SUMMER VILLAGE OF ARGENTIA BEACH

BYLAW No. 263

SUMMER VILLAGE OF ARGENTIA BEACH LAND USE BYLAW

A Bylaw of the Summer Village of Argentia Beach, in the Province of Alberta for the purpose of repealing Bylaw 154, and adopting a new Land Use Bylaw for the Summer Village of Argentia Beach.

WHEREAS a Land Use Bylaw has been prepared for the Summer Village of Argentia Beach based on public input and studies of land use, development, and other relevant information; and

WHEREAS the foresaid Land Use Bylaw describes the way in which the future development of the Summer Village of Argentia Beach may be carried out in an orderly and economic manner;

NOW THEREFORE the Council of the Summer Village of Argentia Beach, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act* R.S.A. 2000, c. M-26 as amended, enacts as follows:

1. This new Bylaw may be cited as the "Summer Village of Argentia Beach Land Use Bylaw."

2. The Land Use Bylaw of the Summer Village of Argentia Beach attached hereto as Schedule "A" to this Bylaw is hereby adopted.

3. Bylaw 154, as amended, being the previous Land Use Bylaw of the Summer Village of Argentia Beach, is hereby repealed.

4. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

READ A FIRST TIME this 30th day of August, A.D., 2022

READ A SECOND TIME this 13th day of December, A.D., 2022

READ A THIRD TIME THIS 13th day of December, A.D., 2022

MAYOR, Don Oborowsky

CHIEF ADMINISTRATIVE OFFICER, Sylvia Roy

Summer Village of
ARGENTIA BEACH
Land Use Bylaw

December 2022 | Bylaw No. 263

LAND ACKNOWLEDGEMENT

The Summer Village of Argentia Beach respectfully acknowledges that the Summer Village is situated on **Treaty 6 territory**, traditional lands of **First Nations and Métis people**, whose footsteps have marked these lands and shores for generations.

TABLE OF CONTENTS

LAND ACKNOWLEDGEMENT I
GUIDE TO USING THE LAND USE BYLAW I
1. INTRODUCTION 1
1.1. TITLE 1
1.2. COMMENCEMENT 1
1.3. REPEAL 1
1.4. PURPOSE 1
1.5. APPLICATION 1
1.6. CONFORMITY 2
1.7. COMPLIANCE 2
1.8. SEVERABILITY 2
2. INTERPRETATION 1
2.1. MEASUREMENTS 1
2.2. DEFINITIONS 1
3. AUTHORITIES 19
3.1. COUNCIL 19
3.2. DEVELOPMENT AUTHORITY 19
3.3. DEVELOPMENT OFFICER 19
3.4. SUBDIVISION AUTHORITY 19
3.5. SUBDIVISION AND DEVELOPMENT APPEAL BOARD 19
4. LAND USE BYLAW AMENDMENTS 20
4.1. APPLICATIONS 20
5. DEVELOPMENT PROCESS 23
5.1. CONTROL OF DEVELOPMENT 23
5.2. DEVELOPMENT NOT REQUIRING A PERMIT 23
5.3. NON-CONFORMING BUILDINGS AND USES 25
5.4. APPLICATION REQUIREMENTS FOR DEVELOPMENT PERMITS 26
5.5. PERMISSION FOR DEMOLITION 28
5.6. NOTICE OF COMPLETE OR INCOMPLETE APPLICATIONS 29
5.7. DEVELOPMENT PERMIT NOTIFICATION 30
5.8. DEVELOPMENT PERMITS CONDITIONS AND DEVELOPMENT AGREEMENTS 31
5.9. VALIDITY OF PERMITS 32
5.10. VARIANCES 32
6. SUBDIVISION PROCESS 34
6.1. APPLICATION REQUIREMENTS FOR SUBDIVISIONS 34
6.2. PROCESS 35
6.3. DUTIES OF THE SUBDIVISION AUTHORITY 36
6.4. REQUIREMENTS AND CONDITIONS OF SUBDIVISION 36
7. SUBDIVISION AND DEVELOPMENT APPEALS 38
7.1. DEVELOPMENT APPEALS 38
7.2. SUBDIVISION APPEALS 39
7.3. APPEAL HEARING AND DECISION 40
8. ENFORCEMENT 41
8.1. GENERAL PROVISIONS 41
8.2. PROHIBITION 41
8.3. RIGHT OF ENTRY 41
8.4. VIOLATION WARNINGS 41
8.5. WARNINGS AND FINAL WARNING NOTICES 41
8.6. OFFENCES AND FINES 41
8.7. STOP ORDERS 42
8.8. ENFORCEMENT OF STOP ORDERS 42
8.9. VIOLATION TAGS AND TICKETS 42

9. GENERAL REGULATIONS 43
9.1. ACCESSORY BUILDINGS AND USES 43
9.2. APPEARANCE AND DESIGN OF BUILDINGS 43
9.3. CORNER AND DOUBLE FRONTING LOTS 44
9.4. DWELLING UNITS ON A LOT 44
9.5. ENVIRONMENTAL PROTECTION 44
9.6. EROSION AND SEDIMENT CONTROL 45
9.7. FENCES AND WALLS 46
9.8. FIRE SEPERATION AND EMERGENCY PREPARDNESS 46
9.9. FLOOD AND SEEPAGE RISK 46
9.10. GRADING, STRIPPING AND DRAINAGE ON LOTS 46
9.11. HEIGHT OF BUILDINGS 48
9.12. HOME OCCUPATIONS 48
9.13. KEEPING OF LIVESTOCK 49
9.14. MOVED-IN BUILDINGS 49
9.15. OBJECTS PROHIBITED IN YARDS 50
9.16. POOLS AND HOT TUBS 50
9.17. RECREATIONAL VEHICLES 50
9.18. SEA CANS 51
9.19. SIGNS 51
9.20. SITE COVERAGE AND LANDSCAPING 52
9.21. SOLAR ENERGY COLLECTION SYSTEMS 54
9.22. STORAGE ON A LOT 54
9.23. SUITES, GUEST HOUSE 54
9.24. TOURIST HOMES 54
9.25. WIND ENERGY CONVERSION SYSTEMS 54
10. LAND USE DISTRICTS 56
10.1. ESTABLISHMENT OF LAND USE DISTRICTS 56
10.2. BOUNDARIES 56
11. RESIDENTIAL (R) DISTRICT 57
11.1. PURPOSE 57
11.2. PERMITTED USES 57
11.3. DISCRETIONARY USES 57
11.4. LOT DIMENSIONS AND AREAS 57
11.5. DEVELOPMENT REGULATIONS 57
12. RESIDENTIAL LOW DENSITY (R1) DISTRICT 59
12.1. GENERAL PURPOSE 59
12.2. PERMITTED USES 59
12.3. DISCRETIONARY USES 59
12.4. LOT DIMENSIONS AND AREAS 59
12.5. DEVELOPMENT REGULATIONS 59
12.6. SUBDIVISION REGULATIONS 60
12.7. SETBACKS FROM WATERCOURSES AND RESERVES 61
13. GREEN BELT (G) DISTRICT 62
13.1. PURPOSE 62
13.2. PERMITTED USES 62
13.3. DISCRETIONARY USES 62
13.4. OTHER REGULATIONS 62
14. SPILLWAYS (S) DISTRICT 63
14.1. PURPOSE 63
14.2. PERMITTED USE 63
14.3. DISCRETIONARY USES 63
14.4. OTHER REGULATIONS 63
15. LAND USE DISTRICT MAP 64
APPENDIX A – RECOMMENDED SETBACKS 66

GUIDE TO USING THE LAND USE BYLAW

The Land Use Bylaw (LUB) establishes regulations for how land can be developed within the Summer Village of Argentia Beach. Regulations vary depending on the location and type of development. A development permit must be obtained prior to any new construction, structural renovations, opening of a new business and/or changing the use of an existing building. Development permits provide municipal approval for the use of land as well as the placement, size and location of new buildings or structures. In addition to the LUB, other bylaws, regulations and polices of the Summer Village of Argentia Beach, Provincial and Federal governments must also be followed.

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

LOCATE	Locate the subject property on the Land Use Districts Map in Section 15. This map divides the Summer Village into five different land use districts. Take note of which land use district the subject property is located in. Note that land use districts are often referred to as "Zones" or "Zoning." In order to conform to the language of the *Municipal Government Act*, this Land Use Bylaw uses the terms "district" and "districting."
CHECK	Check the Table of Contents and locate the land use district you are interested in. Each land use district is listed in Section 10. In each land use district you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given land use district. There are definitions in Section 2 that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
REVIEW	Review the Table of Contents to see if there are any regulations that apply to the situation or use in question. For example, Section 9 contains regulations affecting accessory buildings, recreational vehicles, sea cans, and suites, among many others.
DISCUSS	Discuss your proposal or concern with Summer Village Administration. Administration is trained and eager to assist you with your development, subdivision, or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendments.

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

1. INTRODUCTION

1.1. TITLE

1.1.1. The title of this Bylaw shall be the Argentia Beach Land Use Bylaw (Bylaw 263).

1.2. COMMENCEMENT

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

1.2.2. Insofar as it affects other land, this bylaw comes into effect on the date on which that land is annexed to the municipality.

1.3. REPEAL

1.3.1. Bylaw 154, the former Summer Village of Argentia Beach Land Use Bylaw (as amended) is repealed and shall cease to have effect on the day that this Land Use Bylaw comes into effect.

1.4. PURPOSE

1.4.1. The purpose of this bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

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;

c. To establish the office of Development Authority;

d. To establish a method of making decisions on applications for development permits including the issuing of development permits;

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 against the 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 Pigeon Lake; and

i. To follow:

   i. adopted statutory plans and watershed management plans;

   ii. the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;

   iii. the *Subdivision and Development Regulation*, AR43/2002, as amended; and

   iv. 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. APPLICATION

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

1.6. CONFORMITY

1.6.1. No person shall commence any subdivision or development unless it is in accordance with the terms and conditions of 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 Summer Village statutory plans and bylaws;

c. Complying with any easement, covenant, agreement or contract affecting the development.

1.8. SEVERABILITY

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

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

2. INTERPRETATION

2.1. MEASUREMENTS

2.1.1. The metric measurement shall take precedence for the purposes of interpretation of this Land Use Bylaw.

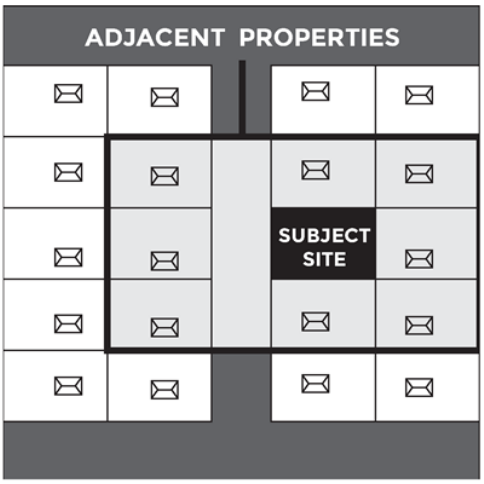
2.1.2. The imperial measures are approximate and are provided only for information.

2.1.3. Unless specified elsewhere in this Land Use Bylaw, measurements shall be rounded to the tenth decimal place.

2.1.4. Notwithstanding 2.1.3, measurements shall not be rounded up for the purpose of determining minimum side widths on a lot.

2.2. DEFINITIONS

2.2.1. In this Bylaw:

1.	ABUT	means immediately contiguous to, or physically attaching to, and when used in respect of a parcel, means that the parcel physically touches upon another parcel and shares a property line with it.
2.	ACCESSORY BUILDING	means a building separate and subordinate to the principal building, the use of which is incidental to that main building and is located on the same lot.
3.	ACCESSORY USE	means a use of land or a building which is subordinate to and is normally incidental to any use of land or use of the principal building lawfully occurring on a site.
4.	ACT	means the *Municipal Government Act*, R.S.A. 2000 c. M—26 as amended.
5.	ADJACENT	means land that is immediately contiguous to a site, or would be immediately contiguous to a site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature. 
6.	AGRICULTURE USE	means the use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry.
7.	ALBERTA CLEAN RUNOFF ACTION GUIDE	means the most current guide created by the Pigeon Lake Watershed Association in partnership with the Alberta Low Impact Development Partnership to encourage lake-friendly development and landscaping to minimize runoff.
8.	AQUIFER	refers to a sub-surface layer or layers of porous rock which hold water within the spaces between the rocks (interstitial spaces).

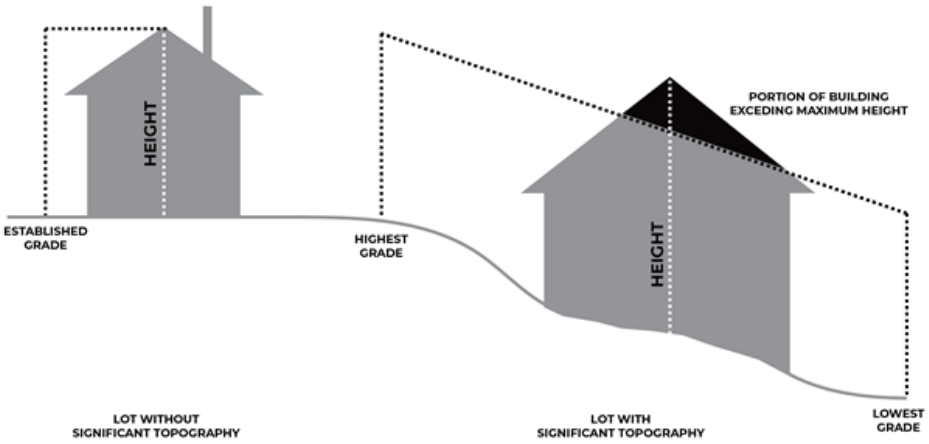
9.	ARBORIST REPORT	means a report prepared by a certified arborist includes an inventory of the trees on the site and identifies a plan to manage the trees on the site to best preserve their health and function.
10.	BASEMENT	means the portion of a building which is wholly or partially below grade, having 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.
11.	BED AND BREAKFAST OPERATION	means a dwelling where temporary sleeping accommodations (up to a maximum of three (3) bedrooms) with or without meals, are provided for remuneration to members of the public.
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.
13.	BOAT HOUSE	means an accessory building designed and used primarily for the storage of boats and is normally designed such that the main door faces the lake as to permit the direct removal of boats from the water to the structure. A boat house shall not include a dwelling, and shall not be located within the bed and shore of Pigeon Lake.
14.	BUFFER	means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses.
15.	BUILDING	includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road.
16.	BUILDING POCKET	means the land on which yard amenity areas, the main building on the site, and all accessory buildings will be situated.
17.	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.
18.	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.
19.	CHATTEL	means a moveable item of personal property.
20.	COMMERCIAL USE	means a development without a residential component through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and is not developed as a home business.
21.	COOKING FACILITIES	means an area of a common living space of a dwelling or suite that contains counters, cabinets, plumbing, appliances and/or wiring (up to 120 v) which taken together, may be intended or used for the cooking, preparation, and storage of food. Cooking facilities must conform to all applicable building and safety code requirements.
22.	COUNCIL	means the Council of the Summer Village of Argentia Beach.
23.	DEVELOPMENT	means: a. An excavation or stockpile and the creation of either of them; b. A building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land; c. Removal or demolition of a building or structure in whole or in part;

		d. A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; e. A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building; f. Redevelopment of a previously developed parcel of land; g. Stripping; h. Grading; i. Recontouring; or j. A change of use of land or a building that alters natural drainage patterns.
24.	**DEVELOPMENT, MAJOR**	means a development that has regional significance due to the size, economic value, or the potential impacts to local infrastructure (transportation, municipal water, wastewater, or stormwater) generated in part or in whole by the development.
25.	**DEVELOPMENT AUTHORITY**	means the Development Authority established by this Land Use Bylaw and as appointed by Council.
26.	**DEVELOPMENT OFFICER**	means the person(s) appointed as the Summer Village's Development Officer as established by this bylaw.
27.	**DEVELOPMENT PERMIT**	means a document authorizing a Development issued pursuant to this Bylaw.
28.	**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.
29.	**DRAINAGE**	means the process or system by which natural run off water flows away.
30.	**DWELLING**	means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings and modular dwellings.
31.	**DWELLING, MANUFACTURED HOME**	means a dwelling, 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, and further, which conforms to the Canadian Standards Association A277 and Z-240 Standards (or subsequent CSA Standards).
32.	**DWELLING, MODULAR**	means a single detached dwelling constructed in large sections, away from the home site, and under controlled conditions, and which appears indistinguishable in design and finish from a site built dwelling. It does not refer to a type of dwelling but rather to a method of construction. A modular dwelling is not considered a park model or a manufactured home.
33.	**DWELLING, MULTI-UNIT**	means a development containing two or more dwelling units, and includes residential uses such as duplexes, triplexes, and apartment buildings.
34.	**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.

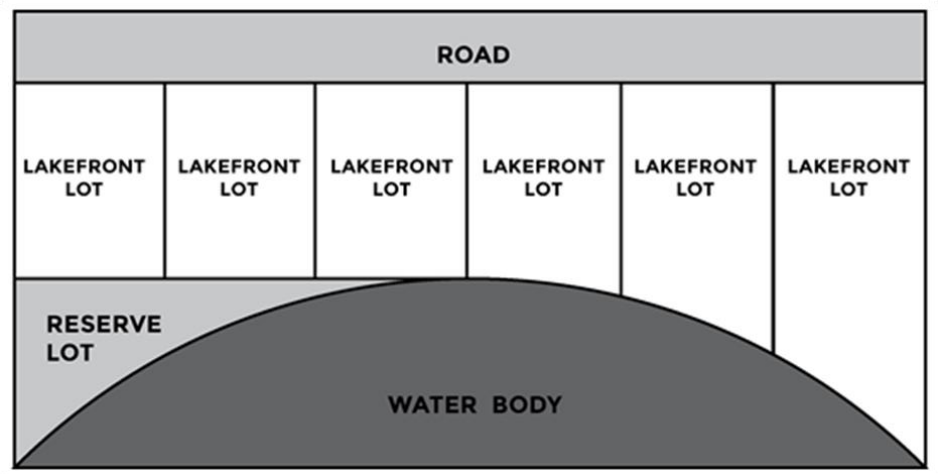
		Single detached dwellings do not include manufactured home dwellings, guesthouses, tiny home dwellings, or recreational vehicles.
35.	**DWELLING, TINY HOME**	means a dwelling that is 37.2 m^2 (400.0 ft^2) or less in floor area, whether on wheels or a temporary or permanent foundation.
36.	**DWELLING UNIT**	means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.
37.	**EASEMENT**	means a right to use land, generally for access to other property or as a right-of-way for a public utility.
38.	**EASEMENT, ENVIRONMENTAL RESERVE**	means an environmental reserve easement as determined in accordance with the Act.
39.	**EDUCATION SERVICE**	means the assembly for education, training, or instruction.
40.	**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.
41.	**ENVIRONMENTALLY SIGNIFICANT AREA**	are generally defined as areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a larger spatial context. ESAs are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in *Environmentally Significant Areas in Alberta: 2014 Update*.
42.	**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, top soils, 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.
43.	**EXCAVATION**	means any breaking of ground, except common household gardening and ground care.
44.	**EXISTING**	means existing on the date on which this bylaw comes into force, unless otherwise noted.
45.	**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.).
46.	**FARMING OPERATION**	means a development of any scale which involves the production, sale or processing of farm products and includes, but is not limited to, the following: • The land, buildings, animals, and machinery used in the production of farm products and includes an individual, corporation, or partnership that operates a farm; • The marketing of produce at roadside stands, U-picks, or farm markets; • The process necessary to prepare a farm product for distribution to the farm gate; • The operation of machinery and equipment; and/or • The application of animal and other farm wastes and chemical fertilizers, conditioners, and pesticides, and the employment and use of labour.
47.	**FENCE**	means a physical barrier constructed from typical building material for the purpose of providing aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access.
48.	**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 Alberta Building Code and has structural stability to remain intact under fire conditions for the required fire-rated time.
49.	**FIRST STOREY**	means the lowermost storey having its floor level not more than 2.0 m (6.6 ft.) above grade. A basement does not constitute the first storey as long as the floor level above it is consistent with this definition. The Development Authority may, at its discretion, determine that a floor level that is mostly recessed below grade, but is at-grade in a localized area due to sloping of the land is a walk-out basement, and in this circumstance the floor level above the walk out basement can be considered the first storey even though it is more than 2.0 m (6.6 ft.) above grade at the localized, walk-out area of the basement.
50.	**FLOOR AREA**	means the area of all finished floors at or above grade, measured from the inside of the exterior walls.
51.	**FLOOR AREA, GROSS**	means the total area of all floors of all buildings on a site above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centreline of firewalls, but not including the floor area of basements, attached garages, accessory buildings, open porches or breezeways.
52.	**FOUNDATION**	means the lower portion of a building and includes the footings which transfer the weight of and loads on a building to the ground. Though normally below grade, a foundation may be above or at grade.

53.	**FRAGMENTED PARCEL**	means a parcel of land that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access.
54.	**FRONT**	for a lakefront lot, "front" means the side facing or closest to the lake where the lot abuts the lake or a reserve parcel that abuts the lake, and for a lot that does not abut the lake, "front" means the side facing a public road.
55.	**GARAGE**	means an accessory building or part of a main principal building designed and used primarily for the storage of motor vehicles, recreational vehicles, and/or boats, and other chattel and is not intended to be occupied.
56.	**GARDEN/STORAGE SHED**	means an accessory building used for storage that does not exceed 15.0 m^2 (161.0 ft^2).
57.	**GAZEBO**	means a freestanding, roofed structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling. A gazebo is not serviced by permanent electrical or heating. A gazebo is not considered a tented structure for the purposes of this bylaw.
58.	**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.
59.	**GRADE (OF A LOT)**	see "Lot Grade."
60.	**GRADE, BUILDING**	for the purposes of determining building height, means the average level at which the existing undisturbed ground intersects the building foundation.
61.	**GRADE, FINISHED**	means the local elevation of the ground after landscaping.
62.	**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.
63.	**GROSS FLOOR AREA**	see "Floor Area, Gross."

64.	HEIGHT	 means the vertical distance of a building measured from the average grade to the highest point of the building. The highest point of a building shall be determined without considering an elevator housing, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the building.
65.	HISTORIC RESOURCE	means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significance.
66.	HOBBY FARM	means an agricultural use with associated buildings intended to include the keeping of livestock and/or the raising of crops for small scale commercial purposes.
67.	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. Major home occupations 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. A major home occupation shall not include a hobby farm or a farming operation.
68.	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.
69.	IMPERVIOUS SURFACE	see “Surface, Non-permeable.”
70.	INSTITUTIONAL USE	means the use of land, buildings or other structures non-commercial public or social purpose. Uses include but are not limited to libraries and cultural exhibits, community halls, private institutional camps, information kiosks, memorials, and

		cemeteries, but do not include detoxification centres or remand and/or correction centres.
71.	**INVASIVE SPECIES**	means non-native species that have been introduced, that threaten our ecosystems and biodiversity.
72.	**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. This does not include stripping, grading, shoreline modification (with non-vegetative materials), and architectural elements (i.e. decorative fencing, sculpture).
73.	**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.
74.	**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.
75.	**LANDSCAPING PLAN**	means a site plan detailing the design of the non-building area of a site.
76.	**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.
77.	**LIVESTOCK**	means livestock as defined in the Agricultural Operations Practices Act, R.S.A 2000, c.A-07, as amended.
78.	**LOGGING, COMMERCIAL**	means a type of resource extraction activity which involves the removal or cutting of logs from harvestable timber for commercial purposes, either by selective, strip, or clear cutting practices.
79.	**LOT**	means: a. a quarter section; b. a river lot or a lake lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office; c. a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office; d. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title other than by reference to a legal subdivision; or e. a part of a parcel of land described in a Certificate of Title if the boundaries of the part are described in the Certificate of Title by reference to a plan of subdivision.
80.	**LOT, BACK**	means a lot that is not lakefront.
81.	**LOT, CORNER**	means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall include a lane.

82.	LOT, DEPTH	means the average distance between front and rear property lines of a lot.
83.	LOT, DOUBLE FRONTING	means a lot 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 lot.
84.	LOT GRADE	means the midpoint on the lot. Midpoints refers to the exact middle point on the lot.
85.	LOT, INTERIOR	means a lot which is bordered by only one road.
86.	LOT, LAKEFRONT	means a lot adjacent to a water body or would be adjacent to a water body if not for a reserve lot or public/crown land parcel. 
87.	LOT, SUBSTANDARD	means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the lot is located.
88.	LOT, UNDEVELOPED	means a lot which does not contain a residence, building or structure.
89.	LOT GRADING AND DRAINAGE PLAN	means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading.
90.	LOT WIDTH	means the length of a line parallel to the front property line or, in a lot with a curved front property line, perpendicular to a line running between the mid-point of the front property line and the mid-point of the rear property line, measured at a distance from the front property line equal to the minimum required front yard.
91.	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.
92.	MAIN BUILDING	see “Principal Building.”
93.	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.
94.	**MAY**	is an operative word meaning a choice is available, with no particular direction or guidance intended.
95.	**MOBILE HOME**	see "Dwelling, Manufactured Home"
96.	**MOVED-IN BUILDING**	is a building or structure that is transported from another location. A moved-in building does not include a manufactured home dwelling or a recreational vehicle.
97.	**MUNICIPALITY**	means the Summer Village of Argentia Beach.
98.	**MUNICIPAL BUILDING AND USE**	means a building or use owned, operated or predominantly utilized by a municipality in order to provide public services to the municipality.
99.	**NATURAL OPEN SPACE AREAS**	means areas of protected or conserved land or water on which development is indefinitely set aside. The purpose of a natural open space area may include the preservation or conservation of a community's natural or historic character; the conservation or preservation of a land or water area for the sake of recreational, ecological, environmental, aesthetic, or agricultural interests.
100.	**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.
101.	**NON-CONFORMING BUILDING**	means a building: a. that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.
102.	**NON-CONFORMING USE**	means a lawful specific use: a. being made of land or a building or intended to be made of a building lawfully under construction at the date a land use Bylaw affecting the land or building becomes effective; and b. that on the date the land use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use Bylaw.
103.	**NUISANCE**	means any use of or activity upon any property which in the opinion of a Designated Officer of the Summer Village, the Province of Alberta, or the Royal Canadian Mounted Police is dangerous to health, or has or may have a detrimental impact upon any person or other property in the neighbourhood, or which creates an unreasonable interference with the use or enjoyment of other property, and without limiting the generality of the foregoing, includes the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition whether or not their posting or exhibiting is permitted by this or any other Bylaw.
104.	**OBJECTIONABLE**	see "Offensive."

105.	OCCUPANCY	means the use or intended use of a building or a part thereof for the shelter or support of persons or property.
106.	OCCUPANT	means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner.
107.	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: a. noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter; b. radiation, fire or explosion hazard, heat, humidity, glare; or c. the unsightly storage of goods, materials, salvage, junk, waste or other materials. Such a use may adversely affects the amenities of the neighbourhood, or interfere with the normal enjoyment of any land, building or structure. An offensive or objectionable use may be further defined and/or regulated in a specific Community Standards bylaw of the Summer Village.
108.	ONE AND A HALF STOREY BUILDING	means a building where the height of the second level cannot exceed 75% of the height of the main floor.
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 the lot on the current Certificate of Title.
110.	PARK MODEL	means a recreational vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which can be relocated from time to time; which has a maximum length of 12.8 m (42.0 ft.) and a maximum width of 3.66 m (12.0 ft.), excluding all extensions, pull outs, tip outs, etc.
111.	PARKING AREA	means the area set aside for the storage and/or parking of vehicles and include parking stalls, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building.
112.	PARKING, OFF-SITE	means an area for the parking vehicles that is located on a lot and not on a highway or road, or the right-of-way for a highway or road.
113.	PARKING STALL	means a designated space for the parking of one (1) vehicle in a parking area.
114.	PERMITTED USE	means the use of land or a building provided for in a Land Use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw have been met to the satisfaction of the Development Authority.
115.	PRINCIPAL BUILDING	means a building in which, in the sole opinion of the Development Authority, the main or principal use of the lot on which it is erected is conducted. There shall only be one principal building on a site.

116.	PRINCIPAL USE	means the use which, in the sole opinion of the Development Authority, is the main or principal use of the lot on which the use is located.
117.	PROPERTY LINE	means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a real property report prepared by an Alberta Land Surveyor.
118.	PROPERTY LINE, FRONT	Means the property line closest to the shore of Pigeon Lake (for a lakefront lot). For a backlot, the front property line is the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front property line.
119.	PROPERTY LINE, REAR	means the boundary line of a lot lying opposite to the front property line of the lot.
120.	PROPERTY LINE, SIDE	means the boundary line of a lot lying between a front property line and a rear property line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side property line.
121.	PRUNING	means the removal of branches in a way that does not jeopardise the vitality of the tree, shrub, or vegetation being altered.
122.	PUBLIC OR QUASI-PUBLIC BUILDING	means a building which is owned or leased by a department or agency of the federal or provincial government, or the municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities.
123.	PUBLIC OR QUASI-PUBLIC USE	means a use undertaken by a department or agency of the federal or provincial government, or the municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities.
124.	PUBLIC PARK	means an outdoor area accessible to the public where passive and active recreation activities may take place, and which may include the placement of recreational equipment.
125.	PUBLIC UTILITY	means a public utility, as defined in the Act.
126.	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.
127.	RECREATIONAL VEHICLE	means, but is not limited to, a tent trailer, travel trailer, park model trailer, fifth-wheel trailer, truck camper, or motor home. A recreational vehicle is not a dwelling.
128.	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.
129.	RENOVATION	means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing, gas or an electrical permit pursuant to the Safety Codes Act, R.S.A. 2000, c. S-01, as amended.
130.	RESERVE	means a parcel of land owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes, and registered at an Alberta Land Titles Office as reserve, environmental reserve, or municipal reserve parcels.

131.	**RESERVE, COMMUNITY SERVICES**	means land designated Community Services Reserve (CSR) that may be used for community services (e.g. library, fire station, etc.), pursuant to the Act.
132.	**RESERVE, CONSERVATION (CR)**	means land designated Conservation Reserve (CR) at time of subdivision Conservation Reserve at time of subdivision if: a. in the opinion of the subdivision authority, the land has environmentally significant features; b. The land is not land that could be required to be provided as environmental reserve; c. The purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land; and d. The taking of the land as conservation reserve is consistent with the municipality's municipal development plan and area structure plan. The municipality must pay compensation to the landowner in an amount equal to the market value of the land at the time the application for subdivision approval was received by the subdivision authority.
133.	**RESERVE, ENVIRONMENTAL (ER)**	means designated as "Environmental Reserve" are lands designated at time of subdivision that are left in a natural state or may be used as a public park. Lands may be designated as "Environmental Reserve" if they consist of the following: a. a swamp, gully, ravine, coulee or natural drainage course, b. land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or c. a strip of land, not less than 6 metres in width, adjacent to the bed and shore of any body of water. Environmental Reserves are primarily used to establish development setbacks from water bodies and watercourses to prevent development from occurring too close to the shoreline.
134.	**RESERVE - ENVIRONMENTAL RESERVE EASEMENT (ERE)**	means lands that would normally be taken as Environmental Reserve at the time of subdivision may instead be the subject of an Environmental Reserve Easement. The lands are owned by the landowner and not the municipality; however, the lands subject to the ERE must remain in a natural state as if they were owned by the municipality and the ERE may be enforced by the municipality.
135.	**RESERVE, MUNICIPAL (MR)**	means lands designated as "Municipal Reserve" are lands designated at time of subdivision for schools, parks and public recreation purposes provided by the developer as part of the subdivision process.
136.	**RESERVE, MUNICIPAL AND SCHOOL (MSR)**	means land designated Municipal and School Reserve (MSR) that may be used for municipal and school purposes, pursuant to the Act.
137.	**RESERVE, SCHOOL (SR)**	means land designated School Reserve (SR) that may be used for school purposes, pursuant to the Act.
138.	**RESIDENTIAL USE**	means the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis.
139.	**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.

140.	**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.
141.	**ROAD**	means land: a. shown as a road on a plan of survey that has been filed or registered in an Alberta Land Titles Office; or b. used as a public road; and includes a bridge forming part of a public road and any structure incidental to a public road.
142.	**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.
143.	**SAFETY CODES OFFICER**	means an individual certified as a Safety codes officer under section 27 of the *Safety Codes Act*.
144.	**SEA CAN**	means a shipping container which is used as a storage vault and includes sea/land/rail shipping containers.
145.	**SETBACK**	means the minimum distance that must be maintained between a land use or development and property line, water body, or watercourse. The distance is typically measured from the property line or the legal bank of the water body or watercourse to the boundary line of the development.
146.	**SHALL**	is an operative word which means the action is obligatory.
147.	**SHORELINE**	means the line of the bed and shore of a water body.
148.	**SHORELINE MODIFICATION**	means any activity, modification, alteration that alters the shoreline including but not limited to placing sand, removing rocks and vegetation, tilling, armouring with rip rap or vegetative rip rap, constructing retaining walls or other permanent structures such as piers, groins, and docks.
149.	**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.
150.	**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.
151.	**SINGLE DETACHED DWELLING**	see “Dwelling, Single Detached.”
152.	**SIGN**	means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure.
153.	**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.
154.	**SITE**	means a lot or parcel on which a development exists or for which an application for a development permit is made.

155.	SITE BUILT	means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished on location using stock materials.
156.	SITE, CORNER	means a part of a lot adjacent to two separate roads or lanes, or any combination of them, or adjacent to a single road or lane that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or lane right-of-way boundary lines and a straight line joining points on the road or lane right-of-way boundary line a distance of 6.0 m (19.7 m) from their intersection.
157.	SITE COVERAGE	means the combined area of all buildings of the lot, measured at ground level, including but not limited to, porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections.
158.	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.
159.	SOLAR ENERGY COLLECTION SYSTEM	means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics.
160.	STOREY	means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
161.	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 watercourses. SMWPs 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; g. Any related modeling and calculation information; and h. Conform with approved master drainage plans.
162.	STRIPPING	means the removal of some or all vegetation and topsoil on lot in preparation for construction activities.
163.	SUBDIVISION AUTHORITY	means a subdivision authority established and appointed pursuant to a Summer Village Bylaw and the Act.

164.	SUBDIVISION AND DEVELOPMENT APPEAL BOARD	means the Subdivision and Development Appeal Board established by the Council in accordance with the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act.
165.	SUBSTANDARD LOT	see "Lot, Substandard."
166.	SUITE, GUEST HOUSE	means a building that contains sleeping accommodation and may have cooking and bathroom facilities. A guesthouse may be a standalone single storey structure or built above an accessory building, as an independent single storey space, subject to the provisions of this bylaw.
167.	SUMMER VILLAGE ADMINISTRATOR	is the Chief Administrative Officer of the Summer Village of Argentia Beach named by Council.
168.	SURFACE, NON-PERMEABLE	means solid surfaces, including hard landscaping elements that do not allow water to penetrate, forcing it to run off. (e.g., asphalt, concrete, paving stones, etc.).
169.	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.).
170.	TEMPORARY	means a period of time up to one year, or a period of time determined by the Development Authority.
171.	TEMPORARY USE	means a use that has been allowed to be located and/or operate for a limited time only.
172.	TENTED STRUCTURE	means a building that uses masts or poles and tensile membrane (e.g., polyester, fabric, animal hide, etc.) to create a temporary enclosure. Portable garages and reception tents are examples of tented structures. Tented structures do not include gazebos and awnings affixed to a principal dwelling, patio, or deck.
173.	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 or "vacation rental," 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. No recreational vehicle, dwelling unit or guest house suite shall be used as a tourist home.
174.	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.

175.	**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.
176.	**TREE REMOVAL**	means the cutting down and/or removal of trees or shrubs other than for commercial logging.
177.	**UNDEVELOPED LOT**	see "Lot, Undeveloped."
178.	**USE**	means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained.
179.	**UTILITY**	means a building, system or works to provide water, steam, sewage disposal, transportation, irrigation, drainage, fuel, electric power, heat, waste management, and telecommunications, for public consumption, benefit or use.
180.	**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.
181.	**VEGETATION, NATIVE**	means those plant species that are indigenous to a particular region. They have adapted over time in association with landscape and climate.
182.	**VEHICLE, HEAVY**	means any vehicle, with or without a load, that exceeds a maximum gross vehicle weight of 4,500 kg (10,080 lbs.) or higher, or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles.
183.	**WASTEWATER**	means the composite of water and water-carried sewage or waste from a premise or any other source.
184.	**WATER BODY**	means any location where water flows or is present, whether or not the flow or the presence of water is continuous, intermittent, or occurs only during a flood. This includes, but is not limited to, wetlands and aquifers.
185.	**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.
186.	**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.
187.	**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*.
188.	**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.

189.	**WIDTH**	means the length of a line parallel to the front property line or, in a lot with a curved front property line, perpendicular to a line running between the mid-point of the front property line and the mid-point of the rear property line, measured at a distance from the front property line equal to the minimum required front yard.
190.	**WOODSHED**	means a structure for the storage of firewood. A woodshed may have a hard or soft surfaced 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 $ft.^2$).
191.	**WIND ENERGY CONVERSION SYSTEM (MICRO)**	means a small-scale wind turbine, which is small is height and diameter and can be installed on the roof of a building or structure.
192.	**YARD**	means that part of a lot upon or over which no principal building is erected.
193.	**YARD, FRONT**	means that portion of the site extending across the full width of the site and lying between the front property line and the exterior wall(s) of the main building situated on the site. For lakefront lots, the front yard is the yard closest to the lake.
194.	**YARD, REAR**	means that portion of the site extending across the full width of the site and lying between the rear property line and the exterior wall(s) of the main building situated on the site. For lakefront lots, the rear yard is the yard furthest from the lake.
195.	**YARD, SIDE**	means that portion of the site extending from the front yard to the rear yard and lying between the side property line and the nearest portion of the exterior wall(s) of the main building.

2.2.2. All other words and expressions shall have the meanings assigned to them in the Act, other applicable provincial legislation, the Pigeon Lake North Intermunicipal Development Plan, and/or the Summer Village of Argentia Beach Municipal Development Plan.

3. AUTHORITIES

3.1. COUNCIL

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

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

3.2. DEVELOPMENT AUTHORITY

3.2.1. The office of Development Authority is hereby established.

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

3.2.3. For the purposes of section 542 of the *Act*, the person (or persons) holding the office of Development Authority is a designated officer of the Municipality.

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

3.3. DEVELOPMENT OFFICER

3.3.1. Council shall appoint one or more Development Officer(s) who shall be designated officers within the meaning of the *Act*.

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

a. Keeping and maintaining for the inspection of the public a copy of this Land Use Bylaw and all amendments thereto; and

b. Keeping a register of all applications for development, including the decisions thereon and the reasons therefore. This information will be released to the public upon request in accordance with the *Freedom of Information and Protection of Privacy Act*.

3.4. SUBDIVISION AUTHORITY

3.4.1. The Subdivision Authority of the Summer Village of Argentia Beach shall be established by the Summer Village's Subdivision Authority Bylaw.

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

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

3.5. SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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

4. LAND USE BYLAW AMENDMENTS

4.1. APPLICATIONS

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

4.1.2. Council may at any time initiate an amendment to this Land Use Bylaw by directing Summer Village Administration to initiate an application therefore.

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:

   i. the legal description of the lands;

   ii. a plan showing the location and dimensions of the lands; and

   iii. a copy of the Certificate of Title for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land that is dated within thirty (30) days of application;

d. The applicant's interest in the lands; and

e. An application fee to be established by Council.

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

a. A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Summer Village Administration that provides Council with information to determine:

   i. If the site is suitable for the intended use;

   ii. If the site can be reasonably and cost effectively services; and

   iii. That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and

b. Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and

c. Technical studies requested by the Summer Village Administration to assess site suitability and servicing requirements.

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

a. Relationship to and compliance with approved statutory plans and Council policies;

b. Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;

c. Relationship to and compatibility with the Pigeon Lake Watershed Management Plan;

d. Compatibility with surrounding development in terms of land use function and scale of development;

e. Traffic impacts;

f. Relationship to, or impacts on, water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;

g. Relationship to municipal land, right-of-way, or easement requirements;

h. Effect on stability, retention and rehabilitation of desirable existing land uses, buildings, or both in the area;

i. Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and

j. Relationship to the documented concerns and opinions of area residents regarding development implications.

4.1.6. 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.

4.1.7. 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.

4.1.8. 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.

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

4.1.10. Following establishment of the date, time and place for a public hearing, Summer Village Administration shall issue a notice of the public hearing by:

a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or

b. Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.

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

4.1.12. A notice must contain:

a. A statement of the general purpose of the proposed bylaw and public hearing;

b. The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected; and

c. The date, place and time where the public hearing will be held.

4.1.13. In the case of an amendment to change the land use district designation of a parcel of land, Summer Village Administration must, in addition to the requirements of section 4.1.12:

a. Include in the notice:
    i. The municipal address, if any, and the legal address of the parcel of land; and
    ii. A map showing the location of the parcel of land;
b. Give written notice containing the information described in Section 4.1.13.a to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and
c. Give written notice containing the information described in Section 4.1.13.a to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.
d. If the land referred to in section 4.1.12 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.
e. Notwithstanding Section 4.1.9, the Land Use Bylaw may be edited 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.
f. In the public hearing, Council:
    i. 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
    ii. May hear any other person who wishes to make representations and whom the Council agrees to hear.

4.1.14. After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:

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

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

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

a. the applicant;
b. the registered owner of the land (if different from the applicant);
c. The Summer Village's subdivision and planning services provider; and
d. the adjacent municipality, if it received a copy of the proposed bylaw pursuant to section 4.13.

5. DEVELOPMENT PROCESS

5.1. CONTROL OF DEVELOPMENT

5.1.1. Development Permits are required to ensure that all development is achieved in an orderly manner.

5.1.2. No development other than that designated in section 5.2 shall be undertaken within the Municipality Summer Village of Argentia Beach unless an application for it has been approved and a development permit has been issued.

5.1.3. In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.

5.1.4. Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.

5.1.5. For the purposes of this section, signs, posters and billboards are deemed to be developments.

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

5.2. DEVELOPMENT NOT REQUIRING A PERMIT

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

a. the carrying out of works of improvement, maintenance, renovation, or repair to any (but not limited to) building, deck, and/or driveway provided that such works do not include structural alterations, additions, or drainage alterations and that the works comply with the regulations of this Land Use Bylaw.

b. the completion of a development which was lawfully under construction at the date of the approval of this Bylaw (or any amendment thereof), provided that the development is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the development is completed within a period of twelve (12) months from the notification of the permit;

c. the use of any such buildings as referred to in Section 5.2.1.b for the purpose for which development was commenced;

d. the erection, construction, or maintenance, improvement or alteration of gates, fences, walls or other means of enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in 9.8 – Fences and Walls of this Bylaw;

e. a temporary building other than a dwelling unit, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;

f. the installation, maintenance and repair of public works, services, or utilities carried out by or on behalf of federal, provincial, and/or municipal authorities on land that is publicly owned or controlled;

g. a maximum of one single storey accessory building with a floor area not more than 10.2 m^2 (110.0 $ft.^2$) and a height not more than 3.0 m (9.7 ft.), provided that the accessory building:

   i. is not a garage; and

ii. satisfies the setback requirements for accessory buildings in the land use district in which it is located;

h. a development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;

i. a development that is exempted from requiring a development permit pursuant to the Act;

j. the following signs:

i. signs posted or exhibited within a building;

ii. signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;

iii. a statutory or official notice of a function of the municipality;

iv. traffic signs authorized by the municipality and/or provincial authorities;

v. signs posted or exhibited solely for the identification of the land or building on which the signs are displayed, or to give directions to visitors, including professional, corporate, or trade name plates identifying the occupants, and signs indicating the street address of a building or lot, if the total area of the signs on a lot does not exceed 0.5 m^2 (5.4 ft^2) in area, subject to all other orders, bylaws, and regulations affecting such signs;

vi. a maximum of two (2) on-site signs relating to the sale, lease or rental of the buildings on the lot or the land on which the signs may be erected or attached, provided that:

1. such signs on any lot in any residential land use district do not exceed 0.5 m^2 (5.4 ft^2) in area each; and
2. such signs are not illuminated;

vii. campaign signs for federal, provincial, municipal, or school board elections on lots for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:

1. such signs are removed within fourteen (14) days after the election date;
2. the consent of the lot owner and/or occupant is obtained;
3. such signs do not obstruct or impair visibility or traffic;
4. such signs are not attached to trees or utility poles; and
5. such signs indicate the name and address of the sponsor and the person responsible for the sign's removal.

viii. signs on land or buildings used for public or quasi-public uses, provided that:

1. such signs do not exceed 1.10 m^2 (12.0 ft^2) in area each; and
2. there are no more than one (1) sign for each side of the land or buildings on a different road.

ix. signs of building contractors relating to construction work in progress on the lot on which the signs are erected, provided that:

1. such signs to do exceed 3.0 m^2 (32.0 ft^2) in area each;
2. there are no more than one (1) sign for each side of the land or buildings on a different road; and
3. such signs are removed within fourteen (14) days of occupancy of the building which has been constructed.

k. the construction, maintenance and repair of retaining walls:

i. up to 1.0 m 1.2 m (3.9 ft.) in height provided the wall does not encroach onto public land or into a utility right-of-way; and

ii. over 1.0 m 1.2 m (3.9 ft.) in height that meet the setback requirements for the principal building on site provided the wall does not encroach onto public land or into a utility right-of-way;

l. exterior steps;

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

n. 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;

o. a maximum of one woodshed with a floor area not more than 7.0 m^2 (75.0 $ft.^2$);

p. a maximum of one gazebo;

q. roof mounted solar energy collection systems;

r. micro wind energy conversion systems; and

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

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

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

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

5.2.5. No development permit is required for a tented structure erected:

a. after 30 September and removed before 1 May and used to shelter boats or other chattel during winter months; or

b. used temporarily (to a maximum of one week) for a special event (e.g. wedding).

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 or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.

5.3.4. 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 seventy-five percent (75%) of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.

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

5.4. APPLICATION REQUIREMENTS FOR DEVELOPMENT PERMITS

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:

i. front, side and rear yards;

ii. north point;

iii. legal description of the property;

iv. pre-construction lot elevation at the mid-point of the lot;

v. proposed depth of the foundation, basement, or crawl space in relation to the high-water level of Pigeon Lake (identified as 850.1 m above sea level);

vi. access and egress points to the property; and

vii. 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. a post construction lot grading and drainage plan prepared by a registered Alberta Land Surveyor or engineer;

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) shall be required if:

a. the development includes a new building;

b. the development includes an addition to an existing building; or

c. the Development Authority believes that the existing or proposed development identified on the site plan does not accurately correspond with the legal boundaries of the lot.

5.4.3. An application for development permit for a single detached dwelling, garage suite, or garage shall be required to include a post construction lot grading and drainage plan which includes post construction lot elevations for the subject site, and which indicates where the surface water, water from eaves and sump pump water is to be directed both on and off the lot. The surface water from the subject site is not to be directed onto adjoining properties. 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.

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

a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, 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. elevations of existing and proposed dwellings and accessory buildings;

f. post construction site and building elevations;

g. 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;

h. Reports, plans, and studies prepared by qualified professionals, including:

   i. Arborist Report;

   ii. Erosion and Sediment Control Plan;

   iii. Geotechnical Report;

   iv. Landscaping Plan;

   v. Slope Stability Analysis;

   vi. Wetland Assessment;

   vii. Any other reports, plans, and studies that provides information requested by the Development Authority;

i. in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;

j. future development plans for a site which is to be partially developed through the applicable development permit;

k. in the case of a proposed 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

l. 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.

5.4.5. 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.

5.4.6. In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.

5.4.7. 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.

5.4.8. 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.

5.4.9. 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.

5.4.10. 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.

5.4.11. Where a development permit for an accessory building has been applied for before a principal building or principal use has been developed on a lot, the applicant must provide a site plan which identifies the proposed location for the principal building or principal use on the lot as part of the application.

5.4.12. As a condition of issuing a development permit, the Development Authority may require the applicant to post a $10,000 bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.

5.5. PERMISSION FOR DEMOLITION

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 Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.

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

a. the value of the development;
b. the alternatives to demolition if the building is of historic or architectural value;
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. any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.5.5. 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 any and all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

5.6. NOTICE OF COMPLETE OR INCOMPLETE 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 time 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 in order 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 Development Authority must deem the application to be 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 NOTIFICATION

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 adjacent land owners 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. Except for those permits described in Part 5.7.2 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

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

5.7.7. If the development authorized by a permit is not substantially commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void; unless an alternate time frame has been identified in the conditions, or 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 of time in what the Development Authority considers to be an unsightly or unsafe condition.

5.7.9. The application may be responsible for any damages to public or private property occurring as a result 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.

5.8. DEVELOPMENT PERMITS CONDITIONS AND DEVELOPMENT AGREEMENTS

5.8.1. 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;

d. Any other conditions requested by the Development Authority.

5.8.2. 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.

5.8.3. 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.

5.8.4. As a condition of issuing a development permit, the Development Authority may require the applicant to post a $10,000 bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.

5.8.5. As a condition of development permit approval for developments listed in 5.4.2 and developments that impact lot grading and drainage on a site, the Development Authority shall require that the applicant provide a surveyed drawing which demonstrates that the development on the site, including all buildings and the post construction lot grading and drainage pattern conforms to the drawings approved with the application.

5.9. VALIDITY OF PERMITS

5.9.1. A Development Permit does not come into effect until at least twenty—one (21) days have elapsed from the date it is granted and in any event does not come into effect until the plans for the building have been approved by an accredited Safety Codes Inspector and all necessary permits pertaining to the construction of the Building have been obtained and copies sent to the Municipality, and posted on site.

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

5.9.3. A Development Permit is valid for one (1) year from the date it comes into effect and work authorized pursuant to a Development Permit must be commenced within six (6) months and completed within twelve (12) months from the date the Development Permit comes into effect. Extensions may be granted at the sole discretion of the Development Authority at a cost of 50% of the original development permit fee.

5.9.4. 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 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 Development Permit even though the proposed development does not comply with the regulations of this bylaw or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building if, in the opinion of the Development Authority the proposed development conforms to the use prescribed for that land or building in this bylaw and would not:

a. Unduly interfere with the amenities of the neighbourhood; and/or

b. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

5.10.3. In approving an application for development pursuant to Sections 5.10.2.a and 5.10.2.b, the Development Authority shall adhere to the following:

a. A variance shall be considered only where warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements. No variance

will be granted to increase the maximum height of a building beyond what is permitted in this Land Use Bylaw.

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

c. 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.

6. SUBDIVISION PROCESS

6.1. APPLICATION REQUIREMENTS FOR SUBDIVISIONS

6.1.1. All subdivision applications for lands within the Summer Village of Argentia 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:

i. each new lot to be created;

ii. reserve land(s), if required;

iii. the rights-of-way of each public utility, if required; and

iv. other rights-of-way, if required;

c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;

d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;

e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;

f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and

g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.

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

a. a figure showing topographic contours at no greater than 1.5 m (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:

   i. Arborist Report;

   ii. Geotechnical Report;

   iii. Lot Grading and Drainage Plan or Stormwater Management Plan;

   iv. Slope Stability Analysis;

   v. Water Report;

   vi. Wetland Assessment;

   vii. Any other reports, plans, and studies that provides information requested by the Subdivision Authority;

e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;

f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;

g. 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

h. 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. PROCESS

6.2.1. The Subdivision Authority shall:

a. participate in a pre-application submission meeting with development proponents (as requested);

b. receive all applications for subdivision applications;

c. assess and provide notice of a complete or incomplete application; and

d. issue notices in writing as required in the Act.

6.2.2. Notice of Complete or Incomplete Application:

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

b. The time period referred to in Section 6.2.2.a may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.

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

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

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

f. If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.2.2.e, the Subdivision Authority must deem the application to be refused.

g. Despite that the Subdivision Authority has issued an acknowledgment under Section 6.2.2.d or 6.2.2.e, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.3. DUTIES OF THE SUBDIVISION AUTHORITY

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

a. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
   i. this Bylaw;
   ii. applicable statutory plans; and
   iii. the Act and the Regulations thereunder;

b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
   i. applicable statutory plans; and/or
   ii. the Act and the Regulations thereunder;

c. shall refuse an application for a subdivision if the proposed subdivision does not conform with this Bylaw, subject to Section 5.3.1.d;

d. may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
   i. would not unduly interfere with the amenities of the neighbourhood;
   ii. would not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
   iii. conforms to the use prescribed for that land in this Bylaw;

e. prior to making a decision, shall refer the subdivision application to any external agencies and adjacent landowners for comment and may refer the subdivision application to any municipal department as required.

6.4. REQUIREMENTS AND CONDITIONS OF SUBDIVISION

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

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

6.4.3. For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.

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

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

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

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

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

6.4.9. Where a subdivision is proposed on lands adjacent to Pigeon Lake, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve the following shall be taken into consideration:

a. Recommendations by qualified professionals; and/or
b. Riparian Setback Matrix Model (RSMM); and/or
c. The Government of Alberta's *Stepping Back from the Water: A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region*; and/or
d. The Recommended Setbacks Chart (see Appendix A).

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

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

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

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

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

7. SUBDIVISION AND DEVELOPMENT 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 7.1.1 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

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 6.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or

b. in the case of a person referred to in Section 6.1.2, the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2. SUBDIVISION APPEALS

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

a. by the applicant for the approval;

b. by a government department if the application is required by the 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:

i. the allocation of municipal reserve and school reserve or money in place of the reserve;

ii. the location of school reserve allocated to it; or

iii. the amount of school reserve or money in place of the reserve.

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

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

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

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

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

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

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

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

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

7.3. APPEAL HEARING AND DECISION

7.3.1. Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with 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. GENERAL PROVISIONS

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

8.2. PROHIBITION

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

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

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

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

8.3. RIGHT OF ENTRY

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

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

8.4. VIOLATION WARNINGS

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

8.5. WARNINGS AND FINAL WARNING NOTICES

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, or both.

8.6. OFFENCES 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 Fees and Charges Bylaw.

8.6.2. If the fine is not paid, the person is liable for imprisonment for not more than one year, or to both fine and imprisonment.

8.7. STOP ORDERS

8.7.1. On finding that a development, land use, or use of a building does not conform to the Municipal Government 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. ENFORCEMENT OF STOP ORDERS

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

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

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

8.9. VIOLATION TAGS AND TICKETS

8.9.1. In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there is reasonable and probable grounds to believe there is a contravention of this Bylaw.

8.9.2. A violation tag may be issued to a person either personally or by registered mail.

8.9.3. The violation tag shall be in a form approved by the Summer Village and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Summer Village.

8.9.4. Offenses and related fines are as specified in the Summer Village's Fees and Charges Bylaw.

8.9.5. Where a contravention is of a continuing nature, further violation tags may be issued.

8.9.6. The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.

8.9.7. If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.

8.9.8. Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

9. GENERAL REGULATIONS

9.1. ACCESSORY BUILDINGS AND USES

9.1.1. A building or structure which does not share footings with the principal building on a lot is deemed to be an accessory building even if it is connected to the principal building by a roof, breezeway, deck, patio, or other at grade or above grade connection.

9.1.2. An accessory building shall only be located on a lot with an existing building with an approved development permit.

9.1.3. Notwithstanding 9.1.2, a development permit for an accessory building may be issued for a lot for which a development permit for a dwelling has been issue and is under construction.

9.1.4. The maximum number of accessory buildings on a lot with an existing building with an approved development permit shall be two.

9.1.5. Accessory buildings shall be of new, conventional construction or prefabricated construction installed on a properly designed and permanent foundation, or shall be moved-in buildings subject the provisions of Section 9.15 of this Bylaw.

9.1.6. Accessory buildings on lakefront lots shall only be allowed in the rear or side yard of the lot.

9.1.7. Accessory buildings on a backlot may be allowed within the front yard or rear yard of the lot.

9.1.8. Unless specifically allowed in the land use district in which the accessory building is located, and unless specifically developed to include a dwelling unit, an accessory building shall not be used (either in whole or in part) as a dwelling or a dwelling unit.

9.1.9. No accessory building or uses other than a fence, pool, deck, or patio shall be located:

a. Within 2.0 m (6.6 ft.) of a principal building; or

b. Within any easement or right-of-way.

9.1.10. The maximum area of an accessory building shall be as provided for in the land use districts.

9.1.11. The siting of an accessory building on an irregularly-shaped lot shall be as required by the Development Authority.

9.1.12. Where a structure is attached to the principal building on a lot by a roof or an open or enclosed structure it is to be considered a part of the principal building and is not an accessory building.

9.1.13. The maximum floor area of a tented structure shall be 31.2 m^2 (336.0 $ft.^2$), and shall be secured to the ground to the satisfaction of the Development Authority.

9.2. APPEARANCE AND DESIGN OF BUILDINGS

9.2.1. The Development Authority may, as a condition of issuing a development permit, require changes in the design, appearance and placement of a building to ensure that it is compatible with the surrounding buildings and the accepted standards of the community.

9.3. CORNER AND DOUBLE FRONTING LOTS

9.3.1. Notwithstanding any other provision contained in this bylaw, landscaping, the erection of fences, walls, or other means of enclosure on a corner lot shall be to the satisfaction of the Development Authority to ensure that vision around the comer is not hindered.

9.3.2. In order to implement Section 9.3.1, no fence, wall, tree, bush, structure or thing more than 0.9 m (3.0 ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane lines and a straight line joining points on the road or lane 6.0 m (19.7 ft) from their intersection.

9.3.3. A double fronting lot abutting two or more streets shall have a front yard setback on each street in accordance with the front yard setback requirements of this bylaw.

9.3.4. One flanking yard on a double fronting lot may be subject to side yard setback requirements in all land use districts unless a separate flanking setback is described in the subject land use district.

9.4. DWELLING UNITS ON A LOT

9.4.1. No permit shall be issued for more than one dwelling on a lot in a residential land use district.

9.4.2. In addition to one (1) dwelling on a residential lot, a development permit may be issued for guest house, as provided for in 9.23 – Suites, Guest House and the applicable land use district.

9.5. ENVIRONMENTAL PROTECTION

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

9.5.2. 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.

9.5.3. Development permits shall be required for shoreline modifications on lands adjacent to the legal bank to Pigeon Lake.

9.5.4. Where shoreline modifications are proposed in the bed and shore of Pigeon Lake, approval from the Government of Alberta shall be required.

9.5.5. Where shoreline modifications are proposed adjacent to the legal bank of Pigeon Lake that alter the flow of water, approval from the Government of Alberta may be required.

9.5.6. Non-vegetative shoreline modifications shall be discouraged except for erosion protection.

9.5.7. Shoreline modifications shall:

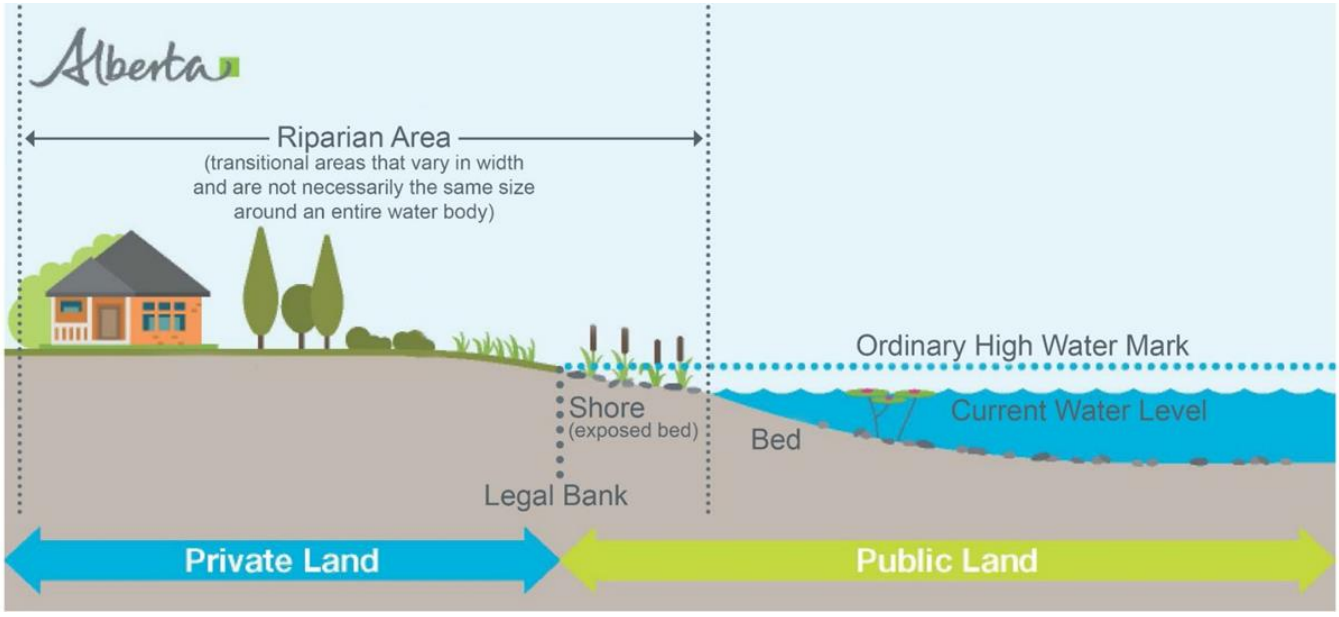
a. Incorporate re-vegetation and the use of soft landscaping elements;

b. Incorporate low impact development strategies; and

c. Minimize the use of hard landscaping elements.

9.5.8. The addition of sand to the bed and shore of Pigeon Lake and or lands adjacent to the bed and shore of Pigeon Lake shall not be allowed.

9.5.9. Where shoreline modifications include activities such as stripping, grading, or landscaping, the regulations in Section 9.11 - Grading, Stripping and Drainage on Lots and 9.21 - Site Coverage and Landscaping shall apply.



CROSS-SECTION OF SHORELINE AND RIPARIAN AREA (ADAPTED FROM GOVERNMENT OF ALBERTA)

9.6. EROSION AND SEDIMENT CONTROL

9.6.1. 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.

9.6.2. 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.

9.6.3. 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 top-soils 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 retained on the site;

i. The provision of protective fencing around trees, tree stands, shrubs, and vegetation that is to be retained on the site;

j. Shutdown plans where construction activities are delayed for an extended period of time. ESC shutdown plans need to address ongoing maintenance and inspection issues;

k. Any other matter requested by the Development Authority.

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

9.7. FENCES AND WALLS

9.7.1. No fence or screen shall be higher than 2.0 metres (7.0 feet) above grade.

9.7.2. Notwithstanding 9.7.1, fences in that part of a lot lying in front of the front wall of the principal building on a lot shall be no higher than 1.0 m (3.3 ft.) above the level of the ground at that point.

9.8. FIRE SEPERATION AND EMERGENCY PREPARDNESS

9.8.1. Every building served by electricity or a heating system shall be located at least 3.0 metres (10.0 feet) from every other building unless a waiver has been obtained under the *Alberta Building Code*.

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

9.8.3. New development shall be encouraged to incorporate FireSmart Design Guidelines including: reducing surface fuels and incorporating recommended building materials into site and building design to reduce wildfire risk.

9.9. FLOOD AND SEEPAGE RISK

9.9.1. At the discretion of the Development Authority, no development permit shall be issued for a structure with a basement or crawl space that is less than 0.6 m (2.0 ft.) above the high water level of Pigeon Lake (noted by the Summer Village to be 850.1 m above sea level).

9.9.2. As part of a development permit application, the Development Authority may require the development proponent to provide elevation information about the proposed development and the subject lot.

9.10. GRADING, STRIPPING AND DRAINAGE ON LOTS

9.10.1. Except as provided for in Section 5.2.2, no land shall be filled or raised, and no grading or drainage may be undertaken, unless a development permit has been issued.

9.10.2. Further to 9.10.1, development permits shall be required for:

a. Stripping and/or grading that would alter surface water drainage from the site, adversely affect neighbouring property or public lands, or deviate from an approved lot grading and drainage plan;

b. Moving, depositing, or removal of topsoil, fill, aggregate or similar material; and

c. Any other development that:

i. Alters drainage on the site;

ii. Increases runoff onto adjacent lands; or

iii. Alters the quantity or quality of runoff into a watercourse or water body.

9.10.3. The elevation of a lot may be increased (with the approval of the Development Authority) up to a maximum of 300 mm from the lower of:

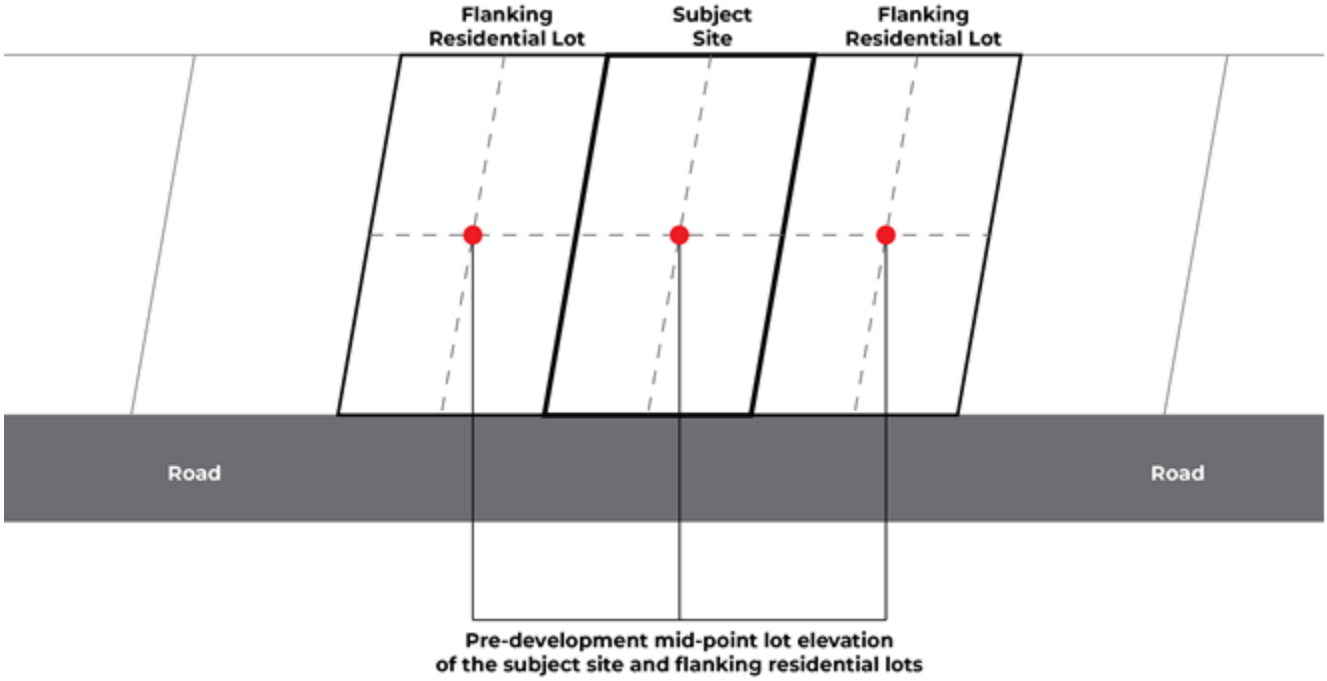
a. the pre-development mid-point lot elevation of the lot; and

b. the pre-development mid-point lot elevation of flanking residential lots."

9.10.4. To determine the lowest pre-development mid-point lot elevation, the application must include the following:

a. the pre-development mid-point lot elevation of the lot for which the development is being proposed; and

b. the pre-development mid-point lot elevation of residential lots flanking the subject site.



9.10.5. Eavestrough drainage should be directed to flow into a retention area on the lot to allow for settlement and then released towards the lake. Surface drainage released from weeping tile systems shall be directed towards the lake.

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

9.10.7. 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:

i. Alters drainage on the site;

ii. Increases runoff onto adjacent lands; or

iii. Alters the quantity or quality of runoff into a watercourse or water body.

9.10.8. Where a lot grading and drainage plan is required, it shall be prepared by a qualified professional and shall:

a. Identify pre-development and proposed grades;

b. Specify design elevations, surface gradients, and swale locations;

c. Demonstrate how runoff will be controlled on the site; and

d. Include any other drainage information required by the Development Authority.

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

9.10.10. 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:

i. Treating stormwater prior to discharge into water bodies, watercourses or riparian areas;

ii. Preventing pollution of water bodies, watercourses or riparian areas; and

iii. Minimizing or mitigating impacts of runoff on adjacent environmentally sensitive lands and hazardous lands.

9.11. HEIGHT OF BUILDINGS

9.11.1. Notwithstanding any other regulation in this bylaw, no building shall exceed 8.5 metres (28.0 ft.) in height, measured from grade to the roof peak, excluding chimneys and aerials.

9.12. HOME OCCUPATIONS

9.12.1. 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 which is excessive for its location relative to other dwellings.

b. The number of non-resident employees working on-site shall not exceed one.

c. The outdoor storage of productions and materials shall be prohibited.

d. Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as along as such alterations comply with this bylaw and the Safety Codes Act and the regulations made thereunder.

e. There shall be no exterior signage, display or advertisement except for a business identification sign, the size of which shall be entirely at the discretion of the Development Authority.

f. Business activities must be carried out entirely within the principal dwelling or an accessory building.

g. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located as a commercial use in a commercial land use district having regard for the overall compatibility of the use with the residential character of the area.

9.12.2. A minor home occupation shall comply with the following regulations:

a. a minor home occupation shall not employ any person on-site other than residents of the dwelling.

b. no offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.

c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed only in either the dwelling or accessory buildings.

d. Business activities must be carried out entirely within the dwelling.

e. Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.

f. There shall be no exterior signage, display, or advertisement.

9.12.3. 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 35.0 m^2 (377.0 ft^2), whichever is less, of the dwelling unit for business usage. Except as noted in Section 9.21, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.

d. When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

9.12.4. Home occupations shall not involve:

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

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

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

9.12.6. 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.

9.12.7. A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this bylaw or conditions of the approval of the development permit.

9.13. KEEPING OF LIVESTOCK

9.13.1. The keeping of livestock shall not be allowed within the Summer Village.

9.14. MOVED-IN BUILDINGS

9.14.1. A person making application to move an existing building into the municipality as an accessory building shall:

a. make the usual application for a development permit;

b. provide photographs showing all sides and the general condition of the building; and

c. state the present location and use of the building.

9.14.2. The Development Authority may, at their discretion, inspect the building, or cause the building to be inspected by a person they so appoints, and may issue a Development Permit subject to the condition that the building be improved once it is moved on site.

9.14.3. The Development Authority may require the developer to provide cost estimates for the works deemed necessary and may require the developer to provide a bond for specific performance of the works within a specific period of time.

9.15. OBJECTS PROHIBITED IN YARDS

9.15.1. All properties shall be kept in a neat and orderly manner and no yard shall contain loose garbage, wrecked or abandoned vehicles, or other unsightly or dangerous items.

9.15.2. The keeping of domestic pets shall be in accordance with any Summer Villages bylaw addressing animal control, as amended or replaced.

9.15.3. No person shall keep or permit in any part of a yard in any residential land use district:

a. any dismantled or wrecked vehicle for more than 14 successive days; or

b. any vehicle weighing in excess of 4,500 kg. gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle.

c. any object or chattel that, in the opinion of the Development Authority, is unsightly or may adversely affect the use and enjoyment of adjacent or surrounding properties;

d. any excavation, storage, or stockpile of materials required during the construction stage unless all necessary safety measures are undertaken to the satisfaction of the Development Authority. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or

e. any portable or permanent gas or fuel tanks larger than 100 litres.

9.15.4. Notwithstanding 9.15.3.e above, the placement of propane storage tanks larger than 100 litres on a lot for the sole purpose of heating or servicing a dwelling or accessory building may be allowed within a yard at the discretion of the Development Authority.

9.16. POOLS AND HOT TUBS

9.16.1. The development of a pool or hot tub in the Summer Village shall require a development permit.

9.16.2. A pool or hot tub shall only be located on a lot with an existing dwelling with an approved development permit.

9.16.3. A pool or hot tub may be allowed in any yard on a lot.

9.16.4. A pool or hot tube shall not be developed within 6.0 m (19.7 ft.) of the front property line of a lakefront lot.

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

9.17. RECREATIONAL VEHICLES

9.17.1. Except as permitted below, only one recreational vehicle shall be situated on a lot at any one time.

9.17.2. No permit is required for the first seven days in each year that a recreational vehicle is parked on a lot.

9.17.3. A recreational vehicle may be parked on a lot for a period in excess of seven days in each year provided that a temporary annual development permit is obtained.

9.17.4. Upon receiving two weeks' notice, the Development Authority may issue a permit allowing more than one recreational vehicle on a lot for an extraordinary event such as a family reunion.

9.17.5. A single recreational vehicle may be stored or parked if the owner of both the lot and the recreational vehicle have been issued with a temporary annual development permit, but the vehicle shall not be occupied for more than three weeks per year while standing on the lot.

9.17.6. All recreational vehicles shall be located in the rear of the lot.

9.17.7. Notwithstanding the above, a recreational vehicle may be placed on a lot and used as the principal dwelling while a permanent dwelling, for which a development permit has been issued, is under construction.

9.17.8. Recreational vehicles (and vehicles used for the towing of the recreational vehicle) must be located entirely within the boundaries of the lot.

9.18. SEA CANS

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

9.18.2. A sea can shall not be used as a principal building or a dwelling.

9.18.3. 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.

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

9.18.5. 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.

9.18.6. 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.

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

9.19. SIGNS

9.19.1. All signs other than the following require a development permit:

a. One sign, of not more than 1.0 m^2 (10.8 $ft.^2$) advertising for sale the property on which it stands;

b. One name plate, not exceeding 1.0 m^2 (10.8 $ft.^2$) giving the name of the owner, and/or the name of the property, and/or the municipal address, and/or other pertinent information; and

c. Signs protected by section 2(b) of the *Constitution Act* (Canada).

9.19.2. A sign which is a hazard to persons or traffic, or which applies to a past event, shall be removed immediately.

9.19.3. Signs shall not be placed within a ditch or road right-of-way.

9.20. SITE COVERAGE AND LANDSCAPING

9.20.1. The combined ground floor area of all buildings on a lot shall be no more than 35% of the total area of the lot.

9.20.2. The areas of concrete pads and at-grade patios, and uncovered decks no more than 0.6 metres above grade, shall not be included when the area of a building is calculated.

9.20.3. Except as provided for in Section 5.2.2, a development permit shall be required for all landscaping that:

a. Alters the natural drainage patterns on the site;

b. Alters the quantity or quality of runoff into a watercourse or water body, including Pigeon Lake.

9.20.4. 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 Pigeon Lake.

b. Stripping;

c. Grading;

d. The construction of new buildings or redevelopment of existing buildings; and

e. Any other development that alters drainage on the site.

9.20.5. 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, and laneways;

c. All existing and proposed berms, contours, walls (including retaining walls), fences;

d. Proposed lot grading and drainage;

e. Location of all existing vegetation to be retained;

f. Location, dimensions, areas, and description or illustrations of all existing and proposed:

   i. Non-permeable surfaces;

   ii. Vegetation (including trees and shrubs);

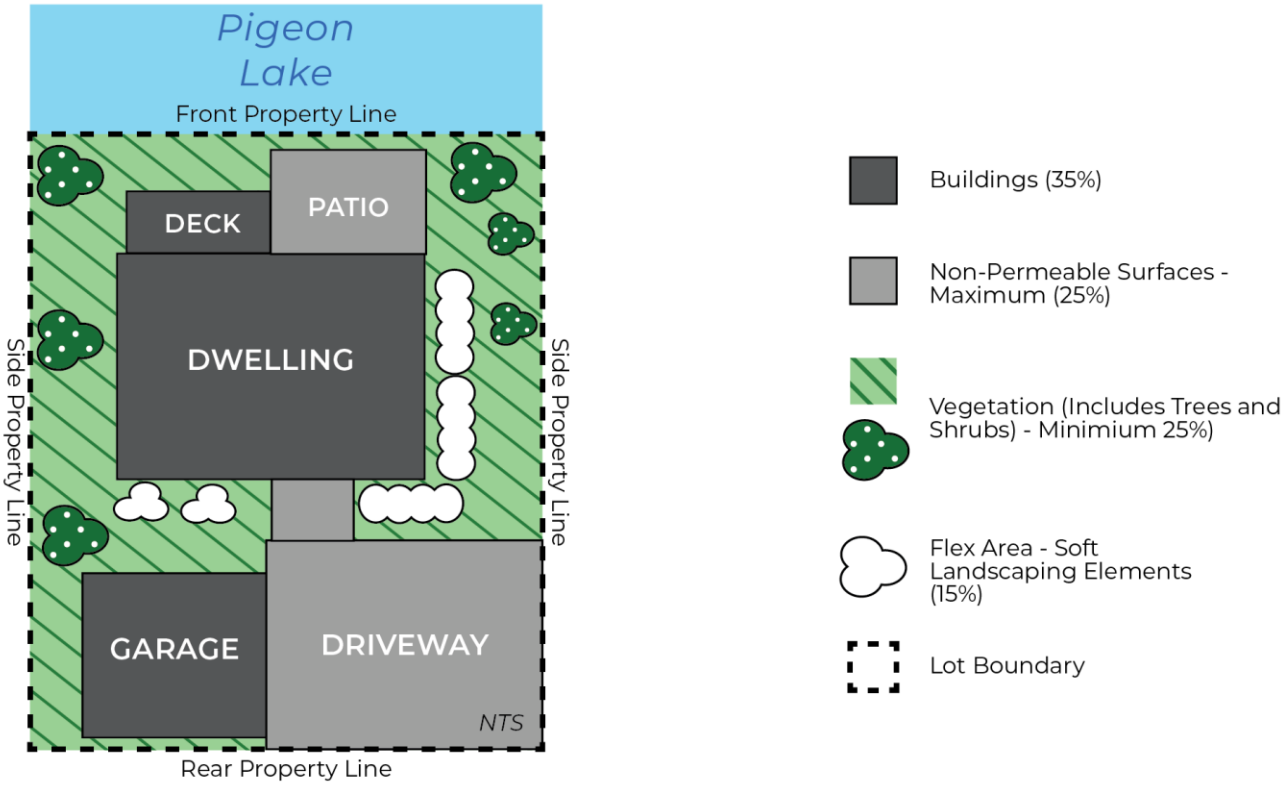
   iii. Vegetation that comprises native vegetation (including trees and shrubs);

   iv. Other soft landscaping elements and permeable surfaces other than vegetation (e.g., rock gardens, gravel, permeable pavement, etc.).

9.20.6. The area of the lot covered in vegetation and soft landscaping elements shall be a minimum of 40% of the total lot area and shall incorporate native vegetation.

9.20.7. The following tree species will be discouraged on lots within the Summer Village: maple, black poplar, and elm.

9.20.8. Of the 40% minimum vegetation cover required, the area of the lot covered in trees and shrubs shall be a minimum of 25% of the total lot area.



9.20.9. The area of the lot covered in non-permeable surfaces (e.g., driveways, patios, paving stones, sidewalks, asphalt, concrete) excluding the buildings shall not exceed 10% of the total lot area or 140.0 m^2 (1,500 $ft.^2$), whichever is less.

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

9.20.11. 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.

9.20.12. No trees shall be planted within 1.0 (3.3. ft.) of a power line.

9.20.13. On lakefront lots, hard landscaping elements should not be used within 4.0 m (13.2 ft.) of the front property line adjacent to Pigeon Lake.

9.21. SOLAR ENERGY COLLECTION SYSTEMS

9.21.1. A development permit is required for ground mounted solar energy collection systems.

9.21.2. Solar energy collection systems shall only be allowed as accessory developments.

9.21.3. Ground mounted solar collectors shall be located in a side or rear yard only.

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

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

9.22. STORAGE ON A LOT

9.22.1. No storage of any kind shall be allowed before, during, or after construction within 2.0 m (6.6 ft.) of the edge of the road surface (pavement).

9.23. SUITES, GUEST HOUSE

9.23.1. Guest houses shall be of new, conventional construction and good appearance.

9.23.2. Guest houses shall not be constructed in the front yard of the lot, in front of the front walls of the main buildings on the two immediately adjacent lots.

9.23.3. Guest houses shall have only one storey unless they are built over a garage.

9.23.4. The maximum floor area of a guest house suite shall be 83.6 m^2 (900.0 $ft.^2$), and shall not exceed the floor area of the principal building on the lot.

9.23.5. Notwithstanding 9.23.4, the maximum floor area of a guest house suite built over a garage shall be the floor area of the garage's building footprint.

9.23.6. A maximum of one guest house shall be allowed on a parcel.

9.23.7. Sleeping accommodation in or above a garage or any other accessory building is deemed to be a guest house and where such accommodation exists, no additional free-standing guest house shall be constructed on the lot.

9.24. TOURIST HOMES

9.24.1. Tourist homes are not permitted within the Summer Village of Argentia Beach.

9.24.2. The rental of dwellings in the Summer Village for a period longer than 30 consecutive days does not constitute a tourist home.

9.24.3. Persons found operating a tourist home within the Summer Village may be issued a penalty for the offense as identified in the Summer Village's Fees Bylaw.

9.25. WIND ENERGY CONVERSION SYSTEMS

9.25.1. The only form of wind energy conversion systems allowed in the Summer Village are micro systems.

9.25.2. Notwithstanding any other provisions in this Bylaw, micro wind energy conversion systems, which are systems with a rated capacity of less than 0.5 KW, may only be roof mounted or ground mounted within a side or rear yard.

9.25.3. Micro wind energy conversion systems shall be required to conform to set back requirements for accessory buildings.

9.25.4. The maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.

9.25.5. One micro wind energy conversion system is allowed per lot. A second system may be allowed at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the lot.

10. LAND USE DISTRICTS

10.1. ESTABLISHMENT OF LAND USE DISTRICTS

10.1.1. For the purpose of this Land Use Bylaw, the Summer Village of Argentia Beach is divided into the following land use districts:

LAND USE DISTRICT NAME	SYMBOL	MAP COLOUR
Residential District	R	
Residential Low Density District	R1	
Green Belt District	G	
Spillways District	S	

10.1.2. The Land Use District Map in this Land Use Bylaw divides the Summer Village of Argentia Beach into land use districts.

10.1.3. Section 9: General Regulations applies to land use and development within all land use districts in the Summer Village.

10.2. BOUNDARIES

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

a. where a boundary is shown as following a street, lane, or watercourse, it shall be deemed to follow the centre line thereof;

b. where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;

c. in circumstances not covered by 10.2.1.a or 10.2.1.b above, the location of the land use district boundary shall be determined by the Development Authority by measurement of, and use of the scale shown on the Land Use District Map.

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

a. on its motion; or

b. upon written application being made to it by any person requesting the determination of the exact location of the boundary in question.

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

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

11.RESIDENTIAL (R) DISTRICT

11.1. PURPOSE

11.1.1. To provide for the development and redevelopment of residential uses on lots adjacent to the shoreline of Pigeon Lake.

11.2. PERMITTED USES

11.2.1. Boat houses

11.2.2. Dwellings, single detached

11.2.3. Home occupations, minor

11.2.4. Public parks

11.2.5. Public and quasi-public buildings and uses

11.2.6. Public utilities

11.2.7. Solar energy collection systems, roof mounted

11.2.8. Suites, guest house

11.2.9. Buildings and uses accessory to a permitted use

11.3. DISCRETIONARY USES

11.3.1. Moved-in buildings

11.3.2. Recreational vehicles

11.3.3. Sea cans

11.3.4. Solar energy collection systems, ground mounted

11.3.5. Wind energy conversion systems, micro

11.3.6. Building and uses accessory to a discretionary use

11.3.7. Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

11.4. LOT DIMENSIONS AND AREAS

11.4.1. All lots shall have a mean width of no less than 15.2 m (50.0 ft.).

11.4.2. The minimum lot width required by this bylaw shall not prevent:

a. the adjustment of a property line where no additional lots are being created, or

b. The re-subdivision of a lot formed by the consolidation of two previously existing lots.

11.5. DEVELOPMENT REGULATIONS

11.5.1. Maximum Site Coverage: The maximum site coverage of a lot shall be as required in Section 9.21.

11.5.2. Front and rear yards: Unless otherwise permitted below, all buildings shall be located so that the outside of the footings is at least 6.0 m (19.7 ft.) from the front and rear property lines. In case of doubt, the Development Authority may require a real property Report after the footings have been poured but before framing is started.

11.5.3. Side yards, main buildings: Unless otherwise permitted below, main buildings shall be located so as to give a side yard setback of 2.3 m (7.5 ft.).

11.5.4. Side yards, accessory buildings: A multi-story accessory building shall be located with side yards as required for main buildings. All other single storey accessory building shall have a side yard of at least 1.5 m (5.0 ft.).

11.5.5. Encroachment into yards: Eaves, bay windows, chimneys, and extensions cantilevered beyond the building footings may encroach into a yard by no more than 0.6 m (2.0 ft.).

11.5.6. Exterior steps: Exterior steps may be constructed in a yard provided that they are no closer than 1 metre to a side property line.

11.5.7. Location of decks: If any part of a deck or patio is more than 0.6 m (2.0 ft.) above grade, it is governed by the same yard and setback requirements as a building.

11.5.8. Location of garages: A garage may be located within 1.0 m (3.3 ft.) of the rear property line if the main doors do not face the road. Where the main doors face the road, the garage may be located within 3 metres (10 feet) of the rear property line.

11.5.9. In calculating building setbacks under sections (11.5.1 to 11.5.8) above, concrete pads, at-grade patios, and decks no higher than 0.6 m (2.0 ft.) above grade are deemed not to be part of a building.

12. RESIDENTIAL LOW DENSITY (R1) DISTRICT

12.1. GENERAL PURPOSE

12.1.1. To provide for the development of low-density residential land uses under individually unique or special circumstances requiring site-specific controls within:

The whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 hectares (86.70 acres) more or less excepting there out: Plan 2254EU, Plan 4387KS, Plan 9623958.

12.2. PERMITTED USES

12.2.1. Dwellings, single detached

12.2.2. Home occupations, minor

12.2.3. Public parks

12.2.4. Public and quasi-public buildings and uses

12.2.5. Public utilities

12.2.6. Solar energy collection systems, roof mounted

12.2.7. Suites, guest house

12.2.8. Buildings and uses accessory to a permitted use

12.3. DISCRETIONARY USES

12.3.1. Moved-in buildings

12.3.2. Recreational vehicles

12.3.3. Sea cans

12.3.4. Solar energy collection systems, ground mounted

12.3.5. Wind energy conversion systems, micro

12.3.6. Building and uses accessory to a discretionary use

12.3.7. Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

12.4. LOT DIMENSIONS AND AREAS

12.4.1. No lot shall be allowed that does not include a minimum developable area of 0.2 ha (1.0 acres) excluding: hazard lands, water courses, water bodies, and required buffer areas.

12.4.2. All lots created for residential use shall have a mean width of no less than 15.2 m (50.0 ft.).

12.4.3. The combined ground floor area of all buildings on a lot shall be no more than 35% of the total area of the lot.

12.4.4. The areas of concrete pads and at-grade patios, and uncovered decks no more than 0.6 m (2.0 ft.) above grade, shall not be included when the area of a building is calculated.

12.5. DEVELOPMENT REGULATIONS

12.5.1. Maximum Site Coverage: The maximum site coverage of a lot shall be as required in Section 9.21.

12.5.2. Front and rear yards: Unless otherwise permitted below, all buildings shall be located so that the outside of the footings is at least 6.0 m (19.7 ft.) from the front and rear property lines. In case of doubt, the

Development Authority may require a real property report after the footings have been poured but before framing is started.

12.5.3. Side yards, main buildings: Unless otherwise permitted below, main buildings shall be located so as to give a side yard setback of 2.3 m (7.5 ft.).

12.5.4. Side yards, accessory buildings: A multi-story accessory building shall be located with side yards as required for main buildings. All other single storey accessory building shall have a side yard of at least 1.5 m (5.0 ft.).

12.5.5. Encroachment into yards: Eaves, bay windows, chimneys, and extensions cantilevered beyond the building footings may encroach into a yard by no more than 0.6 m (2.0 ft.).

12.5.6. Exterior steps: Exterior steps may be constructed in a yard provided that they are no closer than 1.0 m (3.3 ft.) to a side property line.

12.5.7. Location of decks: If any part of a deck or patio is more than 0.6 m (2.0 ft.) above grade, it is governed by the same yard and setback requirements as a building.

12.5.8. Location of garages: A garage may be located no closer than 1.0 m (3.3 ft.) from the rear property line if the main doors do not face the road. Where the main doors face the road, the garage may be located no closer than 3.0 m (10.0 ft.) from the rear property line.

12.5.9. In calculating building setbacks (Sections 12.6.1 to 12.6.9), concrete pads, at-grade patios, and decks no higher than 0.6 m (2.0 ft.) above grade are deemed not to be part of a building.

12.6. SUBDIVISION REGULATIONS

Parcel Density

12.6.1. The maximum number of parcels allowed within the whole of Legal Subdivision Seven (7) and all those portions of Legal Subdivisions One (1), Two (2) and Eight (8) not covered by the waters of Pigeon Lake, all of Section Fourteen (14) in Township Forty Seven (47) Range One (1) West of the Fifth (5) Meridian as shown on a plan of survey of the said Township signed at Ottawa on the 30th day of March A.D. 1912, containing 35.1 ha (86.7 acres) more or less excepting there out Plan 2254EU, Plan 4387KS, Plan 9623958 shall be three (3).

Access

12.6.2. No subdivision shall be approved unless the proposed lot(s) and remainder have either: direct access to a developed local road over a municipally controlled road allowance or an access easement agreement. If a road must be improved or constructed to ensure access to the parcel then the road design standards shall be determined by the municipality having jurisdiction.

12.6.3. Private driveways and access roads shall be constructed, as a condition of subdivision or development approval, to a standard that allows for emergency vehicles to access the site. Design standards for construction shall be determined in consultation with and to the satisfaction of local emergency response departments.

Wastewater

12.6.4. All lots created as a result of subdivision must be connected to the Summer Village wastewater collection system.

Supporting Studies and Subdivision Site Design Requirements

12.6.5. An application to subdivide a parcel shall include, at a minimum, the following supporting documentation in order to demonstrate that the site is suitable for the intended use and the development of the site will not adversely impact riparian areas within or adjacent to the subject site:

a. Wetland assessment – prepared by a qualified wetland professional. Based on the wetland assessment the proponent must demonstrate that:

   i. there is a Building Pocket and on the proposed lot that is situated a minimum of 30.0 metres (98.0 ft.) away from identified wetlands within the subject site; and

   ii. new roadways, drainage ditches and underground utility shall be set back from the wetland boundary by 6.0 m (20.0 ft.).

b. Digital Site Elevations – based on the contour and slope information provided the proponent must demonstrate that he building pocket does not include any land with a slope equal to or greater than 15%.

c. Geotechnical Report and Site Grading Plan – prepared by a qualified geotechnical engineer which provides information about the soil characteristics and recommendations for building and site construction to mitigate potential hazards and to reduce potential contamination of ground water or surface water runoff entering Pigeon Lake.

12.7. SETBACKS FROM WATERCOURSES AND RESERVES

12.7.1. The minimum setback from any watercourse shall be 6.0 m (20.0 ft.).

12.7.2. At the time of subdivision, reserves (municipal reserves and environmental reserves) shall be required as a condition of subdivision approval in accordance with the Summer Village of Argentia Beach Municipal Development Plan and the Municipal Government *Act*.

13. GREEN BELT (G) DISTRICT

13.1. PURPOSE

13.1.1. To provide for the preservation and low-impact recreational use of important natural areas including the Graves Wildlife Sanctuary.

13.2. PERMITTED USES

13.2.1. Natural open space areas

13.2.2. Public and quasi-public buildings and uses

13.2.3. Public parks

13.2.4. Public utilities

13.3. DISCRETIONARY USES

13.3.1. Tree Removal

13.3.2. Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

13.4. OTHER REGULATIONS

13.4.1. The Development Authority may impose such conditions as they see fit to ensure that lots in the Green Belt District are used and maintained in accordance with the restrictive covenant that governs their use.

14. SPILLWAYS (S) DISTRICT

14.1. PURPOSE

14.1.1. To protect sensitive riparian areas and provide natural stormwater management on lands controlled by the Summer Village of Argentia Beach.

14.2. PERMITTED USE

14.2.1. Natural open space areas

14.2.2. Public and quasi-public buildings and uses

14.2.3. Public parks

14.2.4. Public utilities

14.3. DISCRETIONARY USES

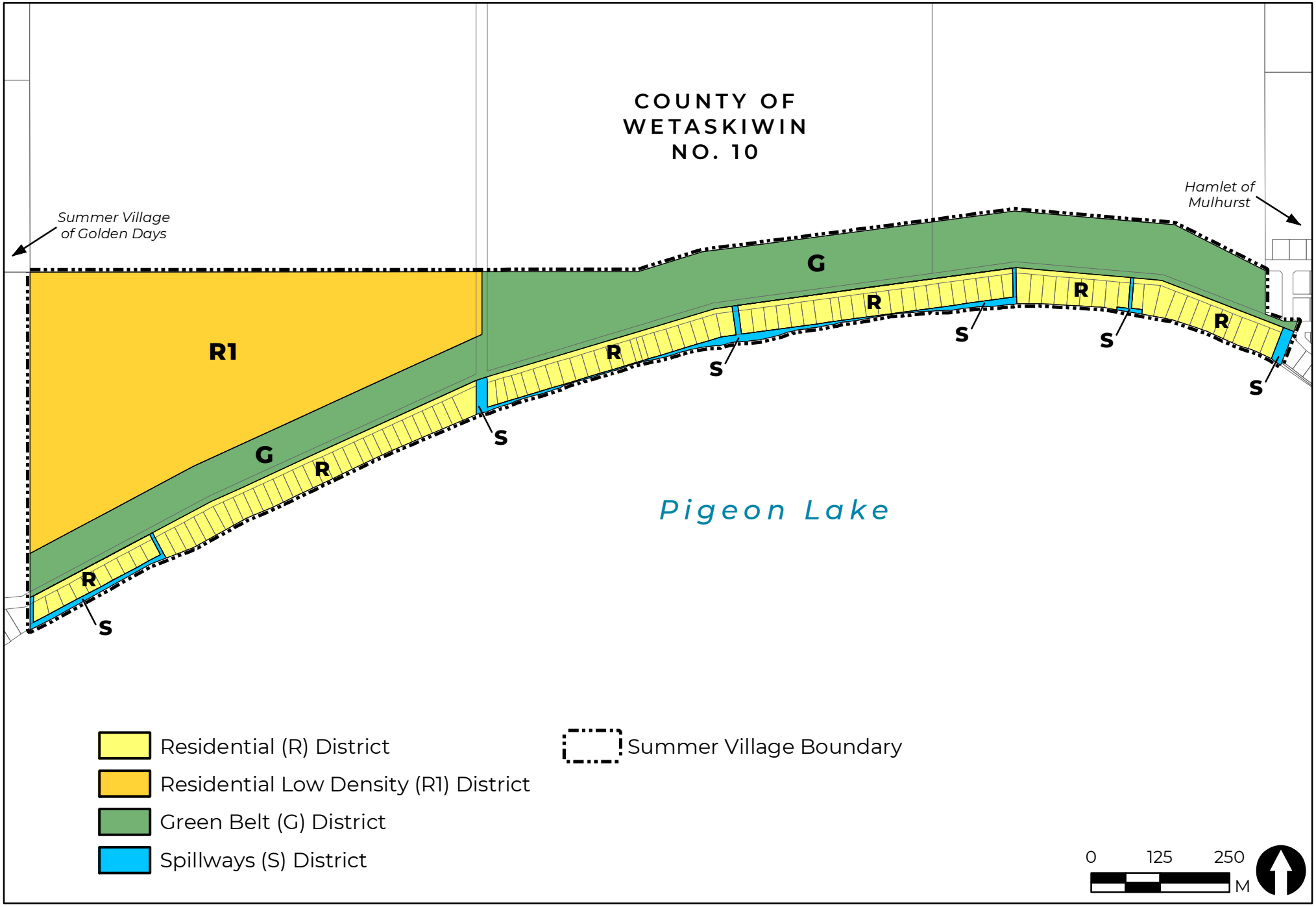
14.3.1. Tree Removal

14.3.2. Other uses that, in the opinion of the Development Authority, are similar to the permitted and discretionary uses

14.4. OTHER REGULATIONS

14.4.1. Development requirements for this district shall be at the discretion of the Development Authority.

15. LAND USE DISTRICT MAP



LAND USE DISTRICT MAP

SUMMER VILLAGE OF ARGENTIA BEACH

August 2021

Bylaw No. XXX

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

MUNICIPAL PLANNING SERVICES

APPENDIX A – RECOMMENDED SETBACKS

Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.

Water Feature	Minimum ER Width[2]	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland[1]	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Steam (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

[1] Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).
[2] In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.

Hazardous Lands	ER Modifier	Notes
Floodplain	• The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less. • The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.	• Residential development within a floodplain is discouraged. • Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines). • The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	