

Summer Village of Sunset Beach Land Use Bylaw



**FINAL DRAFT
FOR PUBLIC REVIEW
April 2021**

* This draft contains edits based on feedback from residents at the April 9, 2021, public hearing and subsequent Council direction.

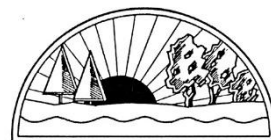
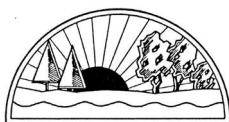


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SECTION ONE

1

Purpose

This section introduces readers to the Land Use Bylaw, establishes jurisdiction, clarifies enforcement and penalties, and the process in place for amending the Bylaw.

Jurisdiction

1-1 TITLE

This Bylaw is entitled 'Summer Village of Sunset Beach Land Use Bylaw No. 134-21', hereinafter referred to as the "Bylaw".

1-2 PURPOSE

The purpose of the Bylaw is to regulate land use within Sunset Beach to achieve the fair and orderly development of land as well as to:

- a) Organize the Summer Village into Land Use Districts;
- b) Prescribe and regulate use of land or buildings in each District;
- c) Establish the number of dwelling units permitted on a parcel of land;
- d) Define and establish the roles of the Development Authority;
- e) Establish a method of making decisions on applications for development, including the issuing of Development Permits and Development Authority Discretion; and
- f) Provide for how and to whom notice of the issuance of a development permit is to be given.

1-3 LEGISLATIVE CONSISTENCY

Municipal Government Act:

- a) The Bylaw is consistent with the Municipal Government Act (MGA), as amended. The MGA takes precedence in a case of dispute on the meanings of all words or clauses;

Alberta Land Stewardship Act:

- b) The Bylaw is consistent with the Alberta Land Stewardship Act (ALSA), as amended;

Sunset Beach Municipal Development Plan:

- c) The Bylaw is consistent with the Sunset Beach Municipal Development Plan (MDP), as amended;



Other Plans & Bylaws in the Summer Village:

- d) The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to, **any** Area Structure Plans, Area Redevelopment Plans, **and local engineering standards and any Infrastructure Master Plans as they pertain to transportation, water, sanitary and/or stormwater management.**

1-4 INTERPRETATION

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms;
- b) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to the MGA or the Bylaw;
- c) Words, phrases and terms not defined in the Glossary may be given their definition in the MGA or, in the absence of a definition in the MGA, the Alberta Building Code as amended from time to time. Other words shall be given their usual and customary meaning;
- d) Where a provision involves two or more conditions connected by the conjunction “and,” all the connected items shall apply in combination; “or” indicates that the connected items may apply singly; and “and/or” indicates the items may apply singly or in combination;
- e) In the case of any conflict between the text of the Bylaw and any maps or drawings used to illustrate any aspect of the Bylaw, the text shall govern; and
- f) Timelines outlined within the Bylaw shall be complied with pursuant to the Alberta Interpretation Act.

1-5 SEVERABILITY

Each provision of the Bylaw is independent of all other provisions, and if any provision is declared invalid by a decision of a court of competent jurisdiction all other provisions remain valid and enforceable.

1-6 EFFECTIVE DATE

The effective date of the Bylaw shall be the date of the third reading and signing thereof in accordance with the MGA. All amendments to the Bylaw, any Redistricting, or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein.

1-7 REPEAL OF PREVIOUS LAND USE BYLAW

The ‘Summer Village of Sunset Beach Land Use Bylaw No. 54-90’ and amendments thereto are hereby repealed.

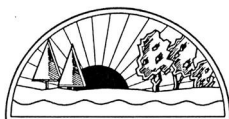
1-8 FEES AND CHARGES

All fees and charges under and pursuant to the Bylaw, are established within the ‘Fees and Rates Bylaw,’ as amended.

Bylaw Enforcement

1-9 LAND USE BYLAW ENFORCEMENT

- a) The Development Authority or a Designated Officer may enforce the provisions of the Bylaw, or the conditions of a Development Permit pursuant to the MGA and the *Provincial Offences Procedure Act* (POPA), as amended;
- b) Enforcement may be by violation ticket pursuant to POPA, notice of violation or any other authorized action to ensure compliance;



- c) The enforcement powers granted to the Development Authority under the Bylaw are in addition to any enforcement powers that the Summer Village or any of its Designated Officers may have under POPA; and
- d) The Development Authority may exercise all such powers concurrently.

1-10 OFFENSE UNDER THE BYLAW

- a) Any property owner, lessee or occupant of land, or a building, or the owner of a structure or a sign thereon, who with respect to such land, building, structure or sign, contravenes, causes, or allows a contravention of any provision of the Bylaw commits an offense;
- b) Any person who commences or continues development for which a Development Permit is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a Development Permit under the Bylaw commits an offense; and
- c) Any person who prevents or obstructs the Development Authority or a Designated Officer from carrying out any official duty under the Bylaw or the MGA commits an offense.

1-11 STOP ORDER

Pursuant to Section 645 of the MGA where an offense under the Bylaw occurs, the Development Authority may by written notice, order the property owner or the person in possession of the land or buildings, or the person responsible for the contravention to:

- a) Stop the development or use of the land or buildings in whole or in part as directed by the notice; or
- b) Demolish, remove or replace the development; or
- c) Carry out any other actions required by the notice so that the development or use complies with the Bylaw.

1-12 ENTRY & ENFORCEMENT

- a) Pursuant to Section 542 of the MGA a Designated Officer of the Summer Village may, after giving reasonable notice to the property owner or occupier of land or the structure to be entered:
 - i. Enter on that land or structure at any reasonable time, and carry out any inspection, enforcement or action required to assess or enforce compliance with this Bylaw,
 - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
 - iii. Make copies of anything related to the inspection, remedy, enforcement or action,
- b) The Development Authority shall be a Designated Officer for the purposes of Section 542 of the MGA.

1-13 SPECIFIED PENALTIES FOR OFFENCES

- a) The minimum specific penalties for offence against the Bylaw are as outlined below:

Table 1 – Minimum Specified Penalties

Offence	First Offence	Second Offence*	Third Offence**
Failure to obtain a Development Permit	\$500	\$750	\$1000
Failure to comply with Development Permit Conditions	\$500	\$750	\$1000
Failure to comply with District Regulations	\$1000	\$1500	\$2000
Failure to comply with any other condition of the Bylaw	\$500	\$750	\$1000

* for a second offence, on a Parcel of Land within a twelve (12) month period

** for a third and any additional offences, on a Parcel of Land within a twelve (12) month period



Land Use Bylaw Amendments

1-14 AMENDMENT TO THE BYLAW

- a) Any person may apply to have the Bylaw amended;
- b) Council may, on its own initiative and in accordance with the MGA, initiate an amendment to the Bylaw affecting a Parcel or Parcels of land; and
- c) Any amendment to the Bylaw shall be made pursuant to the MGA.

1-15 TEXT AMENDMENT

A person preparing an application to amend the text within the Bylaw shall do so using the appropriate form provided by the Summer Village, and shall include the following:

- a) The completed application form;
- b) The application fee as established within the 'Fees and Rates Bylaw,' as amended; and
- c) Any supporting studies, plans or other information deemed necessary by the Summer Village.

1-16 LAND USE RE-DISTRICTING AMENDMENT

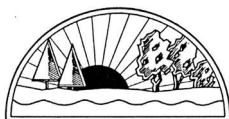
A person preparing an amendment application to re-district a land use shall do so using the appropriate form provided by the Summer Village, and shall include the following:

- a) The completed application form;
- b) An application fee as established within the 'Fees and Rates Bylaw,' as amended;
- c) A Current copy of the Certificate of Title (within 30 days) for the affected lands;
- d) Current copies of any restrictive covenants or easements (within 30 days);
- e) 3 to 5 coloured photographs showing the affected lands and adjacent area;
- f) A Site Plan, showing:
 - i. north arrow,
 - ii. municipal address and adjacent street labels (i.e. street address),
 - iii. legal address (i.e. plan/block/lot),
 - iv. parcel boundaries,
 - v. access and egress points,
 - vi. adjacent street labels,
 - vii. location of existing buildings and setbacks (if applicable), and
 - viii. any development setbacks, easements or utility rights-of-way etc.,
- g) Any supporting studies, plans or other information deemed necessary by the Development Authority.

1-17 AMENDMENT DUTIES OF THE DEVELOPMENT AUTHORITY

Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:

- a) Prepare an Amending Bylaw for First Reading by Council;
- b) Prepare a background report, including plans and other relevant material, and submit same to Council for their review prior to First Reading;
- c) Provide two (2) weeks notice of any public hearing to all adjacent property owners;



1-18 DECISIONS ON BYLAW AMENDMENTS

Council may, in reviewing a proposed amendment to the Bylaw:

- a) Approve the proposed Bylaw Amendment as it is; or
- b) Make any changes it considers necessary to the proposed amendment and proceed to approve it without further advertisement or hearing; or
- c) Refer the proposed Bylaw Amendment back to administration for more information or further review and changes, then reschedule the application for further consideration; or
- d) Refuse the proposed Bylaw Amendment as it is.

1-19 RECONSIDERATION

If an application to amend the Bylaw has been refused by Council, the same application shall not be reconsidered for at least one (1) year after the date of refusal, unless, in the opinion of the Development Authority, the reasons for refusal have been adequately addressed **by the applicant** or the circumstances of the application have changed significantly.



SECTION TWO

Process

2

This section outlines the role of the Development Authority, and the procedures and responsibilities related to the Summer Village's Development Permit process.

Authority and Responsibilities

2-1 DEVELOPMENT AUTHORITY

- a) The Development Authority is established herein pursuant to the MGA and is a person or body who is authorized to exercise development powers and duties on behalf of the Summer Village;
- b) The Development Authority shall include one or more of the following:
 - i. A Development Officer, and/or
 - ii. The Chief Administrative Officer (CAO).

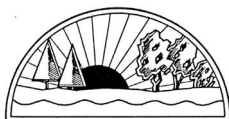
2-2 DUTIES OF THE DEVELOPMENT AUTHORITY

The Development Authority Shall:

- a) Receive, process and make decisions on all Development Permit applications;
- b) Keep, and maintain for inspection during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on the Summer Village's website and hard copies are available to the public for a fee;
- c) Keep a register of all Development Permit applications and the decisions rendered on them for a minimum of seven (7) years;
- d) Make decisions on all Development Permit applications;

The Development Authority May:

- e) Refer a Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment; and
- f) Provide a written time extension agreement, in alignment with the Bylaw.



2-3 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

The Development Authority, in making a decision on a Development Permit application for:

A Permitted Use:

- a) Shall approve the application, with or without conditions, if the proposed Development conforms with the Bylaw; or
- b) May refuse the application if the proposed Development does not conform to the Bylaw;

A Discretionary Use:

- c) May approve the application, with or without conditions, if the proposed Development conforms with the Bylaw; or
- d) May refuse the application even though it meets the requirements of the Bylaw;

A Discretionary Use in a Direct Control District:

- e) Shall refer the Development Permit application to Council with the appropriate recommendation; or
- f) May consider and approve the application providing it meets the direction set out by Council, where Council has delegated the decision to the Development Authority.

2-4 REVIEWING DISCRETIONARY USE DEVELOPMENT PERMIT APPLICATIONS

In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard to:

- a) The purpose and intent of the applicable District;
- b) The purpose and intent of any Statutory Plan adopted by the Summer Village;
- c) The purpose and intent of any other plan and pertinent policy adopted by the Summer Village;
- d) The circumstances and merits of the application, including but not limited to:
 - i. The design, character and appearance of the proposed Development,
 - ii. Whether the Development is compatible with and complementary to Neighbouring Parcels,
 - iii. Servicing requirements,
 - iv. Access, transportation, and internal circulation requirements,
 - v. The impact on the public transit system, where applicable, and
 - vi. Sound planning principles.

2-5 APPROVAL OF A SIMILAR USE

The Development Authority may approve a Development Permit, with or without conditions, for a use that is neither Permitted nor Discretionary in the District in which the development is to be located, provided that:

- a) The proposed use is a similar use;
- b) The proposed use is not defined elsewhere in the Bylaw; and
- c) All public notice of the Development Permit approval specifically reference that the use was approved as a similar use.



Development Permit Requirements

2-6 CONTROL OF DEVELOPMENT

No Development shall be undertaken in Sunset Beach without an approved Development Permit, excluding 'DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT' (Section 2-8).

2-7 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

A Development Permit is not required for the following development, provided it complies with all applicable provisions of the Bylaw, and does not require a variance:

Table 2 – Development Not Requiring a Development Permit

Development	Permit Not Required
Accessory Building	One (1) accessory building per parcel, which does not exceed 14.0 m ² in floor area, and is not placed on a permanent foundation or connected to any utilities and is a minimum of 7.6 m back from the Ordinary High Water Mark on a lakeshore parcel.
Deck	Less than 0.6 m in height.
Fences and Gates	Less than 2.0 m in height in a rear or side yard and/ or 1.0 m in a front yard.
Flag Poles	Less than 4.5 m in height.
Landscaping	General Landscaping, not including excavation or stripping, where the proposed grades will not adversely affect the drainage of the subject or adjacent Parcel.
Maintenance	So long as it complies with the requirements of the Alberta Building Code, routine maintenance to any building or structure, provided that such work does not: a) constitute structural alterations; or b) change the use or intensity of the use of the building or structure.
Outdoor Fire Pit, Barbecue or Fireplace	An outdoor fire pit, barbecue or fireplace located on a residential parcel that is 3.0 m back from the edge of a parcel.
Retaining walls	Less than 1.2 m in height.
Satellite Dishes	Less than 1.2 m in diameter directly attached to a roof, side wall or Balcony.

2-8 NON-CONFORMING USES & NON-CONFORMING BUILDINGS

- a) Non-conforming buildings and uses shall be administered as outlined in the MGA;
- b) The Development Authority may issue a variance permitting a non-conforming building to be enlarged, added to or rebuilt where:
 - i. The proposed Development is consistent with the purpose and intent of the applicable District,
 - ii. The proposed Development will not result in any additional non-compliance with the provisions of the Bylaw, and
 - iii. There is, in the opinion of the Development Authority, no significant change to the land use or an increase in the intensity of use.



2-9 APPLICANT RESPONSIBILITIES

The applicant requesting a Development Permit shall ensure that:

- a) The proposed Development conforms with Sunset Beach's Statutory Plans, local engineering standards, applicable bylaws and guidelines, ~~and any Infrastructure Master Plans,~~ as amended;
- b) All approvals, licenses or permits are obtained from provincial or federal regulatory departments or agencies, as required, prior to commencing Development and that copies are provided to the Development Authority;
- c) Outstanding property taxes are paid; and
- d) Development does not commence until a Development Permit has been approved and issued.

2-10 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

A person preparing an application for a Development Permit shall do so using the appropriate form provided by the Summer Village, and shall include the following:

- a) The completed application form;
- b) An application fee as established within the 'Fees and Rates Bylaw,' as amended;
- c) A copy of the Certificate of Title (within 30 days);
- d) Current copies of any restrictive covenants or easements (within 30 days);
- e) Current copies of any provincial or federal approvals, licenses or permits, as required (within 30 days);
- f) A Site Plan showing:
 - i. north arrow,
 - ii. municipal address and adjacent street labels (i.e. street address),
 - iii. legal address (i.e. plan/block/lot),
 - iv. parcel boundaries and dimensions,
 - v. access and egress points,
 - vi. adjacent street labels,
 - vii. site drainage, finished lot grades, the streets with grades and sewers servicing the property,
 - viii. locations of on-site existing or proposed water and sewer connections, septic tanks, disposal fields, water wells, culverts and crossings (as applicable),
 - ix. location of existing buildings and setbacks (if applicable),
 - x. elevations, setbacks, exterior finishing materials and floor plans of proposed buildings (if applicable),
 - xi. any development setbacks, easements or utility rights-of-way etc. (if applicable), and
 - xii. any landscaping and any trees that will be cut down or removed (if applicable),
- g) Any other pertinent information required by the Development Authority respecting the site; and
- h) Any other additional information required for a Specific Use or Activity, as outlined in Section 3 'SPECIFIC USES & ACTIVITIES'.

2-11 DIRECT CONTROL DEVELOPMENT PERMITS

In the case of a Development Permit application made pursuant to a Direct Control District, all requirements and procedures pertaining to the Development Permit application will be at the discretion and to the satisfaction of Council.



2-12 TEMPORARY DEVELOPMENT PERMITS

- a) A Development Permit may be issued on a temporary basis for a period of time specified by the Development Authority;
- b) As a condition of approval for a Temporary Permit, the Applicant may be required to provide a Security Deposit in the amount of the value of the site improvements required by the Development Permit. The Security Deposit shall be valid for a period of time equal to or greater than the term of the Temporary Permit.

Development Permit Decisions

2-13 APPLICATIONS IN PROGRESS

All Development Permit applications received and deemed complete prior to the effective date of the Bylaw shall be processed and considered based on the provisions of the former 'Summer Village of Sunset Beach Land Use Bylaw No. 54-90' unless prior to decision being made on the application, the Summer Village receives a request that said application be processed and considered on the provisions of this Bylaw.

2-14 RECEIVED APPLICATIONS

A Development Permit application shall not be received until such time that the 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-10) have been met to the satisfaction of the Development Authority.

2-15 DETERMINATION OF COMPLETENESS

- a) The Development Authority shall determine the completeness of a received application within twenty (20) days of receipt;
- b) In reviewing an application for completeness the Development Authority may:
 - i. Determine that the application is complete and provide an 'Acknowledgment of Completeness' to the applicant, or
 - ii. Determine that the application is incomplete, provide a 'Notice of Incompleteness' and request outstanding information from the applicant, along with a time period within which the outstanding information is required,
- c) An 'Acknowledgement of Completeness' or 'Notice of Incompleteness' shall be provided to the applicant via email.

2-16 REVIEW PERIOD

- a) The Development Authority must make a decision on ~~an application for~~ a **complete** Development Permit **application** within forty (40) days;
- b) The review period commences once the 'Acknowledgement of Completeness' is provided to the applicant.

2-17 TIME EXTENSION AGREEMENT

- a) The Development Authority may request up to a three (3) month extension of the review period of a Development Permit application from the applicant;
- b) The Development Authority may grant up to a three (3) month extension of the review period of a Development Permit Application at the request of the applicant;
- c) Time extension agreements shall be agreed to by both parties in writing;
- d) Time extensions on any approved Development Permit may be granted for a period of twelve (12) months to a maximum of three (3) extensions.



2-18 DEEMED REFUSALS

- a) A Development Permit application shall be deemed to be refused in the following circumstances:
 - i. The Development Authority does not make a decision within the review period of forty (40) days, or
 - ii. The Development Authority does not make a decision within the alternative review period as stated within a written time extension agreement, or
 - iii. Outstanding information requested as part of the determination of completeness is not submitted by the Applicant,
- b) The Development Authority shall provide notice of a deemed refusal to the applicant.

2-19 NOTICE OF DECISION

Applicant Notice:

- a) All decisions on Development Permit applications shall be given in writing to the applicant, in-person or mailed out, the same day the decision is made;
- b) If the Development Permit application is refused or conditionally approved, the Notice of Decision shall contain the conditions imposed or the reasons for the refusal or as part of the approval;

Public Notice:

- c) Approved Development Permits shall be posted on the Summer Village's website and ~~mailed-out to adjacent property owners within a 60-metre distance from the parcel boundary and written notice will be provided to adjacent property owners~~. This notice shall include:
 - i. The location and use of the Parcel,
 - ii. The date the Development Permit was issued, and
 - iii. That an appeal may be made by a person affected by the decision by serving written notice of the appeal to the SDAB within twenty-one (21) days of the date of the decision.

2-20 EFFECTIVE DATE

A Development Permit does not come into effect until twenty-one (21) days from the date on which public notice was issued.

2-21 LAPSE OF DEVELOPMENT

A Development Permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site or a 'TIME EXTENSION AGREEMENT' (Section 2-18) has been granted.

2-22 COMPLETION OF DEVELOPMENT

A Development shall be completed to the satisfaction of the Development Authority within twenty-four (24) months of the Development Authority's approval of the Development Permit, unless the Applicant applies for and obtains a 'TIME EXTENSION AGREEMENT' (Section 2-18) from the Development Authority prior to the end of the twenty-four (24) month period.

2-23 CANCELLED OR SUSPENDED DEVELOPMENT PERMITS

- a) The Development Authority may cancel, suspend, or modify a Development Permit by written notice to the holder of the permit when, after a Development Permit has been issued, the Development Authority becomes aware of one the following circumstances:
 - i. The application contained a misrepresentation, or
 - ii. Facts concerning the application or the Development were not disclosed which should have been disclosed at the time the application was considered, or



- iii. Any condition under which the Development Permit was issued has been contravened; or
 - iv. The Development Permit was issued in error, or
 - v. The applicant has requested cancellation of the Development Permit in writing, or
 - vi. The approved use or Development is discontinued or abandoned for two or more consecutive years,
- b) A person whose Development Permit is cancelled, suspended, or modified may appeal to the SDAB.

2-24 RE-APPLICATION INTERVAL

- a) Where an application for a Development Permit is refused, the submission of a second application for the same or similar use on the same parcel, may not be made for a period of one (1) year from the date of issue of the refusal, except where waived by the Development Authority;
- b) If a second application is refused, a third application may not be made within one (1) year of the date of refusal, except when waived by the Development Authority; and
- c) The determination of what constitutes the same or similar use shall be made by the Development Authority.

Development Permit Conditions

2-25 CONDITIONAL APPROVAL

The Development Authority, in imposing conditions on a Development Permit for:

A Permitted Use:

- a) May impose conditions only to ensure compliance with the Bylaw;

A Discretionary Use:

- b) May impose conditions as deemed appropriate, so long as they serve a legitimate planning objective and do not sub-delegate the Development Authority's discretionary powers.

2-26 DEVELOPMENT AGREEMENTS

As a condition of approval, the Development Authority may require the applicant to enter into a Development Agreement with the Summer Village, in accordance with the MGA, and may require the applicant to:

- a) Construct, install or pay for any improvements and utilities which are needed to serve the Development or access to it;
- b) Pay an offsite levy or redevelopment levy;
- c) Repair or reinstate to original or improved condition any street furniture, curbing, sidewalk or landscaping which may be damaged or destroyed by the Development; and/or
- d) Attend to all other matters the Development Authority considers appropriate.

2-27 ENCROACHMENT AGREEMENTS

If an applicant applies for a Development Permit for a building or structure that encroaches on property owned by the Summer Village, the Development Authority may as a condition of approval require the applicant to enter into an Encroachment Agreement with the Summer Village.

2-28 VARIANCES

- a) Unless a specific provision of the Bylaw provides otherwise, the Development Authority may allow a Variance as a condition of a Development Permit under one of the following circumstances:
 - i. The proposed Development, with Variance, would not unduly interfere with Neighbouring Parcels, or



- ii. The Variance is specific to the parcel, building or sign to which it applies, not shared by a significant number of other properties, or
- iii. The Variance is a result of an error in the siting of a building or structure, and the rectifying of the error would create unnecessary hardship to the property owner;
- b) A maximum 20% Variance is permitted;
- c) Variances on Height are not permitted; and
- d) In the event that a Variance is granted, the Development Authority shall specify the nature of the approved Variance in the Development Permit approval.

2-29 SECURITIES

- a) To ensure compliance with the Bylaw the Summer Village may require the applicant to provide an Irrevocable Letter of Credit, or any other acceptable form of security, to the Development Authority to guarantee performance of conditions imposed upon the Development Permit;
- b) The amount required as a security shall be based on the estimated cost of construction of on-site and off-site infrastructure unless otherwise determined in the terms of a Development Permit or Development Agreement;
- c) Cost estimates are subject to review and verification by the Development Authority, and quoted costs shall be valid for the required work.

2-30 CAVEATS

To ensure compliance with a Development Agreement, the Summer Village may register a caveat against a property being developed which shall be discharged upon the terms of the Development Agreement being met. This requirement does not apply to development under Federal, Provincial or local authority.

Development Permit Appeals

2-31 APPEALING A DECISION

- a) Pursuant to Section 678(1) of the MGA, any person affected by an order, decision or Development Permit made or issued by a Development Authority, including the applicant, may appeal the decision to the Subdivision Development and Appeal Board (SDAB) pursuant to the 'SDAB Bylaw', as amended;
- b) Pursuant to Section 678(2) of the MGA, an appeal can be made directly to the Municipal Government Board (MGB) where the land that is the subject of the application is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site;
- c) The Process followed by the SDAB is articulated within the 'SDAB Bylaw', as amended.

2-32 SDAB DECISIONS

- a) If the decision to approve a Development Permit application is varied by the SDAB, the Development Authority shall be directed to issue a Development Permit in accordance with the terms of the decision of the SDAB;
- b) If the decision to approve a Development Permit application is reversed by the SDAB:
 - i. The Development Permit shall be null and void, and
 - ii. the Development Authority shall be directed to issue a Development Permit in accordance with the SDAB decision.



SECTION THREE

Specific Uses & Activities

3

This section outlines the regulations that apply to specific types of development and activities in Sunset Beach.

3-1 SPECIFIC USE REQUIREMENTS

- a) The Development Permit requirements outlined for specific uses in this section are over and above the requirements stated within 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-10).
- b) The Development Authority shall have regard to these requirements in addition to the 'DEVELOPMENT PERMIT APPLICATION REQUIREMENTS' (Section 2-10).

3-2 BED & BREAKFAST

General Requirements

- a) Bed & Breakfasts are not permitted in the Summer Village.

3-3 BUILDING RELOCATION AND/OR DEMOLITION

General Requirements

- a) The demolition of a building or structure is subject to the requirements of the Alberta Building Code;
- b) A relocated building or structure shall comply with the requirements of the Alberta Building Code;

Site Requirements

- c) A relocated building or structure shall comply with the District to which it is being relocated;

Development Permit Requirements

- d) The relocation or demolition of a building requires a Development Permit that outlines:
 - i. Timelines for the relocation and/or demolition of the building,
 - ii. Timelines for site restoration (filling, grading, landscaping, etc.), and
 - iii. The salvage and stockpiling of any demolition material and fill.

3-4 CANNABIS PRODUCTION and SALES

General Requirements

- a) Cannabis Production and Sales are not permitted in the Summer Village.



3-5 HOME-BASED BUSINESS

General Requirements

- a) Persons employed in the business shall be residents of the Principal Building;
- b) The business shall be contained entirely within the Principal Building, or an accessory building at the discretion of the Development Authority;
- c) The business may occupy up to twenty percent (20%) of the floor area of the Principal Building or 30 m² whichever is less;
- d) The business may generate up to four (4) business-related visits per day, defined as four (4) vehicles visiting the business per day;
- e) The business should not operate between the hours of 18:00 and 8:00 if noise is generated;
- f) The sale of goods is restricted, unless they are incidental to the service provided by the business.

Site Requirements

- g) The business shall not alter the character or external appearance of the Principal Building;
- h) Outside storage may be permitted at the discretion of the Development Authority provided it:
 - i. Is screened from adjacent lands and streets,
 - ii. Meets minimum setback requirements, and
 - iii. Does not exceed 400.0 m²,
- i) No more than one (1) commercial vehicle shall be parked onsite;
- j) At least one (1) off-street parking stall shall be required;

Development Permit Requirements

- k) A Development Permit application will respond to the above noted Requirements;
- l) A Development Permit issued for a Home-Based Business shall be initially valid for a maximum period of one (1) year; and
- m) Subsequent Development permits for approved Home-Based Businesses may be renewed for a period not exceeding five (5) years if the following conditions have been met:
 - i. An application is made for a renewal of the Development Permit,
 - ii. The business has not violated the conditions of its Development Permit, and
 - iii. There are no active Bylaw enforcement orders related to the business.

3-6 SECONDARY SUITES (EXTERNAL)

General Requirements

- a) Units shall be constructed on a permanent foundation;
- b) Units shall be considered part of the total building area of an accessory building;
- c) Units shall contain at least one (1) room and include sanitary facilities;

Site Requirements

- d) Units shall not exceed a floor area greater than 60 square metres;
- e) One (1) off-street parking stall shall be required; and

Development Permit Requirements

- f) A Development Permit application will respond to the above noted Requirements and provincial regulations and further set out:



- i. The architectural character of the unit,
- ii. The location of the unit,
- iii. Amenity space for the unit, and
- iv. Landscaping or screening.

3-7 STRIPPING and GRADING

General Requirements

- a) Parcels shall be graded to ensure that storm water is directed to a street without crossing adjacent land, except as permitted by the Development Authority;
- b) Notwithstanding a) lakeshore parcels shall be graded towards the lake;
- c) Topsoil shall be retained on a parcel, except where it must be removed for building purposes;
- d) Any excavations shall have a temporary fence erected around them;

Site Requirements

- e) Where finished ground elevations are established, all grading shall comply with the established elevations;

Development Permit Requirements

- a) A Development Permit is required for all Stripping and Grading, excluding those lands governed by a valid Development Agreement
- b) A Development Permit application will respond to the above noted Requirements and further set out:
 - i. A description of the excavation, stripping or grading operation proposed,
 - ii. A detailed schedule covering the length of the proposed operation,
 - iii. A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable, and
 - iv. A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation,
- c) An applicant is required to submit a Site Plan in support of a Development Permit for Stripping & Grading, showing:
 - i. the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed, and
 - ii. the final site conditions following completion of the operation and any land reclamation proposals where applicable,
- d) A Stripping and Grading Permit is automatically void if improvements are not completed by the schedule approved by the Development Authority.

3-8 TEMPORARY RESIDENCE

General Requirements

- a) The Development Authority may issue a Development Permit for a manufactured home or a Recreational Vehicle as a temporary residence in a District in which a dwelling is a permitted use, providing that:
 - i. A Building Permit has been issued for construction of a dwelling, and
 - ii. A security has been provided to ensure that the terms of the permit pertaining to the removal of the temporary residence are kept,



Site Requirements

- b) None;

Development Permit Requirements

- c) A Development Permit application will respond to the above noted Requirements;
- d) A Development Permit issued for a Temporary Residence shall be initially valid for a maximum period of one (1) year;
- e) An extension of the Development Permit shall not be issued unless the framing of the dwelling under construction is complete and has been proceeding with reasonable diligence during the term of the permit; and
- f) The temporary residence shall be removed from the parcel within thirty (30) days of the occupancy of the dwelling.



SECTION FOUR

Development Regulations

4

This section outlines the general regulations that apply to all development in Sunset Beach.

Buildings and Structures

4-1 ADDRESSING

All Principal Buildings shall have the civic address clearly displayed and easily visible.

4-2 BUILDING DESIGN

A building's character and appearance may be considered in the review of proposed developments with respect to the buildings:

- a) Consistency with the prescribed District; and
- b) Compatibility with nearby buildings.

4-3 CULVERTS

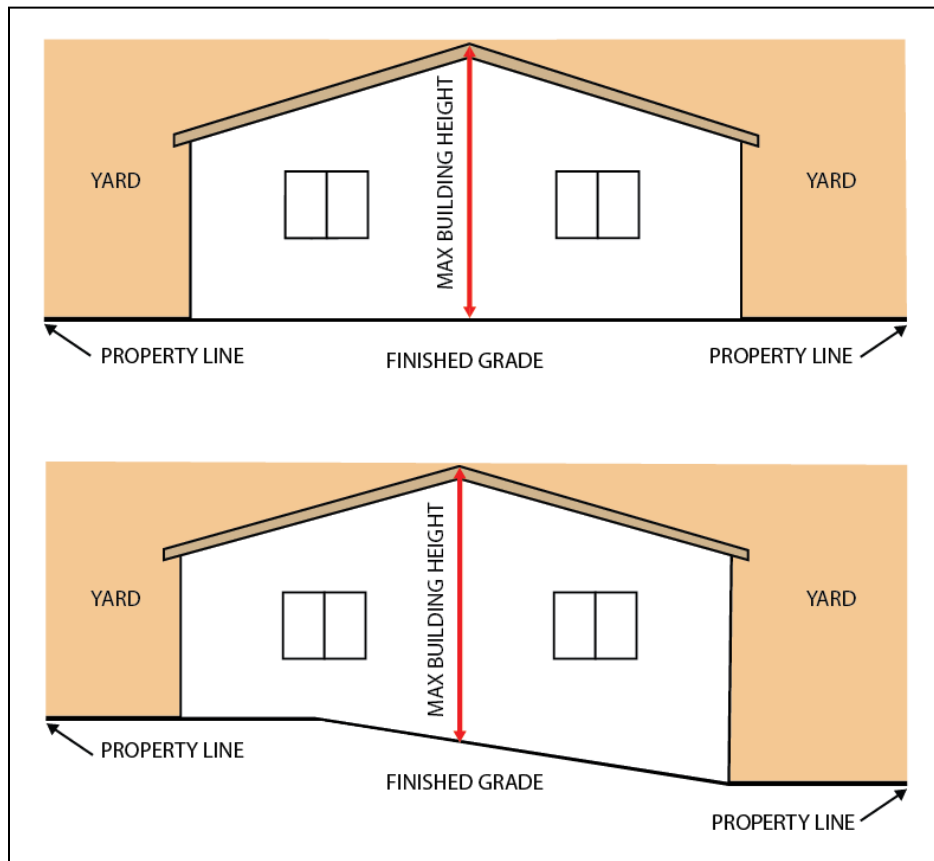
The minimum size culvert allowable in a driveway is 400 mm, unless approved to be smaller by the Development Officer.

4-4 BUILDING OR STRUCTURE HEIGHT

- a) As illustrated in **Figure 1 – Determining Building Height**, the base from which to measure the height of a building or structure shall be from ~~any point on the finished ground elevation which adjoins an exterior wall~~ the finished grade at the midpoint of the building or structure;
- b) In determining the highest point of a building, any elevator housing, mechanical housing, roof stairway entrance, ventilation fans, skylights, steeples, or smokestacks are not considered part of a building; and
- c) The height of a building should not extend above the height requirement within the prescribed District.



Figure 1 – Determining Building Height [UPDATED]



4-5 ACCESSORY BUILDINGS

- a) Accessory Buildings and/or Structures are not permitted in front or side-yards;
- b) Accessory Buildings and/or Structure shall be located a minimum of 2.0 m from the Principal Building; **and**
- c) Accessory Buildings in a Residential District shall be similar to, and complement, the Principal Building in exterior material, colour and appearance; **and.**
- d) **Notwithstanding a), a boathouse may be located in the front yard of a Lakeshore Parcel, provided that it is no closer than 7.6 m to the lakeshore property line and does not restrict the view of the lake of other property owners.**

4-6 GARAGES

An attached garage shall be considered to be part of the Principal Building, a detached garage shall be considered to be an Accessory Building.

4-7 MANUFACTURED HOMES

- a) No Manufactured Home, or additions thereto, shall exceed 5.0 m height above grade and **4.8 m 9.8 m (32 feet)** width;
- b) No Manufactured Home older than 10 years is permitted;
- c) Each Manufactured Home shall have CSA certification;
- d) Each Manufactured Home shall be placed on a solid foundation;



- e) Axles, wheels and trailer hitches shall be removed; and
- f) The crawl space between a Manufactured Home and the ground shall be suitably enclosed from view by skirting, or other means satisfactory to the Development Authority, within thirty (30) days of placement.

4-8 SEA CANS

- a) Only one (1) Sea Can is permitted per parcel;
- b) Sea Cans are to be used for storage and located at the rear of the Principal Building; and
- c) ~~Sea Cans shall not be stacked; and~~
- d) Sea Cans shall not have graffiti or rust showing.

4-9 VACANT BUILDINGS

Within twelve (12) months of a building being vacated, property owners are responsible for the following, to the satisfaction of the Development Authority:

- a) Removing any Signs;
- b) Boarding up any windows and doors; and
- c) Removing any graffiti, posters and other debris.

Parcels

4-10 AGRICULTURAL OPERATIONS

Pursuant to section 639.1 of the MGA, there are no active agricultural operations within the Summer Village that this Bylaw needs to protect.

4-11 DOUBLE-FRONTING PARCEL

Where a Parcel abuts two (2) or more ~~roadways streets~~, the front yard setback shall be established on the ~~road-street~~ where the building's main entry is facing.

4-12 LAKESHORE PARCEL

Where a Parcel abuts the lakeshore, the front yard is considered to be the yard between the lakeshore ~~property-line~~ and the Principal Building.

4-13 DEVELOPMENT NEAR A BODY OF WATER

- a) ~~Parcels Development~~ shall be located at least 10.0 metres (32.81 feet) back from the Ordinary High Water Mark of the lakeshore;
- b) ~~Notwithstanding a), a single shed may be located in the front yard of a lakeshore parcel, provided that it is at least 7.6 m (24.93 ft) back from the Ordinary High Water Mark and does not restrict the view of the lake of other property owners;~~
- c) ~~Parcels Development~~ shall be located outside of a Flood Hazard Area; and
- d) Applications for re-designation or Development within a Flood Fringe shall provide such technical information in support of the application as may be required by the Development Authority and/or Alberta Environment.



4-14 DEVELOPMENT SETBACKS

Notwithstanding any other setback provision of the Bylaw, all new **residential** Development proposed adjacent to:

- a) A pipeline or oil and gas well – shall comply with Alberta Energy Regulator (AER) requirements, as amended;
- b) A landfill or wastewater treatment plant – shall comply with the provincial *Subdivision and Development Regulation*, as amended.

4-15 PROJECTIONS INTO SETBACKS

The following Projections are permitted:

- a) Front Yards – any projection not exceeding 2.0 m over the minimum front yard;
- b) Side Yards – any projection not exceeding half of the minimum side yard required for the Building, except in front only access Parcels where no projections are permitted;
- c) Rear Yards – Any projection not exceeding 3.0 m over the minimum rear yard; in a Non-Residential District, any projection that is an exterior fire escape.

4-16 EMERGENCY ACCESS

Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access.

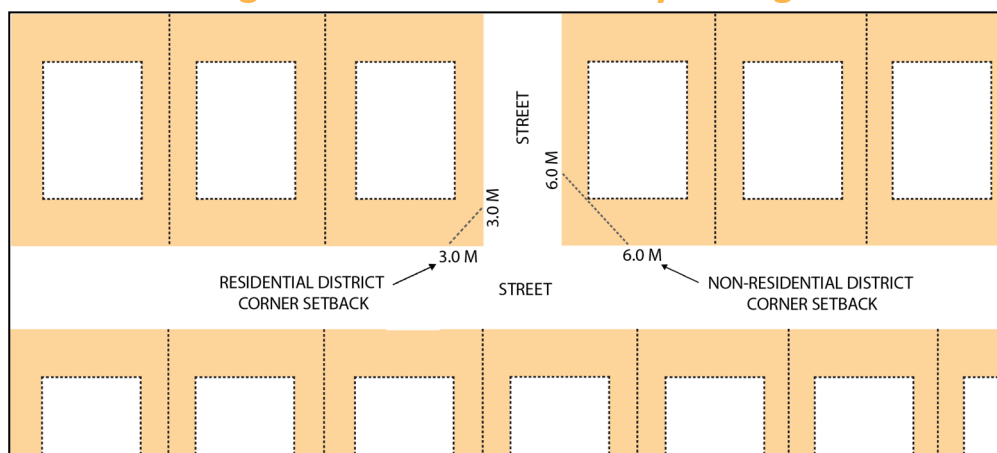
4-17 CORNER PARCELS

- a) The location of Buildings on a corner parcel shall be subject to approval of the Development Authority;
- b) A driveway on a corner parcel shall be setback at least 6.0 m from the intersecting property lines.

4-18 CORNER VISIBILITY

- a) As illustrated in **Figure 2 – Corner Visibility Triangle**:
 - i. In a Residential District, buildings, structures, fences and landscaping shall be setback at least 3.0 m from the intersection of two (2) streets to maintain corner visibility, and
 - ii. In a Non-Residential District, buildings, structures, fences and landscaping shall be setback at least 6.0 m from the intersection of two (2) streets to maintain corner visibility,
- b) A Corner setback may be varied by the Development Authority.

Figure 2 – Corner Visibility Triangle



Landscaping and Lighting

4-19 GENERAL PROVISIONS

- a) Existing shrubs and trees retained on a Parcel may be considered as part of the total landscaping requirement;
- b) All landscaped areas shall be designed to facilitate effective surface drainage and avoid overflow on adjacent parcels; and
- c) Where, during development, there are areas requiring leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following completion of the work.

4-20 MINIMUM LANDSCAPING STANDARDS

- a) All portions of a Parcel not covered by a Building, Structure, parking stall or driveway shall be landscaped and maintained to the satisfaction of the Development Authority;
- b) Residential Districts:
 - i. Landscaping shall be completed within two years of the date of occupancy or two growing seasons, whichever is less,
- c) Non-Residential Districts:
 - i. A landscaping plan shall be prepared to the satisfaction of the Development Authority, and
 - ii. A minimum 6.0 m landscaped buffer is required along every boundary adjacent to a residential District.

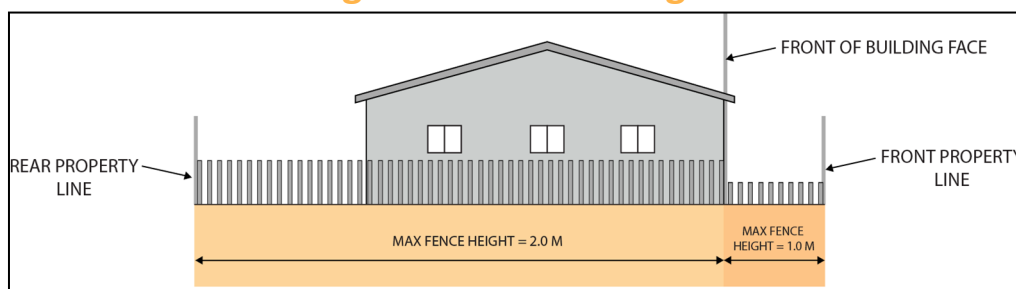
4-21 LANDSCAPE SECURITIES

- a) Where identified as a 'CONDITIONAL APPROVAL' (Section 2-26), landscape securities shall be provided to the satisfaction of the Development Authority;
- b) The minimum amount required as a landscaping security shall be based on 100% of the estimated cost of landscaping as articulated in the Development Agreement;
- c) Cost estimates for a landscaping security are subject to review and verification by the Development Authority;
- d) The Summer Village may draw upon a security to complete landscaping deficiencies in the event the work has not been completed within the required timeframe, to the satisfaction of the Development Authority;
- e) Landscaping securities shall be released once an inspection of the site demonstrates that the landscaping has been successfully maintained for two growing seasons after completion of the landscaping.

4-22 FENCING

- a) As illustrated in **Figure 3 – Fence Height**, except as otherwise provided, the maximum height of a fence shall be:
 - i. 1.0 m in the front yard or a side yard abutting a street other than a lane, and
 - ii. 2.0 m in the side or rear yard.

Figure 3 – Fence Height



4-23 SCREENING

- a) Visual screening to a minimum height of 2.0 m shall be provided by a fence or a combination of fence and soft landscaping where a Non-Residential District abuts a Residential District;
- b) All mechanical equipment or apparatus on the roof of any building in a Non-Residential District shall be screened to the satisfaction of the Development Authority.

4-24 LIGHTING PROVISIONS

- a) All outdoor lighting shall be located and arranged so that light is directed away from adjoining properties;
- b) Full cut-off fixtures shall be installed for all exterior lighting;
- c) No outdoor light fixture may emit light above the horizontal plane at the bottom of the light fixture;
- d) Notwithstanding c), outdoor lighting used to illuminate architectural features, landscaping, monuments, signs, or trees may emit light above the horizontal plane so long as it is directed at such features;
- e) The maximum mounting height for an outdoor light fixture shall be 8.0 m in any Residential District, and up to 12.0 m in Non-Residential Districts; and
- f) No flashing, strobe, or revolving lights are permitted.

Parking

4-25 GENERAL PROVISIONS

- a) Where Development is proposed, parking shall be provided and maintained by the property owner in accordance with the requirements of the Bylaw;
- b) Parking areas shall be freely accessible at all times a use is in operation;
- c) Where a parking or loading area is associated with Non-Residential District, and the parcel abuts a Residential District the parking or loading area shall have appropriate 'SCREENING' (Section 4-22).

4-26 PARKING STANDARDS

- a) The minimum number of parking stalls required for each use is specified below; where not listed, the number of spaces shall be determined by the Development Authority, having regard for similar uses and the estimated parking demand of the proposed use; and
- b) Non-Residential parking stalls shall be at least 2.5 metres wide.

Table 3 – Parking Minimums

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING STALLS	
Dwelling	2 stalls	Per parcel
Public Building	2 stalls	per 100 m ² gross floor area
Recreation (Private/Public)	2 stalls	per 100 m ² gross floor area
Recreation (Outdoor)	3 stalls	per 100 m ² gross floor area
Retail (General) 1000-2000m ²	1 stall	per 100 m ² gross floor area
Retail (Groceries) <2000 m ²	2 stalls	per 100 m ² gross floor area



4-27 OFF-STREET PARKING

- a) Off-street parking for Residential uses shall:
 - i. located on the site of the development served by the parking, and
 - ii. Should be easily accessible to the corresponding building,
- b) Off-street parking for Non-Residential uses shall:
 - i. Have clearly delineated parking stalls, maneuvering aisles, entrances, and exits with pavement markings, signs, and/or other physical means,
 - ii. Be designed so as to restrict overland surface drainage beyond the boundaries of the parcel, and
 - iii. Be constructed with surface grades not exceeding 6%,
- c) Where a Development consists of a mix of uses, the total off-street parking requirement shall be the sum of the off-street parking requirements for each use, unless it is demonstrated through a Parking Study that there will be complementary demand for parking that warrants a reduction in the total requirement.

Signage

4-28 GENERAL PROVISIONS

- a) Signs shall be compatible with the general character of the prescribed District;
- b) No sign or any part of a sign shall be within 2.0 m of overhead power lines;
- c) A sign shall not be erected or affixed on a property unless permission is granted in writing from the property owner; and
- d) A sign shall be located entirely within the site unless prior written approval granting permission for the sign to overhang another property is submitted by the affected property owner.

4-29 DEVELOPMENT PERMIT FOR A SIGN

- a) No sign may be erected or affixed unless a Development Permit has been issued;
- b) Notwithstanding a), 'ELECTION SIGNS' (Section 4-31), 'REAL ESTATES SIGNS' (Section 4-34), and 'TEMPORARY SIGNS' (Section 4-35) do not require a Development Permit if the stated standards are met;
- c) A person preparing an application for a Development Permit for a sign shall do so using shall do so using the appropriate form provided by the Summer Village, and shall include the following:
 - i. The completed application form,
 - ii. An application fee as established within the 'Fees and Rates Bylaw,' as amended,
 - iii. A copy of the Certificate of Title (within 30 days),
 - iv. Current copies of any restrictive covenants or easements (within 30 days), and
 - v. Current copies of any provincial or federal approvals, licenses or permits, as required (within 30 days),
- d) An applicant may be required to submit the following in support of a Development Permit for a Sign:
 - i. A Site Plan showing the sign's location in relation to property boundaries and Buildings,
 - ii. Photographs of the proposed site showing adjacent properties and signs within approximately 30.0 m of the proposed sign location, and
 - iii. Such other considerations as the Development Authority may deem to be relevant.



4-30 PROHIBITED SIGNS

Any sign which, in the opinion of the Development Authority, creates a traffic or pedestrian hazard either due to its design or location.

4-31 ELECTION SIGNS

Means a **non-illuminated** sign displayed during an election period, referendum or plebiscite.

Permit Required		No, provided it meets the following standards
District	Residential	Permitted
	Commercial	Permitted
	Public Reserve	Permitted
Max. Dimensions		<ul style="list-style-type: none">• 2.0 m² sign area• 1.5 m sign height
Standards		<ul style="list-style-type: none">• Shall be erected no more than sixty (60) days prior to an election• Shall be removed within twenty-four (24) hours after the election• Shall not be placed on any centre median or in any location that affects traffic safety or visibility• Shall not be illuminated

4-32 FASCIA SIGNS

Means a flat sign that is attached flush to a Building face or is painted on.

Permit Required		Yes
District	Residential	Discretionary
	Commercial	Permitted
	Public Reserve	Permitted
Max. Dimensions		<ul style="list-style-type: none">• Residential District, sign area 3.0 m²• Commercial District, sign area 40% of the Building face• Public Reserve District, sign area 20% of the Building face
Standards		<ul style="list-style-type: none">• Shall be projected a maximum of 0.3 m• Shall not project within 0.6 m of a property line• May be illuminated and may include changeable copy• Shall be painted on or safely and securely attached to the building by means of metal anchors, bolts or expansion screws• Shall not exceed 0.5 m² in area or 1.5 m in height for a Home-Based Business

4-33 FREESTANDING SIGNS

Means a **non-illuminated** sign, other than a billboard, that is self-supporting in a fixed location and not attached to a Building.

Permit Required		Yes
District	Residential	Permitted
	Commercial	Permitted
	Public Reserve	Discretionary



Max. Dimensions	<ul style="list-style-type: none"> Residential District, 1.5 m² sign area Residential District, 1.5 m sign height Public Reserve District Non-Residential, 7.0 m² sign area Public Reserve District Non-Residential, 10.0 m sign height
Standards	<ul style="list-style-type: none"> Only one (1) sign shall be permitted per parcel, except where sites have 60.0 m or more of street frontage and signs are placed no closer than 30.0 m apart In Commercial Districts, the sign may be illuminated and may contain electronic message display and changeable copy For the purpose of marketing or guiding traffic to a new development: <ul style="list-style-type: none"> a) Shall be located a minimum of 25.0 m from a street intersection and 100.0 m from another such sign for the same development; b) May be erected within a street's right-of-way provided that they do not interfere with maintenance or create a hazard Shall not exceed 0.5 m² in area and 1.5 m in height for a Home-Based Business

4-34 REAL ESTATE SIGNS

Means any temporary, non-illuminated sign that is displayed on a property for the purpose of advertising the sale, lease or rent of that property.

Permit Required	No, provided it meets the following standards
District	Residential Permitted Commercial Permitted Public Reserve Permitted
Max. Dimensions	<ul style="list-style-type: none"> 0.5 m² sign area 3.0 m sign height
Standards	<ul style="list-style-type: none"> Shall only be located on the property that is for sale Shall be removed within seven (7) days after the property has been sold Shall be restricted to a maximum of two (2) signs per dwelling unit

4-35 TEMPORARY SIGNS

Means a non-permanent sign limited to a one-time event such as a yard or garage sale, or other special event.

Permit Required	No, provided it meets the following standards
District	Residential Discretionary Commercial Discretionary Public Reserve Discretionary
Max. Dimensions	<ul style="list-style-type: none"> 0.5 m² sign area
Standards	<ul style="list-style-type: none"> Shall not be erected for more than a forty-eight (48) hour period, unless otherwise stated in a Special Event Permit.



SECTION FIVE

Land Use Districts

5

This section outlines specific regulation that applies to the Summer Village's Land Use Districts.

General Provisions for All Districts

5-1 LAND USE DISTRICT MAP

- a) Districts are described in the short form on the Land Use District Map, within **Schedule A** of the Bylaw;
- b) District boundaries are delineated on the Land Use District Map. Where the precise location of the boundary is uncertain, the following rules apply:
 - i. Where a boundary follows a street, lane, stream or canal it shall follow the centerline thereof,
 - ii. Where a boundary generally follows a parcel line, it shall follow the parcel line, and
 - iii. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of the Bylaw,
- c) Boundaries shall not be altered except by an amendment to the Bylaw; and
- d) Council shall maintain a list of amendments to the boundaries on the Land Use District Map.

5-2 INFILL DEVELOPMENT

Infill development shall be in keeping with the scale and character of the surrounding area, having regard to the provisions of the prescribed District.

5-3 LAND USE DISTRICT CONVERSION

Districts in the Bylaw have been updated as follows:

Table 4 – District Conversion Chart

	Land Use Bylaw No. 54-90		Land Use Bylaw No. 134-21
R	Residential District	RES	Residential District
AS	Agricultural Small Holding District	RES	Residential District
P	Public Reserve District	PUB	Public Reserve District



5-4 DIRECT CONTROL DISTRICTS

- a) Direct Control Districts provide for development that, due to unique characteristics, innovative ideas or unusual site constraints, require specific regulations unavailable in other Districts;
- b) Land uses shall be at the discretion of Council;
- c) All development regulations shall be at the discretion of Council;
- d) Direct Control Districts shall not be used:
 - i. in substitution for any other District that could be used to achieve the same objective either with, or
 - ii. without relaxations of the Bylaw or to regulate matters typically addressed through Subdivision or Development Permit approval conditions.

5-5 DIRECT CONTROL DISTRICT APPLICATIONS

Application requirements for the submission of a Direct Control District include:

- a) All information required by this Bylaw for an Amendment application;
- b) a written statement indicating why, in the applicant's opinion, a Direct Control District is necessary and why the same results cannot be achieved through the use of a land use district in this Bylaw;
- c) A list of permitted and discretionary uses proposed for the site;
- d) Plans and elevations or other documentation, that would help to substantiate the need for the Direct Control District; and
- e) Any other information as may be required by the Development Authority and Council.



RES Residential District

General Purpose

To provide for low density residential development, primarily in the form of single-detached dwellings, but allowing discretion for semi-detached dwellings.

Permitted Uses

Dwelling, Single-Detached
Accessory Building
Public Utility

Discretionary Uses

Dock
Dwelling, Manufactured
Dwelling, Semi-Detached
Home-Based Business
Secondary Suite (External)
Sea Can

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

Site Requirements

Minimum Parcel Size	0.18 ha (0.44 ac) for parcels not served by municipal water and sewer 0.14 ha (0.34 ac) for parcels with municipal water but not sewer 0.09 ha (0.22 ac) for parcels with municipal water and sewer
Minimum Parcel Width	20.0 m (65.62 ft) (10.0 m (32.81 ft) per unit for Semi-Detached)
Maximum Parcel Coverage	35% for Principal Buildings (including Accessory Buildings)
Maximum Building Height	9.1 m (29.85 ft) (except 6m (19.69 ft) for Accessory Buildings)
Maximum Density	2 dwelling units per parcel (1 principal dwelling and one secondary suite or 1 semi-detached dwelling)

Minimum Setback Requirements

	Principal Building	Accessory Building
Front Yard	7.6 m (24.93 ft)	7.6 m (24.93 ft)
Side Yard	1.5 m (4.92 ft) (4.5 m (14.76 ft) on a corner parcel)	0.9 m (2.95 ft) (4.5 m (14.76 ft) on a corner parcel)
Rear Yard	7.6 m (24.93 ft)	0.9 m (2.95 ft)

Minimum Setback Requirements for a 'LAKESHORE PARCEL' (Section 4-12)

	Principal Building	Accessory Building
Front Yard	7.6 m (24.93 ft) 10 m (32.8 ft)	7.6 m (24.93 ft) (a single shed) 10 m (32.8 ft) (all other accessory buildings)
Side Yard	1.5 m (4.92 ft) (4.5 m (14.76 ft) on a corner parcel)	0.9 m (2.95 ft) (4.5 m (14.76 ft) on a corner parcel)
Rear Yard	7.6 m (24.93 ft)	4.5 m (14.76 ft) (3.0 m (9.84 ft) (for a side-facing garage or carport)



Additional Regulations

- a) Setbacks may be varied at the discretion of the Development Authority if the irregular shape or size of the parcel is such that compliance with these setbacks makes the siting of the Principal Building impossible, impractical or undesirable;
- b) The following objects are prohibited in a Residential District:
 - i. Any dismantled, or inoperable motor vehicle or equipment of any kind,
 - ii. More than one unregistered vehicle, and/or
 - iii. Any other object or chattel that in the opinion of the Development Authority are unsightly so as to adversely affect the amenities of the District,
- c) Parcels may have (1) Recreational Vehicle onsite;
- d) Parcels greater than 500 m² (0.12 ac) without a Principal Building may have two (2) Recreational Vehicles onsite; and
- e) Additional Recreational Vehicles are allowed for a period of not more than fourteen (14) consecutive days unless a permit for a 'TEMPORARY RESIDENCE' (Section 3-8), has been granted.



Figure 4 – Residential District Setbacks

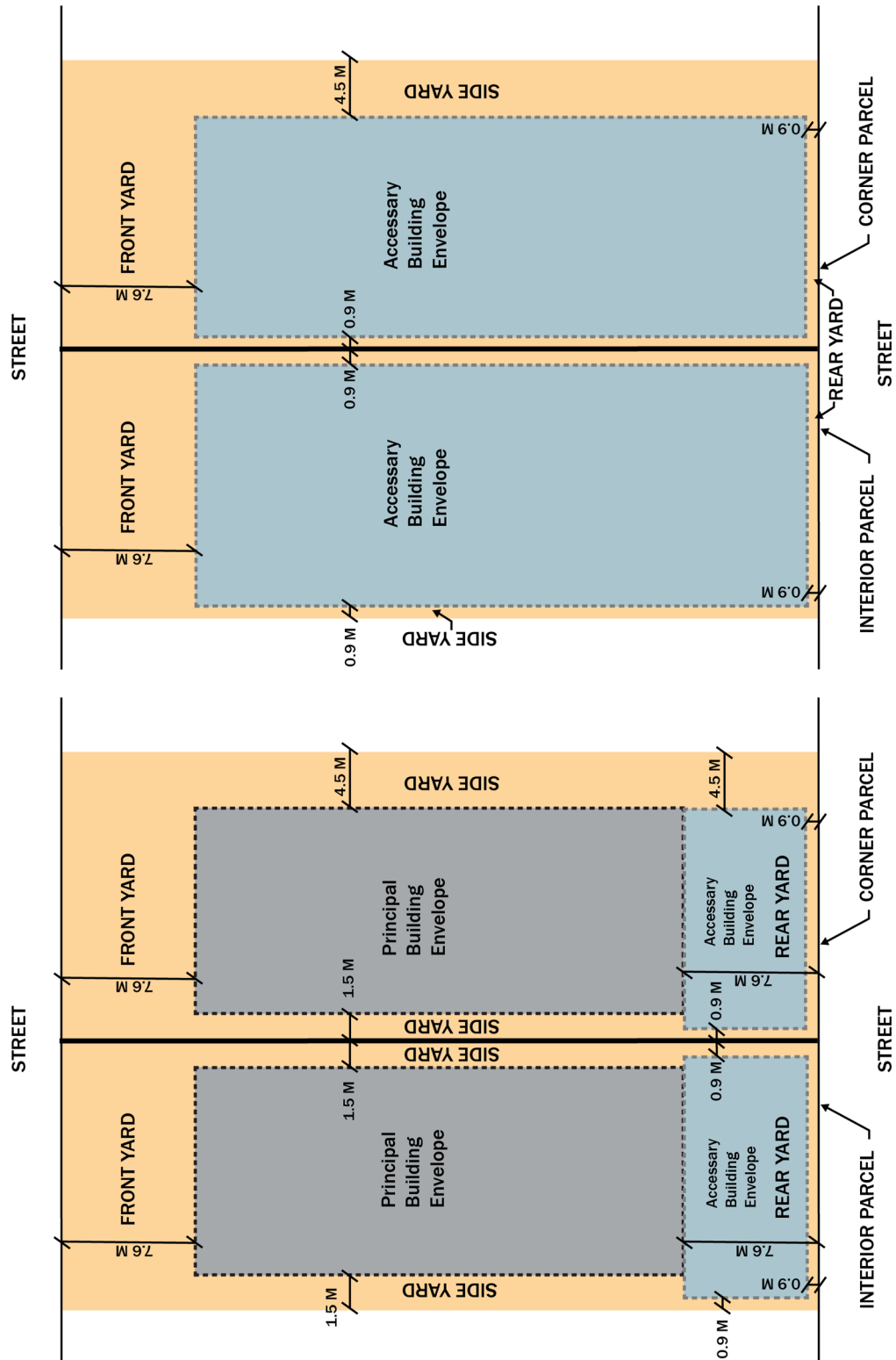
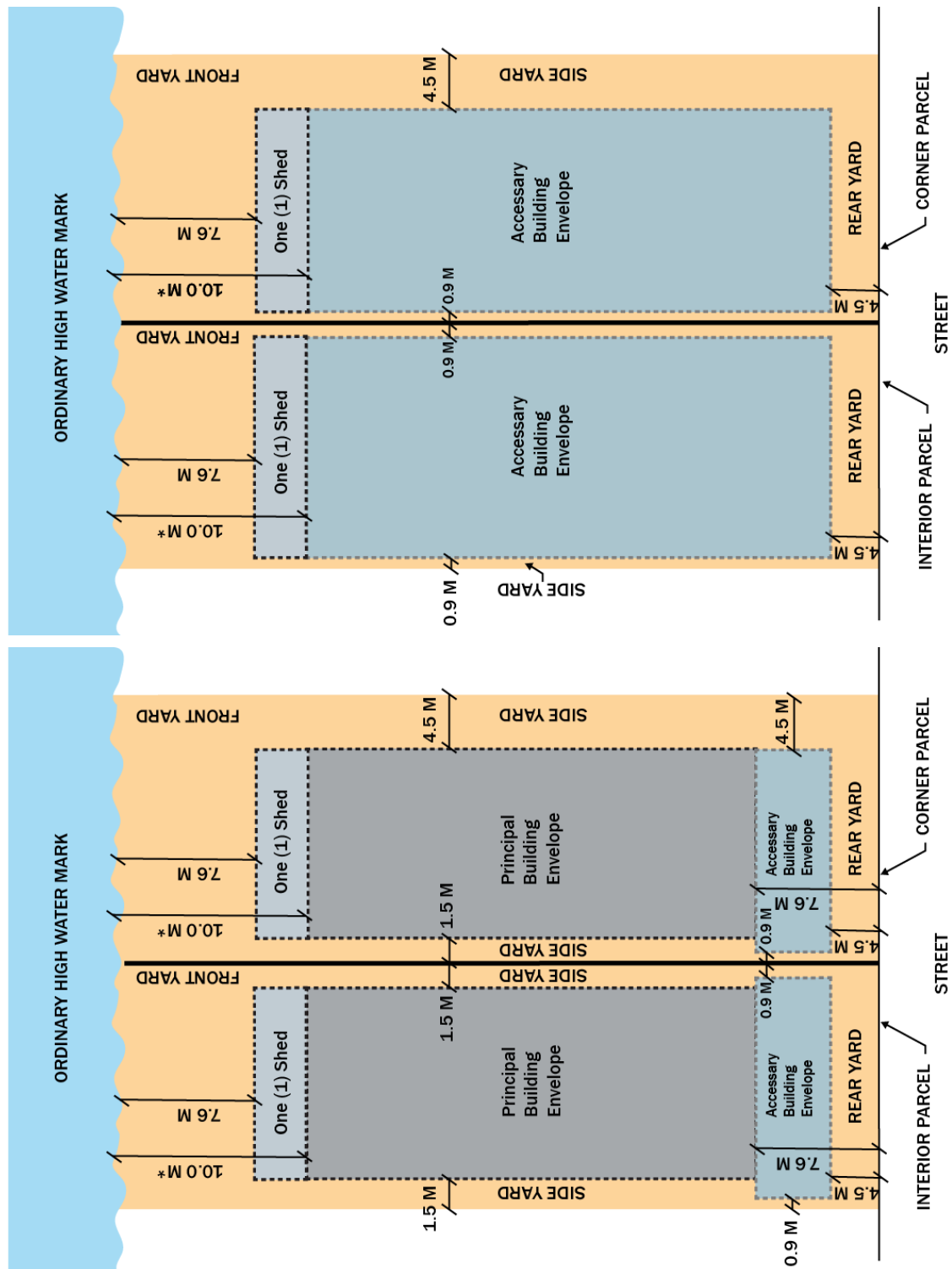


Figure 5 – Residential District Setbacks for Lakeshore Parcels [UPDATED]



* **Parcels Development** shall be located at least 10.0 m (32.8 ft) back from the Ordinary High Water Mark plus any Flood Hazard Area if it is determined to be greater than the 10.0 m (32.8 ft) setback per 'DEVELOPMENT NEAR A BODY OF WATER' (Section 4-13). **A single shed may be located in the front yard of a lakeshore parcel, provided that it is at least 7.6 m (24.93 ft) back from the Ordinary High Water Mark and does not restrict the view of the lake of other property owners.**



PUB Public Reserve District

General Purpose

To provide for public cultural, educational, institutional and recreational uses.

Permitted Uses

Accessory Building
~~Dock~~
Park
Public Building
Public Utility
Recreation (Public)

Discretionary Uses

~~Dock~~
Communication Tower
Recreation (Outdoor/Private)

Those uses, not otherwise defined in the Bylaw, which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses and conform to the purpose of this District.

Site Requirements

Minimum Parcel Size	At the discretion of the Development Authority.
Minimum Parcel Width	At the discretion of the Development Authority.
Maximum Building Height	At the discretion of the Development Authority.

Minimum Setback Requirements

At the discretion of the Development Authority.



SECTION SIX

Glossary

6

This section provides definitions for terms used within the Land Use Bylaw.

"ABUTTING" means immediately contiguous or physically touching; when used with respect to a parcel, means that the lot or site physically touches another parcel.

"ACCESSORY BUILDING" means a building which, in the opinion of the Development Authority is subordinate or incidental to the Principal Building located on the same site.

"ACCESSORY BUILDING – COMMON ITEMS"

- a) **"BOATHOUSE"** means an Accessory Building at the edge of a lake or river used for housing boats.
- b) **"CARPORT"** means a structure designed and used for the shelter or storage of not more than two private motor vehicles, consisting of a roof supported on posts or columns and not enclosed on more than two sides whether separated from or attached to the Principal Building on a site.
- c) **"FABRIC COVERED BUILDING"** means a steel-framed, fabric-membrane pre-engineered building for temporary & permanent storage.
- d) **"GARAGE"** means an Accessory Building or part of the Principal Building, designed and used primarily for the storage of motor vehicles.
- e) **"SHED"** means a simple roofed structure, typically made of wood or metal, used as a storage space, or workshop.

"ADJACENT" means contiguous or would be contiguous if not for an easement, right-of-way or natural feature.

"AGRICULTURE" means the practice of cultivating the soil, producing crops, and/or raising livestock – and in varying degrees the preparation and marketing of the resulting products – not including cannabis production.

"AMENITY AREA" means outdoor space, provided for the active or passive recreation and enjoyment of the occupants of a development, which may be for private or communal use and owned individually or in common.

"APPLICANT" means a person who is lawfully entitled to make, and makes, an application for any document, approval, permit or other thing that may be issued, made or done under the authority of the Bylaw.

"BED & BREAKFAST" means a use where a where sleeping accommodation is provided. Bed & Breakfasts are not permitted within the Summer Village.



"BUFFER" means a row of trees, shrubs, earth berm, or fencing to provide visual screening and separation between sites and districts.

"BUILDING" means a structure with a roof and walls.

"BUILDING – COMMON TERMS"

- a) **"AWNING"** means a cloth like or lightweight shelter projecting from a building.
- b) **"BALCONY"** means a projecting elevated platform on a building, which is enclosed by a railing or parapet and is greater than 0.6 m above grade and width. Access is from the building only.
- c) **"BASEMENT"** means that portion of a building or structure which is wholly or partially below grade and has no more than 1.8 m. of its clear height above grade and lies below the finished level of the floor directly above. A basement does not constitute a storey for the purpose of the Bylaw.
- d) **"BAY"** means a self-contained unit of part of a building or of the whole building which can be sold or leased for individual occupancy.
- e) **"CANOPY"** means a non-retractable solid projection extending from the wall of the building intended to be used as a protection against weather, other than normal architectural features such as lintels, sills, moldings, architraves and pediments, but includes the structure known as the theatre marquee.
- f) **"DECK"** means an open-sided roofless platform adjoining a building and the height of which is up to and does not exceed 0.6 m. (2 ft.) from grade. A deck may have a railing but a portion of the perimeter is open and unobstructed.
- g) **"FIRE RATED WALL"** means a type of fire separation of non-combustible construction which subdivides a building or separates adjoining buildings to resist the spread of fire and which has a fire resistance rating.
- h) **"FOUNDATION"** means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfers the weight of and loads on a building to the ground.
- i) **"PATIO"** means an uncovered open platform or area, without foundation, and constructed at or not more than 0.3 m. (1 ft.) in height above finished grade.
- j) **"PORCH"** means a roofed structure having direct access to and projecting from the Principal Building with walls that are unenclosed and open to the extent of at least 50% and may be glazed or screened.
- k) **"VERANDA"** has a corresponding meaning.

"BUILDING PERMIT" means a permit issued in writing by a designated Safety Codes Officer authorizing the commencement of a use, occupancy, relocation, construction, or demolition of any building.

"BYLAW" means the Summer Village of Sunset Beach Land Use Bylaw, No. 134-21.

"CANNABIS PRODUCTION" means the use of land or of a building where Cannabis is grown and/or processed commercially, i.e. non-personal use. Cannabis Production is not permitted within the Summer Village.

"CANNABIS SALES" means a use of where Cannabis is sold. Cannabis Sales are not permitted within the Summer Village.

"CERTIFICATE OF COMPLIANCE" means a written statement issued by the Designated Officer confirming that the bay, building or structure meets all applicable requirements of this Land Use Bylaw in all respects or is treated as a legal non-conforming bay, building, or structure.

"CHATTEL" means a moveable item of personal property.

"COMMUNICATION TOWER" means a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. Communication Towers are regulated by Industry Canada however municipal consultation is required and considerations respected.



"COMPATIBLE" means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean "same as". Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments.

"CONSTRUCT" means to build, rebuild, or relocate and without limiting the generality of the word, also includes: any preliminary operation such as excavation, filling or draining; altering an existing building or structure by addition, enlargement, extension, or other structural change; and any work which requires a Building Permit from the Summer Village of Sunset Beach.

"COUNCIL" means the Council of the Summer Village of Sunset Beach.

"DENSITY" means the number of dwelling units on a site expressed in units per hectare (uph).

"DESIGNATED OFFICER(S)" means those persons designated by bylaw under the MGA and for purposes of the Bylaw, are the Development Officer, Bylaw Enforcement Officer, and CAO of the Summer Village of Sunset Beach.

"DEVELOPMENT" means:

- l) An excavation or stockpile and the creation of either of them, or
- m) A building or an addition to, or replacement or repair of a building, or
- n) A change of use of land or a building ("Redistricting") or an act done in relation to land or a building that results in or is likely to result in a change in the land or building, or
- o) A change in the intensity of use of land of a building that results in or is likely to result in a change in the intensity of use of the land or building.

"DEVELOPMENT AGREEMENT" means an agreement which is a contract between a developer and the municipality regarding the sharing of costs arising from the construction of certain items needed to service a development or subdivision, as a condition of development or subdivision approval.

"DEVELOPMENT COMMENCEMENT" means the moment construction is started on site (i.e. excavation) or the land use has begun for the purposes of the Development Permit application.

"DEVELOPMENT COMPLETION" means the moment the required Building/Development Permit conditions and requirements have been met for the purposes of the Development Permit application and/or the final inspection reports have been received.

"DEVELOPMENT PERMIT" means a document authorizing a development, issued by a Development Officer pursuant to the Bylaw or any other legislation authorizing development within the Summer Village of Sunset Beach and includes the plans and conditions of approval.

"DEVELOPMENT SETBACK" means a setback from any landfill, sewage treatment facility, or oil and gas infrastructure as regulated per the *Subdivision and Development Regulation*, as amended.

"DISCRETIONARY USE" means a use of land or of a building for which a development permit may be issued, with or without conditions, by the Development Authority.

"DISTRICT" means a Land Use District.

"DOCK" means a structure placed in, on, or over the water that is intended to provide access to the water and mooring for motorized watercraft. Docks may be designed to be permanent structures or temporary in nature.

"DWELLING OR DWELLING UNIT" a building or portion of a building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary facilities only for that unit.



"DWELLING, MANUFACTURED HOME" means a building whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A manufactured home does not include Recreation Vehicles.

"DWELLING, SEMI-DETACHED" means a dwelling containing not more than two (2) dwelling units sharing a vertical common wall or Structure feature (regardless of the number of storeys) ~~and in no case being located above or below each other,~~ which may be subdivided along the common wall.

"DWELLING, SINGLE DETACHED" means a dwelling (constructed on site or built via modular construction) intended for occupancy by one family which is supported on a permanent foundation or basement. Manufacture Homes are not Single Detached Dwellings.

"EASEMENT" means a right to use land generally for access to other property or as a right-of-way for a public utility.

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

"FENCE" means a vertical physical barrier constructed out of typical building material to prevent visual or unauthorized access or both.

"FLOOD HAZARD AREA" means an area where a flood could occur. The Flood Hazard Area is made up of two parts, 1) the floodway, where flood flows are deepest fastest and most destructive, and 2) the flood fringe, where water is generally shallower and flows more slowly.

"FLOOR AREA" means the gross floor area defined by the outside dimensions of the building for each floor.

"FRAGMENTED LAND" means an area of land that is severed or separated from the lands held in title by a street, railway, river or other permanent water body shown on a registered plan, township plan or appears as an exception on the Certificate of Title.

"GROUND COVER" means vegetation, other than grass, commonly used for landscaping purposes and includes herbaceous perennials and flowers.

"HOME-BASED BUSINESS" means a use where business is conducted in a Principal Building with limited weekly visits and employees that reside in the Principle Building. Typical uses include private tutoring or consulting, a hairdresser studio or small engine repair.

"LANDSCAPED AREA" means an area designed, constructed and lay out so as to maintain, change or modify the natural features of a site so as to make it attractive and desirable by the use of grass, trees, shrubs, ornamental planting, fencing, and walks.

"LANDSCAPING" means to change or modify the natural features of a site so as to make it more attractive by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other structures and materials.

"LANE" means a public thoroughfare with a right-of-way width of not greater than 9 m and not less than 6 m. which provides a secondary means of access to a parcel. Commonly referred to as a "Back Alley."

~~**"LOADING SPACE"** means a space for parking a commercial vehicle while being loaded or unloaded.~~

"MUNICIPALITY" means, the Summer Village of Sunset Beach.

"NEIGHBOURING PARCEL" means an adjacent parcel or a parcel that would be adjacent except for a public roadway, rail or utility right-of-way, river or stream.

"NON-CONFORMING BUILDING" means a building:

- a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective; and
- b) That on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.



"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.

"NUISANCE" means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

"OCCUPANCY" means the utilization of a building or land for the use for which it was approved.

"OCCUPANCY PERMIT" means a permit issued under the Alberta Safety Codes Act for the right to occupy or use the bay, building or structure for the use intended.

"OFF-STREET PARKING" means an off-street **lot facility** for parking three or more motor vehicles.

"ORDINARY HIGH WATER MARK" means the line that separates the Crown owned bed and shore of a water body from adjacent private land, often referred to as the bank.

"PARCEL" means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office.

"PARCEL AREA" means the total area of a parcel.

"PARCEL COVERAGE" means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed building.

"PARCEL FRONTAGE" means the length of a street boundary measured along the front line of a parcel

"PARCEL, CORNER" means a parcel that abuts two (2) intersecting streets.

"PARCEL, DOUBLE FRONTING" means a parcel which abuts two (2) non-intersecting streets (excluding lanes).

"PARCEL, INTERIOR" means a parcel which is bounded by only one (1) street.

"PARCEL, LAKESHORE" means a parcel that abuts Baptiste Lake.

"PARK" means land designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting accessory buildings or structures and landscaping. Typical uses include playgrounds, walkways, trails, nature interpretation areas, picnic areas, athletic fields and similar uses.

"PARKING LOT" means a portion of land or of a building set aside for the short-term parking of motor vehicles.

"PERMITTED USE" means the use of land or of a building for which a Development Permit shall be issued by the Development Authority upon the development meeting all other requirements of the Bylaw. The Development Authority may impose such conditions necessary to ensure compliance with the Bylaw.

"PRINCIPAL BUILDING" means a building, which in the opinion of the Development Authority occupies the major or the central portion of a site, or is the chief or the main one among the buildings on the site, or constitutes by reason of its use the primary purpose for which the site is used.

"PRINCIPAL USE" means the use of a site or of a building which in the opinion of the Development Authority constitutes the primary purpose for which the site is used.

"PUBLIC BUILDING" means a Development that is publicly owned and provides services to residents. Typical uses include a government building, municipal shop, fire and police stations, ambulance services, tourist information centre, library, museum, or other cultural facility, but does not include Recreation (Public) facilities.



"PUBLIC UTILITY" means a system or works used to provide services such as potable water, sewage disposal, public transportation (operated by or on behalf of the Municipality), waste management or storm systems, as well as the Buildings that house the utility, and any offices or equipment.

"REAL PROPERTY REPORT (RPR)" means a legal document that clearly illustrates the location of significant visible improvements within property boundaries prepared by a registered Alberta Land Surveyor.

"RECREATION (PUBLIC)" means a use where publicly operated sports or recreation occurs within an enclosed building. Typical uses include recreation centres, community halls, public swimming pools, curling rinks and arenas, but does not include Public Building.

"RECREATION (PRIVATE)" means a use where sports or recreation, that is privately owned and operated, occurs within an enclosed Building. Typical uses include private clubs or lodges, health or fitness clubs, or private recreation facilities such as bowling alleys, arcades or racquet courts.

"RECREATION (OUTDOOR)" means use where outdoor recreation occurs. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, riding stables, go-cart tracks, miniature golf, and golf courses.

"RECREATION VEHICLE" means a holiday trailer that is either carried on or pulled by another vehicle. A Recreation Vehicle is not considered a Dwelling Unit.

"REDISTRICTING" means the conversion of land from one land use to another.

"RESERVE, MUNICIPAL (MR)" means the land designated as Municipal Reserve per the MGA.

"RESERVE, ENVIRONMENTAL (ER)" means the land designated as Environmental Reserve per the MGA.

"RETAINING WALL" means a wall for holding in place, a mass of earth or the like, as at the edge of a terrace or excavation.

~~**"RETAIL (GROCERIES)"** means use where the retail of raw or prepared foods (with a Gross Floor Area less than 2,000.0 m²) that may include ancillary uses such as a pharmacy, optometrist or postal services.~~

~~**"RETAIL (GENERAL)"** means a use where the sale of goods and services occur in a building with a Gross Floor Area between 1,000.0 – 2,000.0 m². Typical uses include a convenience store or pharmacy but does not include Retail (Groceries).~~

"SCREENING" means a fence, earth berm, or hedge used to visually separate areas of functions, which in the opinion of the Development Officer, detract from the urban street or neighbouring land uses.

"SEA CAN" means a painted steel container (also known as a Shipping Container), 2.6 m in height, that was once used to transport goods and is typically used for storage. A Sea Can is not an Accessory Building.

"SECONDARY SUITE (EXTERNAL)" means a secondary Dwelling Unit located within an Accessory Building.

"SETBACK" means the distance, measured at a perpendicular angle, from the property line to the development or specified portion of it.

"SIDEWALK" means a pathway or right-of-way for pedestrian traffic.

"SIGN" means an object or device intended to advertise or call attention to a person, matter, event or location.

"SIGN – COMMON TERMS"

- a) **"COPY"** means the letters, graphics or characters that make up the message on the sign face.
- b) **"CHANGEABLE COPY"** means that portion of the copy that can be readily changed either manually or electronically.
- c) **"BUILDING FACE"** means any exterior wall of a Building.



- d) **"THIRD PARTY ADVERTISING"** means advertising which directs attention to a business, commodity, service or event that is conducted, sold or offered elsewhere than on the premises on which the sign is located.

"SIMILAR USE" means a use of a site or building in a District which, in the opinion of the Development Authority, is so similar to a Permitted Use or Discretionary Use in that District that it meets the intent of Council for the development of that District as set out in the purpose and intent statement, but does not include a use that is specifically defined as a Permitted or Discretionary Use in any other District.

"STATUTORY PLAN" means an inter-municipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan adopted by a municipality under the MGA, as amended.

"STOREY" means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall be considered a storey in calculating the height of a Building if the upper face of the floor above it is more than 1.8 m above grade.

"STREET" means a public thoroughfare, often paved and referred to interchangeably as a road.

"STRUCTURE" means anything constructed or erected on the ground, or attached to something on the ground, and includes all Buildings.

"SUBDIVISION" the process of dividing land into smaller Parcels, overseen by the Subdivision Authority.

"USE" means the utilization of a parcel of land for a particular development activity.

"USE, INTENSITY OF" means the degree or scale of operation of use or activity in relation to the amount of land and buildings associated with the use, vehicular traffic generation resulting thereof, amount of parking facilities required for the particular land use activity, etc.

"VARIANCE" means a variation, relaxation or waiver of a development regulation or other requirement of the Bylaw.

"WALKWAY" means a public right-of-way for pedestrian use on which no motor vehicles are allowed.

"YARD" means a part of a site unoccupied by any portion of a Building or Structure 1.0 m or more above grade.

"YARD SETBACK, FRONT" means that portion of the Parcel extending across the full width of the Parcel, from the front Parcel boundary, back to a distance required under the District regulations.

"YARD SETBACK, REAR" means that portion of the Parcel extending across the full width of the Parcel from the rear Parcel boundary back to a distance required under the District regulations.

"YARD SETBACK, SIDE" means that portion of the Parcel extending from the Parcel line back to that distance required under the District regulations and extending from the front yard setback to the rear yard setback.



SCHEDULE A

Land Use District Map



