

SUMMER VILLAGE OF NAKAMUN PARK

LAND USE BYLAW ***NO. 2025-5***

DRAFT

***Consolidated by The Summer Village of Nakamun Park
Planning and Development Services
Passed XXXXXX, XX, XXXX***

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PART I - TITLE AND DEFINITIONS

SECTION 1 TITLE

This Bylaw may be referred to as the Summer Village of Nakamun Park Land Use Bylaw No. 2022-4, or simply the Land Use Bylaw where context allows.

SECTION 2 PURPOSE

The purpose of this bylaw is to regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and:

- (a) To divide the municipality into land use districts;
- (b) to prescribe and regulate for each district the purposes for which land and buildings may be used unless the district is designated as a direct control district pursuant to section 641 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- (c) to establish the office of Development Authority
- (d) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (e) to provide the manner in which notice of the issuance of a development permit is to be given;
- (f) to establish the number of dwelling units permitted on a parcel of land;
- (g) to protect the shoreline and water quality of Nakamun Lake; and
- (h) to follow adopted statutory plans, the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended; the *Subdivision and Development Regulation*, AR43/2002, as amended; and the Provincial Land Use Policies or, where applicable, a regional plan adopted under the *Alberta Land Stewardship Act*, S.A. 2009, c. A-26.8, as amended.

SECTION 3 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT

This Bylaw is enacted under the Municipal Government Act, as amended. This Bylaw is intended to be read in conjunction with the Municipal Government Act, with amendments to the time of the reading. Reference should be made to the Act and its regulations with respect

to definitions of terms, administrative matters, and the powers of agencies and officers referred to in this Bylaw, if these are not set out in this Bylaw.

The Municipal Government Act references contained in certain sections of the Bylaw are not enacted as part of this Bylaw and may be revised, as required, by the Development Officer without the adoption by Council of an amending Bylaw.

SECTION 4 METRIC AND IMPERIAL MEASUREMENTS

The imperial equivalents provided in parentheses after each reference to metric units are approximate and intended for information only.

SECTION 5 DEFINITIONS

(1) In this Bylaw:

"ACT" - means MUNICIPAL GOVERNMENT ACT R.S.A. 2000, Chapter M-26, as amended, and the regulations pursuant thereto;

"ACCESSORY BUILDING OR USE" - means a use, building, or structure which is separate and subordinate to the principal building on a lot, the use of which is incidental to that of the principal building located on the same lot. Accessory buildings include, but are not limited to, sheds, garages, suites and boathouses;

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

"BED AND BREAKFAST" - means the use of part of a residential dwelling for overnight accommodation where breakfast is usually served as part of the accommodating service, and does not mean a short-term rental or any other type of accommodation arrangement;

"BOATHOUSE" - means an accessory building or part of the principal building on a residential lakefront lot, which has direct access to the water, designed and used primarily for the storage of boats;

"BUFFER" - means row of trees, shrubs, berming, or fencing to provide visual screening and separation between sites and incompatible land uses;

"BUILDING" - means anything constructed or placed on, in, over, or under land, but does not include a highway or public roadway or related developments;

"BUILDING HEIGHT" - means the vertical distance between grade and the highest point of a building; excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack,

a fire wall, a parapet wall, a flagpole or similar device not structurally essential to the building;

"CANOPY" - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

"CARPORT" - means a roofed structure used for storing or parking of not more than two vehicles which has less than 40% of its total perimeter open and unobstructed;

"CORNER" - means the intersection of any two property lines of a site or in the case of a 'corner lot', the intersection of two on more abutting streets;

"COUNCIL" - means the Council of the Summer Village of Nakamun Park;

"DECK" – means, generally, a hard-surfaced (usually wooden) area usually adjoining a dwelling unit and accommodating outdoor living space, and which may require a CSA Group approved railing depending on height above grade, or other relevant parameters. More specifically, a deck means any open structure attached to a building having a height greater than 0.6 m (2.0 ft) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the *Safety Codes Act*. A deck shall not have walls higher than 1.25 m (4.1 ft).

"DERELICT VEHICLE" – means a vehicle, including a Recreational Vehicle, that is in a wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition, or is determined not to be roadworthy by virtue of, among other things, lack of registration, rust, decay, damage, or fluid leakage;

"DESIGNATED OFFICER" - means a person authorized to exercise development authority powers on behalf of the municipality pursuant to the provision of the Municipal Government Act and this Bylaw;

"DEVELOPABLE AREA" – means an area of land suitable for a building site and containing adequate surface elevation to preclude marshland, wetland, or high water table conditions and in consideration of the relevant setbacks and legal boundaries and conditions applicable to the subject parcel;

"DEVELOPED PARCEL" – means, in the case of lands located within a Residential Standard Lot district, a parcel already developed with an existing Dwelling;

"DEVELOPER" - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

"DEVELOPMENT" – means a development as defined in the Act, and includes the following:

(a) an excavation or stockpile and the creation of either of them; or

(b) a building or an addition to, or replacement or repair of a building, and the

construction or placing in, on, over and under the land of any of them; or

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of the 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;

and without restricting the generality of the foregoing, includes:

(e) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot, whether or not the building is a dwelling or part of a dwelling unit;

(f) in the case of a lot used for purposes other than residential, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot;

(g) the display of advertisements or signs on the exterior of a building or on any land;

(h) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered;

(i) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site;

(j) the placing of refuse or waste material on any land;

(k) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months;

(l) the use of land for the storage or repair of motor vehicles or other machinery or equipment;

(m) the continued use of land or of a building for any purpose for which it is being used unlawfully when this bylaw comes into effect;

- (n) the demolition or removal of a building;
- (o) the placement of an already constructed or a partially constructed building on a parcel of land;
- (p) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way;
- (q) the removal of topsoil from land;
- (r) the installation of any type of sewage disposal system including, but not limited to, holding tanks; or
- (s) the digging of a well or installation of a water cistern.

"DEVELOPMENT AUTHORITY" – means a Development Authority established pursuant to of the Municipal Government Act and may include one or more of the following: a Development Officer, Municipal Planning Commission, Council, or any other person or organization that has been authorized by Bylaw to exercise development powers on behalf of the municipality;

"DEVELOPMENT OFFICER" - means the official or officials of the Municipality with the responsibility of receiving, considering and deciding on applications for development under this Land Use Bylaw;

"DEVELOPMENT PERMIT" - means a certificate or document allowing a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. Every application shall be accompanied by the required fee as established by Council;

"DISCRETIONARY USE" - means the use of land or a building provided for which a development permit may or may not be issued based upon the merits of the application being made;

"DWELLING" - means any building used principally for human habitation and which is supported on a permanent foundation extending below ground level and includes modular homes, but does not include mobile homes, mobile single wide, mobile double wide or temporary mobile living accommodations such as holiday trailers;

"DWELLING UNIT" - means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.

"EASEMENT" - means a right to use land, generally for access to other property or

as a right-of-way for a public utility that is registered against the title of the subject property;

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

"EXTENSIVE AGRICULTURAL USE" - means any method used to raise crops or rear livestock either separately or in conjunction with one another in unified operation, but does not include an intensive agricultural use such as a feedlot or sod farm;

"FENCE" - means a vertical physical barrier constructed to prevent visual intrusion, sound abatement or unauthorized access;

"FLOOR AREA" - means the total of the main floor area calculation and passageways contained in a building but does not include the floor areas of basements, attached garages, carports, sheds, open porches or breezeways.

"FOUNDATION" - means the lower portion of a building, usually concrete or masonry and includes the footings, which transfer the weight of and loads on a building to the ground;

"FRONTAGE" - means the lineal distance measured along the front lot line;

"GARAGE" - means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles and includes a carport;

"GARAGE SUITE" - means a single storey accessory dwelling, which is located above a detached garage. A Garage Suite is accessory to a building in which the principal use is a single detached dwelling. A garage suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. A garage suite does not include Secondary Suites or garden suites.

"GARDEN SUITE" - means a single storey dwelling, which is located in a building separate from the principal use which is a single detached dwelling. A garden suite has cooking facilities, food preparation, sleeping and sanitary facilities which are separate from those of the principal building located on the site. This use class does not include secondary suites or garage suites.

"GRADE" - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not

entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

"HALF-STOREY" - means a storey under a gable, hip or gambrel roof that wall plates of which, on at least two opposite walls, are not more than two feet above the floor of such storey;

"HOME OCCUPATION, MAJOR" - means any business, occupation, trade, profession or craft that is carried on as a secondary use within a dwelling and/or within an approved accessory building by a permanent resident of the dwelling. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this bylaw. Major home occupations may generate some external impacts on the neighbourhood due to regular business activities. These impacts may include traffic generation due to client visits to the site, dust, noise due to use of equipment on the site, or visual impacts due to outdoor storage. A major home occupation does not include adult entertainment services, day homes, bed and breakfast establishments, dating or escort services or veterinary services.

"HOME OCCUPATION, MINOR" - means any business, occupation, trade, profession or craft that is carried on as a secondary use within a dwelling (but not an approved accessory building) by a permanent resident of the dwelling. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this bylaw. A home occupation does not include adult entertainment services, bed and breakfast establishments, dating or escort services or veterinary services.

"LAKEFRONT" - means, in context, parcels, dwellings, or accessory structures whose properties extend to the lakeshore or that are only separated from the lakeshore by a road, municipal reserve, or environmental reserve;

"LANDSCAPING" - means to preserve or change the natural features of a parcel by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscape architecture;

"LAND USE BYLAW" - means the Summer Village of Nakamun Park Newly adopted Land Use Bylaw 2022-4

"LANE" - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft.) in width, and which provides a secondary means of access to a parcel or parcels;

"LOT" - means a part of a parcel of land, the boundaries of which are separately described in a certificate of title which may or may not be shown on a registered plan of subdivision;

"MANUFACTURED HOME" – means a dwelling which is constructed with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and assembly to enable relocation of the dwelling. A manufactured home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling. Manufactured homes do not include stick built dwellings, modular homes, mobile homes, or temporary living accommodation. Under this Bylaw, a manufactured home features the following design standards

- a) a minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of horizontal run (2:12 pitch);
- b) have a roof surface of wood or asphalt shingles, clay or concrete tile, slate shingles, sheet metal shingles, or hand split shakes
- c) have a minimum roof overhang or eaves of 30.5 cm (1 foot) from the primary surface of each façade;
- d) have a minimum length width (or width length) ratio of 2:1;
- e) meets the National Building Code of Canada CAN/CSA A277 standard; and
- f) constructed after January 1, 1996.

"MINOR" – means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the direction of Council, have a limited impact on surrounding uses, or which is intended to serve a small or local, rather than a major or municipal, area.

"MOBILE HOME" - means a dwelling which was constructed prior to January 1, 1996, does not meet the National Building Code of Canada CAN/CSA A277 standard, with a chassis or related assembly that allows for the permanent or temporary attachment of a hitch and wheel assembly to enable relocation of the dwelling. A mobile home does not include a modular home, manufactured home, temporary living accommodation or single detached dwelling as described in this Bylaw. A mobile home may be a single structure (single wide) or two parts which when put together (double wide) comprises a complete dwelling;

"MODULAR HOME" - means a dwelling which is prefabricated, or factory built and which is assembled on the parcel in sections, but such sections have neither chassis, nor running gear or its own wheels, and the sections may be stacked side by side or vertically. Furthermore, Modular Home means a dwelling which has a length to width (or width to length) ratio of no greater than 2:1. This rule shall not apply to those portions of a dwelling which are deemed by the development authority to be neither deck nor attached garage. A modular home does not include a single detached dwelling, manufactured home, temporary living accommodation, or mobile home;

"MUNICIPAL DEVELOPMENT PLAN" – means a plan adopted by Bylaw as a Municipal Development Plan pursuant to the Municipal Government Act;

"MUNICIPALITY" - means the Summer Village of Nakamun Park;

"NON-CONFORMING BUILDING" – means, as defined in the Act, a building:

- a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
- b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

"NON-CONFORMING USE" – means, as defined in the Act, a lawful specific use:

- a) being made of land or a building or intended to be made of a building lawfully under construction, at the date the Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use Bylaw;

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

"OCCUPANCY" – means the use or intended use of a building or part thereof for the shelter or support of persons or property;

"ON-PARCEL SEWAGE DISPOSAL SYSTEM" - means a method of treating effluent recognized by Alberta Labour and/or Alberta Environment involving the containment of sewage effluent in an impermeable holding tank for transfer to a central depot for decomposition or the actual primary or secondary treatment of sewage effluent on the parcel of its origin and may include a septic tank, holding tank or evapo-transpiration mound system but does not include pit style privies;

"OTHER WORDS AND EXPRESSIONS" - have the meaning respectively assigned to them by the Province of Alberta Municipal Government Act and any other applicable Statute of Alberta;

"PARCEL" - means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

"PARK OR PLAYGROUND" - means an area of land that is used for recreation purposes and usually includes such facilities as slides, swings, and other playground equipment;

"PARKING FACILITY" - means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot;

"PARKING STALL" - means a space set aside for the parking of one vehicle;

"PERMITTED USE" - means the use of land or a building provided for in the District Schedules of this Bylaw for which a development permit shall be issued with or without conditions upon an application having been made which conforms to the Land Use Bylaw;

"PRINCIPAL BUILDING" - means a building which, in the opinion of the Development Authority,

- (i) occupies the major or central portion of a parcel,
- (ii) is the chief or main building among one or more buildings on the parcel, or
- (iii) constitutes by reason of its use the primary purpose for which the parcel is used;

"PRINCIPAL USE" - means the primary purpose, in the opinion of the Development Authority, for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in the Bylaw;

"PRIVY" - means a physical structure not attached to the principal dwelling or building used for the purpose of sewage disposal whereby the effluent is deposited in an impermeable C.S.A. approved tank which must be emptied by means of a pump-out truck;

"PUBLIC USE" - means a building or use of land by any government agency, not for profit organization, or utility for the express purpose of providing public services to the community. Examples include: administration buildings, parks, playgrounds, walk trail systems, museums, and sewage lift stations;

"PUBLIC ROAD" - means land used or surveyed for use as a public highway, bridge, internal subdivision roads, lanes, and any related structure;

"REAL PROPERTY REPORT" - means a codified standard report adopted by the Alberta Land Surveyor's Association which contains pertinent information on a parcel of land and the development which exists on the property;

"RECREATIONAL EQUIPMENT" - means any permanent building, the intended use of which is for either active or passive recreation. Certain types of sidewalk furniture

may be classified as recreational equipment at the discretion of the Development Officer;

"RECREATIONAL USE" - means a development providing for commercial or non-commercial leisure activities located to take advantage of the natural setting, without restricting the generality of the foregoing, this shall include:

- a) non-facility oriented recreational activities such as hiking, cross country skiing, rustic camping, and other similar uses, and
- b) means an active or passive recreational use and any facility or building required to carry out said activity

"RECREATIONAL VEHICLE" – means a vehicular unit primarily designed as temporary living quarters for recreational, camping, vacation, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. A Recreational Vehicle may be but is not limited to the following: a tent trailer, travel trailer, fifth wheel trailer, truck camper, or motor home. A recreational vehicle is not a Dwelling;

"SECONDARY SUITE" – means a development consisting of a Dwelling located within, and accessory to, a structure in which the Principal Use is a Single Detached Dwelling; the second storey of a detached garage; or an accessory building or structure. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the Principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the Principal Building, either from a common indoor landing or directly from the side or rear of the structure. This use class includes the Development or conversion of basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This use class does not include garage suite or garden suite.

"SETBACK" - means the distance that a development, or a specific portion of it, must be set back from a property line or building. A setback is not a yard, amenity space or separation space;

"SEWAGE COLLECTION SYSTEM" - means a privately or publicly owned system for treating sewage effluent, recognized by Alberta Environment, consisting of either a communal or an on-site sewage collection system;

"SHORELINE" - means the land covered by water for such a period of time that it no longer features the natural vegetation or marks a distinct boundary from the water environment and the soil of the water body and vegetation of the surrounding land;

"SHORT-TERM RENTALS" - means a business providing temporary accommodation

for compensation, in a dwelling unit or portion of a dwelling unit, for periods of up to thirty (30) consecutive days. Businesses that have been issued a permit for a Bed and Breakfast operation are not classified as Short-Term Rentals;

"SIGN" - means anything that serves to indicate the presence or the existence of something, including, but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction;

"SINGLE DETACHED DWELLING" - means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit with associated facilities and intended as a permanent residence not separated from direct access to the outside by another structure;

"SITE" - means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed;

"SITE AREA" - means the total area of a site;

"SITE BOUNDARIES" - means those boundaries which bound the site as determined in the title for the subject property;

"SITE COVERAGE" - means, in the case of a residential building or structure, the combined area of all buildings on the lot, measured at the level of the lowest containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves and similar projections; such area shall include air wells and all other space within a building except inner or outer courts;

"SITE DEPTH" - means the average horizontal distance between the front and rear site boundaries;

"SPLIT LEVEL" – means a dwelling that has three separate living areas, each separated from the next by one half-storey;

"STATUTORY PLAN" – means a municipal plan, area structure plan or area redevelopment plan pursuant to the Municipal Government Act;

"STOREY" – means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m (5.9 ft.) above grade;

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" - means the Subdivision and Development Appeal Board appointed pursuant to the provisions of the Municipal Government Act;

"TEMPORARY DEVELOPMENT" - means a development for which a development permit has been issued for a limited time only;

"USE" – means a use of land or a building as determined by the Development Officer and/or Council;

"UTILITY" - means the components of a sewage, storm water or solid waste disposal system, or a telecommunication, electrical power, water, gas or oil distribution system

"YARD" - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;

"YARD, FRONT" - means that portion of the site extending across the full width of the site from the front property boundary of the site to the exterior wall of the building. A lakefront lot shall front onto the water and a back lot shall front onto the legal road allowance;

"YARD, REAR" - means that portion of the site extending across the full width of the site from the rear property boundary of the site to the exterior wall of the building; For lakefront lots, the rear yard is the yard furthest from the lake; and.

"YARD, SIDE" - means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall of the building.

PART II - ESTABLISHMENT OF DEVELOPMENT

CONTROL AGENCIES

SECTION 6 DEVELOPMENT AUTHORITY

- a) The Development Authority for the Summer Village of Nakamun Park is established under this Bylaw pursuant to Section 624 of the Municipal Government Act.
- b) The Development Authority for the Summer Village of Nakamun Park is:
 - a. the person(s) appointed by resolution of Council as Development Officer pursuant to this Bylaw, and
 - b. the Municipal Planning Commission established by Bylaw pursuant to the Municipal Government Act,
 - c. the Council for the Summer Village of Nakamun Park in matters related to Direct Control Districts.
- c) The office of the Development Officer is established through this Bylaw and shall be filled by person(s) employed, or contracted, by the Summer Village of Nakamun Park.
- d) The Development Authority shall be carried out in accordance to powers and duties described in the Municipal Government Act, regulations established under the Act, and this Bylaw, as amended from time to time.
- e) For the purpose of the Development Authority, the Development Officer is hereby declared to be an authorized person of the Summer Village of Nakamun Park.
- f) The Development Officer shall perform such duties that are specified under this Bylaw.
- g) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register or all applications for development, including the decisions thereon and the reasons therefore.
- h) For the purposes of right of entry, the Development Officer is hereby declared an authorized person of Council.

- i) For the purposes of Section 542 of the Act, the Development Officer is hereby designated as authorized by the Municipality to discharge the relevant powers and functions.

SECTION 7 MUNICIPAL PLANNING COMMISSION

The Municipal Planning Commission is established by a separate Municipal Planning Commission Bylaw of the Summer Village of Nakamun Park, as amended.

The Municipal Planning Commission shall perform such duties as are specified in this Bylaw and as are specified in the Municipal Planning Commission Bylaw.

SECTION 8 ESTABLISHING THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- a) The Subdivision and Development Appeal Board for the Summer Village of Nakamun Park, as established through the Summer Village of Nakamun Park Subdivision and Development Appeal Board Bylaw, as amended, shall perform the duties and functions as described in the Bylaw and the Act.
- b) The Subdivision and Development Appeal Board shall review all appeal applications within its jurisdiction for development appeal, stop order appeal, and subdivision application appeal.

SECTION 9 AMENDING THE LAND USE BYLAW

- a) The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
- b) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
 - 1. a statement of the specific amendment requested;
 - 2. the purpose and reason for the application;
 - 3. if the application is for a change of district, the legal description of the lands, or a plan showing the location and dimensions of the lands;
 - 4. the applicant's interest in the lands;
 - 5. an application fee to be determined by Council, by Bylaw;
 - 6. the cost of advertising for the public hearing; and
 - 7. such other information as the Development Officer or Council deems necessary to assess the motive of the application.

- c) Upon receipt of a completed application along with all information required to

process the application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than ten (10) days' notice to the applicant advising that he may appear before Council at that time, and speak to the application. The Development Officer shall place an application for amendment before the council within sixty (60) days of its receipt.

- d) The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:
 - 1. refer the application for further information; or
 - 2. pass first reading to a bylaw to amend this Land Use Bylaw, with or without modifications; or
 - 3. pass first reading of an alternate amendment to this Land Use Bylaw.
- e) Following first reading to an amending bylaw, Council shall:
 - 1. establish the date, time and place for a public hearing on the proposed bylaw;
 - 2. outline the procedure to be followed by anyone wishing to be heard at the public hearing; and
 - 3. outline the procedure by which the public hearing will be conducted.
- f) Following passage of the first reading to an amending bylaw, the Development Officer shall issue notice of the public hearing:
 - 1. by publication in two issues of a newspaper circulating in the area, the publication date of the second issue being not less than five (5) days preceding the date of the hearing; and
 - 2. by mailing notice no less than ten (10) days preceding the date of the hearing to:
 - i. the applicant, and
 - ii. to the registered owner of the land, if not the applicant, and the owners of adjacent land if the proposed bylaw will result in a change of district designation.
- g) The notice of the public hearing shall provide the following information:
 - 1. the purpose of the proposed bylaw;
 - 2. the date, time and place of the public hearing;
 - 3. that the proposed bylaw and any public documents applicable to the proposed bylaw may be inspected at the Summer Village Office at all reasonable times;
 - 4. the procedure for the public hearing.
- h) Prior to the public hearing, the Development Officer may forward a copy of the proposed bylaw to any Agency or organization the Summer Village determines may have an interest in the proposed amendment.

- i) At the public hearing, Council shall hear:
 - 1. any person or group of persons acting on his or their behalf, who:
 - i. has complied with the procedures outlined by Council, and
 - ii. claims to be affected by the proposed bylaw; and;
 - 2. any other person who wishes to make representations and whom Council agrees to hear.
- j) Council after considering:
 - 1. any representations made at the public hearing; and
 - 2. the Municipal Development Plan, any other Statutory Plan affecting the subject property, and the provisions of the Land Use Bylaw;

may make such amendments or changes as it considers necessary to the proposed bylaw, if any, and proceed to pass the proposed bylaw; or (ii) defeat the proposed bylaw.
- k) Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and/or negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- l) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:
 - 1. The applicant; and
 - 2. The registered owner of the land if different from the applicant.

SECTION 10 SECTIONS FOUND TO BE INVALID

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, all remaining provisions are to remain in full force and in effect.

PART III - DEVELOPMENT PERMITS

SECTION 11 CONTROL OF DEVELOPMENT

No development other than that designated in Section 12 (Where Development Permit Is Not Required) of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

Generally, Developments requiring permits include but are not limited to:

- a) all construction of buildings, structures, services, or utilities;
- b) any landscaping that adversely effects the subject or adjacent properties, and includes changing of grade(s), stockpiling of material and excavation; and
- c) all driveways.

SECTION 12 WHERE A DEVELOPMENT PERMIT IS REQUIRED

All development undertaken in the municipality requires an approved development permit prior to commencement, except the following provided the development conforms to all other provisions of this Bylaw:

- a) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- b) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that the development is completed within the time limit of such a permit or within twelve (12) months of the effective date of the Bylaw, whichever is earlier;
- c) the use of any such development as is referred to in subsection (b) for the purpose for which development was commenced;
- d) the erection or construction of gates, fences, walls or other means of enclosure less than 0.9 m (3.0 ft.) in height in front yards and less than 1.8 m (6.0 ft.) in other yards, and the maintenance or improvements of any gates, fences or walls or other means of enclosure. No electrical or barbed wire fences shall be permitted within the corporate boundaries of the Summer Village;
- e) the erection or placement of a temporary building, the sole purpose of which is incidental to the erection of a building for which a development permit has been granted, provided the temporary building is removed within thirty (30) days of substantial completion or as determined by the development officer;
- f) the completion, alteration, maintenance or repair of a street, lane or utility undertaken upon a public thoroughfare or utility easement, or undertaken to connect the same with any lawful use of buildings or land;
- g) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown corporation;

- h) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- i) a portable garden or tool shed not on a fixed foundation on the residential parcel, such building not to exceed 9.3 m² (100.10 ft.²) in floor area and 2.5 m (8.2 ft.) in height;
- j) development exempted from requiring a development permit under the Municipal Government Act;
- k) signs posted or exhibited in a building;
- l) signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
- m) a statutory or official notice of a function of the Summer Village of Nakamun Park;
- n) traffic signs authorized by the Summer Village of Nakamun Park and/or Alberta Provincial authorities;
- o) a sign or signs posted or exhibited solely for the identification of the land or building on which it is displayed, or to give directions to visitors, including professional, corporate or trade name plates identifying the occupants, if the sign(s) does not exceed 0.19 m² (2.0 ft.²) in area, subject to all other orders, bylaws and regulations affecting such signs;
- p) the erection of a maximum of two on-site signs relating to the sale, lease or rental of the buildings, or land to which they are attached provided that:
 - 1. such signs for any single detached dwelling or single detached dwelling parcel does not exceed 0.56 m² (6.0 ft.²) in area, and
 - 2. such signs for a multiple dwelling parcel, a commercial parcel does not exceed 3.0 m² (32.0 ft.²), and
 - 3. such sign shall not be illuminated;
- q) campaign signs for federal, provincial, municipal or school board elections on private properties for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - 1. such signs are removed within fourteen (14) days after the election date, and
 - 2. the consent of the property owner or occupant is obtained, and
 - 3. such signs do not obstruct or impair vision or traffic, and

4. such signs are not attached to trees or utility poles, and
 5. such signs indicate the name and address of the sponsor and the person responsible for removal;
- r) signs on land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
1. such signs shall not exceed 1.10 m² (12.0 ft.²) in area, and
 2. there shall be a limit of one sign for each side of the land or buildings on a different street;
- s) signs of building contractors relating to construction work in progress on the land on which such signs are erected, provided that:
1. such signs do not exceed 3.0 m² (32.0 ft.²) in area, and
 2. there shall be a limit of one sign for each boundary of the property under construction which fronts onto a public street, and
 3. such signs shall be removed within fourteen (14) days of occupancy;
- t) landscaping where it will not adversely affect the subject or adjacent properties but does not include changes in grade, stockpiling or excavation;
- u) hard surfacing of any yard area for the purpose of providing vehicular access from a public roadway to an on-site parking stall provided that such hard surfacing does not cause storm drainage to flow onto adjacent properties;
- v) the erection of radio towers, antennas, poles, etc. not exceeding 4.5 m (15 ft.) in height from grade provided that the structure is not located in the front yard or on public land (i.e. lakefront or beach areas); (w) A fire pits;
- w) flagpoles shall be permitted in the front yard, so long as same are not erected on public land;
- x) a home office, provided that the following are adhered to:
1. No individual other than the permanent resident of the dwelling unit operates the home office;
 2. No client or customer is received in the dwelling unit for business purposes;
 3. The home office does not generate any pedestrian or vehicular traffic;
 4. There are no on-site exterior signs or advertisements of the home office;
 5. No materials, goods or finished products for business purposes are stored on-site; and
 6. The home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit.

SECTION 13 APPLICATION FOR DEVELOPMENT PERMIT

- a) An application for a development permit shall be made to the Development Authority in writing:
1. on the form prescribed by Council and may be accompanied by:
 - i. a scaled parcel plan in duplicate showing the legal description, the front, rear, and side yards and provision for off-street loading and vehicle parking,
 - ii. a scaled floor plans, elevations and sections in duplicate,
 - iii. a statement of existing and proposed uses,
 - iv. a statement of registered ownership of land and interest of the applicant therein together with a copy of the Certificate of Title indicating ownership and encumbrances,
 - v. the estimated commencement and completion dates,
 - vi. the estimated cost of the project or contract price, and
 - vii. such other plans and information as the Development Authority may consider necessary to properly evaluate the proposed development;
 - viii. grading plan
 2. the Development Authority may refuse to accept an application for a development permit where the information required by Section 13.a).1. has not been supplied or where, in the opinion of the Development Authority, the quality of the material supplied is inadequate to properly evaluate the application; and
 3. the Development Authority may review an application and make a decision without all of the information required by Section 13.a).1. if it is the opinion of the Development Authority that a decision on the application can be properly made without such information.
- b) A non-refundable processing fee, the amount of which being determined by Council from time to time and established through a duly passed Bylaw of the municipality regarding same, shall accompany each application for a development permit. Where the development has initiated prior to the Development Permit being issued, the fee for the said permit may be subject to an adjustment (higher rate) as defined in the Fees and Charges Bylaw of the municipality.
- c) The municipality may register a caveat pursuant to the provisions of the Land Titles Act and the Municipal Government Act in respect of the development agreement against the Certificate of Title for the land that is the subject of the development, with the said caveat being discharged when the agreement has been complied with.

- d) In the case where an application for a development has been refused by the Development Authority or ultimately after appeal pursuant to Part 3 of this Bylaw, the submission of another application for development by the same applicant or any other applicant,

1. On the same parcel, and
2. For the same or similar use;

may not be made for at least six (6) months after the date of refusal.

SECTION 14 DEVELOPMENT PERMIT FEES

Where applicable under the provisions of this Bylaw, any Development Permit applications fee shall be due as part of the permit application and review process. The fees and charges for development related activities shall be as determined by Council as part of an approved Bylaw as required by the Act.

SECTION 15 PERMITS AND NOTICES

- a) A permit issued pursuant to this part shall come into effect:

1. after the twenty-first (21) day of the date of the issue of the Notice of Decision by the Development Officer on the application for development permit (14 day appeal period & 7 days for mailing in province); or
2. if an appeal is made, on the date that the appeal is finally determined and the permit may be modified or nullified thereby.

Any development proceeded with by the applicant prior to the expiry of the above is done solely at the risk of the applicant.

- b) On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:

1. mail a notice of the decision to all persons whose use, enjoyment or value of property may, in the opinion of the Development Officer, be affected; and/or
2. post a notice of the decision conspicuously on the property for which the application has been made; and/or
3. publish in a newspaper circulating in the municipality a notice of the decision.

- c) If the development authorized by a permit is not commenced within twelve (12)

months from the date of its issue, of the date of decision of the Subdivision and Development Appeal Board, nor carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Officer.

- d) The decision of the Development Officer on an application for a development permit shall be given to the applicant in writing.
- e) If the Development Officer refuses an application for a development permit, the notice of decision shall contain the reasons for the refusal.
- f) Notwithstanding other provisions of Section 12 of this Bylaw, in accordance with Section 685(3) of the Act, a development permit for a permitted use without variance does not require notification other than to the landowner and applicant.

SECTION 16 DECISIONS ON DEVELOPMENT PERMITS

a) Permitted and Discretionary Use Applications (Non-Direct Control Districts).

1. The Development Authority shall be the approving authority for all proposed development, which is listed as either a permitted or discretionary use under a land use district under this Bylaw.
2. Upon receipt a completed application for a development permit for a permitted use, the Development Officer shall approve the application with or without conditions, where the proposed use conforms to this Bylaw. Generally, the Development Officer is authorized to approve all permitted use development permit applications.
3. Subject to Section 16.b).3, the Development Officer is authorized to decide all discretionary use development permit applications which are related to an approved use on the subject property.
4. All development permit applications which are discretionary and not related to an approved use on the subject property and/or which require a variance to any quantitative regulation (i.e., side yard setback) contained in this Bylaw shall be referred to the Municipal Planning Commission for decision.
5. The Municipal Planning Commission is authorized to decide all development permit applications that are referred to it by the Development Officer.
6. When approving a discretionary use application, the Development Authority may attach conditions to the approval to ensure that the proposal conforms to this Bylaw. A condition of all development permits shall be that all tax

arrears on the property be paid, in full or in a termed arrangement agreeable to the municipality, prior to commencement of the development.

b) Variance Provisions:

1. The Development Authority may conditionally approve a proposed use that does not comply with this Bylaw, if, in its opinion,
 - i. the proposed development would not,
 1. unduly interfere with the amenities of the neighbourhood, or
 2. materially interfere with or affect the use, enjoyment, or value of neighbouring properties, and
 - ii. the proposed development conforms to the uses prescribed for that land or building in this Bylaw.
2. Notwithstanding the above, a variance shall be considered only in cases of unnecessary hardship or practical difficulties to the use, character, or situation of land or building which are not generally common to other land in the same district.
3. When considering a variance to quantitative criteria such as floor area or a site setback, the Development Officer may approve in accordance with this Bylaw a variance up to a maximum of 20% of the stated regulation. Any variance requests in excess of 20% shall be referred to the Municipal Planning Commission.

c) Development Permit Refusals:

1. When refusing an application for a development permit, the Development Authority shall clearly describe the reasons for the said refusal on the notice of decision.

d) Temporary Permits:

1. Where a development permit is not required on a permanent basis, the Development Authority may approve the development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.)

e) Conditional Approval

Notwithstanding the regulations of this Bylaw, the Development Authority may impose such conditions on the approval of an application as, in its opinion, are

necessary to ensure the orderly and economical development of land within the municipality.

1. This may include, without limiting the provisions:

- i. the condition of a written consent or signed statement related to acknowledgement of any particular or general terms of the approval;
- ii. the condition of an irrevocable letter of guarantee or irrevocable letter of credit from a developer to secure the performance of any or all of the conditions of an approved permit;
- iii. the execution of a development agreement with the municipality to ensure compliance and general performance of the terms of the permit, and such agreement may also be protected by caveat registered by the municipality on the subject parcel;
- iv. a requirement to obtain and produce all other applicable permits (safety codes, building, plumbing, electrical) as may be required for the development;
- v. the assumption of full financial responsibility for the construction and liability for any damages done by the applicant, their servants, suppliers, agents, or contractors, to any public or private property;
- vi. the requirement to obtain and produce a surveyor's certificate relating to the building, development, or lands, for which a permit is applied for.

SECTION 17 DEEMED REFUSALS OF DEVELOPMENT PERMIT APPLICATIONS

In accordance with the Municipal Government Act, an application for a development permit shall at the option of the applicant, be deemed to be refused when the decision of the Development Authority, is not made within forty (40) days of the completed application being received by the Development Authority unless the applicant and the Development Authority have mutually entered into an agreement to extend the forty (40) day period.

SECTION 18 SUSPENSION AND CANCELLATIONS OF DEVELOPMENT PERMITS

a) If, after a development permit has been issued, the Development Authority becomes aware that:

1. The application for the development contains a misrepresentation;

2. facts concerning the application or the development were not disclosed at the time the application was considered;
3. the development permit was issued in error; or
4. the conditions of Development Permit Approval are not being complied with in to the satisfaction of the Development Authority,

the Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing to the holder of it.

- b) A person whose development permit is suspended or cancelled under this section may appeal to the Subdivision and Development Appeal Board.

SECTION 19 CONTRAVENTIONS

- a) Where the Development Authority finds that a development or use of land or buildings is not in accordance with:

1. the Municipal Government Act or the regulations; or
2. a development permit or subdivision approval; or
3. the Land Use Bylaw;

the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all of them to,

1. stop the development or use of the land or buildings in whole or in part as directed by the notice; or
2. demolish, remove or replace the development; or
3. take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.

- b) Where a person fails or refuses to comply with an order directed to him under Subsection (a) or an order of the Subdivision and Development Appeal Board under the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall

cause the costs and expenses incurred in carrying out the order to be registered as a caveat under the Land Titles Act against the Certificate of Title for the land that is subject of the order pursuant to the Municipal Government Act.

- c) Where a notice is issued under Subsection (a), the notice shall state the following and any other information considered necessary by the Development Authority:
1. An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out; and
 2. The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention; and
 3. A time frame in which the contravention must be corrected prior to the Summer Village pursuing action; and
 4. Advise the person of his right to appeal the notice to the Subdivision and Development Appeal Board.

SECTION 20 BYLAW ENFORCEMENT, PENALTIES AND FINES

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of **King's** Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

a) A person who:

1. contravenes any provision of the Act or the regulations under the Act,
2. contravenes this Bylaw,
3. contravenes an order under Section 19 of this Bylaw and/or the Municipal Government Act,
4. contravenes a development permit or subdivision approval or condition attached thereto, and/or,
5. obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw,

is guilty of an offense and is liable to a fine prescribed in the Municipal Government Act.

- b) If a person is found guilty of an offense under this Section or the Municipal Government Act, the court may, in addition to any other penalty imposed, order the person to comply with:

1. the Act and the regulations under the Act,
 2. this Bylaw,
 3. an order under this Section and/or Section 645 of the Act, and/or
 4. a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- c) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
1. delivered personally to the person or their agent it is directed to; or
 2. mailed by certified mail to the last known address of the person it is directed to.
- d) If a person is found guilty of an offense under Subsections (a) or (b), the Court may, in addition to any other penalty imposed, order the person to comply with the Act, the Summer Village of Nakamun Park Land Use Bylaw, or a development permit, as the case may be.
- e) Where a person is guilty of an offence under Subsection (a) or (b), the person is liable upon conviction to a fine of not less than \$2,500.00 and of not less than \$500.00 for every day that the offence continues.

SECTION 21 DEVELOPERS' RESPONSIBILITIES

- a) A person to whom a development permit has been issued shall obtain from the appropriate authority, where applicable, permits and/or approvals required in connection with the proposed development.
- b) The person to whom a development permit has been issued may be required to notify the Development Officer:
1. following the preliminary layout of the site, but prior to the commencement of actual development therein; and
 2. upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.
- c) The Development Officer may require that further to Section 21.b).1., the applicant arrange with the Development Officer for an on-site inspection before commencing construction.

- d) The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
- e) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other material on adjacent properties without permission in writing from adjacent property owners.
- f) Sections 21.d) and 21.e) may be enforced pursuant to Section 20. Any costs incurred as a result of damage or neglect to public property may be collected pursuant to Section 21.
- g) The Development Officer may require a Real Property Report relating to the building for which a permit is applied.
- h) A development permit is not transferable without the prior consent of:
 - 1. the Development Officer, if the permit was issued by the Development Officer;
 - 2. the Municipal Planning Commission, if the permit was issued by the Municipal Planning Commission;
 - 3. Council, if the permit was issued by Council with respect to development in a Direct Control District; or
 - 4. the Subdivision and Development Appeal Board, if the permit was issued by the Subdivision and Development Appeal Board.

SECTION 22 SAME OR SIMILAR USE

The uses which are listed in the permitted and discretionary use columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Development Authority may, at his/her discretion, determine that the use conforms to the spirit and intent of the purpose of the land use district and is determined "same" or "similar" to other uses allowed in that land use district. Notwithstanding the above, all uses defined as "same" or "similar" shall be considered discretionary.

PART IV - GENERAL REGULATIONS

SECTION 23 PRINCIPAL BUILDING OR USE

A maximum of one (1) principal building or principal use shall be considered a permitted use within any land use district. All other principal buildings or principal uses shall be considered discretionary.

No dwelling other than a single detached dwelling or modular home shall be a permitted use within the corporate boundaries of the Summer Village of Nakamun Park.

SECTION 24 DWELLING UNITS ON A PARCEL

- a) The construction, location, and use of a single (one) dwelling unit shall be a permitted use on a residential parcel within the Summer Village of Nakamun Park.
- b) The Development Authority may issue a development permit to a person that would allow for the construction or location and use of more than one dwelling unit on a parcel if the second or additional dwelling unit:
 - 1. is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units;
- c) When determining whether to allow an additional dwelling unit on a parcel the Development Authority shall consider:
 - 1. Suitability of the site for the proposed dwelling;
 - 2. The length of time that the developer requires the proposed building;
 - 3. Access to and from the site;
 - 4. The provision of proper water and sewer services;
 - 5. Existing and future surrounding land use; and,
 - 6. Whether the proposed development meets the spirit and intent of the purpose of the subject land use district.
- d) The Development Authority may take into account family-human relationships when making decisions on development permit applications for an additional dwelling unit on a parcel.
- e) The Development Authority may attach as a condition of an approval a time period

after which the additional dwelling unit must be removed from the parcel, altered to accommodate another use, or some other site redress plan as deemed appropriate.

SECTION 25 BUILDING ATTACHED TO PRINCIPAL BUILDING

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

SECTION 26 BUILDING ORIENTATION AND DESIGN

- a) The design, character and appearance of any building or site, or series of buildings or sites, structure or sign proposed to be erected or located in any district must be acceptable to the Development Authority having due regard to:
 - 1. amenities such as daylight, sunlight and privacy,
 - 2. the character of existing development in the district, and
 - 3. its effect on adjacent parcels.
 - 4. General regard for reasonable safety, preventative and protective hazard mitigation.

SECTION 27 PROJECTIONS OVER YARD

- a) Projections on foundation walls and footings or on piles are deemed to be part of the building and shall not be considered as a projection over a yard.
- b) Projections over yards for accessory buildings and garages shall be in accordance with Section 33 of this Bylaw.
- c) Dwelling Unit eaves shall be considered part of the dwelling and may project over a yard provided the projection is no closer than 1.2 m (3.9 ft) to a property adjoining a privately owned lot.

SECTION 28 RELOCATION OF EXISTING STRUCTURES

- a) No person shall:
 - 1. Place on a parcel a building which has previously been erected or placed on a different parcel, or
 - 2. Alter the location on a parcel of a building which has already been constructed on that parcel, unless the Development Authority approves the placement or alteration

3. Notwithstanding any other provision of this Bylaw, no mobile homes may be moved into the corporate boundaries of the Summer Village of Nakamun Park after July 1, 2011.
- b) An application to “relocate” a building may require:
1. a colour photograph of the building,
 2. a statement of the present location of the building,
 3. a notification of the relocation route, date, and time that the relocation is to take place, and
 4. a complete site plan showing all buildings located or to be located on the lot.
- c) The Development Authority may require, when a development permit is issued for a relocated building, a performance bond or a letter of credit related to the proposed development.
- d) The Development Authority may require; when a development permit application is received to relocate a building, a notice in writing be forwarded to all adjacent landowners in the receiving neighbourhood.
- e) Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.
- f) When reviewing development permit applications for moved-in buildings, the Development Authority shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- g) In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.
- h) An approval shall not be granted under Subsection (a) unless the Development Authority is satisfied that:
1. The placement or location of the building would meet the requirements of this Bylaw; and
 2. The building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located as well as all applicable building standards of the Alberta Government.

SECTION 29 EXCAVATING, STRIPPING AND GRADING

- a) In all land use districts, no person shall commence or continue the removal of topsoil, without first obtaining an approved development permit.
- b) Pursuant to subsection (a) and in addition to the requirements of Section 21 of this Bylaw, development permit applications for landscaping, site work or drainage work shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- c) There shall be provided upon occupancy of the development, a minimum topsoil coverage of 7.6 cm (3.0 inches) and the affected area shall be landscaped to the satisfaction of the Development Authority.
- d) Any area to be landscaped may, at the discretion of the Development Authority, be left in its natural state, or be loamed and planted to grass, trees, shrubs, and/or flowers or similar vegetation or a combination thereof, which will enhance the appearance of the site and complement the development on the site.
- e) In all cases, site grades shall be established with regard to preventing drainage from one site to the next, except where drainage conforms to an acceptable local or subdivision drainage plan.
- f) All culverts used in private accesses shall be a minimum length of 4.9 m. (16.0 ft.), and be of metal construction having a thickness and diameter that is deemed appropriate by the Development Authority.
- g) As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Authority and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
- h) As a condition of a development permit, the Development Authority may require that the developer provide a financial guarantee, in a form acceptable to the Summer Village of Nakamun Park, up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

SECTION 30 OBJECTIONABLE ITEMS AND USES

- a) All matters related to unsightly property, improper storage of vehicles, parking of commercial vehicles over 55,000 kg (12,125.22 lbs.) shall be addressed through the Municipal Government Act and bylaws adopted by Council other than this Land Use Bylaw.

- b) The following prohibited or restricted developments shall be subject and addressed in accordance with this Bylaw:
1. any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.
 2. Outside storage areas shall be screened from adjacent sites and thoroughfares.
- c) No person shall keep or permit in any part of a yard in a residential land use district:
1. any dismantled or wrecked vehicle for more than fourteen (14) consecutive days;
 2. any object or chattel which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, is unsightly or tends to adversely affect the amenities of the district.
- d) In all land use districts, garbage shall be stored in weather and animal proof containers screened from adjacent parcels and public thoroughfares to the satisfaction of the Development Officer, Municipal Planning Commission or Council
- e) Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.
- f) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, Municipal Planning Commission, or Council, constitutes a danger or annoyance to persons on site, on public property, or on any other site, by reasons of excessive noise, vibration, dust and other particulate matter, smoke, odour, toxic, and noxious matter, traffic, radiation hazards, fire, and explosive hazards, heat, humidity and glare, refuse matter or waterborne waste, water or steam.
- g) Any Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lakeshore shall be prohibited.

SECTION 31 FENCES

- a) In all districts, except as herein provided, no fence shall be constructed that is:
1. Higher than 1.83 m (6.0 ft.) for that portion of the fence that does not extend

forward beyond the foremost portion of the principal building on the parcel;
and

2. Higher than 0.91 m (3.0 ft.) (Note: Current Bylaw is 1.83m front or back I think) for that portion of the fence that extends into the front yard beyond the foremost portion of the principal building on the parcel.
- b) Subject to Section 12 of this Bylaw, all fence construction shall require an approved development permit.
 - c) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Authority must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform to the overall standard set for the area by the Summer Village of Nakamun Park.

SECTION 32 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- a) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer is satisfied that such services or improvements will be undertaken.
- b) No development permit shall be issued for a development to be served by private sewer and water systems until the systems have been approved by the appropriate municipal and provincial authorities.
- c) Privies:
 1. No privy shall be constructed closer than:
 - i. 5.0 m (16.0 ft) to a street or lane,
 - ii. 1.0 m (39 inches) to any other property line,
 - iii. 1.0 m (39 inches) to any structure,
 - iv. 9.0 m (30.0 ft) from any body of water, and
 - v. 9.0 m (30.0 ft) from a well.
 2. All new construction shall require a sealed C.S.A. approved holding tank for collection of sewage effluent.
 3. All privies shall be located in the rear yard and rear half of the lot.
- d) Holding Tanks:

The regulations of the Alberta Department of Labour, Plumbing Inspection Branch, shall govern the installation of holding tanks.

SECTION 33 ACCESSORY BUILDINGS

In residential districts detached garages and accessory buildings shall be located according to the following:

- a) The maximum total combined floor area of all accessory buildings upon the site shall be established and specified in the applicable sections of this Land Use Bylaw outlining Land Use Districts, specifically Section 52 (Residential Standard Lot Regulations) and Section 53 (Residential Large Lot regulations).
- b) no closer to the front yard than the closest portion of the principal building,
- c) a minimum of 2.0 m (6.56 ft.) from the principal building,
- d) an accessory building shall be situated so that the exterior wall is at least 1.5 m (5.0 ft.) from the side boundaries and 1.5 m (5.0 ft.) from the rear boundary of the parcel,
- e) an accessory building shall not be more than 9.0 m (29.8 ft.) in height, and shall not exceed the height of the main building,
- f) where an accessory building is a garage, vehicle access doors shall be a minimum of 6.0 (20.0 ft.) from the property line with the roadway or lane.
- g) no roof overhang shall be situated within 0.9 m (3.0 ft.) of the side and rear property boundary, and
- h) an accessory building shall be located in such a manner that it does not encroach upon easements and rights-of-way.
- i) notwithstanding subsection (b), above, in the case of lakefront lots an accessory building which is a boathouse may be built in the front yard of the property provided that it is built to the satisfaction of the Development Authority and does not exceed 4.0 m. (13.0 ft.) in height as measured from ground floor to finished roof peak. All other accessory buildings must adhere to the subsection (b), above.
- j) An accessory building shall not be used as a dwelling, subject to Section 34 and Section 35.
- k) Notwithstanding any other provision of this Bylaw, a maximum of one garage per lot may be considered a "permitted" use.

SECTION 34 SECONDARY SUITES

- a) A secondary suite shall be operated as an accessory use only and shall not

change the residential character of the principal dwelling involved.

- b) A secondary suite may be considered within:
 - 1. the principal dwelling unit;
 - 2. notwithstanding Section 33 of this Bylaw – the second storey of a detached garage; or
 - 3. an accessory building or structure.
- c) A development permit for a secondary suite expires upon transfer of ownership of land upon which the secondary suite is located. All new owners shall be required to secure all necessary approvals prior to recommencement of the use.
- d) A secondary suite shall not contain more than fifty percent (50%) of the total floor area of the principal dwelling.
- e) On-site parking shall conform to the parking regulation of this Bylaw for the principal dwelling unit, and one (1) additional on-site parking stall shall be required for each bedroom provided in the secondary suite.
- f) Required parking stall(s) shall not be allowed on public roadways.
- g) Prior to its use as an approved secondary suite the property owner shall be required to meet all applicable safety code requirements.
- h) The applicant shall provide an original copy of a fire inspection report to the Development Officer, no older than 1 month, showing no deficiencies or evidence that all identified deficiencies have been corrected, prior to the issuance of an approval for a Secondary Suite.

SECTION 35 GARAGE AND GARDEN SUITES

- a) A Garage Suite shall be developed as an integral part of a detached garage where the principal building is a single detached dwelling.
- b) Only one secondary suite, garage suite or garden suite may be developed in conjunction with a principal building on a site.
- c) A Garage Suite shall have an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure.
- d) The minimum site width for a site with a garage suite or a garden suite shall be 12.0 m. (39.4 ft.).

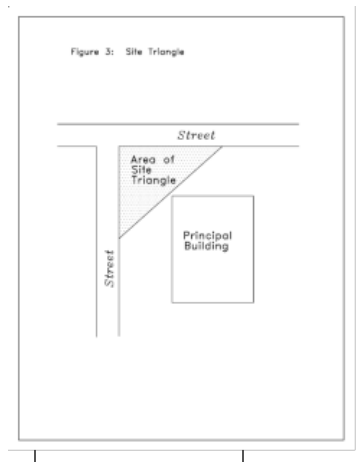
- e) The maximum height of a garage suite shall be 6.5 m. (21.3 ft.), or the height of the principal building, whichever is the lesser.
- f) The maximum height of a garden suite shall be 4.5 m. (14.8 ft.).
- g) The maximum floor area for garage and garden suites shall be 60.0 sq. m. (645.8 sq. ft.).
- h) The minimum floor area of a garage suite or garden suite shall be 30.0 sq. m. (322.9 sq. ft.).
- i) The minimum side yard setback shall be:
 - 1. For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.
 - 2. For that portion of a detached garage that contains a Garage Suite, the same as that for the principal building in the applicable district.
 - 3. On a corner site where a Garage Suite or Garden Suite abuts a flanking street, other than an alley, the minimum street side yard setback shall not be less than that provided for the principal building.
- j) The minimum distance between a detached garage containing a Garage Suite, or Garden Suite and the principal building on the same site shall be 4.0 m. (13.1 ft.).
- k) A minimum of one parking stall shall be provided in addition to the required number of parking stalls for the principal building.
- l) No decks on Garage Suite or Garden Suite roofs shall be allowed.
- m) Balconies shall be allowed as part of a Garage Suite developed above a detached garage only where the balcony faces the alley or a flanking street.
- n) Windows contained within the Garage Suite portion of the detached garage shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:
 - 1. Off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting site;
 - 2. Strategic placement of windows in conjunction with landscaping or the

placement of other accessory buildings; and

3. Placing larger windows such as living room windows, to face an alley, a flanking street, or the larger of any side yard abutting another property.
- o) A Garage Suite or Garden Suite shall not be allowed within the same site containing a Secondary Suite, Group Care Facility or Limited Group Home, or Home Occupation.
- p) Where Garage Suites are discretionary within the applicable district, the Development Authority may exercise discretion in considering a Garage Suite having regard to:
1. Compatibility of the use with the siting, grade elevations, height, roof slopes and building types and materials characteristic of surrounding low density ground-oriented housing and development;
 2. The effect on the privacy of adjacent sites; and
 3. The policies and guidelines for Garage Suites contained in a Statutory Plan for the area.

SECTION 36 CORNER SITES (SIGHT TRIANGLES)

- a) A sight triangle means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres (20.0 ft) from the point where they intersect.
- b) On laneways, the sight triangle shall be formed by a straight line drawn between two points on the exterior boundaries of the said site 3.05 metres (10 ft.) from the point where they intersect.
- c) On any corner site, no person shall erect, place or maintain within the sight triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 metres (3.0 ft) in height above the lowest street grade adjacent to the intersection.
- d) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6m (2.0 ft.) within the area defined as the sight triangle.
- e) When a lot has more than one front yard line (corner lot), the front yard requirement



shall apply to all front yards, but, at the discretion of the Development Authority, one front yard may be considered a side yard.

SECTION 37 CORNER AND DOUBLE FRONTING PARCELS

In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.

SECTION 38 PARKING

a) OFF-STREET AUTOMOBILE PARKING

1. An off-street parking area:
 - i. shall not be located within 1.0 m (3.28 ft.) of a lot line common to the lot and to a street unless the parking area is shared between the adjoining lots;
 - ii. shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
 - iii. shall have necessary curb cuts located to the satisfaction of the Development Authority; and
 - iv. shall be hard-surfaced to the satisfaction of the Development Authority or of a gravel mixture approved by the Development Authority.
2. All parking areas shall conform to the minimum parking standards set out in the Summer Village of Nakamun Park Land Use Bylaw.

b) NUMBER OF REQUIRED PARKING STALLS

1. A minimum of two (2) regulation parking stalls shall be required per dwelling unit contained on the subject parcel.
2. Where applicable under Section 44, or more generally for accessory dwelling units or bed and breakfast facilities, the Development Authority shall require a minimum of one (1) parking stall for each additional dwelling unit in addition to the prerequisite regulations in subsection 1, above, for any parcel, and may require additional parking stalls subject to subsection 3, below, if warranted.
3. Notwithstanding subsection (a), above, the Development Authority may require additional, or generally relax, this requirement at its discretion, if

warranted by the circumstance.

c) GENERAL PARKING CONSIDERATIONS

1. The use and development of Public Roadways, accesses or land which impacts the public road system in the Summer Village of Nakamun Park may also be subject to other provisions and statutes, including the municipal Road and Public Property Bylaw, as amended from time to time.
2. No person shall park or otherwise leave or abandon a vehicle of any description, however propelled, in any entrance or on any roadway thereby impeding traffic, preventing passage or access to any municipal roadway or property except for the driver of an ambulance firefighting equipment or police vehicle in cases of emergency.
3. Any person who parks, leaves or abandons a vehicle contrary to the provisions of this Bylaw is guilty of an offense and is subject to the penalties provided for by the Act, or other municipal bylaws, as may be applicable.

SECTION 39 SIGNS

- a) No signs or advertising structures of a commercial, direction, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- b) No signs or advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- c) Notwithstanding the generality of the above or the above provisions, the following signs may be erected on land or affixed to the exterior of a building or structure without application for a Development Permit, provided that no such signs are illuminated:
 1. signs for the purpose of identification, direction, and warning;
 2. signs relating to a person, partnership or company carrying on a profession, business or trade;
 3. provided that the sign does not exceed a maximum of 3.7 m² (12 ft²) and is limited to one such sign per lot; and
 4. advertisements in relation to the function of public or quasi-public bodies.
- d) No sign or advertisement shall resemble or conflict with a traffic sign.

- e) All advertisements shall be kept in a clean, safe, and tidy condition.
- f) Signs related to home occupations shall be limited to 1.0 m² (1.55 ft²) and must be attached to the respective residence.
- g) No signs or advertising structures of any kind shall be permitted adjacent to a highway unless the prior approval of the local road authority has been obtained.

SECTION 40 KEEPING OF ANIMALS

- a) No person shall keep or permit to be kept in any part of the yard in any Land Use District:
 - a. animals, livestock, or poultry with the exception of dogs, cats, and such other usual domestic pets as are 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.

SECTION 41 SEA CANS

No Sea Cans may be located within the Summer Village of Nakamun Park, unless approved by the Development Authority, as a temporary use, approved as part of a Development Permit for the construction or placement of a Single Detached Dwelling

SECTION 42 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS

- a) A maximum of **one (1)** Recreation vehicles, holiday trailers, motor homes, campers or tent trailers, whether occupied or unoccupied, may be situated on a developed parcel provided that the recreational vehicle:
 1. Where occupied, is located within a required parking stall or on the site in a manner satisfactory to the Development Officer; and,
 2. Where occupied, has on-site access to an approved sewage collection system to the satisfaction of the Development Officer; and,
 3. Whether unoccupied or occupied, is maintained in a neat and tidy condition and positioned in a location that respects the privacy and appearance of the neighbouring properties, and in accordance with an approved development permit for same.
 4. Whether unoccupied or occupied, is maintained in accordance with the general provisions of other "accessory structures" provided for in this bylaw, adhering specifically to the setback requirements, lot location, and lot coverage considerations regulating accessory structures under Section 33 of this Land Use Bylaw.

- b) At no time are recreation vehicles to be used as a permanent place of residence.
- c) At no time may a person store any derelict recreation vehicle on a property. Dereliction may be assessed by inoperability, immobility, excessive rust, decay or damage, fluid leaks, abandonment, lack of registration, or any or all of these.

SECTION 43 HOME OCCUPATIONS

- a) Home occupations shall be limited to those areas which do not interfere with the rights of other residents to quiet enjoyment of a residential neighborhood. Home occupations shall not be a primary use of the residential building and shall not:
 - 1. involve the storage of goods in the public view, a change in appearance of the residence or its accessory buildings, unless approved by the Development Officer,
 - 2. require alterations to the building unless the alterations are approved by the Development Officer, and
 - 3. shall not employ any employees who do not reside on-site.
- b) Development approval for home occupation business signage shall be at the discretion of the Development Officer.
- c) Home occupations shall initially be approved for a period not exceeding one year. At that time, the application may be extended at the discretion of the Development Officer, for the period of time that the property is occupied by the Applicant who the home occupation was approved for.
- d) All permits for home occupations shall be subject to the condition that they may be reviewed, and possibly revoked at any time, if, in the opinion of the Development Officer, the use is or has become detrimental or otherwise incompatible with the amenities of the neighbourhood.
- e) At all times, the privacy of the adjacent dwellings shall be preserved and shall not unduly offend the surrounding residents by way of excessive lighting, noise, traffic, congestion, late visitations by clients, etc.

SECTION 44 BED AND BREAKFAST

In addition to all other provisions and requirements of this section of the Bylaw, the following additional requirements shall apply to home-based businesses in the form of bed and breakfast operations, as defined in Section 43 of this Bylaw:

- a) Persons wishing to operate a bed and breakfast operation shall be required to apply

for a development permit from the Summer Village of Nakamun Park.

- b) A bed and breakfast operation shall be limited to residential land use districts and shall be contained entirely within the principal building.
- c) A bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.
- d) In addition to the off-street parking requirements for the dwelling unit itself, as stipulated in Section 38 (b) of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for a bed and breakfast operation.

SECTION 45 SHORT-TERM RENTALS

Short-Term Rentals are neither Permitted nor Discretionary Uses within any land use district within the Summer Village of Nakamun Park and will not be allowed.

SECTION 46 FLOOD PRONE LANDS

- a) Development on land which may be subject to flooding shall be discouraged, especially on lands which are with the 1:100 year flood plan, as determined by Alberta Environmental Protection and the Summer Village of Nakamun Park.
- b) Residential development on lands which have been designated as a flood area shall be prohibited.
- c) In flood areas, new development shall not be permitted unless the proposed development is directly related to a recreational or lake use, such as picnic tables, boat docks, launch ramps, etc.
- d) In flood areas, new development shall not be allowed unless it complies with Canada Mortgage and Housing Corporation standards for flood-proofing of buildings.
- e) Development in areas with a potential to be flooded may have, at the discretion of the Development Officer, a restrictive covenant related to the approved development registered against the certificate of title for the subject property.
- f) Development on lands which have a gross slope in excess of 15% shall be accompanied by a site plan designed and approved by a professional engineer.

SECTION 47 ENVIRONMENTALLY SENSITIVE LANDS

- a) Development on lands which are designated or deemed by the Development Officer

to be environmentally sensitive shall be discouraged.

- b) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
 - 1. the impact of the proposed development on the subject and surrounding area;
 - 2. the soil types and conditions of the area surrounding the subject property;
 - 3. any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
 - 4. comments and recommendations from Alberta Environmental Protection.
- c) As part of the development permit application, the Development Officer may require a geotechnical study, prepared by a qualified geotechnical engineer, addressing the proposed development. The geotechnical study will establish building setbacks from property lines based upon land characteristics of the subject property.
- d) The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:
 - 1. that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
 - 2. the registration of a restrictive covenant against the certificate of title of the subject property related to the approved development.

SECTION 48 FIRE PITS

Within the corporate limits of the Summer Village of Nakamun Park, fire pits must:

- a) Be at least 3 metres (10 feet) from buildings, property lines and anything else that could catch fire.
- b) Be less than 0.6 metres (2 feet) high
- c) Be less than 1 metre (3 feet) wide
- d) Have enclosed sides made from bricks, concrete or heavy-gauge metal
- e) Have a mesh screen on top to stop sparks (spark-arrestor) with openings smaller than 1.25 centimetres (1/2 inch)



SECTION 49 CANNABIS REGULATIONS

(a) Cannabis retail sales

- (1) Any site containing a Cannabis Retail Sales shall not be located less than 100 metres (328 feet) from any site being used as a public or private education services or a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:
 - i. the 100 metres (328 feet) separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the district boundaries or from the edges of the structures;
 - ii. the term “public or private education services” is limited to early childhood education, elementary through high schools inclusively only, and does not include dance schools, driving schools or other commercial schools.
- (2) Notwithstanding Section 16(b) of this Bylaw, a Development Authority shall not grant a variance to subsections 49 (a)(1)(i.) or 49 (a)(1)(ii.).
- (3) The Development Authority may require lighting, signage, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby residential, commercial, industrial or community services uses.
- (4) Prior to the issuance of a development permit, the Development Authority may conduct a site assessment, taking into account land use impacts including, but not limited to, exterior illumination, landscaping, screens, signs and access.

(5) The Development Authority shall impose a condition on any development issued for Cannabis Retail Sales requiring that the development:

- i. shall not commence until authorized by and compliant with all federal and provincial legislation; and
- ii. must commence within six (6) months of the date of approval of the development permit.

(6) For the purposes of Section 49 (a)(5)(ii)., development commences when the Cannabis Retail Sales Use is established and/or begins operation.

b) Cannabis Production And Distribution Facility

(1) Any site containing a Cannabis Production and Distribution Facility shall not be located within the following Land Use Districts under the Summer Village of Nakamun Park Land Use Bylaw 2022-04, as amended:

- i. RESIDENTIAL (R1) DISTRICT
- ii. PARK (P) PARK AND RESERVE DISTRICT
- iii. URBAN SERVICES (U) DISTRICT

(2) For the purposes of this subsection only, the owner or applicant shall provide as a condition of development permit a copy of the current license and all subsequent license renewals for all activities associated with medical cannabis production issued by Health Canada.

(3) The owner or applicant shall obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.

(4) All processes and functions of the development shall be fully enclosed within a stand-alone building, including but not limited to all loading spaces and docks, garbage containers, storage and waste material.

(5) The development shall be a singular use and shall not be operated in conjunction with any other uses.

(6) The development shall include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

- (7)The development shall be located a minimum of 100 metres (328 feet) away from any residential district.
- (8)The Development Authority may require, as a condition of development permit approval, a waste management plan, completed by a qualified professional that details:
- i. the incineration of waste products and airborne emissions, including odours;
 - ii. the quantity and characteristics of liquid waste material discharged by the facility; and
 - iii. the method and location of collection and disposal of liquid and waste material.
- (9)The minimum number of parking stalls shall be at the discretion of the Development Officer, per Section 38 PARKING.
- (10)Fencing on the site shall be required, subject to the provisions of Section 31.
- (11)Notwithstanding the provisions of Section 39 SIGNS, no sign shall be displayed on the site that identifies the use.
- (12)The development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved development permit and all other applicable Bylaws of the Summer Village of Nakamun Park.

PART V - TITLE AND DEFINITIONS

SECTION 50 LAND USE DISTRICTS

The municipality is hereby divided into the following districts:

Short Form	District Designation
R1	Residential Standard Lot
P	Park and Reserve
U	Urban Services

SECTION 51 LAND USE DISTRICT MAP

- a) Land use districts specified under Section 50 are described in the short form on the LAND USE DISTRICT MAP.
- b) The boundaries of the districts listed in subsection (a) are as delineated on the Land Use District Map.
- c) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
 1. Rule 1 Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
 2. Rule 2 Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
 3. Rule 3 In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined by:
 - i. Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
 - ii. Where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the

Land Use District Map.

- d) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- e) After the Council has fixed a district boundary pursuant to the provisions of subsection (d), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- f) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

SECTION 52 R1 - RESIDENTIAL STANDARD LOT DISTRICT

a) General Purpose of District

This district is generally intended for the development of single detached and modular homes in a lake area residential setting.

b) Permitted Uses and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none">• Single detached dwelling• Modular building• Accessory building or Use• A Maximum of 1 Recreational Vehicles	<ul style="list-style-type: none">• Bed and breakfast• Home occupations• Public utility buildings and operations

c) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

- d) Minimum lot width shall be 15.5 m (50 feet).
- e) Minimum floor area for any dwelling shall be 75 sq. m. (800 sq. ft) or greater.
- f) Total site coverage of all accessory buildings shall not exceed 111.5 sq. m. (1200 sq. ft.)
- g) Total site coverage of all buildings shall not exceed 40% of the area of the lot.
- h) Maximum building height shall be 9.0 m (29.5 ft).

- i) Setback requirements are required as follows:
 1. Front Yard:
 - i. Back lots - 6.1 m (20.0 ft).
 - ii. Lakefront lots - at the discretion of the Development Officer, but shall not be less than 6.1 m (20.0 ft).
 2. Rear Yard:
 - i. Main building - 6.1 m (20.0 ft).
 - ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).
 3. Side Yards:
 - i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
 - ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
 - iii. Garages and accessory buildings - 1.0 m (3.3 ft).

SECTION 53 P - PARK AND RESERVE DISTRICT

a) General Purpose of District

This district is generally intended for recreational uses to serve the residents and visitors to the Summer Village of Nakamun Park.

b) Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none"> • Recreation building or use • Public use • Accessory building or use 	<ul style="list-style-type: none"> •

c) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

d) Setback requirements are required as follows:

1. Front Yard:
 - i. Back lots - 6.1 m (20.0 ft).

- ii. Lakefront lots - at the discretion of the Development Officer, but shall not be less than 6.1 m (20.0 ft).

2. Rear Yard:

- i. Main building - 6.1 m (20.0 ft).
- ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

3. Side Yards:

- i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
- ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
- iii. Garages and accessory buildings - 1.0 m (3.3 ft).

e) Restrictions

No vehicles (automobile and/or truck) or any other type of vehicle normally using highways, shall be permitted on park or reserve land (except for maintenance vehicles with Development Officer's permission).

SECTION 54 U - URBAN SERVICES DISTRICT

a) General Purpose of District

This district is generally intended for public works and public uses.

b) Permitted Uses and Discretionary Uses

Permitted Uses	Discretionary Uses
<ul style="list-style-type: none">• Public Use• Recreation building or use	<ul style="list-style-type: none">• Accessory building or use

c) Site Area

Minimum site area shall be determined by the Subdivision Approving Authority.

d) Setback requirements are required as follows:

1. Front Yard:

- i. Back lots - 6.1 m (20.0 ft).
- ii. Lakefront lots - at the discretion of the Development Officer, but

shall not be less than 6.1 m (20.0 ft).

2. Rear Yard:

- i. Main building - 6.1 m (20.0 ft).
- ii. Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

3. Side Yards:

- i. Principal building (less than 24.75 feet in height) - 1.5 m (5.0 ft).
- ii. Principal building (over 24.75 feet in height) – 2.3 m (7.5 ft)
- iii. Garages and accessory buildings - 1.0 m (3.3 ft).

e) Restrictions

- (a) No vehicles (automobile and/or truck) or any type of vehicle normally using highways shall be permitted on Urban Services Districts (except vehicles maintaining the district or being stored in facilities thereof).
- (b) Construction of public works buildings on the lot between blocks 7 and 8 (formerly known as R7) now designated as U7 shall be limited to construction of one 40' X 60' storage building in the south west corner of the lot and a harvester berth on the lakeshore.

PART VI – ADMINISTRATION AND ENACTMENT

SECTION 55 SCHEDULES

Schedule A is part of this Bylaw. Schedule A is the Land Use Map.

SECTION 56 REPEAL OF EXISTING CONTROLS

Bylaw 2022-4, and amendments thereto, are hereby repealed.

SECTION 57 DATE OF COMMENCEMENT

This Bylaw shall come into full force and effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS _____ OF _____, 2025 A.D.

(MAYOR)

(CHIEF ADMINISTRATIVE OFFICER)

HAVING RECEIVED PUBLIC HEARING THIS _____ OF _____, 2025 A.D.

READ A SECOND TIME IN COUNCIL THIS _____ OF _____, 2025 A.D.

(MAYOR)

(CHIEF ADMINISTRATIVE OFFICER)

READ A THIRD AND FINAL TIME IN COUNCIL THIS _____ OF _____ 2025 A.D.

(MAYOR)

(CHIEF ADMINISTRATIVE OFFICER)






SCALE 1:2000

0 20 40 100 200 Metres

NOTES:

1. PROJECTION: UNIVERSAL TRANSVERSE MERCATOR
2. REFERENCE MERIDIAN: 117°
3. DATUM: NAD83 (ORIGINAL)
4. COMBINED SCALE FACTOR: 0.999904
5. ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
6. DISTANCES ON CURVED BOUNDARIES ARE ARC DISTANCES.
7. LOT DIMENSIONS ARE COPIED FROM REGISTERED SURVEY PLANS AND HAVE NOT BEEN VERIFIED.
8. THIS MAP WAS COMPILED FROM A PREVIOUS VERSION PREPARED BY NAVLAND GEOMATICS, MAPPING FROM ALTALIS, AND REGISTERED SURVEY PLANS.
9. MUNICIPAL ADDRESSES SHOWN TUS: [15](#)
10. BLOCK NUMBERS SHOWN TUS: 1
11. MUNICIPAL BOUNDARY SHOWN TUS: REDACTED

LAND USE DISTRICT LEGEND:

-  - RESIDENTIAL DISTRICT - R1
-  - PARK & RESERVE DISTRICT
-  - URBAN SERVICES

Schedule "A"
Land Use Bylaw 2025-5
Land Use District Map
(Adopted on Passing of LUB 2025-5)

S.W. 1/4 SEC.34-56-2-5

S.E. 1/4 SEC.34-56-2-5