

**Summer Village of Waiparous
Public Hearing Agenda Saturday, October 14, 2023, 10:00am
Community Services Building, 2 Wildrose Place, Summer Village of Waiparous, AB**

ITEM	DESCRIPTION
1.	CALL TO ORDER
2.	PUBLIC HEARING LAND USE BYLAW 157-23
3.	ADJOURNMENT

Summer Village of Waiparous Council Report

Meeting:	Public Hearing
Meeting Date:	October 14, 2023
Originated By:	Suzanne Gaida, CAO
Title:	Bylaw 157-23 Draft Land Use Bylaw
Agenda Item:	2.0

RECOMMENDED ACTION

That Council receives and considers all comments presented during the Public Hearing for Bylaw 157-23.

BACKGROUND

Council gave first reading to Bylaw 157-23 on September 25, 2023 at their regular meeting and set the Public Hearing Date for October 14, 2023 at 10:00am. Administration has mailed all landowners notice of the Public Hearing, the Public Hearing Notice was placed on the front page of the Summer Village of Waiparous website and all residents were emailed a reminder of the Public Hearing.

The Municipal Government Act (MGA) requires every municipality to pass a land use bylaw and gives the authority to prohibit or regulate and control the use and development of land and buildings within its jurisdiction. It guides how a land use bylaw is to be structured and outlines the required and optional provisions a municipality is to consider when creating a land use bylaw. The Land Use Bylaw (LUB) is the day-to-day regulatory tool municipalities use to control land use and development. It divides the municipality into land use districts (or zones) and prescribes the uses and development types allowed in each district.

The LUB controls and regulates what can and cannot occur on a parcel of land and how buildings can be placed and constructed on that parcel. It is therefore one of the Summer Village of Waiparous' most important documents with implications for how the community will continue to shape and feel as development occurs.

In 2022, Birch Consulting was engaged to rewrite the LUB. Council appointed a LUB Committee to guide the rewrite process. Michael Parker, Joleen Molenaar and Deputy Mayor Cheryl Wauthier formed the Committee with the assistance of Administration. The Committee reviewed the current LUB and provided guidance and information for the rewrite of the LUB to ensure the bylaw meets the land use and development needs of the community and maintains the unique feel and look of the Summer Village.

The current Land Use Bylaw 53-97 was adopted in 1997, and since its adoption there have been three amendments. Since 1997, the environment, technology and how we live has changed, as well Alberta's legislative requirements regarding Land Use Bylaws and their contents have changed. Consequently, the proposed new Bylaw is significantly different from the current Bylaw

even though many of the development requirements remain unchanged. The new Bylaw is written in a way that is intended to be easy for residents to understand and utilize.

Major Changes

The following is a list of the Major Changes made in the Land Use Bylaw rewrite:

- The order of material in the LUB was changed. Things that people typically want to know first (like the uses allowed on one's property) were moved to the front of the LUB. Things like definitions were moved to the back.
- In the Residential (R-1) District, the uses were changed to update them and to make more of those uses Permitted as opposed to Discretionary.
- Similar changes were made in the Community Services (CS) District; the uses were updated, and more uses are now Permitted Uses.
- The height of the Principal Building on a property (typically a house) was increased to 10 m from 9 m.
- There were changes to the Ancillary Living Accommodation regulations. The maximum size allowed has more than doubled (from 20 m² to 45 m²). And while the maximum building height is the same, there can now be a second story.
- In the interest of making the Summer Village more resistant to wildfire (more FireSmart), there is now a detailed set of requirements related to architectural controls and landscaping.
- There is a new section on exterior lighting created in an effort to keep the skies dark.
- The regulations regarding fences have been changed. Basically, the maximum fence heights for side and rear yards have all been increased, maximum fence heights for front yards (side and front) have been reduced and maximum fence heights for fences adjacent to public spaces have been reduced.
- This new LUB makes it easy to install solar panels on buildings. The draft LUB also provides for use of other green energy infrastructure.
- Parking requirements have now been established to ensure there are at least three spaces to park vehicles on a residential lot.
- New rules for both potable water systems and sanitary sewage systems are established. This is being done to try to prevent groundwater contamination.
- The rules regarding signs have been made clearer. They are fairly restrictive except for political signs during elections, realtors' signs, and community signs.
- Proximity to steep slopes is an issue for some lots in the Summer Village and there are new rules about development near or on slopes. These are similar to the rules in most municipalities in Alberta.
- Telecommunication towers fall under the authority of the federal government, but the federal process requires telecommunication companies to seek local approval. The LUB has established some protocols for managing that process.
- There is a new section describing what is necessary for the vehicle approach to properties; that is, the portion of the driveway that is on public property.
- The provincially regulated process for obtaining development permits has changed since 1997. Consequently, the subdivision and development application and approval sections of the LUB have been updated. For example, the new LUB has a significantly different process for dealing with development permit applications, particularly in terms of timelines and how the municipality must respond to applications.

- The new LUB more clearly lays out roles and responsibilities.
- Notice of a development permit decision can now be given by email, not just by postal service.
- There is also an updated section on bylaw enforcement. In particular, the Summer Village is allowing an enforcement system whereby landowners can be issued a ticket for LUB offences. This would be in addition to the traditional stop order remedy.
- Although subdivision in the Summer Village is not common, the process for undertaking subdivisions is now described in the LUB. This is a new section as Subdivision is hardly touched upon in the existing LUB.
- And finally, the definitions section has been updated, including some of the illustrations.

Public Engagement

Throughout the rewrite process, informal gathering of feedback has been done by the Committee at other events such as the Community BBQ and the Wildfire Preparedness Days and a survey was developed and sent to the community to gather feedback on the keeping of chickens. Thirty-six people filled out the survey and 53% were against the keeping of chickens. The Committee chose not to include the provisions to allow for keeping of chickens in the LUB based on this survey. An Open House was held on August 19, 2023. Residents were also encouraged to provide feedback via email on the proposed LUB. Feedback was received and the Committee made changes to the proposed Bylaw as a result of the feedback.

Procedural Process

A Land Use Bylaw is a statutory bylaw and therefore must go through a legislative process to be adopted. The process is as follows:

- First Reading is given by Council – September 25, 2023
- A Public Hearing is established – September 25, 2023
- A Public Hearing is held – October 14, 2023
- Second Reading is given by Council
- Changes to the Bylaw may be proposed by Council - depending on the changes, a new Public Hearing may be required
- Third and Final Reading is given by Council and the Bylaw comes into full force and effect.

Today, the Public Hearing is intended to be an opportunity for Council to hear from the community on the proposed Bylaw. The Public may speak to the Bylaw at the Public Hearing or may submit written comments for Council consideration. Council can ask questions of any presenter for clarification. No decisions or debate occurs at the Public Hearing.

Attachments

Bylaw 157-23 Draft Land Use Bylaw

**SUMMER VILLAGE OF WAIPAROUS
BYLAW 157-23**

A BYLAW OF THE SUMMER VILLAGE OF WAIPAROUS IN THE PROVINCE OF ALBERTA TO PROHIBIT OR REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE MUNICIPALITY.

WHEREAS the *Municipal Government Act* requires every municipality pass a Land Use Bylaw;

AND WHEREAS the Council deems it necessary to prohibit or regulate and control the use and development of land and buildings in the municipality;

AND WHEREAS Council deems it necessary to repeal and replace Bylaw 53-97 and its amendments in its entirety

NOW THEREFORE the Council of the Summer Village of Waiparous in the Province of Alberta duly assembled, hereby enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the Land Use Bylaw

2. GENERAL PROVISIONS

2.1 Appendix A forms part of this Bylaw

2.2 Upon coming into force of this Bylaw, Bylaws 53-97, 56-98, 70-00 and 73-00 are hereby repealed.

2.3 This Bylaw comes into full force and effect upon the date of third and final reading.

READ a first time:

PUBLIC HEARING held:

READ a second time:

READ a third time:

Matthew Sundal, Mayor

Suzanne Gaida, Chief Administrative Officer

SUMMER VILLAGE OF WAIPAROUS LAND USE BYLAW

BYLAW NO. 157-23

September 2023

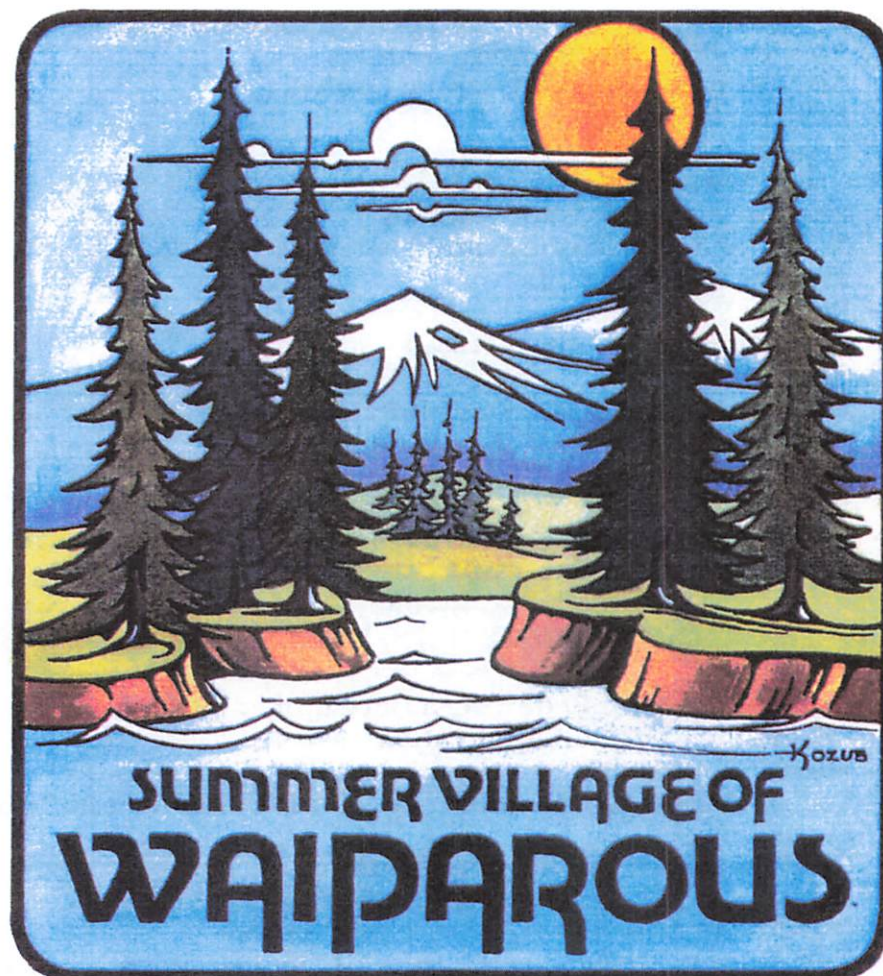


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PART ONE - PURPOSE AND AUTHORITY

SECTION 1 - Short Title

1. This Bylaw may be cited as “the Land Use Bylaw”.

SECTION 2 - Purpose

1. This Land Use Bylaw is intended to be a tool that regulates land Development and subdivision within the Summer Village to help build a community based on the vision and policies of the Summer Village of Waiparous Municipal Development Plan. The Land Use Bylaw’s purpose is to prohibit or regulate and control the use and Development of land and Buildings within the Municipality to achieve efficient, orderly and economical use and Development of land.
2. More specifically and in accordance with the provisions of the Municipal Government Act, amongst other things this Bylaw:
 - a) divides the Summer Village of Waiparous into Land Use Districts;
 - b) prescribes and regulates for each District the purpose for which land or Buildings may be used, and the general design of sites and Buildings;
 - c) prescribes general regulations that apply to land use and Developments within the Municipality regardless of Land Use District;
 - d) institutes the office of the Development Authority and describes the duties and functions of that Authority;
 - e) establishes a method for making decisions on applications for Development Permits including the issuing of said Permits;
 - f) institutes the office of the Subdivision Authority and describes the duties and functions of that Authority;
 - g) establishes a method for making decisions on applications for subdivision of properties;
 - h) outlines how appeals against Development and subdivision decisions may be made;
 - i) prescribes notification procedures; and
 - j) sets out methods for addressing incidents of non-compliance with this Bylaw.

SECTION 3 - Effective Date and Transition

1. The effective date of this Bylaw shall be the date of third reading thereof.
2. Applications for Development Permits or subdivision that are received in their final form and have been accepted as being complete, in writing, by the Development or Subdivision Authority prior to the effective date of this Bylaw shall be processed in accordance with the previous Land Use Bylaw and its amendments.

SECTION 4 - Applicability

1. This Bylaw shall apply to all lands contained within the corporate limits of the Summer Village of Waiparous.
2. All future Development within the Municipality shall conform with this Bylaw unless exempt under the Municipal Government Act.
3. No person shall commence any Development within the Summer Village unless the Development is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw where such Development Permit is required.
4. This Bylaw shall be interpreted and applied in a manner that is consistent with the Summer Village of Waiparous Municipal Development Plan and any other Statutory Plan adopted by the Municipality.
5. An application to amend this Bylaw, including changing the Land Use District applicable to a property, shall be evaluated based on the Municipal Development Plan and any other Statutory Plan adopted by the Municipality.
6. Compliance with this Bylaw does not exempt any person from compliance with any other bylaw, policy or requirement of the Municipality.
7. The provisions of this Bylaw, when in conflict, shall take precedence over those of other bylaws, policies or regulations of the Municipality, but not Statutory Plans.
8. If any provision of this Bylaw is held by a court of competent jurisdiction to be invalid, all other provisions shall remain valid and enforceable.
9. Compliance with this Bylaw does not exempt any person from compliance with any Federal or Provincial legislation, regulation, approval, licensing or permitting requirement.

SECTION 5 - Bylaw Amendments

1. The Municipality may initiate amendments to this Bylaw.
2. Any person may request an amendment to this Bylaw by applying in writing and paying the amendment application fee set out in any applicable Summer Village of Waiparous fee bylaw.
3. The Land Use Bylaw amendment application shall clearly explain the change being proposed, provide reasons for the proposed change, and identify the parcel(s) to be included in the amendment proposal. Furthermore, the applicant shall provide proof of ownership of land within the Municipality (e.g., a recent Certificate of Title), or provide proof that they are working on behalf of a landowner within the Municipality.
4. Proposed amendments to this Bylaw shall be undertaken in accordance with the MGA.

PART TWO - LAND USE DISTRICTS AND DISTRICT REGULATIONS

SECTION 6 - Residential (R1) District

1. Purpose and Intent

This district is intended to provide for the Development of Single Detached Dwellings and Accessory Buildings on standard sized lots.

2. Permitted Uses

Home Occupations
Hot Tubs
Satellite Dish Antennas
Signs Allowed Under Section 25 (Permits Not Required)
Single Detached Dwellings
Solar Panels on Building Roofs and Walls

3. Discretionary Uses

Accessory Buildings
Ancillary Living Accommodations
Telecommunication Towers for Amateur/Hobby Use
Fences, Gates and Walls Higher Than Allowed Under Section 25 (Permits Not Required)
Green Energy Infrastructure
Public Utility Buildings and Installations
Swimming Pools

4. Minimum Parcel Size, Depth and Width for Subdivision Purposes

For subdivision purposes, the minimum lot size shall be 1,860.0 m² (20,021.5 sq ft), the minimum lot depth shall be 50.0 m (164.0 ft) and the minimum lot width shall be 30.0 m (98.4 ft). These subdivision minimums do not apply to nor shall restrict Development on existing Parcels that may not meet this requirement.

5. Building Setbacks, Height and Floor Area Requirements

The maximum and minimum requirements for density, Building Setbacks from property lines, and Building Height shall apply in the R1 District:

Dwelling Density per Lot	Maximum	1 Dwelling Unit
Front Yard Setback	Minimum	7.5 m (24.6 ft)
Rear Yard Setbacks for:		
Principal Building	Minimum	7.5 m (24.6 ft)
Accessory Building	Minimum	3.0 m (9.8 ft)
Ancillary Living Accommodation	Minimum	7.5 m (24.6 ft)
Side Yard Setback	Minimum	2.0 m (6.6 ft)
Setback of Principal Building from Primary Highway (Closest Edge of Highway ROW), Notwithstanding Above Setbacks	Minimum	40.0 m (131.2 ft)
Building Height for:		
Principal Building	Maximum	10.0 m (32.8 ft)
Accessory Building	Maximum	6.0 m (19.7 ft)
Ancillary Living Accommodation	Maximum	6.0 m (19.7 ft)

6. Maximum Site Coverage

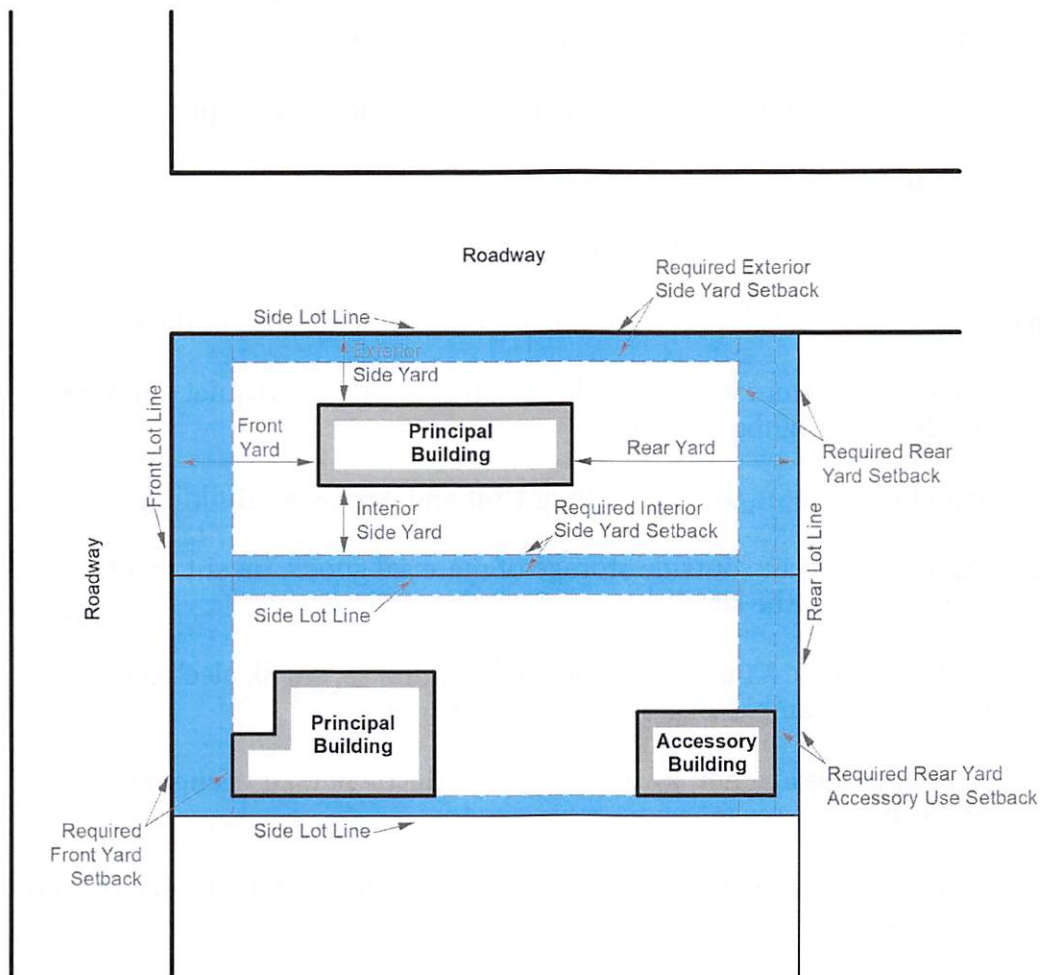
The total coverage of a residential lot by all Buildings, measured by total Building area as seen from above on a site plan, shall not exceed 25% of the site.

7. Floor Area Minimums and Maximums

The minimum interior floor area of a Single Detached Dwelling shall be 30.0 m² (322.9 sq ft). For clarity, interior floor area includes all above-ground levels, including attached garages, and excludes basements provided they are at least 75% below grade.

8. Illustration showing Yards, Setbacks and Lot Lines for interpretation purposes.

The illustration on the following page provides an example of how to interpret lot lines, yards and setbacks references and requirements.



9. Ancillary Living Accommodation

Ancillary Living Accommodations may be developed on residential Sites in accordance with the requirements of this Bylaw, including the following:

- a) Ancillary Living Accommodation Buildings shall be of similar design, construction and exterior finish as the Principal Building on the Site or, if necessary due to the characteristics of an existing Principal Building, be constructed to be more compliant with FireSmart construction design (see Section 9);
- b) the interior shall provide an area for sleeping and a washroom facility only, and there shall be no kitchen area or cooking facilities;
- c) the Building shall have a maximum floor area of 45.0 m² (484.4 sq ft);

- d) only one Building used for this purpose may be constructed on a Site, and only when a Dwelling Unit exists on the Site; and
- e) the setback requirements for Principal Buildings shall apply.

10. Home Occupations

The following regulations shall apply to all Home Occupations:

- a) shall be incidental and subordinate to the Principal Use of the site;
- b) shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood;
- c) shall be restricted to the Dwelling Unit and Accessory Building;
- d) shall not have any outside storage of material goods, inventory or equipment on the site;
- e) shall not create a nuisance by way of dust, noise, smell, electronic interference, smoke or traffic generation;
- f) shall not have any employees except for the owners or occupants of the property;
- g) may offer occasional, 'one-off' instructional classes but not on a regular or frequent basis;
- h) may have one vehicle associated with the business parked on the property or in the vicinity of the property at any time provided the vehicle has a Gross Vehicle Weight (GVW) rating no greater than 4,500 kg (9,920 lbs);
- i) shall not display any form of commercial signage related to the home occupation on the property except on the one vehicle noted in h) above; and
- j) shall not have the civic address indicating the location of the home occupation contained in any public advertising medium including but not limited to: websites, newspaper or magazine advertisements, radio messages, posters and advertising flyers.

11. Garbage

Garbage kept on any property:

- a) shall be kept in weatherproof and animal proof containers, and screened from adjacent sites and public thoroughfares; and
- b) shall be removed from the property regularly so that it does not become a nuisance or reduce the amenities of the area.

SECTION 7 - Community Service (CS) District

1. Purpose and Intent

This district is intended to provide for public uses, services and Developments - such as recreational parks and facilities, community Buildings, trails and natural areas, and public roads and utilities - on land owned or under the control and management of the Summer Village.

2. Permitted Uses

Community Buildings
Equipment Storage Buildings
Picnic and Seating Areas
Playground Structures
Public Roadways
Public Utilities
Recreational Areas
Satellite Dish Antennas
Signs Allowed Under Section 25 (Permits Not Required)
Solar Panels on Building Roofs and Walls
Trails and Associated Structures

3. Discretionary Uses

Accessory Buildings
Telecommunication Towers, Antennas and Facilities
Fences, Gates and Walls Higher Than Allowed Under Section 25 (Permits Not Required)
Green Energy Infrastructure
Signs, Other
Sports Courts and Fields, and Related Facilities

4. Minimum Parcel Size

The minimum parcel size shall be at the discretion of the Subdivision Authority, which shall give consideration to the anticipated future use of the proposed parcel.

5. Building Setbacks, Height and Floor Area Requirements

The maximum and minimum requirements for Building Setbacks from property lines, and for Building Heights shall apply in the CS District:

Front Yard Setback	Minimum	7.5 m (24.6 ft)
Rear Yard Setback for:		
Principal Building	Minimum	7.5 m (24.6 ft)
Accessory Building	Minimum	3.0 m (9.8 ft)
Side Yard Setback	Minimum	2.0 m (6.6 ft)
Setback of Principal Building from Primary Highway (Closest Edge of ROW), Notwithstanding Other Setbacks	Minimum	40.0 m (131.2 ft)
Building Height for:		
Principal Building	Maximum	10.0 m (32.8 ft)
Accessory Building	Maximum	6.0 m (19.7 ft)

6. Maximum Site Coverage

Maximum site coverage shall be at the discretion of the Development Authority.

PART THREE - GENERAL LAND USE REGULATIONS

SECTION 8 - Applicability and Potential Conflicts

1. The following general regulations shall apply to all Developments within the Municipality unless otherwise exempted in this Part.
2. If any regulation in this Part Three conflicts with any regulation of a Land Use District, the regulation in the Land Use District shall take precedence.

SECTION 9 - Architectural and Landscaping Controls

1. The Summer Village is located in a densely wooded area with steep terrain. In dry periods, the risk of wildfire is high. Additionally, fire response manpower and equipment will take considerable time to arrive in force, so even a building fire has the potential to spread rapidly given the right conditions. Hence the need for Summer Village landowners to undertake Development and manage vegetation in a FireSmart manner is very important, and this section of the Bylaw is intended to establish a minimum level of preventative regulation. Greater efforts to FireSmart development beyond these minimums are encouraged.
2. Studies have shown that more complex roof designs with dormers and other height variations create quiet air spaces which tend to 'attract' blowing embers in the event of forest fires, and so simple roof designs are encouraged in the Summer Village.
3. Roofs shall be constructed of non-combustible or fire-retardant materials with a minimum Class B fire rating. Use of wooden roof shingles is prohibited.
4. All roofs shall have soffits or be otherwise screened with FireSmart compliant material to reduce the opportunities for embers from forest fires to lodge in the roof overhang area.
5. All siding and fascia materials on new or retrofitted Buildings requiring a Development Permit shall consist of fire-resistant materials as per the most recent versions of "FireSmart - Protecting Your Community from Wildfire" (PIP, 2003) or the "Wildland Urban Interface (WUI) Products" listing (CALFIRE, 2011), and that siding material shall extend from ground level to the roofline.
6. The use of wood siding on Building exteriors is strongly discouraged. Where it is used, it shall be treated with noncandescent paint or stain on a regular basis and repainted as recommended by the manufacturer.

7. All Patios, if applicable given their height, shall have sheathing made of fire resistant materials extending from the patio's floor level to the ground in order to prohibit the entry of sparks and embers under the structure.
8. All Balconies and Decks on new or retrofitted Buildings shall be constructed of fire-resistant materials as per the most recent versions of "FireSmart - Protecting Your Community from Wildfire" (PIP, 2003) or the "Wildland Urban Interface (WUI) Products" listing (CALFIRE, 2011).
9. All new Buildings, including their Balconies and Decks, with exposed undersides less than 2.0 m (6.6 ft) above the ground shall have sheathing made of fire resistant materials extending from the floor level to the ground to prohibit the entry of sparks and embers under the structure.
10. All new Buildings, including their Balconies and Decks, with exposed undersides higher than 2.0 m (6.6 ft) from ground level shall have a non-combustible surface cover underneath them that extends for a minimum of 1.5 m (4.9 ft) into the surrounding area.
11. All new Buildings shall have a minimum 1.5 m (4.9 ft) area of non-combustible landscaping materials, such as rock, gravel, asphalt, brick or concrete, adjacent to the Building perimeter. Grass is also acceptable in this area but only if it is frequently cut so as to maintain a maximum height of approximately 8.0 cm (3.2 in).
12. Woody shrubs, trees or other similar plant materials shall not be located within the 1.5 m (4.9 ft) distance established above.
13. Within 10.0 m (32.8 ft) of a Principal Building, it is strongly encouraged that all trees and shrubs be fire-resistant species. These tend to be deciduous species. Having trees and shrubs that are highly flammable, including spruce, pine, cedar and juniper, should be avoided to reduce fire hazard and spread potential.
14. Within 10.0 m (32.8 ft) of a Principal Building, any grass should be regularly cut so that it is no higher than approximately 8.0 cm (3.2 in).
15. Property owners are encouraged to keep firewood storage away from Buildings to reduce the potential for wildfire to ignite the storage piles and spread to the Buildings.
16. Having fruit-bearing trees or shrubs of any type that may serve as a bear-attractant is discouraged.

SECTION 10 - Exterior Lighting

1. The Summer Village supports International Dark-Sky Association lighting principles, and all exterior lighting in the Municipality should be:
 - useful and have a clear purpose, or otherwise avoided;
 - targeted so that the light shines only where needed;
 - controlled so that it is used only when needed; and
 - 'warm' in terms of the Correlated Colour Temperature spectrum, avoiding blue-violet light.
2. Exterior lighting fixtures (the housing that holds the bulb) shall be of full-cutoff design so that the bulb is completely within the fixture, with no light emission above the horizontal plane through the bottom of the fixture.
3. Notwithstanding Subsection 2 above, lighting that is intended for safety or security purposes and is connected to a motion sensor and timer so that it turns off automatically after a relatively short period of time may be allowed provided the light has a downward angle of 45 degrees or more and does not shine onto adjacent properties.
4. The Correlated Colour Temperature of exterior lights should be less than 3,200 kelvins (i.e., warmer or more yellow in hue; a typical incandescent light is 2,600 - 2,700 Kelvins).
5. These requirements do not apply to construction sites or other temporary outdoor activities that may require bright lighting during the 8:00 AM to 10:00 PM work period (see Section 14.2), although attempts should still be made to minimize the adverse effects of any such bright lighting on adjacent properties.

SECTION 11 - Fences

1. Fences are exempt from yard setback requirements and may be built on or next to a property line.
2. Fences may be a maximum of 1.2 m (4.0 ft) in height along the three sides of a front yard of a property.
3. Fences may be a maximum of 1.9 m (6.2 ft) in height in the side and rear yards of a property, except that a fence adjoining a community open space or pathway shall have a maximum height of 1.2 m (4.0 ft).
4. The maximum height of a fence along Hwy 40 (Forestry Trail), be it a front, side or rear yard, shall be 1.9 m (6.2 ft).

5. Any fence that joins or is immediately proximate to a Building shall have the end that joins or is proximate to the Building constructed of non-combustible material for a distance of at least 1.5 m (4.9 ft) from the Building to reduce the potential for fire spread from the fence to the Building.
6. A proposed fence that would be above any of the maximum heights referenced above shall be considered a Discretionary Use, and its construction first requires a Development Permit application that may be approved, approved with conditions or refused.
7. No person shall construct a private fence on land owned by the Summer Village of Waiparous, the Province of Alberta or any other party except with the written permission of that landowner, and in such cases a Development Permit shall first be obtained from the Summer Village. The Development Permit application shall be treated as a Discretionary Use application.
8. Notwithstanding other regulations in this Section, a fence intended to prevent wildlife passage may be erected around a garden areas without the need for a Development Permit provided such wildlife fence is entirely within the Parcel, the fence is at least 1.0 m (3.3 ft) back from all property lines, the fence uses woven or mesh wire material such as Page wire or chain link, and the fence is no greater than a maximum of 2.0 m (6.6 ft) in height.
9. The use of barbed wire or electrical fencing is prohibited within the Summer Village except around the garden areas referenced in Section 11.8 above.
10. Fencing around pools shall be provided in accordance with the Alberta Building Code requirements.
11. When a sports court or other recreational facility requiring a fence is approved, the Development Authority shall determine the maximum height of the surrounding fence, giving consideration to any adverse effect the fence may have on adjacent land uses, property values and the amenities of the area.

SECTION 12 - Green Energy Infrastructure

1. Green Energy Infrastructure is encouraged, and Development Permit applications for these will be viewed favourably by the Development Authority.
2. When locating Green Energy Infrastructure on a property, care shall be taken not to disturb the operation of any private sewage system.
3. Ground-mounted solar panels may be approved provided they comply with the maximum height and minimum yard setback distances for Accessory Buildings. In such cases the maximum site coverage regulation for the District shall apply.

4. Geothermal energy systems may be allowed. Any portion higher than 0.6 m (2.0 ft) above grade must meet the maximum height and minimum yard setback regulations for Accessory Buildings in the applicable District.
5. Energy storage systems may be allowed depending on the type of storage and the infrastructure that supports them. Electrical storage systems for Buildings use various types of batteries and are gradually becoming more common. However, they may pose a fire risk depending on the type. Thermal energy systems (both for generation and storage) vary in type, nature and size, and are an evolving component of green energy infrastructure. Therefore, the Development Authority is hereby given broad discretion in dealing with electrical energy storage systems and with any thermal energy generation or storage system applications. The approval decision, and any conditions of approval, are to be based on seeking to expand green energy use while minimizing potential adverse effect on neighbouring property values or community amenities. The Development Authority may consult other experts in this regard, including the local fire department, given the risk of fire associated with some energy storage systems. Recommended requirements for energy storage systems with fire risks are:
 - a) they are to be installed only in Buildings or areas that are not usually lived in, such as a garage;
 - b) if the installation room is unfinished, the walls and ceiling should be protected by at least 16 mm (5/8 inch) gypsum board;
 - c) if located in a garage, they must be mounted or protected in such a way that they cannot be accidentally damaged by a vehicle; and
 - d) signs or placards must be mounted near the energy storage system and the main electrical panel clearly identifying that the energy system is installed in the residence.

SECTION 13 - Livestock and Domestic Animals

1. No person shall keep or permit to be kept on any Parcel:
 - a) animals, livestock or poultry with the exception of dogs, cats and such other usual domestic pets as are generally kept indoors, providing always that domestic pets are kept under the condition that they do not act as a nuisance or reduce the amenities of the area; and
 - b) any pets or domestic animals on a commercial basis.
2. No person shall operate a Dog Kennel on any Parcel in the Summer Village.

SECTION 14 - Nuisance and Environmental Protection Standards

1. Brush burning is only allowed if a permit has first been obtained from the Summer Village.
2. Noise levels generated by Development-related construction activity shall be kept to a minimal level from 10:00 PM to 8:00 AM to reduce adverse effects on neighbours and the community.
3. No Development shall emit contaminants in excess of the standards prescribed by the Province of Alberta pursuant to the Alberta Environmental Protection and Enhancement Act and its regulations.
4. No Development shall discharge toxic or noxious materials:
 - a) across the boundaries of a Site;
 - b) through infiltration into the subsoil; or
 - c) into a water body or watercourse.
5. No person shall be allowed to keep or maintain on a Site:
 - a) an unregistered, derelict vehicle;
 - b) a commercial vehicle with a Gross Vehicle Weight Rating (GVWR) greater than 4,500 kg (9,920 lbs) for longer than is reasonably necessary to load or unload the vehicle;
 - c) a Recreational Camper or Tent for a period longer than fourteen (14) days unless the said Recreational Camper or Tent is unoccupied, is owned by the resident of the property, and is being held in storage on the property, and in such cases the maximum GVWR limit established above is not applicable; or
 - d) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the community or property values, and for avoidance of doubt could include Recreational Campers and light service utility trailers.

SECTION 15 - Parking Requirements

1. Residential Developments shall have a minimum of three parking spaces provided on the Site.

2. Each parking space shall be a minimum of 6.0 m (19.7 ft) in length and 3.0 m (9.8 ft) in width, but parking spaces do not have to be defined in any way, gravelled or paved.
3. Residential parking spaces may be placed in one common area or separately on a Parcel.
4. For non-residential Developments the minimum parking requirements shall be determined by the Development Authority based on the type of use and its anticipated traffic volume. To assist in this regard, the Development Authority may consult other municipal land uses bylaws.

SECTION 16 - Potable Water

1. Potable water may be provided to a Building through use of an on-site water well, a cistern or both.
2. In the case of a water well, it must be drilled by an Alberta-certified well driller and the well must be registered with Alberta Environment and Parks.
3. In the case of a cistern, if it is entirely above grade - such as may be the case for a tank used only in the summer - or extends above grade by more than 0.6 m (1.97 ft), it must meet the yard setback requirements for Buildings established in the applicable Land Use District. In all cases, a water cistern must be a minimum of 5.0 m (16.4 ft) back from a property line regardless of a District's setback requirements to minimize any adverse effect on adjacent properties in the event of leakage, and for installation and servicing purposes.

SECTION 17 - Projections Into Setback Areas

1. Unless otherwise allowed in this Bylaw, Buildings must not be located in any setback area.
2. Portions of a Building located above the surface of the ground may project into a setback area only in accordance with the rules contained in this Part or in accordance with a variation granted by the Development Authority in a Development Permit.
3. Eaves, cornices, Balconies, unenclosed Decks, stairways, bay windows, fireplaces, and window or door canopies may project into a front or rear yard setback by a maximum of 1.5 m (4.9 ft), and into a side yard setback by a maximum of 0.6 m (2.0 ft).
4. Portions of a Building below the surface of the ground may extend without any limits into a setback area provided the property owner can demonstrate to the Development Authority that there is sufficient setback for construction and maintenance purposes.

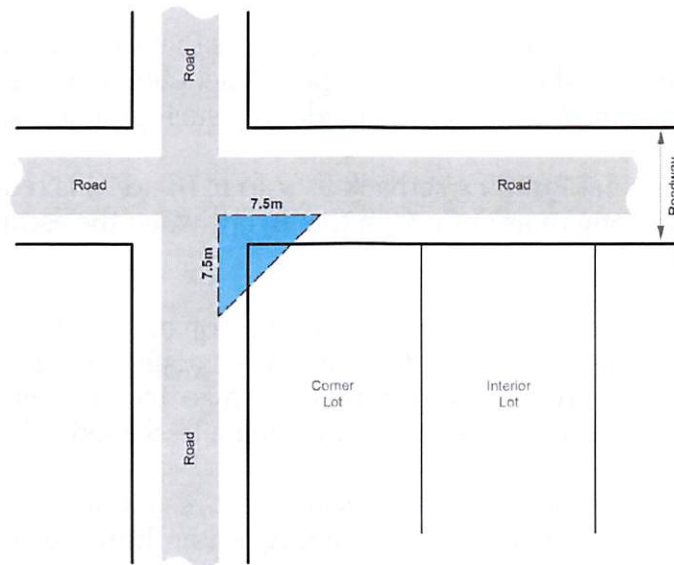
5. Patios and wheelchair ramps may project without any limits into a setback area.

SECTION 18 - Sanitary Sewage

1. The Summer Village and its residents are very reliant on the use of groundwater for potable water. Hence protection of groundwater quality is important to the community, and the Development Authority shall pay close attention to ensuring that all sewage treatment systems are properly designed and constructed even though the authorization of new private sewage treatment systems falls under the Alberta Safety Codes Act and its regulations. Similarly, it is expected that landowners and developers will also have high regard for the construction of proper sewage treatment systems.
2. The sewage system for all new residential Development in the Summer Village shall be compliant with the Alberta Private Sewage Standard of Practice 2021, or the most current Provincial regulation.
3. The applicant for a Development Permit for a dwelling or any other Building requiring a sewage treatment system shall provide evidence suitable to the Development Authority as part of the Development Permit application that the Site is capable of accommodating the selected private sewage system.
4. Where a Development Permit is being sought for redevelopment or expansion of an existing dwelling or any other Building with a sewage system, the Development Authority shall require proof that the existing private sewage system is in good condition and sized properly to accommodate the Development. This may require proof from an engineer or other qualified person. If this proof requirement cannot be met, the developer shall install a new sewage treatment system.
5. Where a holding tank is proposed, the Development Authority may require that proof, provided to the Municipality, of the holding tank being pumped out on a regular basis is a condition of a Development Permit.

SECTION 19 - Sight Line Triangles at Road Junctions

1. In order not to restrict visibility from vehicles and therefore create a safety hazard at the junction of Public Roadways, no building, fence, tree, bush, other landscaping or similar object that is greater than 1.0 m (3.3 ft) in height is allowed within the triangle formed by a straight line drawn between two points on the built road adjacent to the boundaries of a Corner Lot, those two points being 7.5 m (24.6 ft) from the corner of the intersecting roads. For clarity, this corner triangle is illustrated conceptually on the following page.



2. Additionally, at the Development Authority's sole discretion, a tree or similarly narrow vertical object may be allowed within the described sight line triangle provided a viable line of sight for vehicle drivers remains available between the height of 1.0 m (3.3 ft) and 3.0 m (9.8 ft); that is, there remains good visibility of the road junction at the approximate sight line of drivers in vehicles of various types despite the presence of the object.

SECTION 20 - Signs, Other

1. Except for the type of Signs specifically exempted from the need for Development Permits in Part Four, Section 25, all Signs that can be easily seen from adjoining properties, including Public Roadways, require a Development Permit prior to placement.
2. Any Sign requiring a Development Permit shall be of the smallest size necessary to fulfill its function and shall not be lit from the exterior or interior unless such lighting is needed to address safety concerns.
3. In considering approval of such Signs, the Development Authority shall use its best judgement as to whether or not the Sign provides a community benefit, and the likely affect of the Sign on property values and neighbourhood amenities.
4. Signs advertising goods or services to travellers on Highway 40 are prohibited.

SECTION 21 - Setbacks from Steep Slopes

1. Many Parcels in the Summer Village have Slopes that exceed 15% over extended distances or are located next to such Slopes. Schedule B may be used by applicants and the Development Authority to help identify such properties.
2. A minimum Principal Building setback of 20.0 m (65.6 ft) is required from the Top or Toe of an Escarpment as defined in this Bylaw when the escarpment has a slope greater than 15%.
3. A reduced Principal Building setback from the Top or Toe of an Escarpment may be considered when the Development Authority is satisfied by the submission of a geotechnical report, prepared and stamped by a geotechnical engineer registered in the Province of Alberta, that demonstrates that a lesser setback is warranted.
4. Where the above-mentioned geotechnical report recommends special provisions to Building design or construction, landscaping, water drainage or other things to ensure the safe location the Building next to the escarpment, the Development Authority may include those provisions as conditions of the Development Permit.
5. Where the Development Permit has been issued pursuant to Section 21.4 above, the Development Authority may require the applicant to enter into an agreement to ensure that the Development is completed in accordance with approved engineering and construction measures as may be referenced in the conditions of a Development Permit.
6. In addition to the slope stability issues raised above, the fact that wildfires typically travel uphill quickly is a safety concern in some parts of the Summer Village. Consequently, even if the slope stability setback has been relaxed pursuant to Section 21.3 above, all Principal and Accessory Buildings shall be set back a minimum of 10 m (32.8 ft) from the Top of an Escarpment as defined in this Bylaw when the escarpment has a slope greater than 15%. However, this top-of-slope fire safety setback may be reduced by the Development Authority if it is satisfied that the fire risk has been suitably reduced by stringent use of fire-resistant roofing (e.g., Class A), siding (e.g., stucco), and decking (e.g., non-combustible material) in Building construction.

SECTION 22 - Setback Requirements - Minor Deviations

1. An existing Building that does not meet the minimum yard setbacks for the Land Use District where it is located shall nonetheless be deemed compliant if it is within 0.3 m (1.0 ft) of the minimum front yard setback, 0.3 m (1.0 ft) of the minimum rear yard setback, or 0.2 m (0.7 ft) of the minimum side yard setback.

SECTION 23 - Telecommunication Towers, Antennas and Facilities

1. Industry Canada has the ultimate authority for the approval of telecommunications facilities. In order to ensure that these developments address Municipal planning issues, the following subsections describe what is required for the installation of Telecommunications Towers, Antennas and Facilities. Moreover, the Summer Village proposes that an applicant for a Telecommunication Tower, Antenna or Facility follows the normal Development Permit application process to obtain the community input and opinion required by Industry Canada. In this regard it is noted that this process allows for an appeal and thus consideration of the proposal by two different Municipal bodies.
2. The Summer Village recognizes that telecommunication technology is changing rapidly, including use of low earth orbit satellites, 5G cellular networks with the need for more cellular sites with higher gain antennas, future 6G cellular networks, and low power wide-area networks. Hence the regulations included in this Section should be interpreted in a broad fashion, with the intention being to enable new technologies while minimizing any adverse effects on the community.
3. Telecommunication Towers and their associated facilities, such as an accessory building housing control equipment, shall be designed to meet the minimum setback requirements of the Land Use District in which they are located.
4. Smaller telecommunication antennas - those with a 0.9 m (3.0 ft) or less diameter if circular, or of similar area if a polygon - may be placed on Buildings or other existing structures, such as electrical poles, when feasible. In such cases, the District setbacks applicable to those Buildings or structures apply.
5. All Telecommunications Towers, Antennas and Facilities shall be designed to blend in with the surrounding environment, except where prevented by aeronautical safety requirements. When appropriate, the use of antenna structures that are designed to look like trees (stealth towers) should be considered. Monopoles are also preferred over lattice-type towers.
6. All buildings, structures and visible equipment accessory to Telecommunications Towers, Antennas and Facilities shall be architecturally compatible with the surrounding environment. Use of appropriate vegetation and screening is encouraged.
7. For taller telecommunication towers (over 30 m high), the applicant shall demonstrate that consideration has been given to minimize the risks to birds, including but not limited to: keeping the tower height as low as possible to avoid lighting requirements; placing daytime visual markers on any required guy wires; and selecting lighting that has been shown to be less of an attractant to birds.

8. Telecommunications Towers, Antennas and Facilities are approved, the owners should give consideration to providing the opportunity for qualified professionals to undertake research on the site that may ultimately result in recommendations for reducing adverse effects of telecommunication towers and facilities on birds and other wildlife.
9. Telecommunications Towers, Antennas and Facilities shall be fenced as necessary to the satisfaction of the Development Authority to prevent access to the base of the tower or any other supporting structures.
10. The use of any portion of Telecommunications Towers, Antennas and Facilities for erecting signs, other than signs for warning or equipment information, is prohibited.
11. Telecommunications Towers, Antennas and Facilities become obsolete, or damaged and un-repaired, they shall be immediately removed, and the development site reclaimed.

SECTION 24 - Vehicle Approach (Access)

1. For the purposes of this Bylaw, the portion of a driveway that is in a public roadway (i.e., the road right-of-way) and connects a Parcel to the public road constructed within the roadway is termed a vehicle approach. The vehicle approach provides access to the Parcel from the road and is on land under the control and management of the Summer Village.
2. The Development Authority may require the installation or upgrade of the vehicle approach to a Parcel when a Development Permit is issued.
3. To determine whether or not an upgrade is needed, the Development Authority may require preparation of a document or drawing to show details of the existing or proposed vehicle approach as part of a Development Permit application.
4. The interest of the Summer Village in this case is to ensure that:
 - a) there are no more than one vehicle approach per Parcel, although a second approach may be allowed if deemed necessary by the Development Authority;
 - b) the road approach is at least 7.5 m (24.6 ft) away from a road intersection;
 - c) the approach has a minimum driving surface width of 3.5 m (11.5 ft) and a maximum driving surface width of 5.0 m (16.4 ft);
 - d) the maximum grade (slope) of the approach is approximately 4.0 %;
 - e) the approach is constructed so as to be more or less perpendicular to the built road;
 - f) the approach is constructed of material that is sufficiently compacted to carry a fire truck or other emergency vehicle, and finished with gravel or asphalt;

- g) the surface water drainage system used along the side of the road is reflected in the vehicle approach, particularly by installation of a culvert of suitable construction (depth, diameter, length, slope and depth of cover) if there is a ditch deeper than 0.5 m (1.6 ft) along the side of the road that the approach crosses;
- h) any culvert installed in a vehicle approach is no greater than 10.0 m (32.8 ft) in length to facilitate maintenance; and
- i) the Municipal roadway next to the vehicle approach is planted with grass so that it is returned to the same or a better condition than before construction within a year.

PART FOUR - DEVELOPMENT PERMITS, RULES AND PROCEDURES

SECTION 25 - Development Not Requiring a Development Permit

1. The following Development shall not require a Development Permit providing all other provisions of this Bylaw are met:
 - a) the carrying out installation, maintenance or repair to any Building, services and utilities (including water wells, power lines and private sewage systems), private walkways, pathways, driveways and decks less than 0.6 m (1.9 ft) above the finished ground elevation provided that such works do not include structural alterations to the Principal Building or major works of renovation that will result in a change in the lot grade;
 - b) a temporary Building, the sole purpose of which is incidental to the erection or alteration of a Building for which a Development Permit has been issued under this Bylaw, but the Development Authority shall require written confirmation of when the temporary facility is to be removed;
 - c) excavations, and importing, removal or stockpiling of soil associated with an approved Development Permit or otherwise exempted by this Section;
 - d) the construction of an Accessory Building having an area of less than 9.5 m² (102.3 sq ft)
 - e) the erection or construction of gates, fences, walls or other means of enclosure that are no higher than the maximum fence heights established in Section 11, and the maintenance, improvement and other alterations of any existing gates, fences, walls or other means of enclosure that comply with those maximum fence heights;
 - f) hot tubs situated in accordance with minimum yard setbacks;
 - g) landscaping, including construction of Patios and installation of other non-vegetative landscaping, where the existing grade and natural surface drainage pattern are not altered in a manner that would adversely affect adjoining properties;
 - h) the installation, maintenance and repair of parks, public works and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;

- i) the construction, widening, altering or maintaining of a road in a Public Roadway;
- j) the use of a Building or part thereof as a temporary polling station for a federal, provincial or municipal election, referendum or plebiscite;
- k) property identification Signs with names and/or numbers provided the Sign is no larger than 0.4 m² (4.3 sq ft) in area, the top of the Sign is no higher than 2.0 m (6.6 ft) above grade, and the Sign is placed on private property;
- l) real estate advertising Signs provided the Sign is no larger than 1.5 m² (16.0 sq ft) in area, the top of the Sign is no higher than 1.5 m (4.9 ft) above grade;
- m) political advertising Signs provided the Sign is no larger than 2.0 m² (21.5 sq ft) in area, the top of the Sign is no higher than 2.0 m (6.6 ft) above grade, and the Sign is in place only during the Election Period and is removed within 72 hours after the close of polls;
- n) street name Signs, trail name Signs and directional Signs placed on public property by Council or administration provided the Sign is no larger than 1.5 m² (16.0 sq ft) in area;
- o) temporary Signs placed on public property by Council or administration to advertise a community event or safety concern, with the Signs to be removed as soon as reasonably feasible after the event or safety concern is over;
- p) Home Occupations;
- q) Telecommunication Towers for Amateur/Hobby Use provided the tower or antenna is no higher than the maximum height of a Principal Building in the applicable Land Use District and meets the yard setback requirements for Principal Buildings;
- r) Satellite Dish Antennas with a diameter of 0.9 m (3.0 ft) or less, or of similar area (approximately 0.6 m² or 6.5 sq ft) if the antenna is not circular, provide the antennas are attached to a Building; and
- s) Solar Panels mounted on the roof or wall of a Building.

SECTION 26 - Development Permit Application

1. Any person making application for a Development Permit shall complete the application form approved by Council and available on the Summer Village's website or from the Municipality's administrative office.

2. The applicant shall pay the required Development Permit application fee as established by Council in any applicable Summer Village of Waiparous fee bylaw, and an application will not be processed until said fee has been paid in full.
3. The applicant shall also provide the financial security established in the applicable Summer Village of Waiparous fee bylaw to ensure completion of the Development, closure of all related paperwork, and recovery of any Municipal costs resulting from damage to Municipal infrastructure during construction.
4. An application for a Development Permit shall be made to the Development Officer using the prescribed application form, signed by the owner or agent and accompanied by:
 - a) a Site plan drawn to an appropriate scale, and where required due to the large size of the original material, one (1) copy of the Site plan reduced to a standard page size (letter, legal or 11"x 17"), showing:
 - i. north arrow and scale;
 - ii. legal description of the property and Municipal address if available;
 - iii. lot lines shown with dimensions;
 - iv. Site topography showing general grades and proposed storm water drainage;
 - v. other significant topographic features including escarpments with a Slope greater than 15% and any water courses;
 - vi. location of existing and proposed Buildings or structures, dimensioned to property lines;
 - vii. Site coverage calculations;
 - viii. location of existing and/or proposed on-site water well or cistern;
 - ix. location of existing and/or proposed private sewage system;
 - x. the distance between any water well and the private sewage system (note that this must conform to Provincial requirements);
 - xi. location of existing and proposed driveways, culverts and parking areas; and
 - xii. location of existing and proposed Retaining Walls or other physical features;

- b) elevation drawings of each side of the Building including Building Height measurements;
 - c) floor plans of each Building floor/level including the basement;
 - d) a description or visual representation of exterior finishing materials;
 - e) evidence from a qualified individual that the sewage treatment system will meet the requirements of the most current version of the Alberta Private Sewage Systems Standard of Practice given the Development proposal and Site characteristics;
 - f) a landscaping plan accompanied by a written description of how the proposed landscaping plan will achieve FireSmart vegetation management objectives;
 - g) a Certificate of Title for the property obtained within thirty (30) days prior to the date the Development Permit application;
 - h) if the applicant is an agent of the landowner, a letter from the landowner verifying the agent's authority to make the application; and
 - i) the Development Permit application fee and financial security as prescribed by Council.
5. In addition to the above Development Permit application requirements, the Development Authority may require any or all of the following:
- a) a plan of survey prepared by a registered Alberta Land Surveyor;
 - b) a real property report prepared by a registered Alberta Land Surveyor;
 - c) an aerial photograph of the site;
 - d) a construction management plan;
 - e) an exterior lighting plan;
 - f) a plan showing the location of garbage and storage areas, and the location and design of any associated fencing or screening;
 - g) a Slope stability report prepared by a geotechnical engineer registered in the Province of Alberta if any proposed Building is within 20.0 m (65.6 ft) of the Top of an Escarpment or Toe of an Escarpment as defined in this Bylaw;
 - h) a road design and construction plan where there is no existing Municipal road constructed in the Public Roadway adjacent to the front property line, prepare by a professional engineer registered in the Province of Alberta;

- i) a description with accompanying drawing of the existing vehicle approach to the Parcel, with an assessment of whether or not it is compliant with the existing road drainage (e.g., drainage ditch and culvert versus level grade), and a description of its width and construction material (e.g., dirt, gravel or paved), and whether or not it will be upgraded or otherwise altered (see also Section 24, Vehicle Approach);
- j) information regarding the characteristics and suitability of any existing vehicle approach to the Site, including consideration of the ability of the approach to accommodate storm water drainage in the Public Roadway, prepared by a professional engineer registered in the Province of Alberta;
- k) a storm water management plan prepared by a professional engineer registered in the Province of Alberta;
- l) a Site grading plan with contour lines drawn at no greater difference than 1.0 m (3.3 ft) showing finished elevations in relation to adjacent properties and roadways, and the proposed grade at the corners of any proposed Building; or
- m) other such information that may be required at the discretion of the Development Authority.

SECTION 27 - Special Application Requirements for Moved-in Buildings

1. Any person making application to move an existing Building onto a Lot as a Principal or Accessory Building shall:
 - a) make the usual application for a Development Permit;
 - b) state the present location and use of the Building;
 - c) provide photographs of the Building showing each elevation and the general condition of the Building; and
 - d) provide a report prepared by a qualified individual describing the status of the Building in terms of the current Alberta Building Code requirements and an outline of what upgrades need to be undertaken in order to meet the current Building Code requirements.
2. The Development Authority may, at its sole discretion, inspect the Building or cause the Building to be inspected by a person it appoints in order to determine the suitability of the Building for the proposed use.
3. The Development Authority may require that certain works of structural alterations, repair or maintenance of the Building, or preparation of the proposed Site, be carried out as a condition of the issue of the Development Permit.

4. The Development Authority may require that suitable financial security in favour of the Municipality be posted to guarantee that any necessary upgrading of the Building to meet the conditions of the Development Permit be completed in a timely fashion. The financial security shall be released upon satisfactory completion of the work but shall be forfeited or used by the Municipality to complete the work if said work is not completed in accordance with the requirements of the Development Permit. The details of this shall be established in a development agreement registered on the title of the property onto which the Building is moved.
5. Any travel or other costs incurred by the Development Authority in processing a Development Permit for a moved-in building, including preparation of a development agreement, shall be paid to the Municipality by the applicant prior to the security discussed above being released.

SECTION 28 - Special Application Requirements for Development in Proximity to a Steep Slope

1. Schedule B of this Bylaw may be used by the applicant or Development Authority to provide an indication of Slope locations and steepness. It is not a definitive reference.
2. Where an applicant wishes to locate a Building or other structure within 20.0 m (65.6 ft) from the Top or Toe of an Escarpment as defined in this Bylaw and the escarpment has a Slope greater than 15%, the applicant shall provide a geotechnical report, prepared and stamped by a geotechnical engineer registered in the Province of Alberta, that demonstrates that a lesser setback is warranted.
3. If the engineer believes that the relaxation of the required 20.0 m (65.6 ft) setback is only warranted if certain requirements are met, the geotechnical report must state those requirements.
4. Further to the above, if the setback relaxation requires special Building construction solutions and those construction details extend beyond the geotechnical engineer's expertise, the applicant should consult an Alberta-registered architect or structural engineer when preparing the Development Permit application.

SECTION 29 - Notification of Complete Application

1. Upon receipt of a Development Permit application, the Development Authority shall determine if the application is complete within 20 days.
2. An application is complete if, in the opinion of the Development Authority, the application contains the documents and other information necessary to review the application.

3. In making this completion assessment, in addition to the items listed on the Development Permit Application Form provided by the Municipality, the Development Authority shall take into account the need for the application to address any special concerns such as Site access where a Public Road is not already constructed, the Site's proximity to a Slope, the type of Building or use proposed, whether or not a proposed Building is already constructed and is to be moved onto the Site, and any other relevant planning matters.
4. If the Development Authority determines that the application is incomplete, the Development Authority shall issue to the applicant a written notice that the information is incomplete and that any outstanding documents and information shall be submitted by a date set out in the notice, or a later date agreed on between the applicant and the Development Authority in order for the application to be considered complete.
5. Additional extensions may be granted if, in the opinion of the Development Authority, there is adequate rationale to continue extending the application.
6. If the applicant fails to submit all the outstanding information and documents on or before the agreed upon date, the application is deemed to be refused.
7. Upon request, the Development Authority may issue a notice in writing to the applicant that their application is complete.
8. If the Development Authority does not make a determination of completeness within 20 days, the application is deemed to be complete.
9. Despite that an application is deemed to be complete, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.

SECTION 30 - Decision by the Development Authority

1. The Development Authority shall make a decision on an application for a Development Permit within 40 days after the determination of a complete application.
2. The Development Authority may extend the 40-day time period to render a decision by entering into an agreement in writing with the applicant.
3. The Development Authority shall circulate a Development Permit application to Alberta Transportation if the proposed Development is within the Highway 40 right-of-way or within 300 m (984.3 ft) beyond the limit of the Highway 40 right-of-way.
4. Pursuant to the Summer Village of Waiparous Municipal Development Plan, the Development Authority will not normally circulate a Development Permit application to the Municipal District of Bighorn but may choose to do so if it believes input from the Municipal District may be warranted.

5. The Development Authority may refer an application to any other authority, jurisdiction or party that the Development Authority deems appropriate or necessary except the Summer Village Council or members of the Municipality's Subdivision and Development Appeal Board. The Development Authority may consider any timely responses to such referrals, but any comments received are not binding upon the Development Authority.
6. If no decision is made after 40 days and no extension agreed upon, the application is deemed refused.
7. When an application for a Development Permit is approved, the Development Authority shall issue a Development Permit with or without conditions.
8. When an application for a Development Permit is refused, the Development Authority shall provide reasons for the refusal.
9. Where a Development Permit application does not demonstrate that the proposed Development conforms to all the applicable requirements of this Bylaw, the Development Authority may, as a condition of issuing the Development Permit, require that the applicant amend specific elements of the plans to conform with the applicable requirements.
10. Where the Development Authority grants approval and issues a Development Permit, that Permit shall not become valid until the expiry of the appeal period as discussed below.

SECTION 31 - Conditions Attached to a Notice of Decision

1. Subject to the standards of the applicable Land Use District, other regulations in this Bylaw, the provisions of any statutory plan, and the Act and its regulations, in an approval of a Development Permit for a Permitted or Discretionary Use or Building, the Development Authority may impose any conditions it deems necessary, including but not limited to the following:
 - a) that the developer make satisfactory arrangements for the supply of potable water, a private sewer system, natural gas, electric power, telephone service, internet service, vehicular access or any other utility or service or facility, including payment of installation or construction costs by the developer;
 - b) the time within which a Development or any part of it is to be completed;
 - c) time limits respecting the duration that a Development Permit may continue to be in effect;
 - d) the phasing of a Development;
 - e) Development and construction practices;

- f) FireSmart construction and landscaping;
 - g) the size, location and orientation of a Building or other structure;
 - h) Lot grading;
 - i) the consolidation of Parcels;
 - j) measures for the mitigation of dust, vibrations, odour and noise;
 - k) water conservation measures, including the installation of low-flow plumbing fixtures;
 - l) improvements to Municipal infrastructure such as roads, including construction or improvement of vehicle access to the Site;
 - m) that the developer comply with any reports or studies prepared by a qualified professional, including provision of proof that the developer has met the recommendations of such reports or studies;
 - n) that any Development approval does not exempt the applicant or developer from obtaining any necessary permits from other government departments or agencies; and
 - o) any other condition to ensure compliance with this Bylaw, any statutory plans, the MGA and its regulations affecting the land to be developed.
2. The Development Authority may, as a condition of issuing a Development Permit for a Permitted or Discretionary Use, require the applicant to enter into an agreement with the Summer Village to do any of the following:
- a) construct or pay for construction of a road required to give access to the Development;
 - b) install or pay for the installation of electrical power or natural gas systems that are necessary to serve the Development;
 - c) pay any off-site levy that has been adopted by the Summer Village in accordance with the MGA; and
 - d) the provisions of security to ensure that the terms of the development agreement are carried out, and said security may amount to 125% of the estimated value of performing or completing particular requirements of the Development Permit or agreement.

3. The Summer Village may register a caveat against the Certificate of Title with respect to a development agreement for a parcel that is the subject of a Development Permit, and this caveat shall be discharged when the agreement has been complied with at the request of the land owner or the land owners 'agent.

SECTION 32 - Notifications Regarding the Development Decision

1. The decision of the Development Authority may take the form of an approval or a refusal, and the means of notifying the applicant and other affected parties will differ as result. In both cases the decision may be referred to as the notice of decision, but in the case of a Development approval the notice also takes the form of a Development Permit.
2. A decision of the Development Authority on an application for a Development Permit must be in writing, specify the date on which the written decision was given, and contain any other information required by the Act's regulations. Further, it must be given or sent to the applicant on the same day the written decision is given, either by postal mail, by email or both.
3. When an application for a Development Permit has been approved for a Permitted Use, the Development Permit shall state the limitations on the right of appeal of a Permitted Use pursuant to the Act. Additionally, the Development Permit shall state the procedure for making any appeal and the date on which the appeal period expires. This is required despite the limited ability to appeal a Permitted Use because only the Subdivision and Development Appeal Board (not the Development Authority or another administrative body) can determine whether or not an appeal is valid.
4. When an application for a Development Permit has been approved for a Discretionary Use or a Permitted Use for which a variance has been granted, the Development Permit shall state the procedure for making any appeal and the date on which the appeal period expires.
5. When an application for a Development Permit has been refused, the Development Authority shall provide the notice of decision to the applicant and said notice shall provide the reasons for the refusal. The notice shall also state the procedure for any appeal and the date on which the appeal period expires.
6. In addition to the notice sent to the applicant, when an application for a Development Permit is approved, the Development Authority shall require the applicant to immediately take the necessary steps to ensure that a notice of the decision is conspicuously posted on the Development Site and such other location within the Summer Village that the Development Authority, at its discretion, deems advisable. All such notices shall be posted for at least twenty-one (21) days. They may also be posted on the Municipality's website.

SECTION 33 - Effective Date of a Development Permit

1. When a Development Permit has been issued by the Development Authority, it shall not become valid for a period of twenty-one (21) days after the notice of decision has been issued in accordance with the notification procedure. This is to allow for the possibility of an appeal.
2. When an appeal is made within the appeal period, a Development Permit which has been approved shall not be valid until and unless the Permit is upheld, either in whole or as varied, by the Subdivision and Development Appeal Board.
3. Except where a Development Permit has been approved for a limited period of time, the Permit remains in effect unless the Development Permit is suspended or cancelled, or Development has not commenced in accordance with Section 34.

SECTION 34 - Commencement and Completion of Development

1. Unless otherwise specified in the Development Permit or in the conditions of Development approval, if the Development authorized by a Development Permit is not commenced and pursued within one (1) year from the effective date of the Permit, and completed within two (2) years of the date of issue, such Development Permit approval ceases and the Development Permit itself is deemed void, expired and without effect unless an extension to this period has been granted by the Development Authority.
2. The period for the completion of construction may be extended at the discretion of the Development Authority. If required, the applicant must seek said extension by means of a written request to the Development Authority, the request to be received not less than thirty (30) days prior to the scheduled expiration date.
3. Once commenced, a Development is not to be discontinued or suspended for period(s) totaling more than six (6) months unless, upon written request by the applicant, the Development Authority has granted an extension in writing. If a notification of extension has not been obtained, the Development Permit shall be considered to have lapsed.
4. Once begun, the applicant shall not leave the Site or the Development in an unsightly or unsafe condition.
5. For the purposes of this Bylaw, commencement of construction includes excavation but does not include fencing the Site, posting signage, obtaining other permits or demolition of existing structures.
6. The approval or issuance of a Development Permit does not authorize commencement of construction except in conjunction with all other required permits and conditions of the Development Permit.

SECTION 35 - Non-Conforming Buildings and Uses

1. Except where otherwise specified within this Bylaw, the regulation of non-conforming uses and non-conforming Buildings shall be in accordance with the MGA.
2. As authorized by the MGA, a non-conforming Building may continue to be used and the Building may be enlarged, added to, rebuilt or structurally altered if, at the discretion of the Development Authority, the alterations do not substantially increase the extent of non-conformance and meet all other requirements of the Bylaw.

PART FIVE - DEVELOPMENT CONTROL AUTHORITIES

SECTION 36 - Establishment of the Development Authority

1. The Development Authority of the Summer Village of Waiparous is hereby established.
2. A person properly authorized to fulfill the duties of the Development Authority as set out in the Act and this Bylaw may also be called a development officer.
3. The Summer Village may contract an agency or person, or hire an employee that it believes is sufficiently trained and competent to serve as the Development Authority.
4. Any such contracted agency, person or Municipal employee must be appointed to the position of Development Authority by Council resolution.
5. In the absence of a contracted agency or person, or the hiring of a Municipal employee to serve as Development Authority, the Chief Administrative Officer shall be the Development Authority.
6. The Summer Village shall post the name, or names if more than one, and contact information of the Development Authority on its website.
7. A person functioning as the Development Authority shall not serve in a supporting position to the Subdivision and Development Appeal Board (such as filling the role of the Board's secretary).

SECTION 37 - Powers of the Development Authority

1. The Development Authority:
 - a) shall receive and process all Development Permit applications;
 - b) as necessary, refer all Development Permit applications for comment from other jurisdictions and agencies;
 - c) consider and decide upon all Development Permit applications in a manner consistent with this Bylaw;
 - d) issue and sign all decisions regarding Development Permit applications, including Development Permits;

- e) provide the necessary notifications to Development Permit applicants and to other affected parties as required in this Bylaw;
 - f) perform such duties as established in this Bylaw or separately by Council to enforce compliance with this Bylaw and the Act;
 - g) collect fees in accordance with this Bylaw and any applicable Summer Village of Waiparous fee bylaw; and
 - h) ensure that a copy of this Bylaw, and all amendments to this Bylaw, are available to the public through the Municipal website or, for a fee as may be established by Council, by mail if requested in writing by an interested party.
2. The Development Authority shall approve all Development Permit applications for a Permitted Use which conforms in all respects to the provisions of this Bylaw. The Development Authority may impose conditions to ensure compliance with this Bylaw.
3. In making a decision on an application for a Discretionary Use, or for a Permitted Use where a variance has been requested, the Development Authority may:
- a) approve the application; or
 - b) approve the application subject to conditions considered appropriate or necessary; or
 - c) refuse the application, stating reasons for the refusal.
4. When making a decision on a Development Permit for a Discretionary Use, or for a Permitted Use where a variance has been requested, the Development Authority shall consider:
- a) any plans or policies affecting the Parcel, particularly the Municipal Development Plan;
 - b) the location of the Site and the appropriateness of the proposed development;
 - c) the merits of the proposed Development and its compatibility with the purpose statement of the applicable Land Use District;
 - d) the potential impact of the Development with respect to adjacent parcels;
 - e) servicing and access requirements; and
 - f) general planning principles.

5. The Development Authority shall not approve a Development Permit for a use that is not listed as a Permitted or Discretionary use in the relevant Land Use District.
6. The Development Authority may decide on an application for a Development Permit even though the proposed Development does not comply with Land Use Bylaw or if it is a non-conforming Building if, in the opinion of the Development Authority:
 - a) the proposed Development conforms with the uses prescribed for that land or Building in the applicable Land Use District; and
 - b) the proposed Development would not unduly interfere with amenities of the neighbourhood, or materially interfere with or negatively affect the use, enjoyment or value of neighbouring parcels of land.
7. If the Development Authority becomes aware that a Development Permit has been issued in error or contains errors within three (3) months of the Permit being issued, the Development Authority shall consult with the applicant to try to resolve the issue but may ultimately amend or revoke that Development Permit. When amending the Development Permit, the Development Authority shall issue a revised Development Permit. When revoking the Development Permit, the Development Authority shall issue a notice of refusal and provide reasons. The applicant shall have the right to appeal the revised Development Permit or notice of refusal to the Subdivision and Development Appeal Board.

SECTION 38 - Variance Powers of the Development Authority

1. The Development Authority shall not approve a Development Permit for a use that is not listed as a Permitted or Discretionary Use in the Land Use District applicable to a Site.
2. Notwithstanding the above restriction, the Development Authority may approve a use that is not listed in a Land Use District if it believes the use is similar to and compatible with the other uses listed in the Land Use District applicable to the Site.
3. Where the Development Authority deems that a variance, or variances, will provide a community benefit and that the proposed Development would not unduly interfere with the amenities of the area or materially interfere with or adversely affect the use, enjoyment, safety, aesthetics, or value of neighbouring properties, the Development Authority may grant a variance, or variances, of up to ten percent (10%) to the following regulations:
 - a) the maximum Building height;
 - b) the minimum front yard setback;
 - c) the minimum rear yard setback;

- d) the minimum side yard setback; or
- e) maximum Site coverage.

PART SIX - CONTRAVENTIONS, PENALTIES AND REMEDIES

SECTION 39 - Enforcement

1. Where a Development Authority finds that a Development or use of land or Building is not in accordance with the MGA or the MGA's regulations, or a Development Permit or this Bylaw, the Development Authority may issue an order in writing to:
 - a) the registered landowner; or
 - b) the person in possession of the land or Buildings; or
 - c) the person responsible for the contravention; or
 - d) all or any of them to:
 - i. stop the Development or use of the land or Building in whole or in part as directed by the notice; or
 - ii. demolish, remove or replace the Development; or
 - iii. take such other measures as are specified in the order so that the Development or use of the land or Buildings is in accordance with the MGA, the MGA's regulations, a Development Permit or this Bylaw, as the case may be, within the time specified by the order.
2. A person who receives such an order may appeal to the Subdivision and Development Appeal Board.
3. Where a person fails or refuses to comply with an order directed to them, the Municipality may, in accordance with the MGA, enter upon the land or Building and take such action as is necessary to carry out the order.
4. Where the Municipality carries out an order, the Municipality may cause the costs and expenses incurred in carrying out the order to be placed on the tax roll, and that amount shall be collected in the same manner as taxes on land.
5. Where reasonable evidence has been presented to the Development Authority that a Development Permit has been obtained through misrepresentation, or the Development Authority becomes aware of such misrepresentation on its own, the Development Authority may suspend or cancel the Development Permit and shall give written notification of such suspension or cancellation to the applicant.

SECTION 40 - Right of Entry

1. Pursuant to the Act, an authorized person may only enter land or a Building for the purpose of ensuring compliance with the MGA and the regulations thereunder, or this Bylaw, if:
 - a) the owner or person in possession of it gives his consent to the entry; or
 - b) the entry is authorized by an order of the Court of King's Bench; and
 - c) only for the purpose of ensuring compliance with the Act and the regulations thereunder, or this Bylaw.
2. The Development Authority, or such other person appointed by resolution of Council, is hereby designated as an "authorized person" for this purpose.

SECTION 41 - Offences and Penalties

1. The authority regarding offences and penalties of this Bylaw are governed by the MGA and the Provincial Offences and Procedure Act.
2. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw, allowing for payment of the penalty in lieu of prosecution for the offence.
3. A Violation Tag may be issued to such person personally or by mailing a copy to such person at their last known address.
4. Where contravention of this Bylaw is of a continuing nature, further Violation Tags or a Violation Ticket may be issued by a Peace Officer, provided that no more than one Violation Tag or Ticket is issued for each calendar day that the contravention continues.
5. Where a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Act's regulations, the Land Use Bylaw, an order issued under the MGA or this Bylaw, a Development Permit, or a condition attached to a Development Approval, as the case may be.
6. A Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7. Where a person is found guilty of an offence under the MGA or this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with the MGA or this Bylaw, a Development Permit or a condition attached to a Development Permit.
8. A person who:
 - a) contravenes or fails to comply with any provision of the MGA or its regulations; or
 - b) contravenes or fails to comply with an order under this Bylaw; or
 - c) contravenes or fails to comply with a Development Permit or a condition attached thereto; or
 - d) obstructs or hinders any person in the exercise or performance of his powers or duties under the MGA, the MGA's regulations or this Bylaw,is guilty of an offence and is liable on summary conviction to a fine.
9. Where a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with the MGA, the MGA's regulations, this Bylaw, an order issued under the MGA or this Bylaw, a Development Permit, or a condition attached to a Development approval, as the case may be.
10. The penalty that may be imposed by the Court is prescribed in the MGA.

PART SEVEN - SUBDIVISION OF LAND

SECTION 42 - Establishment of Subdivision Authority

1. The Council of the Summer Village of Waiparous is hereby established as the Subdivision Authority for the Summer Village.
2. The responsibilities of the Subdivision Authority are established in the MGA.

SECTION 43 - Establishment of Subdivision Officer

1. The position of Subdivision Officer for the Summer Village of Waiparous is hereby established.
2. The purpose of the Subdivision Officer is to provide administrative support to the Subdivision Authority.
3. The Summer Village may contract an agency or person, or hire an employee that it believes is sufficiently trained and competent to serve as the Subdivision Officer.
4. Any such contracted agency, person or employee shall be appointed to the position of Subdivision Officer by Council resolution.
5. In the absence of a contracted agency or person, or the hiring of a Municipal employee to serve as Subdivision Officer, the Chief Administrative Officer shall be the Subdivision Officer.

SECTION 44 - Role of Subdivision Officer

1. In undertaking the responsibilities described below, the Subdivision Officer shall work closely with, and under the direction of, the Subdivision Authority because the MGA gives the responsibilities described below to the Subdivision Authority. The Subdivision Officer shall operate as a delegate of the Subdivision Authority in the performance of these responsibilities and in determining the completeness of the application (see Section 45).
2. The Subdivision Officer is responsible for:
 - a) informing the Subdivision Authority of the receipt of a subdivision application;
 - b) receiving, reviewing, administering and processing any subdivision applications submitted to the Municipality in accordance with the requirements of the MGA, the Subdivision and Development Regulations, and this Bylaw;

- c) assisting the Subdivision Authority in determining the completeness of the subdivision application in accordance with the MGA, as further addressed in Section 45 below;
 - d) issuing all notifications in respect to a subdivision application in accordance with the MGA;
 - e) referring the subdivision application to the required parties, and presenting the responses to the Subdivision Authority; and
 - f) making a recommendation to the Subdivision Authority for a decision.
3. Following the decision by the Subdivision Authority, the Subdivision Officer shall send out the necessary notifications of the decision in accordance with the MGA.

SECTION 45 - Notice of Complete Application

1. Upon receipt of a subdivision application, the Subdivision Authority shall determine if the application is complete within 20 days.
2. The time period referred to in subsection 45.1 may be extended by an agreement in writing between the applicant and the Subdivision Officer.
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 incomplete, the Subdivision Officer shall issue to the applicant a written notice that the information is incomplete and that any outstanding documents and information shall be submitted by a date set out in the notice, or a later date agreed on between the applicant and the Subdivision Officer in order for the application to be considered complete.
5. If the Subdivision Authority determines that the application is complete, the Subdivision Officer shall issue a notice in writing to the applicant that their application is complete.
6. If the applicant fails to submit all the outstanding information and documents on or before the agreed upon date, the application is deemed to be refused and the Subdivision Officer shall issue a notice in writing to the applicant that their application is refused.
7. If the Subdivision Authority does not make a determination of completeness within 20 days, the application is deemed to be complete.

8. Despite an application being deemed complete by the Subdivision Authority, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

SECTION 46 - Subdivision Authority's Responsibilities

1. The Subdivision Authority is obligated to carry out its duties as described in the MGA and addressed generally in this Part of the Land Use Bylaw.
2. In undertaking its obligations, the Subdivision Authority shall work closely with the appointed Subdivision Officer.
3. Once it is satisfied that it has received a completed subdivision application, and that the application has been properly circulated and comments received, the Subdivision Authority shall hold a public meeting to consider the application. This meeting must be held in a timely fashion so that the Authority has sufficient time to make a decision within 60 days of receipt of the completed application.
4. In making its decision, the Subdivision Authority shall consider the information it receives in writing ahead of the aforementioned public meeting, and in writing or orally at that meeting.
5. If the Authority determines that it requires more information before making a decision, it may request that information. If necessary, the Authority may request a time extension agreement from the subdivision applicant to extend the 60-day decision window.
6. The Authority may make its subdivision decision either at a public meeting or at a subsequent closed session (in-camera) meeting.
7. The subdivision decision shall result in either approval or refusal of the subdivision decision.
8. In the event of subdivision approval, the Subdivision Authority may attach conditions in accordance with the Act.
9. In the event of subdivision refusal, the Subdivision Authority shall provide reasons for the refusal.

SECTION 47 - Subdivision Decision

1. The Subdivision Authority may approve, approve with conditions, or refuse an application for subdivision.
2. The Subdivision Authority shall render a decision on a subdivision application within sixty (60) days of receiving a completed application, except where the Act and the Subdivision and Development Regulations stipulate a shorter time period or an extension to the deadline for the decision has been granted by the applicant in accordance with the Act.
3. When a decision has been made on an application for subdivision, the notice of decision shall be sent by ordinary mail to the applicant and those persons and authorities that are required to be circulated a copy of the application under the Subdivision and Development Regulation.
4. When an application for subdivision has been refused, the submission of another application for a subdivision on the same property for the same or similar subdivision by the same or any other applicant may not be accepted by the Subdivision Officer for at least six (6) months after the date of refusal.
5. A decision on an application for subdivision is not an approval to develop, construct or build on the land. Site grading, earthwork, or any other construction shall not commence nor proceed until the conditions of subdivision approval have been met, a development agreement has been signed, or a Development Permit has been issued.

PART EIGHT - DEVELOPMENT AND SUBDIVISION APPEALS

SECTION 48 - Establishment of Subdivision and Development Appeal Board

1. The Subdivision and Development Appeal Board is established by Council through adoption of a separate bylaw, the Subdivision and Development Appeal Board Bylaw, not through this Land Use Bylaw.

SECTION 49 - Development Appeal Process

1. Anyone affected by a Development Permit decision or a Stop Order issued by the Development Authority may appeal the decision or order to the Subdivision and Development Appeal Board by providing written notice to the Clerk of the Subdivision and Development Appeal Board within the time period prescribed in the MGA and noted in the decision or order.
2. Only the Subdivision and Development Appeal Board can determine whether or not an appeal is valid.
3. The procedure for making a Development appeal, and the process to be followed by the Board in giving notice of the appeal, hearing the appeal and making a decision are established in the MGA.

SECTION 50 - Subdivision Appeal Process

1. Only the subdivision applicant and those parties specified in the MGA may appeal a decision of the Subdivision Authority regarding a subdivision application.
2. A subdivision appeal may be heard by either the Summer Village of Waiparous Subdivision and Development Appeal Board or the Alberta Land and Property Rights Tribunal (formerly the Municipal Government Board). The relevant appeal body is determined based on direction provided in the MGA.
3. The Subdivision Authority shall state in its subdivision decision the process for making an appeal, the appeal authority, and the time frame for making the appeal.
4. The procedure for making a subdivision appeal, and the process to be followed by the Board or Tribunal in giving notice of the appeal, hearing the appeal and making a decision are established in the MGA.

PART NINE - INTERPRETATION AND DEFINITIONS

SECTION 51 - INTERPETATION

1. Words and terms used in this Bylaw shall have the same meaning as given to them in the MGA unless otherwise defined in this Bylaw. Where no definition is provided in the MGA or this Bylaw, the Alberta Interpretation Act shall be used, and if no definition is provided there the Canadian Oxford Dictionary shall be used.
2. Words defined in Section 53 of this Bylaw have been capitalized for ease of recognition.
3. Headings are for ease of reference only and do not affect the meaning of the provisions to which they relate.
4. All required Bylaw measurements – setbacks, standards, dimensions, etc. - are in metric. Imperial measurements, where provided in brackets after the metric value, are provided for reference only. If there is a dispute between a number or value in metric or imperial measurement, the metric measurement or value shall be used.
5. For the purpose of confirming compliance with this Bylaw, measurements shall be in metric and rounded off to one decimal point. Metric measurements take precedence over imperial measurements.
6. Where in conflict, numerical metrics and text shall take precedence over graphic metrics and images. Graphics and images are used to help illustrate the standards and requirements of the Bylaw.
7. In general, the following rules apply:
 - a) words in singular include the plural and words in the plural include the singular, as the context requires;
 - b) words used in the present tense include other tenses and derivative forms;
 - c) words used in the masculine gender shall include the feminine gender and neutral/non-binary gender, and vice versa;
 - d) words in either gender include corporations;
 - e) “shall”, “must”, and “required” are to be construed as a compulsory obligation;
 - f) “may” is to be interpreted as meaning that a choice is available, with no particular direction or guidance intended;

- g) "should" is an operative word which means that, in order to achieve Municipal goals and objectives, it is strongly advised that the action be taken;
- h) a "person" includes an individual, partnership, association, corporation, firm, trustee, executor, administrator and legal representative of a person.

SECTION 52 - INTERPRETING THE LAND USE DISTRICT MAP

1. In the event of uncertainty or dispute with respect to the location of the boundary of a Land Use District, the location will be determined by application of the following rules:
 - a) where the boundary of a District is shown as approximately following the boundary of a Site, a roadway, a utility right-of-way, an easement or the Municipality, the District boundary is deemed to follow the surveyed boundary of the Site, the roadway, the utility right-of-way, the easement or the Municipality;
 - b) where the boundary of a District is shown as being parallel to or an extension of any of the features described in subsection a) above, the boundary is deemed to be where a plan of survey shows, or would show, such parallel or extended line to be; and
 - c) if the exact location of a District boundary cannot be determined by the application of subsections a) or b) of this section, the Development Authority shall determine the location of the boundary on the basis of measurements scaled from the Land Use District map.
2. Despite the Land Use Districts shown on the Schedule A - Land Use Districts map of this Bylaw, water bodies under the jurisdiction of the Crown in right of the Province of Alberta or Canada are not regulated by this Bylaw.
3. Despite the Land Use Districts shown on the Schedule A - Land Use Districts map, for the purpose of this Bylaw, Public Roadways must only be used for developments and activities associated with:
 - a) the passage of motorized and non-motorized vehicles;
 - b) the passage of pedestrians;
 - c) the placement of public and private utilities and the provision of community services, including signs, authorized by the Summer Village; and
 - d) landscaping, including storm water runoff and vegetation management.

SECTION 53 - DEFINITIONS

Accessory Building means a Building separate and subordinate to the Principal Building, the use of which is incidental to the Principal Building, and which is located on the same Parcel of land, but shall not include Ancillary Living Accommodations or swimming pools.

Accessory Use means a use that is subordinate, incidental and directly related to the Principal Use on the Site or its Principal Building, and that does not substantially add to the patronage, volume of traffic, or intensity of use of the Site or Principal Building. An Accessory Use must be located on the same site as the Principal Use, and it may not precede the Development of the Principal Use.

Ancillary Living Accommodation means a Building that is not a Dwelling Unit and that is used exclusively for sleeping accommodation additional to a Dwelling Unit already constructed on the property.

Balcony means a platform greater than 0.6 m (2.0 ft) above grade, attached to and projecting from a Building, and which may or may not have a supporting structure at grade. A Balcony is only accessible from within the Building and is enclosed by a railing. The Balcony may be covered by a roof or cantilever when all are compliant with the minimum yard setback regulations of the Bylaw.

Building means any structure constructed or placed on, in, over or under land for the purpose or intended purpose of sheltering persons, animals or property, but does not include a Public Roadway, or a bridge or similar structure forming part of a Public Roadway, or a telecommunications tower.

Building Height - see Height, Building definition.

Building Permit means a permit or document issued in writing by a designated Safety Codes Officer within the building discipline authorizing the commencement of a use, occupancy, relocation, construction or demolition of any Building.

Building Setback means the distance from a property line to the point on a Lot where a Building is located, measured at a right angle from the property line to which relates.

Council means the elected Council of the Summer Village of Waiparous.

Deck means a constructed and elevated platform, the height of which exceeds 0.6 m (2.0 ft) above grade and is accessible from an entryway of a Building as well as being accessible by exterior stairs. A Deck may be covered by a roof, cantilever or canopy provided all are compliant with the minimum setback regulations of this Bylaw.

Development means (s. 616 (b) of the current Act is cited below, and this definition shall be superseded by any update of the definition contained in the MGA):

- (i) an excavation or stockpile and the creation of either of them,*
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,*
- (iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or*
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.*

Development Permit means a document or permit, which may include attachments, issued pursuant to this Bylaw or any previous Land Use Bylaw and authorizing a Development.

Dog Kennel means the harbouring and caring of more than three dogs on a Parcel for a period in excess of five days in duration. This definition does not include puppies under the age of nine weeks that are the offspring of a bitch that normally resides on the Parcel and is owned by the landowner or occupant of the Parcel.

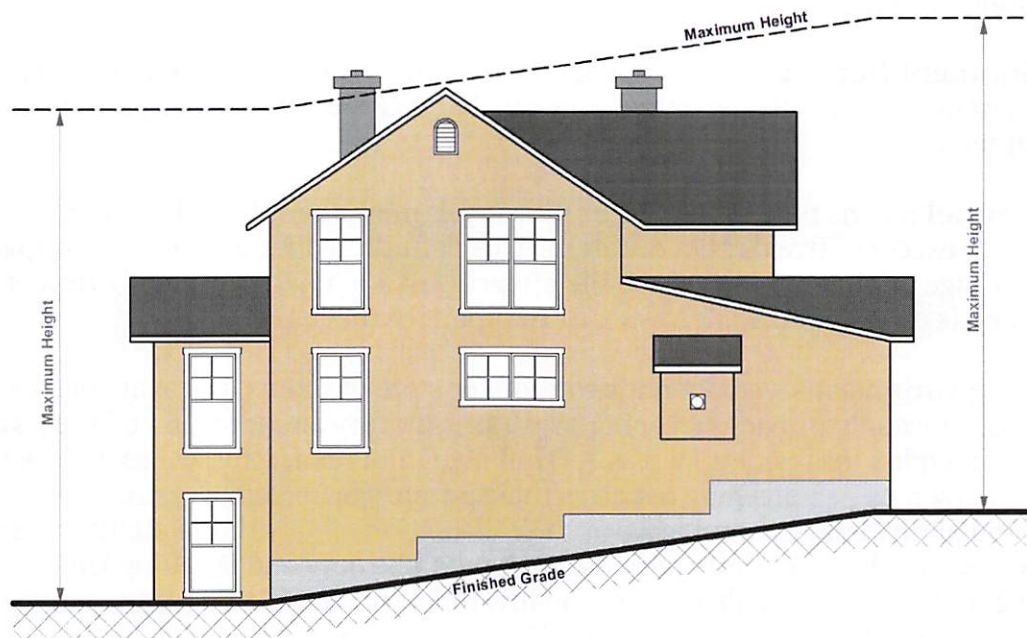
Dwelling Unit means a self-contained room or suite of rooms, not available for public use, which normally provides sleeping, washing, sanitary and kitchen facilities, and which is intended for residential use. A Dwelling Unit is characterized as a place in which a person or persons may reside as their primary or secondary residence, with the intent and ability to arrive and leave at their discretion, and with the ability to remain for undetermined or indefinite periods. There shall be only one Dwelling Unit in any Building in the Summer Village. Additionally, for clarity, a Dwelling Unit shall not include, mean or be used for Short Term Vacation Rental.

Election Period means for federal and provincial elections, the period starting from the issuance of the writ and ending after the close of polls; and for municipal and school board elections, means the period starting from the close of nominations and ending after the close of polls.

FireSmart means guidelines and recommendations made by Alberta FireSmart or FireSmart Canada that are intended to increase community resilience to wildfire and minimize its negative impacts.

Green Energy Infrastructure means the systems required on a property to generate energy from natural resources such as sunlight or water, including the earth's temperature gradient. For clarity, this definition does not include infrastructure associated with the use of renewable fuels, such as the burning of wood or wood products, agricultural products or waste.

Height, Building - means the vertical distance as measured from the elevation of the finished ground level or grade at the base of each exterior wall to the highest point of the Building on that particular side. The calculation of Building height excludes: an elevator housing; heating or ventilation equipment; flush-mounted solar collectors; a skylight; a chimney; a firewall or parapet wall; a steeple that is less than 5.0 m (16.4 ft) above the Building roof; or a guardrail or similar feature or device not structurally essential to the Building that is less than 1.0 m (3.3 ft) above the Building roof. The illustration below shows how a Building might fit within the maximum height limit given a varying grade.

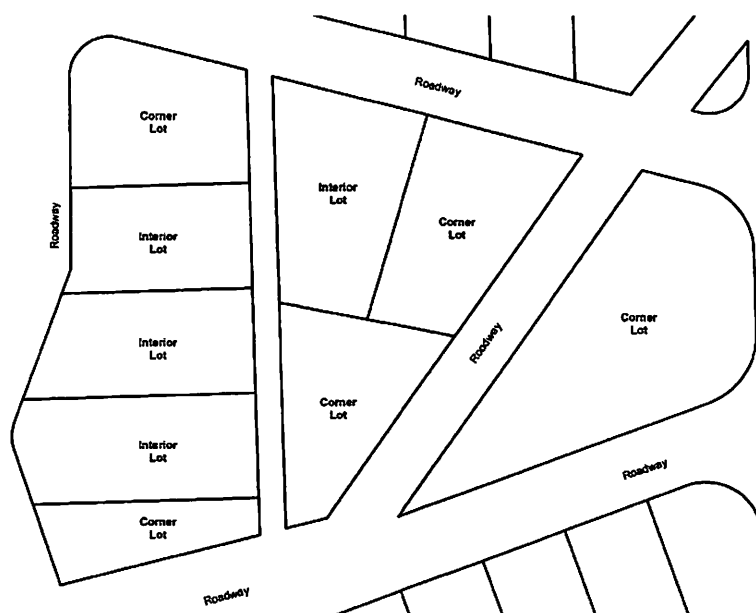


Home Occupations means an occupation or profession in which remuneration is normally received for any goods or service provided and is operated within a Dwelling Unit by residents of that property. A Home Occupation is restricted to business activities and storage within the Dwelling, generates minimal traffic above that of a typical residential use, and does not interfere with the rights of the other Summer Village residents to quiet enjoyment of the residential neighbourhood.

Lot means a single area of land described on a Certificate of Title issued by the Alberta Land Titles Office that has been subdivided so that it has a lot, block and plan number. For clarity, a Lot does not include an area of land comprised of several subdivided lots that have been combined on one property title for convenience purposes.

Lot, Corner means a lot situated at the junction of two or more Public Roadways, not including a lane. For these sites, the front yard is deemed to be the one from which the main vehicle approach is obtained and the driveway located. See illustration on the following page.

Lot, Interior means a Lot which is bounded by one Public roadway. The presence of an adjoining laneway does not matter. See illustration below.



Manufactured Dwelling means a Dwelling Unit built in an enclosed off-site factory environment in one or more sections or modules that is intended to be delivered and assembled at a residential site on a permanent foundation but excludes Mobile Homes.

MGA means the Alberta Municipal Government Act and amendments thereto, and includes any applicable regulations passed in accordance with the Municipal Government Act.

Mobile Home means a Dwelling Unit that is transportable in one or more sections that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. A Mobile Home is typically long and narrow, with a single-wide Mobile Home dimension usually being 12.0 to 24.0 m (about 40 to 80 ft) long and 3.5 to 5.5 m wide (about 12 to 18 ft) wide.

Municipality (or the Municipality) means the Summer Village of Waiparous and the land within it as incorporated by and under the authority of the Government of Alberta, or its elected Council, administration and appointees as applicable.

Parcel means a **Lot** or any other single area of land described on a Certificate of Title issued by the Alberta Land Titles Office.

Patio means an uncovered horizontal structure with a surface height, at any place, no greater than 0.6 m (1.97 ft) above grade, intended for use as an outdoor amenity space. A Patio may or may not be attached to a Building.

Principal Building or Use means a Building or use which, in the opinion of the Development Officer, occupies the major or central portion of the Site, or is the chief or main Building or use among the Buildings or uses on the Site, or constitutes by reason of its use the primary purpose for which the Site is used.

Public Roadway means a road right-of-way identified in a subdivision plan or a road plan, or a Municipally named road or lane located on public land, and includes any bridge or similar structure.

Recreational Camper means a motorized recreational vehicle (RV), or a recreational camper or trailer designed to be pulled behind or placed on a motorized vehicle, that is intended primarily for use as a temporary living quarters, and includes tent trailers and vehicle tents.

Retaining Wall means a structure constructed to withstand lateral pressure in order to hold back earth, loose rock or similar materials.

Satellite Dish Antennas means a dish-shaped parabolic antenna designed to receive or transmit information by radio waves to or from a telecommunications satellite, and for this definition shall have a maximum diameter, if circular, of approximately 0.9 m (approximately 3.0 ft). Other shapes (e.g., square or rectangular) are acceptable provided they are of similar size. Satellite dish antennas of significantly greater diameter or size are prohibited.

Short Term Vacation Rental means a Dwelling Unit operated as a temporary place to stay, the characteristics of which may include any of the following:

- the intent of the occupant to stay for short-term (less than 30 days) vacation purposes rather than use the property as a residence;
- the commercial nature of the Short Term Vacation Rental;
- the management or advertising of the Dwelling Unit as a vacation rental property in any media, and particularly on internet sites such as Airbnb or VRBO; or
- the use of a system of reservations, deposits, confirmations, credit cards or other forms of electronic payment.

Sign means a visual medium used to convey information by way of words, pictures, images, graphics, emblems or symbols, or any device used for the purpose of providing direction, identification, advertisement, business promotion, or the promotion of a person, product, activity, service, event or idea.

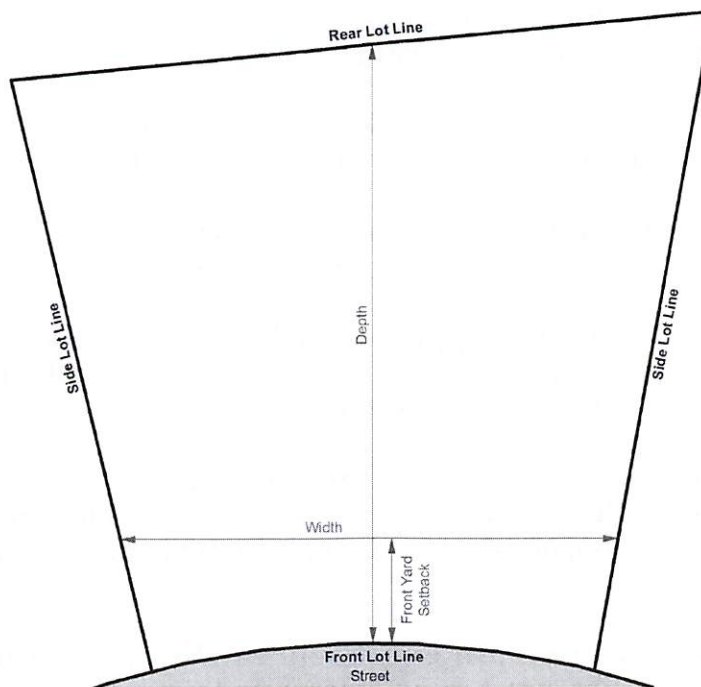
Sign, Other means a Sign not exempted in Part 4 of this Land Use Bylaw from the need for a Development Permit.

Single Detached Dwelling means a detached Building containing one Dwelling Unit. It includes Manufactured Dwellings but excludes Mobile Homes or other portable dwellings and living quarters, such as Recreational Campers.

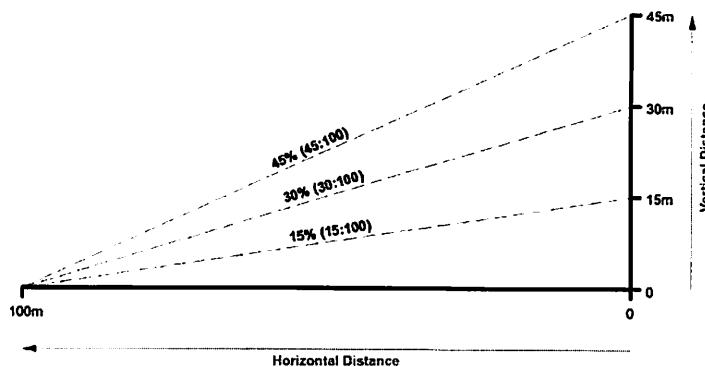
Site means the same thing as a **Lot** but is more typically used in the context of a Development or Building proposal (that is, referring to the Development site or the Building site).

Site Depth means the distance between the front and rear Lot lines measured along the line perpendicular to a line connecting the mid-points of the front and rear Lot lines. See illustration below.

Site Width means the distance between the side Lot lines, calculated at the front yard setback distance and measured along the line perpendicular to a line connecting the mid-points of the front and rear lot lines. See illustration below.



Slope means the relationship of the vertical distance of a line drawn between two points on an escarpment to the line's horizontal distance, calculated mathematically as rise (vertical distance) over run (horizontal distance). See illustration below.



Solar Panels means panels designed to absorb the sun's rays as a source of energy for generating electricity (solar voltaic) or heating (solar thermal).

Statutory Plan means an intermunicipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan, all as described in the Act.

Subdivision Authority means a person or body appointed as a Subdivision Authority in accordance with the Alberta Municipal Government Act.

Subdivision and Development Appeal Board means a body pointed as an appeal authority for matters involving subdivision or Development application or decisions in accordance with the Alberta Municipal Government Act.

Summer Village of Waiparous (or the Summer Village) means the Summer Village of Waiparous and the land within it as incorporated by and under the authority of the Government of Alberta, or its elected Council, administration and appointees as applicable.

Telecommunications Towers, Antennas and Facilities means any structure, building, antenna, supporting structure, or other thing that is used or is capable of being used for transmission and reception of information by radio waves or microwaves. They are typically installed as part of the cellular communication and broadcasting industries. For the purposes of this definition, private and amateur satellite dishes and antennas, including television or radio reception equipment for residential or small commercial uses are excluded.

Telecommunication Towers for Amateur/Hobby Use means towers and associated antennas erected on a Parcel for use by the property owner or occupant for amateur or hobby purposes, such a Ham Radio.

Tent means a portable shelter made of fabric or other material stretched over a supporting framework of poles that is usually stabilized or secured to the ground with cords and stakes, and for clarity includes teepees, yurts and glamping tents.

Toe of an Escarpment means the natural transition line or lower natural topographic break at the bottom of a Slope greater than 15% for a distance of at least 5.0 m (16.4 ft), and a relatively level area that has a Slope of less than 15% for a distance of 10.0 m (32.8 ft) or greater.

Top of an Escarpment means the natural transition line or upper natural topographic break at the top of a Slope greater than 15% for a distance of at least 5.0 m (16.4 ft), and a relatively level area that has a Slope of less than 15% for a distance of 10.0 m (32.8 ft) or greater.

Violation Tag means the notice that may be issued by the Municipality pursuant to the MGA and the Provincial Offences and Procedure Act that allows a party to plead guilty to an offence and make a voluntary payment (typically in a reduced amount) before receiving a Violation Ticket. A Violation Tag is sometimes referred to as a violation ticket offence notice.

Violation Ticket means a ticket issued under the Provincial Offences and Procedure Act and amendments thereto, including any applicable regulations passed in accordance with said Act. A Violation Ticket is sometimes referred to as a summons.

