



# **LAND USE BYLAW**

**BYLAW 2017-06**

**AMENDED BY 2022-11 SEPTEMBER 2022**



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# GUIDE TO USING THE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or moved in) in the Village of Kitscoty. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the Village, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the Village into various Land Use District. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

- 1 | Locate the subject property on the Land Use District maps. These maps divide the Village into various Land Use Districts. Each Land Use District has a designation such as **R1**. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations of the land Use Bylaw or impose additional regulations. **PLEASE NOTE: Land Use Districts are often referred to as “Zones” or “Zoning.” In order to conform to the language of the Municipal Government Act, this document uses the terms “District” and “Districting.”**
- 2 | Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed alphabetically starting in **Part 9**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **Part 1.3** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
- 3 | Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, **Part 5** describes the enforcement procedure. **7.2** contains general regulations about accessory buildings and **Part 8.9** contains general regulations about Home Occupations, just to name a few.
- 4 | Discuss your proposal/concern with Planning and Development staff. Village staff are well trained and eager to assist you with your development/subdivision or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

**NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.**



# 1 GENERAL ADMINISTRATIVE PROCEDURES

## 1.1 TITLE

The title of this Bylaw shall be the Land Use Bylaw of the Village of Kitscoty.

## 1.2 PURPOSE

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose amongst other things:

- 1 | to divide the municipality into districts;
- 2 | to prescribe and regulate for each district the purposes for which land and buildings may be used;
- 3 | to establish a method of making decisions on applications for development permits;
- 4 | to provide the manner in which notice of the issuance of a development permit is to be given; and
- 5 | to establish the number of dwelling units permitted on a lot.

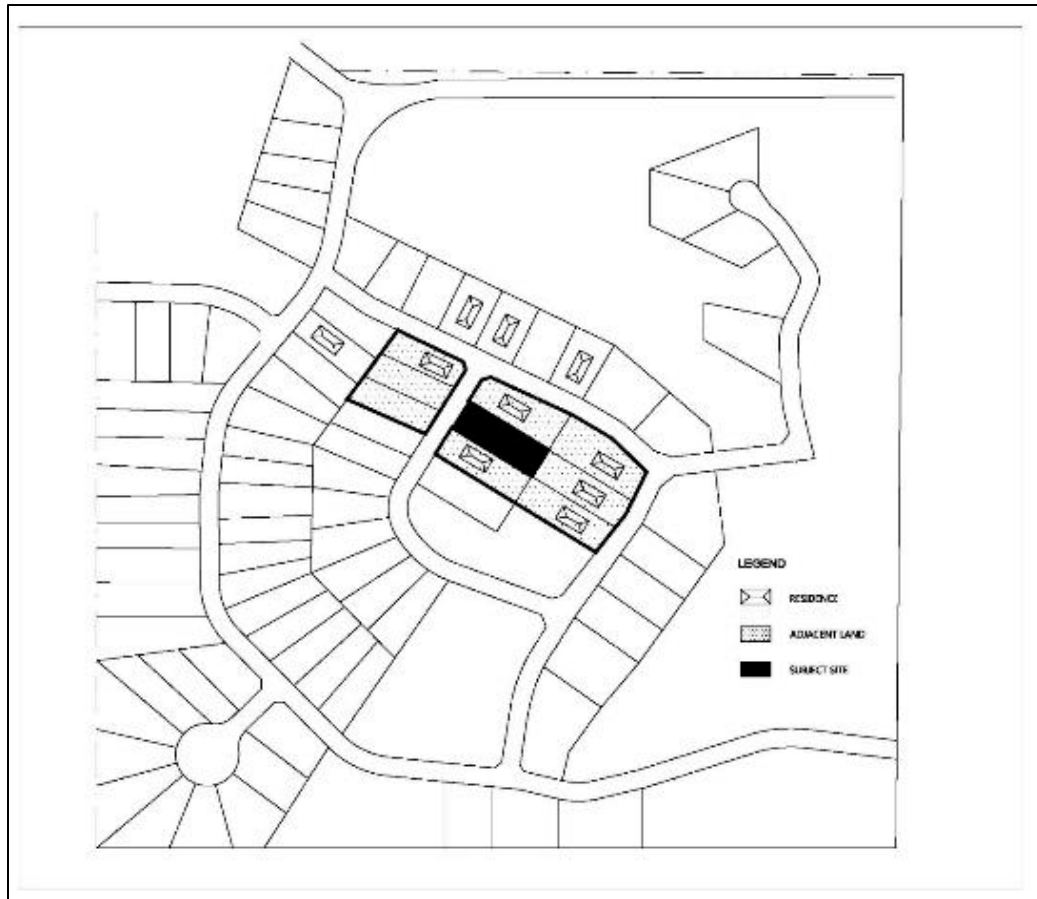
## 1.3 INTERPRETATION

In this Bylaw

- 1 | **"abut"** or **"abutting"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- 2 | **"accessory building"** means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same lot;
- 3 | **"accessory use"** means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building;
- 4 | **"Act"** means the Municipal Government Act, 1994, as amended;
- 5 | **"adjacent land"** means land that is contiguous to a particular parcel of land and includes:
  - a. land that would be contiguous if not for a highway, road, river or stream, and



- b. any other land identified in this Bylaw as adjacent for the purpose of satisfying **Part 3.10 (2)** of this Bylaw; **Figure 1** provides an example of adjacent land in an urban area.



**FIGURE 1: ADJACENT LAND**

- 6 | **"adult entertainment"** means an establishment which provides live entertainment for its patrons, which includes the display of nudity;
- 7 | **"adult use"** means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 18.6 m<sup>2</sup> (200 ft<sup>2</sup>), whichever is greater devoted to materials for sale or rent distinguished by or



characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement;

- 8 | **"agricultural industry"** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;
- 9 | **"agricultural operation"** means an agricultural operation as defined in the Agricultural Operation Practices Act;
- 10 | **"agriculture, extensive"** means the use of land or buildings, including the first dwelling, for an agricultural operation which requires large tracts of land (usually in the order of 32.4 ha (80.0 ac. or more), but not including intensive agriculture or confined feeding operations;
- 11 | **"agriculture, intensive"** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations;
- 12 | **"alcohol retail sales"** means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods;
- 13 | **"amenity area"** means an area which shall be provided subject to the regulations of this bylaw and which must be developed for the active or passive recreation and enjoyment of the occupants of a residential development. Such area may be for either private or communal use and may be under either individual or common ownership. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
- 14 | **"amenity area, communal"** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all occupants of a building. Such area must be for communal use and accessible by all occupants of a building it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways'



- 15 | **"amenity area, private outdoor"** means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, parking lots, aisles or access driveways;
- 16 | **"amusement establishment, indoor"** means a development providing recreational facilities inside an enclosed building with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
- 17 | **"amusement establishment, outdoor"** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- 18 | **"animal hospital"** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- 19 | **"animal services facility"** means a development for the purpose of the treatment of animals and includes retail sales of associated products. This may include such uses as veterinary clinics and large animal veterinary clinics, impounding and quarantining facilities, but does not include the sale of animals
- 20 | **"apartment"** see **"dwelling, apartment"**;
- 21 | **"area of a sign"** means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of the area of a sign;
- 22 | **"arterial road"** means a road used primarily for through traffic;

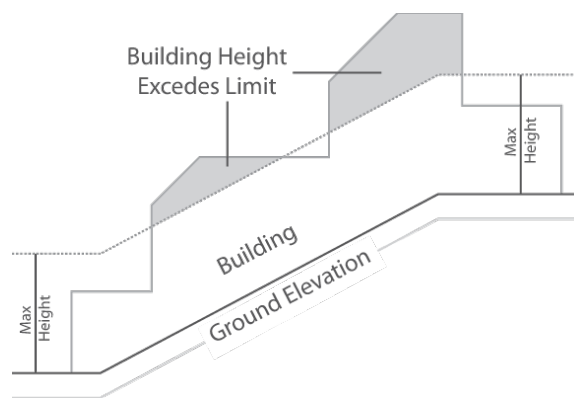


- 23 | **"auctioneering establishment"** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- 24 | **"automotive and equipment repair shop, heavy"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Heavy Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, (but not body repair or paint shops) which provide services to vehicles and equipment with a gross vehicle weight rating equal to or greater than 4000.0 kg (8,818.5 lbs.), or a length equal to or greater than 6.7 m (22.0 ft);
- 25 | **"automotive and equipment repair shop, light"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Light Automotive and equipment repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops, (but not body repair or paint shops) which provide services to vehicles and equipment with a gross vehicle weight rating less than 4000.0 kg (8,818.5 lbs.), or a length less than 6.7 m (22.0 ft);
- 26 | **"automotive and recreational vehicles sales/rental establishment, heavy"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented together with incidental maintenance services and sale of parts. Heavy automotive and recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and dealerships for the sale of trucks with a gross vehicle weight rating equal to or greater than 4000.0 kg (8,818.5 lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating equal to or greater than 6000.0 kg (13,227.7 lbs.) or a length equal to or greater than 6.7 m (22.0 ft);
- 27 | **"automotive and recreational vehicles sales/rental establishment, light"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Light automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, and includes dealerships for



the sale of trucks with a gross vehicle weight rating less than 4000.0 kg (8818.5 lbs.). This use also includes the sale of recreational vehicles with either a gross vehicle weight rating less than 6000.0 kg (13,227.7 lbs.) or a length less than 6.7 m (22.0 ft);

- 28 | **"bareland condominium"** see **"condominium, bareland"**;
- 29 | **"basement"** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.8 m (6 ft) of its clear height which lies below the finished level of the floor directly above.
- 30 | **"bed and breakfast establishment"** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
- 31 | **"boarding and lodging house"** means a development, with or without a dwelling unit, where temporary sleeping accommodations of three (3) or more bedrooms, with or without meals, are provided for remuneration to members of the public. Boarding and lodging houses may include student co-operative housing, and lodges for senior citizens, but not group homes;
- 32 | **"body shop or paint shop"** means a commercial business where the body of vehicles is maintained, painted or repaired on site;
- 33 | **"building"** includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- 34 | **"building area"** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- 35 | **"building height"** means the vertical distance measured from the grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device (see Figure 2);



**FIGURE 2: BUILDING HEIGHT**





- 36 | **"building separation"** means the minimum distance between two buildings as regulated by the Alberta Building Code Regulation and all amendments or replacements thereto;
- 37 | **"bulk fuel station"** means a development for handling petroleum products in bulk quantities, and includes supplementary tanker vehicle storage. Key-lock and card-lock pumps and retail fuel sales may be incorporated as an accessory use;
- 38 | **"bus depot"** means a development where scheduled intermunicipal buses drop off or pick up either passengers or cargo but does not include staging areas;
- 39 | **"business frontage"** means any side of a lot or building which abuts a road, or in the case of individual business or tenants within a building, any business which has separate access to a road;
- 40 | **"business support services establishment"** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- 41 | **"campground"** means any land or part thereof, which may levy fees for the locating of tents or recreational vehicles as the primary use, and shall include any facilities or amenities secondary to the primary use, and may include basic campgrounds and Recreation Vehicle Campgrounds;
- 42 | **"canopy"** means an overhanging projection, shelter or shade covering extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun or demarcating the entrance of a building.
- 43 | **"carport"** means a roofed structure, used for storing or parking of not more than two private vehicles, which has not less than forty percent (40%) of its total perimeter open and unobstructed and, if attached to the principal building, shall be considered as part of the principal building.
- 44 | **"carwash"** means a facility used for the cleaning of motor vehicles, such as passenger cars, trucks, and motorcycles. A heavy vehicle wash is a separate use.
- 45 | **"cemetery"** means a development for the entombment of the deceased, which may include the following accessory developments: crematorium, columbarium, and





mausoleums. Cemeteries may include memorial parks, burial grounds, chapels, and gardens of remembrance;

- 46 | **"chattel"** means a movable item of personal property;
- 47 | **"child care facility"** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage and does not include overnight accommodation. Child care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programs which satisfy this definition. Child care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- 48 | **"cluster development"** means a development technique that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes;
- 49 | **"collector road"** means a road used primarily for collecting traffic from local roads and channelling it to arterial roads;
- 50 | **"co-location"** means locating more than one (1) facility on a site, tower and/or accessory building.
- 51 | **"commercial school"** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but include secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- 52 | **"commercial storage"** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. This use does not include outdoor storage;
- 53 | **"commercial use, general"** means a development through which products or services are available to consumers including general retail establishments but does not include the manufacturing of products, or highway commercial uses;
- 167 | **"commercial use, highway"** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or an arterial road. Highway commercial uses may include eating and drinking establishments, service stations, gas bars, convenience retail stores, hotels, motels, commercial with warehousing, drive-in businesses and personal service shops;

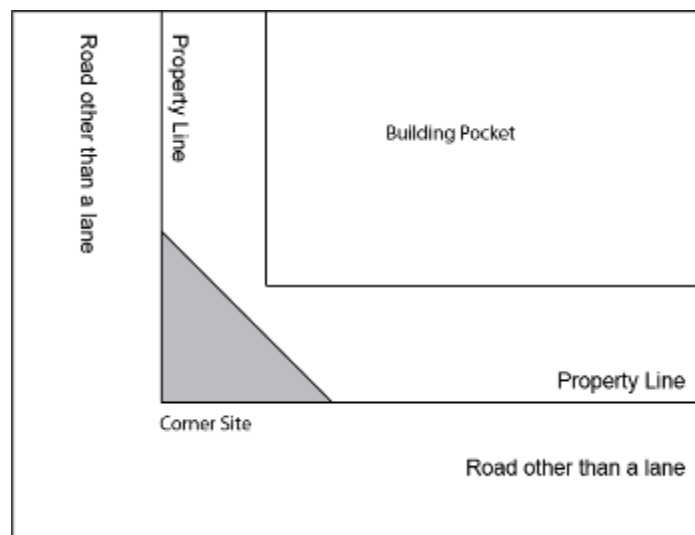


- 168 | **“commercial use, secondary”** means a commercial use, which is subordinate in nature to the principal use of a lot. A secondary commercial use is not limited to uses, which are similar to the principal use of the lot;
- 54 | **"commercial uses"** means general commercial uses, highway commercial uses and secondary commercial uses;
- 55 | **“commercial communications (CC) facility”** means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-icing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems;
- 56 | **“communications tower, small radio”** means a development that is intended for transmitting or receiving radio communications signals from devices such as ham radios, fleet dispatch systems, or private communications systems. Typical small radio communications towers are short, usually no more than 3 m (9.8 ft) taller than the adjacent buildings;
- 57 | **"community recreation service"** means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
- 58 | **“condominium”** means housing units administered under the Condominium Property Act, which allows for the division of a parcel into units and common elements, and the provision of an administrative framework through a condominium corporation which enables owners to manage the property.
- 59 | **“condominium, bareland”** means housing units administered under the Condominium Property Act which allows for the division of a parcel of land into lots and common property, and where “joint control” is applied to a parcel of land (as distinct from a building) in which there are a number of individually owned parcels of land (lots) with the joint control being applied to the entire parcel of land owned by those owning a “lot”.



Condominium title is conferred upon those owning individual lots with the Condominium Association being responsible for the common property.

- 60 | **"condominium unit"** means in the case of a building, a space that is situated within a building and described as a unit in a condominium plan by reference to floors, wall and ceilings in a building; in the case other than that of a building, land that is situated within a lot described as a unit of condominium plan by reference to boundaries governed by monuments pursuant to the provisions of the Surveys Act (Chapter S-26, R.S.A. 2000) and all regulations and amendments thereto respecting subdivision surveys.
- 61 | **"confined feeding operation"** means a confined feeding operation as defined in the Agricultural Operation Practices Act;
- 62 | **"corner lot"** see **"lot, corner"**;
- 63 | **"corner site"** means a site with means a part of a lot adjacent to two (2) separate roads or highways, or a combination of them, or adjacent to a single road, lane or highway that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or highway right-of-way boundary lines and a straight line joining points on the road or highway lane right-of-way boundary line a certain specified distance from their intersection;



**FIGURE 3: CORNER SITE DEFINITION**

- 64 | **"Council"** means the Council of the Village of Kitscoty;
- 65 | **"curb cut"** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site;



- 66 | **"day care facility"** see **"child care facility"**;
- 67 | **"day home"** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- 68 | **"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) or a roof. If the structure has a roof, it shall be considered to be part of the principal building and not a deck;
- 69 | **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- 70 | **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- 71 | **"development"** means:
- 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 of any of them in, on, over or under land, 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 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;
  - e. and includes:
  - f. 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, or
  - g. the placing of refuse or waste material on any land, or
  - h. the use of land for the storage or repair of motor vehicles or other machinery or equipment, or
  - i. 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, or



- j. the demolition or removal of a building, or
  - k. the placement of an already constructed or a partially constructed building on a parcel of land, or
  - l. 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, or
  - m. the removal of topsoil.
- 72 | **"Development Authority"** means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- 73 | **"development permit"** means a document authorizing a development issued pursuant to this Bylaw;
- 74 | **"discontinued"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
- 75 | **"direct control district"** means a district in the Land Use Bylaw which details guidelines established by Council which control the use and development of lands pursuant to the Municipal Government Act. Direct control districts are generally used if there are specific features of a site or a project that would require unique rules and regulations;
- 76 | **"discretionary use"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;
- 77 | **"district"** means Land Use District as per **Part 9** of this Bylaw;
- 78 | **"domestic pet"** see **"pet, domestic"**;
- 79 | **"double fronting lot"** refer to **"lot, double fronting"**;
- 80 | **"drinking establishment"** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site occurs and where liquor is the primary source of business;
- 81 | **"drive-in business"** means an establishment which services customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises, and includes service stations. Drive-in businesses include service stations, gas bars, drive-in restaurants, and drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;



- 82 | **"drive-in restaurant"** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;
- 83 | **"driveway"** means a vehicle access route between the carriageway of a public road, and a development on a site;
- 84 | **"duplex"** see, **"dwelling, duplex"**;
- 85 | **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single detached dwellings, duplexes, row housing, apartments, modular homes, and manufactured homes;



**FIGURE 4: DWELLING TYPES**

- 86 | **"dwelling, apartment"** means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- 87 | **"dwelling, duplex"** means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access;
- 88 | **"dwelling, row housing"** means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";





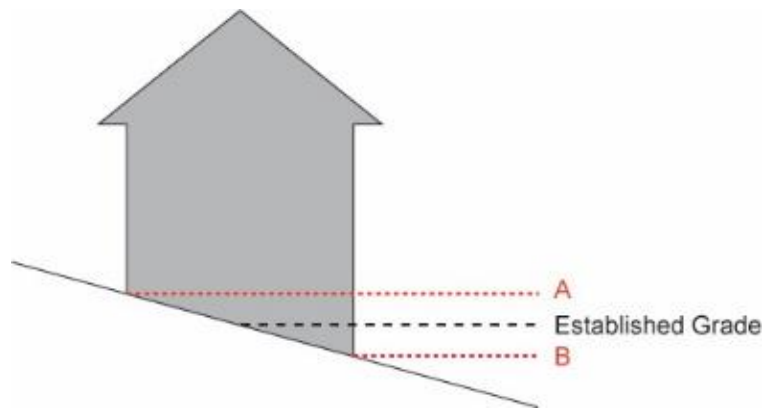
- 89 | **"dwelling, single detached"** means a dwelling consisting of one (1) dwelling unit, if the provisions of this Bylaw allow, a secondary suite or an in-law suite. A single detached dwelling is normally constructed on-site but may also include modular housing. This use does not include manufactured homes;
- 90 | **"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;
- 91 | **"eating and drinking establishment"** means a development, which is not a drive-in restaurant, where food and/or beverages are prepared and offered for sale to the public for consumption within the premises, at an accessory outdoor seating area on the site, or off the site. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;
- 92 | **"eaveline"** means the horizontal line that marks farthest projection of the roof overhang beyond the wall of the building;
- 93 | **"entertainment establishment"** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. An adult entertainment establishment is not considered an entertainment establishment for the purposes of this Bylaw;
- 94 | **"environmental audit"** means a comprehensive site analysis to determine if there are any hazardous substances above, on or below the surface of the subject property that may pose a threat to the environment and/or health of humans, wildlife and/or vegetation; if there are any breaches of federal, provincial, and/or municipal environmental standards; the level of risk that a contaminated site poses to the environment and/or health of humans, wildlife, and/or vegetation; and what remedial actions may be required to reduce the level of risk posed by a contaminated site to an acceptable level;
- 95 | **"environmental impact assessment"** means a comprehensive site analysis to determine the potential impact of the proposed development on the site; the potential environmental



impact of the proposed development upon adjacent properties or land uses; and the potential environmental impact of the proposed development upon the future land use potential of the property;

96 | **"equipment rental establishment"** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and/or serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented and/or serviced;

97 | **"established grade"** means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment (see Figure 5);



**FIGURE 5: ESTABLISHED GRADE**

98 | **"excavation"** means any breaking of ground, except common household gardening and ground care;

99 | **"exotic pet"** see **"pet, exotic"**;

100 | **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft);

101 | **"facade"** means the principal face of the building;

102 | **"family care facility"** means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;

103 | **"fence"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;





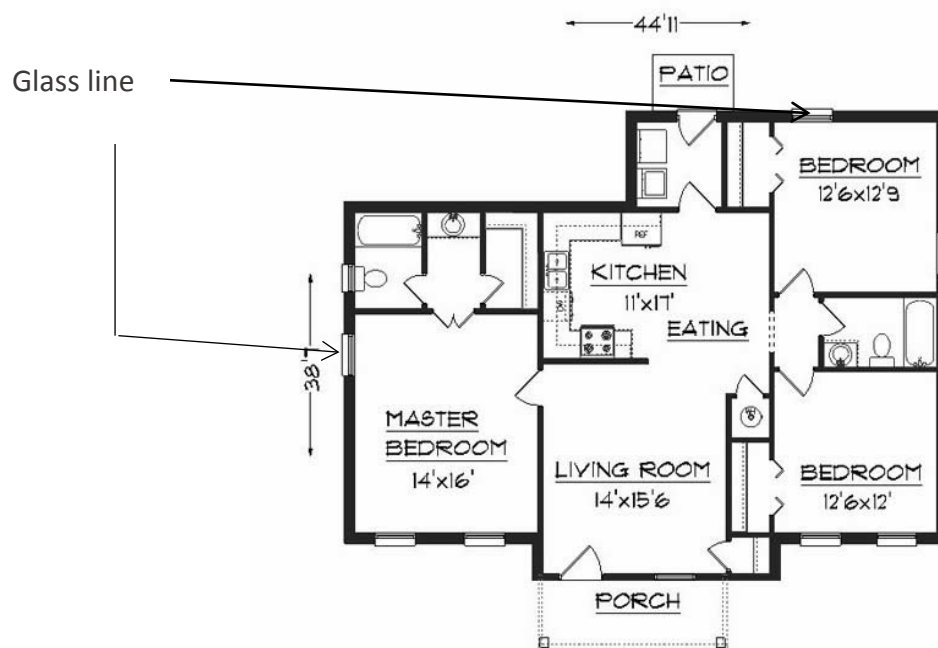
- 104 | **"fleet services"** means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, and messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6,613.9 lbs.);
- 105 | **"floor area"** means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of floor area;
- 106 | **"foundation, permanent"** means the lower portion of a building constructed of concrete, masonry, or pressure treated wood, and is designed separately from the building to include the footings or piles which transfer the weight of and loads from a building to the ground. The connections are integrated with the building structure, and are designed to prevent the building from being separated from the foundation.
- 107 | **"foundation, temporary"** means the lower portion of a building constructed of concrete, masonry or pressure treated wood, and is designed separately from the building and will serve to support the building for a short period of time. The connections are not integrated with the building structure and are designed to allow the building to be separated from the foundation.
- 108 | **"fragmented parcel"** means a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river, a permanent naturally-occurring water body, a railroad, or a road, but not an undeveloped road on a Road Plan, or a barrier to the crossing of cultivation equipment created by substantial topography, such as a ravine, gully or small, possibly intermittent, watercourse. The determination that such a topographic barrier is a fragmenting feature for the purpose of subdivision shall be at the discretion of the Subdivision Authority;
- 109 | **"front line"** means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- 110 | **"front yard"** see **"yard, front"**;
- 111 | **"frontage"** means the length of the front line. On double fronting sites, all front lines shall be considered frontage;



- 112 | **"garage"** means an accessory building or part of the principal building, designed, and used primarily for the storage of motor vehicles, and which is placed upon a permanent foundation.
- 113 | **"garage suite"** refer to **"suite, garage"**;
- 114 | **"garden suite"** refer to **"suite, garden"**;
- 115 | **"gas bar"** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations and includes car washes;
- 116 | **"general commercial use"** see **"commercial use, general"**
- 117 | **"general contractor service"** means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature, which may require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal use only;
- 118 | **"general retail establishment"** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and/or sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments include convenience retail stores but does not include warehouse sales establishments, or developments where gasoline, new or used motor vehicles, alcohol, heavy agricultural and/or industrial equipment are sold or rented;



119 | **"glass line"** means the line created within the wall of a building measured from the center of the windowpane glass.



**FIGURE 6: GLASS LINE DEFINITION**

120 | **"government services"** means a development where municipal, provincial, or federal government services are provided directly to the public. Government services do not include protective and emergency services, major and minor utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;

121 | **"grade"** see **"established grade"**;

122 | **"greenhouse and plant nursery"** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;

123 | **"gross leasable floor area"** means that portion of the floor area leased to a tenant for his exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole;

124 | **"ground floor area"** means the total area of a lot including accessory buildings which is covered by any building or structure;



- 125 | **"group care facility"** means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, or boarding homes;
- 126 | **"half storey"** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- 127 | **"hard surfaced"** means a surface covered and compacted with asphalt, gravel, stone, concrete, or a similar material;
- 128 | **"health service"** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic, massage, acupuncture, holistic services and dental offices, health clinics and counselling services. Health services do not include adult uses;
- 129 | **"hedge"** means a fence or boundary formed by closely growing bushes or shrubs;
- 130 | **"highway"** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act;
- 131 | **"home occupation"** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building which does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types - minor home occupations and major home occupations;
- 132 | **"home occupation, major"** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in **Part 8.9** of this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit working on site at any time. A major home occupation may also have more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, garment making, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and



tutoring, or professional consulting services. The distinctions between major home occupations and minor home occupations are more fully described in **Part 8.9** of this Bylaw;

**133 | "home occupation, minor"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use. A minor home occupation will have no employees, other than those residing in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation. The distinctions between minor home occupations and major home occupations are more fully described in **Part 8.9** of this Bylaw;

**134 | "industrial use, light"** means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industrial uses are usually less capital intensive than medium and heavy industrial uses, and may be more consumer-oriented than business-oriented. Light industrial uses often require only a small amount of raw materials, area and power. For further clarification, light industrial uses include developments where:

- a. raw materials are processed, and/or
- b. semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- c. materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- d. goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- e. materials, goods and equipment are stored indoors and/or transhipped, and/or
- f. materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or



g. personnel are trained in all industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the light industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the light industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the light industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

**135 | “industrial use, medium”** means a development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which does may emit a small amount of noise, smoke, odour, dust or vibration beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. A medium industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the principal medium industrial use.

**136 | “light industrial use”** see **“industrial use, light”**;

**137 | “industrial vehicle and equipment sales/rental establishment”** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;

**138 | “in-law suite”** refer to **“suite, in-law”**;



- 139 | **"institutional use"** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;
- 140 | **"internal site"** refer to **"lot, interior"**;
- 141 | **"kennel"** means a development in which more than two (2) dogs are maintained, boarded, bred, trained, cared for, or kept for purposes of sale or in which more than two (2) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
- 142 | **"landfill"** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;
- 143 | **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fencing, walks, or other structures and materials used in modern landscape architecture; however, it shall not include garbage containers, storage areas, or parking lots;
- 144 | **"lane"** means a public thoroughfare for vehicles, the right-of-way of which does not exceed 10.0 m (32.8 ft) and is not less than 6.0 m (19.7 ft) in width, and which provides a secondary means of access to a site or sites or as defined as an alley in the Traffic Safety Act, as amended;
- 145 | **"leading wall"** means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.;
- 146 | **"library and/or cultural exhibit"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- 147 | **"limited contractor service"** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- 148 | **"livestock"** means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;



149 | **"living area"** means the developed area within a dwelling often measured by exterior walls but does not include basement, garage or carport, patio, or atrium;

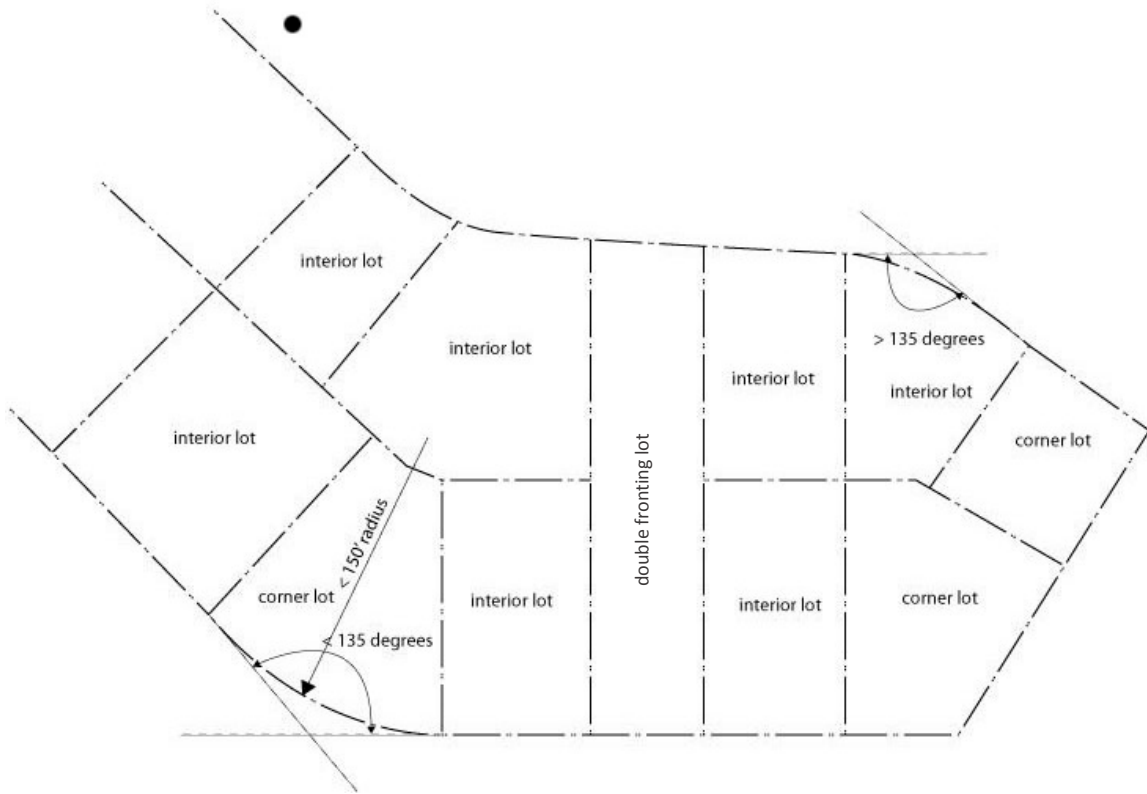
150 | **"loading space"** means an off-street space, on the same site as a building or group of buildings, for the temporary parking of a commercial vehicle while commodities are being loaded or unloaded;

151 | **"lot"** means:

- a. a quarter section, or
- b. a river or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office, or
- c. a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
- d. a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

152 | **"lot, corner"** means a site with boundary lines on two separate roads which intersect at an angle of less than one hundred and thirty five (135) degrees, or a single road that curves such that the arc of the inside boundary of the road is less than 45.0 m (147.6 ft) in radius over an angle of more than one hundred and thirty-five (135) degrees at the subject site. For the purposes of this definition, a road shall not include a lane (see Figure 7);





**FIGURE 7: ILLUSTRATION OF LOT DEFINITIONS: CORNER LOT, DOUBLE FRONTING LOT, & INTERIOR LOT**

- 153 | **"lot, double fronting"** means a lot which abuts two roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot (see Figure 7);
- 154 | **"lot coverage"** is a calculation of the ground floor area divided by the area of the lot;
- 155 | **"lot, interior"** means a site which is bordered by only one (1) road (see Figure 7);
- 156 | **"lot width"** means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- 157 | **"maintenance"** means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;



158 | **"main building"** means a building in which is conducted the main or principle use of the lot on which it is erected;

159 | **"manufactured home"** means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement on a foundation and connections of utilities, ready for year round use as accommodation for a single household. A manufactured home shall include a dwelling that would be considered to be a single detached dwelling:

- a. if its roof pitch were equal to or greater than 1:3,
- b. if the depth of its eaves were equal to or greater than 60 cm (24 in.),
- c. if the ratio of its depth vs. its width (or its width vs. its depth) were less than 3:1, and
- d. if it were supported on a permanent foundation or base extending below grade.

If the roof pitch is less than 1:3, if the depth of eaves is less than 60 cm (24 in.), if the ratio noted above is equal to or more than 3:1, or if it is not supported on a permanent foundation or base extending below grade, the dwelling shall be considered to be a manufactured home;”

162 | **"manufactured home park"** means any lot on which two or more occupied manufactured homes are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park, which complies with relevant government regulations governing manufactured home parks;

163 | **"manure storage facility"** means a manure storage facility as defined in the Agricultural Operation Practices Act;

164 | **"marquee or canopy"** means a projection outward from the face of a building, primarily designed to provide protection from climatic elements;

165 | **"may"** is an operative word meaning a choice is available with no particular direction or guidance intended;

166 | **"merchandising aids"** means devices used for the display of merchandise and related advertising material;

167 | **"minor repair shop"** means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;

168 | **"mobile home"** see **"manufactured home"**;



- 169 | **"modular home"** means a single detached dwelling containing one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite or an in-law suite, which is constructed in large sections, away from the site on which the modular home is to be placed, and under controlled conditions. Modular homes do not include manufactured homes;
- 170 | **"motel and/or hotel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available either at grade or via stairways or elevator. A motel or hotel may include eating and drinking establishments and convenience retail stores, but shall not include alcohol retail sales, or an entertainment establishment;
- 171 | **"multi-dwelling building"** means apartment, duplexes and/or row housing. See "dwelling, apartment," "dwelling, duplex," or "dwelling, row housing" for a more detailed description of the specific use types;
- 172 | **"multi-use development"** means a development with planned integration of some combination of retail, office, residential, hotel, recreation or other uses. A multi-use development is pedestrian-oriented and contains elements of a live-work-play environment, maximizes space usage, has amenities and architectural expression, tends to mitigate traffic and sprawl, and may include one (1) or more buildings;
- 173 | **"Municipal Government Act"** means the Municipal Government Act, R.S.A. 2000, C. M 26, as amended
- 174 | **"municipality"** means the Village of Kitscoty;
- 175 | **"natural resource extraction industry"** means the surface or sub-surface mining of metallic or non-metallic minerals;
- 176 | **"non-conforming building"** means 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 the land on which the building is situated becomes effective, and
  - b. that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- 177 | **"non-conforming use"** means 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 a land use bylaw affecting the land or building becomes effective, and



- b. that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;

- 178 | "noise"** means any sound which either annoys or disturbs persons, or which injures, endangers, or detracts from the comfort, repose, health, peace or safety of persons within the boundary of the municipality;
- 179 | "nuisance"** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people as identified within the Village's Community Standards Bylaw and for which complaints are received either by the municipality or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;
- 180 | "obnoxious"** means a development which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, or glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;
- 181 | "occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- 182 | "occupant"** means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant or agent of the owner;
- 183 | "off-grid"** refers to a stand-alone power generating system not connected to any commercial utility;
- 184 | "off-site sign"** means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- 185 | "off-street parking lot"** means a parking area which is located on a parcel of land not adjacent to or not accessory to a particular use or development;



**186 | "offensive"** means a development which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, or glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;

**187 | "office use"** means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; and the offices of governmental and public agencies;

**188 | "outdoor storage"** means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;

**189 | "owner"** means, in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or in the case of any other land, the owner of the land according to the municipality's assessment roll;

**190 | "park model"** means a temporary or recreational unit. There are two types of park models which are recognized by the industry. They are:

- a. Park Model Trailer 102" is a unit of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft). These units are designed for infrequent towing, and are not



**FIGURE 8: PARK MODEL TRAILER 102**

fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities.

This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 m<sup>2</sup> (400.0 ft<sup>2</sup>). It conforms to the current CSA Z-240 (or similar) Standard for recreational vehicles.

- b. Park Model Recreational Unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances.

It has a gross floor area, including lofts, not exceeding 50.0 m<sup>2</sup> (538.2 ft<sup>2</sup>) in the set-up mode and has a width greater than 2.6 m (8.5 ft) in the transit mode. Park



**FIGURE 9: PARK MODEL RECREATIONAL UNIT**



Model Recreational Units always require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft). It conforms to the current CSA Z-241 (or similar) Standard for recreational vehicles;

- 191 | **"parking area"** 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. A parking area may be within a building, and, if so, is commonly referred to as a parkade;
- 192 | **"parking space"** means an area set aside for the parking of one (1) vehicle;
- 193 | **"patio"** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft) above grade;
- 194 | **"permitted use"** means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied;
- 195 | **"personal service shop"** means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- 196 | **"pet, domestic"** means an animal which is normally kept inside a dwelling. Domestic pets include dogs, cats, parrots, and similar-sized animals, but does not include livestock or exotic animals;
- 197 | **"pet, exotic"** means any animal not identified in the definition of domestic pets or livestock;
- 198 | **"place of worship"** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- 199 | **"point-of-sale advertising"** means advertising which relates to the name of the occupier or firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the premises on which the advertising is displayed;
- 200 | **"principal building"** means a building which, in the opinion of the Development Authority:





- a. occupies the major central portion of a site;
- b. is the chief or main building among one or more buildings on the site, or,
- c. constitutes by reason of its use the primary purpose for which the site is used;

**201 | "principal use"** means the primary purpose in the opinion of the Development Authority for which a building or site is used;

**202 | "private club"** means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;

**203 | "project"**, when used as a noun, means a development comprising one or more multi-dwelling building, a manufactured home park, a shopping centre, or any multi-use development;

**204 | "protective and emergency services"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;

**205 | "public education facility"** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;

**206 | "public park"** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;





- 207 | **"public use"** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by a public utility.
- 208 | **"public utility"** means a public utility, as defined in the Act;
- 209 | **"rear line"** means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road;
- 210 | **"rear yard"** see **"yard, rear"**;
- 211 | **"recreational use"** means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding, picnicking, and sports grounds, swimming pools, community halls, bowling alleys, skating and curling rinks, drop-in centres, and similar uses, and may include a refreshment stand incidental to the primary use;
- 212 | **"recreational vehicle"** means a vehicle or a trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation or recreational use and includes but is not limited to: duly licensed trailers, motorized homes, slide in campers, chassis mounted campers, and tent trailers;
- 213 | **"recreational vehicle campground"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for not normally more than twenty (20) days in a year, and may include sites for the erection of tents for similar time frames;
- 214 | **"recreational vehicle campground, seasonal"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, normally for no longer than an entire season operating between April to October;
- 215 | **"recreational vehicle campground, workcamp"** means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time;
- 216 | **"recreational vehicle storage"** means a commercial development which provides fenced or indoor, secure, onsite storage of three (3) or more recreational vehicles, boats and all-terrain vehicles;



- 217 | **"recycling depot"** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- 218 | **"relocated building"** means a building that was constructed off site in one piece or in pieces and relocated to another site but does not include manufactured homes or modular homes;
- 219 | **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- 220 | **"rentable unit"** means a separate unit on of a motel development used or intended to be used for the temporary dwelling accommodation of one or more persons;
- 221 | **"road"** shall mean a "road" as defined in the Act;
- 222 | **"roof"** means the top enclosure, above or within the vertical walls of a building;
- 223 | **"row housing"** see **"dwelling, row housing"**;
- 224 | **"sea can"** see **"shipping container"**
- 225 | **"shipping container"** means a container that is new or was formerly used for transport of goods by means of rail, truck or sea.
- These containers are rectangular in shape and are generally made of metal also referred to as a sea cargo container, sea can or cargo container. When used for any other purpose other than transporting freight, a shipping container is considered a structure;



**FIGURE 10: SHIPPING CONTAINER (SEA CAN)**

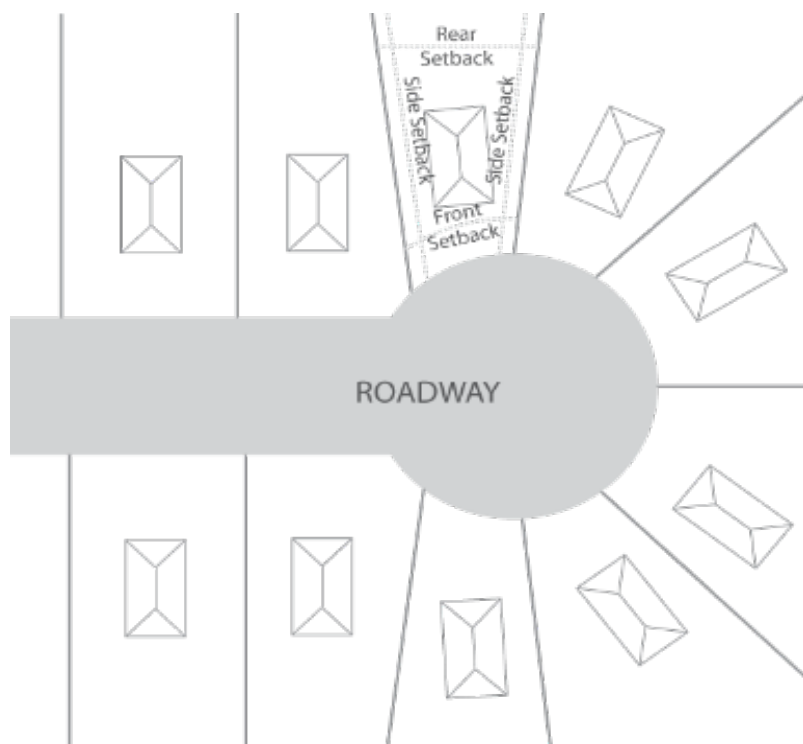
- 226 | **"secondary commercial use"** see **"commercial use, secondary"**;
- 227 | **"secondary suite"** refer to **"suite, secondary"**;
- 228 | **"self-service storage facility"** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer's goods or wares. Self-service storage facilities do not include any outdoor storage;



- 229 | **"senior citizens' home"** means an apartment, a ground-oriented multiple unit dwelling, or an extended medical treatment facility geared to and occupied by senior citizens. A senior citizens' home provides resident care services and supervision to aged individuals in accordance with their individual;
- 230 | **"service station"** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but do not include body repair or paint shops;
- 231 | **"setback"** means the minimum horizontal distance between the site boundary and the nearest point on the exterior wall or chimney of the building, or another part of the building if specified elsewhere in this Bylaw. All exterior projects including, but not limited to, bay windows, oval windows, bow windows, and chimneys, shall be considered as the exterior wall of the building and shall conform to pertinent side yard setback requirements, except roof overhang which will be allowed to project a maximum of 0.5 m (2 ft) within the required side yard setback. A setback is not a yard or amenity area. (see Figures 11 and 12);



**FIGURE 11: SETBACK EXAMPLE FOR REGULAR LOTS**



**FIGURE 12: SETBACK EXAMPLE FOR IRREGULAR LOTS**

232 | **"shall"** is an operative word, which means the action is obligatory;

233 | **"shopping centre"** means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;

234 | **"should"** means that in order to achieve local goals and objectives it is strongly advised that action be taken;

235 | **"show home"** means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of the municipality. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located.

236 | **"side line"** means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line;

237 | **"side yard"** see **"yard, side"**;

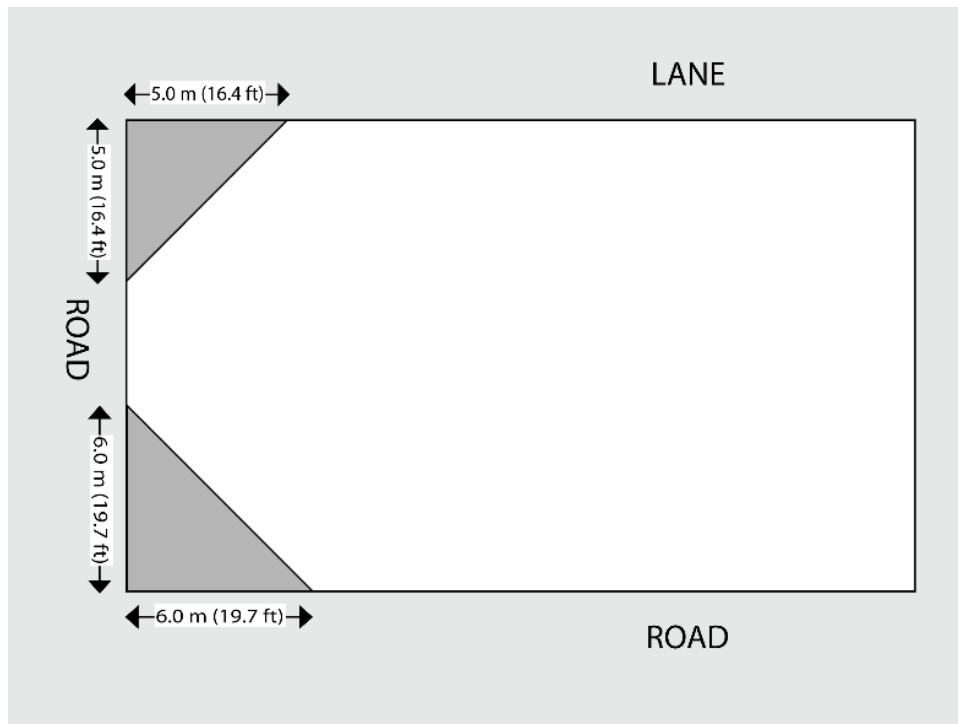


238 | **"sidewalk café"** means a temporary outdoor area located and maintained by an adjoining eating and drinking establishment for the sale and consumption of food and beverages;



**FIGURE 13: SIDEWALK CAFE**

239 | **"sight line triangle"** means the triangular area formed by a line drawn between two (2) points on the curbs of intersecting roads 6.0 m (19.7 ft) from the point where the curbs would meet if extended or 5.0 m (16.4 ft) from that point in the case of an intersecting lane and road or driveway and road;



**FIGURE 14: SITE LINE TRIANGLE**



240 | **"sign"** means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a road;

241 | **"sign, area of"** means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle or other geometric shape enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area;

242 | **"sign, A-frame"** means a type of sign commonly referred to as "sandwich boards", composed of two hinged or otherwise joined boards which leans on the ground;

243 | **"sign, billboard"** means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or

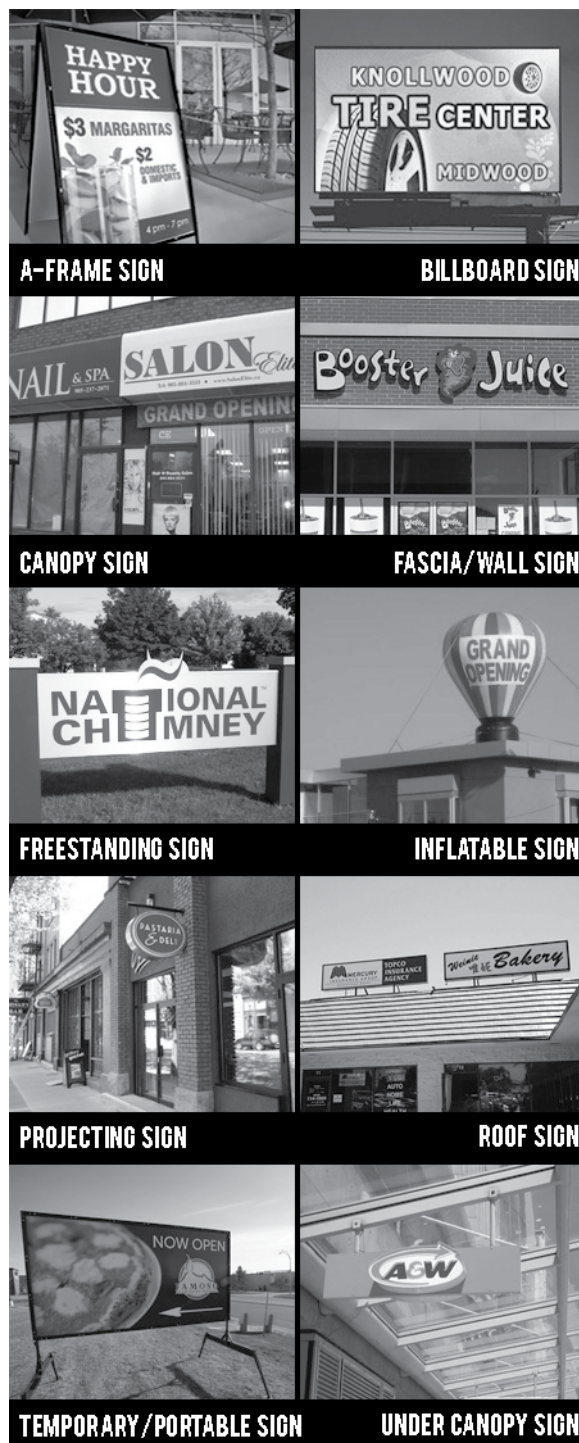


FIGURE 15: SIGN TYPES





ownership of the property on which the structure is located;

- 244 | **"sign, canopy or marquee"** means a sign which is part of, or attached to, the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;
- 245 | **" sign, fascia "** means a sign placed flat and parallel to the face of the building so that no part projects more than 1.0 ft. from the building;
- 246 | **"sign, freestanding"** means a sign on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure;
- 247 | **"sign, free-standing portable"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- 248 | **"sign, inflatable"** means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Inflatable signs are commonly used as a temporary sign for special events or promotions;
- 249 | **"sign, off site"** means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services, or facilities advertised;
- 250 | **"sign, projecting"** means a sign which is affixed to any building or part thereof and extends beyond the building wall or parts thereof by more than 0.3 m (1.0 ft). This does not include a sign attached to the ground;
- 251 | **"sign, roof"** means any sign erected upon, against, or directly above a roof or on top of or above the parapet wall of a building;
- 252 | **"sign, sky"** means a roof sign comprising individual letters or symbols on an open framework;
- 253 | **"sign, temporary/portable"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- 254 | **"sign, under canopy"** means a sign which is attached to the bottom face of a canopy;
- 255 | **"sign, wall"** is a sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m (4 inches) from the wall, but which may or may not project above the roof or parapet. Wall signs are also called Fascia Signs;



- 256 | **"similar use"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
- 257 | "single detached dwelling" refer to **"dwelling, single detached"**
- 258 | **"site"** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- 259 | **"site area"** means the total area of a site;
- 260 | **"site boundaries"** means the boundaries of a site which enclose the site at its perimeter;
- 261 | **"site built"** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
- 262 | **"site, corner"** refer to **"corner site"**;
- 263 | **"site coverage"** means the sum of the ground floor areas of all buildings on a site, divided by the area of the site, usually expressed as a percentage;
- 264 | **"site depth"** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- 265 | **"site, interior"** refer to **"internal site"**;
- 266 | **"site width"** means unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines of a site or, where the site width would be shorter, the distance between the side lines of the site 10 m (32.8 ft) from the front property line measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- 267 | **"small animal breeding and boarding establishment"** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;
- 268 | **"small radio communications tower"** see **"communications tower, small radio"**
- 269 | **"solar energy collection system"** means a system of one or more buildings or accessories to buildings designed to convert solar energy into mechanical or electrical energy and includes solar array, solar panels, free standing, ground and roof mounted;





- 270 | **"solar array"** means multiple solar panels use in conjunction to produce electricity;
- 271 | **"solar panel, free standing/ground mounted"** means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support;
- 272 | **"solar panels, roof mounted"** means a device which is used to convert energy contained within the sun's rays into electricity, which is located, mounted, or attached to the roof of a structure;
- 273 | **"staging area"** means a location where people, vehicles, equipment or material are assembled for the purpose of transporting the assembled group, vehicles or equipment to another location;
- 274 | **"stall"** means an area of land upon which a manufactured home is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular manufactured home;
- 275 | **"storey"** means the space between one floor of a multi-storey building and the next floor 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 limit of the basement or cellar is greater than 1.8m (6.0 ft) above grade.;
- 276 | **"structural alteration"** means an addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- 277 | **"Subdivision and Development Appeal Board"** means the Subdivision and Development Appeal Board established by Council through the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act
- 278 | **"Subdivision and Development Regulation"** means Alberta Regulation 43/2002 as amended;
- 279 | **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- 280 | **"substandard lot"** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;



**FIGURE 16: SUITE EXAMPLES**

- 281 | “suite, garage”** means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single family dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building;
- 282 | “suite, garden”** means a temporary, portable detached dwelling unit, located on a lot containing an existing single family dwelling;
- 283 | “suite, in-law”** means a subordinate, additional dwelling unit located within a single detached dwelling or semi-detached dwelling intended for the sole occupancy of one (1) or two (2) adult persons, which has unfettered access to the adjoining dwelling unit;
- 284 | “suite, secondary”** means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single detached dwelling or semi-detached dwelling. A secondary suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, row housing, or apartments where the structure was initially designed for two or more



dwellings, and does not include boarding and lodging houses. Garden suites, garage suites and in-law suites are not considered secondary suites;

- 285 | **“suite, surveillance”** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. Surveillance suites do not include manufactured homes;
- 286 | **“supportive living facility”** means a licenced facility providing permanent accommodation to four (4) or more adults in which the operator provides or arranges for services related to safety and security of the residents, and provides at least one meal a day or housekeeping services. Residents in a supportive living setting can range from seniors who require support services due to age, chronic conditions and frailty to young adults with mental health or physical disabilities;
- 287 | **“surveillance suite”** refer to **“suite, surveillance”**;
- 288 | **“temporary building”** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
- 289 | **“temporary use”** means a use that has been allowed to be located and/or to operate for a limited time only. Temporary uses include pipe, vehicle, or heavy equipment storage compounds, or special events such as circuses, carnivals and rodeos;
- 290 | **“tented structure”** means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures;
- 291 | **“traffic island”** means an area or space officially set aside within a street, lane, or parking lot, prohibited for use by motor vehicles and which is marked or indicated by construction as to be plainly visible at all times and may be defined by curbing.
- 292 | **“truck and recreational vehicle sales/rental establishment”** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8,818.5 lbs.) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000.0 kg (13,227.7 lbs.) or greater or a length greater than 6.7 m (22.0 ft) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;



- 293 | **"trucking and cartage establishment"** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000.0 kg (6,613.9 lbs.);
- 294 | **"unrestricted country residential development"** means a collection of permanent dwellings situated outside of an urban centre and having more than eight (8) permanent dwellings per quarter section and a maximum of fifty (50) permanent dwellings per quarter section;
- 295 | **"use"** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- 296 | **"utility see "utility, public"**
- 297 | **"utility building, public"** means a building in which the proprietor of the public utility maintains an office or offices and/or maintains or houses any equipment used in conjunction with the public utility;
- 298 | **"utility, public"** means the right-of-way and facilities for one or more of the following: sanitary and stormwater sewerage, telecommunications systems (excluding telecommunications towers), water works systems, irrigation systems, systems for the distribution of gas, whether natural or artificial, systems for the distribution of artificial light or electric power and heating systems but does not include major public utility uses;
- 299 | **"utility, major public"** means a development of a public utility or a public utility building or a government service function. Major utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;
- 300 | **"vacant parcel"** means a parcel of on which no development is located. A vacant parcel can be on land that is or is not used for agriculture;



- 301 | **"veterinary clinic"** means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- 302 | **"veterinary clinic, large animal"** means a development where large animals, including livestock, are cared for and treated. Large animal veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. Large animal veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- 303 | **"warehouse sales establishment"** means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;
- 304 | **"wind energy conversion system, large"** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 kW;
- 305 | **"wind energy conversion system, micro"** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of less than 0.5 kW. Micro wind energy conversion systems are small in height and diameter and may be installed on the roof of a building;
- 306 | **"wind energy conversion system, small"** means a system of one or more buildings designed to convert wind energy into mechanical or electrical energy which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale;
- 307 | **"wind turbine tower"** means the guyed or freestanding structure that supports a wind turbine generator;
- 308 | **"wind turbine tower height"** means the height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor;
- 309 | **"work camp"** means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than six (6) months and up



to three (3) years. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;

- 310 | "work camp, short term"** means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition, temporary means for a period of up to six (6) months in total duration either consecutively or non-consecutively;
- 311 | "yard"** a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;
- 312 | "yard, front "** means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve; (moved)
- 313 | " yard, rear"** means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot; (moved)
- 314 | "yard, side"** means that portion of the site extending from the front yard to the rear yard and lying between the side line of the site and the nearest portion of the exterior wall of the building. In the case of a curved side line, the side yard will also form a curve;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

## 1.4 METRIC AND IMPERIAL MEASUREMENTS

Where a measurement is provided in this Bylaw in both imperial and metric units, and the two measurements do not correspond precisely, the metric measurement shall take precedence for purposes of interpretation of this Bylaw.

## 1.5 COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this bylaw does not exempt a person from:

- 1 |** The requirements of any federal, provincial, or municipal legislation; and





- 2 | Complying with any easement, covenant, agreement, or contract affecting the development.

## 1.6 SEVERABILITY PROVISION

It is the intention of the Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the Bylaw shall remain in force and effect.

## 1.7 COMING INTO FORCE

- 1 | Bylaw No. 510 and any and all amendments thereto are hereby repealed upon the final passing of this Bylaw.
- 2 | This Bylaw shall come into full force and effect on the final date of passing thereof and having been signed by the Mayor and Chief Administrative Officer.

READ A FIRST TIME this

14<sup>th</sup> day of August, 2017.

ADVERTISED in accordance with Section 606 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, in the Lloydminster Meridian Booster on the

23<sup>rd</sup> and 30<sup>th</sup> day of August, 2017.

PUBLIC HEARING held on the

5<sup>th</sup> day of September, 2017.

READ A SECOND TIME this

18 day of September, 2017.

READ A THIRD AND FINAL TIME this

18 day of September, 2017.

  
Mayor of the Village of Kitscoty

  
CAO of the Village of Kitscoty



## 2 AGENCIES

### 2.1 DEVELOPMENT AUTHORITY

- 1 | For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.
- 2 | The Development Authority shall perform such duties and responsibilities that are specified in **Part 3** and in the Schedules of this Bylaw.
- 3 | The Development Authority 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 of all applications for development, including the decisions thereof and the reasons therefore.
- 4 | For the purposes of **Section 542** of the Act, the Development Authority is hereby declared to be the designated officer.

### 2.2 SUBDIVISION AUTHORITY

- 1 | The Subdivision Authority of the Village of Kitscoty shall be as established by the municipality's Subdivision Authority Bylaw.
- 2 | The Subdivision Authority shall be appointed by resolution of Council.
- 3 | The Subdivision Authority shall perform such duties that are specified in this Bylaw and the Subdivision Authority Bylaw.

### 2.3 COUNCIL

- 1 | The Council shall perform such duties that are specified for it in this Bylaw

### 2.4 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in **Part 4** of this Bylaw.



## 2.5 DEVELOPMENT AUTHORITY'S DUTIES AND RESPONSIBILITIES

**1 |** The Development Authority shall:

- a. receive all applications for Development Permits;
- b. keep and maintain for the inspection of the public during office hours, a copy of this Bylaw and all amendments thereto and ensure that copies of same are available to the public at reasonable charge;
- c. keep a register of all applications for development, including the decisions therein and the reasons therefore, and all orders, for a minimum period of seven (7) years;
- d. consider and decide on applications for a Development Permit, and be governed in his consideration and decision on the application by this Bylaw and amendments thereto;
- e. receive, consider and decide on applications for a development permit for all permitted and discretionary uses;
- f. shall refer for comment applications for development permits to those authorities and agencies prescribed within the Subdivision and Development Regulations and this Bylaw;
- g. sign and issue all Development Permits;

**4 |** When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a Development Permit, as set out in **Part 3**, the Development Authority may return the application to the applicant for further details.

**5 |** The Development Authority shall approve all applications for a Permitted Use with or without conditions, upon the application conforming in all respects to the provisions of this Bylaw.

**6 |** In making a decision on an application for a Discretionary Use, the Development Authority may:

- a. approve the application; or
- b. approve the application subject to conditions and restrictions considered appropriate or necessary; or
- c. refuse the application.

- 7| The Development Authority shall not allow the use of land or a building not listed as a Permitted Use or Discretionary Use in the district in which the building or land is situated.
- 8| The Development Authority shall not approve an application for a Development Permit that is not in conformity with the Village's Statutory Plans.

## 2.6 SUBDIVISION AUTHORITY'S DUTIES AND RESPONSIBILITIES

- 1| The Subdivision Authority shall:
  - a. keep and maintain for the inspection of the public during office hours, copies of all decisions and ensure that copies of same are available to the public at reasonable charge;
  - b. keep a register of all applications for subdivision. including the decisions therein and the reasons therefore;
  - c. refer for comment applications for subdivision to those authorities and agencies prescribed within the Subdivision and Development Regulations and this Bylaw;
  - d. shall solicit comments from adjacent property owners on applications for subdivision;
  - e. refer for comment an application for subdivision to an adjacent municipality when the site is within 60 meters of the Municipal boundaries;
  - f. shall prepare, sign, and transmit all notices of decision and the application for subdivision;
  - g. shall review instruments for Land Titles registration for conformity with the Subdivision Officer or Subdivision Approving Authorities decision; and
  - h. may endorse Land Titles instruments in order to effect the registration of the subdivision of land.
- 2| When sufficient details of the proposed subdivision have not been included with the application for a subdivision, the Subdivision Authority may return the application to the applicant for further details.
- 3| In preparation of the report and decision, the Subdivision Authority shall give due consideration to the comments received from any authority or agency.
- 4| The Subdivision Approval Authority shall consider and decide on applications for subdivision approval.
- 5| The Subdivision Approval Authority may allow a variance of the requirements of the Bylaw where, in their opinion, the subdivision would not unduly interfere with the

amenities of the neighbourhood, or materially interfere with or effect use, enjoyment or value of the neighbouring parcels of land.

- 6 | The Subdivision Authority shall advise the Council, and Subdivision and Development Appeal Board on matters relating to the subdivision of land as required.
- 7 | The Subdivision Authority shall appear before and represent the Subdivision Approval Authority at appeal hearings of the Municipal Government Board and Subdivision and Development Appeal Board on decisions on applications for subdivision.

# 3 DEVELOPMENT PERMITS, RULES, & PROCEDURES

## 3.1 CONTROL OF DEVELOPMENT

- 1 | No development other than that designated in **Part 3.2** shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

## 3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

- 1 | The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
- 2 | The completion of a building which was lawfully under construction at the date of the approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the approval of this Bylaw.
- 3 | The use of any such buildings as referred to in **subsection (2)** for the purpose for which construction was commenced.
- 4 | the demolition or removal of fences.
- 5 | The maintenance, improvement or alteration of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 0.9 m (3.0 ft) in height in front yards and less than 2.0 m (6.6 ft) in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
- 6 | Above ground pools and hot tubs; however, all private swimming pools or hot tubs equal to or greater than 60.96 cm (24.0") in height will require building and safety code approval.

- 7| A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- 8| The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- 9| An accessory building or structure in a Residential District with a gross floor area of under 100 ft<sup>2</sup>., unless the accessory building or structure does not satisfy the regulations indicated in **Part 7.2** hereof.
- 10| Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
- 11| 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:
  - a. such signs are removed within one (1) day of the election date;
  - b. the consent of the property owner or occupant is obtained;
  - c. such signs do not obstruct or impair vision or traffic;
  - d. such signs are not attached to fences, trees, or utility poles; and
  - e. such signs indicate the name and address of the sponsor and the person responsible for removal;
- 12| the temporary placement of signs, on privately owned lots, or on publically owned lots for the purpose of advertising events held or hosted by local not-for-profit organizations or for advertising local garage sales provided that:
  - a. the sign will not obstruct the visibility of road signs or signalling;
  - b. the duration of sign placement is not greater than ten (10) consecutive days;
  - c. the sign is removed within three (3) days after the event has concluded;
  - d. the sign does not obstruct or impair vision, or pedestrian or vehicular mobility;
  - e. the sign indicates the name and/or address of the event sponsor responsible for removal of the sign; and
  - f. the dimensions of the sign are no larger than 0.61 m x 0.61 m (2 ft. x 2 ft).
- 13| the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they)

pertain(s) during the time the property is being offered for sale, with removal to be within two (2) weeks after the sale or rental agreement has been finalized and the sale has closed, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 ft<sup>2</sup>) in area and provided further that such signs are

- a. not capable of or are not illuminated;
- b. placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way; and
- c. posted only on each side of the building or land facing a different public road.

- 14 | 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 issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion, or as determined by the Development Authority;
- 15 | the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building and does not exceed 1 m<sup>2</sup> (10 ft<sup>2</sup>) in area;
- 16 | the erection or placement of 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;
- 17 | the erection or placement of a statutory or official notice or notice of a function of the Village;
- 18 | the erection or placement of traffic and directional signs authorized by the Village or Alberta Transportation;
- 19 | The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to **subsections (1) through (18)** above, both inclusive.

### 3.3 NON-CONFORMING BUILDINGS AND USES

- 1 | A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform to this Bylaw.
- 2 | A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.

- 3 | A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 4 | A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - a. to make it a conforming building,
  - b. for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - c. in accordance with the powers possessed by the Development Authority pursuant to the Act and **subsection 3.4(9)** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- 5 | If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 6 | The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### 3.4 DEVELOPMENT PERMIT APPLICATIONS

- 1 | An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - a. a properly dimensioned site plan in duplicate showing, with all appropriate dimensions:
    - i. the boundaries of the site including any lots that may make up the site,
    - ii. all of the existing and proposed buildings on the site,
    - iii. the existing and proposed front, rear, and side yards, if any,
    - iv. any provision for off-street loading, vehicle standing, and parking areas,
    - v. access and egress points to the site,
    - vi. all underground utilities, above ground utilities and utilities rights-of-way, and
    - vii. where required by the Development Authority, a copy of a completed Alberta-one-call sketch including proof of detection in order to verify the utility locations;

- b. an indication of the proposed uses;
  - c. an indication of the ownership of the land and the interest of the applicant therein; and
  - d. for a relocated building or a manufactured home, pictures of the exterior of the building.
- 2 | Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
- 3 | The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- a. a real property report;
  - b. floor plans;
  - c. existing and proposed elevations on the site and on adjacent sites, roads and lanes;
  - d. post construction site and building elevations;
  - e. drainage plans;
  - f. grading and landscaping plans;
  - g. in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
  - h. the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - i. the provision of parking and loading areas, including all dimensions and whether parking requirements as per **Part 7.22** of the Bylaw can be met on-site;
  - j. in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - k. future development plans for a site which is to be partially developed through the applicable development permit;
  - l. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;



4 | In addition to the information requirements indicated in above, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:

- a. type of industry,
  - b. estimated number of employees,
  - c. estimated water demand and anticipated source,
  - d. estimated gas demand and anticipated source,
  - e. type of effluent and method of treatment,
  - f. type of air emissions and method of abatement,
  - g. estimated noise generated by the development and method of abatement,
  - h. estimated light generated by the development and (if necessary) method of abatement,
  - i. transportation routes to be used and estimated traffic impact,
  - j. reason for specific location,
  - k. means of solid waste disposal,
  - l. any accessory works required (pipeline, railway spurs, power lines, etc.),
  - m. anticipated residence location of employees,
  - n. municipal servicing costs associated with the development,
  - o. physical suitability of site with respect to soils, slopes and drainage,
  - p. if a subdivision is involved, the size and number of parcels and proposed phasing (if any),
  - q. servicing requirements and provisions for meeting them, and
  - r. costs associated with providing new or upgraded municipal services associated with the development,
- and/or any other information as may be reasonably required by the Development Authority.

5 | In addition to the information requirements indicated in **subsections 3.4 (1) and (4)** above, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the Village in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.

**6 |** In addition to any or all of the information required under **subsections 3.4(1)** of this Bylaw, each application for a commercial or recreational development may be required, at the discretion of the Development Authority, to be accompanied by the following information:

- a. physical suitability of site with respect to soils, slopes and drainage,
- b. the size and number of parcels and proposed phasing (if any),
- c. servicing requirements and provisions for meeting them,
- d. estimated water demand and anticipated source,
- e. estimated gas demand and anticipated source,
- f. type of air emissions and method of abatement,
- g. estimated noise generated by the development and method of abatement,
- h. estimated light generated by the development and (if necessary) method of abatement,
- i. costs associated with providing new or upgraded municipal services associated with the development,
- j. the requirements and provisions for employee and customer parking and for site access,
- k. a landscaping plan,
- l. cross-sections and elevations for each building,
- m. a list of proposed uses, and
- n. transportation routes and estimated traffic impact.

**7 |** In addition to the information requirements indicated in **subsections 3.4(1)**, an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, may be required, at the discretion of the Development Authority, to include with the application, the following information:

- a. location and area of the site where the excavation is to take place,
- b. existing land use and vegetation,
- c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site,
- d. the depth and variation in depth of groundwater encountered in test holes,
- e. identification of potential for outdoor noise and the discharge of substances into the air,

- f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site,
  - g. an indication of all municipal servicing costs associated with the development, and
  - h. the proposed haul route, dust control plan and expected hours of operation.
- 8 | In addition to the information requirements indicated in **subsection 3.4 (1)**, each application for a sign may be accompanied by additional information at the discretion of the Development Authority, including, but not limited to:
  - a. the location of the sign, by elevation drawing, or lot plan as is required by the Development Authority;
  - b. all dimensions of the sign, including height and any projections from a structure;
  - c. the manner of illuminating the sign and the form of animated or intermittent lights, if any, that may be embodied in, on, under, over, or around the sign;
  - d. the appropriate fee as established by Council
  - e. The Development Authority shall receive, review, consider and decide on all applications for a development permit.
- 9 | The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - a. the proposed development would not:
    - i. unduly interfere with the amenities of the neighbourhood, or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - b. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 10 | Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in their opinion, the information supplied by the applicant in accordance with **subsections 3.5 (1) to (8)** above is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application and provide the applicant with a set timeframe for when

the additional information must be received to deem the application complete. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in their opinion, that the development permit application is complete. Additionally, if the information is not received within the identified timeframe the Development Authority must deem the application refused.

### **3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS FOR SIGNS**

- 1 |** Application for a development permit shall be made to the Development Authority. The application shall be:
  - a. made out on the form provided by the Development Authority, and
  - b. supported by two (2) copies of drawings drawn to scale. Where a building is involved, the scale shall not be smaller than 1:200. In the case of a plot plan the scale shall not be smaller than 1:400.
- 2 |** The drawings shall indicate:
  - a. the location of the sign by elevational drawing or plot plan;
  - b. the overall dimensions of the sign;
  - c. the size of the letters or letter;
  - d. the amount of projection from the face of the building;
  - e. the amount of any projection over municipal property;
  - f. the height of the sign above the road or sidewalk, or the height above the average ground level at the face of the building;
  - g. the manner of illuminating the sign and any form of animated or intermittent lights that may be embodied in the construction;
  - h. the least distance that the sign will be erected from an intersection of roads, and the least distance from any device for the control of traffic at such an intersection.
- 3 |** No person shall erect or place a sign differing from or larger than the sign for which a development permit has been issued. If the applicant desires to deviate in any way from the terms of the approved development permit, he shall notify the Development Authority and submit revised drawings and, if indicated by the Development Authority, make application for approval of another development permit.

## 3.6 PERMISSION FOR DEMOLITION

- 1 | The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, “Code of Practice for Safety in Demolition of Structures” and/or any subsequent Alberta Building Code or Canadian Standards Association standards.
- 2 | In addition to the requirements of **Part 3.4** of this Bylaw, an application for a development permit for the demolition of a building shall include the following information:
  - a. the value of the building,
  - b. the alternatives to demolition if the building is of historic or architectural value,
  - c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable,
  - d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse),
  - e. the destination of debris materials,
  - f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings),
  - g. a copy of the original development approval including building permits where applicable,
  - h. the form of demolition to be used (heavy equipment or by hand),
  - i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (5.9 ft) in height is required around the excavation or structure to be demolished),
  - j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority,
  - k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition,

- l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required, and
  - m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged with inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.
- 3 | Before consideration of a development permit application for demolition, the Development Authority may also require the applicant to complete:
  - a. a Hazardous Materials Assessment Report, and/or
  - b. any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigative measures necessary to eliminate such contamination.
- 4 | As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake any and all actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.

### 3.7 REFERRAL OF APPLICATIONS

- 1 | Historical Resources
  - a. Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.
  - b. In addition to any sites identified in **subsection 3.7 (1)(a)** above, an application for a development permit which may impact any historical or archaeological site identified pursuant to **subsection 3.7 (1)(a)** above within the Village should be submitted to Alberta Culture and Tourism for comment prior to a development permit being issued.
- 2 | Development permit applications within 804.7 m (2640.0 ft) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.
- 3 | Adjacent Municipalities

- a. All subdivision proposals and all applications for discretionary development permits which are, in the opinion of the Development Authority, significant, within 1.6 km (1.0 mi.) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
- 4 | Prior to making a decision, the Development Authority may, at its discretion, refer any development permit application to any municipal department or other external agency for comment.

### 3.8 DECISION PROCESS & REAPPLICATION

- 11 | In reviewing an application, the Development Authority shall have 20 days from the date of receipt of the application to determine if the application is complete and send a letter to the applicant either opening the application or indicating that additional information is required and identifying the time frame for submission of the information required to deem the application complete.
- 12 | In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- 13 | The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- 14 | In the case where an application for a development permit has been refused pursuant to this **Part** or ultimately after appeal pursuant to **Part 4** of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.
- 15 | In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar

in character and purpose to a permitted or discretionary use prescribed for a particular District in **Part 8**.

- 16 |** An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after the application has been deemed received by the Development Authority. The person claiming to be affected may appeal in writing as provided for in **Part 4** of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

### 3.9 VARIANCE PROVISIONS

- 17 |** The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
- a. the proposed development would not:
    - i. unduly interfere with the amenities of the neighbourhood, or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
  - b. the proposed development conforms with the use prescribed for that land or building in this Bylaw.

### 3.10 DEVELOPMENT PERMITS AND NOTICES

- 1 |** When a development permit has been issued for a permitted use and no variance to any regulation has been granted as provided for in this **Part**, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Village office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 2 |** In addition to **subsection 3.10(1)**, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Authority shall:



- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Village of Kitscoty Assessment Roll, to provide notice of the decision and right of appeal; and
- b. post notice of the decision in the Village office or on the Village's website; and
- c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
- d. within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.

**3 |** The notice indicated in **subsections 3.10 (1) and (2)** shall state:

- a. the legal description and the street address of the site of the proposed development,
- b. the use(s) proposed for the subject development,
- c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved,
- d. the date the development permit was issued, and
- e. how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.

**4 |** When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

**5 |** When engineering studies or monitoring reports are required as condition of approval by the Development Authority records of the engineering studies or monitoring reports shall be supplied to the Development Authority and may be kept during the development of the site to which they relate and for such longer period as he may deem necessary.

**6 |** Neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the Development Authority at any stage of development, shall in any way relieve the owner or developer of the land for which a permit has been granted from full responsibility for carrying out the work in accordance with the

requirements of this Bylaw or from obtaining any other required approvals or permits required by provincial or federal approving authorities.

- 7 | A permit granted pursuant to this **Part** does not come into effect until fifteen (15) days after the date a decision or development permit is publicized as described in **subsection (3)**. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 8 | Where an appeal on a permit granted pursuant to this by-law can be considered by the Subdivision and Development Appeal Board, it does not come into effect until fifteen 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.
- 9 | Where an appeal is made pursuant to **Part 4** of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.

### 3.11 CONDITIONS OF APPROVAL

#### 1 | Subdivision and Development

In their decision to approve an application for subdivision or development, the Subdivision Approval Authority may apply any or all of the following conditions to ensure the application conforms to this Bylaw, Act or other legislation and to ensure the orderly and economic development of land within the Village:

- a. conditions to ensure compliance with the Act, applicable Regulations, any applicable statutory plan and this bylaw;
- b. conditions requiring the applicant to enter into a development or service agreement or make satisfactory arrangements for the supply of gas, water, electric power, telephone, sanitary sewer service, stormwater, vehicular and pedestrian access any other utility, service, or facility, including payment of installation or construction costs by the applicant;
- c. a condition that the applicant enter into an agreement with the Municipality for any of the following:
  - i. to construct or pay for the construction or improvement of a public roadway required to give access to the development or subdivision:

- ii. to construct or pay for the construction of a pedestrian walkway system to serve the development; or a pedestrian walkway that will connect the pedestrian walkway system serving the development or subdivision with a pedestrian walkway system that serves or is proposed to serve an adjacent system that serves or is proposed to serve an adjacent development or subdivision, or both;
  - iii. to specify the location, standard, and number of vehicular and pedestrian access locations to a site from public roadways;
  - iv. to install or pay for the installation of utilities to municipal standards necessary to serve the development or subdivision;
  - v. to construct or pay for utilities, roadways, and improvements with an excess capacity;
  - vi. to construct or pay for the construction of off-street or other parking facilities, and garbage, recycling, loading and unloading facilities; and
  - vii. to pay an off.-site levy or redevelopment levy, or both, imposed by a bylaw adopted pursuant to the Act.
- d. a condition requiring the applicant to repair or reinstate, or to pay for the repair or reinstatement, to original condition any roads, municipal signage, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged, destroyed, or otherwise harmed during construction of the development or subdivision;
- e. a condition requiring security in the form of a letter of credit, performance bond, or cash deposit to carry out the terms of an agreement or any works associated with the installation and construction of streets, utilities, and landscaping or replacement of same for the development of the lot and adjacent public roadways during and after its development. The amount of at least 50%, of the value of the work which is based upon an independent quotation of the value of the work covered by the agreement or such other amount as the Development Officer, Subdivision Approval Authority or Council may determine. The security is to be paid to the Municipality for its use in completing the terms of the agreement or works in the event of default by the applicant;
- f. condition requiring a performance security in the amount of One Thousand (\$1000) dollars for the completion of any new residential building, Twenty Five

Hundred (\$2500) dollars for commercial or industrial building or Five Hundred (\$500) for a residential garage, accessory building over 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) dwelling addition. new deck or balcony in order to ensure completion of either or all of the following: the exterior finish of the buildings, landscaping features and/or paving of the parking areas;

- g. conditions respecting the time within which a development or subdivision or any part of it is to be completed; and conditions limiting the length of time that a development permit may continue in effect;
  - h. a condition requiring the applicant to register a restrictive covenant;
  - i. a condition requiring the phasing of development or subdivision;
  - j. a condition specifying the maximum density of dwelling units, persons or animals that may be; allowed to occupy the site;
  - k. conditions regarding the placement of objects, buildings or structures, material or any other chattel, mechanism or device used in, for or the operation of the development.
- 2 | The Village may register a caveat in respect of a development agreement under **subsection 3.11(1)(b)** against the parcel that is subject of the development permit or subdivision application. The caveat may be discharged when the agreement has been complied with.

### 3.12 EXPIRY OR CANCELLATION OF A DEVELOPMENT PERMIT

- 1 | A development permit shall lapse after one (1) year from the date of issuance unless the development authorized has been commenced and significant development continues on the site.
- 2 | The Development Authority and the applicant may enter into a written agreement to extend the time period specified in **subsection 3.12 (1)**.
- 3 | Where an application for a development permit is submitted whereby the development would occur in stages over a time period exceeding one (1) year, the Development Authority may:
- a. issue a permit for the entire development upon submission of satisfactory information as to the proposed staging and corresponding time frame of each stage;

- b. notwithstanding **subsections 3.12 (1) or (2)** above, extend the permit on an annual basis up to a maximum period of five (5) years from the original date of permit issue provided:
    - i. no change in the original development application as approved is proposed;
    - ii. no significant change in the Land Use By-law affecting the development is deemed to have occurred; and
    - iii. no change in the ownership of those lands proposed to be developed has occurred since the original date of permit issue.
- 4 | Applications for extension must be accompanied by the appropriate fee as determined by Council resolution.
- 5 | The Development Authority may cancel a Development Permit following its approval if:
  - c. any person undertakes development, or causes or allows any development to take place on a Site contrary to the Development Permit;
  - d. the application for the Development Permit contained a material misrepresentation;
  - e. material facts were not disclosed during the application for the Development Permit;
  - f. the Development Permit was issued as a result of a material error; or
  - g. the landowner requests, by way of written notice to the Development Authority, the cancellation of the Development Permit.
- 6 | Notwithstanding **subsection 3.12(5)** above, the Development Authority shall not cancel a Development Permit that has been appealed to the Subdivision and Development Appeal Board, the Alberta Court of Queen's Bench or the Alberta Court of Appeal.
- 7 | Notice of the Development Authority's decision to cancel the Development Permit shall be provided in writing by ordinary mail to the property owner, and to the applicant of the Development Permit and such notice shall state the reasons for the cancellation of the Development Permit.
- 8 | Any person who undertakes development, or causes or allows any development after a Development Permit has been cancelled, shall discontinue such development forthwith and shall not resume such development until a new Development Permit has been approved by the Development Authority and is valid pursuant to **Part 3.10** of this Bylaw.
- 9 | All developments continuing after the Development Permit has been cancelled shall be deemed to be developments occurring without a Development Permit.

## 4 APPEALS

### 4.1 APPEAL PROCEDURE

- 1 | The appeal board of the Village of Kitscoty shall be the appeal board as established by the Village of Kitscoty Subdivision and Development Appeal Board Bylaw.
- 2 | Any person applying for a development permit or affected by an order may appeal, subject to the provisions of the Act and the Subdivision and Development Appeal Board Bylaw, to the Subdivision and Development Appeal Board, when:
  - a. The Development Authority does not render a decision within forty (40) days of receipt of the completed application;
  - b. The Development Authority does not render a decision within the specified time granted by the applicant in writing past the forty (40) day limit;
  - c. The Development Authority issues a development permit subject to conditions; or
  - d. The Development Authority issues a stop under **subsection 5.1(1)** of this Bylaw.
- 3 | In addition to the applicant, any person affected by an order, decision, or development permit made or issued by a Development Authority may appeal the decision to the Subdivision and Development Appeal Board.
- 4 | Notwithstanding **subsections 4.1(1) and (2)**, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- 5 | Notwithstanding **subsections 4.1(1) and (2)**, no appeal lies to the Subdivision and Development Appeal Board in respect of the issuance of a development permit by Council in the Direct Control Districts.
- 6 | An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
  - a. the date on which the person is notified of the order or decision or the issuance of the development permit; or
  - b. if no decision is made with respect to the application within the 40-day period or within any extension issued under **Section 684** of the Act.
- 7 | Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one reason for appeal.

## 4.2 APPEAL HEARING

- 1 | Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal. The thirty day appeal period may be extended, subject to the written consent of the appellant, the development permit applicant (if different than the appellant), and the Development Authority.
- 2 | The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - a. the appellant;
  - b. the Development Authority from whose order, decision or development permit the appeal is made;
  - c. the applicant and/or landowner(s);
  - d. those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
  - e. such other persons as the Subdivision and Development Appeal Board specifies.
- 3 | The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - a. the application for the development permit, the decision and the notice of appeal; or
  - b. the order of the Development Authority under **Part 3** of this Bylaw or **Section 645** of the Act;as the case may be.
- 4 | At the appeal hearing referred to in **Part 4**, the Subdivision and Development Appeal Board shall hear:
  - a. the appellant or any other person acting on his/her behalf;
  - b. the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - c. any other person who was served with notice of the hearing pursuant to **Part 4.2** and who wishes to be heard or a person acting on his/her behalf; 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 his/her behalf.

## 4.3 APPEAL DECISION

- 1 | In determining an appeal, the Subdivision and Development Appeal Board:
  - a. shall have due regard for any applicable statutory plans and the Village's Land Use Bylaw;
  - b. shall comply with the Province's Land Use Policies and applicable regional plans;
  - 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. must have regard for, but is not bound by, the Subdivision and Development Regulation;
  - e. may make an order or decision or issue or confirm the issuance of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board, the proposed development would not:
    - i. unduly interfere with the amenities of the neighbourhood;
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
    - iii. the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 2 | The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- 3 | If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- 4 | If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.



- 5 | If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- 6 | A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
  - a. to a judge of the Court of Appeal; and
  - b. within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appeal.

# 5 ENFORCEMENT

## 5.1 CONTRAVENTION

- 1 | Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
  - a. the Act or the regulations made thereunder, or
  - b. a Development Permit or subdivision approval, or
  - c. this Bylaw,the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to
  - d. stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - e. demolish, remove or replace the development, and/or
  - f. 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 Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw, as the case may be.
- 2 | A person who receives an order referred to in **subsection 5.1(1)**, may appeal to the Subdivision and Development Appeal Board, pursuant to the Act.
- 3 | Where a person fails or refuses to comply with an order directed to him under **subsection (1)** or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with **Section 542** of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 4 | A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to **Section 566** of the Act.
- 5 | Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

- 6 | In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this **Part**, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

## 5.2 VIOLATION TICKETS

- 1 | The Development Authority or any other person identified as a designated officer by the Council for the purposes of this **Part**, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- 2 | The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
- 3 | Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of fifty dollars (\$50.00) for a first offence and one hundred dollars (\$100.00) for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 4 | The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 5 | If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 6 | If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.
- 7 | The Violations Ticket shall be in the form prescribed by Alberta Regulation 233/1989 (Procedures Regulation), as amended, pursuant to the Provincial Offences Procedures Act.

## 6 ADMINISTRATION

### 6.1 APPLICATION TO AMEND THE LAND USE BYLAW

#### 1 | Application

- a. Subject to the provisions of the Act a person may apply to have this Bylaw amended, by applying in writing to the municipality, in care of the Development Authority, furnishing reasons in support of the application and paying the fee therefore required under **subsection 6.2(6)** of this Bylaw.

#### 2 | Proposed Amendments May Originate From the Development Authority:

- a. The Development Authority may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Authority and the report and recommendation of the Development Authority.

#### 3 | Amendments Proposed in Council:

- a. Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority and to the Development Authority for their reports and recommendations.

#### 4 | Technical Amendments:

- a. Proposed bylaw amendments which are deemed not to result in a shift of direction of the Land Use Bylaw, meet the spirit and intent of the Land Use Bylaw, and are of a clerical nature (clarification, typo correction, etc.) may be processed as a technical amendment and not require a formal public hearing at the discretion of Council.

### 6.2 FORM OF APPLICATION

- 1 | All applications for amendment to the Land Use Bylaw, by an owner or authorized agent, shall be made on the form as determined by the Development Authority and shall be accompanied by the following:

- a. A copy of the certificate of title for the lands affected, copies of any caveats registered by the Village or restrictive covenants and any other documents

satisfactory to the Development Authority verifying that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a public hearing.

- b. A statement of the reasons for the request to amend the bylaw.
  - c. Properly dimensioned vicinity maps of appropriate scale indicating the site to be amended, its relationship to existing land uses within a 90 metre (295 ft) radius of the boundaries of the site and any prominent geographic or natural features.
  - d. A fee, according to a scale to be established by resolution of Council.
  - e. Where the applicant is an agent acting for the owner, a letter from the owner(s) must be provided verifying the agent's authority to make the application.
  - f. any other information deemed necessary by the Development Authority or by Council.
- 2 | Where the amendment is to change the District applicable to a site, the Development Authority may require that the applicant undertake and provide an environmental screening of the site as part of the amendment application.
- 3 | The Development Authority may deem the application to amend the Bylaw as incomplete if the information required by **subsection 6.2 (1)** has not been supplied or if, in his opinion, it is inadequate to properly evaluate the application.
- 4 | Referral of Applications
- a. In order to prepare the proposed Bylaw amendment for Council, the Development Authority may refer the application to such agencies as they considers necessary for comment.
  - b. During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.
- 5 | Additional Information
- Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.
- 6 | Payment and Undertaking
- A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
- a. pay the municipality an application fee as set by resolution of Council;
  - b. undertake in writing on a form provided by the municipality to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the municipality may incur, whether it be enacted or not,

including but not limited to map printing and reproduction costs, surveys and advertising charges;

- c. provide the Development Authority with all additionally requested information in a reasonable time frame. Additional information may include: an Area Structure Plan or Outline Plan, geophysical or hydrological report, traffic impact assessment, etc.;
- d. sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment; and
- e. be responsible for all costs incurred by the Village in their review of the application including professional consulting fees.

#### **7 | Consideration by Council**

An application for an amendment to this Bylaw shall be referred to the Development Authority for a recommendation. The recommendations of the Development Authority shall be presented to Council prior to Council's decision on the proposed amendment.

#### **8 | Investigation by Development Authority**

Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:

- a. initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment, including circulating the application to such agencies as s/he considers necessary for comment;
- b. prepare a detailed report for the Council on the proposed amendment; and
- c. submit a copy of the report, maps and all material relevant thereto to the Council.

#### **9 | Preliminary Examination**

The Development Authority shall:

- a. examine the proposed amendment for content; and
- b. advise the applicant that:
  - i. they are prepared to recommend the amendment to the Council without further investigations, or
  - ii. they are prepared to recommend an alternative amendment either at once or after due investigation, or
  - iii. they are not prepared to recommend the amendment with reasons provided.

**10 | Procedure by Applicant**

Upon receiving the preliminary advice of the Development Authority or an agent thereof, the applicant shall advise the Development Authority if:

- a. they wish the Council to proceed with the amendment as submitted by the person, or
- b. an alternative amendment proposed by the Development Authority; or
- c. they wish to withdraw their application for an amendment.

**11 | Decision by Council**

As soon as reasonably convenient and regardless of its recommendation, the Development Authority may submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by the recommendation of the Development Authority, the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.

**12 | Limit on Frequency of Applications**

Notwithstanding anything in this **Part 6**, where an application for amendment to this Bylaw has been refused by Council, another application for amendment on the same site for the same or similar use of land may not be made, at the discretion of Council, by the same or any other applicant until at least six (6) months from the date of Council's decision.

**13 | Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws.**

**14 | Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.**

## **6.3 AMENDING BYLAWS**

All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act and regarding the notification and holding of a public hearing.

## **6.4 PUBLIC HEARING**

**1 | All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act and regarding the notification and holding of a public hearing.**

# 7 GENERAL PROVISIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

## 7.1 ACCESS FROM STREETS AND LANES

- 1 | All off-street parking areas shall be designed to provide:
  - a. adequate access to an exit from the parking area for the vehicles it is intended to serve by means of clearly defined driveways, and,
  - b. adequate access to an exit from each stall at all times by means of clearly defined manoeuvring aisles designed to the satisfaction of the Development Authority.

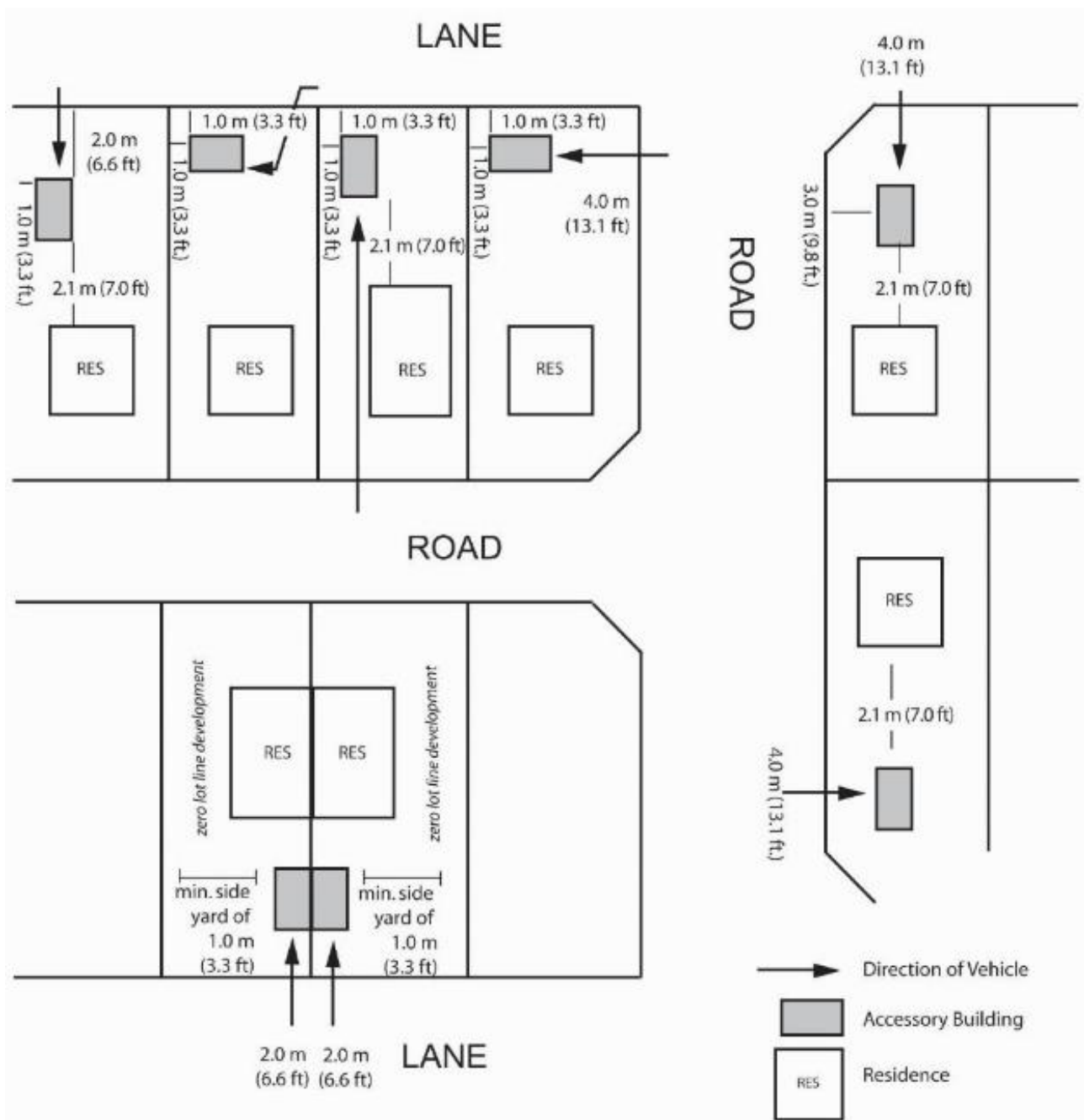
**Figures 22, 23, and 24 in Part 7.22** provide examples of the parking terminology used in this **Part**.
- 2 | All access points for commercial, industrial, institutional, and multi-dwelling developments shall be to the satisfaction of the Development Authority.

## 7.2 ACCESSORY BUILDINGS

- 1 | An accessory building shall not be permitted on a vacant lot.
- 2 | Notwithstanding **subsection (1)**, the Development Authority may, at their sole discretion, approve the development of a garage prior to the construction of the main use or building on the property, where a development permit has been issued for the development of a main use or building on the property.
- 3 | No accessory building, other than a fence, deck or patio, shall be located closer than 2.1 m (7.0 ft) to a main building.
- 4 | Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- 5 | No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- 6 | The maximum height of accessory buildings in all districts not listed in **subsection (8)** below, shall be at the discretion of the Development Authority.



- 7 | Development permits for non-permanent structures including but not limited to portable garage shelters shall be issued on a temporary basis for a period not to exceed three (3) years.
- 8 | In addition to all other requirements of this **Part**, accessory buildings, where listed as permitted or discretionary in the Residential Districts, shall comply with the following requirements:
- a. An accessory building shall not be used as a dwelling unless a development permit has been issued allowing the use of the accessory building as a garage suite, or garden suite and the garage suite or garden suite meets the provisions of **Parts 8.29 and/or 8.30** of this Bylaw.
  - b. Accessory buildings other than fences shall be located such that the minimum distances shown on **Figure 17** between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.



**FIGURE 17: SITING OF ACCESSORY BUILDINGS**

- c. The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- d. The height of an accessory building shall not normally exceed 5.0 m (16.0 ft) or one (1) storey and shall not exceed the height of the main building. However, the maximum height for an accessory building may be increased, at the sole discretion

of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a parcel of land where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties.

- e. Accessory buildings in the residential districts shall not:
  - i. have an eave overhang within 0.3 m (1.0 ft) of a lot line; and
  - ii. exceed more than 15% of the total site area; and
  - iii. be larger than the total floor area of the principal building.
- f. Notwithstanding **Subsection 7.2 (3)**, in districts that allow for zero lot-line development, an accessory structure that is a mutual garage may be developed on a common property boundary line. A minimum side yard of 1.0 m (3.3 ft) is required for the other side lot line that is not attached to another building by a mutual wall.

## 7.3 AMENITY AREAS

Where required in any District, private outdoor and/or communal amenity areas shall be provided in accordance with the following:

- 1 | Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
  - a. be located immediately adjacent to land with direct access from the dwelling it is intended to serve,
  - b. be located in a yard other than a front yard,
  - c. be landscaped and surfaced for convenient use for outdoor activities,
  - d. be of a width and depth of at least 4.0 m (13.2 ft), and
  - e. be developed as open space unencumbered by any accessory buildings or future additions.

Notwithstanding **Section 7.3 (1)(d)** above, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft).

- 2 | Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools,

fitness rooms, party rooms, games rooms, and children's play areas complete with equipment.

- 3 | In multi-dwelling developments of fifteen (15) dwelling units or more, a minimum communal amenity area of 2.5 m<sup>2</sup> (26.9 ft<sup>2</sup>) per dwelling unit shall be provided and be developed as children's play space or other communal recreation space, and be aggregated into areas of not less than 50.0 m<sup>2</sup> (528.2 ft<sup>2</sup>).
- 4 | In multi-dwelling developments, at least ten percent (10%) of the amenity area required on the site shall be provided for recreational purposes; and in multi- dwelling developments of fifteen (15) units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

## 7.4 BUILDING EXTERIORS

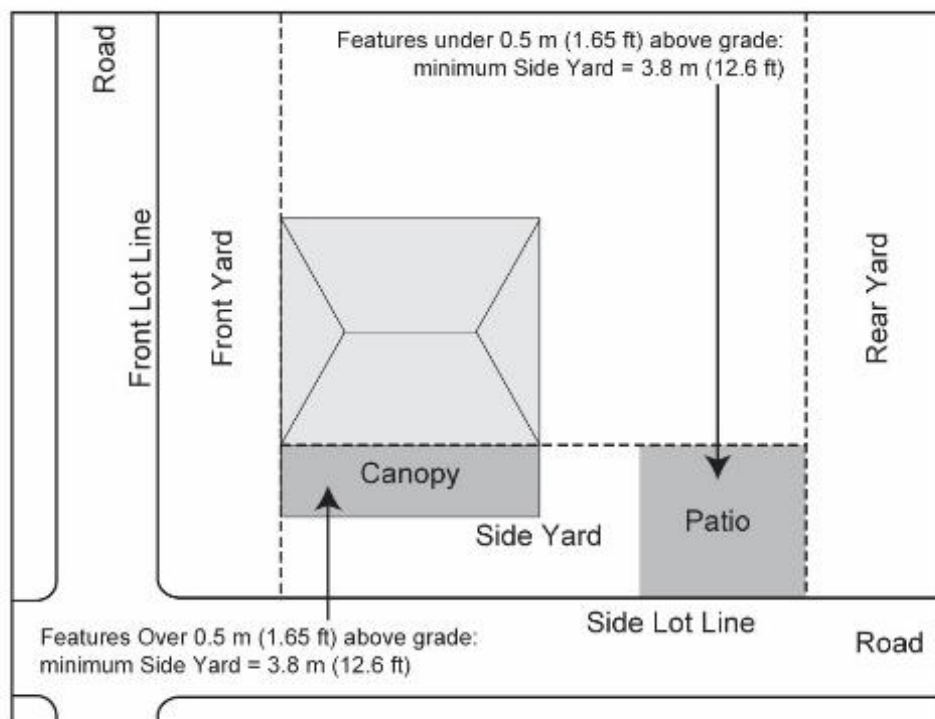
- 1 | Unless forming part of a single project which has been proposed and designed to be built under one development permit, no single detached dwellings of identical or, in the opinion of the Development Authority, similar roof or front elevations and fronting on either side of a road shall be located within three (3) sites of each other.
- 2 | The design, character, and appearance of all buildings shall:
  - a. be compatible with other buildings in the vicinity unless the building is setting a new standard for the District in which it is located,
  - b. be suited to the purpose of the District in which it is located, and
  - c. comply with the provision of any statutory plan applicable to the design, character or appearance of the building.
- 3 | The exterior finish on all buildings shall be of a permanent material, and be a character and quality satisfactory to the Development Authority.
- 4 | Common interior walls between living units in duplexes or apartment buildings shall be treated for soundproofing to the satisfaction of the Development Authority.

## 7.5 CORNER LOTS AND DOUBLE FRONTING LOTS

- 1 | In the case of double fronting lots, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards

facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.

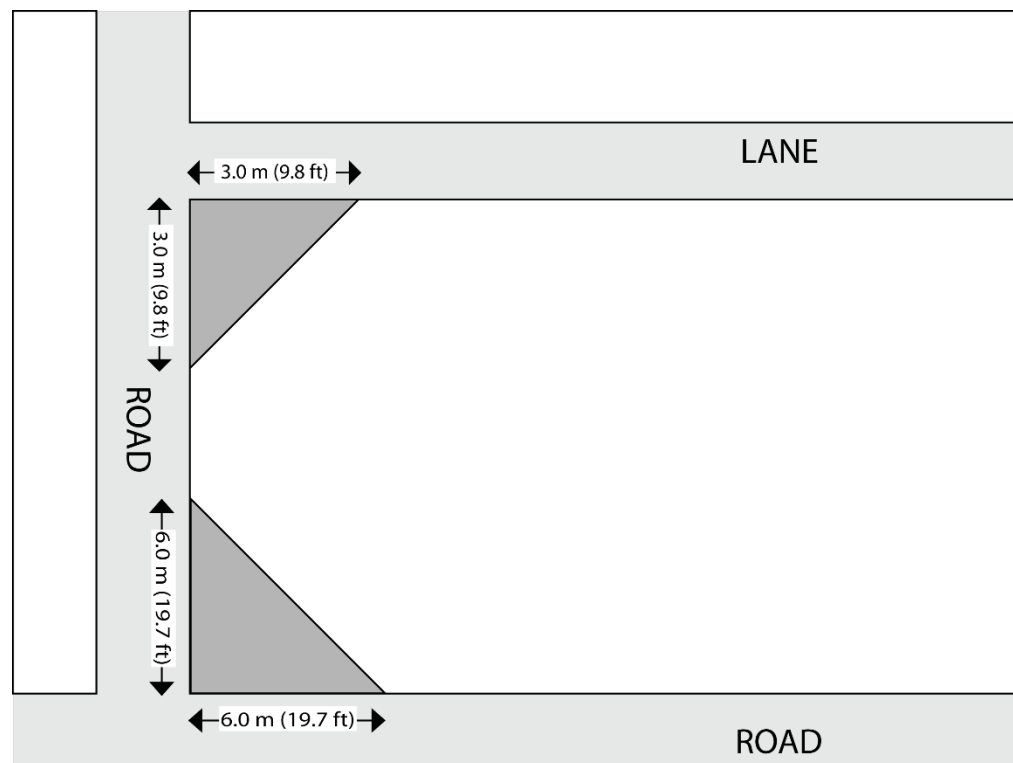
- 2 | Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- 3 | Notwithstanding any other provision of this Bylaw to the contrary, in residential areas, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft). (see **Figure 18**).
- 4 | Notwithstanding **subsection 7.5 (3)** above, in residential areas, features under 0.5 m (1.65 ft) above grade may project to the side line where a second minimum front yard is not required on a corner site (see **Figure 18**).



**FIGURE 18: SIDE YARD SETBACKS AND HEIGHT RESTRICTIONS ON CORNER LOTS**

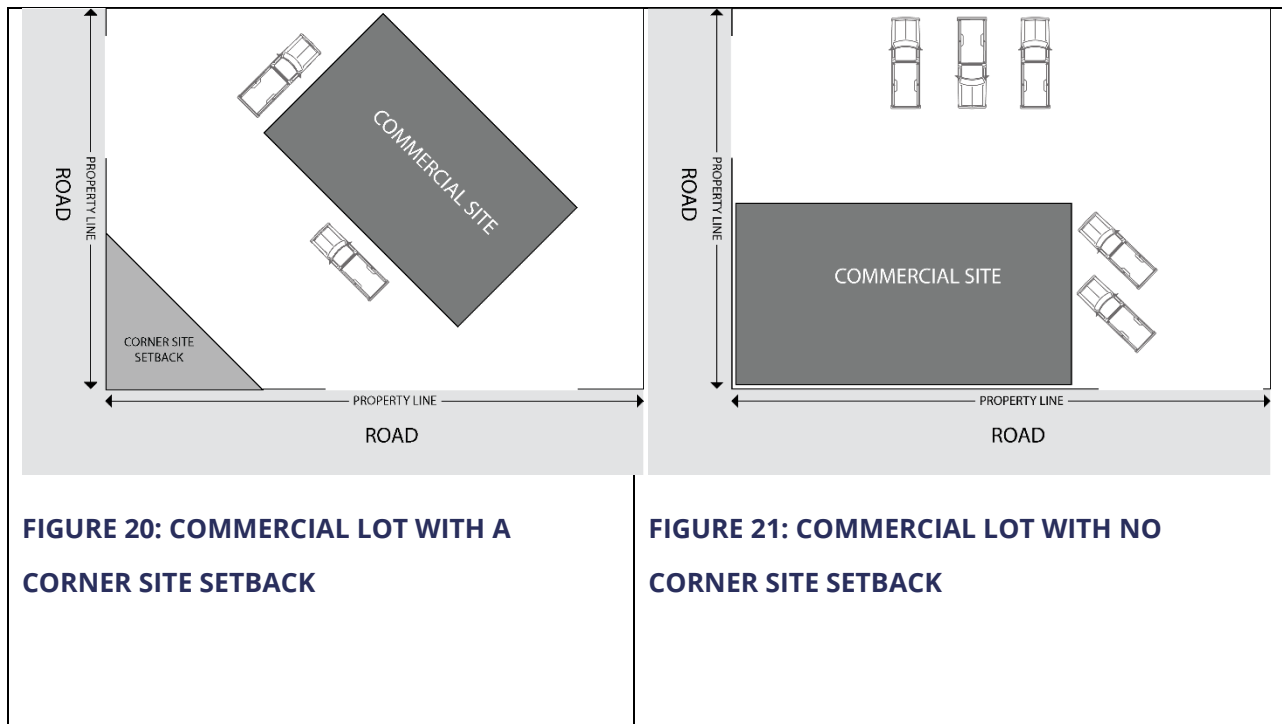
## 7.6 CORNER SITES AND SITE LINE PROTECTION

- 1 | Notwithstanding any other provision of this bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree in or on that part of a corner site located within any district other than commercial, which lies within a triangle formed by a straight line drawn between two points on the closest curbs of the intersecting roads 6 m (19.7 ft) from the point where the curbs would meet if extended or 3.0 m (9.8 ft) from that point in the case of an intersecting lane and road.



**FIGURE 19: CORNER SITE SETBACK**

- 2 | At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft) from their intersection.
- 3 | **Subsection 7.6 (2)** above does not apply in the C1 District.



**FIGURE 20: COMMERCIAL LOT WITH A CORNER SITE SETBACK**

**FIGURE 21: COMMERCIAL LOT WITH NO CORNER SITE SETBACK**

- 4 | Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in **Subsections 7.6 (1) and (2)** such that any part of the sign is between the heights of 1.0 m (3.3 ft) and 4.0 m (13.1 ft) above grade.

## 7.7 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- 1 | During the review of a development permit application, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:
- a. the reduction of concealment opportunities;
  - b. the provision of lighting to minimize unlit areas;
  - c. the placement of windows to maximize informal surveillance; and
  - d. easily-identified street addresses.

## 7.8 DECKS

- 1 | No person shall construct or allow the construction of an enclosed deck that:
- a. encroaches into a required front yard;
  - b. is less than 1.0 m (3 ft) from a side property line in a front yard;
  - c. is less than 0.5 m (1.6 ft) from a property line in a side yard;

- d. in a rear yard, is less than 1.0 m (3.0 ft) from the side and rear property lines;
- e. notwithstanding **Subsections 7.6 (c) and (d)** is less than 3.0 m (10.0 ft) from the property line abutting a public road in a side yard on a corner lot; and
- f. is not placed upon a permanent foundation.

## 7.9 DEVELOPMENT OF A PROJECT

- 1 | Prior to approval of a multi-lot subdivision application or a development permit for a large project, the developer shall provide the municipality with detailed site development and landscaping plans. As a condition of approval, the developer may be required to enter into a development agreement with the municipality specifying the respective obligations of the developer and the municipality.

## 7.10 DWELLING UNITS ON A LOT

- 1 | In the residential districts and the UR District, no permit shall be granted for the erection of more than one (1) dwelling unit on a single lot, unless a duplex, secondary suite, in-law suite, garden suite or garage suite is approved on the lot where provided for in this Bylaw, then, no more than two (2) dwelling units including the any approved suites shall be allowed on a single lot.

## 7.11 ENVIRONMENTAL SCREENING

- 1 | Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued. Should the Phase 1 Assessment indicate that a Phase 2 Assessment should be undertaken, the Development Authority may require that a Phase 2 Assessment be conducted and submitted prior to consideration of the development permit application. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

## 7.12 EMERGENCY ACCESS TO BUILDINGS

- 1 | Sites shall be so designed that, in the opinion of the Development Authority, appropriate access for fire-fighting equipment is afforded to all buildings.



- 2 | On at least two sides (one of which shall be the longest side) of any building used as an apartment building and which exceeds two storeys in height, there shall be firm level areas accessible from the road for firefighting equipment for at least 75 per cent of the length of each of the two sides of the building. Such areas shall not be less than 4.5 m (15 ft) in width and not more than 3 m (10 ft) from the building, and no permanent building or vehicular parking, or substantial landscaping that would interfere with the use of the area for emergency access, shall be permitted thereon.
- 3 | A lane or lanes for the purpose of permitting the access of the fire-fighting equipment to all major access points of building and to all fire risk utilities on the site shall be provided, and no permanent building or vehicular parking may be provided thereon.

### 7.13 EXCAVATION, STRIPPING, SITE GRADING & DRAINAGE

- 1 | An applicant for a development permit for the excavation, stripping, or grading of land, which is proposed without any other development on the same land, shall send with this application the requirements as per **Part 3.4** of this Bylaw.
- 2 | In all cases, site grades and gather down spouts shall be established to prevent drainage from one site to the next except where drainage conforms to an acceptable local or subdivision drainage plan.
- 3 | Every building in the municipality containing a basement shall employ a drainage system to the satisfaction of the Development Authority for the purpose of transferring storm water run-off to the on-street drainage system.
- 4 | Weeping tiles, and similar appurtenances shall not discharge into sanitary sewers. Weeping tiles may be connected to sumps with pumped discharge directly to ground surface (splash pads will be required). Other alternatives may be submitted to the Development Authority for approval.
- 5 | Culverts are to be galvanized steel with a diameter of 45 cm (18"), unless specified otherwise by the Development Authority and approved by the Development Authority.
- 6 | Culvert invert elevations are to match the bottom of the existing ditch unless otherwise directed by the Development Authority.
- 7 | The Development Authority may require the development permit applicant to provide the Development Authority with a grading and location certificate indicating the final elevations of the corners of the property, and the front and rear elevations and locations for all the buildings.

## 7.14 FENCES

- 1 | Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.
- 2 | Unless otherwise provided in this Bylaw, no fence, wall or hedge shall be:
  - a. higher than 2.0 m (6.6 ft) above grade in side yards and rear yards; or
  - b. higher than 1.0 m (3.3 ft) above grade in front yards , except in the case of a corner or double fronting site, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this section; or
  - c. higher than 1.0 m (3.3 ft) above grade within 6.0 m (19.7 ft) of the intersection of lanes, roads, or any combination of them.
- 3 | All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 4.0 ft. nor more than 7.0 ft. in height, along any side lines adjacent to any residential district.
- 4 | All commercial uses adjacent to any Residential District shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 1.0 m (3.3 ft) and not more than 2.0 m (6.6 ft) in height above grade for screening.
- 5 | The height of a fence in an industrial, commercial or agricultural district may be permitted to be higher than 2.0 m (6.6 ft) if, in the opinion of the Development Authority, the proposed fence:
  - a. does not block or impede traffic sight lines at the intersection of two public roads;
  - b. does not block or impede traffic sight lines on the driveway on the lot or from the driveway on the adjoining lots;
  - c. is structurally designed to satisfy the intended height and purpose.
  - d. is physically and visually compatible with adjacent development; and
  - e. is not located adjacent to a residence.
- 6 | Electrification of fences will be allowed by special resolution of Council where the developer has demonstrated, to the satisfaction of the Development Authority that the fence is necessary for an agricultural operation and that dwellings will not be in close proximity to the fence proposed.
- 7 | No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the Industrial District and in the Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft) unless the

Development Authority, at their discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.

- 8 | These regulations do not authorize the development of fences on public property or utility rights-of-way, unless permission is granted by Council and an encroachment agreement is approved.
- 9 | No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.
- 10 | The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft) surrounding the following where they would be visible from a road or from an adjacent dwelling:
  - a. outdoor storage areas,
  - b. garbage collection areas, and
  - c. loading or vehicle service areas.
- 11 | Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping or a combination thereof.
- 12 | All garbage containers and outdoor storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority.

## 7.15 HAZARDOUS MATERIALS

- 1 | No anhydrous ammonia storage shall be allowed within the municipality.
- 2 | Liquefied petroleum gas tanks with a storage capacity exceeding 2000 lbs may only be allowed within the Industrial District at the discretion of the Development Authority.
- 3 | All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- 4 | No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- 5 | All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site to the Development Authority for review prior to development approval at the

time of development permit application, or at the time the operation begins using or producing any of the following materials:

- a. poisonous and infections agents,
  - b. pesticides,
  - c. corrosives and explosives,
  - d. flammable and combustible liquids,
  - e. manures,
  - f. silica, asbestos and carcinogens, and/or
  - g. radiation.
- 6| No development shall create or discharge toxic materials and/or air or water contaminants in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- 7| No development shall discharge toxic or noxious materials and/or air or water contaminants:
- a. across the boundaries of a site,
  - b. through infiltration into the soil,
  - c. into the municipal sewage disposal system, or
  - d. into a water body, any surface water channel, or any below surface water course.

## 7.16 LANDSCAPING

- 1| Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards as stated in **subsection 7.16(4)** herein. Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- 2| A landscaping deposit fee as established by resolution of Council may be required with the submission of development permit applications for residential, commercial and industrial development. The deposit will be fully refundable after the first year after the development is deemed complete by the Development Authority if the landscaping conforms to the approved landscaping plan and meets with the satisfaction of the development Authority.

- 3 | There shall be provided upon occupancy of a development a minimum topsoil coverage of 6 inches and the subject lot shall be landscaped to the satisfaction of the Development Authority.
- 4 | Landscaping plans shall include the following information which adheres to the following standards:
- a. the final grading of the area and the placing and spreading of topsoil. In particular:
    - i. the cross slope across boulevards shall be a minimum of two percent (2%); and
    - ii. all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements;
  - b. all physical features, both existing and proposed, including: shrubs and trees identified by their common name, their botanical name, and their size; grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
  - c. playground equipment and public seating areas if the area forms part of a communal amenity area.
- 5 | The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- 6 | When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within one (1) year from the time the development is available for the occupancy or the commencement of operation of the proposed development. Alternately, if construction is not completed within one (1) year of the issuance of the development permit then landscaping must be complete within three (3) years of the date of issuance of the permit.
- 7 | The developer shall be responsible for proper maintenance of the landscaping on public lands associated with the development. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size, at no cost to the municipality.

- 8 | Off-street parking lots in any commercial district shall be landscaped by the planting of trees in the amount of at least one tree for every 185 m<sup>2</sup> (1991 ft<sup>2</sup>) of parking lot area. The trees shall be located within the parking area in landscaped islands and in locations where visibility for the safe movement of persons and traffic is not impaired.
- 9 | Landscaped islands must be:
- a. designed to protect all plant material from damage,
  - b. raised at least 15.0 cm (5.9 in.) above finished grade, and
  - c. finished with tree grates, ground cover vegetation, and/or hard landscaping.
- 10 | In the development of multi- dwelling buildings of fifteen dwelling units or more, a minimum of 3.0 m<sup>2</sup> (32.0 ft<sup>2</sup>) or amenity area per dwelling unit shall be provided and aggregated into areas of not less than 50.0 m<sup>2</sup> (538.0 ft<sup>2</sup>). This area shall be used as children's play space or other passive or active recreational space and recreation equipment shall be provided on the area to the satisfaction of the Development Authority.
- 11 | When a commercial or industrial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial or industrial land user between the commercial or industrial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or privacy fencing, trees, and/or earth berms. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
- 12 | Trees shall be planted on all buffers unless otherwise specified by the Development Authority.
- 13 | Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
- a. the plant material must be hardy to the municipality and the proposed site. The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants);
  - b. the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
  - c. deciduous trees must have a minimum calliper width of 5.0 cm (1.9 in.) measured 10.0 cm (3.9 in.) above the root ball;
  - d. coniferous trees must have a minimum height of 2.0 m (6.6 ft) at the time of planting; and

- e. shrub material, if deciduous, must have a minimum height of 60.0 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40.0 cm (15.7 in.) when planted.
- 14 | Landscaping must be consistent with the approved tree species list as established by Council.
- 15 | Tree species not currently on the municipality's approved tree species list may be allowed at the discretion of the Development Authority.
- 16 | Landscaping must be located so that it will not have a negative impact on above or below ground utilities.
- 17 | All new residential development:
  - a. shall provide a buffer strip adjacent to Highways 16 and 897, the width of which shall be determined to the satisfaction of Council and Alberta Transportation; and
  - b. may be required to provide, at the discretion of the Development Authority, provide a buffer strip or sound abatement fence adjacent to arterial roads; and
  - c. may be required to provide, at the discretion of the Development Authority, provide a buffer strip or sound abatement fence adjacent to rail lines.

## 7.17 LIMITED ACCESS TO MAJOR STREETS

- 1 | No access for vehicles will be permitted from a designated arterial road (or a road which, in the opinion of the Development Authority, is designed to accommodate major vehicular traffic flows to:
  - a. any residential site, unless the access serves three or more dwelling units, or
  - b. any site, unless turning space is provided on the site such that vehicles entering the site may turn before re-entering the street, or,
  - c. any site, where in the opinion of the Development Authority, there would be an excessive number of access points onto the street.

## 7.18 NOISE

- 1 | No use or operation shall create noise levels which exceed those requirements and restrictions with the Village's community standards or noise bylaws.

## 7.19 NUISANCE

- 1 | No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour.
- 2 | Sites and buildings in all Districts shall be maintained in a clean and tidy condition, free from all rubbish and debris.
- 3 | Garbage shall be stored in weather-proof and animal-proof containers, shall be placed in a location or screened from adjacent sites and roads in a manner that is to the satisfaction of the Development Authority, and shall be in a location easily accessible for pick-up.
- 4 | Further provisions relating to the control of nuisances may be found in the Village's Community Standards Bylaw.

## 7.20 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 1 | No person shall keep or permit in any part of any yard in any Residential District:
  - a. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
  - b. any excavation, storage, or piling up of materials, which are required during construction unless all necessary safety measures are taken, and the owner of such materials or excavation assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - c. any vehicle, loaded or unloaded, excluding recreational vehicles, of a gross vehicle weight in excess of 4800.0 kg (10,560 lbs.) for longer than is reasonably necessary to load or unload the vehicle; or
  - d. dismantled vehicle
  - e. a recreational vehicle in a front yards if the recreational vehicle is:
    - i. not located on a hard surfaced driveway or parking pad, and
    - ii. the recreational vehicle is removed at the end of the summer camping season (April 1 to October 31) annually.
- 2 | No person shall keep or permit in any part of a yard, adjacent to a dwelling, on a recreational vehicle site or in a recreational vehicle stall either:
  - a. a portable propane tank that is larger than 15.8 kg (35.0 lbs.),



- b. more than four (4) propane tanks, or
  - c. any number of portable propane tanks with a total capacity which exceeds 43.3 kg (95.0 lbs.) without first obtaining a development permit.
- 3 | Notwithstanding **subsection 7.20(2)** above, on residential lots which are:
  - a. greater than 1.2 ha (3 ac.) in area, and
  - b. where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards,the Development Authority may, at its discretion, may approve a development permit for more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200.0 lbs.) to be located on a residential lot.
- 4 | Notwithstanding **subsection 7.20(2)** above, in a Commercial District, Industrial District, Community District and in the Urban Reserve District, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200.0 lbs.) to be located either:
  - a. within an individual lot, or
  - b. within a recreational vehicle stall located in an approved recreational vehicle campground and recreational vehicle campground, seasonal.
- 5 | All development applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 63.5 kg (140.0 lbs.), to be located within individual stalls in approved recreational vehicle campgrounds will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to the issuance of a development permit.
- 6 | In addition to the provisions in this **Part**, no person shall keep or permit in any part of a yard any of the uses identified as restricted or prohibited in **Part 7.15 – Hazardous Material Storage**.

## 7.21 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 or commence the development until the Development Authority is satisfied that such services or improvements will be undertaken.
- 2 | All future development areas must be serviced to the satisfaction of the Development Authority and be consistent with the requirements of the municipality's public works department.

## 7.22 PARKING AND LOADING PROVISIONS

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

- 1 | **Parking Space Requirements**
  - a. A building or use shall not be enlarged or added to, nor shall the use be altered unless provision is made, in accordance with the Bylaw, to increase the number of parking stalls or loading spaces required on the total site for which the addition or change in use is proposed.
  - b. Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated from the following table:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES
RESIDENTIAL USES	
Apartments	
dwelling units with 1 or fewer bedrooms	1.25 per dwelling unit
dwelling units with 2 bedrooms	1.50 per dwelling unit
dwelling units with 3 or more bedrooms	2 per dwelling unit
Visitor parking	1 per 7 dwelling units

Seniors' apartments	2 per 3 dwelling units
Boarding and lodging houses	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Senior citizens' homes	2 per 3 dwelling units
Secondary Suites, garage suites and in-law suites	1 per dwelling unit
All other dwellings (single family, duplex, row housing)	2 per dwelling unit
Manufactured home parks	2 per manufactured home plus 1 visitor parking space per 7 manufactured homes

## COMMERCIAL USES

Office uses and government services	1 per 40.0 <b>m<sup>2</sup></b> (430.0 <b>ft<sup>2</sup></b> ) of gross leasable area
Health Services	1 per 30.0 <b>m<sup>2</sup></b> (325.0 <b>ft<sup>2</sup></b> ) of gross leasable area or 3 for each full time or part-time professional whichever is greater
Eating and drinking establishments	
Eating and drinking establishments (excluding those as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Restaurants	1 per 13.0 <b>m<sup>2</sup></b> (140.0 <b>ft<sup>2</sup></b> ) of gross leasable area plus 1 per 3 employees on maximum shift
Nightclubs	1 per 13.0 <b>m<sup>2</sup></b> (140.0 <b>ft<sup>2</sup></b> ) of gross leasable area plus 1 per 3 employees on maximum shift
Bars and neighbourhood pubs	1 per 13.0 <b>m<sup>2</sup></b> (140.0 <b>ft<sup>2</sup></b> ) of gross leasable area plus 1 per 3 employees on maximum shift
Drive-in restaurants	1 for each 3 <b>m<sup>2</sup></b> (32 <b>ft<sup>2</sup></b> ) of gross floor area or 1 per 5 seating spaces, whichever is greater. This square meter requirement may be reduced at the discretion

	of the Development Authority to no less than 1 for each 6 <b>m<sup>2</sup></b> (65 <b>ft<sup>2</sup></b> ) of gross floor area where it can be shown that a high proportion of clients will regularly eat food purchased at an off-site location.
Other drive-in businesses	8 spaces, except where more are required under other requirements of this Part.
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Workcamps	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfast establishments	1 per sleeping unit in addition to the parking requirements for the primary dwelling
Major home occupations	1 in addition to the requirements for the residential use
Child care facilities	1 per employee for first 2 employees plus an additional 0.5 per each additional staff member plus 1 per 15 children
All other commercial uses	
1000 <b>m<sup>2</sup></b> or less;	1 space per 30.0 <b>m<sup>2</sup></b> (323 <b>ft<sup>2</sup></b> ) of gross leasable area
between 1001 <b>m<sup>2</sup></b> and 4000 <b>m<sup>2</sup></b>	1 space per 20.0 <b>m<sup>2</sup></b> (215 <b>ft<sup>2</sup></b> ) of gross leasable area
more than 4000 <b>m<sup>2</sup></b>	1 space per 17.0 <b>m<sup>2</sup></b> (183 <b>ft<sup>2</sup></b> ) of gross leasable area. Open space for parking and landscaping shall not be less than 75 per cent of the site.

## PLACES OF PUBLIC ASSEMBLY

Auditoriums, halls, clubs, theatres and other recreation places	1 space per 7.5 seating spaces or 1 space per 7 m <sup>2</sup> (75 ft <sup>2</sup> ) used by patrons, whichever is the greater
---	--

Places of worship	1 space per 7.5 seating spaces or 1 space per 7 m <sup>2</sup> (75 ft <sup>2</sup> ) used by patrons, whichever is the greater
-------------------	--

Outdoor amusement establishments and recreational uses	1 per 3 employees plus the requirements for any accessory uses plus any additional requirements at the discretion of the Development Authority
--	--

Golf Courses	8 per hole plus 1 per 3 employees plus the requirements for any accessory uses
--------------	--

Indoor amusement establishments	1 per 5 seats
---------------------------------	---------------

Bowling alleys	4 per lane plus the requirements for accessory uses
----------------	---

Curling rinks	8 per sheet plus the requirements for accessory uses
---------------	--

Health and fitness clubs	1 per 10.0 m <sup>2</sup> (107.6 ft <sup>2</sup> ) of floor area
--------------------------	--

Hockey rinks and swimming pools	1 per 5 seats
---------------------------------	---------------

Racket sports facilities	2 per court plus the requirements for accessory uses
--------------------------	--

## SCHOOLS

Elementary and junior high schools	1 space per school hour employee, plus 5 spaces
------------------------------------	---

High Schools	1 space per school employee, plus 1 space for every 20 students.
--------------	--

Commercial Schools	1 per on-site student
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## INDUSTRIAL USES

All industrial uses	1 per employee on maximum shift. This standard may be varied by the Development Authority to no fewer than 1 per 3 employees on maximum shift where it
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can be shown by the applicant that fewer stalls are required.

## HOSPITALS AND SIMILAR USES

Health Centres and Hospitals	1 per 100.0 <b>m<sup>2</sup></b> (1,076.4 <b>ft<sup>2</sup></b> ) of gross floor area or 1 per 4 beds, whichever is greater, plus 1 per 2 employees on maximum shift
------------------------------	--

Extended medical treatment (sanatoriums, convalescent homes, group care facilities, etc.)	1.5 per 3 dwelling units plus 1 per employee on maximum shift
---	---

Nursing homes/Long term care facilities/Supportive living facility	1 per 3 beds plus 1 per employee on maximum shift
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Auxiliary Hospitals	1 per 3 beds plus 1 per employee on maximum shift
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- c. In the case of a use not specifically listed in **subsection 7.22(1)(b)** above, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
- d. Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
- e. Where there is a fractional number of parking spaces required by this Bylaw, the next highest whole number of stalls shall be provided.
- f. If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfil the requirements of this Bylaw.
- g. The Development Authority may allow an applicant to provide a lesser number of spaces by up to fifteen percent (15%) if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to:
  - i. the relationship of the development to other parking areas,
  - ii. differing hours of demand for parking, or
  - iii. the scale and character of the development.
- h. Notwithstanding **subsection 7.22(1)(b)** above, in the Central Commercial (C1) District, the following provisions shall apply:

- i. in the case of major renovations and architectural modifications to an existing building, no parking spaces in addition to those existing prior to undertaking the renovations or modifications shall be required;
- ii. in the case of expansion to the floor area of an existing building, additional parking spaces shall be required based on the size and use of the expansion only; and
- iii. in the case of a change in the use of an existing building, no parking spaces in addition to those existing prior to the change in use shall be required provided that no alteration to the floor area of the building occurs.

## 2 | Money-in-lieu-of-Parking

- a. At the discretion of the Development Authority, a developer may pay money to the municipality in lieu of providing parking spaces. The amount of money will be determined by the Council and be based on the amount of money needed to acquire land and to develop the required number of parking spaces on adjacent lands.

## 3 | Surfacing and Drainage

- a. All parking areas shall be clearly marked, hard surfaced, landscaped, adequately lit with lighting directed away from adjacent sites, adequately graded and drained to dispose of all storm water run-off, and contain the necessary curb cuts.
- b. Notwithstanding **subsection 7.22(3)(a)** above, where the access to or egress from a parking area is from a gravelled road, or where the development involves the expansion of an existing building on a site where the existing parking area is not hard surfaced, the parking area may, at the discretion of the Development Authority, be gravelled to the satisfaction of the Development Authority.
- c. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

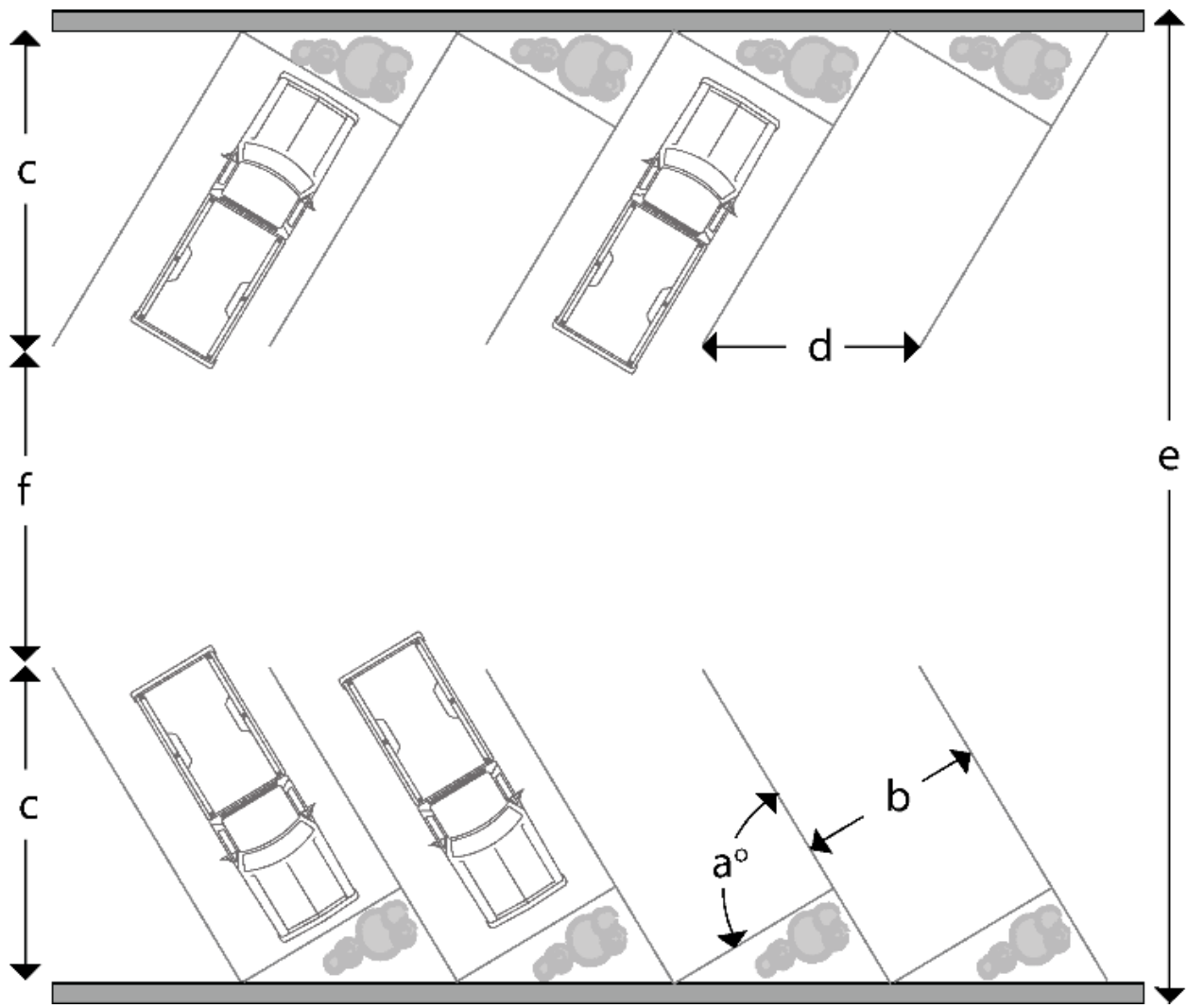
## 4 | Parking Facility Dimensions

- a. All parking spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions and shall conform to the requirements shown in Figure 22 on the following page.

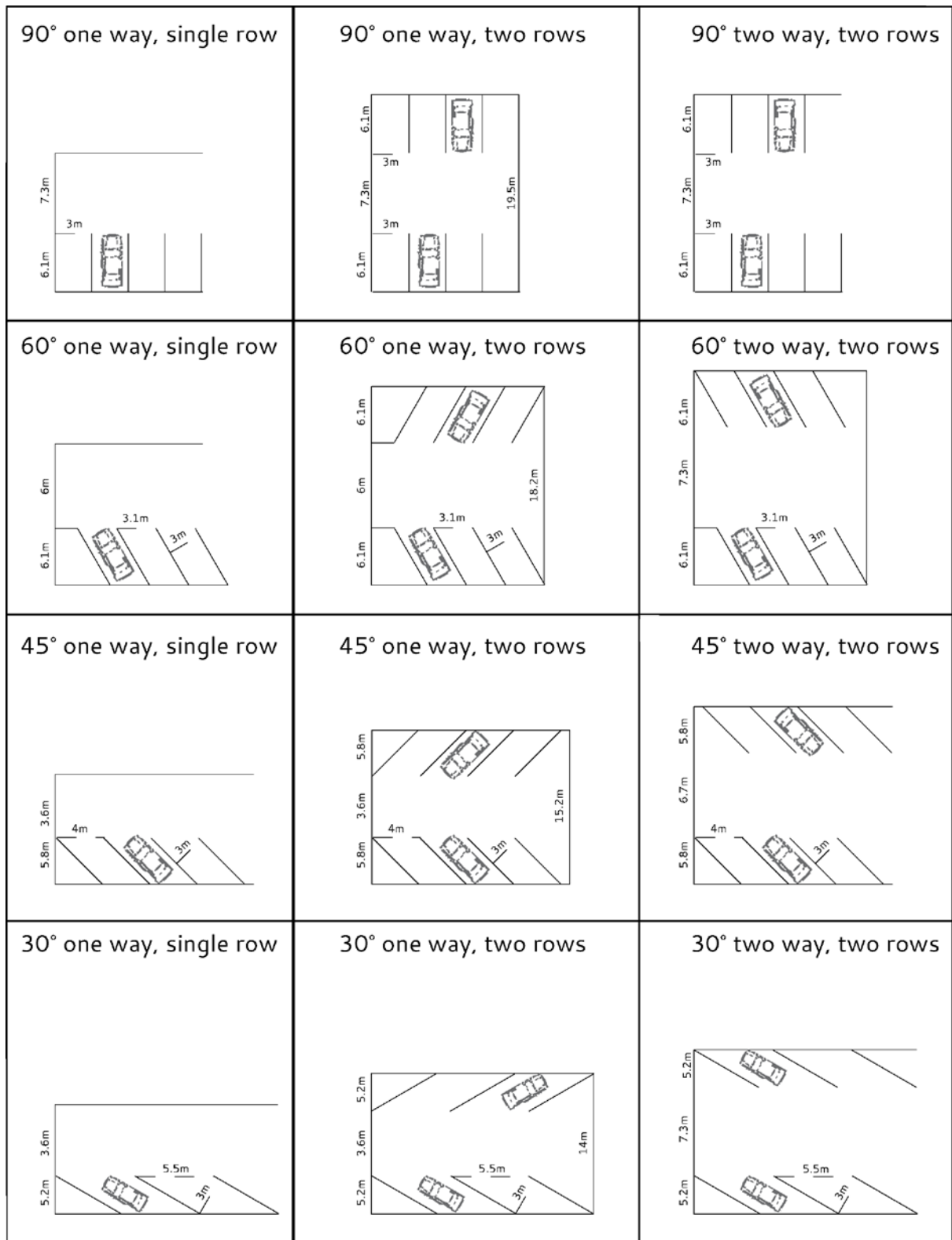
Parking Angle in Degrees	Width of Space	Depth of Space Perpendicular to Manoeuvring Aisle	Width of Space Parallel to Manoeuvring Aisle	Overall Depth	Width of Manoeuvring Aisle (one- way)	Width of Manoeuvring Aisle (two- way)
a	b	c	d	e	f	
0	3.0 m (9.84 ft)	3.0 m (9.84 ft)	7.0 m (22.97 ft)	9.1 m (29.86 ft)	3.6 m (11.81 ft)	6.7 m (21.98 ft)
30	3.0 m (9.84 ft)	5.2 m (17.06 ft)	5.5 m (45.87 ft)	14.0 m (45.93 ft)	3.6 m (11.81 ft)	7.3 m (23.95 ft)
45	3.0 m (9.84 ft)	5.8 m (19.03 ft)	4.0 m (13.12 ft)	15.2 m (49.87 ft)	3.6 m (11.81 ft)	6.7 m (21.98 ft)
60	3.0 m (9.84 ft)	6.1 m (20.01 ft)	3.1 m (10.17 ft)	18.2 m (59.71 ft)	6.0 m (19.69 ft)	7.3 m (23.95 ft)
90	3.0 m (9.84 ft)	6.1 m (20.01 ft)	3.0 m (9.84 ft)	19.5 m (63.98 ft)	7.3 m (23.95 ft)	7.3 m (23.95 ft)

**FIGURE 22: PARKING FACILITY DIMENSIONS**





**FIGURE 23: PARKING STALL & AISLE**



**FIGURE 24: OFF-STREET PARKING REQUIREMENTS**

- b. In addition to the parking requirements identified above, where required, disabled parking stalls shall be a minimum of 3.7 m (12. 1 ft) wide by 7.5 m (24.6 ft) long.
- c. Where the side of a parking stall is against any permanent structure greater than 0.2 m (8 inches) in height, at any point in the front 3.6 m (12 ft) of the stall (measured in the centre perpendicular to the front of the stall) the minimum width of a stall shall be 0.3 m (1 ft) wider than the normal width required.

#### 5 | Variance to Downtown Parking Requirements:

- a. Notwithstanding **subsection 7.22(1)**, in the downtown area which includes all land within the C1- Commercial District, the following provisions shall apply:
  - i. in the case of major renovations, site improvements, and architectural modifications to an existing building, no additional parking shall be required;
  - ii. in the case of major structural expansion of an existing building, additional parking shall be required for the expanded part only;
  - iii. in the case of a change in the use of an established building, additional parking shall not be required provided no alteration to the exterior dimensions of the building occurs;
- b. in the case of any downtown development or re-development, the Development Authority shall review such development in respect of the variance powers granted under **subsection 7.22 (1)(g)** and may exercise such powers as deemed necessary.

#### 6 | Parking Facility Construction Requirements

- a. Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users.
- b. All off-street parking facilities shall be separated from streets by a landscaped area of at least 1.0 m (3 ft) in width.
- c. All off-street parking facilities shall be constructed that:
  - i. Necessary curb cuts are located and flared to the satisfaction of the Development Authority.
  - ii. All parking facilities and lanes to be used for access to a proposed development shall be hard-surfaced to the satisfaction of the Development Authority; where the access from a road or lane is not hard-surfaced, parking areas must be paved, or of a gravel mixture approved by the Development Authority.

- iii. Parking facilities containing four or more stalls shall be landscaped to the satisfaction of the Development Authority on each side adjoining any property in a residential district and shall be screened by a wall, fence, earth berm, or hedge constructed or maintained at not less than 1.2 m (4 ft) in height.
  - iv. Parking facilities used at night shall have adequate lighting for the entire parking facility, such lighting shall be directed away from adjacent residential properties and other properties where in the opinion of the Development Authority, it would have adverse effects and
  - v. Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or site boundary without the approval of the Development Authority.
  - vi. Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered as part of the number of stalls required for the project. A maximum of five percent of the total number of stalls required may be required by the Development Authority to provide parking for the handicapped, provided that a maximum of three stalls may be required for any project, unless exceptional circumstances, due to the magnitude of development, would warrant more than three stalls.
- d. Curbs, medians, signage, and landscaping shall be provided to the satisfaction of the Development Authority.
- e. Access to Curb Stops
- i. No development shall be permitted that would obstruct normal operational access to curb stop.
  - ii. No paved driveway or other pavement shall be placed over or within 2 m (6.6 ft) of a curb stop.
- f. Notwithstanding subsection (ii) above, where:
- i. the access or egress to a site is from a gravelled public road, and/or
  - ii. the development involves the expansion of an existing building on a site where the existing parking area is not hard-surfaced.

the off-street parking facilities shall be gravelled to the satisfaction of the Development Authority and may be hard-surfaced at the option of the applicant to the satisfaction of the Development Authority.

## 7 | Off-Street Loading

- a. Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.

- b. When required by the Development Authority, loading spaces shall:

- i. have dimensions of not less than:

Width	4.0 m (13.1 ft),
-------	------------------

Length	8.0 m (26.2 ft),
--------	------------------

Height above grade	4.3 m (14.1 ft);
--------------------	------------------

- ii. have vehicular ingress to, and egress from a road or lane either directly or by a clearly defined traffic aisle; be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
    - iii. be so graded and drained as to dispose of all surface water. Surface drainage across sidewalks will not be allowed;
    - iv. be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
    - v. have adequate lighting to the satisfaction of the Development Authority; and,
    - vi. be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft) and not more than 2.0 m (6.6 ft) in height.
- c. The number of loading spaces required to be provided in a development shall be as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF LOADING SPACES
<b>NON RESIDENTIAL USES</b>	
Non-residential uses	
Less than 1,000.0 <b>m<sup>2</sup></b> (10,764.0 <b>ft<sup>2</sup></b> ) of gross leasable area	<b>1 space</b>
The next 1,000.0 <b>m<sup>2</sup></b> (10,764.0 <b>ft<sup>2</sup></b> ) of gross leasable area or a fraction thereof in a development	<b>1 space</b>
Each additional 2,000.0 <b>m<sup>2</sup></b> (21,528.0 <b>ft<sup>2</sup></b> ) of gross leasable area or a fraction thereof in a development.	<b>1 space</b>
<b>RESIDENTIAL USES</b>	
Multi- dwelling buildings	
All	<b>1 per 3 dwelling units</b>

- d. Where a fractional number of loading spaces are required, the next highest whole number of spaces shall be provided.
- e. Any other building or use shall have off-street loading as determined necessary by the Development Authority.

## 7.23 PROJECTION INTO YARDS

- 1 |** Except as provided in this **Part** and in **Part 7.2 (accessory buildings)** and **Part 7.8 (decks)** of this Bylaw, and further excepting for fences as noted in **Part 7.14** of this Bylaw, no portion of a building shall be located or project into a required minimum yard.

- 2 |** Required Minimum Front Yards

The following features may project into a required minimum front yard:

- a. steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
- b. canopies over entrances to buildings, provided such projections are cantilevered and do not encroach more than 1.0 m (3.3 ft) in the required front yard;
- c. exterior balconies on apartments provided that:

- i. they are cantilevered and not enclosed, and designed as an integral part of the building, and
  - ii. they do not project more than 2.0 m (6.6 ft) into the required minimum front yard;
- d. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

### 3 | Required Minimum Side Yards

- a. The following features may project into a required minimum side yard; except where a side yard of 3 m (9.8 ft) is required for vehicular passage:
- b. steps and chimneys, provided such projection does not exceed fifty percent (50%) of the width of the required minimum side yard;
- c. patios, which can project to the side line;
- d. eaves, gutters, sills, bay or oval windows, or other similar projections, provided such projections do not encroach more than 0.6 m (2.0 ft) into the required side yard;
- e. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft);
- f. exterior balconies on apartments provided that:
  - i. they are cantilevered and not enclosed, and designed as an integral part of the building, and
  - ii. they do not project more than 1.0 m (3 ft) into a required side yard and in no case are closer than 2.0 m (6.6 ft) to a side line;
- g. any other features which, in the opinion of the Development Authority, are similar to the foregoing.

### 4 | On a lot in a commercial land use district, the parts of an attachments to a principal building which may project over or on to a front yard, side yard, or rear yard are:

- a. a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in **Part 8.26**.
- b. a canopy or extension over a rear yard if the projection is at least 4.0 m (13.0 ft) above the surface of the yard and does not obstruct the normal use of the yard.

## 7.24 PROTECTION FROM EXPOSURE HAZARD

- 1 | The location of any liquefied petroleum gas (LPG) storage tank with a holding capacity exceeding 7571 litres (2000 gallons) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 400.0 ft. from assembly, institutional, commercial or residential buildings.
- 2 | LPG containers with a water capacity of less than 7571 litres (2000 gallons) shall be located in accordance with regulations under the Safety Codes Act.
- 3 | Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- 4 | Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.
- 5 | No tanks for the storage of anhydrous ammonia shall be allowed within the municipality except in the Industrial (M) District.

## 7.25 PUBLIC UTILITY BUILDINGS, PUBLIC LAND UTILITY EASEMENTS, RIGHTS-OF-WAY, & BUFFERS

- 1 | A person erecting a public utility facility or placing utility equipment on a site shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Authority.
- 2 | Utility lots, utility buildings, and publicly owned lands may be permitted in any district except as regulated elsewhere in this Bylaw.
- 3 | All developments on municipal right of ways or roads shall require a development permit.
- 4 | Notwithstanding **subsection 7.25 (3)**, the owner of a lot may construct the boulevard abutting his property by excavating, backfilling, levelling, or consolidating to final grade, and seed or perform other works that may be necessary to construct a turf boulevard provided that all work shall be entirely at the owner's expense.
- 5 | Any construction, planting, or other development authorized by a development permit shall be done at the owner's risk, and any damage to municipal services caused by the construction, growth, removal, or maintenance of such development shall be the responsibility of the owner.



- 6 | Every owner or occupant of land shall be responsible for maintaining any development allowed under this **Part** and controlling the weeds on boulevards owned by the Village abutting their property.
- 7 | 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 Authority, 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.

## 7.26 RELOCATION OF BUILDINGS

- 1 | The relocation of an already constructed building or a partially constructed building on a new site requires approval from the Development Authority.
- 2 | The placement or relocation of a building on a lot shall require a development permit, as outlined in **Part 3** of this Bylaw. Development permit applications for relocated buildings shall include the following information:
  - a. Age, size and structural condition of the building;
  - b. Photographs showing all sides of the building;
  - c. A statement of proposed improvements.
- 3 | The Development Authority may travel to inspect the building which is proposed to be moved in, or may request another qualified person to do so on behalf of the Development Authority, and in either case, the expenses of such inspection shall be paid by the applicant before any development permit is issued.
- 4 | The Development Authority may issue a development permit for the proposed building without conditions, or subject to such conditions as deemed necessary to ensure that the building is renovated to a satisfactory standard, and if the renovations are to be done after the building is moved onto the lot, the Development Authority may require that a bond be posted to guarantee the satisfactory completion of the work stipulated in the development permit.
- 5 | In making a decision, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and

may refuse a development permit if the building, in their opinion, is or will be incompatible with the neighbourhood

## **7.27 SITE CIRCULATION**

- 1 | The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads, other than lanes, or onto adjacent parcels when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

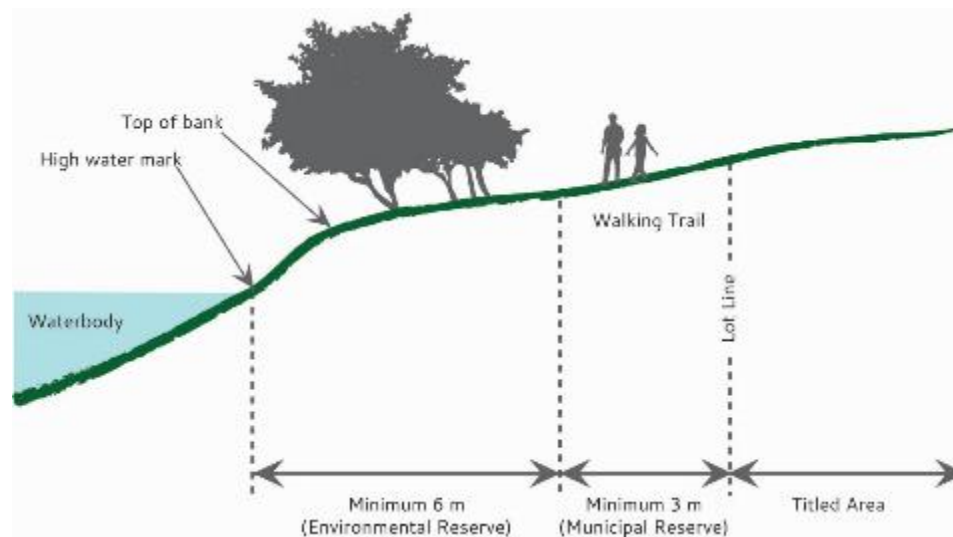
## **7.28 SITE DEVELOPMENT**

- 1 | The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.

## **7.29 SITE CONDITIONS AND BUFFERING REQUIREMENTS**

- 1 | The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- 2 | The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- 3 | The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- 4 | In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- 5 | The Village will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.

- 6 | The amount of Reserves/Easement lands shall be at the discretion of the Village and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
- a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Alberta Environment and Parks (see Appendix A); or
  - b. If this environmental reserve (ER) or environmental reserve easement (ERE) amount is disputed by the proponent of a development or subdivision then the developer may provide the Village and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative ER/ERE amount is appropriate for the subject site. If the report from the engineer indicates that a lesser ER/ERE would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser ER/ERE area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser ER/ERE area.
- 7 | Notwithstanding **subsection 7.29(6)**, additional ER/ERE may be required by the Village based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
- 8 | Normally, no buildings of any kind shall be allowed within required setback areas.
- 9 | However, notwithstanding **subsection 7.29(6)**, the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
- a. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Alberta Environment and Parks (see **Appendix A**); or
  - b. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser ER/ERE area.
- 10 | The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development



**FIGURE 25: SETBACKS FROM WATERCOURSES & WATER BODIES**

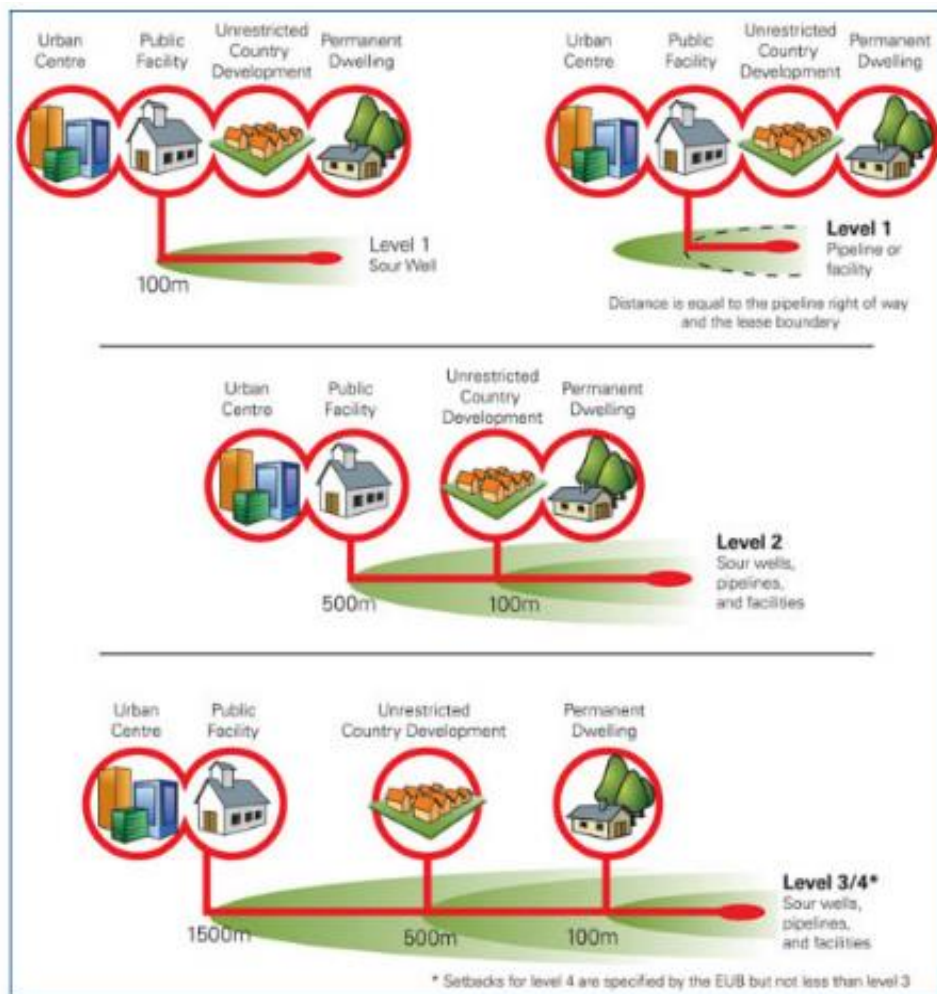
proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.

- 11 | If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
- 12 | If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
- 13 | If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- 14 | If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.

- 15 | The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse or water body.
- 16 | Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.

### 7.30 SOUR GAS FACILITIES

- 1 | No development shall be permitted within 100.0 m (330.0 ft) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Regulator (AER).
- 2 | No development shall be permitted within 500.0 m (1,640.0 ft) of a Level 2 sour gas facility as determined by the AER.
- 3 | No dwelling or unrestricted country development shall be permitted within 100.0 m (330.0 ft) of a Level 3 or Level 4 sour gas facility (consisting of a well) as determined by the AER.
- 4 | No development, other than a dwelling or an unrestricted country residential development shall be permitted within 1,500.0 m (4,920.0 ft) of a Level 3 or Level 4 sour gas facility as determined by the AER.



**FIGURE 26: AER SOUR GAS SETBACK REQUIREMENTS**

## 7.31 SUBDIVISION OF LAND

- 1 | Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.
- 2 | Subject to **subsection 7.31(3)** below, any application to subdivide land in the municipality shall conform to the Act, regulations made pursuant to the Act, and this Bylaw.
- 3 | The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with the regulations of this Bylaw if, in the opinion of the Subdivision Authority:
  - a. the proposed subdivision or bareland condominium plan would not:
    - i. unduly interfere with the amenities of the neighbourhood, or
    - ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - b. the proposed subdivision or bareland condominium plan conforms with the use prescribed for that land or building in this Bylaw.

## 7.32 SUBSTANDARD LOTS

- 1 | With the approval of the Development Authority, the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.

## 8 SPECIAL PROVISIONS

### 8.1 ADULT ENTERTAINMENT ESTABLISHMENTS

- 1 | In considering an application for approval of a development permit for an adult entertainment establishment as a principal or accessory use, the Development Authority shall require the development to be located on a parcel, the boundary of which is not less than 150.0 m (492.0 ft) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, including schools and places of worship, or any parcel developed as a park or playground.

### 8.2 ALCOHOL RETAIL SALES

- 1 | Alcohol Retail Sales uses should not be located in close proximity to any site being used for community recreation, parks, public or private education, or religious assembly. In exercising discretion, the Development Authority will have regard for the suitability of proposed site location and for site orientation and access.

### 8.3 BARE LAND CONDOMINIUMS

- 1 | A Bare Land Condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
- 2 | An application for a Bare Land Condominium development shall include a comprehensive site plan, in accordance with **subsections 3.4 (3) and (6)** of this Bylaw.
- 3 | For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

### 8.4 BASIC CAMPGROUNDS

- 1 | Where a campground proposal will ultimately exceed sixty (60) campsites and/or cabins and is located on a parcel greater than 8.0 ha (19.8 ac), a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any specific development. The development concept plan shall include detailed plans and



specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.

- 2 | A minimum of 10% of the gross lot area of the campground shall be set aside for a common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- 3 | Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- 4 | All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Officer for the purposes of accommodating emergency, fire and maintenance vehicles.
- 5 | Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be “signed” to avoid confusion.
- 6 | All campsites shall be accessible by means of an access at least 3.0 m (9.8 ft) in width where the access is for one-way traffic, or at least 6.0 m (19.7 ft) in width where the access is for two-way traffic.
- 7 | Trees and natural vegetative cover shall not be removed without an approved development permit or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- 8 | Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft), to the satisfaction of the Development Authority.
- 9 | Fires shall only be permitted in facilities which have been provided for such purpose or where open fires are allowed by the Village’s fire department.
- 10 | Fireplaces, fire pits, charcoal and other barbeque equipment, wood burning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- 11 | Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.

- 12 | A suitable access and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four (24) hour emergency communication service (e.g. telephones) shall be provided.
- 13 | Pedestrian walkways having a width of not less than 1.2 m (3.9 ft) shall be provided from campground stalls to all service buildings, facilities, refuse collection areas and recreation areas. The walkways shall be well drained, well lighted, and the surface shall be constructed to a standard to the satisfaction of the Development Authority.
- 14 | The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of the Development Authority.
- 15 | Campgrounds with less than sixty (60) campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of the Development Authority.
- 16 | Campgrounds with more than sixty (60) campsites and with permanent cabins shall provide on-site services as follows:
- a. A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Village Engineer and the Development Authority in accordance with all applicable Provincial and Village regulations.
  - b. Alternatively, a campground may provide one or more easily accessible supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100.0 m (328.1 ft) of the campsites. The water supply outlets shall be constructed to the satisfaction of the Village Engineer and the Development Authority in accordance with all applicable Provincial and Village regulations.
  - c. An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the satisfaction of the Village Engineer and the Development Authority, and shall

comply with all applicable Provincial and Village regulations, and shall be maintained to the standards of the regulatory approvals.

- d. A campground shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Village regulations and standards to the satisfaction of the Village Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20.0 m (65.6 ft).
  - e. In no case shall less than one (1) toilet and lavatory be provided for each gender for every ten (10) campsites.
- 17 |** Campgrounds, containing campsites, cabins, hotels and/or motels are considered temporary occupancies, and consequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
- 18 |** The minimum size for a campsite shall be:
- a. 10.0 m (32.8 ft) in width;
  - b. 25.0 m (82 ft) in depth; and
  - c. 325.0 m<sup>2</sup> (3500 ft<sup>2</sup>) in area.
- 19 |** A recreational vehicle/travel trailer on a campsite shall be separated a minimum of 3.0 m (9.8 ft) from:
- a. another recreational vehicle/travel trailer on an adjacent site;
  - b. other structures; and
  - c. an interior roadway.
- 20 |** Each campsite shall provide two parking spaces on the campsite.
- 21 |** All campsites shall be required to provide an acceptable form of ground cover to prevent erosion.

## 8.5 BED AND BREAKFAST OPERATIONS

- 1| A bed and breakfast establishment, which shall be considered to be major home occupation, shall, in addition to the regulations for major home occupations, comply with the following regulations:
- 2| A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
- 3| A bed and breakfast establishment shall have a maximum of four (4) sleeping units.
- 4| Cooking facilities shall not be located within the sleeping units. All facilities shall meet public health regulations.
- 5| Off-street parking spaces shall be provided in addition to the parking spaces required for a detached dwelling as listed in **Part 7.22**. Spaces shall not be tandem unless otherwise stated in this Bylaw.
- 6| A bed and breakfast establishment or guest ranch shall be operated by a live-in owner(s) and shall not change the character of the surrounding area.
- 7| One (1) sign with a maximum size of 0.56 m<sup>2</sup> (6.0 ft<sup>2</sup>) and a maximum height of 1.2 m (3.9 ft) shall be permitted on the site of a bed and breakfast; and
- 8| A bed and breakfast shall not be permitted on a parcel where another home occupation, a care centre or a social care home exists.

## 8.6 CAR WASHES

- 1| The minimum lot area shall be 557.0 m<sup>2</sup> 6000.0 ft<sup>2</sup> In the case of service stations or gas bars including car washes, minimum lot area shall be 1115.0 m<sup>2</sup> (12,000.0 ft<sup>2</sup>).
- 2| All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.

## 8.7 DAY USE AND PICNIC AREAS

- 1| A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers of such facilities shall be at the discretion of the Development Authority.
- 2| Day use and picnic facilities shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.

- 3 | Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
- 4 | Parking areas should be physically separated from the rest of the day use or picnic areas by landscaping or natural vegetation buffers.

## 8.8 DRIVE-IN BUSINESSES

- 1 | Points of access and egress shall be located to the satisfaction of the Development Authority.
- 2 | The minimum lot area shall be 6000.0 ft<sup>2</sup>.
  - a. All parts of the lot to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
  - b. The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
  - c. Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
  - d. The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

## 8.9 HOME OCCUPATIONS

All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.

- 1 | A major home occupation shall comply with the following regulations:
  - a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the District in which it is located.
  - b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
  - c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to the business activity shall be allowed in either the dwelling or accessory buildings.

- d. Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
  - e. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.
- 2 | A minor home occupation shall comply with the following regulations:
- a. The minor home occupation shall not employ any person on-site other than a resident of the dwelling; nor shall the business be such that any clients come to the dwelling.
  - b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.
- 3 | All home occupations shall comply with the following requirements:
- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
  - c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 153 m<sup>2</sup> (330 ft<sup>2</sup>), whichever is less, of the dwelling unit for business usage. Except as noted in **subsection (f)** herein, there shall be no exterior signage, display or advertisement, but there may be a limited volume of on-premises sales.
  - d. No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
  - e. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
  - f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 2.0 ft<sup>2</sup>. in area.

- g. In addition to a Development Permit Application, each application for a home occupation - major shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
- h. Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.
- i. Home occupations shall not involve:
  - i. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - ii. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

## 8.10 INDUSTRIAL DEVELOPMENT

- 1 | An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- 2 | Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to **subsection 3.4(1)** of this Bylaw:
  - a. Type of industry
  - b. Size of buildings
  - c. Number of employees
  - d. Estimated water demand and anticipated source
  - e. Type of effluent and method of treatment
  - f. Transportation routes to be used (rail and road)
  - g. Reason for specific location
  - h. Any accessory works required (pipeline, railway spurs, etc.)
 and/or any such other information as may be reasonably required by the Development Authority.

- 3 | All lot regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

## 8.11 MANUFACTURED HOMES

- 1 | Manufactured homes shall have Canadian Standard Association Certification.
- 2 | All accessory structures, such as patios, porches, additions and skirtings, shall be:
  - a. designed and erected as to harmonize with the manufactured homes,
  - b. considered as part of the main building, and
  - c. erected only after obtaining a Development Permit.
- 3 | A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- 4 | The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- 5 | No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall or a lot on which a manufactured home is located.
- 6 | The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Safety Codes Act.
- 7 | The following regulations apply to manufactured homes located in all subdivisions:
  - a. The hitch and wheels are to be removed from the manufactured home.
  - b. All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
  - c. The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit.
  - d. Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may refuse an application for a development permit to allow the placement of a manufactured home if, in his sole opinion, the proposed manufactured home will not be of suitable quality, age, or condition, matching the quality, age or condition of adjacent manufactured homes or other dwellings.



- e. In addition to any other provision of this Bylaw, a development permit to allow the placement of a manufactured home shall not be approved unless the manufactured home is less than five (5) years old (from date of manufacture).

**8 |** The following regulations also apply to manufactured home parks:

- a. Manufactured home stalls shall be located at least 3.0m (10.0 ft) from a property boundary line. This area shall be landscaped and/or fenced to the satisfaction of the Development Authority.
- b. All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0m (30.0 ft).
- c. A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.0 ft) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents.
- d. Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured homes. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- e. The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- f. All utilities shall be provided underground to stalls.
- g. A minimum of 5% of the gross lot area shall be devoted to recreational use.
- h. All areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- i. No part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well being of the park residents and for the management and maintenance of the park.
- j. Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- k. Street lighting shall be to the same standard as that in a conventional residential neighbourhood.

- l. Only one (1) main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
- m. Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
- n. Manufactured homes shall be separated from each other by at least 6.0m (20.0 ft) in all directions. Any porch or addition to the manufactured home shall be regarded as part of the manufactured home for the purpose of this separation.
- o. The minimum lot size shall be 2.02 ha (5.0 ac.).
- p. The maximum permissible density for a manufactured home park shall be 8 manufactured homes per gross developable acre of the lot being developed at each stage of development.
- q. The minimum area for a manufactured home stall shall be 372.0 m<sup>2</sup> (4000 ft<sup>2</sup>).

## 8.12 MANUFACTURED HOME PARKS

- 1 | In addition to any other provision of this Bylaw, a development permit to allow the placement on a lot of any manufactured home, shall not be approved unless the constructed building or partially constructed building is less than five (5) years old (from the date of manufacture to the date of application for development permit). (Bylaw 547)
- 2 | Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- 3 | With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park.
- 4 | Manufactured home stalls shall be located minimum of 3.0 m (10.0 ft) from the manufactured home park boundary. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
- 5 | The minimum size for a manufactured home stall shall be 464.5 m<sup>2</sup> (5000.0 ft<sup>2</sup>).

- 6| All roads shall be constructed and maintained to the satisfaction of the Development Authority. The minimum road right-of-way width shall be 9.14 m (30.0 ft).
- 7| There shall be safe, convenient, all-season pedestrian access of not less than 1.0 m (3.3 ft) in width for the intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.
- 8| Visitor parking spaces shall be provided as required by the Development Authority, and shall not be used for the storage of boats, recreational vehicles, trailers, etc.
- 9| Two (2) off-street parking spaces shall be provided on or adjacent to each recreational space as required by the Development Authority.
- 10| A minimum of 10% of the gross site area shall be devoted to recreational use or recreational space as required by the Development Authority.
- 11| All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
- 12| No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park resident and for the management and maintenance of the park.
- 13| Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- 14| Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- 15| Manufactured homes shall be separated from each other by at least 6.10 m (20.0 ft) side-to-side and at least 3.05 m (10.0 ft) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirement shall be 3.05 m (10.0 ft).
- 16| The minimum site area shall be 2.02 ha (5.0 ac).
- 17| The maximum permissible density shall be fifteen (15) manufactured home spaces per gross developable hectare (6 per acre) of the area actually being developed at each stage of the development.

## 8.13 MOTELS & HOTELS

- 1 | A person applying to develop a site as a motel or hotel where permitted under this Bylaw shall comply with the following provisions of this **Part**.
- 2 | Site Requirements for Motels and Hotels:

MINIMUM SITE AREA	YARDS	MINIMUM FLOOR AREA / UNIT
One Storey		
139.3 m <sup>2</sup> (1500 ft <sup>2</sup> )	Front 7.6 m (25 ft)	26.4 m <sup>2</sup> . (285 ft <sup>2</sup> )
	Side 3 m (10 ft)	
	Rear 3 m (10 ft)	
Two Storey		
93 m <sup>2</sup> (1000 ft <sup>2</sup> ) per floor	Front 7.6 m (25 ft)	26.4 m <sup>2</sup> (285 ft <sup>2</sup> )
	Side 3 m (10 ft)	
	Rear 3 m (10 ft)	

### 3 | Space Between Buildings

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 12.0 ft. of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.

### 4 | Entrances and Exits

Not more than two accesses for vehicles to a road, each of a minimum width of 7.6m (25.0 ft), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 9m (30.0 ft) in width.

### 5 | The owner, tenant, operator or person in charge of a motel shall at all times:

- a. maintain the lot and the buildings, structures and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;

- b. maintain garbage facilities to the satisfaction of the Development Authority;
- c. maintain an appropriate fence, where required by the Development Authority, not less than 1.5m (5.0 ft) in height, around the boundaries of the lot; and
- d. landscape and keep the lot landscaped to the satisfaction of the Development Authority.

## 8.14 MULTIPLE DWELLING DEVELOPMENTS

- 1 | Before any application for development of row housing or an apartment can be considered, the applicant must submit to the Development Authority, in addition to those requirements of **Section 3.4(1)** of this Bylaw:
  - a. design plans and working drawings, including elevations; and
  - b. site plans showing the proposed:
    - i. location and position of structures on the lot, including any signs,
    - ii. location and number of parking spaces, exits, entries, and drives,
    - iii. location of an access to garbage storage areas, and
    - iv. landscape plan of the entire site which shall also show intended fencing and surfacing for drives and parking areas.
- 2 | The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval.
- 3 | The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans, and said relationships shall be to the satisfaction of the Development Authority.

## 8.15 PET KEEPING AND ANIMAL BREEDING AND/OR BOARDING FACILITIES

- 1 | No fur bearing animals, fowl or livestock other than small domestic pets such as cats and dogs may be permitted within the Residential Districts.
- 2 | No livestock, whether or not the keeping of such livestock is considered to be a confined feeding operation for which neither an approval nor a registration is required pursuant to the Agricultural Operations Practices Act, other than small domestic pets such as cats and dogs, may be allowed in any Residential District.

- 3 | The keeping of more than two (2) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where animal breeding and/or boarding facilities are listed as discretionary use in this Bylaw.
- 4 | Further, the maximum number of domestic pets to be kept on-site in each of the above Districts shall be in accordance with the Animal Control Bylaw.
- 5 | In determining the number of dogs, pups less than six (6) months of age shall not be included.
- 6 | For animal breeding and/or boarding facilities, an exercise area shall be provided for each dog as follows:
  - a. breeds weighing 16 kg (35 lbs.) or less – at least 2.3 m<sup>2</sup> (25.0 ft<sup>2</sup>) per dog; and
  - b. breeds weighing more than 16 kg (35 lbs.) – at least 4.6 m<sup>2</sup> (50.0 ft<sup>2</sup>) per dog.
- 7 | No building or exterior exercise area to be used to accommodate dogs shall be allowed within 25.0 m (82.0 ft) of any lot line of the lot for which an application is made.
- 8 | No building or exterior exercise area to be used to accommodate dogs shall be allowed within 300.0 m (1000.0 ft) of any dwelling located on adjacent lots.
- 9 | All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 2.0 m (6.5 ft).
- 10 | All dogs in animal breeding and/or boarding facilities shall be kept within buildings or a fenced area at all times when not leashed.
- 11 | All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
- 12 | Pens, rooms, exercise runs and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
- 13 | A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
- 14 | All facilities and operations shall be in compliance with applicable Provincial regulations.
- 15 | All development permits issued for animal breeding and/or boarding facilities shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not adhered to.

## 8.16 PLACES OF WORSHIP

- 1 | The lot on which a church is situated shall have a frontage of not less than 100.0 ft. and an area of not less than 930.0 m<sup>2</sup> (10,000.0 ft<sup>2</sup>) except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1,394.0 m<sup>2</sup> (15,000.0 ft<sup>2</sup>).
- 2 | Minimum front, side and rear yards shall be those required within the District in which the place of Worship is located.

## 8.17 RECREATIONAL USES

- 1 | Recreational development shall be required to:
  - a. maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
  - b. install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

## 8.18 RECREATIONAL VEHICLE CAMPGROUNDS

In addition to the requirements of **Part 8.19**, Recreational Vehicle Campgrounds shall comply with the following regulations:

- 1 | Development of roads, facilities and recreational vehicle sites shall occupy no more than two-thirds of the proposed site, leaving a minimum of one-third of the site in its natural state (or landscaping one-third to the satisfaction of the Development Authority).
- 2 | Recreational Vehicle Campgrounds should be designed and landscaped to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- 3 | Site design shall be at the discretion of the Development Authority.
- 4 | Where the campground directly adjoins a residential area, adequate screening or fencing shall be provided, to the satisfaction of the Development Authority.
- 5 | A sufficient number of picnic tables, fire pits and refuse facilities shall be provided to accommodate the design capacity of the campground. Exact numbers shall be at the discretion of the Development Authority.
- 6 | On recreational vehicle campgrounds located next to a lake, if boat launching and swimming facilities are not provided, alternative locations for the same should be indicated on a map or sign on the site.

- 7| An adequate potable water supply and sewage disposal facilities shall be provided, in accordance with Provincial regulations and/or the Alberta Safety Codes Act, as applicable.
- 8| A portion of the campsites should be serviced by electrical, water or sewage disposal hookups.
- 9| Each recreational vehicle parking stall shall be a minimum width of 10.0 m (32.8 ft) and a minimum area of 250.0 m<sup>2</sup> (2691.0 ft<sup>2</sup>).
- 10| As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.
- 11| As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service the development, including Village roads, water and waste water infrastructure, and solid waste management facilities, either on- and/or off-site of the development.
- 12| All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft) usable top, except for one-way roads, which shall have a minimum of a 3.7 m (12.0 ft) usable top.
- 13| Temporary or seasonal storage of recreation vehicles may be permitted as an accessory use, at the discretion of the Development Authority.
- 14| No recreational vehicle, whether located within a recreational vehicle park or on a lot, may have associated with it any more than two (2) accessory structures, buildings or other paraphernalia, in addition to fences, benches, fire pits and picnic tables. A small shed with a maximum size of 18.58 m<sup>2</sup> (200 ft<sup>2</sup>) and a screened or roofed patio around or beside the recreational vehicle is permitted.
- 15| Except for a recreational vehicle on a lot, the total gross floor area or ground area covered by all accessory structures, buildings or other appurtenances (excluding than those indicated in **subsection (1)** shall not exceed 50% of the lot size.

## 8.19 RECREATION VEHICLE CAMPGROUND, WORKCAMPS

- 1| Provisions in this section apply to recreational vehicle campground, workcamps.



- 2 | Each space for a recreational vehicle shall have a minimum width of 10.0 m (32.8 ft) and a minimum area of 250.0 m<sup>2</sup> (2,691.0 ft<sup>2</sup>),
- 3 | All spaces for recreational vehicles shall maintain a minimum setback of 30.0 m (98.4 ft) from the shoreline of any body of water.
- 4 | Minimum Yard Setbacks:
  - a. Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft).
- 5 | The maximum number of recreational vehicles allowed per space shall be one (1).
- 6 | All recreational vehicle campground, workcamps shall be considered temporary developments.
- 7 | All recreational vehicle campground workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 8 | A development permit for a recreational vehicle campground workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period.
- 9 | The Development Authority may establish whatever conditions for the approval of a recreational vehicle campground, workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- 10 | If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority then the permit will not be considered valid.
- 11 | In addition to the requirements of **Section 3.4** of the Bylaw, an application for a development permit for a recreational vehicle campground workcamp must provide the following information:
  - a. the location, type and purpose of the camp,
  - b. adjacent land uses,
  - c. the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems,
  - d. the number of persons proposed to live in the camp,
  - e. the start date for the development, date of occupancy by residents, and removal date for the camp, and
  - f. reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.

- 12 | As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Safety Codes Act that may be applicable.
- 13 | As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- 14 | All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft) usable top.
- 15 | The developer shall provide on-site potable water supply in accordance with the municipality's Master Services Plan as well as all applicable Provincial regulations.
- 16 | The developer shall provide sewage disposal facilities in accordance with the municipality's Master Services Plan as well as all applicable Provincial regulations.
- 17 | All stalls designated for year round use must have on-site connections to municipal sewer and water systems.
- 18 | The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- 19 | A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- 20 | All other site requirements shall be as required by the Development Authority.
- 21 | All recreational vehicle campground, workcamps must:
- a. ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - b. be designed so that all points of access and egress are located to the satisfaction of the Development Authority and when required, Alberta Transportation;
  - c. be able to accommodate a minimum of twenty (20) persons and a maximum of five hundred (500) persons;

- d. be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;
  - e. if required by the development authority, provide on-site security staff to the satisfaction of the Development Authority;
  - f. provide and develop all parking on the lot to the satisfaction of the Development Authority. Normally, on-site parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
  - g. post security with the municipality sufficient to ensure removal of the development and/or reclamation of the site if needed after the recreational vehicle campground, workcamp has been removed from the site; and
  - h. be separated from adjacent land uses.
- 22 |** Maximum site coverage shall be such that space is available for all the parking on the site, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- 23 |** Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- 24 |** The development must comply with current Building and Fire Code requirements as amended from time to time.
- 25 |** Because of the number of temporary workers and related traffic impacts the applicant will also be required to provide a report which details the following:
- a. discussions with and impact on the local RCMP,
  - b. discussions with and impact on the local Emergency Medical Services,
  - c. discussions with and impact on the local Fire Department, and
  - d. discussions with and impact on the local road system including a Traffic Impact Assessment.
- 26 |** Any other conditions required to the satisfaction of the Development Authority.

## 8.20 RECREATIONAL VEHICLES

- 1 |** No person shall use any vehicle for occupancy within Village limits, other than within an approved campground.
- 2 |** A maximum of one (1) recreational vehicle may be stored in a rear or side yard on a residential lot.

- 3 | Further to **subsection (2)** a maximum of one (1) recreational vehicle may be stored in the front yard in any residential district or in the case of a corner lot, in a required front yard or flanking side yard in any residential district.
- 4 | The following provisions apply to the storage of recreational vehicle in the residential districts:
  - a. The recreational vehicle must be entirely located within the boundaries of the subject site; and
  - b. When located in a front yard, the recreational vehicle must be located on a hard surfaced driveway or pad.
- 5 | No person shall keep more than one (1) recreational vehicle on a residential lot at any time.
- 6 | No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.

## 8.21 RELOCATION OF BUILDINGS INCLUDING MODULAR HOUSING

- 1 | In addition to any other provision of this Bylaw, a development permit to allow the placement on a lot of any already constructed or partially constructed building, including a manufactured home, shall not be approved unless the constructed building or partially constructed building is less than five (5) years old (from the date of manufacture to the date of application for development permit).
- 2 | No person shall place on a parcel of land a building formerly erected or placed on a different parcel, including portable pre-fabricated buildings and/or modular homes without an approved development permit.
- 3 | In addition to the requirements of **Section 3.4**, the Development Authority may require an application for a development permit for a relocated building, or a modular home to be accompanied by:
  - a. Recent colour photographs showing all sides of the building;
  - b. A statement on the age and general condition of the building;
  - c. A statement prepared and signed by a qualified person on the structural condition of the building;
  - d. A statement of proposed improvements to the building; and

- e. A certificate confirming compliance with the Alberta Building Code; and
  - f. Any other requirements or conditions as required by the Development Authority.
- 4 | An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located and, in the opinion of the Development Authority, is consistent with the form and character of the structures and developments in the neighbourhood in which it is to be placed.
- 5 | Where a development permit has been granted for modular housing or the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a security in the form of an irrevocable letter of credit of such amount to ensure completion of any renovations or other construction set out as a condition of approval of a permit.
- 6 | Where a relocated building, modular housing or other structures are placed on a permanent foundation that elevates the modular home/structure above grade, such relocated building, modular home/structure shall be enclosed as to completely screen the underside and foundation from view. The enclosure shall be constructed using the same or similar material from which the modular home/structure is constructed and shall compliment the appearance and character of the modular housing/structure, site and surrounding structures in the neighbourhood to the satisfaction of the Development Authority.
- 7 | All structural and exterior renovations shall be completed within one year of the issuance of a development permit.

## 8.22 SEA CANS & SHIPPING CONTAINERS

- 1 | Sea Cans or shipping containers are discretionary and shall only be considered as an accessory use to a permitted use in the C-1 (Commercial District), M (Industrial District), P (Community District), I (Institutional District, UR (Urban Reserve) District. Shipping containers are prohibited in all other districts.
- 2 | Shipping containers are considered accessory buildings and are to be used for cold storage purposes, excluding dangerous or hazardous materials or containers. Shipping containers shall not be used as a dwelling nor shall they have services connected to them.

- 3 | Prior to the Development Authority accepting an application for a development permit for a shipping container, color photographs of all four (4) sides of the proposed container(s) shall be provided.
- 4 | In addition to obtaining a development permit, a building permit must also be obtained.
- 5 | Shipping containers shall NOT be stacked one upon another.
- 6 | All approved shipping containers shall be located in the rear or side yards only and shall not be permanently fixed to the ground nor project beyond the front face of the principal building on the subject lot.
- 7 | Shipping containers must have an exterior finish to match or compliment the exterior finish of other building on the subject property and/or be screened from view to the satisfaction of the Development Authority. If the exterior finish is not acceptable the Development Authority may require the container be painted to match the surrounding building colours. Additional or exterior cladding materials or structural alterations to the container may affect the required separation distance.
- 8 | Shipping containers must be kept clean and well maintained and must comply with all other applicable provisions contained within the current Land Use Bylaw. Any breach of these regulations may result in the cancellation of the development permit and removal of the container at the owners expense.
- 9 | The maximum number of containers that may be allowed per lot is as follows:
  - a. Less than 0.40 ha (1.0 acres) – maximum of 2 containers
  - b. 0.14 ha (1.01 acres) to 1.21 ha (3.0 acres) – maximum of 3 containers
  - c. 1.22 ha (3.01 acres) or greater – maximum of 5 containers
- 10 | Shipping containers for the storage of equipment and materials may be temporarily allowed at the discretion of the Development Authority during the period of construction at the construction site under the following conditions:
  - a. The construction project must have an approved and valid development permit issued by the Village; and
  - b. The container shall be removed from the property no later than seven (7) calendar days after the completion of the project; and
  - c. If construction ceases for a period of thirty (30) days or is abandoned, the shipping container shall be removed no later than seven (7) days after notice to remove is issued by the Village.

## 8.23 SERVICE STATIONS (INCLUDING GAS BARS)

- 1 | No part of any building or accessory building, structure, or use shall be located within 6.0 m (20.0 ft) of a side or rear line and 12.0m (40.0 ft) of a front line; however, gasoline pumps may be located as little as 6.0 m (20.0 ft) from the front line.
- 2 | The minimum lot area shall be 743.0 m<sup>2</sup> (8,000.0 ft<sup>2</sup>) When a car wash is included, the minimum lot area shall be 1,115.0 m<sup>2</sup> (12,000.0 ft<sup>2</sup>).
- 3 | If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
- 4 | Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
- 5 | The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:
  - a. not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration; and
  - b. be responsible for seeing that:
    - i. no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar, and
    - ii. motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

## 8.24 SHOW HOMES

- 1 | In addition to the information required for a development permit application, the following additional information shall be submitted to the Development Authority for a development permit application for a show home:
  - a. Proposed hours of operation;
  - b. Anticipated number of clients expected at the show home on a daily basis and the location and number of parking stalls on site;
  - c. Location of all proposed exterior lighting; and
  - d. Location of any signs proposed for the site.
- 2 | Development permits for show home or sales offices shall be issued for a period up to but not exceeding twelve months. When the permit expires the proponent may make application for a new temporary development permit.

- 3 | The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

## 8.25 SIGNS

### 8.25.1 EXEMPTIONS

- 1 | The following signs shall be exempted from the provisions of this Schedule of the Bylaw:
- a. signs displayed on enclosed land where they are not readily visible to the public,
  - b. signs displayed within a building,
  - c. signs displayed in or on an operational vehicle,
  - d. signs displayed on door plates, door boards, or kick plates.
- 2 | A development permit shall not be required to clean, repair or repaint any sign.
- 3 | The following specified signs are also exempted from this Schedule of the Bylaw, provided that the permission hereby granted in respect of any such signs specified below shall be subject to any conditions or limitations specified in the case of the particular signs, and be subject to all other orders, bylaws and regulations affecting such signs:
- a. statutory and official notices and functional advertisements of local authorities and public transport authorities;
  - b. traffic and directional signs authorized by Council;
  - c. notices of identification in respect of the land or buildings on which they are displayed, and professional business and trade name plates relating to the occupants of the land or buildings on which they are displayed provided that:
    - i. each notice or name plate shall not exceed 0.2 m<sup>2</sup> (2.0 ft<sup>2</sup>) in area, and
    - ii. there shall be a limit of one (1) notice for each occupant of each firm or company represented within the building, at one entrance on each different road;
  - d. notices relating to the sale, lease or rental of the buildings, or land to which they are attached, provided that:
    - i. the notices shall not be illuminated,
    - ii. each notice shall not exceed 0.5 m<sup>2</sup> (5.0 ft<sup>2</sup>) in area, and
    - iii. there shall be a limit of one (1) notice for each side of the land or buildings on a different road;
  - e. posters relating specifically to a pending election, provided that such posters shall be removed within fourteen (14) days after the election;



- f. notices of land or buildings used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, provided that:
  - i. each notice shall not exceed 1.1m<sup>2</sup> (12.0 ft<sup>2</sup>) in area, and
  - ii. there shall be a limit of one (1) notice for each side of the land or buildings on a different road;
- g. signs of building contractors relating to constructional work in progress on the land on which such signs are erected, provided that:
  - i. such signs shall be removed within fourteen (14) days of occupancy, and
  - ii. such signs shall be limited in size to a maximum of 3.0 m<sup>2</sup> (32.3 ft<sup>2</sup>), and in number to one (1) sign for each boundary of the subject site which fronts onto a road;
- h. temporary signs referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that:
  - i. the signs shall not be illuminated and shall be constructed of paper, canvas, cardboard or other light materials or painted on glass and intended to be displayed for a short period of time only, and
  - ii. such signs shall not be erected more than seven (7) days before the commencement of the sale to which they refer, and shall be removed within eight (8) days of the completion of the said sale;
- i. free-standing portable signs, provided that:
  - i. any sign shall be placed wholly within the property lines,
  - ii. the overall height shall not be greater than 1.5 m (5.0 ft) above ground level, and
  - iii. the maximum area of the sign shall not exceed 1.1 m<sup>2</sup> (12.0 ft<sup>2</sup>);
- j. signs on merchandising aids, provided that:
  - i. any device shall be placed wholly within the property lines,
  - ii. the overall height of any sign shall not be greater than 1.8 m (6.0 ft.) above ground level, and
  - iii. the maximum area of any sign shall not exceed 1.1 m<sup>2</sup> (12.0 ft<sup>2</sup>).

## 8.25.2 GENERAL PROVISIONS

- 1 |** All proposed signs, with the exception of the exemptions as provided for in **subsection 18.25.1** shall be authorized by the Development Authority prior to any building permit being issued.

- 2 | With the exception of the special provisions relating to billboards, all signs shall contain "point-of-sale advertising" only.
- 3 | No sign shall be permitted which is attached to a fence, pole, tree, or any object on a road or in a publicly-owned place.
- 4 | No sign shall be permitted which is attached to or standing on the ground on a road or in a publicly-owned place.
- 5 | No sign shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.
- 6 | All signs must be maintained in a satisfactory manner or notice will be served to perform the necessary repairs or remove the sign(s) within thirty (30) days.

### 8.25.3 FASCIA SIGNS

- 1 | Except as provided for in **subsection 8.25.1**, fascia signs shall only be allowed in the C1, C2, and M Districts. All fascia signs shall be erected so that:
  - a. no part of the sign projects more than 0.5 m (1.5 ft.) above the top of the vertical face of the wall to which it is attached,
  - b. all fascia signs on a wall do not exceed in area the equivalent of 25% of the superficial area of the wall comprising the business frontage, and
  - c. they are located on a business frontage.
- 2 | Fascia signs on a side or gable wall which is not a business frontage shall be considered by the Development Authority according to the merits of the individual application.
- 3 | On commercial and industrial buildings which are non-conforming uses in Residential Districts, fascia signs shall be considered by the Development Authority according to the merits of the individual application.

### 8.25.4 MARQUEE AND CANOPY SIGNS

- 1 | Marquee and canopy signs shall be considered in accordance with the same criteria as fascia signs, provided that:
  - a. they are attached to the edge of the marquee or canopy nearest the front line;
  - b. no additional supporting wires or stays are attached to the canopy or wall; and
  - c. no portion of the sign projects below the bottom edge, or more than 1.5 ft. above the top edge, of the marquee or canopy.

- 2 | A sign not exceeding 1.0 ft. by 4.0 ft. in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 8.0 ft. to the ground or sidewalk.

#### 8.25.5 ROOF SIGNS

- 1 | Roof signs shall be considered in accordance with the same criteria as fascia signs, provided that:
- a. the sign is attached to the front edge of the roof;
  - b. no additional supporting wires or stays are attached to the roof; and
  - c. no portion of the sign projects more than 1.5 ft. above the roof.

#### 8.25.6 PROJECTING SIGNS

- 1 | Except as provided for in **subsection 8.25.1**, projecting signs shall only be allowed in the C1, C2, and M Districts. All projecting signs shall be erected so that:
- a. no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 m (10.0 ft) above the ground or sidewalk;
  - b. no part of the sign shall project more than 0.5 m (1.5 ft) above the top of the vertical face of the wall to which it is attached; and
  - c. the space between the sign and supporting structure shall not be more than 0.6 m (2.0 ft)
- 2 | There shall be only one projecting sign for each business frontage, provided that if a business frontage shall exceed 15.2 m (50.0 ft), a further projecting sign shall be permitted for each additional 15.2 m (50.0 ft) of business frontage or portion thereof.
- 3 | The permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:

AMOUNT OF PROJECTION	1.8 m (6.0 ft)	1.5 m (5.0 ft)	1.2 m (4.0 ft)	1.9 m or less (3.0 ft)
MAXIMUM AREA OF SIGN	3.3 m <sup>2</sup> (35.0 ft <sup>2</sup> )	4.5 m <sup>2</sup> (48.0 ft <sup>2</sup> )	5.8 m <sup>2</sup> (60.0 ft <sup>2</sup> )	7.0m <sup>2</sup> (75.0 ft <sup>2</sup> )

- 4 | Support shall not be provided by an “A” Frame.

## 8.25.7 FREE-STANDING SIGNS

- 1 | Except as provided for in **subsection 8.25.1**, free-standing signs shall only be allowed in the C1, C2, and M Districts. All free-standing signs shall be erected so that:
  - a. no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 10.0 ft. nor more than 30.0 ft. above the ground or sidewalk;
  - b. no part of the sign shall project beyond the property line; and
  - c. the area of the sign shall not exceed the ratio of 0.1 m<sup>2</sup> (1.0 ft<sup>2</sup>) for each linear foot of business frontage to a maximum of 8.4 m<sup>2</sup> (90 ft<sup>2</sup>), with the area of the sign being computed exclusive of the pylon or support provided that it is free of advertising.
- 2 | There shall not be more than one (1) free-standing sign for each business frontage.
- 3 | The portion used for support be painted and/or finished to the satisfaction of the Development Authority.

## 8.25.8 BILLBOARDS

- 1 | Except as provided for in **subsection 8.25.1**, billboards shall only be allowed in the C1, C2, and M Districts. All billboards shall be erected so that:
  - a. the structure does not exceed 3.6 m (12.0 ft) in height and 9.8 m (32.0 ft) in length;
  - b. the vertical posts supporting the structure do not project above the upper edge of the boardings;
  - c. any additional bracing is contained within the front and rear faces of the vertical posts;
  - d. the rear of any billboard which is plainly visible from a public thoroughfare is covered with wooden slats or a trellis fixed against the rear edge of the vertical posts and painted; and
  - e. no part of the structure projects over public property or placed on a road or highway right-of-way.
- 2 | No billboard shall be erected less than 152.4 m (500.0 ft) from any existing billboard.
- 3 | The structure shall at all times be maintained in a manner satisfactory to the Development Authority.
- 4 | All billboards shall be limited to:

- a. local advertising or advertising for facilities or establishments located within 30 miles of the sign;
  - b. indirect lighting, which excludes flashing or animated lighting; and
  - c. one (1) sign for each licensed business development.
- 5 |** Development permits for billboards shall be issued for only a one year period. Renewal of the permits shall be required each year prior to the thirty-first day of January accompanied by a fee as established by resolution of Council for renewal.
- a. A permit for a renewal of a development permit shall not be issued for a billboard which is not, in the opinion of the Development Authority, maintained in a satisfactory manner.
  - b. Billboards for which renewal permits are refused or not applied for, and billboards which are installed without a permit, shall be removed.
- The owner shall be mailed, to his last known address, a notice allowing him thirty (30) days from date of notice to remove the billboard. If the owner fails to comply with the notice to remove the billboard, the municipality will remove and destroy the billboard.

#### 8.25.9 ILLUMINATED ROOF AND SKY SIGNS

- 1 |** Except as provided for in **subsection 8.25.1**, illuminated roof and sky signs shall only be allowed in the C1 and C2 Districts. All illuminated roof and sky signs shall be erected so that:
- a. the sign is attached to a flat roof on a building more than 10.7 m (35.0 ft) high;
  - b. the Development Authority is satisfied that the purpose of the sign cannot be achieved by another type of sign; and
  - c. no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 1.2 m (4.0 ft) or more than 4.6 m (15.0 ft) above the level of the roof.
- 2 |** All illuminated roof and sky signs must refer to the principal use of the building on which they are erected.

#### 8.25.10 VARIANCES

- 1 |** Where there are exceptional circumstances or conditions applicable to a particular property to the extent that practical difficulties or results inconsistent with the general

purposes of these regulations may result from their strict and literal interpretation and enforcement, variances shall be considered by the Development Authority in accordance with the merits of the individual application.

## 8.25.11 EXISTING SIGNS

- 1 | This **Part** shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

## 8.26 SMALL RADIO COMMUNICATION FACILITIES

- 1 | A Small Radio Communication Facility, where allowed as a discretionary use under this Bylaw, shall require an application for a development permit and may be approved provided that the structure and apparatus:
  - a. have Industry Canada approval;
  - b. be camouflaged and, as far as possible, have the appearance and aesthetic of other buildings permitted in the District;
  - c. meet the setback requirements of the District or meet setback requirements that are satisfactory to the Development Authority;
  - d. be limited to a maximum height of 18.0 m (59.0 ft) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
  - e. be a free-standing, ground-mounted unit;
  - f. notwithstanding (e) above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft) from the typical ground surface to its highest point;
  - g. be located in a rear yard only;
  - h. not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and

- i. be landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Authority may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Authority, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- 2| All Small Radio Communications Facilities shall have landscaping that reflects the typical landscaping in the District.
- 3| The development of all Small Radio Communications Facilities shall follow the regulations of Industry Canada including public consultation as required.

## 8.27 SOLAR ENERGY COLLECTION SYSTEMS

- 1| Ground mounted solar collectors shall be located in a side or rear yard only.
- 2| When a solar energy collection system is installed on a lot, accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
  - a. is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 3.65 m (12.0 ft) obstruction located on the lot line; and
  - b. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.
- 3| **Subsection (2)** above does not apply to structure or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

## 8.28 SUITE, GARAGE

- 1| A garage suite shall be restricted to a site occupied by a single detached dwelling.
- 2| A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- 3| A maximum of one garden suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 4| A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 75.0 m<sup>2</sup> (800.0 ft<sup>2</sup>).

- 5 | A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage suite.
- 6 | The minimum floor area for an at-grade garage suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 7 | The minimum floor area for an above-grade suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 8 | Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 9 | A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet and bathing facilities.
- 10 | A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 11 | At-grade garage suites shall be a maximum height of 4.5 m (14.8 ft).
- 12 | Above-grade garage suites shall be a maximum height of 5.5 m (18.0 ft) for suites with a flat roof, and 7.3 m (24.0 ft) for suites with a sloped roof, provided that the maximum height is not higher than the height of the main dwelling.
- 13 | A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.

## 8.29 SUITE, GARDEN

- 1 | A maximum of one garden suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 2 | A garden suite shall only be allowed on a lot occupied by a single family dwelling.
- 3 | A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- 4 | If a permit for a garden suite is approved by the Development authority then no additional garage suite, in-law suite or secondary suite shall be allowed on the same lot.
- 5 | Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- 6 | The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.



- 7| Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
- 8| A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
- 9| The minimum floor area for a garden suite shall be 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 10| A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 75.0 m<sup>2</sup> (800.0 ft<sup>2</sup>) in floor area.
- 11| Garden suites shall have a maximum height of 4.3 m (14.1 ft).
- 12| A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.
- 13| Windows contained within a garden suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
  - a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garden Suite window on an abutting site;
  - b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
  - c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
- 14| A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

### 8.30 SUITE, IN-LAW

- 1| An in-law suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- 2| An in-law suite is prohibited from being constructed within a multi-attached dwelling or apartment housing.
- 3| A maximum of one in-law suite shall be permitted on any single detached dwelling of semi-detached dwelling lot.
- 4| An in-law suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 75.0 m<sup>2</sup> (800.0 ft<sup>2</sup>) in floor area.

- 5| Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- 6| An in-law suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 7| An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- 8| The minimum floor area for an in-law suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).

### 8.31 SUITE, SECONDARY

- 1| A secondary suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- 2| A secondary suite shall not be constructed within Row housing or Apartment housing.
- 3| A maximum of one secondary suite is permitted on any single detached dwelling lot.
- 4| A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 75.0 m<sup>2</sup> (800.0 ft<sup>2</sup>) in floor area.
- 5| Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 6| A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- 7| A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- 8| A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- 9| The minimum parcel size for a secondary suite is 360.0 m<sup>2</sup> (3875.0 ft<sup>2</sup>).
- 10| The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft).
- 11| The minimum area for a secondary suite is 30.0 m<sup>2</sup> (322.9 ft<sup>2</sup>).
- 12| A secondary suite cannot exceed the maximum height of the main dwelling.
- 13| Prior to development permit approval the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.

- 14 | A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.

## 8.32 SUITE, SURVEILLANCE

- 1 | The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
- a. A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject parcel. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
  - b. Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
  - c. Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
    - i. a minimum of 1.8 m (6.0 ft) from any buildings; and
    - ii. a minimum of 1.8 m (6.0 ft) from the rear and side property lines; and
    - iii. no closer than the front line of the main building to the front property line.
  - d. The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m<sup>2</sup> (500.0 ft<sup>2</sup>).
  - e. The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

## 8.33 SWIMMING POOLS AND HOT TUBS

- 1 | Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private in

ground swimming pool or hot tub. All private swimming pools and hot tubs equal to or greater than 60.96 cm (24.0”) in depth require building and safety code approval(s). If the Alberta Building and Safety Code Act is revised to change the requirements for a building permit for a pool or hot tub then the current building and safety code requirements will apply.

- 2 | Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- 3 | Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- 4 | No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft) in height for the length that it replaces the fence.
- 5 | Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (6.0 ft) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
- 6 | No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

## 8.34 WIND CONVERSION SYSTEMS, LARGE

- 1 | Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
  - a. any adjacent municipality should the proposed development be located within 2 km (1.2 miles) of the municipality; and
  - b. landowners within 2 km (1.2 miles) of the proposed development.
- 2 | When making an application for a development permit for a Large Wind Energy Conversion System, the developer shall provide to the Development Authority appropriate reports and/or approvals from the following:
  - a. Transport Canada
  - b. NavCanada

- c. Alberta Culture and Tourism
  - d. Alberta Environment & Parks
  - e. Alberta Parks and Recreation
  - f. Alberta Transportation
- 3 | Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of this Bylaw.
- 4 | A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the district in which it is located.
- 5 | Where, in the opinion of the Development Authority, the setbacks referred to in **Section 7.37(4)** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- 6 | The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
- 7 | The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- 8 | To ensure public safety, the Development Authority may require that:
- a. a secure fence not less than 1.8 m (5.9 ft) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
  - b. no ladder or permanent tower access device be located less than 3.7 m (12.1 ft) from grade;
  - c. a locked device be installed on the tower to preclude access to the top of the tower; and
  - d. such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- 9| All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- 10| Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
- 11| No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- 12| The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
  - a. information provided in the application;
  - b. the proximity of the proposed development to other land uses;
  - c. the cumulative effect of all wind energy conversion systems approved or proposed in the area;
  - d. underlying utilities; and
  - e. information received from the circulation of the application and from the public.
- 13| Large wind energy systems must comply with applicable air traffic safety regulations. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.

### 8.35 WIND CONVERSION SYSTEMS, MICRO

- 1| Notwithstanding any other provision in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 kW, may only be roof-mounted or ground-mounted within a side or rear yard.
- 2| Micro wind energy conversion systems shall be required to conform to setback requirements for accessory buildings.
- 3| Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.

- 4 | One micro wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

## 8.36 WIND CONVERSION SYSTEMS, SMALL

- 1 | Small wind energy conversion systems shall only be allowed as accessory developments.
- 2 | For property sizes between 0.1 ha (0.25 ac) and 0.2 ha (0.5 ac) the wind turbine tower height shall be limited to 25.0 m (82.0 ft). For property sizes of 0.2 ha (0.5 ac) or more, there is no limitation on wind turbine tower height, subject to the set-back requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- 3 | The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- 4 | The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except during short-term events such as utility outages and/or severe wind storms.
- 5 | Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- 6 | Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through

the aeronautical clearance application process. Small wind turbine towers shall not be artificially lit except as required by Nav Canada.

- 7 | Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.
- 8 | No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- 9 | One (1) Small Wind Energy System is allowed per single detached dwelling on a lot.

## 8.37 WORK CAMPS

- 1 | Work camps may be allowed in Districts where they are listed as discretionary uses only:
  - a. in areas within or immediately adjacent to existing hamlets;
  - b. where the development of a work camp will not unduly conflict with adjacent uses and/or developments; and
  - c. where the development of a work camp will extend or upgrade municipal services.
- 2 | Notwithstanding any other provision in this Bylaw, project-oriented work camps of fifteen (15) sleeping units or less may be permitted for a maximum of twenty-eight (28) days.
- 3 | All work camps shall be considered temporary developments.
- 4 | All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- 5 | No development permit for a work camp shall be approved unless:
  - a. it is for a temporary period of time as specified by the Development Authority;
  - b. all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;
  - c. it is connected to municipal services including, sanitary sewer, water and gas;



- d. the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed and the subject site returned to its state before the work camp was developed upon its removal; and
  - e. it is an accessory development to an approved industrial or commercial development for construction employees and located on the site of that industrial or commercial development.
- 6| The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure the work camp will be a temporary development.
  - 7| The Development Authority may, at its sole discretion, establish any conditions of approval for a work camp to ensure that the site of the development will be restored to its previous situation after the development ceases operations.
  - 8| Work camps shall not be allowed in close proximity to residential developments, determined at the sole discretion of the Development Authority.
  - 9| All parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority.
  - 10| All points of access and egress shall be located to the satisfaction of the Development Authority.
  - 11| Maximum parcel coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and such area as required for landscaping as determined by the Development Authority.
  - 12| Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
  - 13| Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.

# 9 LAND USE DISTRICTS

## 9.1 ESTABLISHMENT OF DISTRICTS

1 | For the purpose of this Bylaw, the Village of Kitscoty is divided into the following Districts:

<b>R</b>	Residential District
<b>R1</b>	Residential District (Low Density, Single detached dwellings)
<b>R1A</b>	Residential District (Low Density, Single detached dwellings)
<b>R2</b>	Residential District (Medium Density)
<b>R3</b>	Residential District (High Density Dwellings)
<b>RMH1</b>	Residential Manufactured Home Subdivision District
<b>C1</b>	Commercial District (Central)
<b>C2</b>	Commercial District (Secondary)
<b>M</b>	Industrial District
<b>P</b>	Community District
<b>I</b>	Institutional District
<b>UR</b>	Urban Reserve District

2 | The boundaries of the districts listed in **subsection (1)** are as delineated on the Land Use District Map, being **Schedule A** hereto.

3 | Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:

- Rule 1           Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
- Rule 2           Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3           In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:

- a. where dimensions are set out on the Land Use District Map, by the dimensions so set, or
  - b. where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- 4 | Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- 5 | After the Council has fixed a District boundary pursuant to the provisions of **subsection (4)**, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- 6 | The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.



## 9.2 R – RESIDENTIAL DISTRICT

The General Purpose of this District is to permit development of primarily single family dwellings, with the possibility for some duplex, multiple family, and manufactured home development at the discretion of the Development Authority.

### 1 | Permitted Uses

- a. Day homes
- b. Dwellings, single detached
- c. Home occupations, minor
- d. Show homes
- e. Solar energy collection system
- f. wind energy conversion system, micro
- g. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Child care facility
- b. Dwellings, duplex
- c. Family care facilities
- d. Group care facilities
- e. Group homes
- f. Home occupations, major
- g. Manufactured homes
- h. Public parks
- i. Places of worship
- j. Suites, garage
- k. Suites, garden
- l. Suites, in-law
- m. Suite, secondary
- n. Utility building, public
- o. Utility, public
- p. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

RELATING TO SINGLE DETACHED DWELLINGS	
Minimum Lot Area	558 m <sup>2</sup> (6,000 ft <sup>2</sup> )
Minimum Lot Width	15.25m (50 ft), and in the case of irregularly shaped lots, an average of 15.25m (50 ft)
Minimum Front Yard	7.6 m (25 ft)
Minimum Rear Yard	7.6 m (25 ft)
Minimum Side Yard	Corner Lots: 4.5 m (15 ft) abutting road All other Lots: 10% of lot width or, at the discretion of the Development Authority, a minimum of 1.5m (5.0 ft) on all lots over 15.25 m (50.0 ft) in width.
Minimum Floor Area	1 Storey: 75 m <sup>2</sup> (800 ft <sup>2</sup> ) 1.5 Storey or bi-level: 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) 2+ Storey: 111.5 m <sup>2</sup> (1,200 ft <sup>2</sup> )
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is lesser
Maximum Lot Coverage	40% (including accessory buildings)

RELATING TO DUPLEXES	
Minimum Lot Area	Up-and-Down Units: 576 m <sup>2</sup> (6200 ft <sup>2</sup> ), provided the combined floor area does not exceed 186 m <sup>2</sup> (2000 ft <sup>2</sup> ). Side-by-Side Units: 696.8 m <sup>2</sup> (7500.0 ft <sup>2</sup> ).
Minimum Yards	Same as for single detached dwellings
Minimum Floor Area	56.0 m <sup>2</sup> (600.0 ft <sup>2</sup> ) per dwelling unit
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)

RELATING TO MANUFACTURED HOMES	
Minimum Floor Area	46.5 m <sup>2</sup> (500 ft <sup>2</sup> ), excluding any porch
All Other Requirements	Same as for single detached dwellings



## RELATING TO ALL OTHER USES

As required by the Development Authority



## 9.3 R1 – RESIDENTIAL DISTRICT

The General Purpose of this District is to permit development of low density single family dwellings, and associated uses at the discretion of the Development Authority.

### 1 | Permitted Uses

- a. Day homes
- b. Dwellings, single detached
- c. Home occupations, minor
- d. Show homes
- e. Solar energy collection system
- f. wind energy conversion system, micro
- g. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Child care facility
- b. Family care facilities
- c. Group care facilities
- d. Group homes
- e. Home occupations, major
- f. Public parks
- g. Places of worship
- h. Suites, garage
- i. Suites, garden
- j. Suites, in-law
- k. Suite, secondary
- l. Utility building, public
- m. Utility, public
- n. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

RELATING TO SINGLE DETACHED DWELLINGS	
Minimum Lot Area	465 m <sup>2</sup> (5,000 ft <sup>2</sup> )
Minimum Lot Width	15.25 m (50 ft), and in the case of irregularly shaped lots, an average of 15.25 m (50 ft)
Minimum Front Yard	6.0 m (20 ft)
Minimum Rear Yard	7.6 m (25 ft)
Minimum Side Yard	1.5 m (5.0 ft) or 10% of lot width, or at the discretion of the Development Authority
Minimum Floor Area	1 Storey: 84 m <sup>2</sup> (900 ft <sup>2</sup> ) 1.5 Storey or bi-level: 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) 2+ Storey: 112 m <sup>2</sup> (1,200 ft <sup>2</sup> ), provided the main floor, which is the first storey above grade, has an area of at least 75 m <sup>2</sup> (800 ft <sup>2</sup> ).
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)

RELATING TO ALL OTHER USES
As required by the Development Authority





## 9.4 R1A – RESIDENTIAL DISTRICT

The General Purpose of this District is to permit development of low density single family dwellings, and associated uses at the discretion of the Development Authority, at a higher density than is provided in other Residential Districts of this Bylaw.

### 1 | Permitted Uses

- a. Day homes
- b. Dwellings, single detached
- c. Home occupations, minor
- d. Show homes
- e. Solar energy collection system
- f. wind energy conversion system, micro
- g. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Child care facility
- b. Family care facilities
- c. Group care facilities
- d. Group homes
- e. Home occupations, major
- f. Public parks
- g. Suites, garage
- h. Suites, in-law
- i. Suite, secondary
- j. Utility building, public
- k. Utility, public
- l. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

RELATING TO SINGLE DETACHED DWELLINGS	
Minimum Lot Area	372.0 m <sup>2</sup> (4,000.0 ft <sup>2</sup> )
Minimum Lot Width	12.0 m (40.0 ft), and in the case of irregularly shaped lots, an average of 12.0 m (40.0 ft)
Minimum Front Yard	6.0 m (20.0 ft)
Minimum Rear Yard	7.6 m (25.0 ft)
Minimum Side Yard	1.2 m (4.0 ft) or 10% of lot width, or at the discretion of the Development Authority
Minimum Floor Area	1 Storey: 80 m <sup>2</sup> (850 ft <sup>2</sup> ) 1.5 Storey or bi-level: 93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) 2+ Storey: 111.5 m <sup>2</sup> (1,200 ft <sup>2</sup> )
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	45% (including accessory buildings)

RELATING TO ALL OTHER USES
As required by the Development Authority



## 9.5 R2 – RESIDENTIAL DISTRICT

The General Purpose of this District is to permit development of medium density dwellings, and associated uses at the discretion of the Development Authority.

### 1 | Permitted Uses

- a. Day homes
- b. Dwellings, duplex
- c. Dwellings, row housing
- d. Home occupations, minor
- e. Show homes
- f. Solar energy collection system
- g. wind energy conversion system, micro
- h. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Child care facility
- b. Family care facilities
- c. Group care facilities
- d. Group homes
- e. Home occupations, major
- f. Public parks
- g. Suites, garage
- h. Suites, garden
- i. Suites, in-law
- j. Suite, secondary
- k. Utility building, public
- l. Utility, public
- m. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

RELATING TO DUPLEXES	
Minimum Lot Area	650.0 m <sup>2</sup> (7,000.0 ft <sup>2</sup> ) or 325.0 m <sup>2</sup> (3,500.0 ft <sup>2</sup> ) per dwelling unit.
Minimum Lot Width	21.0 m (70.0 ft) or 10.5m (35.0 ft) per dwelling unit, or at the discretion of the Development Authority
Minimum Front Yard	6.0 m (20.0 ft) or less at the discretion of the Development Authority
Minimum Rear Yard	7.6 m (25.0 ft)
Minimum Side Yard	Where the dwelling units adjoin: 0 m (0 ft) Where dwelling units do not adjoin: 1.5 m (5.0 ft) or the discretion of the Development Authority for the dwelling
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)
Minimum Floor Area	75.0 m <sup>2</sup> (800.0 ft <sup>2</sup> ) per dwelling unit

RELATING TO ROW HOUSING	
Maximum Density	39.5 dwelling units per hectare (16 dwelling units per acre)
Minimum Yards	Same as for single detached dwellings, except that no side yard shall be less than 3.0 m (10.0 ft) where side yards are provided, side yards adjacent to roads on corner lots shall be a minimum of 4.5 m (15.0 ft), and no side yard shall be required along a common wall.
Outdoor Living Areas	Each unit shall have an outdoor living area the depth of which shall be a minimum of 7.6 m (25.0 ft). Within this area shall be a privacy zone with a minimum depth of 4.5 m (15.0 ft) contained by a fence a minimum of 1.5 m (5.0 ft) in height.
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)
Minimum Floor Area	75.0 m <sup>2</sup> (800.0 ft <sup>2</sup> ) per dwelling unit



## RELATING TO ALL OTHER USES

As required by the Development Authority



## 9.6 R3 – RESIDENTIAL DISTRICT

The General Purpose of this District is to permit development of a variety of medium density dwellings, with associated uses at the discretion of the Development Authority.

### 1 | Permitted Uses

- a. Day homes
- b. Dwellings, apartment
- c. Dwellings, duplex
- d. Dwellings, row housing
- e. Home occupations, minor
- f. Show homes
- g. Solar energy collection system
- h. Wind energy conversion system, micro
- i. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Child care facility
- b. Family care facilities
- c. Group care facilities
- d. Group homes
- e. Home occupations, major
- f. Public parks
- g. Suites, in-law
- h. Suite, secondary
- i. Utility building, public
- j. Utility, public
- k. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses.



### 3 | Regulations

RELATING TO DUPLEXES	
Minimum Lot Area	650.0 m <sup>2</sup> (7,000.0 ft <sup>2</sup> ) or 325.0 m <sup>2</sup> (3,500.0 ft <sup>2</sup> ) per dwelling unit.
Minimum Lot Width	21.0 m (70.0 ft) or 10.5 m (35.0 ft) per dwelling unit, or at the discretion of the Development Authority
Minimum Front Yard	6.0 m (20.0 ft) or less at the discretion of the Development Authority
Minimum Rear Yard	7.6 m (25.0 ft)
Minimum Side Yard	Where the dwelling units adjoin: 0 m (0 ft) Where dwelling units do not adjoin: 1.5 m (5.0 ft) or the discretion of the Development Authority for the dwelling
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)
Minimum Floor Area	75.0 m <sup>2</sup> (800.0 ft <sup>2</sup> ) per dwelling unit

RELATING TO ROW HOUSING	
Maximum Density	39.5 dwelling units per hectare (16 dwelling units per acre)
Minimum Yards	Same as for single detached dwellings, except that no side yard shall be less than 3.0 m (10.0 ft) where side yards are provided, side yards adjacent to roads on corner lots shall be a minimum of 4.5 m (15.0 ft), and no side yard shall be required along a common wall.
Outdoor Living Areas	Each unit shall have an outdoor living area the depth of which shall be a minimum of 7.6 m (25.0 ft). Within this area shall be a privacy zone with a minimum depth of 4.5 m (15.0 ft) contained by a fence a minimum of 1.5 m (5.0 ft) in height.
Maximum Building Height	9.1 m (30.0 ft) or 2 Stories, whichever is the lesser
Maximum Lot Coverage	40% (including accessory buildings)
Minimum Floor Area	75.0 m <sup>2</sup> (800.0 ft <sup>2</sup> ) per dwelling unit



RELATING TO APARTMENTS	
Minimum Floor Area	Bachelor Unit Dwelling Unit: 32.5 m <sup>2</sup> (350.0 ft <sup>2</sup> ) One Bedroom Dwelling Unit: 46.5 m <sup>2</sup> (500.0 ft <sup>2</sup> ) Two Bedroom Dwelling Unit: 56.0 m <sup>2</sup> (600.0 ft <sup>2</sup> ) Three+ Bedroom Dwelling Unit: 65.0 m <sup>2</sup> (700.0 ft <sup>2</sup> )
Minimum Lot Area Per Suite	Bachelor Unit Dwelling Unit: 75.0 m <sup>2</sup> (800.0 ft <sup>2</sup> ) One Bedroom Dwelling Unit: 97.5 m <sup>2</sup> (1,050.0 ft <sup>2</sup> ) Two+ Bedroom Dwelling Unit: 135.0 m <sup>2</sup> (1,450.0 ft <sup>2</sup> )
Minimum Lot Area	800.0 m <sup>2</sup> (8,600.0 ft <sup>2</sup> )
Minimum Yards	Front: 9.0 m (30.0 ft) Rear: 9.0 m (30.0 ft) Side: 40% of the building height, or 15% of the lot width, whichever is greater
Maximum Building Height	13.7 m (45.0 ft) or 3 Stories, whichever is the lesser
Maximum Lot Coverage	35%

RELATING TO ALL OTHER USES
As required by the Development Authority





## 9.7 RMH1 – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

The General Purpose of this District is to permit and regulate development of manufactured home subdivisions in which each manufactured home is located on a separate lot.

### 1 | Permitted Uses

- a. Accessory buildings and uses
- b. Home occupations, minor
- c. Manufactured homes
- d. Public Parks
- e. Solar energy collection system
- f. Wind energy conversion system, micro

### 2 | Discretionary Uses

- a. Child care facility
- b. Family care facilities
- c. Home occupations, major
- d. Public parks
- e. Utility building, public
- f. Utility, public
- g. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

RELATING TO MANUFACTURED HOMES	
Maximum Building Height	Manufactured Homes: 4.5 m (15.0 ft) Accessory Buildings: 4.5 m (15.0 ft) Other Uses: As determined by the Development Authority
Minimum Floor Area	Manufactured Homes: 46.5 m <sup>2</sup> (500.0 ft <sup>2</sup> ), excluding attached porches Other Uses: As determined by the Development Authority
Minimum Lot Area	Manufactured Homes: 465.0 m <sup>2</sup> (5,000.0 ft <sup>2</sup> ), excluding attached porches Other Uses: As determined by the Development Authority
Minimum Lot Width	Manufactured Homes: 15.0 m (50.0 ft) Other Uses: As determined by the Development Authority
Minimum Front Yard	4.5 m (15.0 ft), or as required by the Development Authority
Minimum Rear Yard	Corner Lots: 4.5 m (15.0 ft) All Other Lots: 6.0 m (20.0 ft)
Minimum Side Yard	3.0 m (10.0 ft)
Maximum Lot Coverage	Manufactured Homes: 23% Accessory Building: 12% Other Uses: As determined by the Development Authority

RELATING TO ALL OTHER USES
As required by the Development Authority



## 9.8 C1 – COMMERCIAL DISTRICT

This District is the main business district of the Village and makes a major contribution to the overall character of the community. From all development and uses in this area, a sense of strength and permanency should arise. In this regard, permission will only be given to permanent on-site development and uses appropriate to the Central Business District. Fairly high density development is expected and uses which are obnoxious or involving excessive outside storage will not be allowed “downtown”.

### 1 | Permitted Uses

- a. Business support services establishment
- b. Child care facility
- c. Commercial school
- d. Communications tower, small radio
- e. Community recreation service
- f. Eating and drinking establishment
- g. Entertainment establishment
- h. Equipment rental establishment
- i. Gas bar
- j. General commercial use
- k. General retail establishment
- l. Government services
- m. Health service
- n. Institutional use
- o. Library and/or cultural exhibit
- p. Office use
- q. Personal service shop
- r. Protective and emergency services
- s. Solar energy collection system
- t. Buildings and uses accessory to permitted uses

### 2 | Discretionary Uses

- a. Alcohol retail sales
- b. Amusement establishment, indoor
- c. Animal hospital
- d. Automotive and equipment repair shop, light



- e. Automobile, light truck and recreational vehicle sales and service
- f. Bed and breakfast establishment
- g. Boarding and lodging house
- h. Bus depot
- i. Carwash
- j. Commercial communications (CC) facility
- k. Drinking establishment
- l. Drive-in business
- m. Drive-in restaurant
- n. Dwelling, apartment
- o. Greenhouse and plant nursery
- p. Limited contractor service
- q. Motel and/or hotel
- r. Multi-use development
- s. Place of worship
- t. Private club
- u. Shipping container
- v. Secondary commercial use
- w. Service station
- x. Suite, surveillance
- y. Supportive living facility
- z. Utility building, public
- aa. Utility, public
- bb. Utility, major public
- cc. Veterinary clinic
- dd. Wind energy conversion system, micro
- ee. Dwelling units in a building used for any of the above mentioned permitted or discretionary uses if the dwelling units are not located on the main floor
- ff. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- gg. Buildings and uses accessory to discretionary uses



### 3 | Regulations

RELATING TO ALL USES	
Minimum Lot Area	168 m <sup>2</sup> (1,800 ft <sup>2</sup> )
Minimum Lot Width	4.5 m (15.0 ft)
Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform with existing development
Minimum Rear Yard	7.6 m (25.0 ft), or as required by the Development Authority
Minimum Side Yard	None, if the subject lot is bordered on both sides by land classified C1. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 15 m (5.0 ft).
Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
Minimum Floor Area	As required by the Development Authority
Multiple Commercial Uses On A Lot	Where groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking and specific commercial uses.
Dwellings	The regulations for dwelling units shall be as indicated for apartments in the Residential (R3) District.



## 9.9 C2 – COMMERCIAL DISTRICT

The General purpose of this district is to permit, more land extensive commercial land uses.

### 1 | Permitted Uses

- a. Amusement establishment, indoor
- b. Amusement establishment, outdoor
- c. Animal hospital
- d. auctioneering establishment
- e. Automotive and equipment repair shop, light
- f. Automotive and recreational vehicles sales/rental establishment, light
- g. bulk fuel station
- h. Business support services establishment
- i. Bus depot
- j. Carwash
- k. Child care facility
- l. Commercial school
- m. Communications tower, small radio
- n. Community recreation service
- o. Drive-in business
- p. Drive-in restaurant
- q. Eating and drinking establishment
- r. Entertainment establishment
- s. Equipment rental establishment
- t. Fleet services
- u. Gas bar
- v. General commercial use
- w. General contractor service
- x. General retail establishment
- y. Government services
- z. Highway commercial use
- aa. Health service
- bb. Institutional use
- cc. Library and/or cultural exhibit
- dd. Limited contractor service



- ee. Motel and/or hotel
- ff. Office use
- gg. Personal service shop
- hh. Protective and emergency services
- ii. Solar energy collection system
- jj. Shipping container
- kk. Secondary commercial use
- ll. Service station
- mm. Truck and recreational vehicle sales/rental establishment
- nn. Utility building, public
- oo. utility, public
- pp. Veterinary clinic
- qq. Warehouse sales establishment
- rr. Wind energy conversion system, micro
- ss. Buildings and uses accessory to permitted uses

## 2 | Discretionary Uses

- a. Alcohol retail sales
- b. Automotive and equipment repair shop, heavy
- c. Automotive and recreational vehicles sales/rental establishment, heavy
- d. Campground
- e. Commercial communications (CC) facility
- f. Commercial storage
- g. Drinking establishment
- h. Greenhouse and plant nursery
- i. Multi-use development
- j. Outdoor storage
- k. Place of worship
- l. Private club
- m. Recreational vehicle campground
- n. Recreational vehicle campground, seasonal
- o. Recreational vehicle campground, workcamp
- p. Self-service storage facility
- q. Suite, surveillance
- r. Trucking and cartage establishment



- s. Utility, major public
- t. Veterinary clinic, large animal
- u. Wind energy conversion system, small
- v. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- w. Buildings and uses accessory to discretionary uses

### 3 | Regulations

RELATING TO ALL USES	
Minimum Lot Area	2045 m <sup>2</sup> (22,000 ft <sup>2</sup> )
Minimum Lot Width	4.5 m (15.0 ft)
Minimum Front Yard	7.6 m (25.0 ft), or as required by the Development Authority
Minimum Rear Yard	7.6 m (25.0 ft), or as required by the Development Authority
Minimum Side Yard	3.0 m (10.0 ft), or as required by the Development Authority
Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
Minimum Floor Area	As required by the Development Authority
Maximum Height	The height of buildings shall not exceed 12.0 m (40.0 ft) nor 2 storeys
Obnoxious Uses	No use shall be established that may, in the opinion of the Development Authority, become obnoxious by way of odour, noise, or dust.





## 9.10 M – INDUSTRIAL DISTRICT

The General Purpose of this District is to provide opportunities for light industrial and manufacturing uses, with heavier industry allowed in approved locations at the discretion of the Development Authority. Uses and operations with this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity and glare.

### 1 | Permitted Uses

- a. Industrial uses, light
- b. Servicing establishments
- c. Buildings and uses accessory to permitted uses

### 2 | Discretionary Uses

- a. Industrial uses, medium
- b. All uses listed as permitted or discretionary uses in the C2 District
- c. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- d. Buildings and uses accessory to discretionary uses

### 3 | Regulations

RELATING TO ALL USES	
Minimum Lot Area	As required by the Development Authority
Minimum Lot Coverage	60%
Minimum Front Yard	9.0 m (30 ft)
Minimum Rear Yard	9.0 m (30 ft)
Minimum Side Yard	As required by the Development Authority
Maximum Building Height	At the discretion of the Development Authority



## 9.11 P – COMMUNITY DISTRICT

- 1 | The General Purpose of this District is to permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.
- 2 | Permitted Uses
  - a. Public parks
  - b. Utility building, public
  - c. Utility, public
  - d. Utility, major public
  - e. Accessory buildings and uses
- 3 | Discretionary Uses
  - a. Agriculture, extensive
  - b. Cemeteries
  - c. Federal, provincial and municipal buildings and uses
  - d. Shipping containers
  - e. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- 4 | Regulations

RELATING TO ALL USES
As required by the Development Authority



## 9.12 I – INSTITUTIONAL DISTRICT

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

### 1 | Permitted Uses

- a. Commercial schools
- b. Entertainment establishment
- c. Family care facilities
- d. Government services
- e. Group care facilities
- f. Health services
- g. Institutional uses
- h. Library and/or cultural exhibits
- i. Office uses
- j. Places of Worship
- k. Private club
- l. Protective and emergency services
- m. Public education facilities
- n. Public parks
- o. Public uses
- p. Recreational uses
- q. Senior citizens' homes
- r. Supportive living facilities
- s. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Cemeteries
- b. Clubs and lodges
- c. Day cares
- d. Utility building, public
- e. Utility, public
- f. Utility, major public
- g. Recreational vehicle campground
- h. Recreational vehicle campground, seasonal
- i. Shipping containers



- j. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 3 | Regulations

RELATING TO ALL USES
As required by the Development Authority



## 9.13 UR – URBAN RESERVE DISTRICT

The General Purpose of this District is to reserve those lands on the periphery of the municipality which, by their relationship to existing land uses, the main road system, and the established utility systems, will in time become suitable for general urban uses.

### 1 | Permitted Uses

- a. Extensive agriculture, excluding feed lots, hog barns, poultry farms and fur farms
- b. Day homes
- c. Home occupations, minor
- d. Solar energy collection system
- e. Wind energy conversion system, micro
- f. Accessory buildings and uses

### 2 | Discretionary Uses

- a. Any strictly temporary use or building which in the opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future
- b. Dwellings, single detached
- c. Home occupations, Major
- d. Suite, garage
- e. Suite, garden
- f. Suite, in-law
- g. Suite, secondary
- h. Utility building, public
- i. Utility, public
- j. Utility, major public
- k. Shipping containers
- l. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



### 3 | Regulations

#### RELATING TO SUBDIVISION & DEVELOPMENT

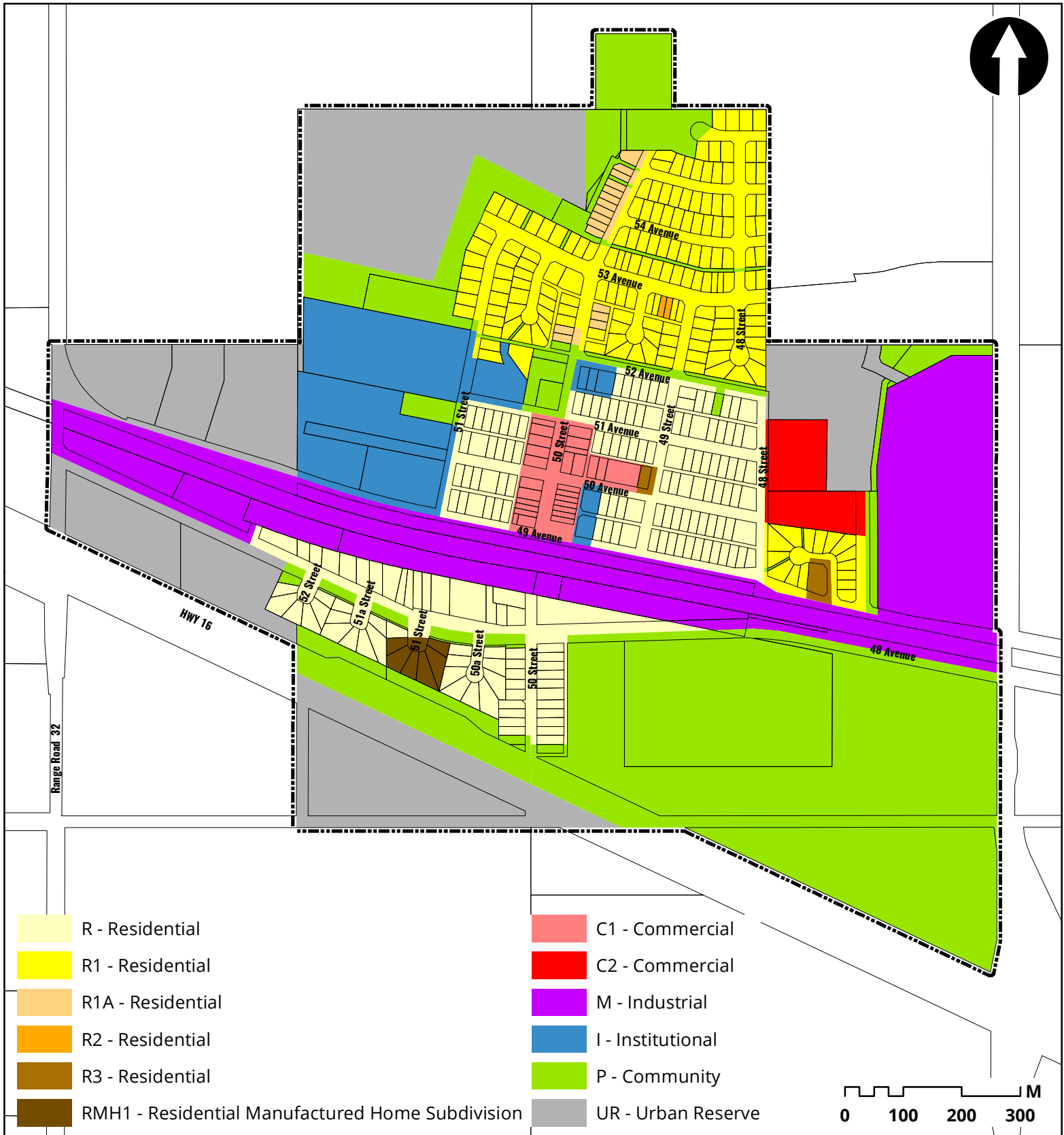
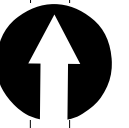
No subdivision or development other than for the above uses shall take place until an overall plan for the area has been approved. This plan should establish a scheme showing subdivision design & phasing, the proposed land use classification, public reserve dedications and utilities policies.

#### RELATING TO ALL USES

As required by the Development Authority



# 10 LAND USE DISTRICT MAP



# VILLAGE OF KITSCOTY LAND USE DISTRICT MAP

Digital Information: Geogratis and Altalis  
Projection: UTM NAD 83 12N







# 11 APPENDIX A – Guidelines for Environmental Reserves & Environmental Reserve Easements

## Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

**Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.**

Water Feature	Minimum ER Width <sup>2</sup>	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland <sup>1</sup>	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River ( $\geq 15$ m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream ( $\leq 3$ m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	
<sup>1</sup> Sustainable Resource Development views the term “swamp” to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands). <sup>2</sup> In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.		

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> <li>The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less.</li> <li>The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development within a floodplain is discouraged.</li> <li>Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines).</li> <li>The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.</li> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

**BYLAW NO. 2022-11**  
**A BYLAW OF THE VILLAGE OF KITSCOTY**  
**TO AMEND THE LAND USE BYLAW OF THE VILLAGE OF KITSCOTY**

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw.

**WHEREAS** the Council of the Village of Kitscoty wishes to amend its Land Use Bylaw as it affects certain lands.

**NOW THEREFORE** the Council of the Village of Kitscoty, duly assembled, enacts as follows.

1. Bylaw No. 2017-06 the Land Use Bylaw of the Village of Kitscoty, as amended, is hereby further amended as follows:
  - a) The Land Use District Map is hereby amended by redistricting the following lands, which are currently within the R1 – Residential District to the R2 – Residential District:
    - i. Lots 27-29, inclusive, Block 1, Plan 152-4535

The area to be redistricted to R2 – Residential District is shown on Schedule "A" of this Bylaw.

READ A FIRST TIME IN COUNCIL THIS 15<sup>th</sup> DAY OF AUGUST, A.D. 2022,

 Mayor  Chief Administrative Officer

READ A SECOND TIME IN COUNCIL THIS 24<sup>th</sup> DAY OF AUGUST, A.D. 2022,

 Mayor  Chief Administrative Officer

READ A THIRD TIME IN COUNCIL THIS 24<sup>th</sup> DAY OF AUGUST A.D. 2022,

 Mayor  Chief Administrative Officer



The lands identified are to be redistricted:

**FROM: R1 - Residential District**

**TO: R2 - Residential District**

**LEGAL DESCRIPTION:** Lots 27, 28, and 29, Block 1, Plan 152-4535



Lands to be Redistricted

**July  
2022**



0 15 30 60 M

Digital Information: Geogatis, Geodiscover, Altalis  
Projection: UTM NAD 83 12N

BYLAW 2022-11  
**SCHEDULE A**

VILLAGE OF  
**KITSCOTY**

