



SUMMER VILLAGE OF WHISPERING HILLS BEACH

# LAND USE BYLAW 28-21

DRAFT APRIL 2021



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# 1 INTERPRETATION

## 1.1 TITLE

- 1 This Bylaw may be referred to as “The Summer Village of Whispering Hills Land Use Bylaw,” and may be referred to within as “the Land Use Bylaw” or “the Bylaw.”

## 1.2 REPEAL AND REPLACEMENT

- 1 Bylaw 98-08 (the “previous Land Use Bylaw”), is hereby repealed in its entirety and replaced with this Bylaw. The provisions of this Bylaw come into effect upon enactment. No application for a development permit shall be evaluated under the previous Land Use Bylaw whether the application respecting same was received before the enactment of this Bylaw or not.

## 1.3 ITEMS INCLUDED

- 1 This Bylaw includes the text, figures, and the Land Use Districts Map in Section 7 contained herein.

## 1.4 HEADINGS

- 1 Headings and titles appearing in this Bylaw shall be deemed to form a part of the text of this Bylaw.

## 1.5 DEFINITIONS

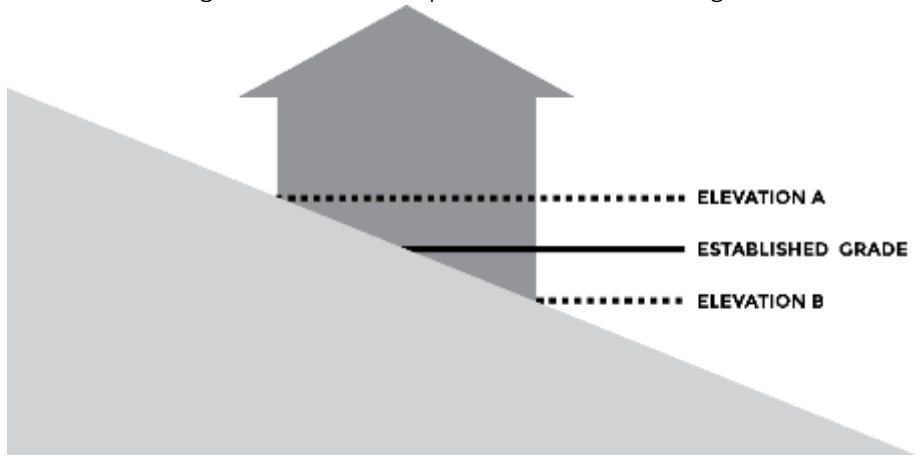
- 1 Words and phrases appearing in this Bylaw which are otherwise defined in the *Act* shall bear the meaning prescribed by the *Act*. Subject thereto, the following words shall bear the following meanings, unless the context requires otherwise, namely:

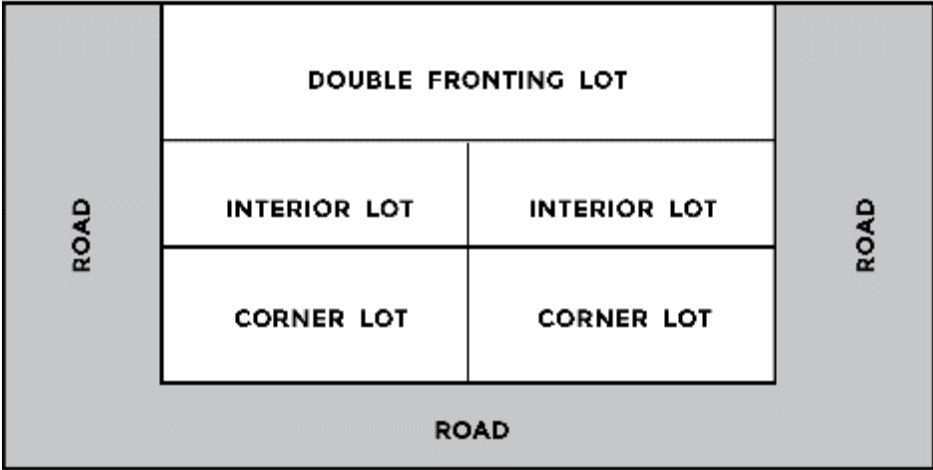
1.	<b>ACCESSORY BUILDING</b>	Mean a building or structure located on the same site as a principal building, which building is subordinate to and is of a type normally incidental to the principal building and the use of which building is subordinate to and is normally incidental to the use of the principal building.
2.	<b>ACCESSORY USE</b>	Means a use of land or a building which is subordinate to and is normally incidental to any use of land or use of the principal building lawfully occurring on a site.
3.	<b>ACT (OR, THE ACT)</b>	Means the <i>Municipal Government Act</i> , RSA 2000, Chapter M-26 and all amendments thereto and substitutions therefore.
4.	<b>ADJACENT</b>	Means land that is immediately contiguous to a site, or would be immediately contiguous to a site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

		<p style="text-align: center;"> <span style="display: inline-block; width: 15px; height: 15px; background-color: #444; margin-right: 5px;"></span> Subject property             <span style="display: inline-block; width: 15px; height: 15px; background-color: #ccc; margin-right: 5px; margin-left: 20px;"></span> Adjacent property       </p>
5.	<b>AGRICULTURAL OPERATION</b>	Means an agricultural operation as defined in the <i>Agricultural Operation Practices Act</i> , R.S.A. 2000, c. A-7, as amended, and does not include cannabis production and distribution facilities.
6.	<b>APPEAL</b>	Means an appeal made to the Subdivision and Development Appeal Board.
7.	<b>BOARD</b>	Means the Subdivision and Development Appeal Board.
8.	<b>BOATHOUSE</b>	Means an accessory building that is close and accessible to the water, the purpose of which is the storage of boats and related equipment. A boat house is not considered a dwelling unit, and does not contain cooking, eating, living, sleeping, and sanitary facilities for domestic use.
9.	<b>BUILDING HEIGHT</b>	<p>Means the vertical distance measured from the established grade (see: Established Grade) to the highest point of the roof. Building height does not include any accessory roof construction such as mechanical housing, elevator housing, roof stairway entrance, ventilating fan, skylight, flagpole, parapet wall, chimney, steeple, communication structures or similar feature not structurally essential to the building.</p>
10.	<b>CANNABIS</b>	<p>Means cannabis as defined in the <i>Cannabis Act</i>, S.C. 2018, c. 16, as amended, or replaced.</p> <p>Cannabis includes:</p> <ol style="list-style-type: none"> <li>a. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;</li> </ol>

		<ul style="list-style-type: none"> <li>b. any substance or mixture of substances that contains or has on it any part of such a plant; and</li> <li>c. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.</li> </ul> <p>Cannabis does not include:</p> <ul style="list-style-type: none"> <li>a. a non-viable seed of a cannabis plant;</li> <li>b. a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;</li> <li>c. fibre derived from a mature cannabis stalk as referred to above;</li> <li>d. the root or any part of the root of a cannabis plant; and</li> <li>e. industrial hemp.</li> </ul>
11.	<b>CANNABIS RETAIL SALES</b>	Means a development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the <i>Cannabis Act</i> , S.C. 2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution facilities.
12.	<b>CANNABIS PRODUCTION AND DISTRIBUTION FACILITIES</b>	Means a development used principally for one or more of the following activities relating to cannabis: <ul style="list-style-type: none"> <li>a. the production, cultivation, and growth of cannabis;</li> <li>b. the processing of raw materials;</li> <li>c. the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;</li> <li>d. the storage or shipping of materials, goods, or products, or;</li> <li>e. the distribution and sales of materials, goods, and products to the Alberta Gaming, Liquor, and Cannabis Commission.</li> </ul>
13.	<b>CARPORT</b>	Means an accessory building (which may or may not be attached to the principal building) used for parking not more than two private motor vehicles and which has not less than 40% of its total perimeter open and unobstructed.
14.	<b>COMMERCIAL USE</b>	Means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments. Commercial use shall include: business services, drive-in businesses, retail stores, greenhouses, medical clinics, hotels, office uses, personal services, and uses where a residence is secondary to the principal commercial use.
15.	<b>COUNCIL</b>	Means the municipal council of <i>the</i> Summer Village of Whispering Hills.
16.	<b>DEVELOPMENT</b>	Means development, as defined in the <i>Act</i> .
17.	<b>DISCRETIONARY USE</b>	Means a use of land or buildings in a Land Use District in respect of which a development permit may be issued at the discretion of the Development Authority, with or without conditions.
18.	<b>DWELLING, ATTACHED</b>	Means a dwelling containing two (2) or more dwelling units which share a common wall, and located side by side or above one another. Common types

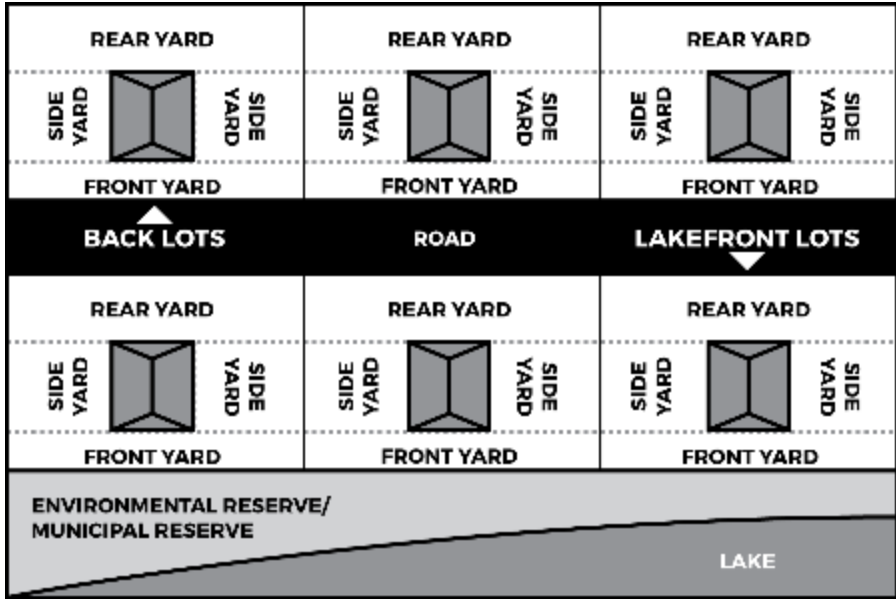


		of attached dwelling developments include duplexes, row housing, and apartment buildings.
19.	<b>DWELLING, SINGLE DETACHED</b>	Means a building consisting of one (1) dwelling unit. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces offsite, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling. Single detached dwellings shall not include manufactured home dwellings (see: Dwelling, Manufactured Home).
20.	<b>DWELLING, MANUFACTURED HOME</b>	Means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling, and further, which conforms to the Canadian Standards Association A277 and Z-240 Standards (or subsequent CSA Standards). A manufactured home may be a single structure (commonly known as a “single wide”) or two parts which when put together comprises a complete dwelling (commonly known as a “double wide”).
21.	<b>DWELLING UNIT</b>	Means a self-contained living premises consisting of one or more rooms with cooking, eating, living, sleeping and sanitary facilities for domestic use, but does not include a recreational vehicle (RV) nor a guest house.
22.	<b>ESTABLISHED GRADE</b>	Means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building. 
23.	<b>GARAGE</b>	Means an accessory building (which may or may not be attached to the principal building but which does not share footings with the principal building) used for parking not more than three private motor vehicles.
24.	<b>GUEST HOUSE</b>	Means an accessory building consisting of one or more rooms with sleeping accommodations that: <ul style="list-style-type: none"> <li>a. may include sleeping areas, recreation areas, and toilet and bathing facilities</li> </ul> A guest house is intended to provide overflow accommodation for the principal building located on the site.

25.	<b>HOME OCCUPATION, MAJOR</b>	<p>Means any occupation, trade, profession, or craft carried on by an occupant of a dwelling which is clearly secondary to the residential use of the building, and:</p> <ol style="list-style-type: none"> <li>includes exterior signage advertising the occupation;</li> <li>generate pedestrian or vehicular traffic or parking; and/or</li> <li>includes the employment at the dwelling or accessory buildings of no more than two (2) paid assistants, other than residents of the dwelling.</li> </ol>
26.	<b>HOME OCCUPATION, MINOR</b>	<p>Means any occupation, trade, profession, or craft carried on by an occupant of a dwelling which is clearly secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw.</p> <p>A minor home occupation must not:</p> <ol style="list-style-type: none"> <li>include exterior signage advertising the occupation;</li> <li>generate pedestrian or vehicular traffic or parking and;</li> <li>include the employment of persons other than residents of the dwelling.</li> </ol>
27.	<b>LOT</b>	<p>Means:</p> <ol style="list-style-type: none"> <li>a quarter section or part of a quarter section,</li> <li>a river lot, lake lot, or settlement lot shown on an official plan referred to in the <i>Surveys Act</i> that is filed or lodged in a Land Titles Office,</li> <li>a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision.</li> </ol> 
28.	<b>LOT, BACK</b>	Means any lot that is not a lakeshore lot.
29.	<b>LOT, CORNER</b>	Means a lot having boundary lines on two or more roads, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot.
30.	<b>LOT, LAKEFRONT</b>	Means a lot which faces onto Baptiste Lake and has any part of its frontage directly onto the lake or onto the buffer strip of municipal reserve or environmental reserve land that is located along the lakeshore.



31.	<b>NON-CONFORMING</b>	<p>Means a lawful specific use or building:</p> <ol style="list-style-type: none"> <li>Being made of land or building or intended to be made of a building lawfully under construction, at the date this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective; and</li> <li>That on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not, comply with the Land Use Bylaw.</li> </ol>
32.	<b>OVERFLOW PARKING FACILITIES</b>	Means development designed to provide parking for public or private events.
33.	<b>PERMITTED USE</b>	Means a use of land or buildings in a Land Use District in respect of which a development permit must be issued by the Development Authority, with or without conditions, provided that the same is otherwise in strict compliance with and conformity to the provisions of this Bylaw and the <i>Act</i> .
34.	<b>PRINCIPAL BUILDING</b>	<p>Means a building that:</p> <ol style="list-style-type: none"> <li>is the chief or main building amongst all buildings on a site; and</li> <li>exemplifies (by reason of its character and intended function) the primary use of the site upon which it is located.</li> </ol>
35.	<b>PUBLIC OR QUASI-PUBLIC USE</b>	Means a use by a department or agency of the federal or provincial government, or the Summer Village, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities.
36.	<b>PUBLIC UTILITY</b>	Means a public utility as defined in the <i>Act</i> , but shall not include landfills.
37.	<b>RECREATIONAL VEHICLE (RV)</b>	Means a mobile unit which is designed to be used as temporary living or sleeping accommodation, and includes, but is not limited to, holiday trailers, tent trailers, truck campers, vans, and motor homes, but does not include a manufactured home.
38.	<b>RESERVE</b>	Means Conservation Reserve (CR), Environmental Reserve (ER), Municipal Reserve (MR), Municipal and School Reserve (MSR), and School Reserve (SR), either specifically or generally, as defined in the <i>Act</i> .
39.	<b>SITE</b>	Means one or more contiguous Lots in respect of which an application for a development permit or subdivision is being made.

40.	<b>SITE COVERAGE</b>	<p>Means the total horizontal area of all buildings or structures on a site which are located at or higher than 1.0 m (3.3 ft) above grade calculated by perpendicular projection onto a horizontal plane from one point located at an infinite distance above all buildings and structures on the site. This calculation shall not include:</p> <ul style="list-style-type: none"> <li>a. steps, eaves, cornices, and similar, minor projections;</li> <li>b. driveways, aisles and parking areas or pads unless they</li> <li>c. comprise part of a structure which extends 1.0 m (3.3 ft) or more above grade; or</li> <li>d. unenclosed inner and outer courts, terraces and patios where these are less than 1.0 m (3.3 ft) above grade.</li> </ul>
41.	<b>STOREY</b>	<p>Means each portion of a building situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (6.0 ft) above grade, such basement shall be considered a storey for the purpose of this Bylaw.</p>
42.	<b>STOREY, HALF</b>	<p>Means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m (2.16 ft) above the floor of such storey.</p>
43.	<b>SUMMER VILLAGE</b>	<p>Means the Summer Village of Whispering Hills.</p>
44.	<b>YARD</b>	<p>Means a required open space running the full length or width of a site, as the case may be, unoccupied and unobstructed (except to the extent otherwise permitted by this Bylaw) by any structure or portion of a structure at or above 1.0 m (3.3 ft) above grade.</p> 
45.	<b>YARD, FRONT</b>	<p>Means a yard extending across the full width of a parcel from the front wall of the main building to the front boundary of the parcel. In the case of lakefront lots, the front yard is the area between the lakeshore property line and the wall of the main building facing the lake.</p>
46.	<b>YARD, REAR</b>	<p>Means a yard extending across the full width of a parcel from the rear wall of the main building to the rear boundary of the parcel.</p>

47.	<b>YARD, SIDE</b>	Means a yard extending from the front wall of the principal building to the rear wall of the principal building and lying between the side property lines and the principal building.
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## 2 DEVELOPMENT

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### 2.1 DEVELOPMENT AUTHORITY

- 1 The Development Authority for the Summer Village shall be that designated officer, Municipal Planning Commission, or other person or organization designated as such by the Council by bylaw. In addition, the Development Authority shall be the designated officer of the Summer Village contemplated in Section 542 of the *Act*.

### 2.2 DUTIES OF THE DEVELOPMENT AUTHORITY

- 1 The Development Authority shall:
  - a. receive, consider and decide upon all Development permit applications in accordance with the provisions of this Bylaw and the *Act*;
  - b. make available for inspection by members of the public a copy of this Bylaw and ensure that a copy is available on the Summer Village's website;
  - c. keep a register of all applications for development, including the decisions thereon and the reasons therefore. This information will be released to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act; and
  - d. exercise development powers and perform duties on behalf of the Summer Village in accordance with the *Act* and this Bylaw.

### 2.3 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

- 1 A Development permit issued under the provisions of this Bylaw shall not be required for any of the following:
  - a. maintenance of or repairs to a building if the work to be undertaken does not include any structural alterations and does not result in the addition of a dwelling unit;
  - b. the erection of a single storey accessory building comprising no greater than 10.0 m<sup>2</sup> (107.64 ft<sup>2</sup>) in site coverage; provided that the area of the same shall be considered in calculating aggregate site coverage for the site;
  - c. the erection of a temporary structure, the sole purpose of which is incidental to the carrying out of a development for which a development permit has been issued hereunder, provided that the same is removed promptly upon completion of the said development;
  - d. landscaping where the existing grade of and the existing surface drainage pattern of and from the site is not materially altered, and where consistent with the requirements of Section 5.8 – Site Grading;
  - e. the demolition of a building or structure where a development permit has been issued hereunder for a new development on the same site and the demolition of an existing building or structure is implicit in that development permit;
  - f. the erection on a site of a temporary sign of modest proportions advising that the site is for sale or for rent, provided the sign is removed promptly upon the sale or rental of the site, as the case may be;

- g. the erection on a site of a temporary sign in connection with an election for public office, provided the sign is removed promptly upon the completion of the election;
- h. the erection of a fence or gate no higher than 0.9 m (3.0 ft) in any front yard or 1.5 m (4.9 ft) in any side yard or in any rear yard;
- i. the installation, repair or maintenance of a public utility (as defined in the *Act*) within or upon a road or a public utility lot;
- j. activities otherwise exempted by the *Act* from the requirement for a development permit; and
- k. work being pursued under the authority of a development permit issued pursuant to the previous Land Use Bylaw.

## 2.4 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT

- 1 Except as provided for in Section 2.3, no person shall commence, or cause or allow to be commenced nor carry on, or cause or allowed to be carried on a development without a development permit therefore issued under the provisions of this Bylaw.
- 2 When an application for a Development permit has been approved by the Development Authority, such development permit shall not be valid unless and until all conditions of the approval (except those of a continuing nature) have been fulfilled and until the statutory period for the filing of an appeal against the issuance of such development permit has expired.
- 3 When an appeal is filed against the issuance of a development permit or against the imposition of any condition on a development permit, the development permit shall be suspended and deemed invalid pending the withdrawal of the appeal or the final decision of the Board, as the case may be. Where a subsequent appeal is taken to the Court of Appeal, the development permit shall be further suspended and deemed invalid pending the final decision of the Court of Appeal and the completion of any process directed by the Court of Appeal.
- 4 A development permit shall expire and shall no longer be valid after one year from the date of its issuance if no substantial construction pursuant thereto has been initiated. For purposes of this subsection, construction includes, but is not limited to, site preparation or excavation.
- 5 All construction relative to a development permit shall be completed within one year next following the issuance of that development permit or within one year next following the final decision of the Board in relation thereto, as the case may be. The Development Authority may, on application made prior to the expiry of such one year period and at its discretion, extend the said period for one further year.
- 6 If a development permit is issued for a site in respect of which any other development permit has been previously issued, all previous development permits shall be invalid to the extent the physical aspects of the newly approved development conflict with the same or to the extent the newly approved development could not occur simultaneously upon the site in conformity with the provisions of this Bylaw.

## 2.5 APPLICATION FOR DEVELOPMENT

- 1 An application for development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - a. a non-refundable application fee, as established by Council;
  - b. a site plan showing:

- i) front, side and rear yards;
  - ii) north point;
  - iii) legal description of the property;
  - iv) access and egress points to the property; and
  - v) the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
- c. a statement of the proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Authority; and
  - d. a statement of ownership of the land and the interest of the applicant therein.
- 2 The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include (but not limited to):
- a. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas, and buffering and screening;
  - b. the height and horizontal dimensions of all existing and proposed buildings;
  - c. outlines of roof overhangs on all buildings;
  - d. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
  - e. post construction site and building elevations;
  - f. floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - g. landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - h. in the Residential Land Use Districts the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - i. future development plans for a site which is to be partially developed through the applicable development permit;
  - j. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - k. any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site, geotechnical reports and/or flood hazard mapping;
  - l. a statutory declaration indicating that the information supplied is accurate; and



- m. for a moved in (relocated) building, pictures of the exterior of the structure that provide information relating to the age and condition of the building and its compatibility with the Land Use District in which it is to be located.
- 3 In addition to the information requirements indicated above, an application for a development permit for the **excavation or stripping of land** that is proposed without any other development on the same land, may include with the application, the following information:
  - a. location and area of the site where the excavation is to take place,
  - b. existing land use and vegetation,
  - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site,
  - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority,
  - e. identification of potential for outdoor noise and the discharge of substances into the air,
  - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,
  - g. an indication of all municipal servicing costs associated with the development, and
  - h. the proposed haul route, dust control plan, and expected hours of operation.
- 4 In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- 5 Where a development permit for an accessory building has been applied for before a main building or main use has been developed on a lot, the applicant must provide a site plan which identifies the proposed location for the principal building or main use on the lot as part of the application.
- 6 In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
- 7 At the sole discretion of the Development Authority, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the stormwater is to be directed. Stormwater from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or stormwater management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.

## 2.6 DEVELOPMENT AUTHORITY REVIEW OF APPLICATION

- 1 The Development Authority may refer an application to an adjacent municipality or any other agency or person which in their opinion may provide relevant comments or advice respecting the application.

- 2 The Development Authority may refer any application for a development permit to any municipal, provincial or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 3 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or make a decision on the application with the information it has available.
- 4 The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

## 2.7 VARIANCE POWERS

- 1 Subject to the provisions of Section 2.7.4, the Development Authority may, with respect to any development permit application, vary the requirements of the development control regulations of this Bylaw where the proposed development would not, in the Development Authority's opinion:
  - a. unduly interfere with the amenities of the neighborhood; nor
  - b. materially interfere with or affect the use, enjoyment or value of neighboring properties, and the proposed development would conform with the use prescribed for the subject land or building in this Bylaw.
- 2 Where an applicant requests or requires the Development Authority to exercise its variance powers pursuant to this section, the Summer Village shall, at the sole cost and expense of the applicant:
  - a. post for no less than seven (7) consecutive days a notice at a conspicuous location on the Summer Village of Whispering Hills' website advising the public of the variance or variances requested or required; or
  - b. provide all assessed owners of properties within 60.0 m (196.9 ft) of the boundaries of the site with detailed, written notice of the variance or variances requested or required.
- 3 The Development Authority shall not exercise its variance powers unless and until these preconditions are completed to the satisfaction of the Development Authority. The foregoing notwithstanding, the Development Authority may, at any time prior to exercising the same, consult with property owners who may be affected by a proposed exercise of the Development Authority's variance powers.
- 4 The provisions of Section 2.7.1 notwithstanding, the Development Authority is not authorized to vary any Development Control Regulation that addresses:
  - a. building height; or
  - b. the number of dwelling units that may exist on a site.

## 2.8 NOTICE OF COMPLETE OR INCOMPLETE APPLICATION

- 1 The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 2 The time period referred to in Section 2.8.1 may be extended by an agreement in writing between the applicant and the Development Authority Officer.
- 3 An application is complete if:

- a. in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
  - b. the Development Authority does not make a determination within 20 days after receipt of an application for a development permit.
- 4 If a Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
  - 5 If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue, to the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application, and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
  - 6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Part 2.8.5 the Development Authority Officer must deem the application to be refused.
  - 7 Despite that the Development Authority Officer has issued an acknowledgment under Section 2.8.4 or 2.8.5 in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

## 2.9 DECISION

- 1 Where a proposed use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district.
- 2 The Development Authority may approve an application for a development permit if the proposed development does not comply with this bylaw, if:
  - a. they are satisfied that the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - b. the proposed development conforms with the use prescribed for the land and building.
- 3 Where a permit is refused, the Development Authority may refuse to accept a subsequent application for a permit on the same property and for the same or similar use for a least six (6) months after the date of the initial refusal.
- 4 An application for development permit shall be considered by the Development Authority who shall:
  - a. approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw, or
  - b. approve, with or without conditions, or refuse an application for a discretionary use, or
  - c. refuse an application for a use which is neither a permitted nor a discretionary use.
- 5 In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated within the

various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to Section 2.7 have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.

- 6 The Development Authority may require that as a condition of issuing a development permit, the applicant enter into a development agreement with the Municipal Council to do all or any of the following to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- 7 At the discretion of the Summer Village, a development agreement may be registered by caveat under the *Land Titles Act* against the Certificate of Title for the subject property. The Summer Village will discharge this caveat once the agreement has been complied with.
- 8 The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of Provincial regulations be met, and that any further development on the subject site require a development permit.
- 9 In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
- 10 An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Section 4 of this Bylaw as though they have received a refusal at the end of the forty (40) day period specified in this subsection.
- 11 A Development Authority may suspend or revoke a development permit at any time:
  - a. where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
  - b. where the permit was issued in error.
- 12 Where a development permit application in a land use district is for a temporary development, the Development Authority may impose the following conditions:
  - a. Specify that the development is approved temporarily for a specific period of time, not exceeding one year;
  - b. Impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
  - c. Require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

## 2.10 DEVELOPMENT PERMITS AND PUBLIC NOTIFICATION

- 1 When a development permit has been issued for a **permitted use and no variance to any regulation has been granted**, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Summer Village

of Whispering Hills' website. Mailing the notice is not required when an applicant picks up a copy of the decision in-person.

- 2 In addition to the above, within five (5) working days after a decision on a development permit application for a **discretionary use or after a variance has been granted**, the Development Officer shall:
  - a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Summer Village Assessment Roll, to provide notice of the decision and right of appeal; and
  - b. send notice by regular mail (or by electronic mail) to members of Council;
  - c. post notice of the decision on the Summer Village's website; and
  - d. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.
- 3 The notice indicated in Sections 2.10.1 and 2.10.2 shall state:
  - a. the legal description and the street address of the site of the proposed development;
  - b. the uses proposed for the subject development,
  - c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
  - d. the date the development permit was issued; and
  - e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- 4 Except for those permits described in Section 2.10.1 hereof, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of an order, decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5<sup>th</sup> day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- 6 If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit, and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- 7 A development, once begun, shall not be abandoned or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.
- 8 The applicant may be responsible for any damages to public or private property occurring as a result of development.
- 9 A decision of the Development Authority on an application for a development permit shall be given in writing.

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

## **2.11 DEVELOPMENT AGREEMENT**

- 1 The Development Authority may require that as a condition of issuing a development permit, the applicant to enter into an agreement to:
  - a. Construct or pay for the construction of public roadways, pedestrian walkways, or parking areas; and/or
  - b. Install or pay for the installation of utilities; and/or
  - c. Pay for an off-site levy or redevelopment levy imposed by bylaw.
- 2 To ensure compliance with the development agreement, the Summer Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.

## **2.12 DEVELOPMENT PERMIT FEES**

- 1 The Council may, by resolution, impose a fee or a schedule of fees for the making of any development permit application, and no application for development permit will be considered complete until such fee has been paid to the Summer Village.



# 3 SUBDIVISION

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## 3.1 SUBDIVISION APPLICATION REQUIREMENTS

- 1 All subdivision applications for lands within the Summer Village shall comply with the provisions under this Part.
- 2 Approval of an Area Structure Plan or Outline Plan, prepared by a Registered Professional Planner (RPP) may be required for multi-lot subdivisions that may (at full buildout) result in a total of five (5) or more lots. Additional supporting information may be required depending on the magnitude and complexity of the proposed subdivision.
- 3 A subdivision application may be submitted by:
  - a. the registered owner of the land to be subdivided; or
  - b. a person with written authorization to act on behalf of the registered owner.
- 4 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 5 Information on abandoned oil and gas wells as required by the *Subdivision and Development Regulations* and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.
- 6 The tentative plan of subdivision shall:
  - a. clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
  - b. show the location, dimensions and boundaries of:
    - i) each new lot to be created;
    - ii) reserve land(s), if required;
    - iii) the right-of-ways of each public utility, if required; and
    - iv) other right-of-ways, if required;
  - c. indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
  - d. show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
  - e. identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
  - f. include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
  - g. identify the existing and proposed access to the proposed parcels and the remainder of the titled area.

- 7 The Subdivision Authority may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a. a figure showing topographic contours;
  - b. if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
  - c. an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
  - d. a storm water management plan, prepared by a qualified professional, which must be approved by Alberta Environment and Parks including:
    - i) topography;
    - ii) proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
    - iii) proposed major drainage systems (direction of surface drainage/flow rate);
    - iv) proposed on-site detention/retention facility (location/size/capacity);
    - v) location of outflow/outfall structures; and
    - vi) any related modeling and calculation information;
  - e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain;;
  - f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
  - g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and

## 3.2 SUBDIVISION PROCESS

- 1 The Subdivision Authority shall:
  - a. attend a pre-application submission meeting with development proponents (as requested);
  - b. receive all applications for subdivision applications;
  - c. assess and provide notice of a complete or incomplete application;
  - d. refer the application to adjacent landowners and agencies (as required in the Subdivision and Development Regulations; and
  - e. issue notices in writing as required in the *Act*.

### 3.3 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATION

- 1 The Subdivision Authority shall within twenty (20) days of the receipt of an application for a development permit, determine whether the application is complete.
- 2 The time period referred to in Section 3.3.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with a land use bylaw made pursuant to section 640.1(a) of the *Act*.
- 3 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.
- 4 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 5 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- 6 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 3.3.5, the Subdivision Authority must deem the application to be refused.
- 7 Despite that the Subdivision Authority has issued an acknowledgment under Sections 3.3.4 or 3.3.5, in the course of reviewing the application, the Subdivision Authority Officer may request additional information or documentation from the applicant that the Subdivision Authority Officer considers necessary to review the application.

### 3.4 DUTIES OF THE SUBDIVISION AUTHORITY

- 1 Upon receipt of a completed subdivision application, the Subdivision Authority:
  - a. shall approve, with or without conditions, an application for a permitted use where the proposed subdivision conforms to:
    - i) this bylaw;
    - ii) applicable statutory plans; and
    - iii) the *Act* and the Regulations thereunder;
  - b. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
    - i) applicable statutory plans; and/or
    - ii) the *Act* and the Regulations thereunder;
  - c. may approve, with or without conditions, an application for a permitted or discretionary use with variances to the bylaw; and

### 3.5 SUBDIVISION REQUIREMENTS & CONDITIONS

- 1 Subdivision approvals shall comply with Part 17 and 17.1 of the *Act* and the Regulations therein.
- 2 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 3 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 4 The Subdivision Authority shall not approve a subdivision which is inconsistent with the Summer Village of Whispering Hills Municipal Development Plan (MDP) and/or the provisions of any statutory plans that affect the land proposed to be subdivided.
- 5 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the *Act*; either in the form of a lot (ownership transferred to the Municipality) or as an Environmental Reserve Easement (private ownership is retained). The Summer Village may require that the proponent provide environmentally significant hazard land as Environmental Reserve as a condition of subdivision approval.
- 6 As a condition of a subdivision approval, property taxes must be up to date prior to final endorsement of any Subdivision within the Summer Village.
- 7 As a condition of a subdivision approval, the developer may be required to provide for Inclusionary Housing in accordance with the *Act* and the Regulations therein.

# 4 SUBDIVISION AND DEVELOPMENT APPEALS

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## 4.1 DEVELOPMENT APPEALS

- 1 The Subdivision and Development Appeal Board (SDAB), as established by Summer Village bylaw, shall hear and make a decision on an appeal where a Development Authority:
  - a. refuses or fails to issue a letter deeming an application complete within twenty (20) days of receiving the application; or
  - b. refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application; or
  - c. issues a development permit for a discretionary use, with or without conditions; or
  - d. issues a development permit for a permitted use where a variance is granted, with or without conditions; or
  - e. issues a stop order under Section 645 of the *Act*; or
  - f. refuses to issue a development permit; or
  - g. has not received all the outstanding information and documents from the applicant on or before the date referred to in the deemed incomplete letter and the Development Authority has deemed the application refused;

and the person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of the Development Authority appeals to the Subdivision and Development Appeal Board.

- 2 Despite Section 4.1.1 above, for a development permit issued for a permitted use, no appeal can be made unless: the provisions of this Bylaw were relaxed, varied or misinterpreted or the application was deemed refused.
- 3 Despite Section 4.1.1 above, no appeal lies to the Subdivision and Development Appeal Board in respect of the issuance of a development permit in a Direct Control District where the decision was made by Council. If the decision was made by a Development Authority, the appeal is limited to whether the Development Authority followed the directions of Council.
- 4 An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board, with the applicable fee, within twenty-one (21) days of:
  - a. the date on which notification of the order, decision or permit issued by the Development Authority was given in accordance with this Bylaw; or
  - b. the expiry date of the twenty (20) day period referred to in Section 4.1.1(a) of this Bylaw has expired; or
  - c. the expiry date of the forty (40) day period referred to in Section 4.1.1(b) of this Bylaw has expired.
- 5 An appeal may be launched by filing a notice with the Subdivision and Development Appeal Board by providing the following:
  - a. the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;

- b. the name, contact information and address of the appellant;
- c. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal; and
- d. the payment of the required fees as determined by Council.

## 4.2 SUBDIVISION APPEALS

- 1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
  - a. by the applicant for the approval;
  - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
  - c. by the council of the municipality in which the land to be subdivided is located if the council, a designated officer of the municipality or the Municipal Planning Commission if the municipality is not the Subdivision Authority, or
  - d. by a school board with respect to:
    - i) the allocation of municipal reserve and school reserve or money in place of the reserve;
    - ii) the location of school reserve allocated to it; or
    - iii) the amount of school reserve or money in place of the reserve.
- 2 A notice of appeal on a decision of the Subdivision Authority may be made within twenty-one (21) days (14 days + 7 for mail delivery) after receipt of written notice of decision to the:
  - a. Municipal Government Board if:
    - i) the land that is the subject of the application contains, is adjacent to or is within the prescribed distance of a highway, a waterbody, a sewage treatment or waste management facility or a historical site; or
    - ii) in any other circumstances described in the regulations under Section 694(1)(h.2) of the *Act*;
  - b. Subdivision and Development Appeal Board:
    - i) for all other instances; or
    - ii) when a relevant agency or organization has entered into a written agreement to vary the distances in Subsection 4.2.2(a) above, under the Subdivision and Development Regulations.
- 3 If a notice of appeal is filed with the wrong Appeal Board, the Appeal Board that receives the application must refer the appeal to the appropriate Appeal Board. The appropriate Appeal Board then must hear the appeal as if the notice of appeal had been filed with it, and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the Appeal Board that first received the application.

## 4.3 APPEAL HEARINGS

- 1 A local Subdivision and Development Appeal Board hearing an appeal under Section 678 of the *Act* must hold the hearing within thirty (30) days after receiving a notice of appeal.



- 2 The Municipal Government Board hearing an appeal under Section 678 of the *Act* must hold the hearing within sixty (60) days after receiving a notice of appeal.
- 3 The Appeal Board shall give at least five (5) days' notice in writing of the appeal hearing to:
  - a. the appellant;
  - b. the applicant and/or the landowner;
  - c. the Subdivision Authority or Development Authority from whose order, decision or non-decision is made;
  - d. if land that is the subject of the application is adjacent to the boundaries of another municipality, that municipality;
  - e. any school board to whom the application was referred;
  - f. every government department that was given a copy of the application pursuant to the Subdivision and Development Regulations;
  - g. those landowners who were notified under this Bylaw;
  - h. any other person who, in the opinion of the Subdivision and Development Appeal Board, may be affected by the order, decision or permit; and
  - i. such other persons as the Subdivision and Development Appeal Board specifies.
- 4 The Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - a. the application for the development permit, its refusal and the appeal request;
  - b. the subdivision application, the decision and the appeal request; or
  - c. the order of the Development Authority;as the case may be.
- 5 At the appeal hearing the Appeal Board shall hear:
  - a. the appellant or any other person acting on the appellant's behalf;
  - b. the Approving Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Approving Authority, that person;
  - c. any other person who was served with notice of the hearing and who wishes to be heard or a person acting on that person's behalf; and
  - d. in relation to development permit appeals only, any other person who claims to be affected by the order, decision or permit that the Appeal Board agrees to hear or a person acting on that person's behalf.

#### 4.4 APPEAL DECISION

- 1 In determining a subdivision appeal, the Board hearing the appeal must act in accordance with Section 680 of the *Act*.

- 2 In the case of a subdivision appeal of the deemed refusal of an application, in which the Subdivision Authority considered complete, the Board hearing the appeal must determine whether the documents and information that the applicant provided met the requirements of Section 653.1(2) of the *Act*.
- 3 Subsection 4.4.2 above does not apply to a subdivision appeal of the deemed refusal of an application under Section 653.1(8) of the *Act*, in which an application was considered incomplete and the applicant failed to submit all the outstanding information and documents required to be considered complete.
- 4 In determining a **development appeal**, the Board the hearing the appeal must act in accordance with Section 687 of the *Act*.
- 5 The Board hearing the appeal shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- 6 If the decision of the Approving Authority to approve an application is reversed by the Board hearing the **subdivision and development appeal**, then the original permit or decision shall be null and void.
- 7 If the decision of the Approving Authority to refuse a **subdivision or development application** is reversed by the Appeal Board, the date of the written decision of the Appeal Board shall become the approval date.
- 8 A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the *Act*. An application for leave to appeal to the Court of Appeal shall be made:
  - a. to a judge of the Court of Appeal; and
  - b. within thirty (30) days after the issue of the decision sought to be appealed.
- 9 A notice of an application for leave to the Court of Appeal shall be given to:
  - a. the Appeal Board; and
  - b. any other persons that the judge of the Court of Appeal directs.

# 5 GENERAL REGULATIONS

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## 5.1 APPEARANCE OF BUILDINGS

- 1 The design, construction and architectural appearance of any building or structure shall be to the satisfaction of the Development Authority, shall not threaten public health or safety and shall be compatible with the general standard of design and construction in the immediate neighborhood of the Site.

## 5.2 GUEST HOUSES

- 1 Guest houses shall be of permanent, conventional construction.
- 2 Guest houses shall be constructed behind the rear face of the principal building on a site.
- 3 A Guest house may be developed as a stand-alone accessory building or may be incorporated into any other accessory building on a site provided all requirements of this Bylaw applicable to such accessory building are complied with.

## 5.3 MANUFACTURED HOMES

- 1 Manufactured homes shall be certified by Canadian Standards Association as having been built in a factory which has been certified as meeting the CSA A277-92 approved procedure. Modular homes shall contain a CSA “Modular Home” label and mobile homes shall contain a CSA “Mobile Home” label.
- 2 Installation and foundation requirements for manufactured homes and additions shall meet either the CAN/CSA Z240.10.1 standard or the Alberta Building Code.
- 3 Wheels, hitches and other running gear shall be removed within thirty (30) days of the installation of the manufactured home.
- 4 Skirting shall be installed within ninety (90) days of the installation of a manufactured home and shall comply with standards set out in the CSA Z240.10.1 standards.
- 5 At least one access panel of not less than 500 x 700 mm (20 x 28 inches) shall be provided in the skirting for periodic inspections and maintenance of services. The panel shall be located close to sewer and water connections.
- 6 Skirting shall be factory prefabricated or of equivalent quality and shall be pre-finished or painted so that the design and construction shall complement the manufactured home.
- 7 Year-round ventilation of the crawl space shall be provided according to the standards set out in the CSA Z240.10.1 standards. Crawl space ventilation shall be provided by the installation of screened louvers or grills of at least 0.1 m<sup>2</sup> of unobstructed venting for each 50 m<sup>2</sup> (1.0 ft<sup>2</sup> for each 500 ft<sup>2</sup>) of floor area of the home.

## 5.4 POTABLE WATER

- 1 Applications for a development permit in respect of a residential use shall contain a detailed proposal as to how the development is to be provided with a supply of potable water if requested by the Summer Village.
- 2 No development for residential use shall be allowed unless it is supplied with potable water.

## 5.5 RECREATIONAL VEHICLES

- 1 Each property is allowed a primary residence; this could mean a single detached dwelling, manufactured home dwelling, or recreational vehicle.
  - a. A recreational vehicle used as a primary residence which is occupied for seven or more days per year requires a permanent connection to an approved sewage treatment system.
- 2 One additional recreational vehicle or guest house may reside on a property.
- 3 If a third recreational vehicle or guest house resides on a property, there will be an annual fee which will be established each year by council at the organizational meeting and added to the tax roll.
- 4 No more than three (3) recreation vehicles and/or guest houses are allowed on any property, excluding temporary guests. Temporary guests may be allowed on a property for a maximum of four consecutive days.

## 5.6 REFERRAL OF APPLICATIONS

- 1 In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may direct that the applicant for a development permit provide a certificate or other report from an engineer or other qualified professional in relation to a proposed development or any aspect of it. In such circumstances, the costs of complying with the Development Authority's direction shall be borne by the applicant, and the applicant's application for a development permit shall be deemed incomplete until such time as the direction has been complied with.
- 2 In any circumstance where the Development Authority is of the opinion it would be prudent to so do, the Development Authority may refer an application to Alberta Environment and Parks or to any other government agency for their comments prior to issuing a development permit and may, thereafter, impose a condition on any development permit issued that the applicant comply with such requirements of the referral agency as the Development Authority may deem appropriate in the circumstances.

## 5.7 RELOCATION OF BUILDINGS

- 1 The relocation of an existing building to a site as either a principal building or an accessory building constitutes a development of that site. Where a building is to be relocated to a site, the use to which the building is intended to be put:
  - a. must be listed in this Bylaw as a permitted Use or a discretionary use available for that site; and
  - b. shall be deemed to be a discretionary use for purposes of the relocation of that building.

## 5.8 SITE GRADING

- 1 Where substantial grading of a site is undertaken separate and apart from any other development of or on that site, the grading shall be deemed to be a development and shall require a development permit. Grading will be considered substantial if the same may substantially affect drainage patterns on the site or may cause any adverse impact on neighboring properties or roadways.
- 2 In every case, whether site grading forms a part of an overall development or constitutes a development in and of itself, site grades shall be established:
  - a. in a manner satisfactory to the Development Authority;
  - b. in a manner designed to prevent any adverse impact on neighboring properties or roadways; and

- c. in compliance with any applicable drainage or grading plans adopted by the Summer Village.
- 3 A minimum of 25% of the total trees on lots in the R1 – General Residential District shall remain on the site.
- 4 A minimum of 35% of the total trees on lots in the R2 – Large Parcel Residential District shall remain on the site.
- 5 Notwithstanding 5.8(1) and 5.8(2), if the landowner wants to remove more than the permitted amount, a detailed tree replanting plan for the lot, with completion dates, shall be submitted to the development authority for approval.

## 5.9 WASTEWATER DISPOSAL

- 1 All buildings, facilities and developments undertaken on a Site shall comply with all Summer Village Bylaws regarding sewage disposal and shall comply with the *Safety Codes Act* for the Province of Alberta.

# 6 LAND USE DISTRICTS

## 6.1 ESTABLISHMENT OF LAND USE DISTRICTS

- 1 For the purposes of this Bylaw, the Summer Village of Whispering Hills is divided into the following districts:

DISTRICT NAME	SYMBOL	MAP COLOUR
GENERAL RESIDENTIAL DISTRICT	R1	YELLOW
LARGE PARCEL RESIDENTIAL DISTRICT	R2	ORANGE
PARKS AND RESERVES DISTRICT	P	GREEN

- 2 The boundaries of the districts listed in this Bylaw are as delineated in the **LAND USE DISTRICT MAP**, within Section 7 of this Bylaw.
- 3 Where uncertainty exists as to the boundaries of districts as delineated in the **LAND USE DISTRICT MAP**, the following rules shall apply:

<b>RULE 1</b>	Where a boundary is shown as following a street or lane, it shall be deemed to follow the centre line thereof.
<b>RULE 2</b>	Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
<b>RULE 3</b>	In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined: a. where dimensions are set out on the <b>LAND USE DISTRICT MAP</b> , by the dimensions so set, or b. where no dimensions are set out on the <b>LAND USE DISTRICT MAP</b> with respect to such boundary, by measurement of and use of the scale shown on the <b>LAND USE DISTRICT MAP</b> .

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

## 6.2 GENERAL RESIDENTIAL DISTRICT – R1

### 1 General Purpose

To provide for low density residential development adjacent to Baptiste Lake.

### 2 Uses

PERMITTED	DISCRETIONARY
Dwelling, Single Detached	Home Occupation, Major
Dwelling, Manufactured Home	Home Occupation, Minor
Recreational Vehicles	Public or Quasi Public Buildings and Uses
Buildings and Uses Accessory to Permitted Uses	Public Utilities
	Buildings and Uses Accessory to Discretionary Uses.
	Other uses which in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 3 General Development Control Regulations

1.	<b>MINIMUM SITE WIDTH</b>	20.0 m (65.6 ft).
2.	<b>MAXIMUM NUMBER OF DWELLING UNITS</b>	The maximum number of dwelling units that may be located on a lot is one. Where a site is comprised of more than one lot, the maximum number of dwelling units that may be located on that site is one.
3.	<b>MINIMUM FLOOR AREA (SINGLE WIDE MANUFACTURED HOMES)</b>	65.0 m <sup>2</sup> (700 ft <sup>2</sup> ), and a minimum width of 4.9 m (16.0 ft).
4.	<b>MINIMUM FLOOR AREA (DOUBLE WIDE MANUFACTURED HOMES)</b>	85.0 m <sup>2</sup> (900.0 ft <sup>2</sup> ), and a minimum width of 7.3 m (24.0 ft).
5.	<b>MAXIMUM BUILDING HEIGHT (PRINCIPAL BUILDING)</b>	The lesser of: A. 9.5 m (31.2 ft); and B. 2½ storeys.
6.	<b>MAXIMUM BUILDING HEIGHT (ACCESSORY BUILDING)</b>	The lesser of: A. 7.6 m (25.0 ft); and B. 2 storeys.
7.	<b>MAXIMUM LOT COVERAGE</b>	35% of the site area. The maximum site coverage for accessory buildings shall be limited to 93.0 m <sup>2</sup> (1,004 ft <sup>2</sup> ) in the aggregate. In the case of any site exceeding 45.7 m (150.0 ft) in depth, the Development Authority shall direct that buildings be designed and located on the Site in a manner that will, in the opinion of the Development Authority, avoid excessive massing at any particular location on

		the site and distribute the impact of construction more evenly over the developable areas of the site.
8.	<b>LOT COVERAGE OF TREES</b>	Residential lots shall not be cleared of permanent live trees in such a manner as to reduce the tree coverage to less than 25% of lot coverage.

#### 4 Minimum Yards

1.	<b>FRONT YARD</b>	8.0 m (26.2 ft).
2.	<b>REAR YARD (PRINCIPAL BUILDING)</b>	6.0 m (19.7 ft).
3.	<b>REAR YARD (ACCESSORY BUILDING)</b>	3.0 m (9.85 ft). Except where the vehicle entry of a garage or the vehicle entrance of a carport face the rear of a site, in which case the minimum rear yard in respect of that garage or carport shall be 6.0 m (19.7 ft).
4.	<b>SIDE YARD (PRINCIPAL BUILDING)</b>	3.0 m (9.85 ft); and The side yard shall comprise no less than 10% of the width of the site.
5.	<b>SIDE YARD (ACCESSORY BUILDING)</b>	3.0 m (9.85 ft).

#### 5 Additional Regulations

1.	<b>PROJECTION INTO YARDS</b>	Verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to no closer than 3.0 m (9.85 ft) from the property line.  Eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay, oriel or similar windows) and other architectural features which are of a similar character may project up to 0.6 m (2.0 ft) into any required yard.
2.	<b>LANDSCAPING</b>	Landscaping shall be provided to the satisfaction of the Development Authority, and sites in the R1 District shall be landscaped in a manner complementary to and consistent with the lakeside residential character of the R1 District.



## 6.3 LARGE PARCEL RESIDENTIAL DISTRICT – R2

### 1 General Purpose

To provide for low density residential development on larger parcels adjacent to Baptiste Lake.

### 2 Uses

PERMITTED	DISCRETIONARY
Dwelling, Single Detached	Home Occupation, Major
Dwelling, Manufactured Home	Home Occupation, Minor
Buildings and Uses Accessory to Permitted Uses	Public or Quasi Public Buildings and Uses
	Public Utilities
	Buildings and Uses Accessory to Discretionary Uses
	Other uses which in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.

### 3 General Development Control Regulations

1.	<b>MINIMUM LOT AREA</b>	1.5 acres (0.61 hectares).
2.	<b>MAXIMUM BUILDING HEIGHT</b>	10.7 m (36.0 ft).
3.	<b>MINIMUM FLOOR AREA</b>	Single Detached Dwellings: 92.9 m <sup>2</sup> (1,000 ft <sup>2</sup> ) on ground floor Manufactured Home Dwellings: 92.9 m <sup>2</sup> (1,000 ft <sup>2</sup> ) on ground floor, excluding attached porches. All Other Uses: As Required by Development Authority.
4.	<b>MAXIMUM BUILDING HEIGHT (PRINCIPAL BUILDING)</b>	11.0 m (36.0 ft) or 2 ½ storeys.
5.	<b>MAXIMUM BUILDING HEIGHT (ACCESSORY BUILDING)</b>	7.62 m (25.0 ft) or 2 storeys.
6.	<b>MAXIMUM LOT COVERAGE</b>	35% of the site area. The maximum site coverage for accessory buildings shall be limited to 185.8 m <sup>2</sup> (2,000 ft <sup>2</sup> ) in the aggregate. In the case of any site exceeding 45.7 m (150.0 ft) in depth, the Development Authority shall direct that buildings be designed and located on the Site in a manner that will, in the opinion of the Development Authority, avoid excessive massing at any particular location on the site and distribute the impact of construction more evenly over the developable areas of the site.
7.	<b>LOT COVERAGE OF TREES</b>	Residential lots shall not be cleared of permanent live trees in such a manner as to reduce the tree coverage to less than 35% of lot coverage.

#### 4 Minimum Yards

1.	<b>FRONT YARD</b>	7.6 m (25 ft).
2.	<b>REAR YARD</b>	7.6 m (25 ft).
3.	<b>SIDE YARD (CORNER LOT)</b>	Where a building fronts on the front road, the side yard abutting the flanking road shall not be less than 20% of the lot width, but need not exceed 6.1 m (20.0 ft). Where a building fronts on the flanking road, the side yard abutting the flanking road shall not be less than 6.1 m (20.0 ft).
4.	<b>SIDE YARD (ALL OTHER LOTS)</b>	10% of the lot width, however in no case shall a side yard of less than 4.6 m (15.0 ft) be permitted.

#### 5 Additional Regulations

1.	<b>PROJECTION INTO YARDS</b>	Verandas, porches, decks, balconies, unenclosed steps and other architectural features which are of a similar character may project up to no closer than 3.0 m (9.85 ft) from the property line.  Eaves, chimneys, sills, shade projections, cantilevered projections with windows (such as bay, oriel or similar windows) and other architectural features which are of a similar character may project up to 0.6 m (2.0 ft) into any required yard.
2.	<b>LANDSCAPING</b>	Landscaping shall be provided to the satisfaction of the Development Authority, and sites in the R1 District shall be landscaped in a manner complementary to and consistent with the lakeside residential character of the R1 District.

## 6.4 PARKS AND RESERVES DISTRICT - P

### 1 General Purpose

To preserve and protect the local environment while providing areas for low impact public recreation near Baptiste Lake.

### 2 Uses

PERMITTED	DISCRETIONARY
Reserves	Public or Quasi Public Buildings and Uses
	Public Utilities

### 3 General Development Control Regulations

1.	<b>SITE IMPROVEMENTS</b>	Except for fencing at the perimeter of a site and except for public utilities (as defined in the <i>Act</i> ) passing through a site, no improvements or structures of any nature or kind may be erected or brought onto the lands.
2.	<b>NON-CONFORMING USES</b>	Improvements or structures existing on a site at the date this district is applied may remain as non-conforming buildings within the meaning of the <i>Act</i> , and the Development Authority is authorized to issue any necessary development permits for the repair, maintenance and refurbishing of the same, even to the extent some structural alterations may be required.
3.	<b>APPLICATION</b>	This district may be applied to lands owned by the Summer Village and may be applied to other lands within the Summer Village only with the consent of the owner of those lands.
4.	<b>VEGETATION</b>	No more than 15% of the treed reserve adjacent to lake front properties can be removed. If more than this amount is removed, they will be required to replant the trees. Clearcutting is not allowed. Subject to provincial and federal regulations.

# 7 LAND USE DISTRICT MAP

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