

VILLAGE OF ANDREW

LAND USE BYLAW

BYLAW NO. 98-03

1998

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Note:

This document has been prepared for convenience only. The official Bylaw, and any amendments thereto, which are available from the office of the Village Administrator, should be consulted for all purposes of interpretation and application.

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BYLAW NO. 98-03

LAND USE BYLAW

Pursuant to the Municipal Government Act, 1994, as amended, the Council of the Village of Andrew duly assembled, hereby enacts as follows:

PART ONE - GENERAL

1.1 Title

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

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) "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;
- (2) "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;
- (3) "Act" means the Municipal Government Act, 1994, as amended;

- (14) "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 one family dwellings, duplexes, row housing, apartments, and manufactured homes;
- (15) "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;
- (16) "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;
- (17) "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;
- (18) "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;
- (19) "front yard" 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;
- (20) "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;
- (21) "ground floor area" means the total area of a lot including accessory buildings which is covered by any building or structure;
- (22) "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;
- (23) "group home" means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;

- (31) "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;
- (32) "municipality" means the Village of Andrew;
- (33) "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;
- (34) "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;
- (35) "one family dwelling" means a dwelling consisting of one (1) dwelling unit, but does not include a manufactured home;
- (36) "owner" means:
- (a) 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
 - (b) in the case of any other land, the owner of the land according to the municipality's assessment roll.
- (37) "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;
- (38) "public utility" means a public utility, as defined in the Act;
- (39) "rear line" means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road;

- (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.

1.5 Establishment of Land Use District Regulations

Land Use District regulations shall be as set forth in the Schedule of Land Use District Regulations, being Schedule B hereto, which Schedule is hereby adopted to be part of this Bylaw, and which may be amended in the same manner as any other part of this Bylaw.

1.5 6 Establishment of Sign Regulations

Sign regulations shall be as set forth in the Schedule of Sign Regulations, being Schedule C hereto, which Schedule is hereby adopted to be part of this Bylaw, and which may be amended in the same manner as any other part of this Bylaw.

PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES

3.1 Control of Development

No development other than that designated in Section 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 erection, construction, or 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 3.0 ft. in height in front yards and less than 6.0 ft. in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure.
- (5) 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.
- (6) 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.
- (7) An accessory building or structure in a Residential District with a gross floor area of under 100 sq. ft., unless the accessory building or structure does not satisfy the regulations indicated in Section 1.15 of Schedule B hereof.
- (8) 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

- (a) a site plan showing the legal description; the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking; and access and egress points to the site;
 - (b) a statement of the proposed uses; and
 - (c) a statement of ownership of the land and the interest of the applicant therein.
- (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 floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, 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.
- (4) The Development Authority shall receive, review, consider and decide on all applications for a development permit.
- (5) 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.
- (6) 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.
- (7) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four 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.
- (8) 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

- (4) Notwithstanding subsections (1) and (3) above, when a development permit is issued for a permitted use and no variance or relaxation of the regulations of this Bylaw has been granted, there shall be no notice of the decision given by the Development Authority and the development permit comes into effect on the day after it is granted.
- (5) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.
- (6) A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

- (d) such other persons as the Board specifies.
- (3) The Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal therefrom; or
 - (b) the order of the Development Authority under Section 5.1,as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
 - (a) the appellant or any other person acting on his 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 and who wishes to be heard or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

4.3 Decision

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) 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 appealed.

the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

(6) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) 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.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$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.
- (d) 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.
- (e) 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.
- (f) 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.

5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:

- (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 drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 4.0 ft. in height nor more than 6.0 ft. in height adjacent to any Residential District.
- (5) All other commercial developments shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 6.0 ft. in height along any side or rear lines adjacent to any Residential District.

1.6 Landscaping

- (1) Garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- (2) Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
- (3) As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within two months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- (4) Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

1.7 Objects Prohibited or Restricted in Yards

No person shall keep or allow in any part of any yard in any Residential District:

- (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
- (b) 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;
- (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
- (d) any commercial vehicle, loaded or unloaded, of a weight in excess of 9000 lbs.

1.11 Sour Gas Facilities

- (1) No development shall be permitted within 330 ft. of a Level 1 sour gas facility as determined by the Alberta Energy and Utilities Board (A.E.U.B.).
- (2) No development shall be permitted within 1640 ft. of a Level 2 sour gas facility as determined by the Alberta Energy and Utilities Board (A.E.U.B.).
- (3) No development shall be permitted within 4921 ft. of a Level 3 sour gas facility as determined by the Alberta Energy and Utilities Board (A.E.U.B.).

1.12 Off-Street Loading

- (1) When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 10.0 ft. in width, 25.0 ft. in length, and 14.0 ft. in height.
- (2) Such loading spaces shall provide vehicular ingress to and egress from a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting roads or lanes.
- (3) Such loading spaces shall be developed, including any hardsurfacing and drainage, in accordance with any requirements of the Development Authority.
- (4) Number of Off-Street Loading Spaces

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or similar development, one (1) space for each 25,000 sq. ft. of gross floor area or part thereof.
- (b) For other uses, no spaces.

1.13 Off-Street Automobile Parking

- (1) Location of Site and Site Standards
 - (a) All off-street parking areas and accessory off-street parking areas:
 - (i) shall not be located within 3.0 ft. of a lot boundary line common to the lot and to a road,
 - (ii) shall have parking spaces and manoeuvring aisles designed and sized to the satisfaction of the Development Authority,

Apartments and row housing,
including dwelling units on lots within the
C1 District

1.5 per dwelling unit (Where this
results in a fractional requirement,
the total requirement shall be the
next whole number.)

Home occupations

1 in addition to the requirements for
the residential use

Commercial Uses

Retail and personal service shops,
banks and offices

1 per 500 sq. ft. of gross
leasable floor area

Restaurants, cocktail bars, taverns

1 per 5 seating spaces plus 1 per 3
employees

Hotels, motor hotels and motels

1 per rentable unit plus 1 per 3
employees

Places of Public Assembly

Auditoriums, churches, halls, clubs,
theatres and other amusement or recreation
places

To the satisfaction of the
Development Authority, but not less
than 1 space per 10 seating spaces.

Schools

Public, separate or private elementary
and Jr. High Schools

1 per employee, plus 5

Public or private Sr. High Schools, with
or without an auditorium, gymnasium
or swimming pool

1 per employee, plus 1 for every 10
students

Industrial Uses

Manufacturing and industrial plants,
warehousing, wholesale and storage
buildings and yards, servicing and repair
establishments, research laboratories and
public utility buildings.

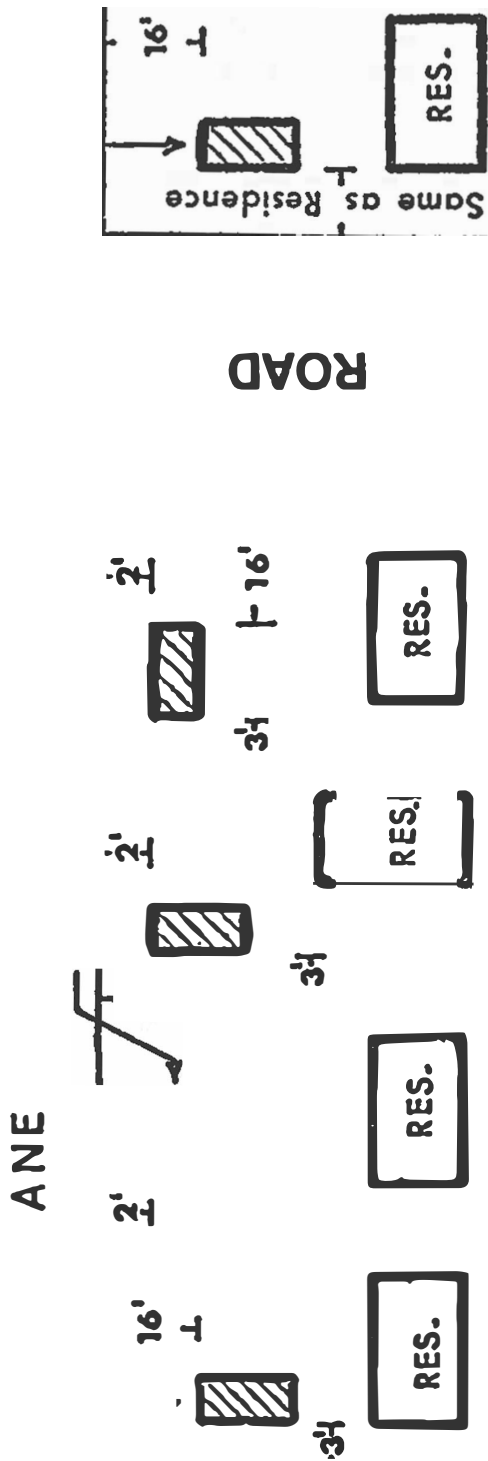
1 per 3 employees on maximum
shift provided that this standard may
be varied by the Development
Authority

Hospitals & Similar Uses

Hospitals, sanitoriums, convalescent homes,
etc.

1 per 1000 sq. ft. of gross floor area,
or 1 per 4 beds and 1 for every 2
employees on maximum shift,
whichever is greater

Figure "A" - Siting of Accessory Buildings



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Fig. 4

Fig. 3

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PART TWO - SPECIAL PROVISIONS

2.1 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.

- (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 Section 3.4(1) of this Bylaw:

Type of industry
Size of buildings
Number of employees
Estimated water demand and anticipated source
Type of effluent and method of treatment
Transportation routes to be used (rail and road)
Reason for specific location
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.

2.3 Service Stations (Including Gas Bars)

- (1) No part of any building or accessory building, structure, or use shall be located within 20.0 ft. of a side or rear line and 40.0 ft. of a front line; however, gasoline pumps may be located as little as 20.0 ft. from the front line.
- (2) The minimum lot area shall be 8,000.0 sq. ft. When a car wash is included, the minimum lot area shall be 12,000.0 sq. ft.
- (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

(4) **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.

(5) **Entrances and Exits**

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

(6) **The owner, tenant, operator or person in charge of a motel shall at all times:**

- (i) 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;
- (ii) maintain garbage facilities to the satisfaction of the Development Authority;
- (iii) maintain an appropriate fence, where required by the Development Authority, not less than 5.0 ft. in height, around the boundaries of the lot; and
- (iv) landscape and keep the lot landscaped to the satisfaction of the Development Authority.

2.7 Churches

- (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 10,000.0 sq. ft. 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 15,000.0 sq. ft.
- (2) Minimum front, side and rear yards shall be those required within the District in which the church is located.

2.8 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) The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit.
- (8) The following regulations also apply to manufactured home parks:
 - (a) Manufactured home stalls shall be located at least 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 30.0 ft.
 - (c) A safe, convenient, all season pedestrian walkway of at least 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.

PART THREE - LAND USE DISTRICTS

3.1 RESIDENTIAL DISTRICT - R

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

1. Permitted Uses

- (a) One family dwellings
- (b) Day homes
- (c) Minor home occupations
- (d) Accessory buildings and uses

2. Discretionary Uses

- (a) Apartments
- (b) Churches
- (c) Duplexes
- (d) Family care facilities
- (e) Group care facilities
- (f) Major home occupations
- (g) Manufactured homes
- (h) Parks
- (i) Public or quasi-public buildings and uses required to serve the immediate area
- (j) Public utilities required to serve the immediate area
- (k) Row housing
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. Regulations

(a) Relating to One Family Dwellings

- (i) Minimum lot area - 6000 sq. ft.
- (ii) Minimum lot width - 50.0 ft., and, in the case of irregularly shaped lots, an average of 50.0 ft.
- (iii) Minimum front yard - 25.0 ft.
- (iv) Minimum rear yard - 25.0 ft.
- (v) Minimum side yard - 10% of lot width
- Corner lots - 15.0 ft. abutting road

- b. One Bedroom dwelling unit - 1050 sq. ft.
 - c. Two or more Bedrooms dwelling unit - 1450 sq. ft.
- (iii) Minimum lot area - 8600 sq. ft.
- (iv) Maximum building height - 35.0 ft. or 3 storeys, whichever is shorter
- (v) Maximum lot coverage - 30%
- (vi) Minimum yards
 - a. Front- 30.0 ft.
 - b. Rear - 30.0 ft.
 - c. Side - 40% of the building height, or 15% of the lot width, whichever is greater
- (e) Relating to Manufactured Homes
 - (i) All manufactured homes shall be placed on a permanent foundation and shall be of a non-transient nature.
 - (ii) Minimum lot area - 5000 sq. ft.
 - (iii) Maximum height - 15.0 ft.
 - (iv) Minimum floor area - 500 sq. ft., excluding any porch
 - (v) Minimum yards - same as for one family dwellings
 - (vi) Maximum lot coverage
 - dwellings - 23%
 - accessory buildings - 12%
- (f) Relating to All Other Uses - as required by the Development Authority

3.3 COMMERCIAL DISTRICT - C1

The General Purpose of this District is to permit commercial development appropriate for the central business district of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

1. Permitted Uses

- (a) Banks
- (b) Barber shops, beauty parlours
- (c) Coin laundries
- (d) Dry cleaners
- (e) Grocery stores
- (f) Household appliance sales
- (g) Offices
- (h) Public parks
- (i) Restaurants
- (j) Retail stores
- (k) Shoe repair shops
- (l) Tailor shops
- (m) If the floor space area use is not greater than 4000 sq. ft., the manufacture or treatment of products essential to the retail business conducted on the premises, for example:
 - a bakery
 - a dyeing or cleaning plant or establishment
 - the manufacture of candy, confectionary, ice cream or jam
- (n) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Automobile, light truck and recreational vehicle sales and service
- (b) Bowling alleys
- (c) Clinics
- (d) Clubs and lodges
- (e) Dance halls
- (f) Hotels
- (g) Motels
- (h) Parking lots
- (i) Public or quasi-public buildings and uses
- (j) Public utilities
- (k) Service stations and gas bars
- (l) Theatres
- (m) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (n) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (o) Buildings and uses accessory to discretionary uses

3.4 COMMERCIAL DISTRICT - C2

The General Purpose of this District is to permit commercial development of a secondary nature, including workshop type uses, and, at the discretion of the Development Authority, more land extensive land uses.

1. Permitted Uses

- (a) A workshop used by any of the following:
 - Cabinet Maker
 - Carpenter
 - Decorator
 - Electrician
 - Gas Fitter
 - Launderer
 - Metal Worker
 - Painter
 - Pipe Fitter
 - Plumber
 - Printer
 - Tinsmith
 - Upholsterer
- (b) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Auction marts
- (b) Automobile garages
- (c) Frozen food lockers
- (d) Funeral parlours
- (e) Motels
- (f) Service stations and gas bars
- (g) Storage and/or sale of:
 - Automobiles
 - Building supplies
 - Bulk Oil
 - Farm Machinery
 - Fertilizer
 - Lumber
 - Propane Gas
- (h) Veterinary clinics
- (i) Wholesale warehouses
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (k) Buildings and uses accessory to discretionary uses, including a dwelling unit for an owner or operator of a development on a lot

3. Regulations

- (a) Minimum lot area - 2500 sq. ft.
- (b) Minimum lot width - 25.0 ft.

3.5 INDUSTRIAL DISTRICT - M

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) Light industrial uses
- (b) Servicing establishments
- (c) Warehousing; storage, and distribution of raw materials, processed or manufactured goods
- (d) All uses listed as permitted or discretionary uses in the C2 District
- (e) Buildings and uses accessory to permitted uses

2. Discretionary Uses

- (a) Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas noise or vibration
- (b) Municipal uses that are not restrictive and are compatible with an industrial area
- (c) Recreational uses that are not restrictive and are compatible with an industrial area
- (d) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

3. Regulations

- (a) Minimum lot area - as required by the Development Authority
- (b) Minimum yards
 - (i) Front - 30.0 ft.
 - (ii) Side - as required by the Development Authority
 - (iii) Rear - 30.0 ft.
- (c) Maximum lot coverage - 60%
- (d) Maximum building height - 35.0 ft.

3.7 INSTITUTIONAL DISTRICT - I

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) Churches
- (b) Community Halls
- (c) Hospitals and Nursing Homes
- (d) Schools
- (e) Senior citizens homes and similar buildings
- (f) Accessory buildings and uses

2. Discretionary Uses

- (a) Cemeteries
- (b) Clubs and lodges
- (c) Day cares
- (d) Public or quasi-public buildings and uses
- (e) Public utilities
- (f) Recreational uses
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

3. Regulations

- (a) All regulations shall be as required by the Development Authority

SCHEDULE C

SCHEDULE OF SIGN REGULATIONS

1.1 DEFINITIONS

(1) In this Part:

- (a)** "sign" means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign and, except as hereinafter provided, is subject to all regulations governing signs. Without restricting the generality of the foregoing, signs includes posters, notices, panels, boardings, and banners;
- (b)** "area of a sign" 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;
- (c)** "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 ownership of the property on which the structure is located;
- (d)** "business frontage" means:

 - (i)** any side of a lot or building which abuts a road, or
 - (ii)** in the case of individual business or tenants within a building, any business which has separate access to a road;
- (e)** "fascia sign" 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;
- (f)** "free-standing sign" 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;
- (g)** "free-standing portable sign" means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

- (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 2.0 sq. ft. 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 5.0 sq. ft. 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 12.0 sq. ft. 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 32.0 sq. ft., 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:

- (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.

1.4 GENERAL PROVISIONS

- (1) All proposed signs, with the exception of the exemptions as provided for in Section 1.2 of this Schedule, shall be authorized by the Development Authority prior to any building permit being issued.
- (2)
 - (a) With the exception of the special provisions relating to billboards, all signs shall contain "point-of-sale advertising" only.
 - (b) 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.
 - (c) No sign shall be permitted which is attached to or standing on the ground on a road or in a publicly-owned place.
 - (d) 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.
- (3) 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.

1.5 FASCIA SIGNS

- (1) Except as provided for in Section 1.2 of this Schedule, 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 1.5 ft. above the top of the vertical face of the wall to which it is attached,

- (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. above the ground or sidewalk;
 - (b) no part of the sign shall project more than 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 2.0 ft.
- (2) There shall be only one projecting sign for each business frontage, provided that if a business frontage shall exceed 50.0 ft., a further projecting sign shall be permitted for each additional 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	6.0 ft.	5.0 ft.	4.0 ft.	3.0 ft. or less
maximum area of sign	35 sq. ft.	48 sq. ft.	60 sq. ft.	75 sq. ft.
 - (4) Support shall not be provided by an "A" frame.

1.9 FREE-STANDING SIGNS

- (1) Except as provided for in Section 1.2 of this Schedule, 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 1.0 sq. ft. for each linear foot of business frontage to a maximum of 90 sq. ft., 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.

owner fails to comply with the notice to remove the billboard, the municipality will remove and destroy the billboard.

1.11 ILLUMINATED ROOF AND SKY SIGNS

- (1) Except as provided for in Section 1.2 of this Schedule, 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 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 4.0 ft. or more than 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.

1.12 VARIANCES

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.

1.13 EXISTING SIGNS

This Schedule of the Bylaw shall not be applied to signs legally in existence at the date of the adoption of this Bylaw.

HIGHWAY 45

NE 32-56-16-4

VILLAGE OF ANDREW LAND USE BYLAW - SCHEDULE A LAND USE DISTRICT MAP

LEGEND

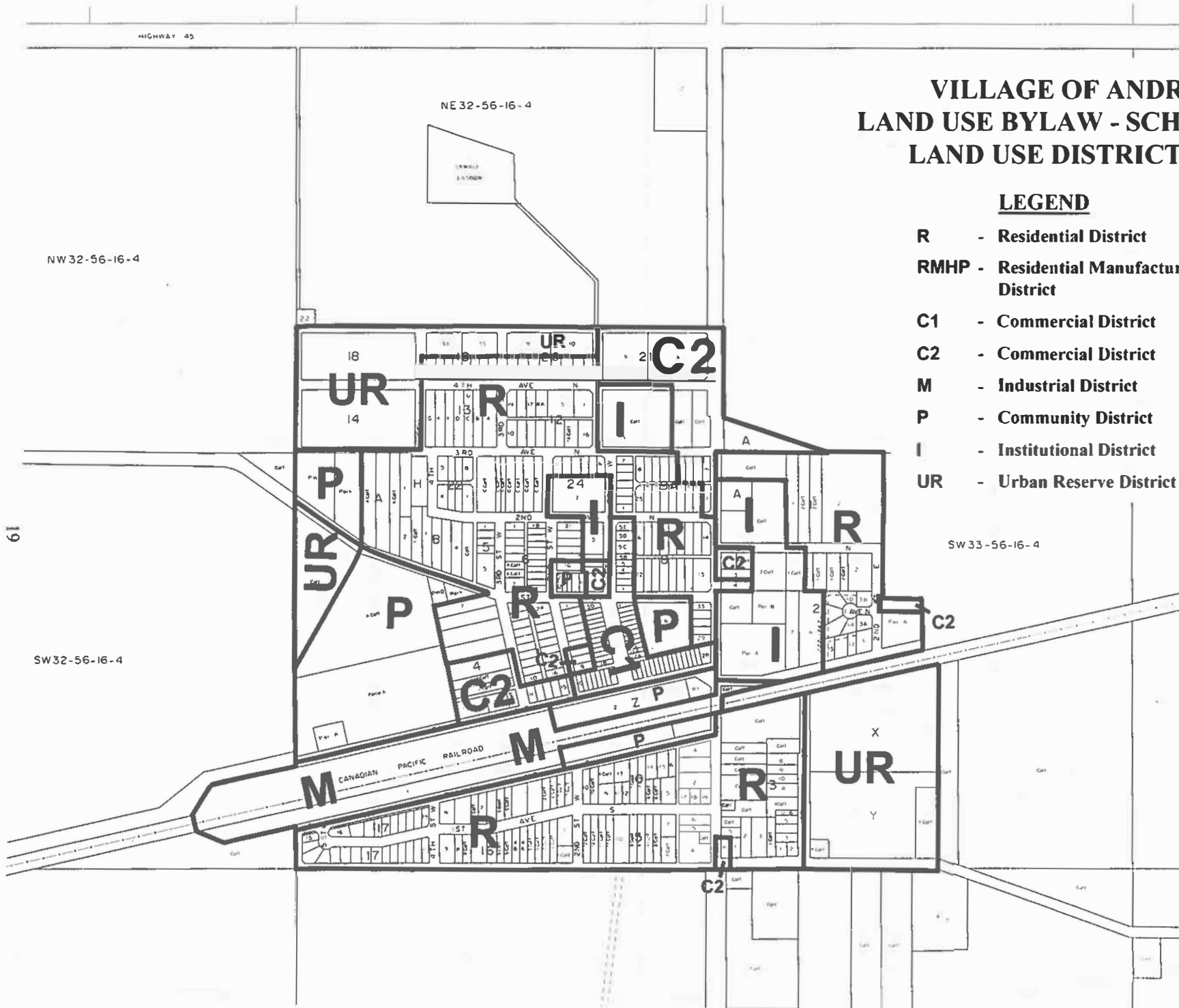
- R - Residential District
- RMHP - Residential Manufactured Home Park District
- C1 - Commercial District
- C2 - Commercial District
- M - Industrial District
- P - Community District
- I - Institutional District
- UR - Urban Reserve District

SW 33-56-16-4

NW 32-56-16-4

SW 32-56-16-4

6



FORMS

and

METRIC CONVERSION TABLE

THESE FORMS

and THE METRIC CONVERSION TABLE

ARE NOT PART OF

BYLAW NO. 98-03

BUT ARE INCLUDED HERE FOR INFORMATION

<u>Imperial</u>	Metric Equivalent	Metric measurement	<u>Imperial Equivalent</u>
50,000	227,300		
0.5 mile	0.80467 km	0.8 km	0.49710 mile
10 miles	16.093	16.0	9.9419 miles
1 sq. ft.	0.0929 sq. m	0.1 sq. m	
6	0.5574	0.6	
20	1.8581	1.9	
285	26.477	26.5	
600	55.742	55.7	
750	69.677	69.7	
900	83.613	83.6	
1,000	92.903	92.9	
1,500	139.35	139.4	
1,600	148.64	148.6	
6,000	557.42	557.4	
10,000	929.03	929.0	
20,000	1858.1	1858.1	

COMMON EQUIVALENTS AND CONVERSIONS

Approximate Common Equivalents	Accurate Conversions
1 in = 25 mm	in. x 25.4 = 1 m
1 ft = 0.30 m	ft. x 0.3048 = 1 m
1 yard = 0.91 m	yd. x 0.9144 = 1 m
1 mile = 1.6 km	miles x 1.609344 = 1 km
1 sq. in = 6.5 cm ²	sq. in. x 6.4516 = 1 cm ²
1 sq. ft = 0.90 m ²	sq. ft. x 0.09290304 = 1 m ²
1 sq. yd = 0.84 m ²	sq. yd. x 0.8361274 = 1 m ²
1 acre = 0.40 ha	acre x 0.4046856 = 1 ha
1 gallon = 4.5 litres	gallon x 4.54609 = 1 litre

VILLAGE OF ANDREW LAND USE BY-LAW

APPLICATION FOR DEVELOPMENT (Regular Form)

I hereby make application under the provisions of the Land Use By-law for a Development Permit in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant: _____ Telephone: _____

Address: _____

Owner of Land: _____

Address: _____

Interest of Applicant if not Owner of land: _____

Address of property to be developed: _____

Lot (parcel): _____ Block: _____ Registered Plan No.: _____

Existing use of land or buildings on the property: _____

Proposed Main Use: _____

Proposed Accessory Use: _____

Land Use District: _____ Lot type: Interior _____ Corner _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards: Front: _____ Rear: _____ Side: _____

Proposed Floor Area: _____

Height of Main Building: _____ Height of Accessory Building(s): _____

Off-Street Parking: Size of spaces: _____ Number of Spaces: _____

Off-Street Loading: Size of spaces: _____ Number of Spaces: _____

Estimated commencement date: _____ Estimated completion date: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

NOTICE OF DECISION - OFFICIAL USE ONLY

The above application has been APPROVED _____ REFUSED _____

Conditions of Approval (if any)

Reasons for Refusal

Date of Decision: _____, 19 _____

Date of Issue of this Notice and Permit: _____, 19 _____

Signed: _____
Development Authority

IMPORTANT: Read Note on Other Side

Permit No. _____

DEVELOPMENT PERMIT

Development involving Application No. _____ has been:

_____ APPROVED

_____ APPROVED, Subject to the following conditions,

You are hereby authorized to proceed with the development specified, provided that:

- a) any stated conditions are complied with;
- b) development is in accordance with any approved plans and applications; and
- c) all applicable permits are obtained.

Should an appeal be made against this decision to the Subdivision and Development Appeal Board, the development permit does not come into effect until the appeal has been determined and the permit may be modified or nullified.

Date of Decision _____ Date of Issue of Development Permit _____

Development Authority _____

NOTE:

1. This Development Permit does not become effective until 15 days after the date of issue.
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Authority may appeal to the Subdivision and Development Appeal Board by serving written notice of appeal, together with reasons and the appeal fee as established by Council, to the Secretary of that Board within 14 days after notice of the decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

Re: Application No: _____

NOTICE OF DECISION OF THE DEVELOPMENT AUTHORITY

This is to notify you of a decision of the Development Authority whereby a development permit has been issued authorizing the following development.

Address of property: _____

Lot: _____ Block: _____ Registered Plan: _____

or Certificate of Title: _____

Date of Decision: _____

The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Authority may appeal to the Subdivision and Development Appeal Board by serving written notice of appeal, together with reasons and the appeal fee as established by Council, to the Secretary of that Board within 14 days after notice of the decision is given.

Re: Development Permit Application No: _____
Development Permit No: _____

NOTICE OF APPEAL DECISION

This is to notify you that an appeal against a decision with respect to Application No. _____/Development Permit No. _____ was considered by the Subdivision and Development Appeal Board on _____, 19____ and the decision of the Board is as follows and for the following reasons.

Date

Secretary,
Subdivision and Development
Appeal Board

Note:

A decision of the Subdivision and Development Appeal Board is final and binding and subject only to an appeal upon a question of jurisdiction or law pursuant to the Municipal Government Act, 1994, as amended. An application for leave to appeal may be made to a judge of the Court of Appeal within 30 days after the issue of the decision by the Subdivision and Development Appeal Board.

STOP ORDER

Please be advised that you, as the registered owner, person in possession, or the person responsible, are immediately required, by virtue of this Order as per Section 545 of the Municipal Government Act, 1994, as amended, to stop

_____ the development or construction of _____

_____ the use of land being

on the parcel of land known as _____

and to demolish _____

remove _____

by _____ to make same comply with the Village

of Andrew Land Use Bylaw and the Municipal Government Act, as amended.

You may appeal this Order to the Subdivision and Development Appeal Board within 14 days of the date of this Order. If you should fail to comply with this Order, the Village may take legal action under the Municipal Government Act. The maximum fine for contravening a bylaw under the Municipal Government Act is \$10,000.

Date: _____

DEVELOPMENT AUTHORITY