

**Summer Village of Nakamun Park
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

APPEAL HEARING NO. 24SDAB12-23

A G E N D A

DATE: Friday, November 1, 2024

TIME: 3:00 p.m.

PLACE: Summer Village of Nakamun Park Administration Office
2317 TWP Rd. 545
Lac Ste Anne, AB

An appeal on Stop Order No. 24STOP12-23 issued on September 13, 2024 by the Development Authority for the Summer Village of Nakamun Park with respect to Lands described as Plan 822 1138, Block 15, Lot 1: 4001 Hillcrest Drive, within the Summer Village of Nakamun Park, Alberta.

1. Call to Order
2. Adoption of Agenda
3. Board Introductions
4. Objections to the Panel
5. Clerk Introduction and Description of Appeal
6. Parties Introduction
7. Preliminary Issues (if required)
8. Explanatory Comments
9. Confirmation of Hearing Process
10. Presentation by Development Officer and/or Legal Counsel
11. Presentation by Appellant and/or Appellant's Representative
12. Presentations in Favour of the Appeal
13. Presentations Opposing the Appeal
14. Recess
15. Board Questions
16. Summaries
17. Adjournment of Public Portion of Hearing
18. Board Decision
19. Adjournment of Hearing

Summer Village of Nakamun Park
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

APPEAL HEARING NO. 24SDAB12-23

Polansky v. Summer Village of Nakamun Park (Development Authority)

Exhibit List

Appellant: Ken and Mary Beth Polansky

Hearing Date: November 1, 2024

Legal Description: Plan 822 1138, Block 15, Lot 1 : 4001 Hillcrest Drive within the Summer Village of Nakamun Park, Alberta.

Exhibit No.	Title/Author
1	Stop Order No. 24STOP12-23, Issued by Tony Sonnleitner, Development Officer for Summer Village of Nakamun Park, on September 13, 2024.
2	Notice of Appeal, Submitted by Ronon Soans, Planner, Clarity Development Advisory, on October 4, 2024.
3	Notice of Hearing, Issued by Emily House, Clerk, Subdivision and Development Appeal Board, on October 15, 2024
4	Summer Village of Nakamun Park Legal Counsel Submission, Submitted by Michelle Gallagher, KC of Patriot Law, on October 24, 2024
5	Appellant Representative Submission, Submitted by Ronon Soans, Planner, Clarity Development Advisory, on October 25, 2024



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

STOP ORDER

September 13, 2024

File: 24STOP12-23

POLANSKI, KEN
POLANSKI, BETH



Dear Sir / Madam:

RE: PLAN 822 1138, BLOCK 15, LOT 1 : 4001 HILLCREST DRIVE (THE "LANDS").

In my capacity as Development Officer I hereby issue this Stop Order pursuant to Section 645 of the Municipal Government Act, and Section 19 of the Summer Village of Nakamun Park Land Use Bylaw 2022-04, with respect to the aforementioned lands.

The Municipality's Land Use Bylaw 2022-04 states:

"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:"

Further, Part 17 of the Municipal Government Act and Section 19 of the Summer Village of Nakamun Park Land Use Bylaw 2022-04 allow a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, a development permit or a subdivision approval.

At present, given that:

1. Three (3) Accessory Buildings have been placed upon the Lands without application for development permit approval, and Development Authority approval has not been granted for the development undertaken on the Lands (Photographs taken by the Development Authority on September 4, 2024 are attached).

Accordingly, you are hereby ordered to stop the unauthorized development on the aforementioned Lands and comply with the Land Use Bylaw by:



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

1. Immediately removing the three Accessory Buildings from the Lands.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal must be received by the Clerk of the Subdivision and Development Appeal Board within 21 Days of the date of issuance of this order. Appeal letter(s) may be mailed to:

Clerk of the Subdivision and Development Appeal Board
Summer Village of Nakamun Park
P.O. Box 1250, Onoway, Alberta, T0E 1V0

Please be advised that, should you fail to comply with this Stop Order the Municipality has the authority, pursuant to Section 646 of the Municipal Government Act, to enter onto the Lands and take any action necessary to carry out the terms of this Order. The authority granted to the Summer Village also includes the right to charge the costs and expenses incurred in carrying out this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

YOURS TRULY,

SUMMER VILLAGE OF NAKAMUN PARK

Per:

TONY SONNLEITNER
Development Officer



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Authority on September 4, 2024.





SUMMER VILLAGE OF NAKAMUN PARK

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PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Authority on September 4, 2024.



October 4, 2024

Attention:

Clerk of the Subdivision and Development Appeal Board

Summer Village of Nakamun Park
P.O. Box 1250, Onoway, Alberta, T0E 1V0

File: 2024-41

Reference: 4001 Hillcrest Drive (Plan 822 1138, Block 15, Lot 1) – Stop Order Appeal

We are submitting this letter on behalf of the property owner to formally appeal a Stop Order (File: 24STOP12-23), issued on September 13, 2024, concerning three accessory buildings located on the above-referenced property.

As discussed with Mr. Dwight Moskalyk, Chief Administrative Officer, earlier today, we were advised that it is acceptable for this appeal request to be submitted via email on October 4, 2024, as long as we also send a physical copy by mail today. We confirm that a hard copy of this appeal request will be mailed out immediately.

Upon review, it appears that two of the three accessory buildings in question may not require a development permit under the Summer Village of Nakamun Park Land Use Bylaw No. 2022-4. Specifically, these two structures appear to be tool sheds, which, as per Nakamun Park's Land Use Bylaw, do not require a development permit if they are not on a fixed foundation, do not exceed 9.3 m² in floor area, and are no more than 2.5 meters in height (Appendix 1).

While we are in the process of confirming the exact dimensions of the structures, we believe they meet the requirements set out in the Land Use Bylaw. We are requesting the opportunity to appeal the stop order to have these facts reviewed and to explore options for resolving the matter.

We thank the Board for its understanding of the sensitive nature of this situation and respectfully request that the stop order be reviewed for reconsideration.

Sincerely,

Clarity Development Advisory



Ranon Soans, Planner

We Build On Ideas.

www.claritydevelopment.ca

p • 780.453.8344
e • info@claritydevelopment.ca

Suite 354, Birks Building
10113 - 104 Street NW
Edmonton AB T5J 1A1

Appendix 1

- 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



**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Box 1075, Onoway, AB T0E 1V0**

October 15, 2024

Our File: 24SDAB12-23

Tony Sonnleitner
Box 2945
Stony Plain, AB T7Z 1Y4

**RE: NOTICE OF SUBDIVISION & DEVELOPMENT APPEAL BOARD (SDAB) HEARING
STOP ORDER NO. 24STOP12-23
WITH RESPECT TO DEVELOPMENT ON LANDS DESCRIBED AS
PLAN 822 1138, BLOCK 15, LOT 1 : 4001 HILLCREST DRIVE, SUMMER VILLAGE OF NAKAMUN PARK, AB (THE "LANDS")**

A Notice of Appeal against the issuance of Stop Order No. 24STOP12-23 was received on October 4, 2024. In accordance with Section 686.2 of the *Municipal Government Act*, the Subdivision and Development Appeal Board has scheduled the following for the Hearing:

Date: Friday, November 1, 2024
Time: 3:00 PM
Place: Summer Village of Nakamun Administrative Office – Main Board Room
2317 TWP Rd. 545
Lac Ste Anne County, AB

Please send any written submissions for the SDAB Hearing to the Clerk of the Subdivision and Development Appeal Board via email, mail, or courier. All submissions must be received by October 25, 2024, at 4:00 PM.

Mail: Milestone Municipal Services Inc., Box 1075, Onoway, AB T0E 1V0
Courier: Emily House, 990 Bauer Avenue, Spring Lake, AB T7Z 2S9
Email: emily@milestonemunicipalservices.ca

Any written materials submitted to the Subdivision and Development Appeal Board will be included in the agenda package and made available to the public.

If you should have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Emily House".

Emily House
Subdivision and Development Appeal Board Clerk
emily@milestonemunicipalservices.ca
Phone: (780) 914-0997

:ejh

cc Michelle Gallagher, KC, Patriot Law
Dwight Moskalyk, Chief Administrative Officer, Summer Village of Nakamun Park

Edward Gallagher, CD*
Michelle Gallagher, CD, KC

File No. 24-1006

24 October 2024

BY EMAIL

Summer Village of Nakamun Park SDAB
Box 1075
Onoway, AB T0E 1V0

Attention: SDAB for the Summer Village of Nakamun Park

Dear Members of the Board:

**Re: Appeal Hearing No.: 24SDAB12-23
Submission of Summer Village of Nakamun Park
Appeal of Stop Order issued September 13, 2024
for Plan 822 1138, Block 15, Lot 1 4001 Hillcrest Drive), Summer Village of
Nakamun Park (the "Lands")
Landowner: Marybeth Polansky**

I am counsel for the Summer Village of Nakamun Park (the "Summer Village").

The following are submissions made on behalf of the municipality and its Development Authority.

BACKGROUND

Marybeth Polansky owns the subject Lands which are located within the Residential District.¹ It is noted that while the Stop Order issued in this case was directed to landowners Ken Polansky and Beth Polansky, an Affidavit of Surviving Joint Tenant was registered on October 5, 2024, and Ms. Marybeth Polansky is now the sole registered owner of the Lands. A copy of the survey plan showing the location of the Lands is attached.²

Procedural History

Stop Order

On September 13, 2024, the Development Authority issued a Stop Order (the "Stop Order") to Ken Polansky and Beth Polansky pursuant to Section 645 of the MGA and section 19 of the Summer Village Land Use Bylaw 2022-04 ("LUB").³

The Stop Order noted the following:

- Three (3) Accessory Buildings have been placed upon the Lands without application for development permit approval, and Development Authority approval has not been granted

¹ See Title search at Tab 4.

² See copy of Survey Plan at Tab 5.

³ See copy of the Stop Order at Tab 2.

* Denotes Professional Corporation

for the development undertaken on the Lands (Photographs taken by the Development Authority on September 4, 2024, are attached).

The Stop Order ordered the following:

- Accordingly, you are hereby ordered to stop the unauthorized development on the aforementioned Lands and comply with the Land Use Bylaw by: 1. Immediately removing the three Accessory Buildings from the Lands.

Letter of Appeal

Ranon Soans (a Planner with Clarity Development Advisory) is agent for Ms. Polansky. They provided a letter of appeal dated October 4, 2024.⁴ It appears that the basis for the appeal is that it is alleged that two of the three structures may not require a development permit if they are characterized as tool sheds, are not on a fixed foundation, and do not exceed 9.3m², and are no more than 2.5m in height. However, the letter notes that they are in the process of confirming the exact dimensions.

It appears based on the Letter of Appeal that there is an acknowledgement that one of the structures does require permits (and implicit in the letter is that such permits have not been obtained).

SUMMARY OF POSITION

The municipality's position is that the Stop Order should be upheld. A summary of the reasons for this position is as follows:

- One of the structures may actually be a Privy which requires a development permit, and no such permit has been obtained.
- Either two (or all three if the Privy is included) of the structures appear to be what may be generally referred to as accessory buildings. However, under the LUB, "Accessory Buildings or Uses" are "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..." There is no principal building on this residential lot to which these structures may be incidental. As such, they do not meet the requirements of the LUB.
- The LUB does state (in section 12(i)) that a portable garden or tool shed not on a fixed foundation on the residential parcel which does not exceed 9.3m² (100.10ft²) in floor area and 2.5m (8.2ft) in height does not require a permit. However, this is qualified by the general statement in section 12 that the development conforms to all other provisions of the LUB. Even if the structures in question meet the size exemption for permits, they remain non-compliant for the following reasons:
 - There is no principal building to which they are incidental; and
 - It is not possible to comply with the siting requirements for Accessory Buildings because certain siting references are with respect to a principal building which does not exist.

⁴ Letter of appeal at Tab 3.

- Section 22 of the LUB does provide for the Development Authority’s discretion to permit a use that is “the same or similar” where a specific use does not conform to the wording of any definition. However, all such “same or similar” uses are considered discretionary. As such, a permit would be required for a non-compliant Accessory Building and no permit has been obtained.
- It is believed that the landowners have been periodically using the lands for the temporary placement of Recreational Vehicles. The Development Officer will speak to his knowledge of this in his submissions. The temporary placement of Recreational Vehicles is neither a Permitted nor a Discretionary Use for an undeveloped parcel in the LUB. The R1-Residential Standard Lot District’s purpose is described in section 52 as being “generally intended for the development of single detached and modular homes in a lake area residential setting.” This use is notwithstanding a prior Stop Order relating to Recreational Vehicle Use which was unsuccessfully appealed by the landowners to the SDAB in 2007⁵ and a further Stop Order issued on June 14, 2023.⁶

LAW AND LEGAL ANALYSIS

General

The SDAB’s jurisdiction in respect of a Stop Order appeal is focused on whether the Stop Order was validly issued. Where a SDAB is satisfied that the Stop Order was properly issued, the SDAB’s jurisdiction is generally limited to upholding the Stop Order and, in appropriate circumstances, varying the time for compliance.

For certainty, SDABs are not generally obliged to consider granting a development permit in an appeal of a Stop Order.⁷ This is because on such an appeal the SDAB does not have an application for a development permit or a variance before it (with the result that all of the analysis respecting proposed development, including the potential input of other affected parties who would be eligible for notice and to attend a hearing and provide submissions in the event of an appeal, cannot be completed).

Municipal Government Act, RSA 2000 c M-26 (“MGA”)

The MGA requirements in respect of Stop Order appeals and with respect to the role of the SDAB are attached at Tab 1.

Land Use Bylaw

The complete Land Use Bylaw (LUB) in force at the time of the Stop Order (i.e. September 13, 2024) is LUB 2022-4 and is attached at Tab 7.

The key sections of the LUB relevant to the analysis have been extracted and are attached at Tab 6.

As is typical of most LUBs, all development (as defined) requires development approval unless expressly exempted from that requirement.

⁵ See letter and SDAB decision from 2007 at Tab 9.

⁶ See Stop Order dated June 14, 2023, at Tab 10. Note that it is understood that the envelope enclosing the Stop Order was returned unclaimed.

⁷ See *Morozoff v. Vulcan (County)*, 2013 ABCA 35 (CanLII), at 17-18, at Tab 11.

ANALYSIS

Land Use Bylaw

The purpose of the LUB, among other things, is to achieve the orderly development of land. In so doing, it divides lands into districts. The land in question in this appeal is in the R1 - Residential Standard Lot District.

Unless development falls under a specific exemption in section 12 of the LUB, all development requires a development permit. The focus of this appeal should be on the requirement for, and lack of, permits, for these developments.

For simplicity, in these submissions, the three structures at issue will be referred to as follows:

- The green structure with “Lewis Estates” identified on the front door is believed to be a Privy and will be referred to as the “Privy”;
- The white building with blue trim, two windows and one door will be referred to as the “White Building”: and
- The brown structure with a gable roof and glass door will be referred to as the “Brown Building.”

Privy

A Privy is not exempted from the requirement for a Development Permit under section 12 of the LUB. No such permit has been obtained. If this structure is not actually a Privy, then the analysis applicable to the two other structures at issue applies to this structure.

White Building and Brown Building

These structures do not meet the definition of Accessory Buildings in section 5(1) of the LUB because they are not separate and subordinate to a principal building on the lot and are not incidental to the use of such principal building. This is because there is no principal building on the lot.

The LUB does state (in section 12(i)) that a portable garden or tool shed not on a fixed foundation on the residential parcel which does not exceed 9.3m² (100.10ft²) in floor area and 2.5m (8.2ft) in height does not require a permit. However, this is qualified by the general statement in section 12 that the development conforms to all other provisions of the LUB. Even if either or both structures meet the size exemption for permits, they remain non-compliant. This is because there is no principal building to which they are incidental. Also, it is not possible to comply with the siting requirements for Accessory Buildings because certain siting references are with respect to a principal building which does not exist. For example, section 33(b) requires that Accessory Buildings be located no closer to the front yard than the closest portion of the principal building.

Lastly, section 22 of the LUB does permit the Development Authority discretion to issue a permit for a use that is “the same or similar” where a specific use does not conform to the wording of any definition. However, all such “same or similar” uses are considered discretionary. As such, a permit would be required for a non-compliant Accessory Building and no permit has been obtained.

Prior Land Use Bylaw

Given that the current LUB came into force on April 19, 2023, I will briefly address the prior LUB.⁸

In section 5(1) of the prior LUB, “Accessory Buildings or Use” has a similar definition. Accessory Building or Use “means a use, building or structure which is separate and subordinate to the principal use of the main building on the lot, but does not include a residence.”

“Main Building or Use” is defined as meaning “the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar buildings or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one main building or use on a single lot.”

Section 8(2) of the prior LUB confirms that small accessory buildings under 10m² (108 ft²) do not require a permit “provided the development confirms to this Bylaw.”

Section 9(10) of the prior LUB has a very similar provision to the “same or similar” provisions in section 22 of the current LUB. Such uses are discretionary (and therefore require a permit).

Section 39(1) of the prior LUB also confirms that “no holiday/vacation trailers shall be parked on any undeveloped lot within the Village.”

Considering the above, it is submitted that the analysis in respect of the prior LUB is the same as for the current LUB.

SUMMARY

There are essentially two (2) issues for the SDAB to determine in this case:

1. Is the Stop Order Valid?
2. If so, should the SDAB vary the Stop order to provide further time for compliance?

Given the analysis above, all the developments at issue under the Stop Order require development approval. No development permits have been issued. As such, the Stop Order should be found to be valid.

On the issue of additional time for compliance, it appears that the landowners have placed and been using the structures at issue in support of the temporary placement of Recreational Vehicles. That use is neither Permitted nor Discretionary on an undeveloped parcel. It also appears to be in contravention of a prior Stop Order which was upheld by a prior SDAB in 2007, and a subsequent Stop Order from last year (which as noted above was returned unclaimed). None of these structures except potentially the Privy would be difficult to remove given their

⁸ Summer Village of Nakamun Park Land Use Bylaw 2007-03 (Prior LUB) attached at Tab 8.

apparent size. As such, if the Board is inclined to grant additional time, then a relatively short period would be appropriate.

All of which is respectfully submitted.

Yours truly,

PATRIOT LAW

Per:



Michelle Gallagher, KC
Barrister and Solicitor

Email: michelle@patriotlaw.com

Attachments (by TAB):

1. *Municipal Government Act*, RSA 2000, c M-26 (extracts only);
2. Stop Order issued September 13, 2024;
3. Letter of Appeal dated October 4, 2024;
4. Title Search for the Lands dated October 10, 2024;
5. Survey Plan applicable to the Lands;
6. Extracts of current Land Use Bylaw (Summer Village of Nakamun Park Land Use Bylaw 2022-4);
7. Complete copy of Summer Village of Nakamun Park Land Use Bylaw 2022-4;
8. Prior Land Use Bylaw (Summer Village of Nakamun Park Land Use Bylaw 2007-3);
9. Prior SDAB Decision dated January 31, 2007;
10. Stop Order (relating to RVs) issued June 14, 2023;
11. *Morozoff v. Vulcan (County)*, 2013 ABCA 35 (CanLII).

cc: Summer Village of Nakamun Park (CAO)

cc: Summer Village of Nakamun Park (Development Authority)

TAB 1

Municipal Government Act, RSA 2000, c M-26 (Extracts only)

Stop order

645(1) Despite [section 545](#), if a development authority finds that a development, land use or use of a building is not in accordance with

- (a) this Part or a land use bylaw or regulations under this Part, or
- (b) a development permit or subdivision approval,

the development authority may act under subsection (2).

(2) If subsection (1) applies, the development authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention, or any or all of them, to

- (a) stop the development or use of the land or building in whole or in part as directed by the notice,
- (b) demolish, remove or replace the development, or
- (c) carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the land use bylaw or regulations under this Part, a development permit or a subdivision approval,

within the time set out in the notice.

(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

(3) A person who receives a notice referred to in subsection (2) may appeal the order in the notice in accordance with [section 685](#).

RSA 2000 cM-26 s645;2017 c13 s1(59);2022 c16 s9(80)

.....

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under [section 645](#),

the person applying for the permit or affected by the order under [section 645](#) may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

- (a) to the Land and Property Rights Tribunal
 - (i) unless otherwise provided in the regulations under [section 694\(1\)\(h.2\)\(i\)](#), where the land that is the subject of the application

- (A) is within the Green Area as classified by the [Minister](#) responsible for the [Public Lands Act](#),
- (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,
- (C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
- (D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Protected Areas or the Minister of Forestry, Parks and Tourism,

or

- (ii) in any other circumstances described in the regulations under [section 694\(1\)\(h.2\)\(ii\)](#),

or

- (b) in all other cases, to the subdivision and development appeal board.
- (3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under [section 683.1\(8\)](#).
- (4) Despite subsections (1), (2), (2.1) and (3), if a decision with respect to a development permit application in respect of a direct control district

- (a) is made by a council, there is no appeal to the subdivision and development appeal board, or
- (b) is made by a development authority, the appeal may only be made to the subdivision and development appeal board and is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

RSA 2000 cM-26 s685; [2015 c8 s73](#); [2016 c24 s127](#);
 2020 cL-2.3 s24(41); [2020 c39 s10\(50\)](#);
[2022 c16 s9\(81\)](#); [2022 c21 s57](#)

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

- (a) in the case of an appeal made by a person referred to in [section 685\(1\)](#)
 - (i) with respect to an application for a development permit,
 - (A) within 21 days after the date on which the written decision is given under [section 642](#), or
 - (B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under [section 684](#), within 21 days after the date the period or extension expires,
- or
- (ii) with respect to an order under [section 645](#), within 21 days after the date on which the order is made,

or

- (b) in the case of an appeal made by a person referred to in [section 685\(2\)](#), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

- (a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

- (b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

- (a) to the appellant,

- (b) to the development authority whose order, decision or development permit is the subject of the appeal, and

- (c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

- (a) the application for the development permit, the decision and the notice of appeal, or

- (b) the order under [section 645](#).

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under [section 683.1\(8\)](#).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

RSA 2000 cM-26 s686; [2016 c24 s128](#); [2017 c13 s1\(65\)](#);
[2018 c11 s13](#); [2020 c39 s10\(51\)](#)

Hearing and decision

687(1) At a hearing under [section 686](#), the board hearing the appeal must hear

- (a) the appellant or any person acting on behalf of the appellant,

- (b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

- (c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

- (d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

(a) repealed [2020 c39 s10\(52\)](#);

(a.1) must comply with any applicable land use policies;

(a.2) subject to [section 638](#), must comply with any applicable statutory plans;

(a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;

(a.4) must comply with the applicable requirements of the regulations under the [Gaming, Liquor and Cannabis Act](#) respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

(b) must have regard to but is not bound by the subdivision and development regulations;

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

1.

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under [section 683.1\(8\)](#), the board must determine whether the documents and information that the applicant provided met the requirements of [section 683.1\(2\)](#).

TAB 2



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

STOP ORDER

September 13, 2024

File: 24STOP12-23

POLANSKI, KEN
POLANSKI, BETH



Dear Sir / Madam:

RE: PLAN 822 1138, BLOCK 15, LOT 1 : 4001 HILLCREST DRIVE (THE "LANDS").

In my capacity as Development Officer I hereby issue this Stop Order pursuant to Section 645 of the Municipal Government Act, and Section 19 of the Summer Village of Nakamun Park Land Use Bylaw 2022-04, with respect to the aforementioned lands.

The Municipality's Land Use Bylaw 2022-04 states:

"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:"

Further, Part 17 of the Municipal Government Act and Section 19 of the Summer Village of Nakamun Park Land Use Bylaw 2022-04 allow a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, a development permit or a subdivision approval.

At present, given that:

1. Three (3) Accessory Buildings have been placed upon the Lands without application for development permit approval, and Development Authority approval has not been granted for the development undertaken on the Lands (Photographs taken by the Development Authority on September 4, 2024 are attached).

Accordingly, you are hereby ordered to stop the unauthorized development on the aforementioned Lands and comply with the Land Use Bylaw by:



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

1. Immediately removing the three Accessory Buildings from the Lands.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal must be received by the Clerk of the Subdivision and Development Appeal Board within 21 Days of the date of issuance of this order. Appeal letter(s) may be mailed to:

Clerk of the Subdivision and Development Appeal Board
Summer Village of Nakamun Park
P.O. Box 1250, Onoway, Alberta, T0E 1V0

Please be advised that, should you fail to comply with this Stop Order the Municipality has the authority, pursuant to Section 646 of the Municipal Government Act, to enter onto the Lands and take any action necessary to carry out the terms of this Order. The authority granted to the Summer Village also includes the right to charge the costs and expenses incurred in carrying out this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

YOURS TRULY,

SUMMER VILLAGE OF NAKAMUN PARK

Per:

TONY SONNLEITNER
Development Officer



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Authority on September 4, 2024.





SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Authority on September 4, 2024.



TAB 3

October 4, 2024

Attention:

Clerk of the Subdivision and Development Appeal Board

Summer Village of Nakamun Park
P.O. Box 1250, Onoway, Alberta, T0E 1V0

File: 2024-41

Reference: 4001 Hillcrest Drive (Plan 822 1138, Block 15, Lot 1) – Stop Order Appeal

We are submitting this letter on behalf of the property owner to formally appeal a Stop Order (File: 24STOP12-23), issued on September 13, 2024, concerning three accessory buildings located on the above-referenced property.

As discussed with Mr. Dwight Moskalyk, Chief Administrative Officer, earlier today, we were advised that it is acceptable for this appeal request to be submitted via email on October 4, 2024, as long as we also send a physical copy by mail today. We confirm that a hard copy of this appeal request will be mailed out immediately.

Upon review, it appears that two of the three accessory buildings in question may not require a development permit under the Summer Village of Nakamun Park Land Use Bylaw No. 2022-4. Specifically, these two structures appear to be tool sheds, which, as per Nakamun Park's Land Use Bylaw, do not require a development permit if they are not on a fixed foundation, do not exceed 9.3 m² in floor area, and are no more than 2.5 meters in height (Appendix 1).

While we are in the process of confirming the exact dimensions of the structures, we believe they meet the requirements set out in the Land Use Bylaw. We are requesting the opportunity to appeal the stop order to have these facts reviewed and to explore options for resolving the matter.

We thank the Board for its understanding of the sensitive nature of this situation and respectfully request that the stop order be reviewed for reconsideration.

Sincerely,

Clarity Development Advisory



Ranon Soans, Planner

We Build On Ideas.

www.claritydevelopment.ca

p • 780.453.8344
e • info@claritydevelopment.ca

Suite 354, Birks Building
10113 - 104 Street NW
Edmonton AB T5J 1A1

Appendix 1

- 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

TAB 4



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0011 461 754 8221138;15;1 242 249 677

LEGAL DESCRIPTION
PLAN 8221138
BLOCK 15
LOT 1
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.02 HECTARES (2.52 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 5;2;56;34;SW

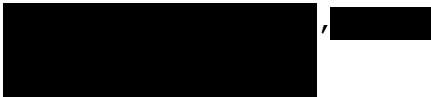
MUNICIPALITY: SUMMER VILLAGE OF NAKAMUN PARK

REFERENCE NUMBER: 042 403 611

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT	TYPE	VALUE	CONSIDERATION
242 249 677	05/10/2024	AFFIDAVIT OF	SURVIVING JOINT	TENANT	

OWNERS

MARYBETH POLANSKY



ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	NUMBER	DATE (D/M/Y)	PARTICULARS
--------------	--------	--------------	-------------

NO REGISTRATIONS

TOTAL INSTRUMENTS: 000

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 10 DAY OF
OCTOBER, 2024 AT 11:03 A.M.

ORDER NUMBER: 51858657

CUSTOMER FILE NUMBER: 19-0714



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

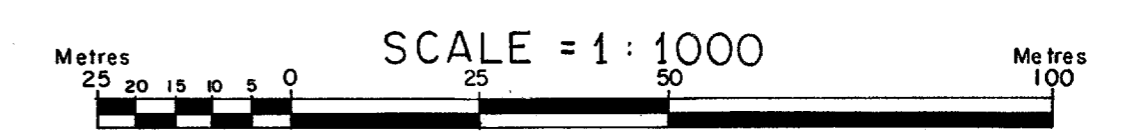
THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

TAB 5

SURVEY APPROVED
 DATE APPROVED 8/2/04/13
 EXD. JI 38859
 APPROVAL VALID FOR TWELVE MONTHS.

ALBERTA LAND TITLES REGISTRATION COMMISSION
 PER *Caroline Allan* DIRECTOR
 FILE # 81(SV) - NP-1
 JAN 20th 1982
 APPROVAL VALID FOR 12 MONTHS.

JONES ESTATE PLAN
 SHOWING SUBDIVISION OF PART OF THE
 S.W. 1/4 SEC. 34-TP56-R.2-W.5th MER.
 NAKAMUN LAKE - ALBERTA



LEGEND
 Statutory Iron Posts found shown thus
 Statutory Iron Posts planted shown thus
 Marker Post placed denoted thus Mp.
 Distances are shown in metres.
 Municipal Reserve denoted thus M.R.
 Area affected by the registration of this plan is outlined in Red containing 4.62 hectares.

I, Jerzy Hedinger, of the City of Edmonton, Alberta Land Surveyor, make oath and say:
 1. that the survey represented by this plan was made under my personal supervision.
 2. that the survey was made in accordance with good surveying practices and in accordance with the provisions of The Survey Act, and
 3. that the survey was performed between the dates of Jan 16 and Jan 18 1979, and that this plan is true and correct, and is prepared in accordance with the provisions of The Land Titles Act.

Sworn before me at the City of Edmonton in the Province of Alberta this 1st day of March, A.D. 1979.

[Signature]
 ALBERTA LAND SURVEYOR.
 A Commissioner for Oaths in and for the Province of Alberta.

I, Jerzy Hedinger, of the City of Edmonton in the Province of Alberta make oath and say; That I was personally present and did see BERNICE E. JONES named in this plan, who is personally known to me to be the person named herein, duly sign and execute the same for the purpose named herein, That the same was executed at the City of Edmonton in the Province of Alberta, and that I am the subscribing witness thereto; That I know the said BERNICE E. JONES and she is in my belief of the full age of eighteen years.

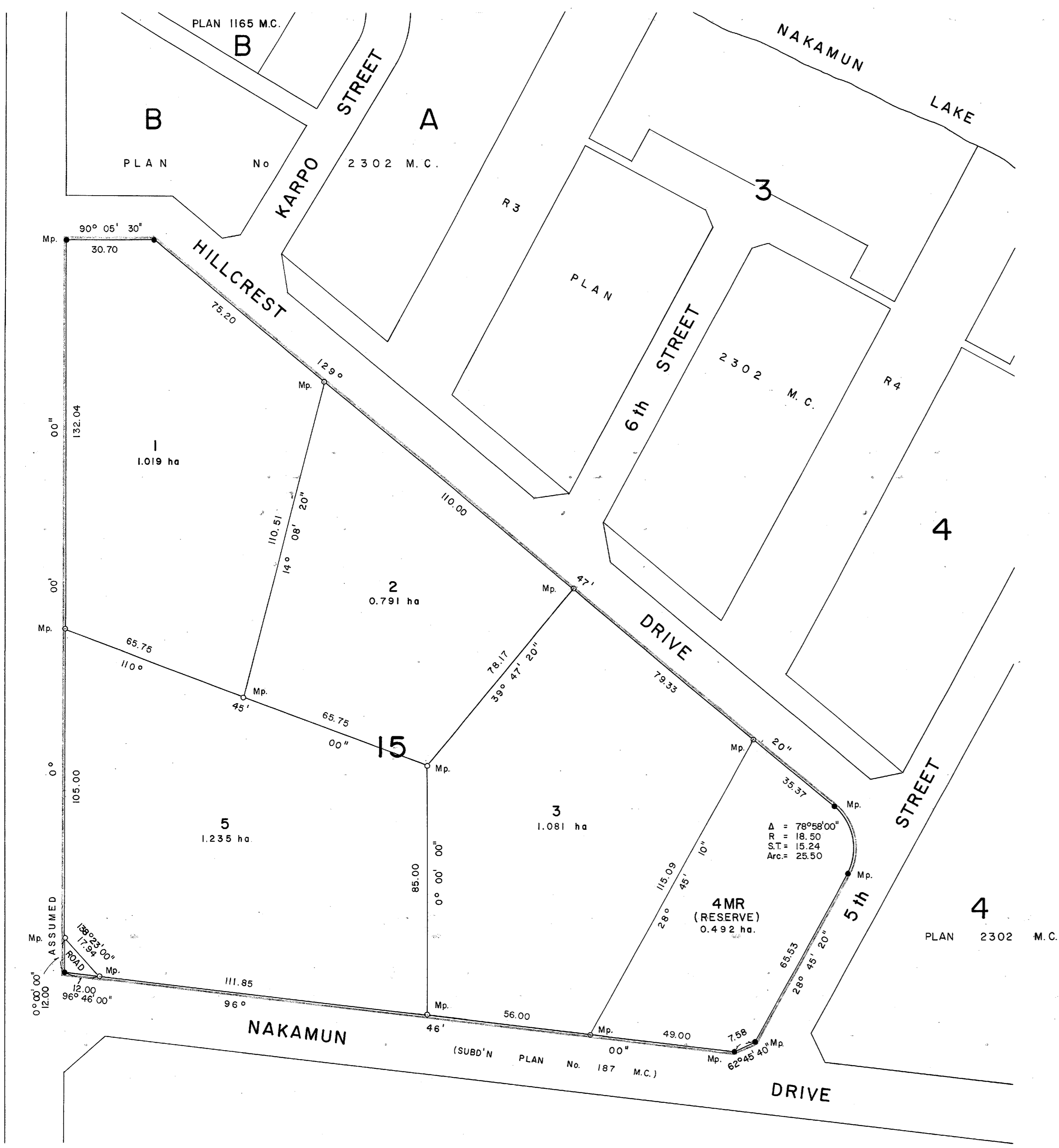
Sworn before me at the City of Edmonton in the Province of Alberta this 2 day of Mar, A.D. 1979.

[Signature]
 A Commissioner for Oaths in and for the Province of Alberta.

Signature of Registered Owner Bernice E. Jones in the presence of *[Signature]*
 OWNER WITNESS



PLAN NUMBER 822 1138
 IS HEREBY CERTIFIED AS DULY ENTERED AND REGISTERED IN THE LAND TITLES OFFICE FOR THE NORTH ALBERTA LAND REGISTRATION DISTRICT.
 APRIL 22 1982
 82208699



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

822 1138

2
24
32
46
+

822 1138

3882

TAB 6

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

"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

"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.

- 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.

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

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 Queen'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:

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

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

- 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 two (2) 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.
- b) At no time are recreation vehicles to be used as a permanent place of residence.

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 2 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).

TAB 7

SUMMER VILLAGE OF NAKAMUN PARK

***LAND USE BYLAW
NO. 2022-4***

*Consolidated by The Summer Village of Nakamun Park
Planning and Development Services
Passed April 19th, 2023*

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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 Queen'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 that 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.).

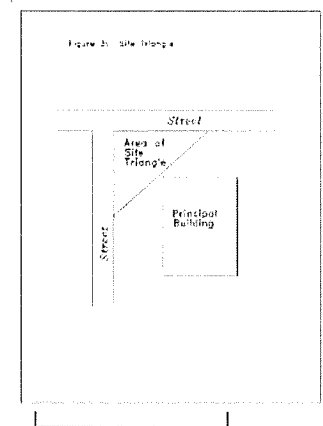
- e) The maximum height of a garage suite shall be 6.5 m. (21.3 ft.), or the height of the principal building, whichever is the lesser.
- f) The maximum height of a garden suite shall be 4.5 m. (14.8 ft.).
- g) The maximum floor area for garage and garden suites shall be 60.0 sq. m. (645.8 sq. ft.).
- 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 statues, 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 two (2) 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.
- 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 2 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 2007-3, 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 20th OF July, 2022 A.D.



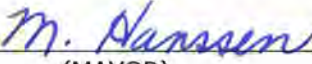
(MAYOR)



(CHIEF ADMINISTRATIVE OFFICER)

HAVING RECEIVED PUBLIC HEARING THIS 17th OF August, 2022 A.D.

READ A SECOND TIME IN COUNCIL THIS 19th OF April, 2023 A.D.

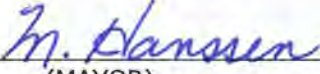


(MAYOR)



(CHIEF ADMINISTRATIVE OFFICER)

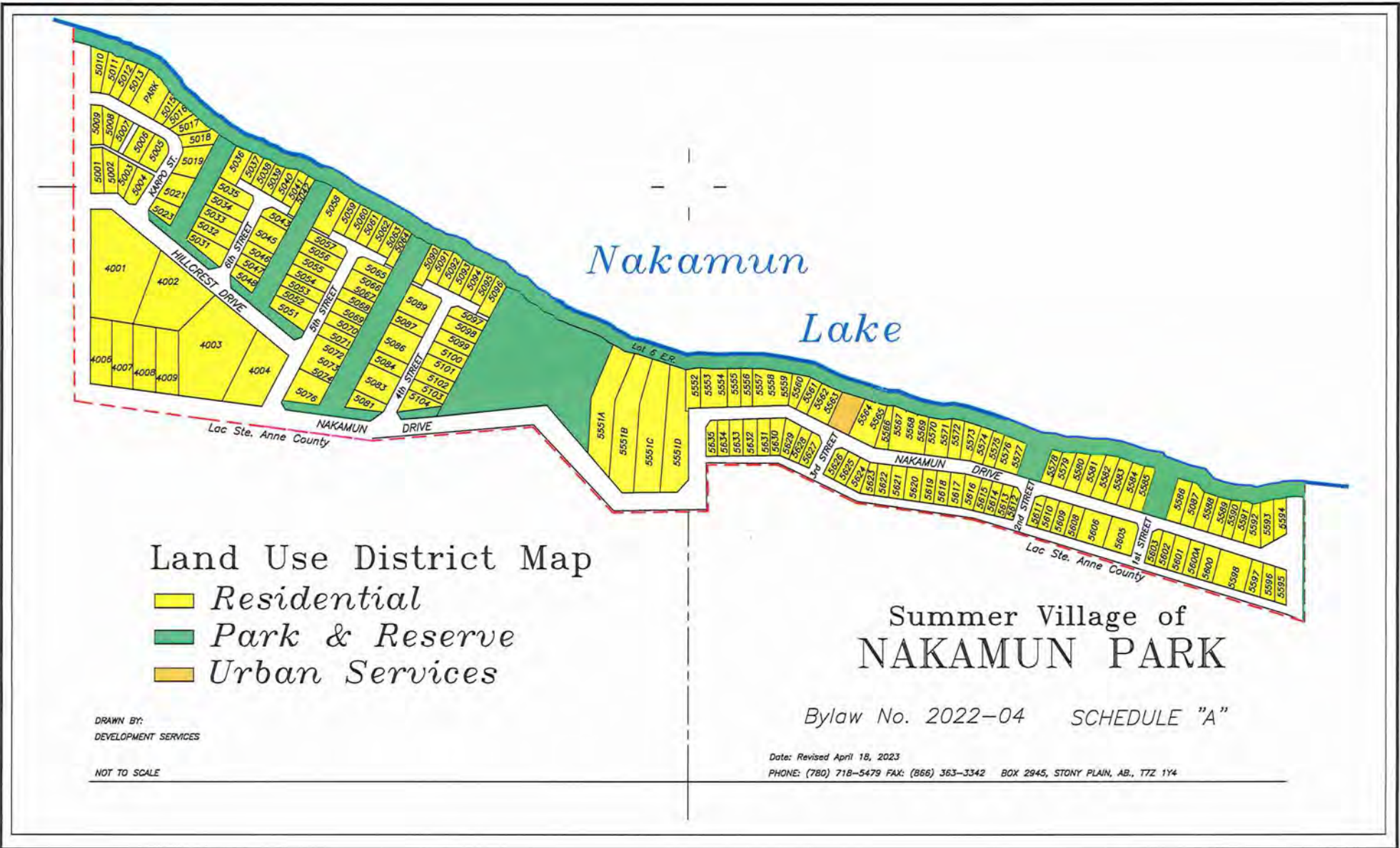
READ A THIRD AND FINAL TIME IN COUNCIL THIS 19th OF April, 2023 A.D.



(MAYOR)



(CHIEF ADMINISTRATIVE OFFICER)



Nakamun
Lake

Land Use District Map

- Residential
- Park & Reserve
- Urban Services

Summer Village of
NAKAMUN PARK

Bylaw No. 2022-04 SCHEDULE "A"

DRAWN BY:
DEVELOPMENT SERVICES

NOT TO SCALE

Date: Revised April 18, 2023
PHONE: (780) 718-5479 FAX: (866) 363-3342 BOX 2945, STONY PLAIN, AB., T7Z 1Y4

TAB 8

SUMMER VILLAGE OF NAKAMUN PARK

BYLAW # 2007-03

A Bylaw of the Summer Village of Nakamun Park to
Consolidate Bylaw No. 97-01 Land Use Bylaw (and amendments thereto)

UNDER the authority of, and subject to the provision of the Municipal Government Act, being Revised Statutes of Alberta, Chapter M26.1, the Council of the Summer Village of Nakamun Park in the Province of Alberta, duly assembled, hereby enact as follows:

First, consolidation of four (4) previously adopted amendments (identified in Schedule "A") within Summer Village of Nakamun Park Land Use Bylaw No. 97-01;

Second, to rescind all pre-existing bylaws identified in Schedule "A" (including Bylaw No. 97-01 – as now superceded by Bylaw # 2007-03); and

Third, to adopt Bylaw # 2007-03 titled "Summer Village of Nakamun Park Land Use Bylaw" and as attached as Schedule "B".

This Bylaw shall come into effect on the third and final reading.

Bylaw 2007-03 was given first reading on June 20, 2007


A Public Hearing for Bylaw 2007-03 was conducted and closed on August 22, 2007

Bylaw 2007-03 was given second reading on August 22, 2007

Bylaw 2007-03 was given third reading on August 22, 2007



Mayor



Secretary-Treasurer



Schedule "A" - Summary Table – Consolidated amendments to Bylaw No. 97-01

BYLAW	DATE	PURPOSE
#99-1987	June 17, 1987	Nuisance Bylaw
#102-1987	June 17, 1987	Parking Restrictions
#107-1987	June 17, 1987	Trailer Bylaw
#00-02	April 19, 2000	Accessory Building amendment

SUMMER VILLAGE OF NAKAMUN PARK

LAND USE BYLAW NO. 2007-03

***Consolidated by SV Planning and Development Services
August 2007***

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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. 2007-03.

SECTION 2 PURPOSE

The purpose of this Bylaw is to:

- (a) divide the municipality into land use districts;
- (b) prescribe and regulate for each district the purpose for which land and buildings may be used for;
- (c) establish a method of decision making on applications for development permits and the issuance of development permits; and
- (d) provide a manner in which notice of the issuance of a development permit is given;
- (e) facilitate the approval process for applications for subdivision; and
- (f) to consolidate all current land use related bylaws for the Summer Village

SECTION 3 RELATIONSHIP TO THE MUNICIPAL GOVERNMENT ACT

This Summer Village of Nakamun Park Land Use Bylaw has been prepared and adopted in accordance with the provisions of the Municipal Government Act, its regulations, and amendments thereto.

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 THE MUNICIPAL GOVERNMENT ACT, 1994, as amended, and the regulations pursuant thereto;

“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 the private use and owned individually or in common;

“ACCESSORY BUILDING OR USE” - means a use, building, or structure which is separate and subordinate to the principal use of the main building located on the lot, but does not include a residence;

“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;

“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;

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

“DEVELOPMENT” - means:

- (a) an excavation or stockpile and the creation of either of them;
- (b) a building or addition to, or replacement, or repair, or a building and the construction of placing in, on, over, or under land, or any of them;
- (c) a change in 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 use of land or building; or

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

“DEVELOPMENT OFFICER” - means the authority(s) established by Council through a Development Officer Bylaw and may include one or more Development Officer(s), and a Municipal Planning Commission;

“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;

“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;

“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, lip 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 – means an occupation carried on within an approved dwelling and which is not visible or noticeable from outside the dwelling. Such a use is secondary to the residential use and does not alter its primary character.

“HOLIDAY/VACATION TRAILER” – means a portable structure intended as temporary accommodation for travel, vacation or recreational use. Such structures may include but not be limited to a motor home, fold-down camping trailer, truck camper, or fifth wheel travel trailer. Conventional or converted mobile (manufactured) homes are not included;

“LANDSCAPING” - the use of trees, plants, shrubs or other plantings on a development site;

“LAND USE BYLAW” - means the Summer Village of Nakamun Park Land Use Bylaw No. 97-01

“LANE” - means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m and is not less than 6.0 m in width, and which does 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;

“MAIN BUILDING OR USE” - means the primary building or use for which the site is ordinarily used. Garages, lofts, boathouses and similar buildings or uses on lots which have a developed and usable residence shall not be regarded as a primary building or use in residential land use districts. There can only be one main building or use on a single lot;

“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, running gear, nor its own wheels and the sections may be stacked side by side or vertically on an approved foundation;

“MUNICIPALITY” - means the Summer Village of Nakamun Park;

“NON-CONFORMING BUILDING OR USE” - means a building or use which is regarded as non-conforming in accordance with the provisions of the Act;

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

“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;

“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;

“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;

“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;

“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;

“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;

“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;
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 THE OFFICE OF DEVELOPMENT OFFICER

SECTION 6 DEVELOPMENT OFFICER

- (1) The office of Development Officer is established through the Summer Village of Nakamun Park Development Authority Bylaw, and shall be filled by a person or persons appointed by resolution of the Council.
- (2) The Development Officer shall:
 - (a) receive, consider and decide on applications for a development permit;
 - (b) make available for inspection during regular municipal office hours:
 - (i) a copy of this Bylaw as amended, and
 - (ii) a register of all applications including the decisions rendered on them and the reasons therefore;
 - (c) ensure that copies of this Bylaw can be purchased by the public at reasonable cost;
 - (d) carry out his duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and
 - (e) perform such duties as established to enforce this Bylaw in conformance with the Act.

PART III - DEVELOPMENT PERMITS

SECTION 7 DEVELOPMENT PERMIT FEES

The development permit application fee shall be as established by resolution of Council.

SECTION 8 WHERE A DEVELOPMENT PERMIT IS REQUIRED

Except as provided in subsection (2) no person shall commence any development unless he has been issued a development permit in respect thereof.

- (1) Developments requiring permits include but are not limited to:
 - (a) all construction of buildings;
 - (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.
- (2) A development permit is not required for development of the type described as follows provided the development conforms to this Bylaw:
 - (a) the maintenance or repair of any building if the work does not include structural alterations; or
 - (b) the completion of a development which was under construction in accordance with a lawful development permit issued at the effective date of this Bylaw provided that the development is completed within twelve (12) months of the effective date of this Bylaw whichever is earlier; or
 - (c) the construction of an accessory building (including decks) less than 10 M² (108 Ft²) in total area provided that:
 - (i) it is not located within the front yard;
 - (ii) it is not located on a registered right-of-way; and
 - (iii) all setbacks and separation distances, as are required elsewhere in this Bylaw, are maintained; or
 - (c) 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 of land; or
 - (d) the erection or placement of a temporary building or sign, 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 or sign is removed within thirty (30) days of substantial completion or as determined by the Development Officer; or

- (e) the erection of 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:
 - (i) such signs are removed within five (5) days of the election date, and
 - (ii) the consent of the property owner or occupant is obtained, and
 - (iii) such signs do not obstruct or impair vision or traffic, and
 - (iv) such signs are not attached to fences or utility poles, and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for removal; or
- (f) the erection of a fence or gate which is no higher than 1.8 m (6.0 ft) in height provided that there is no contravention of this or any other bylaw of the municipality, and provided that such a fence or gate does not, in the opinion of the Development Officer, obstruct the vision of the persons using roads abutting the parcel; or
- (g) one sign on internal lots or two signs on corner lots advertising a residential lot for sale or rent may be displayed on the property to which it pertains during the time the property is being offered for sale, and shall be removed within one (1) day after the sale or rental agreement has been entered into. Such signs shall be a minimum of 0.6 m² and shall be placed or erected no closer than 3.0 m from a public right-of-way; or
- (h) painting and decorating, or minor repairs and building alterations not exceeding \$500.00 in value where matters affecting health or safety are not involved.

SECTION 9 APPLICATION FOR DEVELOPMENT PERMIT

- (1) Every application for a development permit shall:
 - (a) be made in a form acceptable to the municipality;
 - (b) be signed by the registered owner and his agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied may, when required by the Development Officer, be verified by a Statutory Declaration;

- (c) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;
 - (d) include site plan(s) at a scale satisfactory to the Development Officer, showing any or all of the following:
 - (i) front, side and rear yards,
 - (ii) outlines of the roof overhangs on all buildings,
 - (iii) north point,
 - (iv) legal description of property,
 - (v) location of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas and major landscaped areas including buffering and screening areas where provided,
 - (vi) the height and horizontal dimensions of all buildings, existing and proposed,
 - (vii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable, and
 - (viii) any other pertinent information or tests requires by the Development Officer respecting the site or adjacent lands; and
 - (e) be accompanied by the required fee as set by Council.
- (2) The Development Officer may require an irrevocable letter of guarantee or irrevocable letter of credit from the developer to secure performance of any of the conditions of a development permit.
- (3) An application for a development permit shall be considered by the Development Officer who shall:
- (a) approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw; or
 - (b) approve, with or without conditions, or refuse an application for a discretionary use; or
 - (c) refuse an application for a use which is neither a permitted use nor a discretionary use; or

- (4) Notwithstanding subsection (3) (c), the Development Officer may approve or conditionally approve an application for a development permit which does not comply with the Land Use Bylaw if, in his opinion,
 - (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighborhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring properties; and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (5) The Development Officer may impose such conditions on the approval of an application as, in his opinion, are necessary to ensure the orderly and economical development of land within the municipality.
- (6) Where an application for a development permit is approved with conditions, the Development Officer may, before issuing the development permit, require the applicant or the owner of the land affected by the development permit to enter into an agreement with the municipality to ensure compliance with the conditions, and such an agreement may be protected by caveat registered by the municipality.
- (7) In the case where an application for a Development Permit has been refused pursuant to this Bylaw, by the Subdivision and Development Appeal Board, or the Alberta court of Appeal, the submission of another application for a Development Permit on the same property for a same or similar use may not be accepted by the Development Officer for at least six months after the date of the previous refusal.
- (8) When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall not be deemed to be in its final form until all required details have been submitted to the satisfaction of the Development Officer.
- (9) The Development Officer may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.
- (10) Same or Similar Uses

The uses which are listed in the permitted and discretionary uses 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

Officer may deem that the proposed use conforms to the spirit and intent of the purpose of the land use district and is deemed similar to other uses allowed in that land use district. Notwithstanding, all uses defined as “same or similar uses” shall be discretionary.

SECTION 10 NOTICE OF DECISION

- (1) A development permit does not come into effect until fourteen (14) days after a notice of its issuance appears through one or more of the following:
 - (a) a notice placed on the Summer Village of Nakumun Park Bulletin Board,
 - (b) a notice placed conspicuously on the subject property, or
 - (c) a notice provided through mailing to affected person(s) including adjacent landowners.
- (2) Where an application for a development permit has been refused, the notice of decision need only be sent by mail to the applicant.
- (3) Where an appeal is lodged against a notice of decision or a decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, a granted development permit shall not come into affect until the appeal has been determined and the decision for the subject permit has been revoked, amended, or confirmed.

SECTION 11 DEVELOPMENT AGREEMENT

- (1) The Development Officer may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement with the Municipal Council to do any or all of the following required items:
 - (a) to construct or pay for the construction of:
 - (i) a public roadway required to give access to the development, or
 - (ii) a pedestrian walkway system to serve the development, or
 - (iii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or proposes to serve an adjacent development or both;
or
 - (b) to install or pay for the installation of utilities that are necessary to serve the development; or
 - (c) to construct or pay for the construction of
 - (i) off-street or other parking facilities, and

- (ii) loading and unloading facilities; or
- (d) to pay an off-site levy or redevelopment levy imposed by bylaw.

SECTION 12 EFFECTIVE DATE OF DEVELOPMENT PERMIT

- (1) Where an appeal on a permit granted pursuant to this Bylaw can be considered by the Subdivision and Development Appeal Board, it does not come into effect until fifteen (15) days after the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made to the Subdivision and Development Appeal Board a development permit which has been granted shall not come into effect until a decision on the appeal has been made which would allow the issuance or refusal of the permit.

SECTION 13 ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall issue a development permit to the applicant immediately after completion of the following:

- (a) approval or conditional approval of the application by the Development Officer, or approval or conditional approval after appeal to the Subdivision and Development Appeal Board or the Alberta Court of Appeal; and
- (b) the delivery of an irrevocable letter of guarantee or an irrevocable letter of credit, if required pursuant to Section 10; and
- (c) the execution and delivery of the agreement if required pursuant to Section 10; and
- (d) the payment of the development permit fee as established pursuant to Section 6.

SECTION 14 CONDITIONS OF DEVELOPMENT PERMIT APPROVAL

- (1) A person to whom a development permit has been issued shall obtain, where applicable, from the appropriate authority permits relating to building and electricity, and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage done by the applicant, his servants, his suppliers, agents or contractors to any public or private property.

- (3) The applicant shall prevent excess soil or debris from being spilled on public streets and lanes, and shall not place soil or any other materials on adjacent properties without permission in writing from adjacent property owners.
- (4) Subsection (2) and (3) may be enforced pursuant to Section 14. Any costs incurred as a result of neglect to public property may be collected where letters have been required pursuant to Section 10 (b).
- (5) The Development Officer may require a surveyor's certificate relating to the building for which a permit is applied for.
- (6) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until substantial completion as determined by the Development Officer has been undertaken.

SECTION 15 UNAUTHORIZED DEVELOPMENT, LAND USE BYLAW ENFORCEMENT AND PERMIT VALIDITY

- (1) A development permit shall lapse after one (1) year from the date of issuance unless development has commenced on the site. Temporary development permits must clearly indicate the permit's expiry date.
- (2) A development once commenced, is not to be discontinued or suspended for a period or periods totaling more than six (6) months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (3) The Development Officer may cancel a permit if:
 - (a) the permit approval was based upon incorrect information on the application;
 - (b) the applicant failed to fulfill all of the conditions of the development permit within a reasonable amount of time.
- (4) A person who:
 - (a) contravenes any provision of this Bylaw;
 - (b) fails to comply with any provision or requirement of this Bylaw;
 - (c) contravenes a development permit, stop order, or fails to comply with a condition attached thereto; or
 - (d) obstructs or hinders any person in the exercise or performance of his powers or duties under this Land Use Bylaw.

Is guilty of an offense and is liable on summary conviction to a fine as prescribed under the provisions of the Act.

- (5) If a person is found guilty of an offense under this Bylaw, the Alberta Court of Appeal may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under the Act or this Bylaw,
 - (d) a development person or subdivision approval attached to a development permit or subdivision approval.

SECTION 16 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board for the Summer Village of Nakamun Park, as established by Bylaw, shall perform the duties and functions described in the Municipal Government Act
- (2) The Subdivision and Development Appeal Board shall review all applications for development appeal, stop order appeal, and subdivision appeal.

PART IV - GENERAL REGULATIONS

SECTION 17 AMENDMENT AND VALIDITY OF LAND USE BYLAW

- (1) If it appears to the Development Officer that any proposed amendment to this Bylaw is at variance with a statutory plan he shall advise the applicant in writing that an amendment must be made to the statutory plan before the proposed amendment can be processed.
- (2) When application is made to the Council for an amendment to this Bylaw it shall be accompanied by:
 - (a) an application fee, to be determined by resolution of Council; and
 - (b) the costs for advertising for the public hearing, which is to be borne by the applicant,

although the Council may determine that the whole or part of the application fee be returned to the applicant.

SECTION 18 POLLUTION CONTROL

- (1) In any district, no storage or activity may be undertaken which, in the opinion of the Development Officer, constitutes a danger or annoyance to persons on the site, on public property, or on any other sites, by reason of the generation of noise, radiation hazards, vibration, fire and explosive hazards, smoke, heat, humidity and glare, odour, refuse matter, toxic and noxious matter, water or water-borne waste, traffic, and water or steam.
- (2) Construction or activity which would have an adverse effect on lake water quality or on the aesthetics of the lakeshore shall be prohibited.
- (3) Sites and buildings in all districts shall be maintained in a clean and tidy condition free from all rubbish and debris.

SECTION 19 FENCING

- (1) In any district, except as hereinafter provided a person shall not construct a fence or wall or permit a hedge to grow higher than 1.8 m.
- (2) No electrified or barbed wire fences will be permitted.
- (3) All materials used in the construction of fences, walls or hedges shall be aesthetically compatible with surrounding properties and may be approved at the discretion of the Development Officer.

SECTION 20 OBJECTIONABLE ITEMS IN YARDS

- (1) Garbage shall be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares and shall be in a location easily accessible for pickup.
- (2) Outside storage areas shall be screened from adjacent sites and thoroughfares.
- (3) No person shall keep or permit in any part of a yard in any residential district:
 - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days; or
 - (b) any vehicle weighing in excess of 45,000 kg gross vehicle weight for longer than is reasonably necessary to load or unload such a vehicle; or
 - (c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; or
 - (d) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken. The owner of such materials or excavations must assume full responsibility to ensure the situation does not prevail for any longer than reasonably necessary to complete a particular stage of construction work.

SECTION 21 NUISANCE

- (1) When any person permits the accumulation of dirt, stones, old implements or automobiles or parts thereof, iron, cans, fallen trees or parts thereof, logs, shrubs, household garbage or any other rubbish on any premises, so as to cause a nuisance, such person, being the owner, agent, lessees, or occupier of the property upon which any untidy or unsightly condition exists, or upon which a nuisance is created, shall upon notification from the Council (or its agent) and within the time limit specified within the said notice, cause the untidy or unsightly condition or nuisance to be corrected remedied or abated.
- (2) That all owners, agents, lessees, or occupiers of the property shall be required to cut the grass on any boulevard which abuts or flanks the property occupied by him or her, and shall upon notice from the Council (or its agent), cut the grass within a specified time limit.
- (3) That all owners, agents, lessees, or occupiers of the property shall be required to control dandelions and noxious weeds and cut grass on all property occupied by them. Where any vacant property exists, the titled owner of such property shall be responsible for the control of dandelions and noxious weeds and cutting of grass. All owners shall, upon notice from the Council (or its agent), provide for the control of dandelions and noxious weeds and cutting of grass within a specified time limit.

- (4) That anyone failing to correct, remedy, and to abate any such nuisance within the specified time shall constitute a violation of this Bylaw and shall be subject to the provisions of Section 160 of the Municipal Government Act as noted herein.

SECTION 22 ON-SITE AND OFF-SITE SERVICES AND IMPROVEMENTS

- (1) 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.
- (2) 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.

(3) **Privies:**

(a) 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.

(b) All new construction shall require a sealed C.S.A. approved holding tank for collection of sewage effluent.

(c) All privies shall be located in the rear yard and rear half of the lot.

(4) Holding Tanks:

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

SECTION 23 SITE GRADING

Subject also to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

- (a) in the opinion of the Development Officer, the said structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and

- (b) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 24 SURFACE DRAINAGE

- (1) 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.
- (2) Culverts used in private accesses shall be a minimum length of 4.8 metres (16 feet).
- (3) Culverts must be of metal construction and have a thickness and diameter that is deemed appropriate by the Development Officer.

SECTION 25 ACCESSORY BUILDINGS

- (1) Where a building is attached to the principal building by an open or enclosed roof structure, it is to be considered a part of the principal building and not an accessory building.
- (2) No eave of an accessory building shall be closer than 0.9 m (3 ft) to any property line, with the structure of any accessory building being no closer than 1.5 m (5 ft) from any property line.
- (3) One garage, one storage shed, and one privy or in lieu of a garage, a second shed may be built provided there is a residence located on the subject property.
- (4) Site requirements for accessory buildings include:
 - (a) all required yards and setbacks are maintained;
 - (b) the total floor area of all accessory buildings does not exceed 75.0 m² (1,000.0 ft²);
 - (c) the Development Officer shall require that there be minimum clearance maintained between all buildings;
 - (d) in the case of residential lakefront lots, all accessory buildings except boat houses shall be located in the rear half of the lot;
 - (e) in the case of other lots all accessory buildings shall be located in the rear yard and in the rear half of the lot;
 - (f) a boathouse may be built on any residential lakefront lot provided that the boathouse is located to the satisfaction of the Development Officer;
 - (g) all buildings shall be fixed to the ground;

- (h) where a garage is used to house a vehicle and where the door faces the roadway, the garage shall be set back 16.0 ft, and;
- (i) In the case of residential lakefront lots, the boathouse located in the front half of the lot, the building height, ground floor level to finished roof peak, does not exceed thirteen (13) feet, and is subject to Council's approval.

SECTION 26 RESIDENTIAL DEVELOPMENT

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

SECTION 27 MOVED-IN BUILDINGS

- (1) Any person making application to move an existing building onto a lot as a main or accessory building shall:
 - (a) submit an application for a development permit;
 - (b) provide photographs of the building showing each elevation and the general condition of the building; and
 - (c) state the present location and use of the building.
- (2) The Development Officer may, at his discretion, inspect the building, or cause the building to be inspected by a person he appoints, and shall determine the suitability of the building for the proposed use.
- (3) The Development Officer may, at his discretion, require that certain works of structural alterations, repair or maintenance of the building, and preparation of the proposed site be carried out as a condition of the issuance of the permit.
- (4) Any travel or other costs incurred by the Development Officer in processing a development permit for a moved-in building shall be added to the fee for the development permit.
- (5) Any renovations and any conditions imposed by the Development Officer to a moved in building shall be completed within one year of the issuance of the development permit. Noncompliance shall result in the forfeiture of the performance bond or letter of credit.
- (6) When reviewing development permit applications for moved-in buildings, the Development Officer shall consider the impact of the proposed moved-in building on the aesthetics and value of the adjoining properties.
- (7) In the case of a building to be relocated, it shall, in the opinion of the Development Officer, be compatible, with respect to age and appearance, with

the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.

SECTION 28 CORNER SITES (Sight Triangles)

- (1) 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 m (20 ft) from the point where they intersect.
- (2) On any corner site in a residential district, no person shall erect, place or maintain within the site triangle a wall, fence, shrub, trees, hedge, or any object over 0.9 m (3 ft) in height above the lowest street grade adjacent to the intersection.
- (3) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m (2 ft) within the area defined as a sight triangle.
- (4) 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 Officer, one front yard may be considered a side yard.

SECTION 29 HOME OCCUPATIONS

- (1) 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:
 - (a) 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,
 - (b) require alterations to the building unless the alterations are approved by the Development Officer, and
 - (c) shall not employ any employees who do not reside on-site.
- (2) Development approval for home occupation business signage shall be at the discretion of the Development Officer.
- (3) 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.
- (4) 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.

- (5) 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 30 FLOOD PRONE LANDS

- (1) 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.
- (2) Residential development on lands which have been designated as a flood area shall be prohibited.
- (3) 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.
- (4) In flood areas, new development shall not be allowed unless it complies with Canada Mortgage and Housing Corporation standards for flood-proofing of buildings.
- (5) 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.
- (6) 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 31 ENVIRONMENTALLY SENSITIVE LANDS

- (1) Development on lands which are designated or deemed by the Development Officer to be environmentally sensitive shall be discouraged.
- (2) When reviewing an application for development on environmentally sensitive lands, the Development Officer shall consider the following:
 - (a) the impact of the proposed development on the subject and surrounding area;
 - (b) the soil types and conditions of the area surrounding the subject property;
 - (c) any information on the past history of the subject property and surrounding area from a geotechnical perspective; and
 - (d) comments and recommendations from Alberta Environmental Protection.
- (3) 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.

- (4) The Development Officer may require the following as a condition of approval for a development permit application on land which is considered environmentally sensitive:
 - (a) that measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized, and
 - (b) the registration of a restrictive covenant against the certificate of title of the subject property related to the approved development.

SECTION 32 LANDSCAPING

Any area to be landscaped may, at the discretion of the Development Officer, be left in its natural state, or be loamed and planted with grass, trees, shrubs, and/or flowers, or similar materials or a combination thereof, which will enhance the appearance of the site and complement the development on the site.

SECTION 33 KEEPING OF ANIMALS

- (1) No person shall keep or permit to be kept in any part of the yard in any Residential 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, except for an approved pet store or kennel.
- (2) In the Urban Reserve District, a maximum of two animals per lot may be kept on private land. Such animals must be kept on a non-commercial basis and must be accompanied in a manner that will not cause a nuisance or detract from the appearance of the area.

SECTION 34 SIGNS

- (1) 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.
- (2) 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.

- (3) 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:
 - (a) signs for the purpose of identification, direction, and warning;
 - (b) signs relating to a person, partnership or company carrying on a profession, business or trade;
 - (c) signs related to an institution of a religious, educational, cultural, recreational, or similar character 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
 - (d) advertisements in relation to the function of public or quasi-public bodies.
- (4) No sign or advertisement shall resemble or conflict with a traffic sign.
- (5) All advertisements shall be kept in a clean, safe, and tidy condition.
- (6) Signs related to home occupations shall be limited to 1.0 m² (155 ft²) and must be attached to the respective residence.
- (7) 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 35 PAYMENT OF TAXES

A condition of all development permits shall be that all tax arrears on the property be paid in full prior to commencement of the development, or that alternate arrangements be made to the satisfaction of the Summer Village.

SECTION 36 USE OF PUBLIC ROADS

The use and development of Public Roadways, accesses or land which impacts the public road system in the Summer Village of Nakamun Park is also subject to the Summer Village of Nakamun Park Use of Roads and Public Property Bylaw No. 100-1987.

SECTION 37 PARKING

- (1) 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 Village roadway or property except for the driver of an ambulance, firefighting equipment or police vehicle in cases of emergency.

- (2) Any person who parks, leaves, or abandons a vehicle contrary to the provisions of this Bylaw is guilty of an offense and subject to the penalties provided by the General Penalty Bylaw of the Village.

SECTION 38 DWELLING UNITS PER PARCEL

- (1) No person shall construct or locate more than one dwelling unit on a parcel.
- (2) The Development Officer may issue a development permit to a person that would permit the construction or location of more than one dwelling unit on a parcel if the second or additional dwelling unit:
 - (a) is contained in a building that, or in buildings each of which, is designed for or divided into two or more dwelling units,
 - (b) is a mobile home forming a park for mobile homes, or
 - (c) is a building, as defined in the condominium property act, that is the subject of a condominium plan to be registered in land titles under that act.
- (3) When determining whether or not to allow an additional dwelling unit on a parcel, the Development Officer shall consider:
 - (a) the suitability of the site for the proposed dwelling;
 - (b) the length of time that the developer requires the proposed building;
 - (c) access to and from the site;
 - (d) the provision of proper water and sewer services;
 - (e) existing and future surrounding land uses; and
 - (f) whether the proposed development meets the spirit and intent of the purpose of the subject land use district.
- (4) The Development Officer may take into account family-human relationships when making decisions on development permit applications for an additional dwelling on a parcel.
- (5) The Development Officer may attach as a condition of approval, a time period after which the additional dwelling must be removed from the subject property.

SECTION 39 HOLIDAY/VACATION TRAILERS

- (1) No holiday/vacation trailer shall be parked on any undeveloped lot within the Village.

- (2) One (1) holiday/vacation trailer may be parked on any developed lot within the Village.
- (3) Any person in possession of a building permit authorized by the Council or its officers can apply for a permit to park and use a holiday/vacation trailer for a temporary residence during the construction of a habitable residential building.
- (4) This parking permit (sub 3 above) shall be restricted to a period of six months, but upon request of the Council or its officers may be extended for an additional six month period.
- (5) Any person who violates the provisions of this Bylaw is guilty of an offense and shall upon summary conviction be liable to the penalties provided by the General Penalty Bylaw.

SECTION 40 TEMPORARY LIVING ACCOMMODATION

- (1) A permit for a temporary living accommodation while an approved residence is under construction shall be at the discretion of the Development Officer, providing that a Development Permit for a dwelling has been issued and that construction commences within one (1) year of issuance of the temporary living accommodation permit.
- (2) Longer periods of time may be allowed in extenuating circumstances at the discretion of the Development Officer.
- (3) Recreational vehicles, holiday trailers, motor homes, campers or tent trailers may be situated on a residential parcel provided that they are located within a required parking stall or on the site in a manner satisfactory to the Development Officer.
- (4) A recreational vehicle, holiday trailer, motor home, camper or tent trailer shall not be used as a permanent or seasonal dwelling unit.

PART VI - THE ESTABLISHMENT OF DISTRICTS

SECTION 41 LAND USE DISTRICTS

The municipality is hereby divided into the following districts:

<u>Short Form</u>	<u>District Designation</u>
R	Residential
P	Park and Reserve
U	Urban Services

SECTION 42 LAND USE DISTRICT MAP

- (1) Land use districts specified under Section 41 are described in the short form on the LAND USE DISTRICT MAP.
- (2) The district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district the following rules will apply:
 - (a) Where district boundaries are shown to approximate the following, they shall be deemed to be:
 - (i) the parcel boundaries; or
 - (ii) the municipal boundaries.
 - (b) District boundaries not referenced specifically to items indicated in clause (a) shall be determined on the basis of the scale of the map.
 - (c) Where land use districts have been established in accord with a proposed subdivision of land, the districts shall be understood to conform to the certificate of title or the plan of survey when registered in a land titles office. Prior to registration the district boundary shall be determined on the basis of the scale of the map.
- (3) The district regulations of this Bylaw do not apply to roads, lanes or other public thoroughfares.

SECTION 43 R - RESIDENTIAL DISTRICT

(1) General Purpose of District

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

(2) Permitted Uses

- Single detached dwelling
- Modular building
- Accessory building or Use

Discretionary Uses

- Bed and breakfast
- Home occupations
- Public utility buildings and operations

(3) Site Area

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

(4) Minimum lot width shall be 15.5 m (50 feet).

(5) Minimum floor area for any dwelling shall be 75 m² (800 ft²) or greater.

(6) Total site coverage of all buildings shall not exceed 40% of the area of the lot.

(7) Maximum building height shall be 9.0 m (29.5 ft).

(8) Setback requirements are required as follows:

a) Front Yard:

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

b) Rear Yard:

- Main building - 6.1 m (20.0 ft).
- 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).

c) Side Yards:

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

SECTION 44 P - PARK AND RESERVE DISTRICT

(1) 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.

(2) Permitted Uses

Discretionary Uses

- Recreation building or use
- Public use
- Accessory building or use

(3) Site Area

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

(4) Setback requirements are required as follows:

a) 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).

b) 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).

c) 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).

(5) 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 45 U - URBAN SERVICES DISTRICT

(1) General Purpose of District

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

(2) Permitted Uses

- Public Use
- Recreation building or use

Discretionary Uses

- Accessory building or use

(3) Site Area

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

(4) Setback requirements are required as follows:

a) Front Yard:

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

b) Rear Yard:

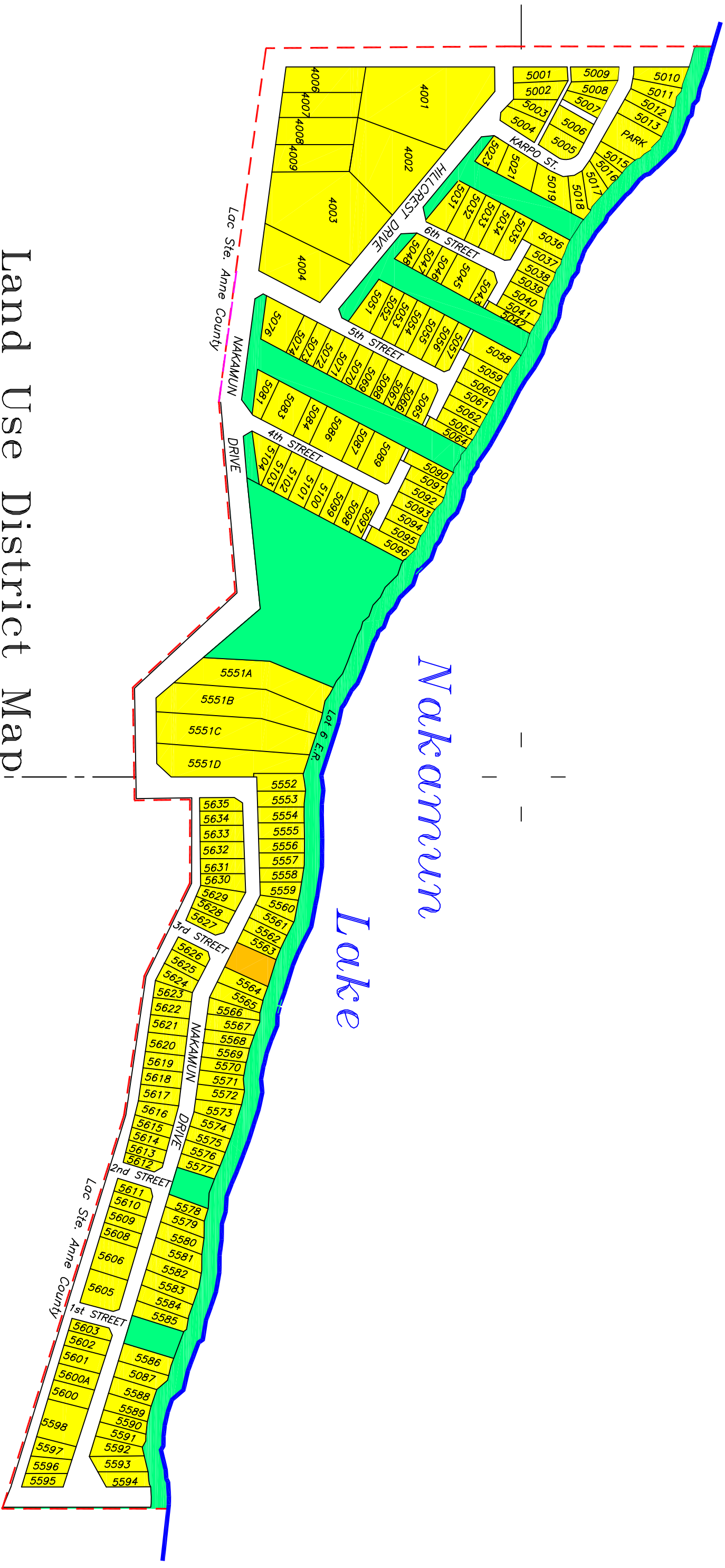
- Main building - 6.1 m (20.0 ft).
- Accessory building - 1.0 m (3.3 ft) except a garage used to house a vehicle and where the door faces the roadway - 6.1 m (20 ft).

c) Side Yards:

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

(5) Restrictions

- 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).
- 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.



Land Use District Map

- Residential
- Park & Reserve
- Urban Services

Summer Village of
NAKAMUN PARK
 Bylaw No. 2007-03 SCHEDULE "B"

DRAWN BY:
 DEVELOPMENT SERVICES

PHONE: (780) 718-5479 FAX: (866) 363-3342 BOX 2945, STONY PLAIN, AB., T7Z 1Y4

NOT TO SCALE

TAB 9

**SUMMER VILLAGE OF NAKAMUN PARK****Development Services**

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

January 31, 2007

Our File: 07SDAB01-23

Savich Law Office
#200; 10350 - 172nd Street
Edmonton, Alberta
T5S 1G9

4001

Attention: Donald M. Savich

Re: LOT 1, BLOCK 15, PLAN 822 1138
STOP ORDER FILE: 06STOP02-23
SUMMER VILLAGE OF NAKAMUN PARK

Dear Mr. Savich,

As required by the Municipal Government Act I am hereby providing a written decision of the Subdivision and Development Appeal Board decision regarding your appeal of Stop Order 06STOP02-23.

As noted on the bottom of the decision, you may appeal this decision to the Court of Appeal. The application must be made within 30 days.

Sincerely,

Catherine Dunn, Secretary of the SDAB
(780) 967-0008

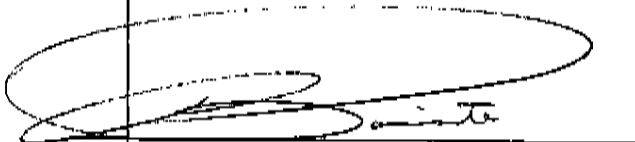
cc: Summer Village of Nakamun Park
Ken & Marybeth Polansky

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING DECISION
Hearing: Tuesday, January 23, 2007
Stop Order 06STOP02-23
Summer Village of Nakamun Park

Decision:

For the reasons outlined below, the Board denies the appeal and confirms the issuance of the Stop Order, subject to the following change to the Stop Order:

- a. Compliance – the date for compliance with the order is extended to May 15, 2007.
1. The Board determined that the subject lands are within the boundaries of the Summer Village of Nakamun Park.
2. The Board determined that subject to Section 645 of the Municipal Government Act, RSA 2000, the Development Officer for the municipality is entitled to issue a Stop Order.
3. The Board determined that the Recreational Vehicle / Holiday Trailer is not within the conformance standards of Section 40 of the Land Use Bylaw.
4. The Board determined that the use of a Recreational Vehicle / Holiday Trailer does not constitute a same or similar use to either Permitted or Discretionary Uses under the R – Residential District of the Summer Village of Nakamun Park Land Use Bylaw.



Reg Pointe, Chairman



Catherine Dunn, Secretary

January 31, 2007

Summer Village of Nakamun Park
SDAB Decision - Polansky
Page 1 of 2

The Municipal Government Act states that you may appeal this decision to the Court of Appeal on a question of law or jurisdiction with respect to a decision of the subdivision and development appeal board. The application for leave to appeal pursuant to subsection (1) must be made to a judge of the Court of Appeal within 30 days after the issue of the decision sought to be appealed, and notice of the application must be given to the subdivision and development appeal board and any other persons that the judge directs.

TAB 10



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

File# 23STOP01-23

STOP ORDER

June 14, 2023

HAND DELIVERED

REGISTERED MAIL

POLANSKI, KEN
POLANSKI, BETH



Dear Sir Madam:

RE: PLAN 822 1138, BLOCK 15, LOT 1 : 4001 HILLCREST DRIVE (THE "LANDS").

In my capacity as Development Officer, I hereby issue this Stop Order pursuant to Section 645 of the Municipal Government Act, and Section 19 of the Summer Village of Nakamun Park Land Use Bylaw 2022-04, with respect to the aforementioned lands.

The Municipality's Land Use Bylaw 2007-03 states:

SECTION 5 DEFINITIONS

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

"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 living accommodations such as holiday trailers;

"RECREATION 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 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.



Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

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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.

SECTION 42 RECREATIONAL VEHICLES AND TEMPORARY LIVING ACCOMMODATIONS

- a) A maximum of two (2) Recreational 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 unoccupied, 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.
- b) At no time are recreation vehicles to be used as a permanent place of residence.

Further, Part 17 of the Municipal Government Act and Section 15 of the Summer Village of Nakamun Park Land Use Bylaw 2007-03 allow a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the Municipal Government Act, the Land Use Bylaw, a development permit or a subdivision approval.

At present, given that:

1. Two (2) **RECREATIONAL VEHICLES** have been situated upon the Lands;
2. The Lands are not a Developed Parcel; and
3. Development Authority approval has neither been granted, nor has a Development Permit been issued, for such situation of the Two (2) **RECREATIONAL VEHICLES**.



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

Accordingly, you are hereby ordered to stop the unauthorized development on the aforementioned Lands and comply with the Land Use Bylaw by:

1. Removing the two (2) **RECREATIONAL VEHICLES** from the Lands;
2. Not situating the same, or other, **RECREATIONAL VEHICLES** upon the Lands in the future; and
3. Restoring the property to its former condition **by or before 4:30 P.M. on Wednesday, June 21, 2023**

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal must be received by the Clerk of the Subdivision and Development Appeal Board by July 18, 2022. Appeal letter(s) may be mailed to:

Clerk of the Subdivision and Development Appeal Board
Summer Village of Nakamun Park
P.O. Box 1250, Onoway, Alberta, T0E 1V0

Please be advised that, should you fail to comply with this Stop Order the Municipality has the authority, pursuant to Section 646 of the Municipal Government Act, to enter onto the Lands and take any action necessary to carry out the terms of this Order. The authority granted to the Summer Village also includes the right to charge the costs and expenses incurred in carrying out this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the Municipal Government Act.

YOURS TRULY,

SUMMER VILLAGE OF NAKAMUN PARK

Per:

TONY SONNLEITNER, DEVELOPMENT OFFICER
(780) 718-5479



SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Officer on June 10, 2023.





SUMMER VILLAGE OF NAKAMUN PARK

Development Services

Box 2945, Stony Plain, AB., T7Z 1Y4

Phone (780) 718-5479 Fax (866) 363-3342 Email: pcm1@telusplanet.net

PHOTOGRAPHS OF THE SUBJECT LANDS

PLAN 822 1138, BLOCK 15, LOT 1 : 4001 Hillcrest Drive, taken by the Development Officer on June 10, 2023.



TAB 11

In the Court of Appeal of Alberta

Citation: Morozoff v. Vulcan (County), 2013 ABCA 35

Date: 20130211

Docket: 1201-0208-AC

Registry: Calgary

Between:

Gordon Morozoff & A Little Piece of Travers Inc.

Applicants (Appellants)

- and -

Vulcan County

Respondent (Respondent)

**Reasons for Decision of
The Honourable Madam Justice Patricia Rowbotham**

Application for Leave to Appeal

**Reasons for Decision of
The Honourable Madam Justice Patricia Rowbotham**

I. Introduction

[1] The applicants, Gordon Morozoff and A Little Piece of Travers Inc., seek leave to appeal a decision of the Vulcan County Regional Subdivision and Development Appeal Board (the SDAB). That decision, issued on July 12, 2012, upheld and varied a stop order issued by Vulcan County on May 24, 2012. The stop order required the applicants to remove all recreational vehicles, trailers, decks and micro-generation power facilities from their lands on or before July 30, 2012.

II. Background

[2] The applicants purchased property (the Lands) in Vulcan County in July 2009. In August of that year, a complaint report was filed regarding an unapproved development on the Lands. Photographs showed two recreational vehicles, decks, a bobcat and a swing set on the Lands. On August 26, 2009, the County issued a stop order pursuant to section 645(1) of the *Municipal Government Act*, RSA 2000, c M-26, directing the applicants to cease all activities in relation to the development of the Lands and to obtain a development permit in accordance with the relevant land use bylaw.

[3] In September 2010, the County inspected its road allowance on the Lands and found that the applicants had graded it and placed gravel on it. The County issued another stop order, this time requiring the applicants to remove the gravel and remediate the road allowance. The applicants did not comply and the county remediated the road allowance itself. The County then sought to recover its costs from the applicants. The applicants say that they were told that the road allowance was their responsibility and that they did what needed to be done. The matter of who is responsible to pay for the remediation is now before the Provincial Court.

[4] On June 29, 2011, the applicant asked the County if he needed a development permit to keep recreational vehicles on the Lands. He was advised that a development permit was not required “as long as it’s not set up there permanently”.

[5] The County inspected the Lands in October 2011 and observed three recreational vehicles with associated decks, and a storage shed. These same structures were observed again in May and July 2012.

[6] On May 24, 2012, the County issued the stop order which is the subject matter of this application. The order required the applicants to either (a) remove all recreational vehicles, trailers, decks and micro-generation power facilities from the Lands, or (b) pay all debts owing to the County, obtain a development permit, build a road to the Lands in accordance with the County Road Construction Policy, and obtain all required safety code permits.

[7] The applicants appealed to the SDAB. The SDAB rendered its decision on July 12, 2012. It upheld the stop order, but varied it by removing option (b). The SDAB gave the following reasons:

1. The Board determined that the presence of three recreational vehicles with associated decks, propane tanks, solar panels and storage sheds meets the definition of *building* as defined in the MGA section 616(a.1). Further, the Board determined that the presence of three recreational vehicles with associated decks, propane tanks, solar panels and a storage shed constitutes *development* as defined in the MGA section 616(b) and therefore is subject to the requirements of Vulcan County Land Use Bylaw No. 2010-010.
2. The Board determined that the development of three recreational vehicles with associated decks, propane tanks, solar panels and storage shed is not exempted from requiring a development permit in accordance with Schedule 3, Development Not Requiring a Development Permit of Vulcan County Land Use Bylaw No. 2010-010.

[8] The SDAB went on to find that the stop order was valid because the applicants could not produce a development permit legally authorizing the development of the Lands.

III. Legislation

[9] The relevant subsections of section 688 of the *MGA* are set out below:

688(1) Despite section 506, an appeal lies to the Court of Appeal on a question of law or jurisdiction with respect to

- (a) a decision of the subdivision and development appeal board, and

...

(3) On hearing the application and the representations of those persons who are, in the opinion of the judge, affected by the application, the judge may grant leave to appeal if the judge is of the opinion that the appeal involves a question of law of sufficient importance to merit a further appeal and has a reasonable chance of success.

[10] The County’s Land Use Bylaw provides that the terms “building” and “development” have the same meaning as in the *MGA*. Section 616 of the *MGA* defines those two terms as follows:

(a.1) “building” includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;

(b) “development” means

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

IV. Analysis

[11] The test for leave to appeal from a decision of the SDAB requires the applicants to establish three things:

- 1) The application involves a question of law or jurisdiction;
- 2) The question is of sufficient importance to merit a further appeal; and
- 3) The appeal has a reasonable chance of success.

MGA, section 688; *Seabolt Watershed Assn v Yellowhead (County) Subdivision Development Appeal Board*, 2001 ABCA 24 at para 5, 277 AR 61.

[12] For the reasons that follow, I am satisfied that the seven grounds of appeal put forward by the applicants fail to satisfy the test for leave to appeal.

A. Ground 1: The SDAB failed to follow Schedule 3 of the Land Use Bylaw

[13] Section 4 of Schedule 3 of the Land Use Bylaw currently provides that no development permit is required for the following:

- (m) one portable shed per lot, not exceeding 3 m x 3.7 m (10 ft. x 12 ft.) in size.
- (n) an unenclosed addition (containing no roof and no walls and commonly referred to as a deck) to an existing dwelling unit that meets the minimum required setbacks and any other applicable standards or requirements of the applicable Land Use District;
- (p) roof or wall mount solar collectors that meet all standards and requirements of Schedule 5 (Alternative/Renewable Energy Developments - Solar Collectors) of this bylaw.

[14] At the time the stop order was issued, and when the SDAB issued its decision on the appeal of that stop order, only subsection (m), which exempts portable sheds from the need for a development permit, was included in Schedule 3. Subsections (n) and (p), which exempt decks and solar collectors respectively, were added in August 2012.

[15] The applicants say that the SDAB's decision was incorrect with respect to their storage shed, since no development permit was required for that building at the time the stop order was issued. They say the decision is also invalid with respect to the decks and solar panels because the current version of Schedule 3 now explicitly exempts those structures.

[16] In my view, this issue does not meet the test for a further appeal. The real issue here is the totality of the SDAB's decision that the applicants must remove the recreational vehicles from the Lands. Whether the shed, the decks or the solar panels ought to be removed is effectively ancillary to the main thrust of the stop order. The issue raised is not of sufficient importance to merit further appeal.

B. Ground 2: The SDAB erred by not considering section 687(3)(d) of the MGA.

[17] Section 687(3)(d) of the *MGA* authorizes the SDAB to “make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw”, if in the opinion of the SDAB,

- (i) the proposed development would not
 - (A) unduly interfere with the amenities of the

neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

[18] In this case, the applicants appealed an issued stop order, arguing that no development permit was required. The SDAB did not have an application for a development permit or a variance before it. In the circumstances, the SDAB was not obliged to consider section 687(3)(d) or to make an order under that provision. In my view, this ground of appeal does not meet the test for the granting of leave.

C. Ground 3: Inadequacy of reasons

[19] Reasons for decision must show why or how, or on what evidence a decision-maker reached its conclusion. The reasons for the SDAB’s decision set out the context for the appeal, provide an overview of the parties’ submissions at the hearing, set out the guiding legislation, including the definitions of “buildings” and “development”, and conclude that those definitions are met by “the presence of three recreational vehicles with associated decks, propane tanks, solar panels and a storage shed”.

[20] In my view, these are intelligible and transparent, and therefore adequate, reasons. This ground of appeal does not meet the test for leave to appeal.

D. Ground 4: Unreasonable decision

[21] This ground is an extension of the submission that the SDAB interpreted the statute erroneously, dealt with in Ground 5. For the reasons developed more fully under that ground, I am satisfied that one cannot conclude that the SDAB’s interpretation of the terms “building” and “development” in the *MGA* was either incorrect or unreasonable.

E. Ground 5: The SDAB erred in its interpretation of “building” and “development”

[22] This is a similar although not identical argument to that rejected above, namely erroneous statutory interpretation. The question is whether recreational vehicles configured as they are in these circumstances are covered by the definition of “building” and “development” under section 616(a.1) of the *MGA*. Some deference is extended to questions of law if the question engages the expertise of the SDAB, and to the application of the law to particular sets of facts. In my view, a panel hearing

an appeal on this ground would likely apply a deferential standard of review. Even if a correctness standard were applied, the definition of “building” in the *MGA* is extremely broad and includes anything constructed or placed on, in, over or under land. The definition of “development” is similarly broad and includes the term “building”.

[23] In my view the prospect of success on this ground of appeal is marginal at best and leave to appeal should not be granted.

F. Ground 6: Procedural unfairness

[24] The applicants submit that the stop order required them to cease and desist all recreational commercial and residential use of the property until such time as they (a) removed the recreational vehicles and other structures, or (b) paid the debt owing to the County and obtained a development permit. The applicants submit that option (b) was an attempt to extort a disputed amount and was therefore procedurally unfair.

[25] The thrust of this argument is that the County acted unfairly with respect to the issuance of the stop order, by using it as a means of debt collection. That such a condition was improper was clear and, in my view, was correctly addressed by the SDAB’s variance of the stop order. There was no “procedural” unfairness as that term is properly understood before the SDAB or the County. The SDAB properly dealt with the imposition of an unenforceable and unauthorized condition by removing it.

G. Ground 7: Officially induced error

[26] This ground is not applicable in the circumstances. Officially induced error can only be argued as a defence to an alleged violation of a regulatory statute where an accused reasonably relied upon erroneous legal opinions or advice of an official responsible for the administration or enforcement of the particular law. This is not the case here.

V. Conclusion

[27] None of the proposed grounds of appeal meet the test for leave. The application for leave to appeal is accordingly dismissed.

Application heard on January 30, 2013

Reasons filed at Calgary, Alberta
this 11th day of February, 2013

Rowbotham J.A.

Appearances:

R.A. Low
for the appellants

J.M. Klauer
for the respondent

October 25, 2024

Attention:

Clerk of the Subdivision and Development Appeal Board

Summer Village of Nakamun Park
P.O. Box 1250
Onoway, Alberta, T0E 1V0

RE: Appeal of Stop Order Issued September 13, 2024, for Plan 822 1138, Block 15, Lot 1

As the authorized agent for Mary Beth Polansky, the registered landowner of Plan 822 1138, Block 15, Lot 1, we have submitted an appeal to a Stop Order (File: 24STOP12-23) issued by Tony Sonnleitner, Development Officer on behalf of the Summer Village of Nakamun Park on September 13, 2024, regarding the property at 4001 Hillcrest Drive.

Background

Plan 822 1138, Block 15, Lot 1, containing 1.02 hectares (2.52 acres) more or less, hereinafter referred to as "The Site," is owned by Mary Beth Polansky. The Site is located within the R1 – Residential Standard Lot District. It is hereby noted that although a Stop Order was issued to "Ken Polanski" and "Beth Polanski". An Affidavit of Surviving Joint Tenant was registered on October 5, 2024, thereby confirming that Mary Beth Polansky is the sole registered owner of the Site.

The current landowner and her late spouse, Ken Polansky Sr., acquired the subject property in 2004. She also holds ownership of an additional residential parcel located approximately 100 meters away in the Summer Village of Nakamun Park, specifically at 5018 Karpo Street (Plan 2302MC, Block A, Lot 9).

1. Lack of Opportunity for Voluntary Compliance

- The Stop Order mandates the immediate removal of all structures without any opportunity for voluntary compliance actions to achieve a collaborative resolution with the municipality. Given that these minor, temporary structures have raised no complaints from neighbouring landowners, we find this approach unnecessarily harsh. If a compliance pathway had been made available in the Stop Order, we would have been willing to explore options such as seeking Development Permits with associated variances, a Land Use Bylaw amendment application, or other solutions to bring structures into compliance. Each of these approaches requires time and effort and a good faith opportunity has not been offered.

2. Permit Exemption Eligibility for Structures

2.1. *Privy (Green Structure):*

We Build On Ideas.

www.claritydevelopment.ca

p • 780.453.8344
e • info@claritydevelopment.ca

Suite 354, Birks Building
10113 - 104 Street NW
Edmonton AB T5J 1A1

- The Privy, measuring 1.52 m x 1.26 m and 2.36 m in height, has existed on the property for over 20 years, predating the landowner's purchase (Appendix B).
- This Privy was installed before the last two iterations of the *Land Use Bylaw*, and no evidence was presented to us by the municipality that its existence conflicted with the Land Use Bylaw of the time of installation. Given its longstanding, acceptable presence on the property and in the community, we respectfully request that it be considered "grandfathered" in.
- If the Board does not agree that the Privy should be "grandfathered" in, the opportunity to submit a Development Permit application for the Privy to allow the owner the necessary time and opportunity to bring this structure into development compliance. It should be noted that variances to the current Land Use Bylaw may be required for a Development Permit to be issued, because the pre-existing structure may not be able to achieve all current requirements.
- A reasonable argument can be made that a Privy is distinct from an Accessory Building or Use, as it is defined separately within the Land Use Bylaw. Although the bylaw's definition of an Accessory Building includes examples such as sheds, garages, suites and boathouses, it remains ambiguous as to whether a Privy falls within this category. Given this ambiguity, a Privy may be more accurately classified as infrastructure rather than an Accessory Building or Use, as it does not require a subordinate relationship to a Principal Building on the lot. For instance, in recreational campgrounds, where Privies are commonly installed, there is often no principal building present, thereby reinforcing that a Privy functions independently and should not be considered an Accessory Use.

2.2. White and Brown Sheds:

- Function: These sheds, although over the exemption size threshold, help keep the lot organized and visually in line with residential standards.
- Compliance Path: The current LUB structure requires a principal building on the Lot to permit such structures, blocking a viable permit pathway.

3. History of Compliance and CAO Guidance

- After receiving a Stop Order (23STOP01-23) in June 2023 regarding Recreational Vehicle use on-Site, the landowners ensured that trailers that were brought to the Site for weekend use were removed. Through a follow-up conversation with the Nakamun Park Chief Administrative Officer, as the trailers had been removed, the owners believed no following actions were needed since the Lot remained in orderly condition. To the best of our knowledge, no further actions were requested by the municipality.

4. Community Support for the Appeal

- Neighbour letters (Appendix A) confirm that these structures have not posed any disturbance, aligning with Section 52's intent for compatibility with residential character.

- Based on the letters received, it was stated that the existing accessory structures in question do not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

5. Request for Extended Compliance Period

- Should the Board uphold the Stop Order, we respectfully request an extended compliance period to facilitate a phased resolution. The landowner's proactive compliance efforts, utilization of the storage sheds to keep an otherwise vacant Lot in orderly condition, and community support demonstrate that these structures are appropriate and compatible with the property and surrounding lands.

Thank you for considering this appeal. We look forward to reaching a balanced resolution that respects both community standards and the ownership's longstanding neighbourly utilization of the property.

Appendices

- **Appendix A:** Neighbour Letters of Support
- **Appendix B:** Letter from Owner Verifying Privy History
- **Appendix C:** Letter from Owner Verifying No Prior Knowledge of Any Neighbour Nuisance Complaints Filed Against the Property
- **Appendix D:** Site Details

Sincerely,

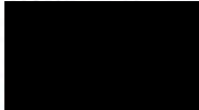
Clarity Development Advisory



Ranon Soans, Planner

APPENDIX A: Neighbour Letters of Support

Ross and Kathryn Pinder



Subdivision and Development Appeal Board
Box 1075
Onoway, AB
ToE 1Vo

20th October 2024

To Whom It May Concern,

We are writing to provide a reference for the Polansky family. We have owned our property at Nakamun Lake for 20+ years and have had the pleasure of knowing the Polansky's for almost 15 years. Our connection is particularly meaningful, as the Polansky family is family through our daughter-in-law, Dawn Pinder.

Family values are deeply important to both of our families and the Polansky family exemplifies this in their everyday life. They have always been warm and welcoming, creating a friendly atmosphere. Their approachable nature makes it easy for anyone to connect with them.

Being a good neighbor means being approachable and creating an inviting atmosphere where everyone feels comfortable, especially in a lake community like Nakamun Village. The Polansky family, as we have known them, have always been approachable, willing to listen, they always engage in friendly conversation and have always been willing to lend a helping hand. This openness fosters a sense of community, encouraging mutual support and understanding among residents. When neighbors are approachable, it becomes easier to address concerns, share joys, and build lasting relationships, ultimately enhancing the overall neighborhood experience for everyone involved. We feel that this is a reflection of the Polansky family through our experience with them.

Throughout our years as family and property owners in Nakanum Village, we have known the Polansky family to show remarkable adaptability. They have a talent for resolving issues through open communication and mutual consensus, demonstrating a cooperative spirit that fosters harmony amongst all involved.

We, without a doubt, recommend the Polansky family as excellent neighbors, community members and individuals. If you have any questions, please feel free to reach out to us.

Sincerely,

Dr. Ross Pinder

Kathryn Pinder

Dr. Ross and Kathryn Pinder



Rob and Heather Begin
[REDACTED]

Summer Village of Nakamun Park

Subdivision and Development Appeal Board


To Whom it may concern,

We are writing to show our support for the Polansky family in their appeal to the Development Board. Since we purchased our lake property in 2019, we've gotten to know the long time Nakamun residing family. They are friendly and valued in the community. Although busy themselves, they're always willing to give a helping hand. On the water, they are respectful of others while enjoying our wonderful lake to the fullest. Their children have always been extremely respectful and have become lifelong friends with ours. We have never heard of or had any complaints with this family.

I understand the changing priorities of the village. Land use bylaws change over time. But the Polansky's have been integral members since before some of these changes. Multiple siblings and their families enjoying their lake properties together is the essence of a Summer Village! The Polansky's are part of the history and fabric of this community. We ask that you consider this in your decision making process.

If you have any questions, feel free to call me at [REDACTED]

Sincerely,


Rob Begin

Peter and Daylene Penner
[REDACTED]

October 22, 2024

Summer Village of Nakamun Park
Subdivision and Development Appeal Board
Box 1075
Onaway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

I am writing to express my support for the Polansky family, who have been our neighbors in the Summer Village of Nakamun Park since we moved full time in 2011. Our property is located directly adjacent to theirs, and over the years, we have come to know them well as part of our lake community.

Throughout our time here, the Polansky family has consistently demonstrated themselves to be friendly, responsible, and considerate. They are not only good neighbors but also integral members of our community.

I am pleased to attest to their exemplary behavior as neighbors. We have never experienced any issues regarding noise or nuisance from their property, and are not aware of any complaints from others. We support keeping the existing structures as they do not pose any safety concerns or nuisances. The structures on site do not negatively impact the neighborhood or interfere with the use, enjoyment, or value of our property. The Polansky's have always been respectful and engaged in maintaining the peaceful atmosphere of our shared neighbourhood.

I wholeheartedly support the Polansky family and appreciate their positive contribution to our community. If you have any questions or need further information, please feel free to reach out.

Sincerely,

Peter and Daylene Penner
[REDACTED]

Daniel and Joni Gibert
[REDACTED]

October 24, 2024

Summer Village of Nakamun Park
Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

We are writing this letter to present our strong support for the Polansky family. We have had the pleasure of knowing them as neighbours in the Summer Village of Nakamun Park since 2013, and our property is located directly across the road. We can attest to their character as valued members of our lake community.

Throughout our time spent at the lake, the Polansky family has consistently been friendly, considerate and excellent neighbours. We can confirm that we have never experienced any issues including noise or nuisance from their properties, nor are we aware of any complaints from others.

We have no issues with the existing accessory structures, as they do not pose any safety concerns or nuisances. These structures do not negatively impact the neighborhood or interfere with the use, enjoyment, or value of our properties. In fact, the structures provide storage and assist with lot cleanliness.

We support the Polansky family and their efforts to maintain the relationships and integrity of our lake community neighbourhood. If you have any questions, please feel free to contact us.

Sincerely,

Dan and Joni Gibert
[REDACTED]

Kristina Evans



October 23, 2024

Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

Please accept this letter of support and character reference for Ken and Mary Beth Polansky and the extended family, who have been our immediate neighbors (5018 Karpo St) in the Summer Village of Nakamun Park for 11 years. Over the many summers spent at the lake we have got to know them all very well and consider them not just neighbours but also friends.

As a family the Polanskys are always courteous, helpful, friendly, responsible and considerate making them great neighbours and a wonderful part of our lake community neighbourhood.

We can confidently confirm that we have never had any issues regarding noise or nuisance from their lake property located adjacent to ours and have not been made aware of issues from others in our neighbourhood either. The Polansky family maintain their lake properties and pride of ownership is evident.

We support the family and their efforts to maintain the strong lake community and relationships within the neighbourhood in which we all are proud members. Please feel free to reach out should you have anything further to discuss.

Sincerely,

Kristina Evans



APPENDIX B: Letter from Owner Verifying Privy History

Mary Beth Polansky



October 22, 2024

Summer Village of Nakamun Park
Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

This letter is to attest and confirm that when my late husband Ken Polansky Sr. and I purchased the property 4001 Hillcrest Drive (Plan 822 1138, Block 15, Lot 1) in 2004 the outhouse building that currently remains on the property was originally existing at the time of purchase.

Sincerely,

A handwritten signature in blue ink that reads "Mary Beth Polansky".

Mary Beth Polansky

APPENDIX C: Letter from Owner Verifying No Prior Knowledge of Any Neighbour Nuisance Complaints Filed Against the Property

Mary Beth Polansky
[REDACTED]

October 22, 2024

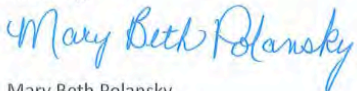
Summer Village of Nakamun Park
Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

This letter is to confirm that to date I have not received, nor previously received any complaints of noise or nuisance either in writing or verbally from any neighbours in the Summer Village of Nakamun Park. This statement holds true and pertains to the two properties for which I am the land owner and are listed below.

1. 5018 Karpo Street (Plan 2302MC, Block A, Lot 9)
2. 4001 Hillcrest Drive (Plan 822 1138, Block 15, Lot 1)

Sincerely,



Mary Beth Polansky

APPENDIX D: Site Details





Appeal of Stop Order File: 23STOP12-23

*4001 Hillcrest Drive, Summer Village of Nakamun Park
Plan 822 1138, Block 15, Lot 1*

Presented By:
Clarity Development Advisory


SDAB Hearing Date:
November 1, 2024





Background

- Ken Polansky Sr. and Mary Beth Polansky acquired property in 2004
- 1.02 ha site, designated as R1 – Residential Standard Lot District
- 3 existing structures on site
 - Privy
 - “White building”
 - “Brown building”

LEGEND

 **Privy**
1.52 m x 1.26 m
Height: 2.36 m

 **White Building**
3.07 m x 3.72 m
Height: 2.85 m

 **Brown Building**
3.40 m x 1.79 m
Height: 2.62 m



Nakamun Lake



Lack of Opportunity for Voluntary Compliance

- **Stop Order:** Mandates immediate removal of all structures.
- **No compliance pathway offered;** no complaints from neighbours.
- **Request:** Opportunity for Development Permits, bylaw amendments, or other compliance options.

Permit Exemption Eligibility - Privy

- **Privy Details:** 1.52 m x 1.26 m, 2.36 m height, existing >20 years
- **Request:** "Grandfathered" status due to long-standing presence.
 - If denied, request for Development Permit with potential variances.
- **Classification Ambiguity:** Privy may qualify as infrastructure, not accessory use.

Community Support of Appeal

- 5 letters of support
- Confirmation that these structures do not pose any disturbance

Kristina Evans
5019 Karpo St
Nakamun Lake
Kristinaevans@live.ca

October 23, 2024

Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

Dear Subdivision and Development Appeal Board,

Please accept this letter of support and character reference for Ken and Mary B and the extended family, who have been our immediate neighbors (5018 Karpo Summer Village of Nakamun Park for 11 years. Over the many summers spent at their place, we have had the pleasure of knowing them well and consider them not just neighbours but

Ross and Kathryn Pinder

5582 Nakamun Dr.
Nakamun Park, AB
T0E 0B8
(780) 916-9566
drpinder@telus.net

Subdivision and Development Appeal Board
Box 1075
Onoway, AB
T0E 1V0

20th October 2024

To Whom It May Concern,

We are writing to provide a reference for the Polansky family. We have owned our property at Nakamun Lake for 20+ years and have had the pleasure of knowing the Polansky's for almost 15 years. Our connection is particularly meaningful, as the Polansky family is family through our daughter-in-law, Dawn Pinder.

Family values are deeply important to both of our families and the Polansky family exemplifies this in their everyday life. They have always been warm and welcoming, creating a friendly atmosphere. Their approachable nature makes it easy for anyone to connect with them.

Being a good neighbor means being approachable and creating an inviting atmosphere where everyone feels comfortable, especially in a lake community

Penner
Nakamun Park
un.com

Nakamun Park
Development Appeal Board

d Development Appeal Board,

less my support for the Polansky family, who have been our neighbors in the Nakamun Park since we moved full time in 2011. Our property is located theirs, and over the years, we have come to know them well as part of our

here the Polansky family has consistently demonstrated themselves to be

Extended Compliance Period Request

- **Context:** Requesting extension if Stop Order is upheld
- **Rationale:**
 - Proactive compliance efforts by landowner
 - Use of storage sheds maintains orderly condition of vacant lot
 - Community support for structures
- **Conclusion:** Structures deemed appropriate and compatible with property and surroundings



Thank you.

Presented By:

clarity.
development
advisory

SDAB Hearing Date:
November 1, 2024