



Summer Village of Gull Lake

LAND USE BYLAW NO. 346/12

Office Consolidation

July 2012

Prepared by:

The Summer Village of Gull Lake
And
Parkland Community Planning Services

Important Notice:

This document is a consolidation of the original Land Use Bylaw and amending bylaws into a single publication for the convenience of users. The official Bylaw and all amendments are available at the Summer Village of Gull Lake Municipal Office.

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Bylaw Number	Purpose	Effective Date
346.1 – 12	Amend variances, derelict vehicles, parking RV's	Jun. 30, 2017
346.2 – 18	Incomplete Application Related Changes, Cannabis, R-1 District & Related Changes, RV Changes	Oct. 26, 2018

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PART I

GENERAL

1. Purpose

- (1) The purpose of this Land Use Bylaw is to, amongst other things,
 - (a) divide the Municipality into Districts;
 - (b) prescribe and regulate the Use for each District;
 - (c) establish the office of the Development Officer;
 - (d) establish a method of making decisions on applications for Development Permits including the issuing of Development Permits; and
 - (e) provide the manner in which notice of the issuance of a Development Permit is to be given.

2. Definitions

In this Land Use Bylaw:

"Accessory Building" means a Building separate and subordinate to the Main Building, the Use of which is incidental to that Main Building and is located upon the same Parcel of Land and includes, but is not limited to, detached garages and sheds; (346.2/18)

"Accessory Dwelling Unit for the Occupancy of the Owner, Operator, or Caretaker" means a secondary Building or portion of a Building the Use of which is to provide on-site accommodation for the Owner, operator or caretaker of a commercial establishment, or for the on-duty security personnel at a commercial establishment. No more than one Accessory Dwelling Unit for the Occupancy of the Owner, operator or caretaker is permitted on a Site;

"Accessory Use" means a Use customarily incidental and subordinate to the Main Use and occurring on the same Parcel of Land as such Main Use;

"Accreted Land" means the area of land formed gradually and imperceptibly by the movement of Gull Lake up to the boundary of the high water mark of Gull Lake, the approximate location of which is shown on Schedule A;

"Adjacent Land" means land that is contiguous to the Parcel of Land that is the subject of an application and includes land that would be contiguous if not for a highway, Road, river or stream, and any other land that, in the opinion of the Development Authority, shall be deemed to be Adjacent Land;

"Advanced Wastewater Treatment System" means a treatment system that complies with the National Sanitation Foundation International Standard for Wastewater Technology, NSF-40 Standard for Wastewater Treatment Systems or the CAN/BNQ 3680-910 Standard for (Stand Alone) Wastewater Treatment Systems, or such other standard that shall be determined by the Development Authority to be applicable;

"Automotive Service Station" means an establishment for the storage and sale of fuel, servicing and repair of motor vehicles, excluding an auto body and paint shop;

"Basement" means a habitable portion of a Building which is partly underground, but which has more than fifty percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

"Basement Suite" means a Basement developed as a Dwelling Unit or as a premises in which boarders may reside;

"Building" means anything constructed or placed upon, in, over or under land, but does not include a highway or public Road or a bridge forming part of a highway or public Road;

"Building Demolition" means the dismantling of a Building, and/or the intentional destruction of a Building, and/or followed by the removal of debris of a Building;

"Building 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, roof, stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device or feature not structurally essential to the Building;

"Campground" means a recreational Development for the purpose of providing temporary accommodation for Recreational Vehicles or tents. A Campground is not construed to mean a Development for the purpose of accommodating long-term or permanent occupancy by Recreational Vehicles, Manufactured Homes, or Park Model Homes;

"Cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis; (346.2/18)

"Cannabis Accessory" means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis; (346.2/18)

"Cannabis Production and Distribution" means an establishment used principally for one or more of the following activities as it relates to Cannabis:

- (a) The production, cultivation, and growth of Cannabis;
- (b) The processing of raw materials;
- (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- (d) The storage or transshipping of materials, goods and products; or
- (e) The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers; (346.2/18)

"Cannabis Lounges" means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution; (346.2/18)

“Cannabis Retail Sales” means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution; (346.2/18)

"Cellar" means a portion of a Structure which is mainly underground, and which has less than fifty percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation;

"Church" means an architecturally-defined Building primarily devoted to religious worship;

"Commercial Recreation and Entertainment Facility" means a facility or establishment which provides for recreation or entertainment for the intent of financial gain or profit;

“Corner Parcel” means a Parcel at the intersection of two abutting Streets or abutting a Street and a Lane;

"Council" means the Council of the Summer Village of Gull Lake;

"Detached Dwelling" means a residential Building containing one (1) Dwelling Unit, not including a Basement Suite, which is physically separate from any other residential Building, and does not include a Manufactured Home or a Park Model Home;

“Derelict Vehicle” means the storage, collection or accumulation of all or part of any wrecked vehicle or all or part of any motor vehicle which is not validly registered in accordance with the Traffic Safety Act and which is not housed in an enclosed Building or Structure;

"Development" means

- (a) an excavation or stockpile and the creation of either of them; or
- (b) a Building or an addition to, or replacement or repair of a Building and the construction or placing in, on, over or under land of any of them; or
- (c) 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; or
- (d) a change in the intensity of Use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the intensity of Use of the land or Building;

“Development Authority” means the person or persons appointed pursuant to Development Authority Bylaw No. 293;

“Development Line” means a line drawn parallel to the rear parcel boundary of any parcel abutting Gull Lake or Accreted Land and measured a distance of 60 m from the rear parcel boundary and which establishes the limits of the developable area of the parcel for building construction, site improvements, fencing, formal landscaping, vehicle parking and storage, and outdoor storage of any item; (346.2/18)

"Development Officer" means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

"Development Permit" means a document authorizing a Development issued pursuant to this Land Use Bylaw;

"Discretionary Use" means a Use which may be compatible with other Uses in the District, for which a Development Permit may be issued upon an application having been made;

"District" means Land Use District within this bylaw;

"Drive-in Business" means an establishment with facilities for on Site service to customers who remain in their motor vehicles, but not including a drive-in theatre;

"Driveway" means a vehicle access route between the carriageway of a Road and a Use on a Parcel;

"Duplex" means a separate residential Building consisting of two (2) separate Dwelling Units only, each above Grade and providing separate exterior entrances;

"Dwelling Unit" means a complete Building or self-contained portion of a Building for the Use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and sanitary facilities intended as a permanent residence not separated from direct access to the exterior by another separate or self-contained set of suites or rooms, but does not include a Manufactured Home or a Park Model Home;

"Eaveline" means the horizontal line that marks the intersection of the roof and the wall of a Building;

"Existing Residence and other Related Improvements" means a Detached Dwelling, Duplex, or Manufactured Home and Buildings accessory to the Use of the Dwelling Unit and the Parcel upon which it is located, serviced by utilities and access to the satisfaction of the Development Authority;

"Fence" means a physical barrier constructed from typical Building material for the purpose of providing privacy and/or preventing unauthorized access;

"Finished Grade" means the average of the levels of landscaped ground elevation adjoining a Building at the exterior walls;

"Flood Plain" means the land adjacent to a lake, river or stream inundated by a 1:100 year return flood as determined by Alberta Environment and Sustainable Resource Development;

"Floor Area" means:

- (a) for residential Buildings, the total area of all floors in a Building measured from the exterior side of exterior walls including a Basement, but excluding Floor Areas of Cellars, attached garages, sheds, carports, or open porches in all residential Buildings, or
- (b) for commercial Buildings, the total Floor Area of all floors in a Building measured from the exterior side of exterior walls including Basements and Cellars but excluding mall areas;

"Front Parcel Boundary" means, in the case of an Interior Parcel, the boundary which abuts a Street and in the case of a Corner Parcel, means the shorter of the two boundaries which abut a Street except for Parcels abutting Gull Lake or Accreted Land (see section 34);

"Front Yard" means

- (a) in the case of Parcels abutting Gull Lake or Accreted Land, a Yard extending across the full width of a Parcel from the boundary of the Parcel abutting the lake to the front wall of the Main Building, situated on the Parcel, or
- (b) in the case of Parcels not abutting Gull Lake or Accreted Land, a Yard extending across the full width of a Parcel from the boundary of the Parcel abutting the Street, or in the case of Corner Parcels, abutting the shortest length of Street, to the front wall of the Main Building situated on the Parcel (see section 34);

“Grade” means the ground elevation established for the purpose of regulating the number of storeys and the Height of a Building. The Building Grade shall be the finished ground elevation adjacent to the walls of the Building if the Finished Grade is level. If the ground is not entirely level, the Grade shall be determined by averaging the elevation of the ground for each face of the Building;

“Greenhouse” means a Building designed and used for the growing of vegetables, flowers and other plants for transplanting or for sale;

“Guest House” means a permanent Building for sleeping accommodation that may contain a bathroom, but does not have a kitchen or other cooking facilities, which provides temporary overflow accommodation for a Detached Dwelling located on the same Parcel;

“Height” please refer to “Building Height”;

"Home Occupation" means any occupation, trade, profession, or craft carried on by an occupant of a residential Building as an Accessory Use to the residential Use of the Building and which does not change the residential nature of the Building nor the neighbourhood or have any substantial exterior evidence of such Accessory Use. This does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling; (Changed 346.2/18)

"Indoor Merchandise Sales" means the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet;

“Interior Parcel” means a Parcel which is bounded by only one Street;

"Landscaped Area" means an area of land made attractive and desirable by the Use of any or all of the following: grass, trees, shrubs, ornamental plantings, Fences, walls and associated earthworks; however, it shall not include areas occupied by garbage containers, storage, parking lots or Driveways;

“Land Titles Act” means the *Land Titles Act*, R.S.A. 2000, c L-4, as amended;

"Land Use Bylaw" means this bylaw and amendments thereto;

"Land Use District" means an area as described in Part IV and shown in Schedule A of this Land Use Bylaw;

“Land Use Policies” means the policies established by the Lieutenant Governor-in-Council pursuant to the Municipal Government Act;

“Lane” means a Road, usually less than 10 metres (32.8 feet) wide, providing secondary access to one (1) or more Parcels;

"Lot" means:

- (a) a quarter section;
- (b) a river Lot shown on an official plan referred to in Section 32 of 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 Section 32 of the Surveys Act that is filed or lodged in a Land Titles Office;
- (d) a part of a Parcel 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 described in a Certificate of Title if the boundaries of the part are described in a Certificate of Title by reference to a plan of subdivision;

"Main Building" means a Building in which is conducted the main or principal Use of the Parcel on which it is erected;

"Main Use" means the principal Use of a Building or Parcel;

"Manufactured Home" means a residential Building containing one Dwelling Unit built in a factory in one or more sections, suitable for long term occupancy designed to be transported on either its own wheels and chassis or other means to a suitable Site;

"Mechanized Excavation, Stripping and Grading" means the use of motorized and/or non-motorized equipment to remove, relocate or stockpile soil or vegetation in excess of normal landscape maintenance requirements;

"Medical Cannabis" means a substance used for medical purpose authorized by a licence issued under the federal government's Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution;
(346.2/18)

"Medical Cannabis Counselling" means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories; (346.2/18)

"Medical Cannabis Production Facility" means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis; (346.2/18)

"Motel" means a Building the Use of which is primarily for sleeping accommodations and accessory services provided in rooms or suites of which may contain kitchen facilities;

"Municipality" means the Summer Village of Gull Lake;

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

"Municipal Planning Commission" means the Commission established pursuant to the Municipal Government Act;

"Municipal Shop and Storage Yard" means the facility used by the Municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment;

"Natural Environment Preservation Area" means an area that is to be preserved because it is unsuitable in its natural state for physical Development;

"Non-Conforming Building" means a Building:

- (a) that is lawfully constructed or lawfully under construction at the time a Land Use Bylaw affecting the Building or 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;

"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;

"Non-Renewable Resource Extraction" means the mining or removal from the ground of deposits of coal, sand, gravel, clay and other minerals;

"Owner" means the person who is registered under the Land Titles Act as the Owner of the fee simple estate in the land, or in respect of any property other than land, the person in lawful possession of it;

"Parcel" means the aggregate of the one (1) or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a land titles office;

"Parcel Coverage" means the area covered by Buildings, Parking Facilities, Driveways, storage areas and display areas;

"Parcel of Land" means:

- (a) where there has been a subdivision, any Lot or block shown on a plan of subdivision that has been registered in a Land Titles office;
- (b) where a Building affixed to the land that would without special mention be transferred by a transfer of land have been erected on two (2) or more Lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those Lots or blocks; or
- (c) a quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a Certificate of Title;

"Park Model Home" means a Recreational Vehicle conforming to CAN/CSA-Z241 Series-92;

"Parking Facility" means a Structure or an area providing for the off-Street parking of motor vehicles;

"Parks and Playgrounds" means areas of public land known for their natural scenery and/or preservation for either active and/or passive public recreation;

"Permanent Foundation" means:

- (a) a foundation meeting CSA Z240 standard; or
- (b) an engineer approved wood foundation; or
- (c) a poured concrete Basement; or
- (d) a concrete block Basement;

"Permitted Use" means a Use which is compatible with other Uses in the District and for which a Development Permit shall be issued provided it otherwise conforms with this Land Use Bylaw;

"Personal Service" means the provision of a service or services to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, restaurants, and drycleaners;

"Public and Quasi-Public Use" means a Use of land or a Building for purposes of public administration and service and shall also include a Building for the purpose of assembly, instruction, culture, recreation or other community activity;

"Public Utility" means a Public Utility as defined in Part 17 of the Municipal Government Act;

"Public Utility Building" means a Building in which the proprietor of a Public Utility maintains an office, or maintains or houses equipment used in connection with the Public Utility;

"Rear Yard" means:

- (a) in the case of Parcels abutting Gull Lake or Accreted Land, a Yard extending across the full width of a Parcel from the rear wall of the Main Building situated on the Parcel to the boundary abutting the Street; or
- (b) in the case of Parcels not abutting Gull Lake or Accreted Land, a Yard extending across the full width of a Parcel from the rear wall of the Main Building situated on the Parcel to the shortest boundary of the Parcel which does not abut a Street (see Section 34);

"Recreation Facilities" means a public Building and/or grounds for community entertainment, relaxation, social activity, and other leisure needs;

"Recreational Vehicle" means a vehicle or a portable Structure designed to be carried on a vehicle providing temporary sleeping accommodation for travel and recreation purposes and/or motorized sports activities conducted outdoors on both land and water. Recreational Vehicles include, but are not limited to, motor homes, campers, holiday trailers, motor bikes, snowmobiles, boats and utility trailers. Recreational Vehicles do not include Manufactured Homes and Park Model Homes and shall not be skirted or provide for the attachment or Use of any projections including, but not limited to, decks and carports;

“Road” means land:

- (a) shown as a Road on a plan of survey that has been filed or registered in a Land Titles Office; or
- (b) the Use of which is a public Road;

and includes a bridge forming part of a public Road and any Structure incidental to a public Road, but does not include a highway;

"Screen" means a Fence, berm, hedge, wall or Building Used to separate areas or functions which detract from the appearance of Road scenery and the view from the surrounding areas;

"Sewage Collection System" means a sanitary sewerage project that serves two (2) or more Dwelling Units;

"Side Yard" means a Yard extending from the Front Yard to the Rear Yard between the side boundary of the Parcel and the wall of Main Building thereon (see Section 34);

"Sight Triangle" means an area at the intersection of Lanes and/or Roads and/or railways in which all Buildings, Fences, vegetation and finished ground elevations shall be less than 1 m (3.28 ft.) in Height above the average elevation of the carriageways/rails, in order that vehicle operators may sight approaching vehicles in order to ensure adequate, collision-avoidance time;

"Sign" means any word, letter, model, placard, board, notice, device or representation, either illuminated or non-illuminated, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting Structure;

"Area of Sign" means the total surface area within the outer periphery of the subject Sign, and, in the case of a Sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in calculation of surface area;

"Facia Sign" means a Sign attached to, marked or inscribed on and parallel to the face of a Building wall but does not include a billboard;

"Free-Standing Sign" means a Sign that is supported independently of a Building wall or Structure but does not include a Portable Sign;

"Portable Sign" means a Sign that is not permanently installed or affixed;

"Site" means a Lot or Parcel of Land on which a Development exists or occurs or for which an application for a Development Permit is made;

"Soft Landscaping" means the use of organic, vegetative material as part of a Landscaped Area;

“Soft Sided Building” means any Building that is faced or finished, on any portion of the Building exterior, with flexible sheeting capable of being rolled or folded;

“Statutory Plan” means a Municipal Development Plan, Intermunicipal Development Plan, Area Structure Plan and/or Area Redevelopment Plan adopted by a bylaw of the

Municipality, or any one (1) or more of them;

"Street" means any category of Road, but does not include a Lane;

"Structural Alterations" means altering the Main Building components which support a Building;

"Structure" means anything constructed or erected, either permanent or temporary, the Use of which requires location on the ground or attachment to something having location on the ground;

"Subdivision and Development Appeal Board" means the board established by Council pursuant to the Municipal Government Act;

"Subdivision and Development Regulation" means the Subdivision and Development Regulation (AR 212/95), as amended;

"Subdivision Authority" means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw; (346.2/18)

"Surveys Act" means the *Surveys Act*, R.S.A. 2000, c S-26, as amended;

"Temporary Building" means a Building or Structure for which the sole purpose is incidental to the carrying out of a Development, for which a permit has been issued under this Land Use Bylaw. A Temporary Building shall be removed from the Site upon the lesser time frame of either 1) the completion of the Development, for which a Development Permit has been issued, or 2) the expired time period of one (1) year;

"Trails" means an area the Use of which is hiking, horseback-riding, cross-country skiing or other forms of non-motorized recreational travel;

"Use" means a Building or an area of land and the function and activities therein or thereon;

"Vegetation Removal" means the removal of trees and/or shrubbery, or the destruction thereof, in excess of general landscaping maintenance. General landscaping maintenance shall include minor, seasonal, historical or regular pruning, shearing and trimming of living trees and/or shrubbery, mowing of lawn and the storage and/or composting/recycling of resulting clippings and remnants;

"Walkway" means a public right of way for Use by pedestrians only, which is registered at the Land Titles Office as a Walkway or a reserve;

"Water Distribution System" means a waterworks system that serves two (2) or more Dwelling Units; and

"Yard" means an open space on the same Site as a Building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

All other words and expressions have the meaning respectively assigned to them in Part 17 of the Municipal Government Act and the Subdivision and Development Regulation.

PART II
ADMINISTRATION

3. Establishment of Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- (2) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things:
 - (a) keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto; and
 - (b) keeping a register of all applications for Development, including the decisions thereon and the reasons therefore.

4. Establishment of Forms

- (1) For the purpose of administering the Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.
- (2) Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

5. Establishment of Fees

- (1) The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by resolution of Council. Council may at any time by resolution increase, decrease or establish new fees for matters covered by this Land Use Bylaw.

6. Establishment of Subdivision and Development Appeal Board

- (1) The Subdivision and Development Appeal Board established by bylaw shall perform such duties as are specified in Bylaw No. 294.

7. Establishment of the Municipal Planning Commission

- (1) The Municipal Planning Commission established by bylaw shall perform such duties as are specified in the Bylaw No. 344/12.

8. Amendment of the Land Use Bylaw

- (1) The Council on its own initiative may give first reading to a Bylaw to amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
 - (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 District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
 - (d) the applicant's interest in the lands; and
 - (e) an application fee to be established by resolution of Council.
- (3) If the amendment is for a redesignation of land, the Development Officer may require:
 - (a) an outline plan for the area to be redesignated, to the level of detail specified by the Development Officer; and
 - (b) payment of a fee equal to the costs incurred by the Municipality to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline plan.
- (4) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before Council and shall issue not less than five (5) days notice to the applicant advising that he may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.
- (5) Council, in considering an application for an amendment to this Land Use Bylaw, may in 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 conditions or 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, with or without conditions.
- (6) Following first reading of an amending bylaw, Council shall:
 - (a) establish the date, time and place for a public hearing on the proposed bylaw;

- (b) if a bylaw to establish procedures for public hearings has not been passed,
 - (i) outline the procedures to be followed by any person, group of persons or person representing them who wish to be heard at the public hearing, and
 - (ii) outline the procedure for conducting the public hearing.
- (7) Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by:
 - (a) publishing notice at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates; or
 - (b) mailing or delivering notices to every residence in the area to which the proposed bylaw relates.
- (8) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.

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.
- (9) In the case of an amendment to change the Land Use Designation of a Parcel of Land, the Development Officer must, in addition to the requirements of subsection (7):
 - (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 clause (a) and subsection (7) to the assessed Owner of that Parcel of Land at the name and address shown in the assessment roll of the Municipality; and
 - (c) give written notice containing the information described in clause (a) and subsection (7) to each Owner of Adjacent Land at the name and address shown for each Owner on the assessment roll of the Municipality.
- (10) If the land referred to in subsection (9)(c) is in Lacombe County, 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 Lacombe County.
- (11) Notwithstanding subsection (6), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical,

technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.

- (12) In the public hearing, the Council:
 - (a) shall hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
 - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear.
- (13) After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may:
 - (a) pass the bylaw;
 - (b) refer 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.
- (14) 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.
- (15) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
 - (a) the applicant;
 - (b) the registered Owner of the land if not the applicant;
 - (c) the Director of Parkland Community Planning Services; and
 - (d) the administration of Lacombe County, if it received a copy of the proposed bylaw pursuant to subsection (10).
- (17) In this section, "Owner" means the person shown as the Owner of land on the assessment roll prepared pursuant to the Municipal Government Act.
- (18) The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by Council, for a period of three (3) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

9. Sections Found Invalid

- (1) If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

10. Measurements

- (1) All required measurements in this bylaw are metric. Imperial equivalents are provided for convenience purposes only.

PART III

DEVELOPMENT PERMITS, CONTRAVENTION AND APPEAL

11. Purpose of Development Permits

- (1) Development Permits are required to ensure that all Development in the Municipality is carried out in an orderly manner.

12. Development Not Requiring a Development Permit

- (1) No Development Permit will be required for any of the following types of Development provided that such Development complies with all applicable provisions of this Land Use Bylaw:
 - (a) the carrying out of works of improvement, maintenance or renovation to any Building provided that such works do not include Structural Alterations or additions;
 - (b) the completion of any Development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the Development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;
 - (c) the Use of any such Development as is referred to in subsection (b) for the purpose for which Development was commenced;
 - (d) in accordance with section 27 of this Land Use Bylaw, the erection or construction of gates, fences, walls or other means of enclosure less than 1 m (3.28 ft.) in Height in Front Yards and less than 2 m (6.56 ft.) in other Yards, and the maintenance, improvement and other alterations of any gates, Fences, or walls or other means of enclosure;
 - (e) the erection or placement of a Temporary Building;
 - (f) the installation, maintenance and repair of public utilities;
 - (g) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled provided that such Development complies with all applicable provisions of this Land Use Bylaw;
 - (h) one Accessory Building Used as a garden or tool shed on a residential Parcel, such Building not to exceed 9.5 m² (102.26 sq. ft.) in Floor Area and 2.5 m (8.2 ft.) in Height;
 - (i) the erection of one non-illuminated Sign of the following nature and size for each Use within a Building or on a Parcel, provided such Signs do not resemble or conflict with traffic Signs:
 - (i) a Facia Sign for the purpose of identification, direction and/or warning not exceeding 0.2 m² (2.15 sq. ft.);

- (ii) a Facia Sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.23 sq. ft.);
- (iii) a facia or freestanding Sign relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1.0 m² (10.76 sq. ft.);
- (iv) a Portable Sign or notice, relating to the sale or lease of land or Buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 3.0 m² (32.29 sq. ft.) and limited in display to the period of completion of the sale, lease, construction or event;
- (v) a flag attached to a single upright flagpole;
- (j) sundecks and patios which do not extend more than 3.65 m (11.98 ft) from the dwelling and which are on the same or a lower level than the main floor of the dwelling and which comply with all minimum Yard requirements;
- (k) Vegetation Removal that is dead, decaying, or pose a safety hazard;
- (l) Development specified in Section 618 of the Municipal Government Act, which includes:
 - (i) a highway or Road;
 - (ii) a well or battery within the meaning of the Oil and Gas Conservation Act;
 - (iii) a pipeline or an installation or Structure incidental to the operation of a pipeline; or
 - (iv) any other action, person, or thing specified by the Lieutenant Governor in Council by regulation.

13. Permission for Development

- (1) An application for a Development Permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:
 - (a) a scaled Site plan in duplicate showing the treatment of Landscaped Areas if required, the legal description, the front, rear, and Side Yards, if any; any provision for off-Street loading and vehicle parking and access and egress points to the Parcel;
 - (b) scaled floor plans, elevations and sections in duplicate;
 - (c) a statement of existing and proposed Uses;
 - (d) a copy of the Certificate of Title to the land and, if the applicant is not the Owner, a statement of the applicant's interest in the land together with the written consent of the Owner to the application;

- (e) the estimated commencement and completion dates;
- (f) the estimated cost of the project or contract price; and
- (g) any other pertinent information or tests required by the Development Officer respecting the Site or Adjacent Lands including, but not limited to:
 - i. Engineering plans or statement of intent respecting the provision of water and wastewater services, and all utilities on Site;
 - ii. a groundwater supply study, prepared by a qualified professional, when potable water is to be provided through a private or communal water system. If a communal system is proposed, then details must be provided as to how the system will be managed and operated;
 - iii. percolation and near surface water table testing prepared by a qualified professional where an onsite wastewater system is proposed.
- (h) If the intended Development is for a Development that requires a wastewater disposal system, the application shall also include a copy of the private wastewater disposal system permit issued by an accredited agency, or another qualified professional, approving the proposed method of wastewater treatment and disposal for the Development.
- (i) should permission be requested for an addition to an existing Development, confirmation may be required in writing from a plumbing safety codes officer that the existing private waste water disposal system is adequate for the proposed Development.
- (j) where an application for Development Permit proposes a below Grade foundation, a geotechnical report prepared by a qualified professional that outlines the seasonally adjusted water table levels, recommended Building foundations, Basement construction and soil bearing capacities shall be required.
- (k) If the intended Development is to remove vegetation, the application shall also include:
 - (i) a plan showing the existing trees, shrubs, and/or natural vegetation, identify the trees, shrubs, and/or natural vegetation to be removed;
 - (ii) a statement as to why the trees, shrubs, and/or natural vegetation are proposed to be removed;
 - (iii) details outlining the measures that will be taken to ensure the integrity of trees, shrubs, and/or natural vegetation adjacent to those proposed to be removed is not compromised; and
 - (iv) a statement may be required, at the discretion of the Development Officer, from a qualified environmental specialist or another qualified professional assessing the implications of tree,

shrub and/or natural vegetation removal on Gull Lake water quality and habitat.

- (l) in addition to the requirements listed in subsection (1) above, applications for Development Permits for Developments proposed in the Commercial District will also be accompanied by:
 - (i) landscaping plan(s) completed by a landscape architect or another person qualified to perform such work and will include:
 - (A) boundaries and dimensions of the subject Site;
 - (B) location of all Buildings, vehicle and bicycle parking areas, Driveways and entrances;
 - (C) location of all exterior lights on the Site and their projected light patterns in relation to adjacent public Roadways and Developments;
 - (D) location of existing plant materials to be retained;
 - (E) location of new plant materials;
 - (F) list of plant materials identifying the name, quantity and size of plant material;
 - (G) all other physical features, existing or proposed, including berms, walls, Fences, outdoor furniture, lighting and decorative planting; and
 - (H) where applicable, a location plan showing the proposed Development and landscaping relative to the landscaping an improvements on adjacent properties.
 - (ii) coloured elevation drawings showing the architectural treatment of all Buildings;
 - (iii) where applicable, relationships between Buildings;
 - (iv) vehicle and pedestrian Site circulation; and
 - (v) locations of Signs.
- (2) Deleted (346.2/18)
- (2) The Development Authority may deal with an application and make a decision without all of the information required by subsection (1) if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
- (3) Each application for a Development Permit shall be accompanied by a non-returnable administration fee, the amount of which shall be determined from time to time by resolution of Council.
- (4) The Development Officer shall:

- (a) receive, consider and decide upon all applications for a Development Permit;
 - (b) at his/her discretion refer to the Municipal Planning Commission any application which in his/her opinion should be decided by the Municipal Planning Commission;
 - (c) refer any application to an adjacent Municipality or any other agency or person which in his opinion may provide relevant comments or advice respecting the application; and
 - (d) refer all applications for Development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Energy Resources Conservation Board, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility and the proposed Development is not, in the opinion of the Development Officer, an infill Development.
- (5) Upon receipt of an application the Development Officer shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Officer. (346.2/18)
- (6) If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:
- (a) The date the application was received and deemed complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date the 40 days to process the application expires.
- (346.2/18)
- (7) If the Development Officer determines an application is incomplete, the Development Officer shall issue a notice in writing to the applicant, indicating the following:
- (a) The application is considered incomplete,
 - (b) A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete.
 - (c) The date which the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the notice, or as agreed upon between the applicant and Development Officer,

prior to the expiry of the 20 day review period. (346.2/18)

- (8) If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer are complete, the Development Officer must issue a letter to the applicant indicating:
- (a) The application is complete,
 - (b) Confirmation the Development Authority will begin processing the application, and
 - (c) The date the 40 days to process the application expires.

(346.2/18)

- (9) If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused. (346.2/18)

- (10) If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date. (346.2/18)

(11) Replaced (346.2/18)

- (11) Despite that the Development Officer has issued a letter acknowledging an application as complete, 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. (346.2/18)

- (12) If the Development Officer does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Officer, the application is deemed to be complete. (346.2/18)

- (13) The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing. (346.2/18)

- (14) The Development Authority shall approve an application for a Development Permit if the application complies with the requirements of the Land Use Bylaw, the Municipal Government Act, the Subdivision and Development Regulation, and Statutory Plans, and the Development Authority may attach conditions to the permit necessary to ensure any of the following:

- (a) arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
- (b) arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public Roads and Trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one

or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;

- (c) that the developer enters into a development agreement or an interim agreement, which shall form part of such Development Permit and may be required to be registered by caveat against title to the Site at the Land Titles Office, to do any or all of the following:
 - (i) to construct or pay for the construction of a Road required to give access to the Development;
 - (ii) to construct, or pay for the construction of:
 - (A) a pedestrian Walkway system to serve the Development; or
 - (B) pedestrian Walkways to connect the pedestrian Walkway system serving the Development with a pedestrian Walkway system that serves or is proposed to serve an adjacent Development, or both;
 - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the Development;
 - (iv) to construct, or pay for the construction of:
 - (A) off-Street or other parking facilities, and
 - (B) loading and unloading facilities;
 - (d) that the developer pays an off-Site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;
 - (e) that the developer provides security to ensure compliance with this Land Use Bylaw, a Development Permit, an agreement under this clause and/or a Statutory Plan, which security may include, but is not limited to, a performance bond, an irrevocable letter of credit or charge against the Certificate of Title to the Site;
 - (f) that the applicant repair, reinstate, or pay for the repair or reinstatement to the original condition, of any Street furniture, Street pavement, boulevard landscaping, and/or tree planting which may be damaged or destroyed or otherwise harmed by Development or construction operations on the Site;
 - (g) that the applicant submits a Real Property Report to the satisfaction of the Development Authority;
 - (h) that the applicant carry out landscaping of the Site which may include the retention and/or planting of vegetation, the construction of an earth berm or some other form of Screen;
- (15) For a Discretionary Use in any District, the Development Authority may approve an application for a Development Permit subject to:
- (a) any of the conditions listed in subsection (6); and

- (b) any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the surrounding neighbourhood and the Use, enjoyment, and value of the neighbouring Parcels of land, including, but not limited to, the following:
 - (i) limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - (ii) limiting the number of patrons;
 - (iii) requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed Development;
 - (iv) regarding the location, character, and appearances of Buildings;
 - (v) regarding the grading of the Site or such other matters as are necessary to protect other Developments from the Site;
 - (vi) establishing the period of time during which a Development may continue;
- (16) For a Discretionary Use in any District, the Development Authority may refuse an application for a Development Permit giving reasons for its refusal.
- (17) The Development Authority may:
 - (a) approve, with or without conditions, an application for a Development Permit; or
 - (b) advise that a real property report appears to conform with the Land Use Bylaw; or
 - (c) recommend approval of an application for subdivision approval;
- (18) Prior to imposing any condition, upon the issue of a Development Permit pursuant to this Section, the Development Authority shall consult with Council as may be required in the circumstances and shall specify the terms and content of the agreement in the condition in the Development Permit.
- (19) Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly. (346.2/18)

14. Variance Provisions

- (1) The Development Authority may approve an application for a Development Permit even though the proposed Development does not comply with this Land Use Bylaw or is a Non-Conforming Building if, in the opinion of the Development Authority;

- (a) the proposed Development would not:
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the Use, enjoyment or value of neighbouring Parcels of land;

and
 - (b) the proposed Development conforms with the Use prescribed for that land or Building in this Land Use Bylaw.
- (2) In approving an application for Development pursuant to subsection (1), 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 Lot lines, Parcel shapes or Site characteristics which create difficulties in siting Structures within the required setback or in meeting the usual bylaw requirements;
 - (b) except as otherwise provided in this Land Use Bylaw, there shall be no variance from the following:
 - (i) site coverage;
 - (ii) Deleted (346.1/12)
 - (iii) Deleted (346.1/12)
 - (iii) number of Dwelling Units on a Parcel; and
 - (iv) parking stalls.
 - (c) Replaced (346.1/12)
 - (c) except as otherwise provided in this Land Use Bylaw, the Development Officer may grant:
 - (i) up to (10) percent variance for the maximum Building Height;
 - (ii) up to (10) percent variance for the minimum front yard or the minimum rear yard; and
 - (iii) up to (15) percent variance for the minimum side yard.

(346.1/12)
 - (d) Replaced (346.1/12)
 - (d) except as otherwise provided in this Land Use Bylaw, the Municipal Planning Commission may grant a variance for:
 - (i) maximum building height; and

- (ii) minimum yards. (346.1/12)
- (e) Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.
- (f) 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.

15. Development Permits and Notices

- (1) A permit issued pursuant to this Part does not come into effect until twenty-one (21) days (346.2/18) after the date on which notice of issuance of the permit is given under subsection 4(b) or (c) or twenty-one (21) days after the date on which notice of issuance of the permit is given, if such notice is given under subsection 4(a) by postal service, then whichever last occurs. Any Development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) The date of issue of any permit shall be the date of notification pursuant to subsection (4).
- (3) Where an appeal is made pursuant to Section 17 of this Land Use Bylaw, a Development Permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (4) On the same date a Development Permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:
 - (a) mail a notice of the decision to all persons whose Use, enjoyment or value of property may, in the opinion of the Development Officer, be affected;
 - (b) post a notice of the decision conspicuously on the property for which the application has been made;
 - (c) publish in a newspaper circulating within the Municipality a notice of the decision;
 - (d) post a notice of the decision conspicuously at the Summer Village Office.
- (5) If the Development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.
- (6) The exterior finish of any Building or Structure for which a valid Development Permit has been issued, must be complete within a twelve (12) month period of the start of construction, unless an extension to this period, being no longer than

an additional twelve (12) months, has been previously granted by the Development Authority.

- (7) **Replaced (346.2/18)**
- (7) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the decision is made. **(346.2/18)**
- (8) When the Development Authority refuses an application for a Development Permit, the decision shall contain reasons for the refusal.
- (9) If a decision is not rendered by the Development Authority within forty (40) days of the receipt of a Development application, the applicant may:
 - (a) deem that a refusal has been issued; or
 - (b) enter into an agreement with the Development Authority to extend the forty (40) day period within which a decision is to be made on the application.

16. Permission for Subdivision Approval (346.2/18)

- (1) Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. 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. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
- (2) If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - (a) The date the application was received and deemed complete,
 - (b) Confirmation the Subdivision Authority will begin processing the application, and
 - (c) The date the 60 days to process the application expires.
- (3) If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
 - (a) The application is considered incomplete,
 - (b) A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - (c) The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,prior to the expiry of the 20 day review period.

- (4) If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - (a) The application is complete,
 - (b) Confirmation the Subdivision Authority will begin processing the application, and
 - (c) The date the 60 days to process the application expires.
- (5) If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
- (6) If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.
- (7) Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, 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.
- (8) If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.
- (9) The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing."

17. Contravention

- (1) If the Development Officer finds that a Development, land Use or Use of a Building is not in conformity with:
 - (a) this Land Use Bylaw, Part 17 of the Municipal Government Act or the Subdivision and Development Regulation; or
 - (b) a Development Permit or subdivision approval;

the Development Officer may, by written notice, order the Owner, the person in possession of the land or Building, or the person responsible for the contravention, or any or all of them, to:

 - (c) stop the Development or Use of the land or Building in whole or in part as directed by the notice;
 - (d) demolish, remove or replace the Development; or

- (e) carry out other actions required by the notice so that the Development or Use of the land or Building complies with the Land Use Bylaw, Part 17 of the Municipal Government Act or the Subdivision and Development Regulation, a Development Permit or subdivision approval;
- (2) In such order the Development Officer may establish a time for reasonable compliance with such order. If a person fails or refuses to comply with an order under subsection (1) or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the Municipal Government Act, the Municipality may enter on the land or Building and take any action necessary to perform and complete the order.
- (3) The Municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (1) against the Certificate of Title for the land that is the subject of the order, but if it does so the Municipality must discharge the caveat when the order has been complied with.

18. Appeal Procedure

- (1) An appeal of an order, a decision or a failure to make a decision of the Development Authority may be made in writing to the Subdivision and Development Appeal Board in accordance with the provisions set forth in the Subdivision and Development Appeal Board Bylaw No. 291.

19. Offences and Penalties

- (1) A person who contravenes or does not comply with:
 - (a) the Land Use Bylaw;
 - (b) Part 17 of the Municipal Government Act;
 - (c) the Subdivision and Development Regulation;
 - (d) an order under Section 17 of this Land Use Bylaw;
 - (e) a Development Permit or subdivision approval, or a condition therein;
 - (f) a decision of the Subdivision and Development Appeal Board; or
 - (g) who obstructs or hinders any person or persons in the exercise or performance of that person's or persons' powers or duties under this Land Use Bylaw;

is guilty of an offence.

- (2) A person who is guilty of an offence referred to in subsection (1) above is liable to a fine of not more than \$10,000 or to imprisonment for not more than one (1) year, or to both fine and imprisonment.

20. Compliance with Other Legislation

- (1) Compliance with the requirements of the Land Use Bylaw does not exempt any person from:
 - (a) the requirements of any federal, provincial or municipal legislation; and
 - (b) complying with any easement, covenant, agreement or contract affecting the Development.

20. Deleted (346.2/18)

PART IV

LAND USE DISTRICTS

21. Establishment of Districts

- (1) For the purpose of this Land Use Bylaw, the Summer Village of Gull Lake is divided into the following Districts:
 - "R-1" - Low Density Residential District
 - "C" - Commercial District
 - "EOS" - Environmental Open Space District
 - "UR" - Urban Reserve District
- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A hereto. All Roads, water courses and lakes are excluded from the Land Use Districts.
- (3) Where the location of District boundaries on the Land Use District Map is not clearly defined, the following rules shall apply:
 - (a) a boundary shown as approximately following a Parcel boundary shall be deemed to follow the Parcel boundary;
 - (b) a boundary location which cannot be satisfactorily resolved, shall be referred to Council for an official interpretation.

22. “R1” - Low Density Residential District

The purpose of this District is to provide an area for low-density residential Development in the form of Detached Dwellings and compatible Uses, herein listed. Use of the area contained within the Front Yard of any Parcel which abuts Gull Lake or Accreted Land for any purpose other than natural landscaping and paths is prohibited. (Replaced 346.2/18)

(1) Permitted Uses

Accessory Buildings
Detached Dwellings

(2) Discretionary Uses:

Building Demolition
Churches (deleted 346.2/18)
Detached garage with a guest house on the second floor
Excavation, Stripping, and Grading (deleted 346.2/18)
Home Occupations
Manufactured Homes
Mechanized Excavation, Stripping and Grading
Parking Facilities for Uses within this District (deleted 346.2/18)
Parks and Playgrounds
Public and Quasi-Public Uses (deleted 346.2/18)
Public Utility Buildings
Vegetation Removal

(3) Minimum Requirements

- (a) Site Area:
- (i) 1,855 m² (19,967.22 sq. ft.) for non-serviced residential Lots,
 - (ii) 925 m² (9,956.70 sq. ft.) for residential Lots serviced by a Sewage Collection System but not by a Water Distribution System,
 - (iii) 1,390 m² (14,961.96 sq. ft.) for residential Lots serviced by a Water Distribution System but not by a Sewage Collection System,
 - (iv) 418 m² (4,499.46 sq. ft.) for residential Lots not complying with the foregoing and legally created prior to promulgation of Alberta Regulation 132/78, (April 1, 1978),
 - (v) As required by the Development Authority for other listed Uses.
- (b) Lot Width:
- (i) 30 m (98.43 ft.) for residential Lots,
 - (ii) As required by the Development Authority for other listed Uses.
- (c) Replaced (346.2/18)
- (c) Minimum Front Yard:

- (i) 7.5 m (24.60 ft.) for residential uses on parcels not abutting Gull Lake or Accreted Land,
 - (ii) For parcels abutting Gull Lake or Accreted Land and having a parcel depth greater than 67.5 m , all that portion of the parcel lying between the front parcel boundary and the development line or 7.5 m (24.60 ft.) from the front parcel boundary, whichever distance is greater,
 - (iii) For parcels abutting Gull Lake or Accreted Land and having a parcel depth less than 67.5 m, 7.5 m (24.60 ft.) from the front parcel boundary,
 - (iv) Despite subsections (ii) and (iii), the minimum front yard for parcels abutting Gull Lake or Accreted Land shall respect the minimum front yards of any existing main building present on the abutting parcels on either side of the parcel to be developed. Where there is an existing main building on each of the abutting parcels, the minimum front yard shall be the average of the distance between the Development Line and each of the existing main buildings on the abutting parcels. Where there is an existing main building on only one of the abutting parcels, the minimum front yard shall be the distance between the Development Line and the existing main building on the abutting parcel.”
 - (v) As required by the Development Authority for other listed uses.
(346.2/18)
- (d) Minimum Side Yard:
- (i) 1.5 m (4.92 ft.) for residential Uses,
 - (ii) 3 m (9.84 ft.) for residential Uses where the Side Yard abuts a Road,
 - (iii) One (1) 3 m (9.84 ft.) Side Yard shall be provided for residential uses within a laneless subdivision,
 - (iv) As required by the Development Authority for other listed Uses.
- (e) Minimum Rear Yard:
- (i) 10 m (32.81 ft.) for residential Uses,
 - (ii) As required by the Development Authority for other listed Uses.
- (f) Minimum Floor Area:
- (i) 74.30 m² (800 sq. ft.) for residential Uses,

(4) Maximum Limits

- (a) Development Line and Developable Areas of Parcel

- (i) For all parcels having a property line abutting the north or west limit of the right of way for Premier Avenue or Lake View Avenue or Oliver Avenue or Stuart Avenue, building construction, site improvements, private wastewater systems, fencing, signage, formal landscaping, recreational vehicle parking and use, vehicle parking and storage, and outdoor storage of any item, shall be restricted to the portion of the parcel that is between the property line closest to or abutting the road right of way and the Development Line. (346.2/18)
 - (ii) For all parcels having a property line abutting the north or west limit of the right of way for Premier Avenue or Lake View Avenue or Oliver Avenue or Stuart Avenue, development of the portion of the parcel that is between the property line closest to or abutting Gull Lake and the Development Line shall be limited to natural landscaping using native species of vegetation and natural paths and trails that use sand, grass or wood chips as the walking surface. (346.2/18)
- (b) Building Height:
- (i) 10 m (32.81 ft.) above Finished Grade with a maximum of two storeys,
 - (ii) As required by the Development Authority for other listed Uses.
- (c) Parcel Coverage:
- (i) 55% of the developable Parcel area defined within this Land Use Bylaw for residential Uses,
 - (ii) 10% of the developable Parcel area defined within this Land Use Bylaw for Accessory Uses.
 - (iii) As required by the Development Authority for other listed Uses.

(5) Manufactured Home Design:

The external appearance of Manufactured Homes must be acceptable to the Development Authority having regard to compatibility with other Buildings in the vicinity and must have:

- a) A minimum roof pitch of 4:12
- b) A roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes
- c) A minimum roof overhang or eaves of 0.40 m (16 inches) from each external wall
- d) A maximum length to width ratio of 3:1
- e) A minimum width of 6.7 m (22.0 ft)
- f) A Permanent Foundation

(6) Landscaped Area

In the case of applications for Development Permits for Uses other than Detached Dwellings, refer to Part V of this Bylaw.

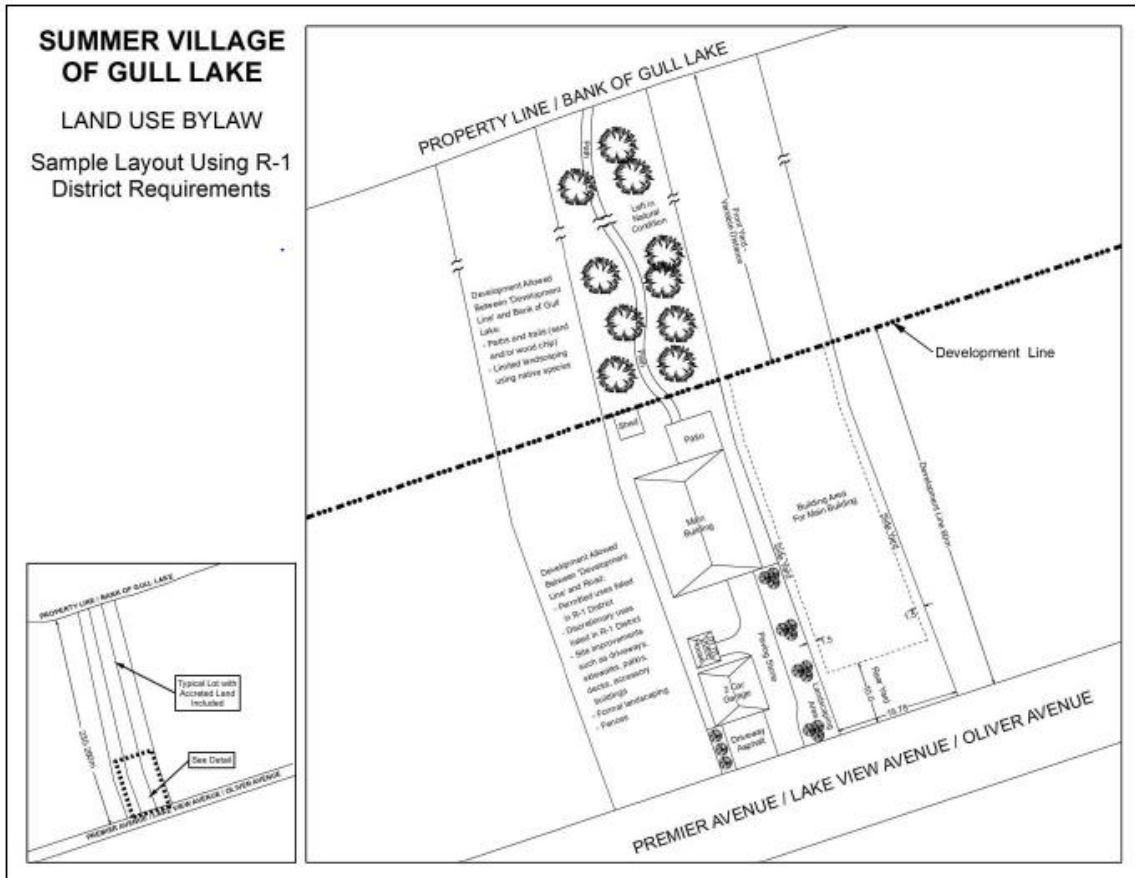
(7) Parcel Servicing

- (a) Individual onsite advanced wastewater treatment systems shall be the preferred method to service Developments within the Summer Village of Gull Lake.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accredited agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(8) Vegetation Removal

Vegetation removal, or the destruction thereof, without a Development Permit is prohibited. The width of any path between the Development Line and the property line closest to Gull Lake shall not exceed 4.75m (15 ft.). (346.2/18)

Drawing Showing Application of Development Line and Development Area Requirements
(for illustration purposes only – see text for exact requirements)



(346.2/18)

23. “C” - Commercial District

The purpose of this District is to provide an area for commercial Uses offering a variety of goods and services, and other Uses, herein listed, which are compatible with the area, which will create an attractive environment and be accessible to motor vehicles.

(1) Permitted Uses

Indoor Merchandise Sales (convenience store)
Personal Services

(2) Discretionary Uses

Accessory Dwelling Unit for the Occupancy of the Owner, Operator, or Caretaker
Accessory Uses
Automotive Service Stations
Building demolition
Campgrounds
Mechanized Excavation, Stripping and Grading
Motels
Parking facilities
Public and Quasi-Public Uses
Public Utility Buildings
Vegetation Removal

(3) Minimum Requirements

- (a) Front Yard:
 - (i) 9 m (29.53 ft.) for Permitted Uses,
 - (ii) As required by the Development Authority for Discretionary Uses.
- (b) Side Yard:
 - (i) 3 m (9.84 ft.) for Permitted Uses, except abutting a residential Parcel, where it shall be 6 m (19.69 ft.),
 - (ii) As required by the Development Authority for Discretionary Uses.
- (c) Minimum Rear Yard:
 - (i) 6 m (19.69 ft.) for Permitted Uses,
 - (ii) As required by the Development Authority for Discretionary Uses.

(4) Maximum Limits

- (a) Lot Width:
 - (i) 15 m (49.21 ft.) for Permitted Uses,
 - (ii) As required by the Development Authority for Discretionary Uses.
- (b) Parcel Coverage:

- (i) 80% for Permitted Uses,
 - (ii) As required by the Development Authority for Discretionary Uses.
- (c) Building Height:
- (i) 10 m (32.81 ft.) for Permitted Uses,
 - (ii) As required by the Development Authority for Discretionary Uses.

(5) Landscaped Areas:

- (a) The following shall be Landscaped Areas:
- (i) the minimum Front Yard,
 - (ii) the minimum Side Yard when adjacent to a Street or Residential District,
 - (iii) the minimum Rear Yard when adjacent to a Residential District
- (b) All applications for Development Permits shall include details of landscaping on the Site plan for the consideration of the Development Authority.

(6) Outdoor Storage and Display:

- (a) All outdoor storage shall be Screened,
- (b) All outdoor display shall be Screened from Residential Districts.

(7) Parcel Servicing

- (a) Individual onsite advanced wastewater treatment systems shall be the preferred method to service Developments within the Summer Village of Gull Lake.
- (b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accreted agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(8) Vegetation Removal

Vegetation Removal, or the destruction thereof, without a Development Permit is prohibited.

24. “EOS” - Environmental Open Space District

The purpose of this District is to provide an area for the preservation of public and private land in its natural state, or for its Development as a park and access opportunities to the bed and shore of Gull Lake.

(1) Permitted Uses

Natural environmental preservation

(2) Discretionary Uses

Trails
Walkways

(3) Vegetation Removal

Vegetation Removal, or the destruction thereof, without a Development Permit is prohibited.

25. “UR” - Urban Reserve District

The purpose of this District is to preserve land in its present state.

(1) Permitted Uses

NIL

(2) Discretionary Uses

Excavation, Stripping, and Grading
Public Utility Buildings
Vegetation Removal

Uses that will not, in the opinion of the Development Authority, materially alter the Use of the land from that existing on the date the land was designated to this Land Use District, or conflict with future urban expansion

(3) Minimum Parcel Area

All the land contained in the existing Certificate of Title, unless otherwise approved by the Development Authority, having regard to future Use of the Parcel and the form of future subdivision and Development.

(4) Parcel Servicing

(a) Individual onsite advanced wastewater treatment systems shall be the preferred method to service Developments within the Summer Village of Gull Lake.

(b) The Development Authority may, at his/her sole discretion, allow other wastewater treatment systems be installed insofar as adequate written confirmation from an accreted agency, or another qualified professional, is provided stating that the proposed method of wastewater treatment will not be potentially harmful to Gull Lake or the groundwater system.

(5) Vegetation Removal

Vegetation Removal, or the destruction thereof, without a Development Permit is prohibited.

PART V

GENERAL LAND USE REGULATIONS

26. Subdivision of Land

- (1) A Development requiring subdivision of land shall not be issued a Development Permit until such time as subdivision approval has been received from the Subdivision Approval Authority, or upon appeal, the Subdivision and Development Appeal Board or the Municipal Government Board.

27. Fencing

- (1) Within Residential Districts, a Fence:
 - (a) located within a rear or Side Yard of a Lot shall not exceed 2 m (6.56 ft.) in Height;
 - (b) located within the Front Yard of a Lot shall not exceed 1 m (3.28 ft.) in Height;
 - (c) located within the Side Yard abutting a flanking Street on a corner Lot shall not exceed 1 m (3.28 ft.) in Height;
 - (d) erected upon those lands within Plan 3689 KS, shall be contained within the Lot boundaries, as described on the Certificate of Title of those Lots;
 - (e) or any part thereof, subject to subsection (1)(d), shall not be located more than 60.0 m (196.80 ft.) from the rear boundary of a Parcel abutting Gull Lake or Accreted Land. (346.2/18)
- (2) Within other Districts, a Fence shall be sited to the discretion of the Development Authority.

28. Accessory Buildings and Uses

- (1) Within Residential Districts:
 - (a) no Accessory Building, Use, or portion thereof shall be erected or placed within the Front Yard of a Parcel, except;
 - (i) for where the Parcel abuts Gull Lake or Accreted Land whereby an Accessory Building as described in Section 11(h) of this Land Use Bylaw may be approved; and
 - (ii) for where the Parcel fronts a Road where the Parcels across the Road abut Gull Lake or Accreted Land whereby one Accessory Building Used as a garage may be situated not closer than 7.5 m (14.76 ft) to the Street. Such garages shall not exceed 7.32 m (24.02 ft) in width and 7.32 m (24.02 ft) in length, unless otherwise approved by the Development Authority.

- (b) an Accessory Building on an Interior Parcel shall be situated so that the exterior wall is at least 1 m (3.28 ft.) from the side and rear boundaries of the Parcel;
 - (c) an Accessory Building or Use on a Corner Parcel shall not be situated closer to the Street than the Main Building and it shall not be closer than 1 m (3.28 ft.) to the other side Parcel boundary or the rear Parcel boundary;
 - (d) an Accessory Building or Use shall not be more than 4.5 m (14.76 ft.) in Height, and shall not exceed the Height of the Main Building; unless it is a detached garage with a Guest House on the second floor where the Accessory Building will not be more than 7.6 m (24.93 ft) in Height and will not exceed the Height of the Main Building;
 - (e) an Accessory Building erected or placed on a Parcel shall not be Used as a Dwelling Unit;
 - (f) satellite dishes, not affixed to the Main Building and exceeding 0.6 m (1.97 ft.) in diameter, shall be deemed Accessory Uses and shall be subject to the Yard and Building Height requirements for an Accessory Building;
 - (f) Only one Guest House shall be constructed or placed on a Parcel.
- (2) Within other Districts, no Accessory Building or Use, or portion thereof shall be erected or placed within the Front Yard of a Parcel.

29. Building Orientation and Design

- (1) The design, character and appearance of any Building, or series of Buildings, Structure, or Sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to:
- (a) amenities such as daylight, sunlight, and privacy;
 - (b) the character of existing Development in the District; and
 - (c) its adverse effect, if any, on adjacent Parcels.
- (2) In addition to subsection (1) above, the design, character and appearance of any Building and Site improvements in a commercial District must be acceptable to the Development Authority having regard to:
- (a) outdoor lighting arranged so that no direct rays of light are directed at any adjoining Site or interfere with the effectiveness of adjacent traffic with no light Structure or light attached to a Structure exceeding a Height of 9 m (29.53 ft);
 - (b) the arrangement and location of Buildings, parking, and outdoor functions to emphasize the aesthetically pleasing components of the Site, such as trees, views, and architectural features, and disguise its less attractive elements such as service facilities, outdoor storage and equipment areas, and garbage enclosures, through placement and design of Structures and landscaping/Screening;
 - (c) treatment of all sides of a Building exposed to a Street or other public space as a principal façade and finishing them in a pleasing architectural manner;

- (d) rooflines and facades of large single walls exceeding 30 m (98 ft) in length designed to reduce the perceived mass through the Use of design elements such as arches, columns or gables with exterior finish materials composed of mainly muted colours;
- (e) adjacent Buildings on the same or separate Parcels to ensure they are compatible in Height and scale. If different scale is required for functional reasons, adequate transition shall be provided between the Buildings;
- (f) Screening or mechanical equipment and Screening materials that are compatible with the theme and character of the Main Building; and
- (g) designing Buildings with consideration for pedestrian scale.

30. Number of Buildings on a Parcel

- (1) A Development Permit shall not be issued for more than one (1) Main Building on an unsubdivided Parcel, except where it is proposed to develop more than one (1) Main Building to form a single, unified group of Buildings.

31. Relocation of Buildings

- (1) No person shall:
 - (a) place on a Parcel a Building which has previously been erected or placed on a different Parcel; or
 - (b) alter the location on a Parcel of a Building which has already been constructed on that Parcel;

unless a Development Permit has been issued by the Development Authority.
- (2) In addition to the requirements of Section 13, the Development Authority may require an application for a Development Permit to be accompanied with:
 - (a) recent colour photographs showing all elevations of the Building;
 - (b) a statement verifying the age, size and structural condition of the Building; and
 - (c) a statement of proposed improvements to the Building.
- (3) An application for a Development Permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.
- (4) Where a Development Permit has been granted for the relocation of a Building either on the same Parcel or from another Parcel, the Development Authority may require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- (5) All structural and exterior renovations shall be completed within one (1) year of the issuance of a Development Permit.

32. Soft Sided Buildings

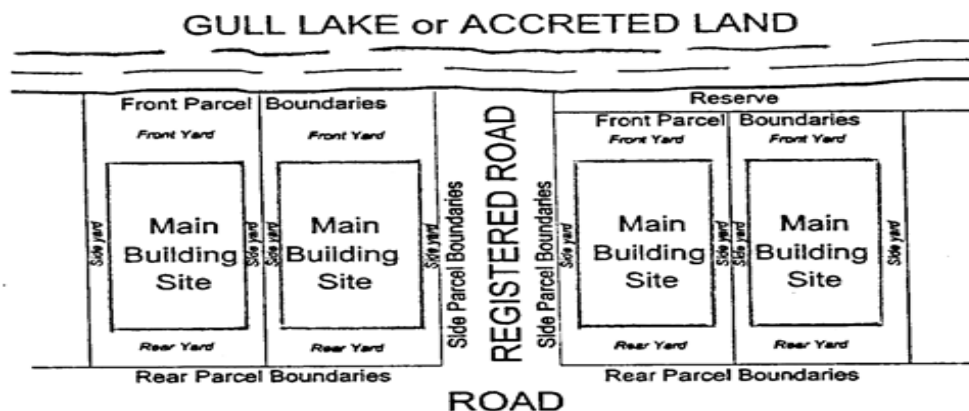
- (1) The Development Authority may approve an application for Development Permit for a Soft Sided Building only if:
 - (a) the Building is an Accessory Building on the Parcel and is not erected or placed within the Front Yard of a Parcel, unless otherwise approved by the Development Authority, and
 - (b) any application for Development Permit shall be for a maximum duration of one (1) year; and
 - (c) the Structure meets Alberta Building Code requirements.
- (2) The Development Authority may conditionally approve a Soft Sided Building to be placed on a Parcel subject to the applicant agreeing to remove the Building in accordance with the terms and conditions of the Development Permit.
- (3) There shall be no more than one (1) Soft Sided Building per Parcel
- (4) A Soft Sided Building Used as a garage in a residential District must be placed in the Rear Yard only unless it is located on a parcel abutting Gull Lake where it must be placed in the Front Yard.

33. Building Demolition

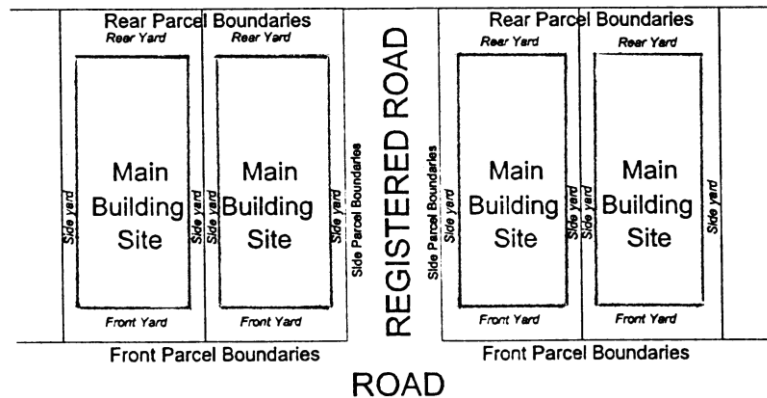
- (1) An application to demolish a Building shall not be approved without a statement or plan, to the satisfaction of the Development Authority, which indicates:
 - (a) the procedure of how the operation will be carried out so as to create a minimum of dust or other nuisance; and
 - (b) the final reclamation of the Parcel.

34. Yards

- (1) The following illustrates the Yards for Parcels abutting Gull Lake or Accreted Land:



- (2) The following illustrates the Yards for Parcels not abutting Gull Lake or Accreted Land:



35. Projections Over Yards

- (1) Projections on Permanent Foundation walls and footings, or on piles are deemed to be part of the Building, and shall not be considered as a projection over a Yard.
- (2) In a residential District, the portion of and attachments to a main or Accessory Building which may project over or on a minimum Yard are:
 - (a) Side Yards:
 - (i) Any projection, including non-enclosed steps or eaves, not exceeding one-half of the minimum Side Yard required for the Building;
 - (b) Front Yards:
 - (i) Any projection not exceeding 1.5 m (4.92 ft.) over or on the minimum Front Yard;
 - (c) Front and Rear Yard:
 - (i) Non-enclosed steps, if they do not project more than 2.5 m (8.20 ft.) over or on a minimum front or Rear Yard;
 - (d) Rear Yards
 - (i) Any projection not exceeding 3.0 m (9.84 ft.) over the minimum Rear Yard.
- (3) In all other Districts, the portion of and attachments to a main or Accessory Building which may project over or on a minimum Yard are:
 - (a) any projection not exceeding 1.5 m (4.92 ft.) into a front or Rear Yard;
 - (b) any projection not exceeding 0.6 m (1.97 ft.) into a Side Yard;
 - (c) any projection that is an exterior fire escape not exceeding 1.2 m (3.94 ft.) in width.

36. Objects Prohibited or Restricted in Yards

- (1) Replaced (346.1/12)
- (1) No person shall allow a motor vehicle, which is in dilapidated or unsightly condition or a Derelict and/or non-registered Vehicle to remain or be parked on a Parcel in the Residential District. (346.1/12)
- (2) Replaced (346.1/12)
- (2) Replaced (346.2/18)
- (2) No more than one (1) Recreational Vehicle, holiday trailer, motor home or camper may be parked on a parcel within a Residential District where a main building exists on the parcel. Where there is no main building on the parcel, there shall be no Recreation Vehicle, holiday trailer, motor home or camper parked on the parcel. No Recreation Vehicle, holiday trailer, motor home or camper shall be used for living and/or sleeping accommodation for an accumulative period of time greater than thirty (30) days per annum. Utility trailers and truck campers attached to a box of a truck are not included in this provision. (346.2/18)
- (3) In addition to subsection (2) above, one (1) additional recreational vehicle is allowed for a 72 hour non-consecutive period from May 1- September 30 of the calendar year. No more than two (2) recreational vehicles are allowed at any time. The location of the Recreation vehicle, holiday trailer, motor home or camper on the parcel and its screening from view from any public street shall be to the satisfaction of the Development Officer. (346.1/12)
- (4) No person shall allow a vehicle of more than 2,730 kg (6,018.6 lbs.) GVW and/or a length of 6.5 m (21.3 ft.) to be parked or stored on a Parcel within the Residential District, except those vehicles described in subsection (2).

37. Parking

- (1) The following minimum number of parking spaces shall be provided and maintained upon the Use of a Parcel or a Building in any District as described in this Land Use Bylaw. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the next highest integer.

<u>Uses</u>	<u>Parking Spaces</u>
Guest Houses	1 per Guest House
Indoor Merchandise Sales	5 per 100 m ² (1,076.4 sq. ft.)
Motels	1 per guest room
Repair Services	2 per 100 m ² (1,076.4 sq. ft.)
Restaurants	1 per 4 seats
Churches	1 per 4 seats
Residential Dwelling Units	2 per dwelling
Other Uses	The number of spaces shall be determined by the Development Authority having regard to similar Uses listed above and the estimated traffic generation and attraction of the proposed Use.

- (2) Each parking space shall have dimensions of not less than 2.75 m (9.02 ft.) by 5.5 m (18.04 ft.).

38. Vehicle Access to Buildings

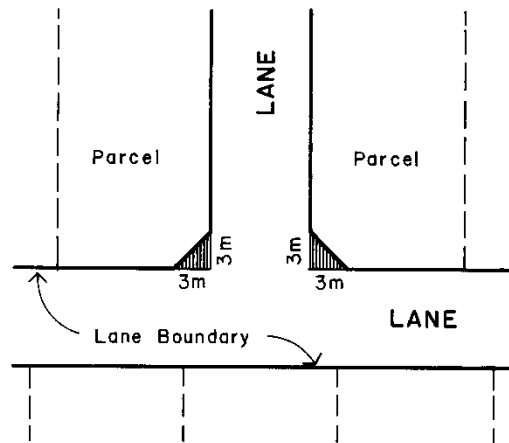
- (1) Any Building into which a vehicle may enter shall have a Driveway on the Parcel at least 6 m (19.69 ft.) in length, except where the Driveway enters a Lane, where it shall be at least 1 m (3.28 ft.) or 6 m (19.69 ft.) or more.

39. Access into Commercial District

- (1) Vehicular entrances and exits, as well as on-Site pedestrian and vehicular routes, shall be designed in a manner that provides a safe and clearly defined circulation pattern.
- (2) Loading spaces shall be located in such a manner as to not impede the efficient flow of traffic and pedestrian movement and to minimize impacts on Adjacent Land Uses.

40. Sight Lines at Intersections of Lanes and Roads

- (1) At the intersection of Lanes, a 3.0 m (9.84 ft.) Sight Triangle shall be provided, as illustrated below:



- (2) At the intersection of other Roads, the Development Authority may require the calculation of Sight Triangles where:
 - (a) one or more rights-of-way is less than 15 m (49.21 ft.); or
 - (b) regulated vehicle speed exceeds 50 km/h; or
 - (c) one of the carriageways is not centred in its right-of-way; or
 - (d) an intersection leg is curved or skewed; or
 - (e) an intersection leg is sloped at 2% or greater.

- (3) Sight Triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for Roads.

41. Home Occupations

- (1) A Home Occupation shall not include any Use or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions.
- (2) A Home Occupation shall be incidental and subordinate to both the residential Use and the accessory residential Building.
- (3) There shall be no exterior display or advertisement, unless provided in accordance with Section 12 (1)(i).
- (4) There shall be no outside storage of materials, commodities or finished products.
- (5) No commodity other than the product or service of the approved Home Occupation shall be sold on the premises.
- (6) No person(s) other than a resident of the dwelling shall be employed.

42. Mechanized Excavation, Stripping and Grading

- (1) A temporary Fence shall be erected surrounding all excavations which in the opinion of the Development Authority may be hazardous to the public.
- (2) Where finished ground elevations are established, all grading shall comply therewith.
- (3) All Parcels shall be Graded to ensure that storm water is directed to a public Road without crossing Adjacent Land, except as permitted by the Development Authority.
- (4) All top soil shall be retained on the Parcel, except where it must be removed for Building purposes.

43. Vegetation Removal

- (1) For the purposes of this Land Use Bylaw, dead, decaying, or trees that pose a safety hazard have one or more of the following characteristics:
 - (a) dry and lifeless wood that breaks very easily;
 - (b) deep splits through the bark;
 - (c) lack of leaves;
 - (d) weak branch unions where they are not securely attached to the tree;
 - (e) Signs of decay such as fungi, or soft or crumbly wood; or
 - (f) uneven growth pattern indicated by lopsided or leans in a particular direction.
- (2) Spiral pruning, meaning the thinning of a tree canopy by the selective removal of entire tree limbs, is the preferred method of pruning trees to enhance views of the lake.

- (3) Any healthy vegetation proposed to be removed shall be replaced at the discretion of the Development Authority. Applications for Vegetation Removal on Accreted Land will be heavily scrutinized and referred to the Municipal Planning Commission.

44. Landscaping, Environmental Conservation and Development

- (1) Unless otherwise specified in a District, the following standards of landscaping shall be required for all areas of a Parcel not covered by Buildings, Driveways, storage, and display areas:
- (a) the conservation of existing trees and shrubs to the maximum extent possible;
 - (b) the appropriate Screening of outside storage areas, parking facilities and loading areas from adjacent Buildings and public Roads;
 - (c) a sufficient depth of top soil to facilitate growth in the soft-Landscaped Areas, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
 - (d) completion of the landscaping by the end of the first full growing season following completion of construction or the commencement of the Use.
 - (e) the retention, in their natural state, of
 - (i) swamps, gullies and natural drainage courses,
 - (ii) unstable land,
 - (iii) land subject to flooding by a 1:100 year flood,
 - (iv) land with a natural gradient of 15% or greater, and
 - (v) land below the top of the bank
 - (vi) land between Gull Lake and the Development Line. (346.2/18)to the maximum extent possible.
- (2) in addition to subsection (1) above, the following regulations are specific to Developments proposed in the Commercial District:
- (a) Appropriate Screening of outside storage areas, parking facilities and loading areas from adjacent Buildings and Roads shall be provided. Trees and shrubs shall be evenly placed at regular intervals when Used for Screening.
 - (b) The planting of additional trees and shrubs shall be provided on the basis of the following:
 - (i) one (1) tree per 40 m² (430 ft²) of the required Landscaped Area;
 - (ii) one (1) shrub per 20 m² (215 ft²) of the required Landscaped Area;
 - (iii) fifty percent (50%) of the required trees and shrubs shall be coniferous and fifty percent (50%) of the required trees and shrubs shall be deciduous;

- (iv) seventy-five percent (75%) of the coniferous trees shall be a minimum 2 m (6.6 ft) in Height above the root ball and twenty-five percent (25%) shall be a minimum of 3.5 m (11.5 ft) in Height above the root ball;
 - (v) fifty percent (50%) of the deciduous trees shall be a minimum of 50 mm (2.4 in) caliper above the root ball and fifty percent (50%) shall be a minimum of 75 mm (3 in) caliper above the root ball;
 - (vi) a minimum Height of 0.5 m (1.64 ft) for coniferous shrubs; and
 - (vii) a minimum Height of 0.6 m (1.97 ft) for deciduous shrubs.
- (c) when not Used for Screening, trees and shrubs shall be clustered or arranged in planting beds. Individual planting beds shall consist of an odd number of trees and shrubs and an approximate mix of fifty percent (50%) coniferous and fifty percent (50%) deciduous). At a minimum, a planting bed shall be composed of three (3) coniferous trees and two (2) deciduous trees or shrubs.
- (d) The Owner of a property shall be responsible for landscaping and proper maintenance. If the required landscaping does not survive two (2) growing seasons, the applicant/Owner must replace it with a similar type of species and with a similar caliper width or Height.

45. Refuse Storage

- (1) A commercial waste bin shall be provided as part of the Development of commercial Uses in the Commercial District. The bin shall be placed in a Screened enclosure, by way of a solid metal Fence, Screening wall composed of the same material as the Building and/or a planting buffer in the side or Rear Yard at a location accessible by garbage collection.

46. Municipally-Owned Lands

- (1) Vegetation Removal from municipally owned lands is strictly prohibited, unless prior written permission is received from Council.

47. Development in Proximity to Oil and Gas Wells

- (1) In accordance with the Subdivision and Development Regulation, no Building shall be constructed within 100 metres (328 feet) of the well head of a gas or oil well, unless, in the opinion of the Development Authority, it may be considered an infill Development or written approval is obtained by the Energy Resources Conservation Board.

48. Development Setbacks from Landfills and Waste Sites

- (1) In accordance with the Subdivision and Development Regulation:
 - (a) a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the Building Site is within the distances from a sanitary landfill, hazardous waste management facility, dry waste Site, waste processing Site, waste storage Site, waste sorting station or waste transfer station specified in the Subdivision and Development Regulation; and

- (b) a sanitary landfill, modified sanitary landfill, dry waste Site, hazardous waste management facility, waste processing Site, waste storage Site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, residence, or food establishment specified in the Subdivision and Development Regulation;

unless the Development has obtained written approval by the Deputy Minister of the Environment.

49. Land Use Policies

- (1) Every action undertaken by the Municipality and the Development Authority must be consistent with any Land Use Policies established pursuant to the Intermunicipal Development Plan and the Municipal Government Act.

50. Guidelines for Other Land Uses

- (1) All Uses which are not covered by specific regulations in Part III shall be:
 - (a) separated from adjacent Uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent Uses;
 - (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a Statutory Plan;
 - (c) setback from any Parcel boundary abutting a Road a sufficient distance to ensure that the Development will not be visually intrusive, having regard to any possible changes in surrounding Uses;
 - (d) of a Height which will be consistent with that prevailing in the area;
 - (e) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent Roads; and
 - (f) developed in conformance with any applicable Statutory Plan policies.

51. Site Development

- (1) The design, siting, external finish, architectural appearance and landscaping of all Buildings, including any Accessory Buildings or Structures and Signs and any reconstruction shall be to the satisfaction of the Development Authority in order that general conformity and compatibility with adjacent Buildings and Uses be provided. Criteria for conformity and compatibility shall include, but not be limited to, that a Dwelling Unit constructed as part of a Development shall be Sited upon a Parcel at a similar distance from the abutting Road such that the new Dwelling Unit can reasonably be described as being situated in alignment with adjacent Dwelling Units.

52. Cannabis Retail Sales (346.2/18)

- (1) A cannabis retail sales use shall not be located within 800m of the following:
 - (a) Centennial Park located on Lot 1, Plan 1857EO, Part of the NW 23-40-28-4 and Lots 2 through 9, Plan 2352S; and

- (b) The Summer Village Community Hall site located on Lots 3A through 5A, Plan 3689KS.

For the purposes of this subsection only the 800m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of any of the parcels or subject sites listed above. The Development Authority shall not grant a variance to reduce the separation distance.

- (2) Cannabis retail sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.
- (3) Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:
 - (a) Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;
 - (b) The exterior of all stores shall have as much transparency from the street as possible;
 - (c) Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and
 - (d) Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1m and 2.5m above grade.
- (4) No outdoor storage relating to cannabis retail sales shall be allowed.
- (5) No nuisances, including but not limited to odour, noise, or light, shall be emitted.
- (6) Drive through facilities and windows are not permitted.
- (7) Onsite parking shall be provided at a rate of 5 parking stalls per 100 m² (1,076 ft²) of floor area.
- (8) The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.
- (9) In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:
 - (a) A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and
 - (b) Written confirmation from the Alberta Gaming, Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.