# SUMMARY OF PROPOSED CHANGES | July 2023

## SUMMER VILLAGE OF KAPASIWIN LAND USE BYLAW

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### PURPOSE

This document provides a summary of major changes proposed to the Summer Village of Kapasiwin Land Use Bylaw. This is not an exhaustive list, but rather highlights significant changes that are most likely to impact how residents of the Summer Village can use and develop their property under the proposed Bylaw.

### BYLAW STRUCTURE

The proposed draft Land Use Bylaw (LUB) differs slightly in how it is structured compared to the current LUB. The draft structure is intended to improve the clarity and accessibility for all users of the document.

**Current Land Use Bylaw**

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| 1 | Titles and Meanings |
| 2 | Establishment of the Office of Development Officer |
| 3 | Development Permits |
| 4 | Site Regulations |
| 5 | Establishment of Districts and Schedules |

**Proposed Draft Land Use Bylaw**

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| 1 | Introduction |
| 2 | Interpretation |
| 3 | Authorities |
| 4 | Amendments |
| 5 | Development Process |
| 6 | Subdivision Process |
| 7 | Appeals |
| 8 | Enforcement |
| 9 | General and Specific Regulations |
| 10 | Land Use Districts |
| 11 | Residential District (R1) |
| 12 | Residential (Shallow Lot) District (R2) |
| 13 | Natural Environment Recreational District (NER) |
| 14 | Maps |

### GUIDE TO USING THE LAND USE BYLAW (NEW)

This section explains how the LUB is to be read and used. It is not an approved part of the LUB, but provides a brief guide for users to better understand how to navigate the document.

## 1. INTRODUCTION

This section provides the legal establishment of the LUB. Only minor changes to this, in conformity with the *Municipal Government Act* (RSA 2000, as amended) (MGA).

1.3 Purpose (NEW) – Establishes the purpose of the LUB: To prohibit, regulate, and control the use and development of land and buildings. This section conforms to the MGA.

## 2. INTERPRETATION

This section has been updated to provide clarity on how the document is to be interpreted.

Significant changes:

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| **Measurements** | Establishes all measurements in metric. Imperial measurements have been removed to avoid potential inconsistencies. |
| **Definitions** | Increased number of definitions (from ~65 to 227) to provide greater clarity for the purposes of interpreting the Bylaw.<br>New definitions include:<br>• Environmental terms (Aquifer, Bed and Shore, Environmentally Significant Area, Legal Bank, Riparian Area, Shoreline, Vegetation, Water Body, Watercourse, Wetland, etc.)<br>• Technical terms (Arborist Report, Erosion and Sediment Control Plan, Geotechnical Report, Low Impact Development, Stormwater Management Plan, etc.)<br>• Development and site terms (Abut, Accessory Building, Adjacent Land, Building Pocket, Demolition, Environmental Reserve, Environmental Reserve Easement, Floor Area, Grading, Undeveloped Lot, Runoff, Sea Can, Shoreline Modification, Site Coverage, Stripping, Wind Energy Systems, etc.) |

Establishes all measurements in metric. Imperial measurements have been removed to avoid potential inconsistencies.

## 3. AUTHORITIES

This section has been updated to clarify the roles and responsibilities of Council, the Development Officer, and the Subdivision Authority.

Significant changes:

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| **Development Authority** | Minor changes to role and responsibility. Removed references to Municipal Planning Commission. |
| **Development Officer** | Clarifies roles and responsibilities. |
| **SDAB** | Minor changes, reflecting changes to the MGA. |

## 4. AMENDMENTS

This section has been updated significantly to ensure the Summer Village has information necessary to review and decide on proposed amendments to the Bylaw.

Significant changes:

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| **Applications** | Requirements:<br>• Statement, purpose of the amendment<br>• Land description, title<br>• Applicant information, interest in the amendment<br>• Fee as established by Council<br>Council may request:<br>• Conceptual scheme / Area Structure Plan if in support of a proposed development<br>• Payment of a fee equal to the Summer Village's cost to review the application<br>• Technical studies/reports |
| **Public Hearing** | Identifies how the proposed amendment will be reviewed by the Approving Authorities, referral agencies, notification, public engagement/hearing, consideration for adoption by Council |

## 5. DEVELOPMENT PROCESS

This section has been updated significantly to ensure the Summer Village has information necessary to review and decide on proposed developments and to clarify the development process, and how variances will be considered.

Significant changes:

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| **5.2 Development Not Requiring a Development Permit** | Expanded list of developments that do not require a development permit. |
| **5.5 Application Requirements for Development Permits** | Revised list of application requirements, including:<br>• Identification of a fee (as established by Council)<br>• Detailed site plan<br>• Statement of intended use/ownership<br>Additional information that may be required (examples):<br>• Real Property Report<br>• Identification of servicing systems<br>• Height/dimensions of proposed buildings<br>• Floor Plan<br>• Landscaping plan<br>• Lot grading and drainage plan<br>• Erosion and sediment control plan |

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| | • Stormwater management plan<br>• Technical studies<br>• Location of parking/driveways<br>• Information on the use<br>• Pictures of building (for a moved-in building)<br>• Any other information the Development Authority considers necessary |
| **5.9 Development Permit Notification** | Revised to make consistent with new permit notification processes and timelines in the MGA. |
| **5.10 Development Permit Conditions and Development Agreements** | Identifies the conditions and development agreement that may be required as part of a development permit approval. |
| **5.11 Validity of Permits** | Expanded to identify:<br>• When permits come into effect<br>• When a permit may be suspended, pending the results of an appeal<br>• When a permit is no longer valid (expiry, extension) |
| **5.12 Variances** | Enables the Development Authority to vary the Land Use Bylaw in certain circumstances to allow development. No variances for:<br>• Lot coverage<br>• Building height |

## 6. SUBDIVISION (NEW)

This section has been added to provide clarity on the application requirements and process for subdivision, in alignment with the MGA.

The proposed draft LUB does not allow for the creation of new lots within the Summer Village, but would permit subdivision applications for the purposes of adjusting lot lines.

## 7. APPEALS (NEW)

This section has been added to provide clarity on how development and subdivision appeals may be made.

The proposed draft LUB identifies:

- when and how an appeal may be made and to which appeal body (Subdivision and Development Appeal Board, Land and Property Rights Tribunal)
- that development and subdivision hearing decisions shall be in accordance with the MGA.

## 8. ENFORCEMENT

This section has been updated significantly to clarify the Summer Village's authority to enforce the Bylaw, in accordance with the powers established through the MGA.

Significant changes:

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| **8.1 Provision of Enforcement** | Enforcement to be conducted by a designated officer of the Summer Village. |
| **8.3 Right of Entry** | Establishes when the designated officer may enter a property to determine if requirements/conditions are being met. |
| **8.4 Violation Warnings** | May be issued for minor offenses and to identify what needs to be done to correct any violation. May include final warnings. |
| **8.5 Stop Orders** | Identifies when a stop order may be issued by the Development Authority, deadline for compliance, appeal rights. |
| **8.6 Violation Tags and Tickets** | Identifies form and issuance procedure for any violation tags and fines related to contravention of the Bylaw. |

## 9. GENERAL AND SPECIFIC REGULATIONS

This section has been updated significantly to provide regulatory direction on both general and specific developments and uses. The document includes new diagrams to help interpret the regulations for certain types of development.

Significant changes:

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| **9.1 Accessory Buildings and Uses** | Establishes development regulations for accessory buildings (sheds, garages, boathouses, etc.), including:<br>• Maximum height: 9.0 m<br>• Side yard setback: 1.4 m<br>• Rear yard setback: 1.2 m<br>• Rear yard setback for garages: 7.6 m where the access door faces the road, 6.1 m where the access door faces away from the road (see Figure 1, page 47)<br>• Only approved where an existing dwelling is lawfully constructed<br>• No maximum number of accessory buildings (limit established by maximum parcel coverage). |
| **9.2 Accessory Building, Boathouses** | New regulations:<br>• Boat houses require a development permit<br>• Maximum of one on a lot<br>• Sleeping accommodations are prohibited<br>• May be built in front yard but not below the 725.42 m above-sea-level line – see Figure 2, page 48. |

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| **9.3 Accessory Dwelling Units** | Accessory dwelling units include: Garage Suites, Guest House Suites, Secondary Suites, Bunkhouses, or Recreational Vehicles stored on a permanent or quasi-permanent basis.<br><br>Maximum of two (2) Accessory Dwelling Units allowed on a lot, total, subject to the following:<br>• Maximum of one (1) Garage Suite, Secondary Suite, or Guest House Suite,<br>• Maximum of two (2) Recreational Vehicles, and<br>• Maximum of two (2) Bunkhouses. |
| **9.4 Bed and Breakfast Operations** | Allows for the operation of Bed and Breakfast Establishments, subject to:<br>• Maximum of six short-term occupants<br>• Not allowed within a recreational vehicle, bunkhouse, tent or tented structure or accessory building without cooking or bathroom facilities<br>• The provision of sufficient on-site parking<br>• No signs advertising the rental or Bed and Breakfast Establishment |
| **9.6 Dwelling Units on a Lot** | Establishes a maximum of one (1) single detached dwelling or modular home on a lot, with up to two (2) accessory dwelling units. |
| **9.7 Environmental Protection** | Prohibits the permanent disturbance of watercourses, wetlands, water bodies. Discourages shoreline modification except for erosion protection. Prohibits the addition of sand to the bed and shore of Wabamun Lake or lands adjacent to the lake. |
| **9.8 Erosion and Sediment Control** | Requires an Erosion and Sediment Control Plan where a development is proposed that may impact drainage on the site or adjacent properties. |
| **9.9 Fences and Walls** | Requires a development permit for fences within residential districts. Establishes maximum fence height and prohibits fences within front yards – see Figure 4, page 53 and Figure 5, page 54. |
| **9.10 Grading, Stripping and Site Drainage** | Requires a development permit for stripping and/or grading that alters surface water drainage from the site, increases runoff onto adjacent lands, or alters the quantity or quality of runoff into a waterbody or watercourse.<br><br>Grading, excavation, stripping, landscaping or planting within the Footpath Easement shall not be permitted without written consent from the Summer Village and Development Authority approval. |
| **9.11 Home Occupations** | Major Home Occupations are prohibited.<br><br>Minor Home Occupations require a Development Permit |

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| **9.13 Landscaping Requirements** | Landscaping that alters natural drainage patterns or alters the quality or quantity of runoff into a waterbody or watercourse requires a Development Permit.<br><br>Establishes the requirements for landscaping site plan, when required.<br><br>Requires a minimum of 30% vegetation lot coverage (including lawn, trees, shrubs, etc.) – See Figures 7 and 8, pages 58 and 59. |
| **9.16 Pools and Hot Tubs** | Pools and hot tubs:<br>• Require a Development Permit<br>• May be allowed in any yard (front or rear)<br>• May NOT be allowed below the 725.42 m-above-sea-level line, within 6.0 m of the front property line of a lakefront lot, or within the Footpath Easement. |
| **9.18 Recreational Vehicles** | Establishes regulations for Recreational Vehicles, including:<br>• Requiring a Development Permit for Recreational Vehicle parking stall where a RV is to be kept permanently or quasi-permanently<br>• Limit of two (2) RVs on a lot<br>• RVs kept on a permanent or quasi-permanent basis require a constructed pad<br>• Not to be used as a primary or sole dwelling<br>• Use of generators are prohibited for RV power – RV must be connect to lot power facilities or solar systems. |
| **9.19 Retaining Walls** | Establishes requirements for retaining walls. |
| **9.20 Sea Cans** | Sea Cans:<br>• Require a Development Permit<br>• May be required to conform aesthetically to buildings on adjacent properties<br>• A maximum of one (1) sea can is permitted on a lot. |
| **9.22 Site Conditions** | Prohibits development on lands with unstable slopes, soil instability, or poor drainage unless it can be demonstrated to the Development Authority that unique site requirements warrant such development.<br><br>Restricts development near slopes greater than 15% or within the 1:100 flood plain of a water body.<br><br>Requires development consistent with the Albert Wetland Policy. |
| **9.24 Solar Energy Collection Systems** | Allows for the installation of roof, wall, or ground-mounted solar energy collection systems, subject to Development Permit approval. |

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| **9.25 Tourist Homes** | Establishes regulations for Tourist Homes (AirBnB, Vrbo, etc.), including:<br>• Requires a Development Permit<br>• Specific development permit application requirements<br>• Prohibits Tourist Home rentals within recreational vehicles, bunkhouses, tent or tented structure, or accessory building without cooking or bathroom facilities<br>• Requires sufficient on-site parking<br>• Limit of six (6) short-term occupants, not including children under sixteen years of age<br>• No signs advertising the rental of the Tourist Home are permitted. |
| **9.26 Tree Removal** | Tree removal that results in less than 10% of the total lot area being covered by tree canopy (nearly complete clearing of a lot) requires a Development Permit.<br><br>Establishes replacement requirements for the removal of mature trees – see Figure 10, page 66. |

## LAND USE DISTRICTS AND MAPS

The Land Use District sections have not been significantly changed from the current Land Use Bylaw, except for the addition of new Permitted and Discretionary Uses in both Residential Districts.

New Uses:

**Permitted**
Home Occupation, Minor
Garage (first on a lot)
Public Parks
Public and Quasi-Public Buildings

**Discretionary**
Bed and Breakfast Establishments
Boat House
Buildings and Uses Accessory to Discretionary Uses
Garage (second on a lot)
Moved-in Buildings
Public Utilities required to sere the immediate area
Sea Cans
Solar Energy Collection Systems
Tented Structures
Tourist Homes
Tree Removal
Wind Energy Conversion Systems, Micro

A new map, Map 2 – Development Setback From Front Property Line, has been included in the draft LUB to identify the approximate location of the 725.42 m-above-sea-level line (see Map 2, page 74).