water body;

3.2.119 **“PARCEL PLAN”** - means a plan drawn to scale showing the boundaries of the parcel, the location of all existing and proposed buildings upon that parcel, and the use or the intended use of the portions of the parcel on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

3.2.120 **“PARCEL, SUBSTANDARD”** - means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;

3.2.121 **“PARCEL, UNDEVELOPED”** - means a lot which does not contain a residence, building or structure;

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

3.2.123 **“PARK”** - means an outdoor area accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment;

3.2.124 **“PARK MODEL TRAILER”** - means a recreational unit designed to be transportable and primarily designed for long term or permanent placement on a lot. When set up, park model trailers can be connected to the utilities necessary to operate home style fixtures and appliances. Park model trailers are manufactured in accordance with CSA Z-241 standards or a current equivalent industry standard may be a maximum of 50.0 m^2 (538 $ft.^2$) in area. For the purposes of this Land Use Bylaw, park model trailers are not considered a form of single detached dwelling and may only be used as a garden suite.

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

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

3.2.127 **“PATIO”** - means a developed surface (adjacent to a building on a site) less than 0.6 m (2.0 ft.) in height above grade and without a roof or walls. A patio is designed and intended for use as an outdoor amenity area.

3.2.128 **“PERMITTED USE”** - means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made which conforms to the Land Use Bylaw;

3.2.129 **“PLACE OF WORSHIP”** - means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

3.2.130 **“PRE-DEVELOPMENT”** - means immediately prior to **any** development.

3.2.131 **“PRINCIPAL BUILDING” -** means a building which, in the opinion of the Development Authority:

a. occupies the major or central portion of a parcel,
b. is the main building among one or more buildings on the parcel; or
c. constitutes by reason of its use the primary purpose for which the parcel is used;

3.2.132 **“PRINCIPAL USE”** - means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

3.2.133 **"PROPERTY LINE"** - means the boundary line of a parcel;

3.2.134 **"PROPERTY LINE, FRONT"** – means:

a. In the case of a lakefront parcel, the boundary line of a parcel lying adjacent to the lake;

b. In the case of a non-lakefront parcel, the boundary line of a parcel lying adjacent to a highway or road; and

c. In the case of a corner parcel, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line;

3.2.135 **"PROPERTY LINE, REAR"** - means the boundary line of a lot lying opposite to the front line of the parcel;

3.2.136 **"PROPERTY LINE, SIDE"** - means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;

3.2.137 **"PRUNING"** - means the removal of branches in a way that does not jeopardize the vitality of the tree, shrub, or vegetation being altered;

3.2.138 **"PUBLIC OR QUASI PUBLIC BUILDING OR USE"** - means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, museum, or senior citizen drop-in centre;

3.2.139 **"PUBLIC UTILITY"** - means a public utility, as defined in the Act.

3.2.140 **"PUBLIC ROAD"** - means land shown as a road on a plan of survey that has been filed or registered in a land titles office or a highway as defined in the Highway Traffic Act, R.S.A. 2000, and includes a bridge forming part of the road or highway and any structure incidental to the road or highway;

3.2.141 **"QUALIFIED WETLAND PROFESSIONAL"** - means a registered member of an Alberta Professional Regulatory Organization who is also an approved Wetland Practitioner under the Alberta Wetland Policy;

3.2.142 **"REAL PROPERTY REPORT"** - means a codified standard report adopted by the Alberta Land Surveyor's Association which contains pertinent information on a parcel and the development which exists on the property;

3.2.143 **"RECONTOURING"** - means the addition or removal of soil (or other material) on a parcel of land that alters its natural topography to promote a building site and/or to create an aesthetically appealing area;

3.2.144 **"RECREATIONAL USE"** - means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

a. non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and

b. means an active or passive recreational use and any facility or building required to carry out said activity.

3.2.145 **"RECREATIONAL VEHICLE"** - means a mobile unit that is designed to be used as temporary living or sleeping accommodation, whether it has been modified so as to no longer be mobile or capable of being mobile, and includes but is not limited to holiday trailers, tent trailers, truck campers, fifth wheel trailers, camper vans, and motor homes, but does not include manufactured home dwellings or park model trailers;

3.2.146 **"RECREATIONAL VEHICLE STORAGE FACILITY"** means a principal or accessory use where recreational vehicles as well as boats and all off-highway vehicles are stored outdoors on a parcel when they are not in use; normally on a commercial basis or on common property within a bareland condominium development. This use does not include a campground or outdoor storage;

3.2.147 **"RENOVATION"** – means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;

3.2.148 **"RESERVE"** - means a parcel of land owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes and registered at an Alberta Land Titles Office;

3.2.149 **"RESERVE, COMMUNITY SERVICES (CSR)"** - means land designated Community Services Reserve (CSR), pursuant to the Act;

3.2.150 **"RESERVE, CONSERVATION (CR)"** - means land designated Conservation Reserve (CR) pursuant to the Act;

3.2.151 **"RESERVE, ENVIRONMENT (ER)"**- means land designated Environmental Reserve (ER) pursuant to the Act;

3.2.152 **"RESERVE- ENVIRONMENTAL RESERVE EASEMENT (ERE)"** - means lands that would normally be taken as Environmental Reserve (ERE) at the time of subdivision may instead be the subject of an Environmental Reserve Easement pursuant to the Act;

3.2.153 **"RESERVE, MUNICIPAL (MR)"**- means land designated Municipal Reserve (MR) pursuant to the Act;

3.2.154 **"RESERVE, MUNICIPAL AND SCHOOL (MSR)"**- means land designated Municipal and School Reserve (MSR) pursuant to the Act;

3.2.155 **"RESERVE, SCHOOL (SR)"** - means land designated School Reserve (SR) pursuant to the Act;

3.2.156 **"RESIDENTIAL USE"** - includes the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis;

3.2.157 **"RESTAURANT"** - means development where food and/or non-alcoholic beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in or drive-through business;

3.2.158 **"RETAIL STORE"** - means development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second-hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. Retail stores do not include developments where gasoline, new or used motor vehicles, heavy agricultural and/or industrial equipment are sold or rented;

3.2.159 **"RETAINING WALL"** - means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades;

3.2.160 **"RIPARIAN AREA"** - means transitional areas between upland and aquatic ecosystems. They have variable width and extent above and below ground and perform various functions. These lands are influenced by and exert an influence on associated water bodies, including alluvial aquifers and floodplains. Riparian lands usually have soil, biological, and other physical characteristics that reflect the influence of water and hydrological processes;

3.2.161 **"RUNOFF"** - means water that moves over the surface of the ground. Runoff collects sediments and contaminants as it moves from higher elevations to lower elevations;

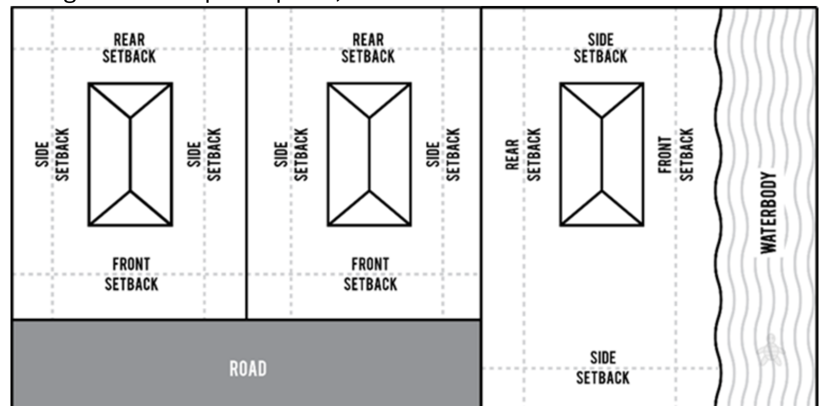
3.2.162 **"SAFETY CODES OFFICER"** - means an individual certified as a safety codes officer under the Safety Codes Act;

3.2.163 **"SEA CAN"** - means a sea/land/rail shipping container used for the storage of chattel;

3.2.164 **"SEPARATION SPACE"** - means the horizontal open space provided around a dwelling to ensure no conflict of visibility from dwellings and adequate light, air and privacy, for activities undertaken within the dwelling. Unless otherwise specified in this Bylaw, a separation space may be partially or entirely outside the parcel boundaries of a dwelling unit;

3.2.165 **"SERVICE STATION"** - means a parcel or the portion thereof used or intended to be used for any of the following: the servicing or repairing of motor vehicles, the sale of gasoline, the sale of lubricating oils and other automotive fluids, accessories for motor vehicles, and a towing service dispatch point;

3.2.166 **"SETBACK"** – means the minimum horizontal distance between the parcel boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building as specified in this Bylaw. Where the parcel boundary is curved due to the curvature of a public road or for other reasons, the midpoint of the facing wall or portion of the building may be used as a basis to calculate the setback distance;



3.2.167 **"SHALL"** - is an operative word which means the action is obligatory;

3.2.168 **"SHORELINE"** - means the bed and shore of a water body, as determined pursuant to the Surveys Act;

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

3.2.170 **"SHOULD"** - is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;

3.2.171 **"SHOW HOMES"** - means a dwelling that is constructed or placed on a lot for the temporary purpose of illustrating to the public the type or character of a dwelling, that may be developed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or structures in the area;

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

3.2.173 **"SIGHT LINE TRIANGLE"** - means that area on a corner parcel between a straight line drawn between two points on the boundaries of a parcel located 6.1 m (20.0 ft.) from the point where the boundaries intersect, and that point where the boundaries intersect;

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

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

3.2.176 **"SITE"** - means a lot or parcel on which a development exists or for which an application for a development permit is made;

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

3.2.178 **"SITE PLAN"** - means a plan drawn to scale showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development;

3.2.179 **"SOLAR ENERGY COLLECTION SYSTEM"** - means a system of one or more buildings or appurtenances to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;

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

3.2.181 **"STATUTORY PLAN"** - means an intermunicipal development plan, a municipal development plan, area structure plan, or area redevelopment plan adopted pursuant to the Act;

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

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

3.2.184 **"STREET"** - means a public road no less than 10.0 m (32.8 ft.) in width which is constructed and developed for the use of vehicular and pedestrian traffic, but does not include a lane as defined in the Highway Traffic Act;

3.2.185 **"STORMWATER MANAGEMENT PLAN (SWMP)"** - means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and water courses. SWMPs must include:

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

3.2.186 **"STRIPPING"** - means the removal of some or all vegetation and topsoil on lot in preparation for construction activities;

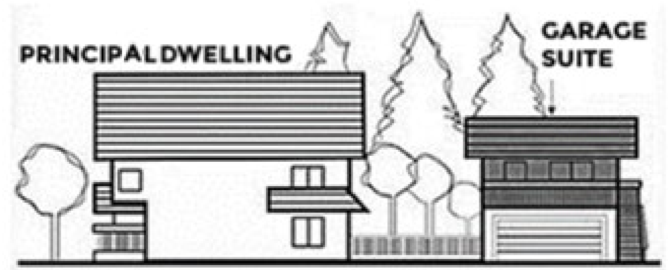
3.2.187 **"SUBDIVISION AUTHORITY"** - means the Subdivision Authority established pursuant to the Act through the Summer Village's Subdivision Authority Bylaw;

3.2.188 **"SUBDIVISION AND DEVELOPMENT APPEAL BOARD"** - means the Subdivision and Development Appeal Board established and appointed pursuant to the provisions of the municipality's Subdivision and Development Appeal Board Bylaw and the Act;

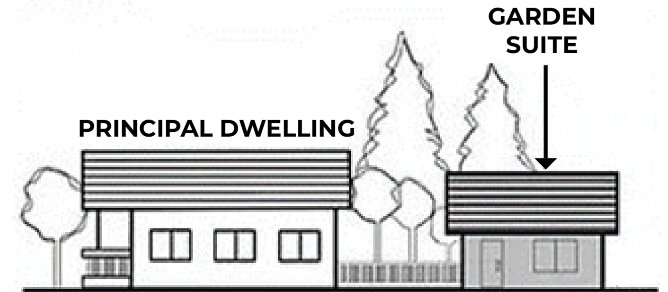
3.2.189 **"SUITE, GARAGE"** - means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single-detached dwelling, and which may have cooking and bathroom facilities. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building;

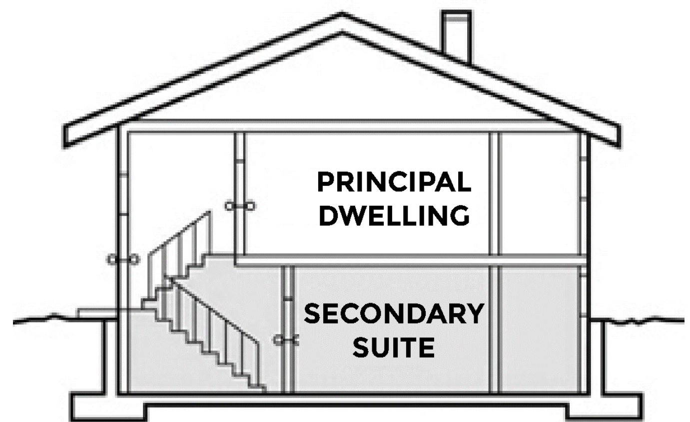
3.2.190 **"SUITE, GARDEN"** - means an accessory building that contains a dwelling unit, located on a lot containing an existing single-detached dwelling, and which may have cooking and bathroom facilities. Garden suites may include park model trailers, but shall not include manufactured homes, or recreational vehicles;

3.2.191 **“SUITE, GUEST HOUSE”** - means an accessory building, portion of an accessory building, or portion of a single-detached dwelling on a lot that may be developed to include cooking and bathroom facilities. A guest house suite is not intended to be used as a self-contained dwelling; rather, it provides overflow accommodation for the principal dwelling on the lot. Examples of a guest house suite include garden suites, garage suites, and secondary suites.



3.2.192 **“SUITE, SECONDARY”** - means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single-detached dwelling or semidetached dwelling, and which may have cooking and bathroom facilities that are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, triplexes, fourplexes, row housing, or apartments where the structure was initially designed for two or more dwellings and does not include boarding and lodging houses. Garden suite and garage suites are not considered secondary suites;





3.2.193 **“SUMMER VILLAGE ADMINISTRATOR”** - means the Chief Administrative Officer of the Summer Village of Seba Beach as named by Council;

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

3.2.195 **“SURFACE, PERMEABLE”** - means surfaces (also known as porous or pervious surfaces) allow water to percolate into the vegetation and/or soil to filter out pollutants and recharge the water table. Permeable surfaces allow for the absorption of water into the ground and minimizes runoff (e.g., vegetated areas, flower beds, grass, gravel, etc.);

3.2.196 **“TELECOMMUNICATION TOWER”** - means any tower used to provide a broad range of communication services through the transmitting, receiving, or relaying of voice and data signals such as radio, cellular, broadcast, and wireless data. Examples include cell phone towers and wireless internet towers;

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

3.2.198 **“TENTED STRUCTURE”** - means an accessory structure consisting of canvas, tarp or other similar fabric and supported by a metal or wooden frame used for the storage of motor vehicles, recreational vehicles or other chattels. Tented structures are to be for temporary use only;

3.2.199 **“TOURIST HOME”** - means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:

a. The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence;
b. The commercial nature of a tourist home;
c. The management or advertising of the dwelling unit as a tourist home on any website such as Airbnb or VRBO; and/or
d. The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc.;

A recreational vehicle shall not be used as a tourist home.

3.2.200 **"TRAFFIC ISLAND"** - means an area or space officially set aside within a street, lane or parking lot as prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times;

3.2.201 **"TRAILER"** - means a licensed portable vehicular structure enclosed or unenclosed, that is designed to be attached to or drawn by a motor vehicle and to transport property, household goods, tools, equipment, supplies, off-highway vehicles, etc. For the purposes of this definition, a recreational vehicle is not a trailer;

3.2.202 **"TREE"** - means a woody perennial plant, either deciduous or coniferous, that typically has a single self-supporting trunk and in most species the trunk produces secondary limbs, called branches;

3.2.203 **"TREE REMOVAL"** - means the cutting down and/or removal of trees or shrubs other than for commercial logging. This does not include the removal of dead trees or shrubs, or selective management by a qualified arborist to maintain tree stand health and remove hazards;

3.2.204 **"UNSIGHTLY CONDITION"** - means:

a. in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration; and
b. in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep;

3.2.205 **"USE"** - means a use of land or a building as determined by the Development Authority in accordance with this Bylaw;

3.2.206 **"VEGETATION"** - "vegetation" means non-invasive plant species that are native and/or appropriate for the relevant plant hardiness zone and are:

a. structurally sound, well-balanced, healthy, and vigorous;
b. of normal growth habits; and/or
c. densely foliated when in leaf, with a healthy, well developed root system;

3.2.207 **"WASTEWATER"** - means the composite of water and water-carried sewage or waste from a premise or any other source;

3.2.208 **"WATER BODY"** - any location where water flows or is present, whether the flow or the presence of water is continuous, intermittent, or occurs only during a flood. This includes, but is not limited to, wetlands and aquifers;

3.2.209 **"WATERCOURSE"** - means the bed and shore of a river, stream, lake, creek, lagoon, swamp, marsh or other natural body of water, or a canal, ditch, reservoir, or other artificial surface feature made by humans, whether it contains or conveys water continuously or intermittently;

3.2.210 **"WATER DISTRIBUTION SYSTEM"** - means a waterworks system (as defined in the Environmental Protection and Enhancement Act) that serves 2 or more dwelling units;

3.2.211 **"WETLAND"** - means land saturated with water long enough to promote wetland or aquatic processes as indicated by the poorly drained soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to a wet environment;

3.2.212 **"WETLAND ASSESSMENT"** - means an assessment prepared by a qualified wetland professional that delineates and classifies wetland(s) within the site and is consistent with the requirements of Alberta Environment and Parks, the *Alberta Wetland Policy*, and the *Alberta Wetland Identification and Delineation Directive*;

3.2.213 **"WETLAND BOUNDARY"** - means the furthest ecological extent of a wetland bordering upland or other non-wetland habitat, as indicated by a shift in soils and vegetation. Indicators of a wetland boundary are delineated by a Qualified Wetland Professional;

3.2.214 **"WIND ENERGY CONVERSION SYSTEM (WECS)"** - means a type of individual alternative energy system or commercial alternative energy system that consists of facilities designed to convert wind energy into mechanical or electrical energy. If the mechanical energy is used directly by machinery (pump or grinding stones) the machine is known as a Windmill. If the mechanical energy is converted to electricity, the machine is called a WECS;

3.2.215 **"WOODSHED"** - means a type of accessory building for the storage of firewood. A woodshed may have a hard or soft surface roof/cover and shall include a maximum of three walled sides. A woodshed has a maximum floor area of 7.0 m^2 (75.0 $ft.^2$).

3.2.216 **"YARD"** - means a space between the property boundaries of the parcel and the exterior walls of the principal building on the parcel. Yards shall generally remain unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise allowed in this Bylaw;

3.2.217 **"YARD, FRONT" -** means that portion of a parcel extending across the full width of the parcel from the property boundary line of the parcel adjacent to a public road to the front wall of the principal building, except that on a parcel with a lakefront yard, the portion of the parcel normally considered to be the front yard shall be considered to be the rear yard;

3.2.218 **"YARD, LAKEFRONT"** – means the area between that property line of a parcel which is a shoreline, or which is separated from a shoreline either by a Reserve parcel or by a public road or by a road on a Plan of Survey and the wall of the principal building. Notwithstanding any other provision of this Bylaw to the contrary, where a parcel has a lakefront yard, the yard opposite the lakefront yard (which would normally be considered to be a front yard if it is

adjacent to a road) shall be considered to be a rear yard for the purposes of definitions of yards and yard and setback requirements;

3.2.219 **“YARD, REAR”** – means that portion of a parcel extending across the full width of the parcel from the property boundary of the parcel directly opposite the boundary line adjacent to a public road to the exterior wall of the building, except that on a parcel with a lakefront yard, the portion of the parcel adjacent to a public road which is normally considered to be the front yard shall be considered to be the rear yard;

3.2.220 **“YARD, SIDE”** - means that portion of a parcel extending from the front yard to the rear yard and lying between the property boundaries of the parcel which are neither adjacent to or directly opposite a public road and the nearest portion of the exterior wall of the building;

3.3 ALL OTHER TERMS

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

4. AMENDMENTS

4.1 APPLICATIONS

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

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

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

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

4.1.4 An application to redistrict land may be initiated by:

- a. the owner of that land;
- b. an agent acting on behalf of the owner;
- c. Summer Village Administration; or
- d. Summer Village Council.

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

- a. A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Summer Village Administration that provides Council with information to determine:
  - (a) If the site is suitable for the intended use;
  - (b) If the site can be reasonably and cost effectively services; and
  - (c) That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and
- b. Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and
- c. Technical studies requested by the Summer Village Administration to assess site suitability and servicing requirements.

4.1.6 Upon receipt of an application to amend this Land Use Bylaw, Summer Village Administration may refer the application to the Summer Village's planning and engineering service providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:

- a. Relationship to and compliance with approved statutory plans;
- b. Compatibility with surrounding development in terms of land use function and scale of development;
- c. Traffic impacts;
- d. Relationship to, or impacts on, water, wastewater, and other public utilities and facilities such as recreation facilities and schools;
- e. Relationship to municipal land, rights-of-way, or easement requirements;
- f. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;
- g. Necessity of the proposed amendment in view of the stated intentions of the applicant; and
- h. Relationship to the documented concerns and opinions of area residents regarding development implications.

4.1.7 Upon receipt of an application to amend the Land Use Bylaw, Summer Village Administration shall:

- a. Prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
- b. Mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;
- c. Provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;

d. Prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
e. Inform the applicant of the recommendation to Council.

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

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

4.2 PUBLIC HEARING AND DECISION

4.2.1 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.

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

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

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

4.2.5 In the case of an amendment to change the land use district designation of a parcel of land, Summer Village Administration must, in addition to the requirements of Section 4.2.4:
a. Include in the notice:
(a) The municipal address, if any, and the legal address of the parcel of land; and
(b) A map showing the location of the parcel of land;
b. Give written notice containing the information described in Section 4.2.4 to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
c. Give written notice containing the information described in Section 4.2.4 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.

4.2.6 If the land referred to in Section 4.2.5 is in an adjacent municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.

4.2.7 In the public hearing, Council:
a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
b. May hear any other person who wishes to make representations and whom the Council agrees to hear.

4.2.8 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:
a. Pass the bylaw;
b. Defer the bylaw for further information or comment;
c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
d. Defeat the bylaw.

4.2.9 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

4.2.10 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 this section.

5. DEVELOPMENT PERMITS

5.1 CONTROL OF DEVELOPMENT

5.1.1 No development other than that designated in Section 5.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

5.1.2 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to:

a. obtain other required provincial and federal approvals, permits, and licenses; and
b. ensure that their development is consistent with the conditions of any registered easements or covenants affecting the subject site.

5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

5.2.1 The following developments shall not require a development permit provided that the development otherwise complies with all other regulations of this Bylaw:

a. the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations and additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw;
b. the completion of any development which has lawfully commenced before the passage of this Land Use 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 provided that the development is completed within the time limit of such a permit or within twelve (12) months from the notification of the permit;
c. the use of any such development as is referred to in Section 5.2.1.b for the purpose for which development was commenced;
d. the erection or construction of gates, fences, walls or other means of enclosure of a height less than or equal to the maximum height requirements identified in Section 9.9, and the maintenance or improvements of any gates, fences, walls, or other means of enclosure;
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 thirty (30) days of substantial completion or as determined by the Development Authority;
f. the completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
g. any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;
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. a portable accessory building not on a fixed foundation in the rear yard of a residential parcel that does not to exceed 9.3 m^2 (100.1 $ft.^2$) in floor area and 2.5 m (8.2 ft.) in height, provided that it conforms to the required setbacks for accessory buildings in this Bylaw;
j. a development that is exempted from requiring a development permit pursuant to the Act;
k. a statutory or official notice of a function of the Summer Village of Seba Beach;
l. signs authorized by the Summer Village of Seba Beach and/or Alberta provincial authorities;
m. a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 1.1 m^2 (12.1 $ft.^2$) in area, subject to all other orders, bylaws and regulations affecting such signs;
n. the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
   (a) such signs for any dwelling or dwelling parcel does not exceed 0.5 m^2 (5.0 $ft.^2$) in area, and
   (b) such signs for a multiple dwelling parcel, a commercial parcel, or an industrial parcel does not exceed 0.8 m^2 (9.0 $ft.^2$), and
   (c) such signs shall not be illuminated;
o. campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
   (i) such signs are removed within fourteen (14) days after the election date, and
   (ii) the consent of the property owner or occupant is obtained, and

(iii) such signs do not obstruct or impair vision or traffic, and
(iv) such signs are not attached to trees or utility poles, and
(v) such signs indicate the name and address of the sponsor and the person responsible for removal;

p. signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
(i) such signs shall not exceed 1.1 m^2 (12.1 $ft.^2$) in area, and
(ii) there shall be a limit of one sign for each side of the land or buildings on a different street;

q. signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
(i) such signs do not exceed 1.1 m^2 (12.1 $ft.^2$) in area, and
(ii) there shall be a limit of one sign not including signs related to public safety for each boundary of the property under construction which fronts onto a public street, and
(iii) such signs shall be removed within fourteen (14) days of occupancy;

r. the construction, maintenance, and repair of retaining walls up to 1.2 m (3.9 ft.) in height provided the wall:
(a) does not encroach onto public land or into a utility right-of-way; and
(b) does not obstruct natural drainage patterns from or onto municipal lands or adjacent properties;

s. exterior steps;

t. roof repairs such as replacement of shingles or their underlay;

u. 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;

v. minor home occupations;

w. micro wind energy conversion systems; and

x. the demolition or removal of any building or use for which erection or use a development permit would not be required pursuant to this section.

5.2.2 No development permit is required for landscaping (except as noted in Section 9.5.2), provided that the proposed grades and surface drainage patterns on and from the site will not adversely affect the subject site or adjacent properties or result in an increase of runoff and sediment into Wabamun Lake.

5.2.3 No development permit is required for the removal of invasive species, removal of dead or hazardous trees or vegetation, cutting grass, pruning, and typical yard maintenance.

5.2.4 Notwithstanding any regulation in this section, other permits, and approvals (such as building permits) may be required.

5.3 NON-CONFORMING BUILDINGS AND USES

5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.

5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.

5.3.3 A non-conforming use of part of a building may be extended throughout the building. The building, whether it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.

5.3.4 A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.

5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt, or structurally altered except:

a. to make it a conforming building;

b. for the routine maintenance of the building, if the Development Authority considers it necessary; or

c. in accordance with the powers possessed by the Development Authority pursuant to the Act and this Bylaw to approve a development permit despite any non-compliance with the regulations of this Bylaw.

5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

5.3.8 If the Development Authority has reasonable basis to believe a building or development on a lot encroaches onto an adjacent lot the Development Authority may require the owner to provide a Real Property Report at their expense. The Development Authority may require the removal of the building or development that encroaches onto the adjacent lot, and (if necessary) can arrange for the removal of the building or development at the owner's expense.

The Development Authority may require an owner to erect permanent, visible markers at the corners of any lot, to a standard approved by the Development Authority.

5.4 DEVELOPMENT PERMIT APPLICATIONS

5.4.1 An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:

a. a non-refundable application fee, as established by Council;
b. a site plan showing:
    (a) front, side, and rear yards;
    (b) north point;
    (c) legal description of the property;
    (d) access and egress points to the property; and
    (e) the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
c. the location of all proposed footings for dwellings and accessory buildings;
d. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority;
e. a statement of ownership of the land and the interest of the applicant therein; and
f. a statutory declaration indicating that the information supplied is accurate.

5.4.2 A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of Report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) may be required at the discretion of the Development Authority if the development involves an addition to an existing building, or if the Development Authority believes that fences on the lot do not correspond with the legal boundaries of the lot.

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

a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
b. the height and horizontal dimensions of all existing and proposed buildings;
c. outlines of roof overhangs on all buildings;
d. existing and proposed elevations on the site and on adjacent sites, roads, and lanes;
e. post construction site and building elevations;
f. floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
g. Reports, plans, and studies prepared by qualified professionals, including:
    (a) Erosion and Sediment Control Plan;
    (b) Geotechnical Report;
    (c) Landscaping Plan;
    (d) Slope Stability Analysis;
    (e) Wetland Assessment; and
    (f) Any other reports, plans, and studies that provides information requested by the Development Authority;
h. the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
i. future development plans for a site which is to be partially developed through the applicable development permit;
j. in the case of a proposed major home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week; and
k. for a moved-in (relocated) building, pictures of the exterior of the structure which provide information relating to the age and condition of the building and its compatibility with the land use district in which it is to be located.

5.4.4 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:

a. location and area of the site where the excavation is to take place;

b. existing land use and vegetation;
c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
e. identification of potential for outdoor noise and the discharge of substances into the air;
f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling, or lessening erosion or dust from the site;
g. an indication of all municipal servicing costs associated with the development; and
h. the proposed haul route, dust control plan and expected hours of operation.

5.4.5 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.

5.4.6 Any new development within an existing subdivision may be required to provide to the Development Authority, for approval, 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.

5.4.7 The Development Authority may refer any application for a development permit to any municipal, provincial, or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.

5.4.8 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.

5.4.9 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

5.5 APPLICATIONS FOR DEMOLITION OR REMOVAL OF BUILDINGS

5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.

5.5.2 The demolition of any structure must be done in accordance with the National Building Code (Alberta Edition), and any other applicable provincial or municipal building and/or safety code requirements.

5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:

a. a site plan illustrating the proposed demolition;
b. the value of the development;
c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
d. 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);
e. the destination of debris materials;
f. 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);
g. a copy of the original development approval including building permits where applicable;
h. the form of demolition to be used (heavy equipment or by hand);
i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft.) in height is required around the excavation or structure to be demolished);
j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;

k. 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;
l. 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
m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.

5.5.4 Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
a. a Hazardous Materials Assessment Report; and/or
b. an environmental site assessment to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.5.5 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

5.6 NOTICE OF COMPLETE OR INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS

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

5.6.2 The period referred to in Part 5.6.1 may be extended by an agreement in writing between the applicant and the Development Authority.

5.6.3 An application is complete if:
a. in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application; or
b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.

5.6.4 If the Development Authority determines that the application is complete, the Development Authority shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.

5.6.5 If the Development Authority determines that the application is incomplete, the Development Authority shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application and provide a date by which the documents or information must be submitted for the application to be considered complete.

5.6.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Part 5.6.5, the application is deemed refused.

5.6.7 Despite that the Development Authority has issued an acknowledgment under Part 5.6.5 or Part 5.6.6, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

5.7 DEVELOPMENT PERMIT NOTICES

5.7.1 A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given, or sent to the applicant on the same day the written decision is given.

5.7.2 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall (on the same day the decision is given) give (or send) a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village's website, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.

5.7.3 In addition to 5.7.1 and 5.7.2, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance to any regulation has been granted, the Development Authority shall:
a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected landowners within 100.0 m (300.0 ft.) of the subject site, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
b. post notice of the decision on the Summer Village's website; and may

c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization, or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.

5.7.4 The notice indicated in Parts 5.7.2 and 5.7.3 shall state:

a. the legal description and the street address of the site of the proposed development;
b. the uses proposed for the subject development;
c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
d. the date the development permit was issued; and
e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.

5.7.5 A permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

5.7.6 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.

5.7.7 If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit and 40% of the development completed within twelve (12) months of the commencement of the development, the permit is deemed to be void unless:

a. an alternate time frame has been identified in the conditions; or
b. an extension to this period is granted by the Development Authority.

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

5.7.9 The applicant will be held responsible for any damages to public or private property occurring because of development.

5.7.10 A decision of the Development Authority on an application for a development permit shall be given in writing.

5.7.11 When a Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

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

5.7.13 When a Development Appeal is filed against the issuance of a Development Permit or against any condition on a Development Permit, the Development Permit will be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board. Where a subsequent appeal is taken to the Court of King's Bench pursuant to Section 688 of the Act, the Development Permit will be further suspended and deemed invalid pending the final decision of the Court and the completion of any process directed by the Court.

5.8 CONDITIONS AND DEVELOPMENT AGREEMENTS

5.8.1 A condition of all development permits shall be that all tax arrears be paid in full prior to construction or commencement of the proposed development or that alternate arrangements be made to the satisfaction of the Summer Village.

5.8.2 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.

5.8.3 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 connections with the proposed development.

5.8.4 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 original condition of any street, curbing, sidewalks, walkways, boulevard landscaping or trees, utility appurtenances and any other public facility or utility.

5.8.5 Further to 5.8.4., as a condition of issuing a development permit, the Development Authority may require the applicant to post a bond (or an irrevocable letter of credit) (up to $10,000) to cover the cost of repairing roads and other municipal improvements damaged because of the work authorized in the permit.

5.8.6 As a condition of issuing a development permit for major landscaping, the Development Authority will require the applicant to post a bond (or an irrevocable letter of credit) up to a value of one hundred twenty five percent (125%) of the estimated cost of the proposed landscaping to ensure that the landscaping is carried out with reasonable diligence. A condition of the security shall be that the landscaping shall be completed in accordance with this Bylaw and the plan within one (1) growing season after the completion of the development. If the landscaping does not survive a two (2) year maintenance period, the amount shall be paid to the Summer Village to complete the landscaping.

5.8.7 The applicant shall take precautions, including the placement of silt fences or traps, to prevent soil or debris from being spilled on public streets, lanes sidewalks, and the lake, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.

5.8.8 Notwithstanding any other remedies available to the Summer Village, any costs incurred by the Summer Village because of neglect to public property may be collected from the applicant.

5.8.9 The applicant is responsible for grading the site as per the requirements of the Alberta Building Code and for ensuring that surface runoff water does not discharge from the site to an adjacent property.

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

5.8.11 The Development Authority may require the following conditions as part of development permit approval:

a. Compliance with the Erosion and Sediment Control Plan;
b. Compliance with the Landscaping Plan;
c. Compliance with the Lot Grading and Drainage Plan; and
d. Any other conditions requested by the Development Authority.

5.8.12 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:

a. Construct or pay for the construction of culverts, public roadways, pedestrian walkways, or parking areas; and/or
b. Install or pay for the installation of utilities; and/or
c. Pay for an off-site levy or redevelopment levy imposed by bylaw.

5.8.13 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

5.9 CANCELATION OF PERMITS

5.9.1 If a Development Permit is issued for a site for which any other Development Permit has been previously issued, all previous Development Permits will be invalid to the extent the physical aspects of the newly approved Development conflict or could not occur simultaneously on the site in conformity with the provision of this Bylaw.

5.9.2 The Development Authority may modify, suspend, or cancel a development permit which has been obtained by fraud or misrepresentation, or by failure to disclose pertinent information, or been issued in error.

5.9.3 If a development permit has been revoked, the applicant may appeal this decision to the Subdivision and Development Appeal Board in the same manner as a Stop Order under Section 645 of the Act.

5.9.4 If an appeal (which includes an appeal to the Subdivision and Development Appeal Board, the Land and Property Rights Tribunal, and the Court of Appeal of Alberta) is filed against a Development Permit, the permit is suspended until the appeal is heard or abandoned.

5.9.5 If it appears to the Development Authority that a Development Permit has been obtained by fraud or misrepresentation, or has been issued in error, the Development Authority may suspend, revoke, or modify the development permit and shall have the right to suspend all construction activity on the site.

5.10 VARIANCES

5.10.1 The Development Authority may grant a variance to reduce the requirements of any use of the Land Use Bylaw and that use will be deemed to comply with this bylaw.

5.10.2 The Development Authority may approve an application for a development permit notwithstanding that the proposed development does not comply with this Bylaw if, in their opinion the proposed development would not:

a. unduly interfere with the amenities of the neighbourhood; or
b. materially interfere with or affect the use, enjoyment, or value of neighbouring properties; and

the proposed development conforms to the use prescribed for that land or building in the Land Use Bylaw.

5.10.3 A variance shall be considered only when warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.

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

5.10.5 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.

5.10.6 The Development Authority may consider variance requests for building height and parcel coverage to a maximum of 10% of the applicable regulation. All other variance requests shall be considered by the Development Authority on a case-by-case basis.

5.11 ISSUANCE OF COMPLIANCE CERTIFICATES

5.11.1 The applicant for a Compliance Certificate shall provide to the Development Authority a Real Property Report for the site prepared by a registered Alberta Land Surveyor and pay the associated fee.

5.11.2 The applicant shall pay all costs associated with the preparation of the Real Property Report, which must meet the requirements of the Development Authority. All Real Property Reports older than two (2) years must include a Statutory Declaration that indicates that no changes have been made to the property since the Real Property Report was prepared. If there have been any changes, however slight, a new and updated Real Property Report is required.

5.11.3 In determining whether a Compliance Certificate can be issued for a site, the Development Authority shall rely on the Real Property Report provided by the applicant. The Development Authority shall not undertake independent site inspections.

5.11.4 The Development Authority may issue a Compliance Certificate when, in their opinion, the building(s) located on a site, and shown on the Real Property Report, are in accordance with the setback regulations of this Bylaw and the setbacks specified in any development permit, which may have been issued for the site. The Compliance Certificate shall only cover those buildings and structures, or parts thereof, shown on the Real Property Report submitted by the applicant.

5.11.5 The Development Authority may refuse to issue a Compliance Certificate when, in his opinion, he does not have sufficient information from the applicant to determine if a building(s) located on a site is (are) located in accordance with the yard regulations of this Bylaw and/or the yards specified in any development permit which may have been issued for the site.

5.11.6 The Development Authority and the Summer Village shall not be liable for any damages arising from the use of a compliance certificate containing errors where the errors are the result of incorrect or incomplete information on the Real Property Report.

6. SUBDIVISION OF LAND

6.1 APPLICATION REQUIREMENTS

6.1.1 All subdivision applications for lands within the Summer Village of Seba Beach 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 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.

6.1.5 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.

6.1.6 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.

6.1.7 The tentative plan of subdivision shall:

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:
   (a) each new lot to be created;
   (b) reserve land(s), if required;
   (c) the rights-of-way of each public utility, if required; and
   (d) 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.

6.1.8 The Summer Village may also require an applicant to submit to the Subdivision Authority any or all the following:

a. a figure showing topographic contours at no greater than 1.5 m (4.9 ft.) 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:
   (a) Geotechnical Report;
   (b) Lot Grading and Drainage Plan or Stormwater Management Plan;
   (c) Water Report;
   (d) Wetland Assessment;
   (e) Any other reports, plans, and studies that provides information requested by the Subdivision Authority;

e. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and

f. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.

6.2 ASSESSMENT OF APPLICATIONS

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

6.3 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION:

6.3.1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for subdivision, determine whether the application is complete.

6.3.2 The period referred to in Section 6.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.

6.3.3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.

6.3.4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.

6.3.5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.

6.3.6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.3.5, the Subdivision Authority must deem the application to be refused.

6.3.7 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.3.4 or 6.3.5, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.4 SUBDIVISION DECISIONS

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

6.5 REQUIREMENTS AND CONDITIONS OF SUBDIVISION APPROVAL

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

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

6.5.3 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.

6.5.4 Where the development involves a subdivision of land, no development permit shall be issued until the subdivision has been registered with Alberta Land Titles.

6.5.5 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 time of receipt of the new application, affected by an active subdivision file, the new application will not be accepted and processed until the existing open file has been closed or finalized to the satisfaction of the Subdivision Authority.

6.5.6 The Subdivision Authority shall not approve a subdivision which is inconsistent with:

a. The Summer Village of Seba Beach and Parkland County Intermunicipal Development Plan;
b. The Summer Village of Seba Beach Municipal Development Plan; and
c. The provisions of any other statutory plans or bylaws that affect the land proposed to be subdivided.

6.5.7 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).

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

6.5.9 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 Province of Alberta's Recommended Setbacks Chart.

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

6.5.11 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.

6.5.12 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 made if the Development Authority:

a. fails or refuses to issue a development permit;
b. issues a development permit subject to conditions; or
c. 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:

a. is made by a council, there is no appeal to the Subdivision and Development Appeal Board; or
b. is made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.

7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.

7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1) (b) of the Act shall be made to the Subdivision and Development Appeal Board of the Summer Village.

7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.4 may be made by serving a written notice of appeal to the board hearing the appeal:

a. within 21 days after the date on which the written decision is given; or
b. 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
c. 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:

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.

7.1.11 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 7.1.4 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 7.1.5, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2 SUBDIVISION APPEALS

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

a. by the applicant for the approval;

b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;

c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or

d. by a school board with respect to:

(a) the allocation of municipal reserve and school reserve or money in place of the reserve;

(b) the location of school reserve allocated to it; or

(c) the amount of school reserve or money in place of the reserve.

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

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

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

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

a. the appeal application fee as identified in the Summer Village's Fees and Charges Bylaw;

b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;

c. the name, contact information, and address of the appellant; and

d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.

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

7.3 HEARING AND DECISION

7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.

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

8. ENFORCEMENT

8.1 SCOPE OF ENFORCEMENT

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

8.2 PROVISION OF ENFORCEMENT

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

8.3 PROHIBITION

8.3.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or action that is not permitted by this Bylaw.

8.3.2 No person shall contravene the conditions of a development permit or subdivision approval issued under this Bylaw.

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

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

8.4 RIGHT OF ENTRY

8.4.1 After reasonable notice (generally to mean 48 hours) has been provided to the owner or occupant of a parcel or building that is subject to an order, a Designated Officer may enter a property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Land Use Bylaw and development permit conditions/requirements are being met.

8.4.2 A person shall not prevent or obstruct a Designated Officer from carrying out any official duty under this Bylaw. If consent is not given, the Summer Village may apply to the Court of King's Bench for an authorizing order.

8.5 VIOLATION WARNINGS

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

8.6 OFFENSES AND FINES

8.6.1 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Summer Village's Fees and Charges Bylaw and Section 7 of the Act.

8.7 STOP ORDERS

8.7.1 On finding that a development, land use, or use of a building does not conform to the Act or its regulations, a development permit or subdivision approval or the conditions of either, or this Bylaw, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:

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.

8.7.2 The notice shall specify a deadline for compliance.

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

8.8 VIOLATION TAGS AND TICKETS

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

8.8.2 A violation tag may be issued to such person

a. either personally; or

b. by mailing a copy to such person at his last known post office address or address indicated on the development permit issued to that person for that development.

8.8.3 The violation tag shall be in a form approved by the municipal administrator and shall state:

a. the name of the person;
b. the offence;
c. the appropriate penalty for the offence as established in the Summer Village's Fees and Charges Bylaw.
d. that the penalty shall be paid within 30 days of the issuance of the violation tag; and
e. any other information as may be required by the municipality.

8.8.4 Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the Development Authority, provided however that no more than one violation tag shall be issued for each day that the contravention continues.

8.8.5 Where a violation tag is issued pursuant to this section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the municipality the penalty specified on the violation tag.

8.8.6 Nothing in this bylaw shall prevent the Development Authority from immediately issuing a violation ticket.

8.8.7 In both cases where a violation tag has been issued and if the penalty specified on a violation tag has not been paid within the prescribed time, the Development Authority is hereby authorized and empowered to issue a violation ticket (to be served by the Summer Village's Peace Officer) pursuant to Part II of the Provincial Offences Procedure Act, as amended or replaced.

9. GENERAL LAND USE REGULATIONS

9.1 ACCESSORY BUILDINGS AND USES

9.1.1 An accessory building shall only be allowed on a lot with an existing dwelling with an approved development permit.

9.1.2 In residential districts, all accessory buildings, including detached garages and guest houses (garage suites and garden suites) shall be located according to the following:

a. No accessory building shall be located within a front yard or a lakefront yard.
b. An accessory building shall be situated so that it provides a minimum side and rear yard of at least 1.0 m (3.28 ft.).
c. Notwithstanding any other provision of this Bylaw to the contrary, where the principal door of a garage faces a roadway, the garage shall be set back 8.0 m (26.2 ft.) from the boundary of the parcel adjacent to the roadway.
d. An accessory building shall not be more than 4.5 m (14.8 ft.) in height, unless it is a garage suite on the second floor over a garage, in which case the accessory building shall not exceed 9.0 m (29.5 ft.) in height.
e. No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.
f. An accessory building shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

9.1.3 Where a building is attached to the principal building, it is to be considered a part of the principal building and not an accessory building.

9.1.4 Except for guest houses, an accessory building shall not be used for human habitation.

9.1.5 An accessory building developed as a guest house shall be secondary to the principal residential use on the parcel.

9.1.6 Notwithstanding any other provision of this Bylaw to the contrary, existing dwelling units in garages or other accessory buildings that comply with the setback requirements of this Bylaw shall be allowed and shall be considered to conform to this Bylaw.

9.2 BUILDING ORIENTATION AND DESIGN

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

a. amenities such as daylight, sunlight and privacy;
b. the character of existing development in the district; and
c. its effect on adjacent parcels.

9.2.2 The exterior finish on all buildings shall be of permanent material satisfactory to the Development Authority.

9.2.3 Exterior light fixtures shall be arranged, installed, and maintained to deflect, shade, and focus light away from adjacent lots, in order not to cause a nuisance for adjacent landowners.

9.3 CORNER SITES AND SIGHT LINE TRIANGLES

9.3.1 A road indicated on a Plan of Survey which is adjacent to Wabamun Lake shall not be considered to be a public road or a street pursuant to this Bylaw for the purposes of regulations in this section.

9.3.2 In a residential area, a parcel abutting two streets or more shall have a front yard on each street in accordance with the front yard requirements of this Bylaw.

9.3.3 In all cases, the location of buildings on corner parcels shall be subject to approval by the Development Authority who shall take into account the location of existing adjacent buildings or the required setback on adjacent parcels where a building does not exist.

9.3.4 At the discretion of the Development Authority one of the front yards on corner sites with more than one front yard may be considered a side yard for setback purposes.

9.3.5 On any corner site in a residential district, no person shall erect, place or maintain within the sight line triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (0.3 ft.) in height above the lowest street grade adjacent to the intersection.

9.3.6 On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2.0 ft.) within the area defined as a sight line triangle.

9.3.7 When a parcel has more than one front yard line (corner parcel), the front yard requirements shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

9.4 DWELLING UNITS ON A RESIDENTIAL LOT

9.4.1 A Development Permit shall not be issued for more than one (1) principal dwelling on a lot.
9.4.2 A Development Permit shall not be issued for more than one (1) guest house suite on a lot.

9.5 ENVIRONMENTAL PROTECTION

9.5.1 Under Section 3 of the Public Lands Act title to the beds and shores of all permanent and naturally occurring bodies of water, and all naturally occurring rivers, streams, watercourses, and lakes, is vested in the Crown in right of Alberta.
9.5.2 The removal of vegetation (excluding noxious weeds) within 6.0 m (19.7 ft.) of the front property line of a lakefront lot shall require a development permit. The development permit may include a condition for the provision of a landscaping plan which includes a plan for replacing the cleared vegetation.
9.5.3 The permanent disturbance of watercourses, wetlands, and other water bodies shall be prohibited.
9.5.4 Applications for development and/or subdivision on sites that may be affected by a wetland must include a wetland assessment prepared by a qualified professional that delineates and classifies wetland(s) within the building pocket on the site.
9.5.5 Development permits shall be required for shoreline modifications on lands adjacent to the legal bank to Wabamun Lake.
9.5.6 Where shoreline modifications are proposed in the bed and shore of Wabamun Lake, approval from the Government of Alberta shall be required.
9.5.7 Where shoreline modifications are proposed adjacent to the legal bank of Wabamun Lake that alter the flow of water, approval from the Government of Alberta may be required.
9.5.8 Shoreline modifications shall be discouraged except for erosion protection.
9.5.9 Shoreline modifications 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.
9.5.10 The addition of sand or other materials to the bed and shore of Wabamun Lake and or lands adjacent to the bed and shore of Wabamun Lake shall not be allowed without the approval of Alberta Environment and Protected Areas.
9.5.11 Where shoreline modification includes activities, such as stripping, grading, or landscaping, the regulations in this section and related sections, including Section 9.15 – Landscaping and Section 9.12 – Grading, Stripping, and Site Drainage shall apply.
9.5.12 Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued. Should the Phase 1 Assessment indicate that a Phase 2 Assessment should be undertaken, the Development Authority may require that a Phase 2 Assessment be conducted and submitted prior to consideration of the development permit application.
9.5.13 Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

9.6 ENVIRONMENTALLY SENSITIVE LANDS

9.6.1 Development on lands which are designated or deemed by the Development Authority to be environmentally sensitive by reason of slopes, flood-susceptibility, or treed areas shall be discouraged.
9.6.2 When reviewing an application for development on the environmentally sensitive lands described in Section 9.6.1 above, the Development Authority shall consider the following:
   a. the impact of the proposed development on the subject and surrounding area;
   b. the soil types and conditions of the area surrounding the subject property;
   c. any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
   d. comments and recommendations from relevant Provincial departments and private agencies.
9.6.3 As part of the development permit application, the Development Authority may require a geotechnical study or hydrogeological study, prepared by a qualified engineer, addressing the proposed development, the extent of any flood-susceptible areas, and the stability of any slopes. The study will establish, among other things, flood-susceptible areas, flood-proofing elevations, slope stability enhancement techniques (including the means to ensure slope stability during the construction process and during occupancy afterwards) and building setbacks from property lines based upon land characteristics of the subject parcel.
9.6.4 The Development Authority may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:

a. that the measures recommended in the geotechnical or hydrogeological study be taken to ensure that development not occur in such a manner as to be either flood-susceptible or subject to erosion or subsidence hazard, and
b. the registration of a restrictive covenant against the certificate of title for the subject property related to implementation of the recommendations of the geotechnical or hydrogeological study during development and afterward.

9.7 EROSION AND SEDIMENT CONTROL

9.7.1 An erosion and sediment control plan shall be required to control and restrict sediment from leaving the site where a development 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.

9.7.2 Where an erosion and sediment control plan is required in this Land Use Bylaw, applicants shall be required to 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.

9.7.3 When an erosion and sediment control plan is required, it may be required to 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;
- 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 topsoil 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; and
- j. Any other matter requested by the Development Authority.

9.7.4 A site plan identifying the location of control measures may be required to accompany the erosion and sediment control plan.

9.8 FENCES, WALLS, AND HEDGES

9.8.1 Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.

9.8.2 No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.

9.8.3 Notwithstanding any other provision of this Bylaw to the contrary, on lakefront parcels no fence, wall, or other means of enclosure shall exceed:
- a. 1.1 m (3.5 ft.) in height in front yards/lakefront yards;
- b. 1.8 m (6.0 ft.) in height in rear yards;
- c. 1.8 m (6.0 ft.)in height in side yards.

9.8.4 Notwithstanding any other provision of this Bylaw to the contrary, on non-lakefront parcels no fence, wall, or other means of enclosure shall exceed:
- a. 1.1 m (3.5 ft.) in height in front yards;
- b. 1.8 m (6.0 ft.) in height in rear yards;
- c. 1.8 m (6.0 ft.) in height in side yards.

9.8.5 On all lakefront lots, no fence shall be constructed within 7.5 m (25.0 ft.) of the lakeside property line. This includes the front property lines of lakefront lots that abut reserves, road rights of way, or other municipally owned property adjacent to the lake.

9.8.6 Notwithstanding any other provision of this Bylaw to the contrary, the maximum height of a fence on a lot adjacent to Highway 759 shall be at the discretion of the Development Authority.

9.8.7 On any corner site in a residential district, no person shall erect, place or maintain within the sight line triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (3.0 ft.) in height above the lowest street grade adjacent to the intersection.

9.9 FIRE PITS

9.9.1 Within the Summer Village, fire pits must:

a. Be at least 3.0 m (10.0 ft.) from buildings, property lines and anything else that could catch fire;
b. Be less than 0.6 m (2.0 ft.) high;
c. Be less than 1.0 m (3.3 ft.) wide;
d. Have enclosed sides made from bricks, concrete or heavy-gauge metal; and
e. Have a mesh screen on top to stop sparks (spark-arrestor) with openings smaller than 1.25 cm (0.5 in.).

9.10 FIRE SEPARATION AND EMERGENCY PREPAREDNESS

9.10.1 Every building served by electricity or a heating system shall be located at least 3.0 m (10.0 ft.) from every other building on the lot unless a variance has been obtained under the National Building Code (Alberta Edition).

9.10.2 New developments shall be designed and constructed to allow access to the development site for emergency vehicles.

9.10.3 To reduce the threat of wildfire, the Development Authority encourages the incorporation of the following design elements on lots on residential lots:

a. The construction of roofs with non-combustible or fire-retardant materials with a minimum Class B fire rating;
b. The placement of non-combustible landscaping materials such as rock, gravel, asphalt, brick or concrete within a 1.5 m (4.9 ft.) radius of all buildings.
c. Restricting the placement of woody shrubs, trees, or other similar plants within a 1.5 m (4.9 ft.) radius of all buildings.
d. The placement of woodsheds and other accessory buildings that store combustible materials a minimum 10.0 m from dwellings where possible.

9.11 FLOOD SUSCEPTIBLE LANDS

9.11.1 Development on land which may be subject to flooding shall be discouraged, especially on lands which are with the 1:100-year flood plan, as determined by the province, the Summer Village of Seba Beach, or qualified professionals.

9.11.2 Residential development on lands which have been identified as a flood area shall be prohibited.

9.11.3 In flood areas, new development shall be limited to low-impact recreational developments, such as trails, the placement of picnic tables and benches, boat launch ramps, etc., as determined by the Development Authority.

9.11.4 All development shall be setback a minimum of 15.0 m (49.2 ft.) from the toe and crest of any slope and slopes of fifteen percent (15%) or greater, unless a lesser amount is identified in a geotechnical study prepared by a qualified professional engineer registered in the Province of Alberta.

9.12 GRADING, STRIPPING, AND SITE DRAINAGE

9.12.1 Except as provided for in Section 5.2, no land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued.

9.12.2 Land shall be graded so that excess clean natural run-off water flows into the lake, a soakaway, or a street. Water shall not be diverted to flow from one lot on to a neighbouring lot unless a drainage easement is agreed in writing between the two property owners and the municipality.

9.12.3 A private driveway or walkway across a boulevard or ditch shall be constructed so as not to interfere with the natural flow or absorption of water and a culvert shall be installed to the specifications of the municipality.

9.12.4 Any culvert which carries water away from a lot or runs across a driveway, walkway, boulevard or ditch shall have a diameter of at least 300.0 mm (11.8 inches).

9.12.5 Further to 9.12.1, development permits shall be required for:

a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan;
b. Moving, depositing, or removal of topsoil, fill, aggregate or similar material; and

c. Any other development that:
   (a) Alters natural drainage on the site (or on adjacent parcels);
   (b) Increases runoff onto adjacent lands; or
   (c) Alters the quantity or quality of runoff into a watercourse or water body.

9.12.6 Site grading shall not be permitted to impede or interfere with the natural flow of surface water onto (or from) adjacent municipal lands or public ditches, or neighbouring properties.

9.12.7 A lot grading and drainage plan shall be required as part of the development permit application for:
   a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan; and
   b. Any other development that:
      (a) Alters drainage on the site;
      (b) Increases runoff onto adjacent lands; or
      (c) Alters the quantity or quality of runoff into a watercourse or water body.

9.12.8 Where a lot grading and drainage plan is required, it shall be prepared by a qualified professional and shall:
   a. Identify pre-development and post development lot elevations and grades;
   b. Specify design elevations, surface gradients, and swale locations;
   c. Demonstrate how runoff will be controlled on the site; and
   d. Include any other drainage information required by the Development Authority.

9.12.9 A stormwater management plan may be required for multi-lot subdivisions and major developments, at the discretion of the Approving Authority.

9.12.10 Where a stormwater management plan is required, it must:
   a. Demonstrate that runoff will be managed on the site;
   b. Conform to municipal stormwater management systems and practices, where applicable; and
   c. Incorporate best management practices and low impact development strategies and technologies for:
      (a) Treating stormwater prior to discharge into water bodies, watercourses, or riparian areas;
      (b) Preventing pollution of water bodies, watercourses, or riparian areas; and
      (c) Minimizing or mitigating impacts of runoff on adjacent environmentally sensitive lands and hazardous lands.

9.13 KEEPING OF ANIMALS

9.13.1 The keeping of domestic pets shall be in accordance with the Summer Village's Animal Control Bylaw.

9.13.2 The keeping of livestock and poultry within the Summer Village is prohibited.

9.13.3 The keeping of animals on a commercial basis is prohibited, unless kept as part of an approved small animal breeding and boarding facility.

9.14 HEIGHT OF BUILDINGS

9.14.1 In the residential districts, the maximum height of dwelling or accessory building shall be 9.0 m (29.5 ft.) which shall be measured from the pre-development ground elevation of the lot.

9.14.2 The maximum height of a commercial building shall be 12.0 m (39.4 ft.).

9.14.3 The maximum height for a community or institutional use building shall be at the discretion of the Development Authority.

9.15 LANDSCAPING

9.15.1 A development permit shall be required for all landscaping (including vegetation removal) that:
   a. Alters the natural drainage patterns on the site; or
   b. Alters the quantity or quality of runoff into a watercourse or water body, including Wabamun Lake.

9.15.2 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.

9.15.3 Where a landscaping plan is required, it shall include the site plan requirements outlined in Section 5.4 and the following:
   a. Boundaries and dimensions of the site, location, and name of adjacent streets;
   b. Location of adjacent sidewalks, pathways, driveway entrances, easements, rights-of-way (ROW), and laneways;

c. All existing berms, contours, walls (including retaining walls), fences;
d. Proposed lot grading and drainage;
e. Location of all existing vegetation to be retained;
f. Locations, dimensions, areas, and description or illustrations of all existing and proposed:
    (i) Non-permeable surfaces;
    (ii) Vegetation (including trees and shrubs);
    (iii) Vegetation that comprises native vegetation (including trees and shrubs);
    (iv) Other soft landscaping elements and permeable surfaces other than vegetation (e.g., rock gardens, gravel, permeable pavement, etc.).

9.15.4 The following regulations shall apply in any residential district:
a. The area of the parcel covered in vegetation shall be a minimum of 30% of the total lot area and shall incorporate native vegetation.
b. Of the 30% minimum vegetation cover required in the previous regulation, the area of the parcel covered in trees and shrubs shall be a minimum of 10% of the total lot area.
c. The maximum parcel coverage area (including buildings and non-permeable surfaces such as hard-surfaced patios or driveways) is identified in each Land Use District.
d. The lot is to be in the process of being landscaped within one (1) year of project completion, to the satisfaction of the Development Authority.

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

9.15.6 Landscaping plans shall incorporate low impact development and design strategies to slow and filter excess nutrients and pollutants from entering the lake from runoff including but not limited to:
a. Grading of lots to drain and retain runoff to control and reduce runoff leaving the lot;
b. Inclusion of the following clean runoff landscaping strategies:
    (i) Within planting beds and natural areas, keep the areas rough, with dished areas for trapping water;
    (ii) Where possible include a depression to intercept surface water (including snowmelt) before it leaves the site;
    (iii) Minimize turf areas on lakefront lots to decrease soil compaction and the proliferation of invasive species;
    (iv) Incorporate tools for capturing, treating, and using runoff into lot grading and landscaping;
    (v) Incorporate deciduous native plant species and wildflowers into landscaping plans to encourage fire suppression, support biodiversity, and increase evapotranspiration.

9.16 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

9.16.1 No person shall keep or permit in any part of any yard in any Residential District:
a. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located; or
b. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
c. more than one (1) wrecked or unlicensed or inoperable vehicle for more than fourteen (14) consecutive days;
d. unless it is covered, any wrecked or unlicensed or inoperable vehicle for more than fourteen (14) consecutive days; or
e. any heavy vehicle such as logging trucks, tractor units with or without trailers, gravel trucks and graders, excluding recreational vehicles.

9.17 WATER AND SANITARY SERVICES

9.17.1 All development within the Summer Village must satisfy the Regulations of the Alberta Safety Codes Act in the matter of water supply and sanitary sewage disposal.

9.17.2 No new pit toilets, septic fields, mounds, or surface discharge systems shall be allowed in the Summer Village.

9.17.3 All new private sewage disposal systems shall be below ground holding tanks that conform to current Provincial private sewage requirements.

9.18 PARKING AND LOADING

9.18.1 Off-Street Automobile Parking
a. An off-street parking area:
    (i) shall not be located within 1.0 m (3.3 ft.) of a parcel line common to the parcel and to a public road;

(ii) shall be constructed so that adequate access to, and exit from each stall is to be provided at all times to the satisfaction of the Development Officer;
(iii) shall have necessary curb cuts located to the satisfaction of the Development Officer; and
(iv) shall be hard-surfaced to the satisfaction of the Development Officer or of a gravel mixture approved by the Development Officer.

b. All parking areas shall conform to the following minimum parking standards:

9.18.2 Required Number of Off-Street Parking Spaces

a. The minimum number of off-street parking spaces required for each building class shall be as in the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Officer. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

Use	Minimum Number of Parking Spaces
Residential	
Single detached dwellings	2 per dwelling
Guest houses	1 per guest house
Commercial	
Business, public administration and offices other than clinics	1 per 40.0 m^2 (430.0 $ft.^2$) of gross leasable area
Clinics	1 space for each 30.0 m^2 (322.9 $ft.^2$) of gross leasable area or 3 spaces for each full or part-time professional, whichever is greater
Retail, personal service, equipment and repair shops with a gross leasable floor area of 1000 m^2 (10,764.0 $ft.^2$) or less	1 per 30.0 m^2 (322.9 $ft.^2$) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of between 1000.0 m^2 and 4000 m^2 (10,764.0 $ft.^2$ and 43,057.0 $ft.^2$)	1 per 20.0 m^2 (215.0 $ft.^2$) of gross leasable floor area
Retail and personal service shops and shopping centre buildings with a gross leasable area of more than 4000 m^2 (43,057.0 $ft.^2$) on one parcel	1 per 17.0 m^2 (183.0 $ft.^2$) of gross leasable area
Restaurants	1 for each 6.0 m^2 (65.0 $ft.^2$) of gross floor area or 1 per five seating spaces and 1 per three employees at maximum shift, whichever is greater
Drive-in businesses and car washing establishments	8 except where more are required under other requirements of this section
Take Out Restaurants (food exclusively taken off-parcel)	1 for each 13.0 m^2 (140.0 $ft.^2$) of gross floor area plus 1 for each three employees on maximum shift
Hotels and motels	1 per sleeping unit and 1 space per three employees on maximum shift
Places of Public Assembly	
Theatres, auditoriums, halls, churches and other amusement or recreational facilities	1 per 7.5 seating spaces or 1 per 7.0 m^2 (75.0 $ft.^2$) used by the patrons, whichever is greater
Schools	
Elementary schools and junior high schools	1 per school hour employee, plus 5
Senior high schools which do not include an auditorium, gymnasium or swimming pool	1 per school hour employee plus 1 for every twenty students
Hospitals and Similar Uses	
Hospitals, sanatoriums, group care facilities, nursing homes, convalescent homes and senior citizens lodges.	1 per 100.0 m^2 (1,076.0 $ft.^2$) of floor area or 1 per four beds and 1 for every two employees on maximum shift, whichever is greater.

b. Where a development on a parcel contains more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses.

9.18.3 Communal Parking Facilities

Parking may be provided on a parcel other than the parcel of the principal use provided that it is in accordance with the following regulations:

a. On other than residential property and subject to the approval of the Development Officer, an owner of land or a group of such owners may pool his or their required off-street parking spaces within one or more communal parking facilities and may thereby collectively fulfill the required number of off-street parking spaces.

b. Where a group of uses is served by a communal parking facility, the requirement for such a facility shall be the sum of the off-street parking requirements for each of the uses served by the parking facility.

9.18.4 Off-Street Loading Spaces

a. Off-street loading spaces shall be required for all non-residential development.

b. Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a public roadway.

c. An off-street loading space shall be at least 4.0 m (13.1 ft.) in width, 8.0 m (26.2 ft.) in length, with height of 4.0 m (13.1 ft.).

d. Hard-surfacing shall be required where an off-street parking facility is required to be hard-surfaced.

e. Number of off-street loading spaces:

(i) in a retail, industrial, warehouse or similar development of less than 464.5 m^2 (5,000 $ft.^2$) of gross floor area, one space;

(ii) two spaces for between 464.5 m^2 (5,000 $ft.^2$) and 2,322.6 m^2 (25,000 $ft.^2$) of gross floor area, and one additional space for each additional 2,322.6 m^2 (25,000 $ft.^2$) or function thereof;

(iii) office buildings, places of public assembly, institution, club or lodge, school, or any other use one space up to 2,787.1 m^2 (30,000 $ft.^2$) of gross floor area and for each additional 2,787.1 m^2 (30,000 $ft.^2$) or fraction thereof, one additional space; and

(iv) neighbourhood commercial stores, one loading space.

9.19 PROJECTIONS OVER YARDS

9.19.1 No person shall allow any portion of a principal or accessory building to project over or onto the required minimum front yard, required minimum side yard, or required minimum rear yard except for a chimney, sill, cornice, canopy, bay or bow window, patio, or any other feature which, in the opinion of the Development Authority, is similar.

9.19.2 In all residential districts, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement are:

a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft.) into the minimum yard requirement.

b. Side Yards: Including un-enclosed steps or eaves, not exceeding 50% of the minimum side yard requirement.

9.19.3 In all other districts, the amount that a principal or accessory building described in Section 9.20.1 above may project into a minimum yard requirement is:

a. Front and Lakefront Yards: Not exceeding 1.5 m (4.9 ft.) into the minimum yard requirement.

b. Side Yards: Not exceeding 0.6 m (1.9 ft.) into the minimum side yard requirement.

9.19.4 No portion of a building unless otherwise provided for under this Bylaw shall project into a public road or street or other parcel.

9.19.5 When determining setbacks, they shall be calculated from the building.

9.20 RELOCATION OF BUILDINGS

9.20.1 No person shall:

a. place on a parcel a building which has previously been erected or placed on a different parcel; or

b. alter the location on a parcel of a building which has already been constructed on that parcel;

unless a development permit has been issued for the new location.

9.20.2 An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.

9.20.3 An application to “relocate” or “move in” a building may require:

a. Colour photographs of the building;

b. A statement of the present location of the building;

c. Information about the building’s dimensions, construction materials, and history;

d. A notification of the relocation route, date, and time that the relocation is to take place; and

e. A complete site plan showing all buildings located or to be located on the lot.

9.20.4 The Development Authority may require, when a development permit is issued for a relocated building, a performance bond (or an irrevocable letter of credit) related to the proposed development, up to a value of one hundred twenty-five percent (125%) of the estimated cost of the proposed development.

9.20.5 Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond (or an irrevocable letter of credit).

9.20.6 When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.

9.20.7 In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.

9.20.8 An approval shall not be granted unless the Development Authority is satisfied that:

a. The placement or location of the building would meet the requirements of this Bylaw; and
b. The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building and safety codes standards.

9.21 SIGNS

9.21.1 Unless identified in Section 5.2 – Development Not Requiring a Permit, the placement of a sign on a lot requires a development permit.

9.21.2 No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.

9.21.3 No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the Summer Village.

9.21.4 No sign, other than one providing a public service and deemed appropriate by the Development Authority shall be permitted to locate on a public right of way or reserve.

9.21.5 No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.

9.21.6 No sign or advertisement shall resemble or conflict with a traffic sign.

9.21.7 The Development Authority may refuse to allow any sign which is deemed to be offensive in nature or inappropriate in design.

9.21.8 The area around sign structures shall be kept clean, in good repair, free of overgrown vegetation, and free from refuse material.

9.21.9 Signs related to home occupations shall be limited to 1.0 m^2 (1550.0 $in.^2$) and must be attached to the respective residence.

9.21.10 No signs or advertising structures of any kind shall be allowed adjacent to Highway 759 unless the prior approval of Alberta Transportation and Economic Corridors has been obtained.

9.22 TOPSOIL EXCAVATION

9.22.1 No person shall commence or continue the removal of topsoil without first obtaining a development permit. Permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by topsoil removal.

9.22.2 The developer shall provide upon occupancy of a development a minimum topsoil coverage of 15.2 cm (6.0 in.) and the affected area shall be landscaped to the satisfaction of the Development Authority.

9.23 TREE REMOVAL

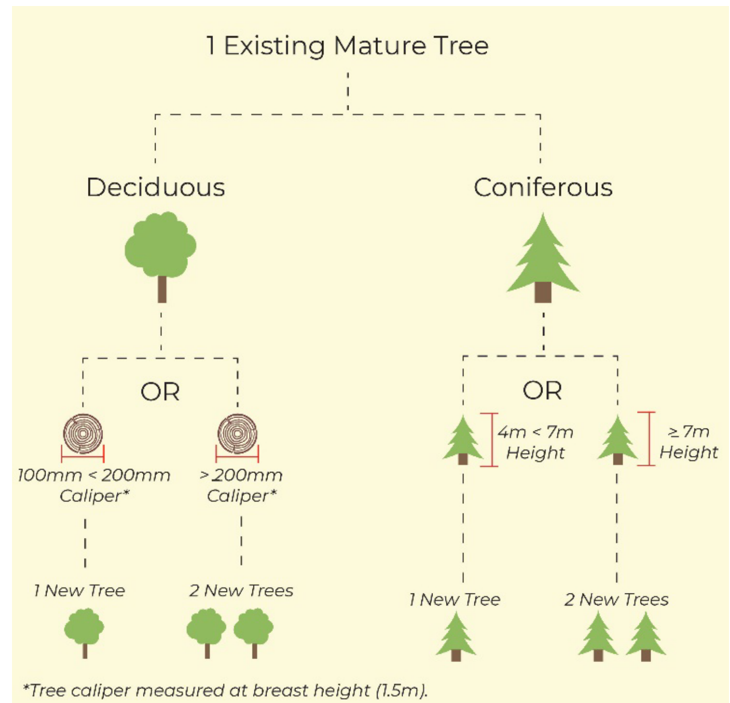
9.23.1 The regulations in this section are intended to implement policy direction in the Summer Village's Municipal Development Plan related to the retention of natural vegetation. These regulations aim to:

a. Maintain and enhance the existing tree canopy in the Summer Village;
b. Maintain and improve shoreline stabilization; and
c. Maintain and improve groundwater filtration.

9.23.2 The removal of non-hazardous mature trees (with a total combined caliper of 500.0 mm (19.7 in.) or greater) from a lot shall require a development permit.

9.23.3 Where mature trees are removed from a lot they shall be replaced with new trees on the following basis:

a. Where an existing deciduous tree has a caliper between 100.0 mm (3.9 in.) and 200.0 mm (7.9 in.), one (1) new tree shall be required;
b. Where an existing deciduous tree has a caliper greater than or equal to 200.0 mm, two (2) new trees shall be required;
c. Where an existing coniferous tree has a height between 4.0 m (13.1 ft.) and 7.0 m (23.0 ft.), one (1) new tree shall be required; and
d. Where an existing coniferous tree has a height greater than or equal to 7.0 m (23.0 ft.), two (2) new trees shall be required.



9.23.4 The minimum caliper size of a replacement tree shall be 40.0 mm.

9.23.5 The removal of mature trees on a lot may be replaced with either deciduous or coniferous trees (or a combination thereof).

9.23.6 Further to the previous subsection, the tree caliper shall be measured at breast height (1.5 m).

9.23.7 As part of an application for tree removal, an applicant may be required to provide the following information:

a. Reasons for the proposed tree removal;
b. A description of the trees or shrubs to be cleared;
c. A site plan with dimensions showing the area to be cleared and any significant natural features on and adjacent to the area to be cleared;
d. A proposed schedule for tree removal and hauling;
e. The proposed access and haul routes for removing timber;
f. Arborist report; and/or
g. A new landscaping plan that includes tree replanting.

9.23.8 As a condition of a development permit for tree removal, all tree replanting must be completed within 1 year.

9.23.9 When considering an application for tree removal, the Development Authority shall have regard for whether the site to be cleared is within an environmentally sensitive area, and the potential impacts on adjacent lands, watercourses, and water bodies.

9.23.10 Tree removal shall be discouraged within 6.0 m (19.7 ft.) of the legal bank of water bodies, wetlands, and watercourses except where required as a part of a development permit application for shoreline modification to prevent erosion.

9.23.11 Tree removal shall be discouraged within 6.0 m (19.7 ft.) of the road right of way.

9.23.12 Development proponents are encouraged to use native tree species as part of replanting plans.

10. SPECIFIC LAND USE REGULATIONS

10.1 BED AND BREAKFAST ESTABLISHMENTS

10.1.1 In addition to all other provisions and requirements of this Section of the Bylaw for home occupations, the following additional requirements shall apply to bed and breakfast operations:

a. Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit from the Summer Village.
b. A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building and/or guest house suite.
c. A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
d. In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 9.18 of this Bylaw, one (1) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

10.2 HOME OCCUPATIONS

10.2.1 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

10.2.2 A **major home occupation** shall comply with the following regulations:

(a) The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
(b) The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
(c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.
(d) Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
(e) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.

10.2.3 A **minor home occupation** shall comply with the following regulations:

(a) The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
(b) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and business activity shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

10.2.4 **All home occupations** shall comply with the following requirements:

(a) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
(b) The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
(c) A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 30.0 m^2 (322.9 $ft.^2$), whichever is less, of the dwelling unit for business usage. Except as noted in Sections 5.2 and 9.22, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
(d) No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
(e) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
(f) Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one identification sign on the parcel or the dwelling, providing that the sign does not exceed 0.9 m^2 (10.0 $ft.^2$) in area.
(g) In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the

anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

(h) Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

10.2.5 Home occupations shall not involve:

(a) activities that use or store hazardous material in quantities exceeding those found in a normal household;

(b) any use that, in the opinion of the Development Authority, would materially interfere with or affect the use, enjoyment, or value of neighbouring properties; or

(c) mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.

10.2.6 In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

10.3 MANUFACTURED HOME DWELLINGS

10.3.1 No new manufactured home dwelling shall be allowed in the Summer Village.

10.4 PARK MODEL TRAILERS

10.4.1 A park model trailer shall not be used as primary dwelling in the Summer Village of Seba Beach.

10.4.2 A park model trailer may only be used as a garden suite and is subject to the regulation sin Section 10.9 (Suites, Garden).

10.5 RECREATIONAL VEHICLES

10.5.1 On a lot with a developed principal dwelling, a maximum of one (1) recreational vehicle may be placed on a lot without a development permit.

10.5.2 In no instance shall a recreational vehicle be stored or occupied on an undeveloped lot. Notwithstanding 10.5.1, the Development Authority may, at their discretion, approve a development permit for the temporary placement of a recreational vehicle on a lot (for a maximum of 12 months) to be used as a temporary dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.

10.5.3 Notwithstanding the regulations of this section, one (1) additional Recreational Vehicle may be placed on a lot for up to 4 consecutive days (96 consecutive hours) for a maximum of 21 days per year on a stall with an approved development permit.

10.5.4 A development permit application for a Recreational Vehicle stall on a lot shall indicate:

a. where the Recreational Vehicle will be placed on a lot;
b. the means by which the stall area will be delineated on the lot (markers, posts, pads, etc.);
c. how potable water, wastewater, and utilities shall be provided; and
d. where parking shall be provided on the lot which shall provide for a tow vehicle, if applicable.

10.5.5 Recreational Vehicles shall adhere to the front, rear, and side yard requirements for accessory buildings identified in the applicable Land Use Districts.

10.5.6 Recreational Vehicles shall not be located within a front yard of a lakefront lot.
Recreational vehicles (and vehicles used for the towing of the recreational vehicle) must be located entirely within the boundaries of the lot.

10.5.7 Recreational Vehicles shall not be permitted to dispose of any wastewater or greywater other than in approved containment tanks.

10.5.8 Development permits for Recreational Vehicles shall not be approved where it cannot be demonstrated that there is sufficient room on the site to accommodate the Recreational Vehicle (and towing vehicle, if applicable) entirely within the boundaries of the lot.

10.6 SEA CANS

10.6.1 The placement of a sea can on a lot shall require a development permit.

10.6.2 A sea can shall not be used as a principal dwelling.

10.6.3 On residential lots, sea cans shall only be allowed as a temporary accessory building (for the storage of tools, building materials, and equipment associated with the construction of a dwelling or other development on a lot with an approved development permit) and shall be removed prior to the occupancy of the dwelling.

10.6.4 A maximum of one (1) sea can may be allowed on a lot as a temporary accessory building on a residential lot, at the sole discretion of the Development Authority.

10.6.5 As a condition of granting a development permit for the temporary placement of a sea can on a lot, the Development Authority may require the sea can to be buffered from public view.

10.6.6 Sea cans shall be strictly prohibited in any front yard of the property and shall meet all other required setback regulations for the applicable land use district.

10.6.7 The maximum height for a sea can allowed on any lot is 3.0 m (10.0 ft.).

10.6.8 The placement of a sea can on a non-residential lot shall be at the discretion of the Development Authority.

10.7 SUITES, GUEST HOUSE

10.7.1 The development of a guest house suite on a lot requires a development permit.

10.7.2 A guest house suite may be developed as a Garage Suite (See Section 10.8), Garden Suite (see Section 10.9), or Secondary Suite (see Section 10.10).

10.7.3 A guest house suite shall not be allowed on a lot for which a development permit for a principal dwelling has not been issued.

10.7.4 Guest house suites shall be located according to the following:

a. A maximum of one (1) guest house suite is allowed on a parcel.
b. Must be located in the rear yard and rear half of the property.
c. For a guest house situated over a garage a rear yard setback shall be provided of not less than 1.5 m. Where the principal door of the garage faces a roadway, the garage shall bet setback 6.0 m from the boundary of the parcel adjacent to the roadway.
d. No roof overhang including eaves and downspouts shall extend more than 0.7 m (2.0 ft.) into a side or rear yard.
e. A guest house shall be situated in such a manner that it does not encroach upon easements and rights-of-way.

10.7.5 Side yards shall total at least 10% of the parcel width with each side yard being a minimum:

a. 1.5 m (4.9 ft.) for buildings 7.6 m (24.9 ft.) or less in height; and
b. 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height.

10.7.6 A guest house suite may be considered within:

a. The principal dwelling as a secondary suite (see Section 10.10 – Suite, Secondary);
b. The second storey of a detached garage as a garage suite (see Section 10.8 – Suites, Garage); or
c. A stand-alone accessory building or structure as a garden suite (see Section 10.9 – Suites, Garden).

10.7.7 As a condition of development permit approval, an application for a guest house suite on a lot shall provide evidence that all safety code requirements are met with the proposed guest house suite.

10.7.8 As a condition of the development permit, a guest house suite shall be connected to an onsite sewage disposal system satisfactory to the Development Authority.

10.7.9 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.

10.7.10 Onsite parking for guest house suites shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the suite. Required parking stall(s) shall not be allowed on public roadways. Tandem parking may be permitted at the discretion of the Development Authority.

10.8 SUITES, GARAGE

10.8.1 The regulations in Section 10.7 (Suites, Guest House) apply to garage suites.

10.8.2 A garage suite shall only be allowed on a lot occupied by a single-detached dwelling.

10.8.3 If a permit for a garage suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.

10.8.4 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m^2 (860.0 $ft.^2$).

10.8.5 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.

10.8.6 The minimum floor area for an at-grade garage suite is 24.5 m^2 (264.0 $ft.^2$).

10.8.7 The minimum floor area for an above-grade garage suite is 24.5 m^2 (264.0 $ft.^2$).

10.8.8 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.

10.8.9 A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220-volt wiring and toilet and bathing facilities.

10.8.10 A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
10.8.11 Garage suites shall be a maximum height of 9.0 m (29.5 ft.).
10.8.12 No additional approach will be permitted to provide access or egress to the suite.

10.9 SUITES, GARDEN

10.9.1 The regulations in Section 10.7 (Suites, Guest House) apply to garden suites.
10.9.2 A garden suite shall only be allowed on a lot occupied by a single-detached dwelling.
10.9.3 If a permit for a garden suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
10.9.4 Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
10.9.5 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.
10.9.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
10.9.7 A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220-volt wiring) and toilet with bathing facilities.
10.9.8 The minimum floor area for a garden suite shall be 30.0 m^2 (322.9 $ft.^2$).
10.9.9 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m^2 (860.0 $ft.^2$) in floor area.
10.9.10 Garden suites shall have a maximum height of 4.3 m (14.1 ft.).
10.9.11 Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:

a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garden suite window on an abutting site;
b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
c. placing larger windows such as living room windows, facing a lane, a flanking street, or the larger of any side yard abutting another property.

10.9.12 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.
10.9.13 No additional approach will be permitted to provide access or egress to the suite.

10.10 SUITES, SECONDARY

10.10.1 The regulations in Section 10.7 (Suites, Guest House) apply to secondary suites.
10.10.2 A secondary suite shall only be allowed on a lot occupied by a single-detached dwelling.
10.10.3 If a permit for a secondary suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.
10.10.4 A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m^2 (860.0 $ft.^2$).
10.10.5 The minimum floor area for a secondary suite is 30.0 m^2 (322.9 $ft.^2$)
10.10.6 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
10.10.7 A secondary suite includes, but is not limited to, cooking, sleeping, and bathing facilities which are separate from those of the principal dwelling within the structure.
10.10.8 A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
10.10.9 A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
10.10.10 The applicant shall provide an original copy of a fire inspection report to the Development Authority, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a secondary suite.

10.11 TOURIST HOMES

10.11.1 A development permit is required to operate a tourist home in the Summer Village of Seba Beach. A development permits for a tourist home may be issued for maximum period of twelve (12) months and may be applied for annually.

10.11.2 No development permit for a tourist home may be issued for a lot that does not conform to all other provisions of this land use bylaw.

10.11.3 An application for a development permit for a tourist home shall include (in addition to the requirements of Section 5.4):

a. signatures of all property owners listed on the title;
b. identification of what portion of the dwelling or suites are to be utilized as a tourist home, and total number of bedrooms;
c. a home safety and evacuation floor plan of the premises;
d. a parking plan that identifies the total area of the lot to be used for parking;
e. information on where (or on what website) the tourist home will be listed for rental.

10.11.4 A maximum of one tourist home may be developed on a lot. A tourist home may be developed within a maximum of one of the following on a parcel:

a. an entire principal dwelling for which a development permit has previously been issued;
b. a portion of a principal dwelling for which a development permit has previously been issued;
c. a guest suite for which a development permit has been previously issued.

10.11.5 A tourist home with an approved development permit shall visibly display in the main entrance of the tourist home:

a. a copy of the development permit outlining the maximum occupancy of the tourist home and the primary contact telephone number and email of the owners; and
b. a home safety and evacuation floor plan of the premises.

10.11.6 A tourist home shall not be developed within:

a. a recreational vehicle;
b. a tent or tented structure; or
c. an accessory building without cooking or bathroom facilities.

10.11.7 The maximum occupancy of a tourist home shall be the total number of bedrooms times two (2), to a maximum of eight (8).

10.11.8 Children under the age of twelve (12) do not calculate into the maximum occupancy of a tourist home.

10.11.9 A minimum of one (1) parking space per bedroom in the tourist home, plus one (1) extra shall be provided for on a lot. The parking space shall be included in the calculation of parcel coverage. No offsite parking (i.e., parking within the adjacent road right of way, on municipal land, or on adjacent private land) shall be allowed.

10.11.10 The owner(s) shall be required to cooperate with the Development Authority, emergency services providers, and Alberta Health Services during an investigation of any complaint associated with the tourist home.

10.11.11 No signs advertising the rental of the tourist home shall be permitted onsite.

11. LAND USE DISTRICTS

11.1 ESTABLISHMENT OF DISTRICTS AND LAND USE DISTRICT MAP

11.1.1 For the purpose of this Bylaw the Summer Village of Seba Beach is divided into the following districts:

LAND USE DISTRICT	SYMBOL	MAP COLOUR
Residential (Larger Lots)	R1A	
Residential (Small and Shallow Lots)	R1B	
General Commercial	C1	
Commercial Recreation	CR	
Urban Services	US	
Parks and Recreation	P	
Urban Reserve	UR	
Direct Control	DC	

11.1.2 For the purposes of this Bylaw:

a. the R1A and R1B Districts shall be considered the Residential Districts; and
b. the C1 and CR Districts shall be considered the Commercial Districts.

11.2 BOUNDARIES

11.2.1 The boundaries of the districts listed in Section 11.1 are as delineated on the Land Use District Map.

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

a. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
b. Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the lot line;
c. In circumstances not covered by 11.2.1 or 11.2.2, the location of the district boundary shall be determined by the Development Authority by measurement of, and use of, the scale shown on the Land Use District Map.

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

11.2.4 After the Council has fixed a district boundary pursuant to Section 11.2.3, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

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

11.3 SAME OR SIMILAR

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

12. R1A – RESIDENTIAL (LARGER LOTS)

12.1 PURPOSE

12.1.1 To accommodate the development of single detached dwellings on larger lots in the Summer Village of Seba Beach.

12.2 PERMITTED USES

12.2.1 Dwellings, single detached
12.2.2 Home occupations, minor
12.2.3 Public utilities
12.2.4 Public and quasi-public buildings and uses
12.2.5 Buildings and uses accessory to permitted uses

12.3 DISCRETIONARY USES

12.3.1 Bed and breakfast establishments
12.3.2 Care facilities
12.3.3 Home occupations, major
12.3.4 Parks
12.3.5 Suites, garage
12.3.6 Suites, garden
12.3.7 Suites, secondary
12.3.8 Tourist homes
12.3.9 Buildings and uses accessory to discretionary uses
12.3.10 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

12.4 SITE DEVELOPMENT REGULATIONS

12.4.1	Parcel Coverage	The parcel coverage of all buildings and non-permeable surfaces shall not exceed 40% of the total parcel area.
12.4.2	Minimum Floor Area	The minimum floor area (not including attached garage) for single detached dwellings shall be no less than 92.9 m^2 (1,000 $ft.^2$).
12.4.3	Minimum Parcel Depth	No new parcel shall be created which has a minimum parcel depth which when combined with the minimum parcel width would result in a minimum parcel area less than that stated in Section 27(7), depending on existence or non-existence of a water collection system and a sewage collection system (as defined in the Subdivision Regulation and this Bylaw).
12.4.4	Minimum Parcel Area	No new parcel for a dwelling shall be created which has an area less than: a. If not served by either a municipal sewage collection system or a municipal water distribution system, a minimum of 1,858.1 m^2 (20,000 $ft.^2$) of developable land. b. If served by a municipal water distribution system but not a municipal sewage collection system, a minimum of 1,393.5 m^2 (15,000 $ft.^2$) of developable land.
12.4.5	Minimum Front Yard Setback	The minimum front yard setback shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.5 m (25.0 ft.).
12.4.6	Minimum Lakefront Yard Setback	The minimum lakefront yard setback shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a lakefront yard setback be less than 7.5 m (25.0 ft.).
12.4.7	Minimum Rear Yard Setback	A rear yard setback shall be provided of not less than 1.5 m (5.0 ft.).
12.4.8	Minimum Side Yard Setback	Side yards shall total at least 10% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) and 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height. Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft.) except where an attached garage or carport is provided.
12.4.9	Accessory Buildings	Accessory buildings (including garages) shall be developed in accordance with the regulations in Section 9.1 of this bylaw.

13. R1B – RESIDENTIAL (SMALL AND SHALLOW LOTS)

13.1 PURPOSE

13.1.1 To accommodate the development of single detached dwellings on existing small and shallow lots in the Summer Village of Seba Beach.

13.2 PERMITTED USES

13.2.1 Dwellings, single detached
13.2.2 Home occupations, minor
13.2.3 Public utilities
13.2.4 Public and quasi-public buildings and uses
13.2.5 Buildings and uses accessory to permitted uses

13.3 DISCRETIONARY USES

13.3.1 Bed and breakfast establishments
13.3.2 Care facilities
13.3.3 Home occupations, major
13.3.4 Parks
13.3.5 Suites, garage
13.3.6 Suites, garden
13.3.7 Suites, secondary
13.3.8 Tourist homes
13.3.9 Buildings and uses accessory to discretionary uses
13.3.10 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

13.4 SITE DEVELOPMENT REGULATIONS

13.4.1	Parcel Coverage	The parcel coverage of all buildings and non-permeable surfaces shall not exceed 55% of the total parcel area.
13.4.2	Minimum Floor Area	The minimum floor area (not including attached garage) for single detached dwellings shall be no less than 55.7 m^2 (600.0 $ft.^2$).
13.4.3	Minimum Parcel Area	No new parcel for a dwelling shall be created which has an area less than: a. If not served by either a municipal sewage collection system or a municipal water distribution system, a minimum of 1,858.1 m^2 (20,000 $ft.^2$) of developable land. b. If served by a municipal water distribution system but not a municipal sewage collection system, a minimum of 1393.5 m^2 (15,000 $ft.^2$) of developable land. c. If served by a municipal sewage collection system but not a municipal water distribution system, a minimum of 929.0 m^2 (10,000 $ft.^2$) of developable land. d. If served by both a municipal sewage collection system and a municipal water distribution system, a minimum of 696.8 m^2 (7500 $ft.^2$).
13.4.4	Minimum Front Yard Setback	Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a front yard setback be less than 7.0 m (22.9 ft.).
13.4.5	Minimum Lakefront Yard Setback	The minimum lakefront yard setback shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels, but in no case shall a lakefront yard setback be less than 7.5 m (25.0 ft.).
13.4.6	Minimum Rear Yard Setback	A rear yard setback shall be provided of not less than 1.5 m (5.0 ft.).
13.4.7	Minimum Side Yard Setback	Side yards shall total at least 20% of the parcel width with each side yard being at least 1.5 m (4.9 ft.) and 2.3 m (7.5 ft.) for buildings 7.6 m (24.9 ft.) or more in height. Notwithstanding the above, where a parcel has vehicular access from the front only, one side yard setback must be a minimum of at least 3.2 m (10.5 ft.) except where an attached garage or carport is provided.

13.4.8	Accessory Buildings	Accessory buildings (including garages) shall be developed in accordance with the regulations in Section 9.1 of this bylaw.

14. C1 – GENERAL COMMERCIAL

14.1 PURPOSE

14.1.1 To accommodate the development of office, retail, and other commercial developments in the Summer Village of Seba Beach that provide services to local residents and visitors.

14.2 PERMITTED USES

14.2.1 Business support services
14.2.2 Institutional uses
14.2.3 Restaurants
14.2.4 Retail stores
14.2.5 Buildings and uses accessory to permitted uses

14.3 DISCRETIONARY USES

14.3.1 Caretaker's residence
14.3.2 Drive-in businesses
14.3.3 Care facilities
14.3.4 Medical clinics
14.3.5 Parks
14.3.6 Public utilities
14.3.7 Public and quasi-public buildings and uses
14.3.8 Buildings and uses accessory to discretionary uses
14.3.9 Other uses which, in the opinion of the Development Authority, are similar to the listed permitted and discretionary uses

14.4 SITE DEVELOPMENT REGULATIONS

14.4.1	Parcel Coverage	The maximum parcel coverage of all buildings may be 80% of the total parcel area, provided that adequate provision is made for parking, loading and garbage facilities.
14.4.2	Minimum Parcel Area	No new parcel shall be created by subdivision with an area of less than 371.6 m^2 (4,000 $ft.^2$), or a width of less than 6.0 m (19.7 ft.), or a depth of less than 30.0 m (98.4 ft.).
14.4.3	Minimum Front Yard Setback	Shall be at the discretion of the Development Authority who shall have concern for development or potential development on adjacent parcels.
14.4.4	Minimum Rear Yard Setback	None required provided that adequate provision is made for parking, loading and garbage facilities.
14.4.5	Minimum Side Yard Setback	None required unless abutting a residential district. The side yard required where the parcel abuts a residential district shall be 1.5 m (4.9 ft.) or 40% of the height of the building, whichever is greater. Where one is provided, no side yard shall be less than 1.5 m (4.9 ft.).
14.4.6	Accessory Buildings	Accessory buildings (including garages) shall be developed in accordance with the regulations in Section 9.1 of this bylaw.
14.4.7	Access	No parcel shall be created which does not have access to an alley at one side or the rear.

15. CR – COMMERCIAL RECREATION

15.1 PURPOSE

15.1.1 To accommodate the development of outdoor commercial recreation developments in the Summer Village of Seba Beach that are compatible with existing and planned developments.

15.2 PERMITTED USES

15.2.1 Intensive recreational uses

15.2.2 Buildings and uses accessory to permitted uses

15.3 DISCRETIONARY USES

15.3.1 Institutional uses

15.3.2 Parks

15.3.3 Public utilities

15.3.4 Public and quasi-public buildings and uses

15.3.5 Buildings and uses accessory to discretionary uses

15.3.6 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.

15.4 DEVELOPMENT REGULATIONS FOR RECREATIONAL VEHICLES IN INTENSIVE RECREATIONAL DEVELOPMENTS

15.4.1	Development Sites	For the purposes of this District, “site” means a smaller portion of the entire development site which is designated for leasehold tenure and has not been subdivided by plan of survey.
15.4.2	Maximum Parcel Coverage	Parcel coverage of all buildings and development shall not exceed 15% of the total site area.
15.4.3	Minimum Site Area Per Recreational Vehicle	No less than 240.0 m^2 (2,583.3 $ft.^2$).
15.4.4	Minimum Site Depth	No less than 20.0 m (65.6 ft.).
15.4.5	Minimum Titled Area	2.0 ha (4.9 ac.).

15.5 SITE DEVELOPMENT REGULATIONS

15.5.1	Accessory Structures	All accessory structures such as patios, porches, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the design and construction complement the principal structure.
15.5.2	Site Development	Notwithstanding the regulations in this Bylaw, all site and development regulations shall be at the discretion of the Development Authority. The design, siting, landscaping, screening, and buffering shall be considered in order to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting districts and land uses.

16. US – URBAN SERVICES

16.1 PURPOSE

16.1.1 To accommodate the development of community, cultural, and social services for the benefit of Summer Village residents and visitors.

16.2 PERMITTED USES

16.2.1 Institutional uses
16.2.2 Public utilities
16.2.3 Public and quasi-public buildings and uses
16.2.4 Buildings and uses accessory to permitted uses

16.3 DISCRETIONARY USES

16.3.1 Cemetery
16.3.2 Medical clinics
16.3.3 Care facilities
16.3.4 Parks
16.3.5 Other uses which, in the opinion of the Development Authority, are similar to the listed permitted and discretionary uses

16.4 SITE DEVELOPMENT REGULATIONS

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

17. P – PARKS AND RECREATION

17.1 PURPOSE

17.1.1 To accommodate the development of recreational uses and leisure activities for the benefit of Summer Village residents and visitors.

17.2 PERMITTED USES

17.2.1 Parks
17.2.2 Intensive recreational uses
17.2.3 Buildings and uses accessory to permitted uses

17.3 DISCRETIONARY USES

17.3.1 Institutional uses
17.3.2 Public utilities
17.3.3 Public and quasi-public buildings and uses
17.3.4 Buildings and uses accessory to discretionary uses
17.3.5 Other uses which, in the opinion of the Development Authority, are similar to the listed permitted and discretionary uses

17.4 SITE DEVELOPMENT REGULATIONS

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

18. UR – URBAN RESERVE

18.1 PURPOSE

18.1.1 To enable the low-intensity development of rural areas of the Summer Village of Seba Beach until such time as they are proposed for future urban development.

18.2 PERMITTED USES

18.2.1 Extensive agriculture
18.2.2 Single detached dwellings
18.2.3 Parks
18.2.4 Public utilities
18.2.5 Public and quasi-public buildings and uses
18.2.6 Buildings and uses accessory to permitted uses
18.2.7 Other uses which, in the opinion of the Development Authority, are similar to the listed permitted and discretionary uses

18.3 DISCRETIONARY USES

18.3.1 None

18.4 SITE DEVELOPMENT REGULATIONS

18.4.1	Subdivision	No subdivision shall be approved other than for Municipal purposes or urban expansion.
18.4.2	Future Planning	No subdivisions or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan shall be in the form of an Area Structure Plan or Conceptual Scheme.
18.4.3	All Uses	All development regulations shall be at the discretion of the Development Authority.

19. DIRECT CONTROL DISTRICT

19.1 PURPOSE

19.1.1 To enable land use and development to occur in areas of unique character or circumstance. Interim use and development may be allowed if they do not preclude or significantly increase costs for development, conversion, or redevelopment in terms of the existing and future urban infrastructure.

19.1.2 Proposed developments are subject to the regulations presented below and such rules with respect to land generally or specifically as the Council may make from time to time, and as described within policies of the Municipal Development Plan. All proposals will be reviewed and decided upon by Council.

19.2 PERMITTED USES

19.2.1 As identified by Council.

19.3 DEVELOPMENT REGULATIONS

19.3.1 All parcel regulations shall be at the discretion of Council. The design, siting, landscaping, scenery and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in the district or abutting districts.

19.3.2 In evaluating a proposed land use or a development, Council shall have regard for, but not be limited to:

a. existing use of the land;
b. uses, regulations and development criteria specified in the land use district superseded by this district;
c. the Land Use Regulations of this Bylaw;
d. the Land Use Regulations of abutting Land Use Districts; and
e. shall conform to the Act, Subdivision Regulations, and any statutory plan in effect.

19.3.3 An applicant may be required to enter into an agreement with the Municipality to ensure that the use and development of land and buildings on a parcel complies with the approved comprehensive plan of development as a condition of approval of a development permit issued pursuant to the Direct Control District.

20. LAND USE DISTRICT MAP