

**VILLAGE OF ANDREW**  
**LAND USE BYLAW**  
**NO. 2013-03**



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# 1 Introduction

## 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 regulate the use and development of land and buildings within the Village to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (1) to divide the Village 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 including the issuing of 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 allowed on a parcel of land.

## 1.3 Definitions

For the purposes of 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 and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse, sundeck, patio or balcony, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings;

- (3) **"accessory use"** means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building;
- (4) **"Act"** means the Municipal Government Act, R.S.A. 2000, as amended;
- (5) **"adjacent land"** means land that is contiguous to a particular parcel of land and includes land that would be contiguous if not for a highway, road, river or stream;
- (6) **"agricultural industry"** means an industrial activity involving the processing, cleaning, packing or storage of the results from agricultural production. 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 resulting from agricultural production or abattoirs;
- (7) **"agricultural operation"** means an agricultural operation as defined in the Agricultural Operation Practices Act;
- (8) **"agricultural production"** means the production of an agricultural operation. It shall also mean the agricultural product storage, service facilities and farmsteads which relate to the individual farm unit;
- (9) **"amusement establishment, indoor"** means a development providing recreational facilities 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;
- (10) **"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;
- (11) **"animal hospital"** means a building used by veterinarians primarily for the purposes of the consultation, diagnosis and office treatment of household pets, but shall not include long-term board facilities for animals nor kennels;
- (12) **"apartment"** means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- (13) **"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;

- (14) **"automotive and equipment repair shop"** 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. 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;
- (15) **"automotive and recreational vehicle sales/rentals establishment"** means a development where new or used automobiles, trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and recreational vehicle sales/rental establishments include automobile, recreational vehicle, and motorcycle dealerships and rental agencies;
- (16) **"basement"** means the portion of a development which is wholly or partially below grade, having above grade no more than 1.8 m (6.0 ft.) of its clear height lying below the finished level of the floor directly above;
- (17) **"bed and breakfast establishment"** means a development within a dwelling which possesses a dwelling unit, where temporary sleeping accommodations, up to a maximum of two (2) bedrooms, with or without meals, are provided for remuneration to members of the public. A bed and breakfast establishment shall include a boarding house;
- (18) **"boarding house"** means a building or portion thereof where meals are served for a remuneration involving no more than three (3) persons, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use;
- (19) **"building"** includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;
- (20) **"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;



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- (21) **"campground"** means a development where tents are erected and/or recreational vehicles are parked for the purpose of overnight or short term accommodation. A campground includes any building, structure, tent, vehicle or enclosure accessory to the main use that is located on the land and used as an integral part of the campground such as washhouses, gazebos, picnic shelters, etc.;
- (22) **"caretaker/security residence"** means a dwelling unit on a parcel of land which is incidental and contained within a main building, or one manufactured home which is incidental to the main use, provided that the dwelling unit is specifically used in conjunction with the protection of private property;
- (23) **"carport"** means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;
- (24) **"carrier"** means a company or applicant that provides wireless commercial or essential institutional communications services;
- (25) **"cemetery"** means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, mausoleums and memorial parks or a religious assembly, and one attached or separate manse;
- (26) **"co-location"** means locating on a site and tower with other Wireless Communications Operators;
- (27) **"commercial use"** means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, recreational vehicle parks, and resorts;
- (28) **"confined feeding operation"** means a confined feeding operation as defined in the Agricultural Operation Practices Act;
- (29) **"contractor service, limited"** 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 stored and sold, where all materials are kept within an enclosed

building, and where there are no accessory manufacturing activities or parking or storage of more than four (4) vehicles:

- (30) **"contractor service, general"** means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road, oil field, pipeline, or similar services of a construction or services nature are provided, which have on-site storage of materials, construction equipment, or vehicles normally associated with the contractor service, and which is not a limited contractor service. Any sales, display, office or technical support service areas shall be accessory to the main use only;
- (31) **"corner lot"** means a lot having boundary lines on two or more roads or highways, or with a road and a highway, at their intersection or junction. Corner lot also means a lot having a boundary line at a point where a road or highway changes direction by a minimum of 45 degrees within the boundaries of the lot;
- (32) **"Council"** mean the Council of the Village of Andrew;
- (33) **"coverage"** means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot;
- (34) **"date of issue"** means the date on which the notice of a decision of the Development Authority is published, or five (5) days after such a notice is mailed;
- (35) **"day 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, but does not include overnight accommodation. Day 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. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (36) **"day home"** means a development operated from a dwelling supplying supervision to a maximum of six (6) children under the age of eleven (11) years or senior citizens, including any resident children and seniors, for periods of more than three (3) but no more than fourteen (14) consecutive hours. A day home may supply an outside recreation space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (37) **"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;

- (38) **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- (39) **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;
- (40) **"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;
- and without restricting the generality of the foregoing, includes:
- (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
  - (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
  - (iii) the display of advertisements or signs on the exterior of a building or on any land,
  - (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
  - (v) 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,
  - (vi) the placing of refuse or waste material on any land,
  - (vii) the use of land for the storage or repair of motor vehicles or other machinery or equipment,
  - (viii) 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,
  - (ix) the demolition or removal of a building,

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- (x) the placement of an already constructed or a partially constructed building on a parcel of land,
- (xi) 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,
- (xii) the removal of topsoil from land,
- (xiii) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months, or
- (xiv) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery;
- (41) **"development authority"** means the development authority of the Village as established by the Village's Development Authority Bylaw;
- (42) **"development authority officer"** means the development authority officer of the Village as established by the Village's Development Authority Bylaw;
- (43) **"development permit"** means a document authorizing a development issued pursuant to this Land Use Bylaw;
- (44) **"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;
- (45) **"discretionary use"** means the use of land or a building provided for in this Land Use Bylaw for which a development permit may be issued upon an application having been made;
- (46) **"domestic pets"** means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals;
- (47) **"drinking establishment"** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site are open to the public and where alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment;
- (48) **"drive-in business"** means a development which serves 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 the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include
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service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;

- (49) **"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;
- (50) **"duplex"** means a dwelling containing two (2) dwelling units which share a common wall, and/or which are located in part or in whole one above the other;
- (51) **"dwelling"** means any building used exclusively for human habitation. This definition shall include single family dwellings, duplexes, semi-detached dwellings, row housing, apartments, and manufactured homes;
- (52) **"dwelling unit"** means a complete dwelling or self-contained portion of a dwelling, 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, semi-permanently, or seasonally as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;
- (53) **"dwelling, single family"** means a building consisting of one (1) dwelling unit. A single family dwelling is a dwelling which is normally constructed on-site. However, a single family dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling;
- (54) **"eating and drinking establishment"** means a development 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. An eating and drinking establishment does not include either a drinking establishment or an entertainment establishment unless otherwise provided for in an approved development permit;
- (55) **"entertainment establishment"** means a development where persons are 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;
- (56) **"equipment rental establishment"** means a development where tools, appliances, recreation craft, office machines, furniture, light construction

equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced:

- (57) **"excavation"** means any breaking of ground, except common household gardening and ground care;
- (58) **"extensive agriculture"** means the use of land or buildings, including one dwelling, for an agricultural operation, but not including intensive agriculture or a confined feeding operation which requires either a registration or an approval under Part 2 of the Agricultural Operations Practices Act;
- (59) **"extensive recreation"** means a development where the prime reason for location is to take advantage of natural features including the availability of large areas of land to provide for non-facility oriented recreational activities. In the context of a large area of land, that is, anything over 32 ha (79.1 ac.), extensive recreation may include such activities as hunting, trail riding, snowmobiling, hiking and other similar uses. In the context of a smaller area of land, that is, anything under 32 ha (79.1 ha), extensive recreation may include the provision of opportunities for viewing nature, fishing, relaxation, and rest, and may or may not include a site where only one or two recreational vehicles or campsites may be located, and/or one cottage, single family dwelling or manufactured home;
- (60) **"exterior wall"** means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft.);
- (61) **"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 physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, but not group homes;
- (62) **"fence"** means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (63) **"floor area"** means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in an apartment shall be included in the calculation of floor area;

- (64) **"floor/area ratio"** means the ratio or decimal resulting from dividing the floor area of all buildings by the total site area of the parcel on which the buildings are located;
- (65) **"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;
- (66) **"front line"** means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line.
- (67) **"front yard"** means a yard extending across the full width of a lot from the front line of the lot to the nearest wall of the main building situated on the lot;
- (68) **"fur farm"** means any land, building, or premises used for the keeping, breeding, or rearing of furbearing livestock;
- (69) **"garage"** means a building to be used for the storage of vehicles such as a passenger car, a truck with a gross vehicle weight of two (2) tonnes or less, a recreational vehicle, a boat, or similar chattels;
- (70) **"general retail establishment"** means a development where, among other goods, 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, except for any and all types of alcoholic beverages. Minor public services, such as postal services and film processing depots may also be provided;
- (71) **"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;
- (72) **"grade"** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (73) **"greenhouse"** means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden or plant nursery;

- (74) **"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 physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, but not group homes;
- (75) **"group home"** means a building or portion of a building used for the care or rehabilitation of adults or children which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability;
- (76) **"guest house"** means an accessory building to a single family dwelling, which contains a dwelling unit or part of a dwelling unit which is used solely by members of the family or by temporary guests of the family occupying the single family dwelling;
- (78) **"health service"** means a development where physical or mental health services are provided on an out-patient or on an in-patient basis. If the services are provided on an in-patient basis, health service may include room and board for the sick, injured, or infirm, and may also include accessory staff residences. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services, hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- (79) **"heavy industrial use"** means a development which would be considered to be a light industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy Industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, petro-chemical industrial establishments, and alfalfa processing plants or large-scale outdoor storage that is unsightly or visually offensive;
- (80) **"heavy truck and equipment storage"** means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident



or residents of the single family dwelling or manufactured home situated on the same lot;

- (81) **"height"** means, when used in relation to a building, the vertical distance between the grade and the highest point of a building that is not a stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall, or a flagpole, or similar device not structurally essential to the building;
- (82) **"highway"** means a highway as defined in the Public Highways Development Act, R.S.A. 2000;
- (83) **"highway commercial"** means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels;
- (84) **"home occupation"** means any occupation, trade profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw. A minor home occupation does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling. A major home occupation may include a business which would normally attract more than five (5) clients per week, but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistants, other than the occupant and the occupant's family;
- (85) **"hotel"** means a building containing rentable units, occupied or equipped to be occupied as a temporary abode for tourists or transients, which also may contain a general retail establishment, a drinking establishment, or an eating and drinking establishment; however, a hotel shall not include an entertainment establishment unless specifically provided for in an approved development permit. A hotel shall not include a workcamp;
- (86) **"household"** means:
- (a) a person, or
  - (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
  - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,

all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;

- (87) **"household repair service"** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;
- (88) **"indoor recreation facility "** means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar, though smaller, facilities. As well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses;
- (89) **"industrial vehicle and equipment sales/rentals 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;
- (90) **"institutional use"** includes but is not limited to hospitals, public offices, educational facilities, religious assemblies, libraries and senior citizen housing;
- (91) **"intensive agriculture"** means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, and kennels, but not confined feeding operations;
- (92) **"intensive recreation"** means high density recreational activities such as campgrounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, golf courses, arenas, swimming pools, tennis courts and other similar activities;
- (93) **"kennel"** means a development in which four (4) or more domestic pets over six (6) months in age are maintained, boarded, bred, trained or cared for or kept for purposes of sale;
- (94) **"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 agency or by a municipally-owned corporation or agency;

- (95) **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (96) **"lane"** means a right-of-way on which motorized vehicles are normally allowed to operate which is 10 m (32.8 ft.) or less in width;
- (97) **"lattice tower"** means a non-solid structure made up of vertical, horizontal and diagonal members assembled in triangular or square faced sections that can be stacked to obtain height. The structure can stand by itself (self-supporting), on a foundation, or it may be of the type requiring supporting assistance of cables (guyed tower);
- (98) **"library and 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, available, 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;
- (99) **"light industrial use"** 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 industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power. For further clarification it means 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 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 general 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 general 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. General 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 general 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 general 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.

- (100) **"liquor store"** means a development or a part of a development used for the retail sale of any and all types of alcoholic beverages to the public for consumption off premises. This use may include the retail sales of related products such as soft drinks and snack foods;
- (101) **"livestock"** means livestock as defined in the Agricultural Operation Practices Act;
- (102) **"livestock sales yard"** means any enclosed area of land, with or without accessory buildings or structures, upon which livestock is collected for sale or for market distribution;
- (103) **"living quarters"** means the developed area within a dwelling but does not include basement, garage or carport, patio, or atrium;
- (104) **"lot"** means
  - (a) a quarter section,
  - (b) a river lot, lake lot, or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are 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 the certificate of title by reference to a plan of subdivision;

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- (105) **"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;
- (106) **"main building"** means a building in which is conducted the main or principle use of the site on which it is erected;
- (107) **"main use"** means the primary purpose or purposes for which a building or lot is used;
- (108) **"maintenance"** means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building;
- (109) **"manufactured home"** means a single family dwelling, manufactured in full compliance with both the Canadian Standards Association (CSA) Z-240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displaced CSA Z240MH Mobile Home label AND an Alberta Municipal Affairs label that certifies compliance to the ABC. Notwithstanding the requirement regarding labels, should a building not have a label, it can still be considered a manufactured home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in Section 8.32 of this Bylaw be followed. A manufactured home is normally constructed off-site and then transported to its site. Upon arriving at the site for location, apart from incidental operations such as placement on a foundation and connection of utilities, it is ready for year round use as a dwelling for one household. However, a manufactured home may be entirely constructed on-site;
- (110) **"manufactured home park"** means a parcel of land under single ownership which has been planned and divided into rentable spaces or lots for the long-term accommodation of manufactured homes;
- (111) **"manure storage facility"** means a manure storage facility as defined in the Agricultural Operation Practices Act;
- (112) **"may"** is an operative word meaning a choice is available, with no particular direction or guidance intended;
- (113) **"mobile home"** means a single detached dwelling comprised of one or more large factory-built sections. It is manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with the Alberta Building Code
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(ABC). A mobile home refers to a manufactured home that was constructed prior to 1991. Notwithstanding the requirement regarding a label, should a building not have a label, it can still be considered a mobile home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in Section 8.33 of this Bylaw be followed:

- (114) "**modular dwelling**" means a single detached dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction, and includes manufactured homes, mobile homes and single family dwellings;
- (115) "**motel**" 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 from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include a liquor store, an entertainment establishment, or an establishment where there is a dance floor. A motel shall not include a workcamp;
- (116) "**Municipal Planning Commission**" means the Municipal Planning Commission appointed pursuant to Village's Municipal Planning Commission Bylaw and the Act;
- (117) "**municipality**" means the Village of Andrew;
- (118) "**must**" is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory;
- (119) "**natural area**" means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition.
- (120) "**natural resource extraction industry**" means an industry engaged in the extraction of natural resources such as trees, clay, sand and gravel, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include bringing these together with other elements such as power or water into integrated processes for the purpose of primary treatment into a marketable form;
- (121) "**non-conforming building**" means a building
  - (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or the land on which the building is situated becomes effective, and

- (b) that on the date this land use bylaw becomes effective does not, or when constructed will not, comply with this land use bylaw;

(122) **"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 this land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with this land use Bylaw;

(123) **"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 for which complaints are received either by the Municipality's office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law;

(124) **"obnoxious"** means, when used with reference to a development, a use 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, 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;

(125) **"occupancy"** means the use or intended use of a building or part thereof for the shelter or support of persons or property;

(126) **"occupant"** means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resides thereon or conducts a business thereon;

(127) **"off-highway vehicles"** means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or other natural terrain and, when designed for such travel and without limiting the generality of the foregoing includes:

- (a) 4-wheel vehicles;
- (b) Low pressure tire vehicles;
- (c) Motorcycles and related 2-wheel vehicles;

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- (d) Amphibious machines;
- (e) All-terrain vehicles;
- (f) Miniature motor vehicles;
- (g) Snow vehicles;
- (h) Mini-bikes; and
- (i) Any other means of transportation that is propelled by any power other than muscular power or wind; but does not include: motor boats or any other vehicle exempt from being an off-highway vehicle by regulation.
- (128) **"off-street"** means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot;
- (129) **"offensive"** means, when used with reference to a development, a use 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, 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;
- (130) **"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; the offices of governmental and public agencies;
- (131) **"open space"** means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options;
- (132) **"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;
- (133) **"owner"** means
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- (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 person shown as the owner of land on the municipality's assessment role prepared under the Act;

(134) **"parcel of land"** means the aggregate of one or more areas of land described in certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles office;

(135) **"park model"** means a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model has been specifically identified and approved by the Development Authority within an approved development permit. As well, park models shall not be used as dwellings within the municipality. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry.

- (a) Park Model Trailer 102 is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is 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 normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally 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 normally does not exceed 37.2 m<sup>2</sup> (400 sq. ft.). It conforms to the CSA Z-240 Standard for recreational vehicles.
- (b) Park Model Recreational Unit is a unit built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50 m<sup>2</sup> (540 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode. Park Model recreational units almost 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 CSA Z-241 Standard for recreational vehicles.

(136) **"parking area"** means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces,

aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building;

- (137) **"parking lot"** means a parking area which is located on a lot and not accessory to a particular use or development;
- (138) **"parking space"** means an area set aside for the parking of one (1) vehicle;
- (139) **"patio"** means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;
- (140) **"permitted use"** means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority;
- (141) **"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;
- (142) **"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 hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
- (143) **"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 accessory training facilities;
- (144) **"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;

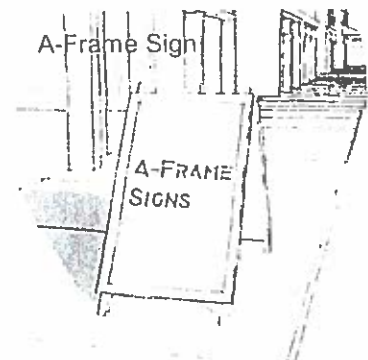
- (145) **"public or quasi-public building"** means a building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities;
- (146) **"public or quasi-public use"** means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities;
- (147) **"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 publicly 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;
- (148) **"public-serving recreation area"** means a campground, day use area, picnic site, lodge, hiking and skiing trail and other similar uses as developed by either private or public interests;
- (149) **"public utility"** means a public utility as defined in the Act;
- (150) **"public utility building"** means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or stores any equipment used in connection with the public utility;
- (151) **"rear line"** means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road;
- (152) **"rear yard"** 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;
- (153) **"recreation camp"** means a development that contains accommodation facilities and is used wholly or partly for recreational purposes, and without limitation, includes trail riding ranches and guest ranches, rural experience camps, survival training camps, fishing and hunting camps, religious camps and camps for disabled persons;
- (154) **"recreational use"** means a recreational development conducted on a unified basis on a single site where the prime reason for location may be to take

advantage of natural features. A recreational use may include the provision of day to day sporting and athletic facilities and the structures incidental thereto such as ski slopes, golf courses, archery, trap and rifle ranges, racetracks, boating, swimming, picnicking, athletic, and similar uses, and may include a refreshment stand incidental to the primary use. However, recreational use does not include extensive recreation, or a campground, a recreational vehicle park or a recreation camp;

- (155) **"recreational vehicle"** means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor or is mounted or drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, 5<sup>th</sup> wheels, or motor homes, but not boats, manufactured homes, off-highway vehicles, a park model, a garage package, or a cabin on any sort of transportation device such as skids or wheels up to a maximum interior space of 75 m<sup>2</sup> (807.3 sq. ft.). Any vehicle larger than 75 m<sup>2</sup> (807.3 sq. ft.) in interior space shall be considered to be a manufactured home for the purposes of this Bylaw;
- (156) **"recreational vehicle park"** means a development on which three or more recreational vehicles are 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 part of the equipment of such recreational vehicle park. A recreational vehicle park may include within it a campground;
- (157) **"recreational vehicle storage"** means a development which provides fenced or indoor, secure, on-site storage of more than three (3) recreational vehicles;
- (158) **"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;
- (159) **"religious assembly"** means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Religious assembly includes churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (160) **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (161) **"rentable unit"** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;

- (162) **"rental cabin"** means a one-room structure (not including a washroom, bathroom, or toilet) intended for short term occupancy, often rented for short period of time to the traveling or vacationing public;
- (163) **"residential use"** includes the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis;
- (164) **"RF Technology"** means technology operating in the electromagnetic radiating frequency bands;
- (165) **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act, but does not include either a highway or a lane;
- (166) **"roof"** means the top of any enclosure, above or within the vertical walls of a building;
- (167) **"row housing"** means a building consisting of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean apartment;
- (168) **"sea can"** means a container, including a sea/land/rail shipping container, which is used as a storage vault. A sea can shall only be allowed on a lot and use as an accessory building and/or use to a main building or use. A sea can shall not be used for a dwelling or any part of a dwelling; and, notwithstanding any other provision of this Bylaw to the contrary, not attached, in any way, to a main building;
- (169) **"secondary suite"** means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit;
- (170) **"semi-detached dwelling"** means a building used or intended to be used for two dwelling units, located entirely side by side;
- (171) **"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 not including body repair or paint shops. Service stations which do not include any facilities for servicing or repairing of motor vehicles are often referred to as gas bars;
- (172) **"setback"** means, depending on the context of the term, the minimum horizontal distance between buildings or a lot boundary and buildings;

- (173) "**shall**" is an operative word which means the action is obligatory;
- (174) "**shed**" means a building to be used for storage;
- (175) "**shop**" means a building to be used for light industrial purposes or the storage of vehicles larger than that allowed in a garage;
- (176) "**should**" is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances;
- (177) "**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;
- (178) "**side line**" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line;
- (179) "**side yard**" means a yard extending from the front yard of a lot to the rear yard of the lot and lying between the side line of the lot and the nearest wall of the main building;
- (180) "**sign**" means any visual medium, including its structure and other component parts, used on a permanent or temporary basis to convey information, to advertise, or to 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 licensed motor vehicle;
- (181) "**sign area**" means the total face area of a sign intended for the letters or graphics of the message. In the case of a double-faced sign, only half of the area of each sign face shall be used in calculating sign area;
- (182) "**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,



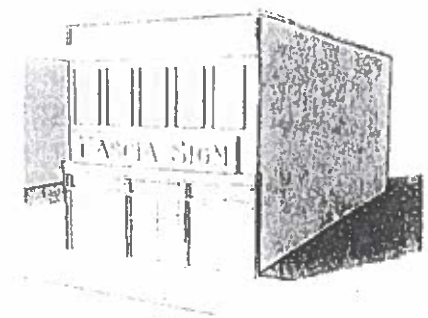
- (183) **"sign, canopy"** means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;

Canopy Sign



- (184) **"sign, fascia"** means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.3 m (12.0") from the surface of the building, and does not project above the roof or parapet. Fascia signs are also called wall signs;

Fascia Sign



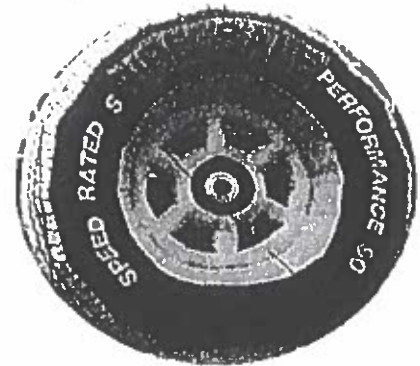
- (185) **"sign, freestanding"** means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure;

Freestanding Sign



- (186) **"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. Commonly used as a temporary sign for special events or promotions;

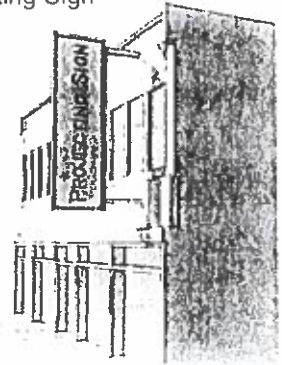
Inflatable Sign



- (187) **"sign, off site"** means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;

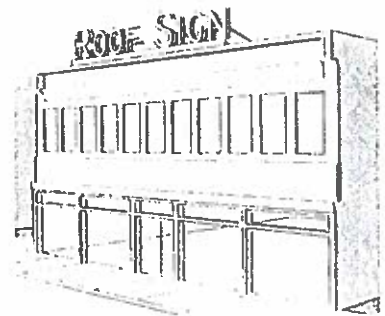
- (188) **"sign, projecting"** means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;

Projecting Sign



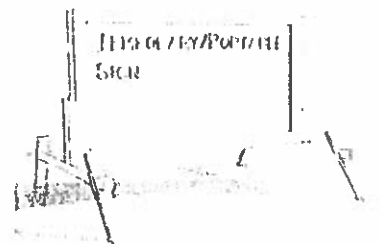
- (189) **"sign, roof"** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall;

Roof Sign



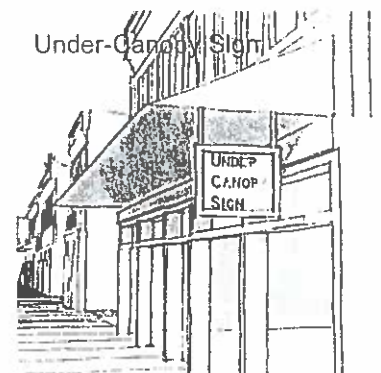
- (190) **"sign, temporary/portable"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;

Temporary/Portable Sign



- (191) **"sign, under-canopy"** means a sign which is attached to the bottom surface or edge of a canopy;

Under-Canopy Sign





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- (192) **"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;
- (193) **"site"** means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin;
- (194) **"solar array"** means multiple solar panels used in conjunction to produce electricity;
- (195) **"solar panel, free standing"** 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;
- (196) **"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;
- (197) **"stall"** means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park;
- (198) **"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 shall not be considered a storey;
- (199) **"structural alterations"** means the 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;
- (200) **"Subdivision and Development Appeal Board"** means a Subdivision and Development Appeal Board appointed pursuant to Village's Subdivision and Development Appeal Board Bylaw and the Act;
- (201) **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- (202) **"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;
- (203) **"surveillance suite"** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and security of the development;
-

- (204) **"temporary development"** means a development for which a development permit has been issued and which is to exist for a limited time only;
- (205) **"tie down"** means an apparatus which firmly secures a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site;
- (206) **"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 3,000.0 kg (6,613.9 lbs.);
- (207) **"undeveloped lot"** means a lot which does not contain a residence, building or structure;
- (208) **"unit"**, other than when referred to as a dwelling unit, means an area of land or a building designated as a unit in a condominium plan;
- (209) **"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;
- (210) **"vehicle repair establishment"** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, upholsterer shops, and body repair and/or paint shops;
- (211) **"veterinary clinic"** means a development where domestic pets are cared for and treated, including hospitalization for fewer than four (4) days. Veterinary clinics may also treat livestock, but they will be treated via out-patient care. All animals shall be kept within an enclosed building;
- (212) **"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;
- (213) **"wind energy conversion system, large"** means 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;

- (214) **"wind energy conversion system, micro"** means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure.
- (215) **"wind energy conversion system, small"** refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, 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.
- (216) **"wind turbine tower"** refers to the guyed or freestanding structure that supports a wind turbine generator.
- (217) **"wind turbine tower height"** The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.
- (218) **"wireless communications 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 deicing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems.
- (219) **"work camp"** means a temporary residential complex used to house workers, usually but not necessarily for a contracting firm or project, on a temporary basis of more than twenty-eight (28) days and less than one (1) year. A work camp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
- (220) **"yard"** means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw;

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

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## 1.4 Metric & Imperial Measurements

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. The Imperial measures are approximations, provided only for information, and are provided in order to provide some comparison for persons who are unfamiliar with Metric measures.

# 2 Establishment of Districts and Regulations

## 2.1 Establishment of Land Use Districts

- (1) For the purposes of this Bylaw, the Village of Andrew is divided into the following districts:

Large Lot Residential (R1) District  
Small Lot Residential (R2) District  
Moderate Density Residential (R3) District  
Residential Manufactured Home Subdivision (RMH1) District  
Residential Manufactured Home Park (RMH2) District  
Downtown Commercial (C1) District  
General Commercial (C2) District  
Industrial (M1) District  
Community (P) District  
Institutional (I) District  
Urban Reserve (UR) District

- (2) For the purposes of this Bylaw, the R1, R2, R3, RMH1 and RMH2 Districts shall be considered to be Residential Districts, and the C1 and C2 Districts shall be considered to be Commercial Districts.
- (3) The boundaries of the districts listed in this Bylaw are as delineated in the LAND USE DISTRICT MAP, which is Part 10 of this Bylaw.
- (4) Where uncertainty exists as to the boundaries of districts as delineated in the LAND USE DISTRICT MAP, the following rules shall apply:

**Rule 1** Where a boundary is shown as following a street or lane, 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 Rules 1 and 2, the location of the district boundary shall be determined:

- (a) where dimensions are set out on the LAND USE DISTRICT MAP, by the dimensions so set, or

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- (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.
- (5) 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 the measurements and directions as the circumstances may require.
- (6) The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

## **2.2 Establishment of Land Use District Regulations**

Land Use District regulations shall be as set forth in Sections 8 and 9 of this Bylaw.

# 3 General Administration

## 3.1 Control of Development

- (1) No development other than that designated in Section 3.2 shall be undertaken within the Village unless an application for it has been approved and a development permit has been issued.

## 3.2 Development Not Requiring a Permit

- (1) The following development shall not require a development permit:
  - (a) 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;
  - (b) the completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Act, 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 first publication of the notice;
  - (c) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
  - (d) the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure less than 0.9 m (3.0 ft.) in height in front yards or in side yards abutting a highway or road, and less than 1.8 m (6.0 ft.) in rear yards or in other side yards, and the maintenance, improvement and other alterations of any gates, fences or walls or other means of enclosure, unless the fencing material is razor wire. An approved development permit shall always be necessary before razor wire is used as a fencing material;
  - (e) a temporary building or sign, 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;
  - (f) 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;
  - (g) extensive agriculture, excepting where the following situations apply:

- (i) where the lot is smaller than 32 ha (80 ac.) in size, or
- (ii) where the proposed development involves a dwelling or an accessory use or building to a dwelling, or
- (iii) where beehives are proposed, or
- (iv) where fences for game farming are proposed within 15.2 m (50 ft.) of a property line adjacent to a road or highway, or within 30 m (98.4 ft.) of the centreline of a road or highway, or
- (v) where other buildings and dugouts are proposed within:
  - 1. - 40 m (131.2 ft.) of a property line of a grid road,
  - 2. - 50 m (164 ft.) of a centreline of a minor two-lane highway, or
  - 3. - 70 m (230 ft.) of a centreline of a major two-lane highway or a multi-lane highway;
- (h) except for beehives described in Section 3.2(1)(g)(iii) above, a building or structure with a floor area of under 10.0 m<sup>2</sup> (107.6 sq. ft.) which is not on a permanent foundation;
- (i) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
  - (i) such signs are removed within seven (7) days after the election date,
  - (ii) such signs do not obstruct or impair vision or traffic,
  - (iii) such signs are not attached to fences, trees, or utility poles; and
  - (iv) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (j) 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 or rent, with removal to be within one (1) month after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m<sup>2</sup> (6.5 sq. ft.) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft.) to a road right-of-way;
- (k) development within a basement which does not change or add to the uses within a dwelling;
- (l) sheds which are accessory to dwellings, which are less than 10.0 m<sup>2</sup> (107.6 sq. ft.) in floor area, and which satisfy all the setback requirements of this Bylaw;
- (m) the removal of top soil except in conjunction with a development for which a development permit has been issued as per the requirements of Section 8.11 of this Bylaw;
- (n) grading and/or landscaping where the proposed grades will not adversely affect the drainage of the subject or adjacent lots;



- (o) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (d) through (k) 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 with 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 Section 4.3(6) 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 Approval Authorities

- (1) The Development Authority shall be as indicated in the municipality's Development Authority Bylaw.
- (2) The Development Authority Officer:

- (a) shall consider and decide upon all development permit applications unless the application is referred to the Municipal Planning Commission pursuant to this Section;
  - (b) shall refer with his recommendations to the Municipal Planning Commission for its consideration and decision any development permit application for discretionary use;
  - (c) may consider and decide upon all development permit applications for a permitted use where the development application does not conform with the following regulations of this Bylaw:
    - (i) heights of fences in Residential Districts;
  - (d) shall refer with his recommendations to the Municipal Planning Commission for its consideration and decision any development permit application for a permitted use where the development application does not conform with this Bylaw and where either:
    - (i) the Development Authority Officer has decided not to make a decision on the application notwithstanding his ability to do so pursuant to Subsection (c) above;
  - (e) shall refer to the Municipal Planning Commission at his discretion any application which in his opinion should be decided by the Commission;
  - (f) shall 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 a reasonable charge;
  - (g) shall make available for inspection by the public during office hours a register of all applications for development permits and the decisions made thereon;
  - (h) shall collect fees according to the governing Land Use Bylaw Fee Schedule as amended from time to time by resolution of Council;
  - (i) shall be declared to be the designated officer for the purposes of Section 542 of the Act; and
  - (j) may sign, on behalf of the Development Authority, any order, decision, approval, notice or other thing made or given by it.
- (6) The Municipal Planning Commission as established by Bylaw shall be authorized to decide upon all development permit applications referred to it by the Development Authority Officer and to issue such orders that it sees fit.

# 4 Development Applications

## 4.1 Application for Development

- (1) An application for a development permit shall be completed and submitted to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (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) building dimensions;
  - (c) a statement of the proposed uses; and
  - (d) 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 non-refundable application fee as established by Council.
- (3) The Development Authority Officer 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) 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;
  - (b) the height and horizontal dimensions of all existing and proposed buildings;
  - (c) outlines of roof overhangs on all buildings;
  - (d) existing and proposed elevations on the site and on adjacent sites, roads and lanes;
  - (e) post construction site and building elevations;
  - (f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - (g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - (h) drainage plans;

- (i) 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;
  - (j) future development plans for a site which is to be partially developed through the applicable development permit;
  - (k) 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;
  - (l) in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
  - (m) any other information or tests required by the Development Authority, at their discretion, respecting the site or adjacent lands, including an environmental screening of the site; and
  - (n) a statutory declaration indicating that the information supplied is accurate.
- (4) In addition to the information requirements indicated 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 above, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the Development Authority 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 requirements indicated above, each application for a commercial 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 effluent and method of treatment,
  - (g) type of air emissions and method of abatement,
  - (h) estimated noise generated by the development and method of abatement,
  - (i) estimated light generated by the development and (if necessary) method of abatement,
  - (j) costs associated with providing new or upgraded municipal services associated with the development,
  - (k) the requirements and provisions for employee and customer parking and for site access,
  - (l) a landscaping plan,
  - (m) cross-sections and elevations for each building,
  - (n) a list of proposed uses, and
  - (o) transportation routes and estimated traffic impact.
- (7) In addition to the information requirements indicated above, 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 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, if required at the discretion of the Development Authority.

- (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 above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- (9) In addition to the information requirements indicated above, the Development Authority may also require any phase of an environmental assessment to determine the possible contamination of the subject site and the mitigating measures necessary to eliminate such contamination. Alternative to or in addition to the foregoing, the Development Authority may require a biophysical assessment to determine the potential effects of a proposed development on the natural environment, and the measures necessary to mitigate such effects.
- (10) At the sole discretion of the Development Authority Officer, any new development within an existing subdivision may be required to provide to the Development Authority, for approval, an elevation plan of the subject site which indicates where the storm water is to be directed. Storm water from the subject site is not to be directed onto adjoining properties unless appropriate drainage easements or rights-of-way are in place. If the applicant for a development permit indicates that the municipality is to verify compliance with the elevation and/or storm water management plan, the cost to verify that the lot grades have been completed according to the plan shall be included in the cost of the development permit.
- (11) The Development Authority may refer any application for a development permit to any person or agency for comments in writing.
- (12) 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, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. A returned application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.

- (13) The Development Authority may refuse to accept an application for a development permit if the application is for a similar development on the same property as a development permit which has been applied for and refused by the Development Authority or the Subdivision and Development Appeal Board within the last six (6) months.

### 4.2 Referral of Applications

- (1) Development in proximity to a Highway:

Applications for development located within 0.8 km (0.5 mi.) of the right-of-way of a highway, where the proposed development would have direct access from the highway, shall be referred to Alberta Transportation for comment prior to any decision by the Development Authority.

### 4.3 Decision

- (1) 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.
- (2) In making a decision, the Development Authority may also impose such conditions as are required to ensure compliance with this Bylaw including both the verification by either an official appointed by the municipality or by certification by either an engineer, an architect, or an Alberta Land Surveyor that the measures indicated within the various elements of information provided with the application, including any mitigative or elimination measures, as described through the information provided pursuant to Section 4.1 above, have been completed or will be undertaken, as appropriate, in accordance with the Development Authority's approval.
- (3) 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.
- (4) The Development Authority may also require that as a condition of issuing a development permit, all requirements of this Bylaw and of Provincial regulations

be met, and that any further development on the subject site require a development permit.

- (5) 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.
- (6) 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.
- (7) 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 receipt of the application by the Development Authority. The person claiming to be affected may appeal in writing as provided for in Part 5 of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.
- (8) A Development Authority may suspend or revoke a development permit at any time:
  - (a) where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant; or
  - (b) where the permit was issued in error.

(9) Temporary Developments

Where a development permit application in a land use district is for a temporary development, the Development Authority

- (a) may consider and decide upon a development for a specific period of time, not exceeding one year;
- (b) shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and



- (c) may require the applicant to post acceptable security guaranteeing the cessation or removal of the development to the greater of 25% of the value of the structure or \$1,000.

## 4.4 Development Permits and Notices

- (1) Except for those permits described in Section 4.4(3) hereof, a permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date that notice of an order, decision, or development permit is received as described in subsection (4). For the purposes of this Bylaw, notice is deemed to be received on the fifth day after the date of the issuance of the order, decision, or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to Part 5 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) When a permit has been issued for the development of a permitted use, and no provisions of this Bylaw have been relaxed or varied, no notification shall be given of the decision except to the applicant.
- (4) When a permit other than a permit described in Section 4.4(3) hereof has been issued, the Development Authority shall immediately:
  - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (b) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or
  - (c) publish a notice of the decision in a newspaper circulating in the Village, stating the location of the property for which the application has been made and the use approved.
- (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 completed within three (3) years of the date of issue, 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.

# 5 Development Appeals

## 5.1 Appeal Procedure

- (1) The Subdivision and Development Appeal Board, as established by Village Bylaw, shall hear and make a decision on an appeal where a Development Authority:
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Part 7 of this Bylaw,and the person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority appeals to the Subdivision and Development Appeal Board.
- (2) Notwithstanding subsection (1) above, 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.
- (3) An appeal shall be made by serving a written notice of appeal and submitting the applicable fee to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
  - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with this Bylaw; or
  - (b) the forty (40) day period referred to in Section 4.3(7) of this Bylaw has expired.

## 5.2 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.
- (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) 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
  - (d) 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, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority, as the case may be.
- (4) At the appeal hearing referred to in subsection (1), the Subdivision and Development Appeal 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 Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

### 5.3 Appeal Decision

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.

- (5) 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.

# 6 Bylaw Amendments

## 6.1 Application for Amendment

- (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.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an amendment therefore.
- (3) All applications for amendment to the Land Use Bylaw shall be made to the Council and shall be accompanied by the following, namely:
  - (a) an application fee according to the governing Land Use Bylaw fee schedule as amended from time to time by resolution of Village Council shall be submitted for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee may be returned to the applicant;
  - (b) a title search for the land affected or other documents satisfactory to the Development Authority indicating the applicant's interest in the said land;
  - (c) drawings drawn on standard drafting material to the satisfaction of the Development Authority, which shall be fully dimensioned, accurately figured, explicit and complete; and
  - (d) any other information deemed necessary by the Development Authority.
- (4) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (5) Council may request such information as it deems necessary to reach a decision on the proposed amendment.

## 6.2 Public Hearing Process

- (1) At the discretion of Council, first reading of a proposed amendment may be given before the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Village Council.

- (2) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.

# 7 Enforcement

## 7.1 Contraventions and Penalties

- (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
  - (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - (ii) demolish, remove or replace the development, and/or
  - (iii) take such other measures as are specified in the noticeso 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) 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.
- (3) 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.
- (4) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$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) A Development Authority may suspend or revoke a development permit which has not been complied with, following notification, stating the reasons for such action.

- (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 Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- (7) 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.
  - (g) If a violation ticket has been issued with respect to a development which has occurred without an approved development permit, all fines indicated above shall be doubled.



# 8 General Regulations

## 8.1 Accessory Buildings in Residential Districts

- (1) Where a building is attached to the main building on a site by its roof, an open or enclosed structure, a floor or a foundation, it is considered to be a part of the main building.
- (2) Except as otherwise indicated in this Bylaw, this Section applies within all Residential Districts.
- (3) No accessory building or use, other than a parking space or a fence, shall be erected or placed within a minimum required front yard.
- (4) Notwithstanding Subsection (3) above, the Development Authority may approve the erection of an accessory building or use within the minimum front yard requirement provided that no building is located within 15 m (50 ft.) from the right-of-way of a highway or road.
- (5) With the exception of a rear-entrance garage, an accessory building shall be situated on an interior lot so that the exterior wall is at least 0.9 m (3 ft.) from the side and rear lines of the lot.
- (6) Garages shall be located so that vehicle entrance doors shall not be closer than 5.5 m (18 ft.) from the boundary line towards which they face or open.
- (7) On corner lots, accessory buildings shall be situated so that the side yard which abuts the road is not less than the minimum side yard requirement for the main building or use.
- (8) An accessory building shall be not more than 4.6 m (15 ft.) in height.
- (9) Except at the discretion of the Development Authority, no accessory building may have a floor area greater than the floor area of the dwelling on the same lot.
- (10) An accessory storage building for the purposes of heavy truck and equipment storage, where allowed in addition to a vehicle garage and other accessory buildings not related to heavy truck and equipment storage use, shall be no larger than 300 m<sup>2</sup>.

(3,229 ft. <sup>2</sup>) and be designed to match or complement the single family dwelling or manufactured home to the satisfaction of the Development Authority.

- (11) An accessory building shall not be used as a dwelling.
- (12) All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.
- (13) No accessory building may be built on a lot before a main building or a main use is developed on the lot.
- (14) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint as a condition of the issuance of a development permit.

## 8.2 Accessory Buildings in Other Districts

- (1) An accessory building or use is subject to the requirements for main buildings and uses within that District.
- (2) An accessory storage building for the purposes of heavy truck and equipment storage, which may be allowed in addition to a vehicle garage and other accessory buildings not related to heavy truck and equipment storage use, shall be no larger than 300 m<sup>2</sup> (3,229 ft. <sup>2</sup>) and be designed to match or complement the principal building to the satisfaction of the Development Authority.
- (3) Sea cans must be well-maintained and in good condition, or alternatively, must be adequately buffered to the satisfaction of the Development Authority. The Development Authority may require that a sea can be given a fresh coat of paint as a condition of the issuance of a development permit.

## 8.3 Amateur Radio Antennas

- (1) Amateur radio antennas shall only be allowed as accessory developments.
- (2) An amateur radio antenna shall conform to the following provisions:
  - (a) it shall be installed according to the manufacturer's specifications;
  - (b) it shall be located in the rear yard;
  - (c) it shall conform to the height regulations in the district in which the antenna is located;
  - (d) it shall not be illuminated or have any signs affixed thereto; and
  - (e) at the discretion of the development authority, it shall be adequately buffered from adjacent land uses.

## 8.4 Bed & Breakfast Establishments

A bed and breakfast establishment shall comply with the following regulations:

- (1) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
- (2) Cooking facilities shall not be located within the sleeping units.
- (3) A bed and breakfast establishment shall comply with all of the requirements for a home occupation described in Section 8.12 of this Bylaw.

## 8.5 Car Washes

- (1) The minimum lot area shall be 557.4 m<sup>2</sup> (6000 sq. ft.). In the case of service stations or gas bars including car washes, minimum lot area shall be 1114.8 m<sup>2</sup> (12,000 sq. ft.).
- (2) All lot and building requirements pertaining to drive-in businesses (Section 8.9) shall also apply to car washes.

## 8.6 Churches & Other Places of Religious Assembly

- (1) The lot on which a place of religious assembly is situated shall have a frontage of not less than 30.48 m (100 ft.) and an area of not less than 929 m<sup>2</sup> (10,000 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 1393.5 m<sup>2</sup> (15,000 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of religious assembly is located.

## 8.7 Confined Feeding Operations & Manure Storage Facilities

Confined feeding operations and manure storage facilities for which an approval, a registration, or an authorization is required pursuant to the Agricultural Operation Practices Act are not regulated by this Bylaw but by that Act.

## 8.8 Development on Corner Lots

On corner lots in any district, no fence, wall, tree, bush structure or thing more than 0.9 m (3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting boundary lines of the lot adjacent to the highway or road and a straight line joining points on those boundary lines 6 m (20 ft.) from their intersection.

## 8.9 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 557.4 m<sup>2</sup> (6000 sq. ft.).
- (3) All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
- (4) The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (5) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (6) The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

## 8.10 Existing Substandard Lots

Development on existing substandard lots may be allowed by the Development Authority. Compliance with the Alberta Safety Codes Act and any applicable Provincial Board of Health Regulations shall be required.

## 8.11 Fences, Walls & Hedges

- (1) Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
  - (a) Higher than 1.80 m (6.0 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or

- (b) Higher than 0.90 m (3.0 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or
  - (c) Higher than 0.91 m (3.0 ft.) within 6.10 m (20.0 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 1.22 m (4.0 ft.) nor more than 1.80 m (6.0 ft.) in height, along any side or rear lines adjacent to any residential use.
  - (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 1.22 m (4.0 ft.) in height nor more than 1.80 m (6.0 ft.) in height, along any side or rear property lines adjacent to any residential district.
  - (5) All other commercial developments shall provide, to the satisfaction of the Development Authority, a wooden fence of not more than 1.80 m (6.0 ft.) in height along any side or rear lines adjacent to any residential district.
  - (6) Neither razor wire nor barbed wire shall be allowed within Residential Districts.
  - (7) Razor wire shall not be used in the municipality without a development permit having been issued to allow its use.
  - (8) Barbed wire shall be used as a fencing material only if a development permit has been issued to allow its use.

## 8.12 Home Occupations

- (1) 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.
- (2) A minor home occupation shall comply with the following regulations:
  - (a) A minor home occupation shall not employ any person on-site other than a resident of the dwelling.
  - (b) No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the minor home occupation is located shall be produced by the home occupation.

- (c) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed only in either the dwelling or accessory buildings.
  - (d) Up to five (5) business visits per week are allowed.
  - (e) Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
  - (f) No more than one (1) commercial vehicle used in or for the home based business shall be parked or maintained on the subject site. The parking space for the commercial vehicle shall be within a garage, adequately screened and sited behind the main building, or located to the satisfaction of the Development Authority.
  - (g) No exterior signage shall be allowed.
- (3) A major home occupation shall comply with the following regulations:
- (a) The number of non-resident employees working on-site shall not exceed two (2) on-site, non-occupant employees.
  - (b) Up to eight (8) business visits per day are allowed.
  - (c) No more than one (1) commercial vehicle up to a size of a tandem truck, to be used in conjunction with the major home occupation, shall be parked or maintained on the site in a Residential District. The parking space for the commercial vehicle shall be adequately screened and sited behind the principal building to the satisfaction of the Development Authority.
  - (d) Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes Act and the regulations made thereunder.
  - (e) There shall be no exterior signage, display or advertisement other than a business identification sign, the size of which shall be entirely at the discretion of the Development Authority, and related to the location of the sign on the lot.
- (4) All home occupations shall comply with the following requirements:
- (a) In addition to a development permit application, each application for a minor home occupation or a major home occupation 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.

- (b) 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.
- (c) A minor or major home occupation shall not occupy more than 20% of the floor area of the main dwelling or 35 m<sup>2</sup> (375 sq. ft.), whichever is the lesser.
- (d) 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.
- (5) A permit issued for a home occupation is valid for one (1) year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.
- (6) A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provisions of this Bylaw or conditions of the approval of the development permit and complaints based on the operation of the home occupation have been received.

### 8.13 Intensive Agriculture

All development proposals for intensive agriculture shall be considered and decided upon by the Development Authority individually based upon their individual merit and consideration should be given to such items as site selection, waste disposal, first owner priority, and the distance from watercourses and waterbodies, and from roads and highways.

### 8.14 Keeping of Domestic Pets & Livestock

The keeping of domestic pets and animals in the Residential Districts shall be in accordance with the following, without the need to obtain a development permit:

- (1) No animals other than domestic pets shall be allowed in Residential Districts.
- (2) The total number of domestic pets per lot shall not exceed four (4) of which not more than two (2) shall be dogs.
- (3) The keeping of domestic pets not in accordance with this Section 8.14 shall require a development permit.

## 8.15 Landscaping

- (1) The Development Authority may require, as a condition of the approval of a development permit, the preparation and implementation of a landscaping plan.
- (2) A landscaping plan shall contain the following information for the site and adjacent boulevards:
  - (a) all physical features, existing or proposed, including shrubs, trees, flower beds, berm contours, walls, fences, outdoor furniture, surface utilities, and decorative paving; with
  - (b) all shrubs and trees, whether existing or proposed labeled by their common name and size.
- (3) The Development Authority may impose conditions requiring the retention or removal of trees, as well as additional tree planting.
- (4) In addition to other provisions in this Bylaw, all permitted forms of non-farming related (residential, industrial, recreational) developments shall maintain a buffer as may be required by the Development Authority.
- (5) Buffers may include vegetation screens, distance separation, or a combination of these or any such suitable interposing features as the Development Authority may require.
- (6) All development in proximity to highways shall be screened, landscaped and buffered to the satisfaction of the Development Authority.
- (7) A garbage collection area, an open storage area, or an outdoor service area which is visible from an abutting site in a residential district, or from a public roadway other than a lane, shall be fenced or have a screen planting. The location, length, thickness and height of such fence or screen planting shall be in accordance with the landscaping plan as approved by the Development Authority. Such fence or screen planting shall be maintained to provide effective screening from the ground to a height of 1.8 m (6 ft.).



## 8.16 Manufactured & Mobile Homes

- (1) Before a development permit application is approved for a manufactured or mobile home, the development authority shall ask the applicant for verification that the home complies with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC) by virtue of the existence of appropriate labels. If either the CSA Z240 or the Alberta Municipal Affairs label is missing, the development authority will require an inspection prior to approving an application for a development permit for the location of the manufactured home or mobile home on a lot. That inspection is to be done by an Alberta Safety Codes Officer and is to indicate whether, and under what circumstances, the manufactured or mobile home can regain a CSA Z240 label, and can be modified to comply with the regulations made pursuant to the Alberta Safety Codes Act.
- (2) Should one or both labels not be attached, and therefore should an inspection by an Alberta Safety Codes Officer be required, a copy of the inspection report shall be provided to the Development Authority. Should the inspection indicate that upgrades to the manufactured or mobile home are necessary to bring the home into compliance with the CSA Z240 standard or regulations made pursuant to the Alberta Safety Codes Act, the Development Authority will assess the nature of the required upgrades and, in consultation with the applicant, determine if the applicant is willing to undertake the upgrades necessary, in terms of both cost and time. If the applicant indicates, in writing, that he is willing to undertake the upgrades, the Development Authority may approve the development permit application, but only on condition that all required upgrades are made and that the Development Authority receive verification from an Alberta Safety Codes Officer that such upgrades have been satisfactorily completed prior to occupancy of the manufactured or mobile home as a dwelling.
- (3) Should both labels be attached to the manufactured or mobile home, the development authority will still require, as a condition of the approval of a development permit, that an inspection by an Alberta Safety Codes Officer be undertaken, that the inspection report be provided to the Development Authority, and should the inspection indicate that upgrades to the manufactured or mobile home are necessary to bring the home into compliance with the requirements of the regulations made pursuant to the Safety Codes Act, all required upgrades shall be made, and further require that all of these steps be undertaken prior to the occupancy of the manufactured or mobile home as a dwelling.
- (4) In addition to the requirements of 8.3(1) and 8.33(2) above, a manufactured or mobile home must meet the following aesthetic regulations:
  - (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area;

- (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area;
- (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area;
- (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate and general area;
- (e) The design of each manufactured or mobile home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwelling units in the immediate area;
- (f) Every manufactured or mobile home shall be placed on a full perimeter foundation that complies with the Alberta Safety Codes Act unless the manufactured or mobile home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed;
- (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order to create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.

Any required aesthetic upgrades to the manufactured or mobile home must be completed before the issuance of the development permit.

## 8.17 Motels

- (1) Minimum Lot Area per Rentable Unit:
  - (a) One Storey - 139.4 m<sup>2</sup> (1500 sq. ft.)
  - (b) Two Storeys - 92.9 m<sup>2</sup> (1000 sq. ft.)
- (2) Minimum Floor Area per Rentable Unit - 26.5 m<sup>2</sup> (285 sq. ft.)
- (3) Minimum Yards:
  - (a) Front - 7.62 m (25.0 ft.)
  - (b) Side - 3.05 m (10.0 ft.)
  - (c) Rear - 3.05 m (10.0 ft.)
- (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 3.66 m (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 7.62 m (25.0 ft.), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 9.14 m (30.0 ft.) in width.

- (6) 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 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.

## 8.18 Moved-In Buildings

- (1) The movement of any building onto a lot, whether permanently or for a specific period of time, and whether or not the building is portable or can easily be removed from the lot, shall require an approved development permit.
- (2) The Development Authority may require the applicant to provide an acceptable security equal to the estimated amount of repairs, to ensure completion of any renovations set out as a condition of approval of a permit.

## 8.19 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 4.1(3) 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.

## 8.20 Municipal Services, Sanitary Facilities & Road Availability

- (1) A development permit shall not be valid for a proposed use without the necessary approvals respecting the proposed type of sanitary facilities required by Provincial regulation.
- (2) A development permit shall not be issued for residential, recreational, commercial or industrial uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are available to support existing and proposed development.
- (3) No development shall take place and no development permit shall be approved unless the lot on which the development is to take place has direct access to a developed, all-weather road constructed to municipal standards or better. Alternatively, the Development Authority may establish as a condition of approval that an all-weather road be constructed by the developer/landowner to municipal standards or better from the nearest such road to the lot.

## 8.21 Number of Dwelling Units on a Lot

- (1) The number of dwelling units allowed on any lot shall not exceed one (1) except:
  - (a) where a second dwelling unit is proposed to be constructed or located on a lot of 32 ha (79 ac.) or more; or
  - (b) where the additional dwelling unit:
    - (i) is contained in a building that, or in buildings each of which, is designed for or divided into two (2) or more dwelling units, and which is located within a District where such buildings are allowed as either a permitted or a discretionary use; or
    - (ii) is a secondary suite as defined in this Bylaw, and which is located within a District where a secondary suite is allowed as either a permitted or a discretionary use; or
    - (iii) is manufactured home in a manufactured home park; or

- (iv) is a building, as defined in the Condominium Property Act, that is the subject of a condominium plan to be registered in a land titles office under the Act; or
  - (v) is to be occupied by a person or persons and located on the lot on a temporary or short-term basis, where the second dwelling is to be used by parents, grandparents, or a disabled relative; or
  - (vi) is to be occupied by a person or persons and located on the lot on a temporary or short-term basis while building a single family dwelling on the same lot.
- (2) If approving a development permit under the circumstances described in Subsection 8.2(1)(b)(v) above, the Development Authority shall issue such a permit only for a period of time not to exceed three (3) years. All the other regulations of this Bylaw must be met by the development. Such permits may be reissued if the landowner or occupant makes application within three (3) years after the permit has been approved; however, such renewal will be subject to a complete review by the Development Authority to determine if the relationship between occupants still exists and, if issued, will again be issued only for a period of time not to exceed three (3) years. If the relationship is determined to not exist, or if, for any other reason the development permit is refused, the second dwelling will be removed forthwith.
- (3) If approving a development permit under the circumstances described in Subsection 8.2(1)(b)(vi) above, the Development Authority shall issue such a permit only for a period of time not to exceed one (1) year. All the other regulations of this Bylaw must be met by the development. Such permits may be reissued if the landowner or occupant makes application one (1) year after the permit has been approved; however, such renewal will be subject to a complete review by the Development Authority to determine if the related construction is still underway and, if issued, will again be issued only for a period of time not to exceed one (1) year. If the construction is not underway or has stalled, or if, for any other reason the development permit is refused, the second dwelling will be removed forthwith.
- (4) If the additional dwelling unit is as defined in Section 8.2(1) above, the Development Authority may, as a condition of the approval of the second or additional dwelling unit, require that the dwelling unit be placed on the lot in such a manner as to allow for any future subdivision of parcels of land containing the dwelling units from the remainder of the titled area, with such other conditions relevant thereto that the Development Authority may deem advisable. This regulation does not imply any future commitment regarding the approval of a subdivision of any dwelling units on a parcel of land.

- (5) If the additional dwelling unit is as defined in Section 8.2(1) above, the Development Authority may, as a condition of the approval of the second or additional dwelling unit, require that the dwelling unit be a temporary building and/or a manufactured home, except in the case of a secondary suite within a dwelling which is not a manufactured home.

## 8.22 Objects Prohibited or Restricted in Yards

- (1) No person shall keep or permit in any Residential District any object, chattel, or other use of land which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district. This includes dismantled or wrecked motor vehicles, and any excavation, stockpiling or storage of materials, explosives, flammable liquids, diesel fuel, propane and gasoline products.
- (2) In addition, no person shall keep or permit in any part of any yard in any Residential District any more than one (1) vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4,800.0 kg (10,560 lbs) for longer than is reasonably necessary to load or unload the vehicle.
- (3) No person shall keep or permit in a yard adjacent to a dwelling, either:
  - (a) a propane tank that is larger than 68.2 kg (150 lbs.);
  - (b) more than four (4) propane tanks; or
  - (c) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.);without first obtaining a development permit.
- (4) Notwithstanding Subsection (3) above, on lots in a Residential District 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 sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 91.0 kg (200 lbs.) to be located on a lot.

- (5) Notwithstanding Subsection (3) above, in Commercial Districts, 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 sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) to be located either:

- (a) within an individual lot; or
  - (b) within each recreational vehicle stall located in an approved campground recreational trailer park.
- (6) All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.), to be located within individual stalls, in approved campground or recreational vehicle park, 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 issuance of a development permit.
- (7) Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 91.0 kg (200 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.

## 8.23 Off-Street Loading

- (1) All developments shall:
- (a) provide loading spaces, each having dimensions of not less than 3 m (10 ft.) in width, 7.5 m (24.5 ft.) in length, and 4.2 m (13.75 ft.) in height;
  - (b) provide vehicular ingress to, and egress from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes;
  - (c) 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; and
  - (d) be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross sidewalks.
- (2) Number of Off-Street Loading Spaces
- (a) In a commercial or industrial warehouse or similar development (other than those indicated in Subsection (b) below):
    - (i) of less than 460 m<sup>2</sup> (4951.5 sq. ft.) of floor area, one (1) space,
    - (ii) for between 460 m<sup>2</sup> (4951.5 sq. ft.) and 2300 m<sup>2</sup> (24,758 sq. ft.) of floor area, two (2) spaces,
    - (iii) for each additional 2300 m<sup>2</sup> (24,758 sq. ft.) or fraction thereof, one (1) space.
  - (b) For an office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school, or for any other use other than a residential use, for each 2300 m<sup>2</sup> (24,758 sq. ft.) of floor area or fraction thereof, one (1) space.

- (c) For a residential use, if the number of dwelling units exceeds twelve (12), one (1) space.

## 8.24 Off-Street Parking

- (1) An off-street parking area or accessory off-street parking area:
- (a) shall not be located within 1 m (3.25 ft.) of a lot line;
  - (b) shall be constructed so that adequate access to and exit from each parking space is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
  - (c) shall have necessary access located and constructed to the satisfaction of the Development Authority; and
  - (d) shall be adequately signed so as to direct access to it.
- (2) Dimensions
- (a) All parking areas shall conform to the following requirements:

### Minimum Parking Standards (in m (ft.))

(a) Parking Angle in Degrees	(b) Width of Space	(c) Depth of Space Perpendicular to Maneuvering Aisle	(d) Width of Space Parallel to Maneuvering Aisle	(e) Overall Depth	(f) Width of Maneuvering Aisle (m)
0	2.7 (9)	2.7 (9)	7.0 (23)	9.1 (30)	One Way 3.6 (12)
30	2.7 (9)	5.2 (17)	5.5 (18)	14.0 (46)	One Way 3.6 (12)
45	2.7 (9)	5.8 (19)	4.0 (13)	15.2 (50)	One Way 3.6 (12)
60	2.7 (9)	6.1 (20)	3.1 (10)	18.2 (59)	One Way 6.0 (19.5)
90	2.7 (9)	6.1 (20)	2.7 (9)	19.5 (64.5)	One Way 7.3 (24)

(See diagram below for definitions of column headings)



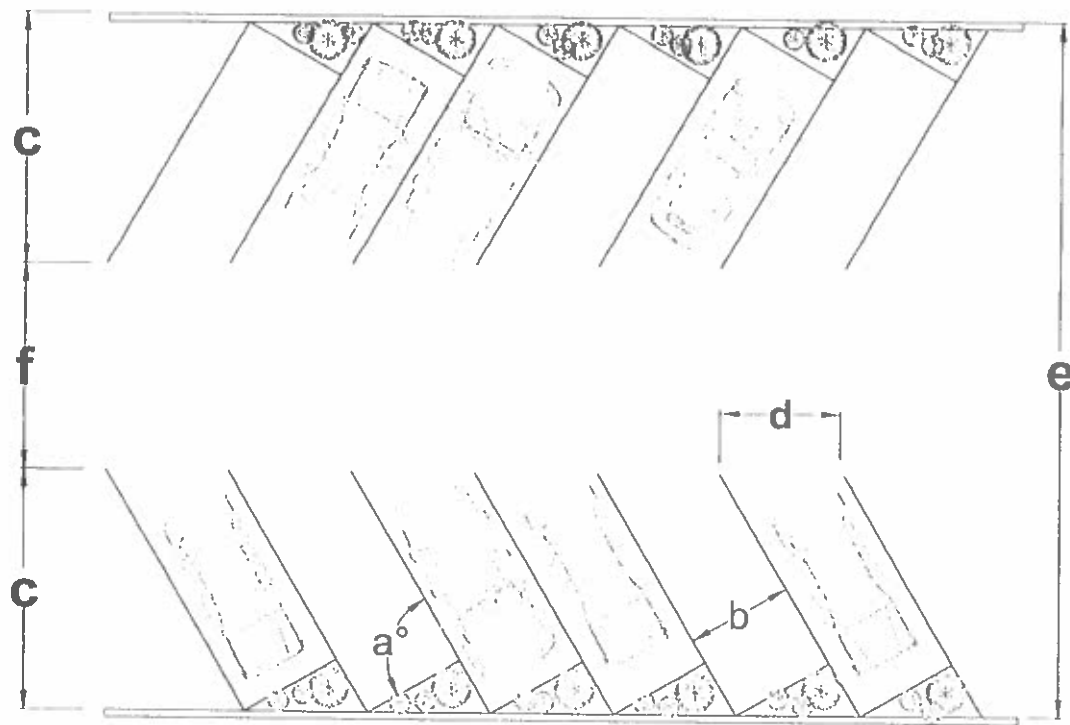


Figure 1: Parking Lot Layout

- (b) Within the M1 District, the Development Authority may require some parking spaces provided to be a minimum width of 3.0 m (10 ft.) and a minimum depth of 20 m (65.5 ft.), specifically designed for large trucks. Maneuvering aisles and accesses will be sized appropriately to permit vehicular access to these spaces.
- (3) **Surfacing and Drainage**
  - (a) Every off-street parking space provided, and the access thereto, shall be hard surfaced if the access is from a street or lane which is hard surfaced; parking areas must be paved or of gravel mixture as approved by the Development Authority.
  - (b) Each parking area shall be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk unless allowed otherwise by the Development Authority.
- (4) **Required Number of Off-Street Parking Spaces**

The minimum number of off-street parking spaces required for each building or use shall be as in the following table. In the case of use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

<u>Use of Building or Development</u>	<u>Minimum No. of Parking Spaces</u>
<u>Residential</u>	
Apartments and rowhousing	1.5 per dwelling unit
All other dwellings	1 per dwelling unit
Home occupations	1
Bed and breakfast establishments	1 per bedroom available for rental
<u>Commercial</u>	
General retail establishments, personal service shops, banks and other offices	1 per 46.5 m <sup>2</sup> (500 sq. ft.) of gross leasable floor area plus one space per two employees on maximum shift
Eating and drinking establishments	1 per 5 seating spaces plus 1 space per 2 employees on maximum shift
Hotels and motels	1 per sleeping unit plus 1 space per 2 employees on maximum shift
<u>Places of Public Assembly</u>	
Auditoriums, religious assembly, halls, clubs, theatres, and other amusement or recreation places	To the satisfaction of the Development Authority
<u>Schools</u>	
Public, separate or private elementary and jr. high schools	1 per employee on maximum shift plus 5
Public or separate sr. high schools	1 per employee on maximum shift, plus 1 for every 10 students, plus whatever number required as a result of any auditorium or gym

Industrial

Any industrial use or public utility building

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

Hospitals and Similar Uses

Hospitals, sanitariums, convalescent homes, etc.

1 per 93 m<sup>2</sup> (1001 sq. ft.) of floor area, or 1 per 4 beds plus 1 for every 2 employees on maximum shift, whichever is greater

## 8.25 Projection Into Yards

- (1) No portion of any building shall project onto, over or into a minimum required yard.
- (2) Notwithstanding Subsection (1) above, the portions of an attachment to a main building which may project over a minimum required yard are:
  - (a) steps, eaves, gutters, sills, patios, and decks, 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 exceed 0.91 m (3.0 ft.); and
  - (c) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

## 8.26 Protection From Exposure Hazards

- (1) The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9080 l (2000 gal.) shall be in accordance with the requirement of the Development Officer, but in no case be less than a minimum distance of 228 m (748 ft.) from assembly, institutional, mercantile or residential buildings. Nor shall a storage tank be placed within a minimum of 38 m (124.5 ft.) of the centre line of a grid road, 41 m (134.5 ft.) from the right-of-way of a minor two-lane highway or 70 m (230 ft.) from the right-of-way of a major two-lane highway.
- (2) LPG containers with a water capacity of less than 9080 l (2000 gal.) shall be located in accordance with regulations under the Alberta Safety Codes Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Alberta Safety Codes Act.

- (4) Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with the appropriate provincial regulations or acts, but in no case be less than a minimum distance of 30 m (98.4 ft.) for institutional, commercial, or residential buildings.
- (5) The location of the storage tank shall be completely enclosed by a security fence having a minimum height of 1.8 m (6 ft.).
- (6) Dangerous Goods warning signs of an appropriate nature shall be clearly visible at the site. Signs shall be attached to the fence and to the storage tanks.
- (7) No tanks for the storage of anhydrous ammonia shall be allowed within the municipality.

## 8.27 Recreational Vehicle Parks

- (1) The construction and maintenance of all internal roads are to be the responsibility of the landowner/developer. Internal roads shall have a minimum of a 6 m (20 ft.) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12 ft.) usable top.
- (2) Recreational vehicle or camping spaces shall have a minimum of 13.5 m (49 ft.) width and a minimum of 273 m<sup>2</sup> (2938.5 sq. ft.) area. All such spaces shall be set back a minimum of 30 m (98.4 ft.) from the shoreline of any body of water.
- (3) The developer shall provide an adequate on-site water supply.
- (4) 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 over the type of development.
- (5) The development agreement may require the developer to construct, upgrade, or pay to construct or upgrade the necessary Village roads to access the development.
- (6) The developer shall designate an area equivalent to ten percent (10%) of the total recreational vehicle park area as a playground. This area is to be clearly marked and free from all traffic hazards.

## 8.28 Recreational Vehicles

- (1) Notwithstanding any other provision of this Bylaw to the contrary, no person may occupy a recreational vehicle on any lot unless a development permit has been received for the placement and use of the recreational vehicle.
  - (a) If the intention is to rent the recreational vehicle for any consideration (whether for money or for goods or service in kind), a development permit for a recreational vehicle park must be approved. Such a permit may only be approved in Districts where recreational vehicle parks are listed as a permitted or a discretionary use.
  - (b) If the intention is to have the recreational vehicle occupied by person or persons, but not have any arrangement for any consideration as described in Subsection (i) above, a development permit for the placement of the recreational vehicle as an accessory building and use must be approved. Such a permit may only be approved in Districts where residential uses are listed as a permitted or a discretionary use, and may only be approved for a period of time, which period shall not exceed six (6) months. In addition, no more than one (1) recreational vehicle used for such a purpose shall be allowed on any lot, and the placement of the recreational vehicle shall abide by all requirements for accessory buildings on the subject lot.
  - (c) If the intention is to store an unoccupied recreational vehicle, unless a development permit has been issued for Outdoor Storage which includes recreational vehicles, no more than one (1) recreational vehicle shall be allowed on any lot. ~~No development permit shall be required for the storage of one (1) unoccupied recreational vehicle on a lot.~~
- (2) Notwithstanding 8.28(1) above, within the Residential (R1, R2, R3, RMH1 and RMHS) Districts, a development permit for the placement and ~~use of a recreational vehicle is not required for non-rental occupation of one (1) recreational vehicle for no more than two (2) weeks.~~
- (3) 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.
- (4) 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 appurtenances, in addition to fences, benches, fire pits, picnic tables, a small shed with a maximum size of 10 m<sup>2</sup> (107.6 sq. ft.), and a screened or roofed patio around or beside the recreational vehicle.

- (5) No structure accessory to a recreational vehicle shall be used as sleeping quarters.
- (6) Except for a recreational vehicle on a lot which may have an appurtenant garage for the storage of vehicles or boats, the total floor area or ground area covered by all accessory structures, buildings or other appurtenances (other than those indicated in Subsection 1. above) shall not exceed the total floor area of the recreational vehicle.

## **8.29 Service Stations & Gas Bars**

- (1) Service stations and gas bars shall be located in such a manner that:
- (a) No entrance or exit thereto for motor vehicles shall be within 60 m (197 ft.) of an entrance to or exit from firehall, public or private school, playground, library, religious assembly, hospital, children's or senior citizen's home, or other public or quasi-public use;
  - (b) No part of a service station or gas station building or of any pump or other accessory shall be within 6 m (19.5 ft.) of a side or rear property line;
  - (c) Service stations shall have a front yard of not less than 12 m (39.5 ft.) and no fuel pump shall be located closer than 6 m (19.5 ft.) to the front property line; and
  - (d) Storage tanks shall be set back from adjacent buildings in accordance with the Alberta Safety Codes Act and regulations made thereunder, and the Alberta Fire Code.
- (2) Site Area and Coverage
- (a) The minimum site areas shall be 740 m<sup>2</sup> (7965.5 sq. ft.) and the maximum building coverage shall be 25% of the site area. For service stations including car wash, the minimum site area shall be 1115 m<sup>2</sup> (12,002 sq. ft.).
  - (b) Where a service station forms part of an auto dealership development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Authority.
- (3) Site and Building Requirements
- (a) All parts of the site to which vehicles may have access shall be surfaced and drained to the satisfaction of the Development Authority.
  - (b) No activity may be carried on which constitutes an undue nuisance or annoyance to persons occupying land in the immediate vicinity of the site, by reason of dust, noise, gases, odour, smoke or vibration.

- (c) The site of the buildings shall be maintained in a clean and tidy condition and free from all rubbish and debris.

### 8.30 Signs

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:

- (1) Limitations
  - (a) Except as provided in Section 3.2 of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless he has complied with the requirements of this Section and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
  - (b) The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.
  - (c) Provisions for election signs and property for sale or rent signs are provided in Section 3.2 of this Bylaw.
- (2) Information Requirements for a Development Permit for a Sign

In addition to the requirements of Section 4.1 of this Bylaw, a development permit application for a sign shall include the following information:

- (a) a letter of consent from the property owner,
  - (b) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
  - (c) any animation, moving copy, or other moving features of the sign, if applicable,
  - (d) method of illumination, if applicable,
  - (e) mounting details,
  - (f) the location and size of all other existing and proposed signs on the building façade or site,
  - (g) mounting heights and clearances to grade, and
  - (h) the amount of projection of the sign from a building, if any.
- (3) Signs as Permitted or Discretionary Uses

- (a) No sign, other than an off-site sign in the Districts indicated in Subsection (b) below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in Section 3.2 of this Bylaw, shall be allowed unless it is accessory to an existing use.
  - (b) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this section, off-site signs shall be considered to be discretionary developments in all Commercial Districts, in all Industrial Districts, and in the Urban Reserve (UR) District.
- (4) Procedures for the Consideration of Development Permit Applications for Signs
- All development permit applications for signs shall follow the process outlined in Part 4 of this Bylaw and be subject to appeal if applicable in accordance with Part 5 of this Bylaw.
- (5) General Sign Regulations
- (a) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
    - (i) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
    - (ii) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
    - (iii) it would be situated within the area regulated by Section 8.7 of this Bylaw.
  - (b) A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
  - (c) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
  - (d) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any property boundary and no part of a sign may encroach onto an adjacent lot or a road or lane.
  - (e) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18.0 m<sup>2</sup> (193.6 sq. ft.).



- (f) At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
- (g) Signs will not be allowed on fences in Residential Districts or Commercial Districts.

(6) Care and Maintenance of Signs

- (a) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- (b) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair they may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
  - (i) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
  - (ii) take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
- (c) Failure to remove the sign or to comply with the measures specified in the notice described in Subsection (b) above may result in the issuance of a violation ticket as described in this Bylaw.
- (d) The notice described in Subsection (b) above shall be considered to be a stop order for the purposes of this Bylaw.

(7) Type of Signs

- (a) A-Frame Signs
  - (i) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
  - (ii) The maximum area of each A-frame sign face which is located on a sidewalk shall be  $0.7 \text{ m}^2$  (7.5 sq. ft.). Figure 27 illustrates area and height requirements for A-frame signs.
  - (iii) The maximum area of each A-frame sign face located in another location, approved by the development authority, shall be  $1.5 \text{ m}^2$  (16.0 sq. ft.)

- (iv) The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft.).
- (v) No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow.
- (vi) The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6 ft.), measured perpendicular distance from the ground to the highest point of the sign when set up.
- (vii) No more than one (1) A-frame sign shall be allowed per business frontage.
- (viii) Where the back of an A-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (ix) The area around an A-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the A-frame sign.
- (x) A-frame signs are not to be used in conjunction with projecting signs at grade level.

(b) Canopy Signs

Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:

- (i) the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
- (ii) the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
- (iii) no part of the canopy shall project over a road or lane,
- (iv) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
- (v) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
- (vi) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 m<sup>2</sup> (5.4 sq. ft.) in area, and
- (vii) all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle

iron bracing, guy wires or similar support elements are visible from a road or lane.

(c) Freestanding Signs

- (i) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (ii) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft.) at road level.
- (iii) Notwithstanding Subsection (b) above, a maximum of one (1) freestanding sign may be allowed per site except:
  - (A) where a site has more than a 90.0 m (295.3 ft.) frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority.
  - (B) where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90.0 m (295.3 ft.) apart.
  - (C) Additional signs may be allowed at the discretion of the Development Authority.
- (iv) The total sign area of all freestanding signs on a site shall not exceed 0.3 m<sup>2</sup> (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 8.4 m<sup>2</sup> (90 sq. ft.).
- (v) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).
- (vi) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (vii) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

(d) Portable Signs

- (i) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- (ii) No more than one (1) portable sign shall be located on a site.
- (iii) Notwithstanding Subsection (ii) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer than 15.0 m (49.2 ft.) to another portable sign.
- (iv) All portable signs shall be double-faced.

- (v) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (vi) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- (vii) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District.

(e) Projecting Signs

- (i) No projecting sign shall project over another site, a road, or a lane.
- (ii) A projecting sign shall have a vertical clearance of a minimum of 3.05 m (10 ft.) from grade.
- (iii) No more than one (1) projecting sign of 0.5 m<sup>2</sup> (5.4 ft<sup>2</sup>) in size shall be allowed for each frontage of a commercial or industrial use.
- (iv) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

(f) Roof Signs

- (i) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (ii) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (iii) All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.

(g) Fascia Signs

- (i) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
  - (A) the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,

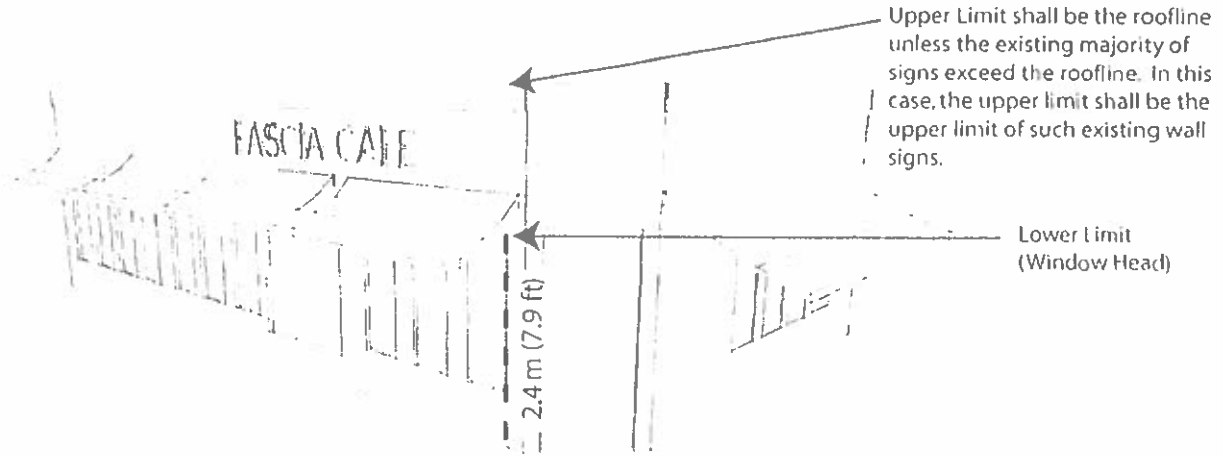


Figure 2: Fascia Sign placement on a one storey building

- (B) in the case of a one storey building, the upper limit of the portion shall be either:
1. the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs, or
  2. a maximum of 0.8 m (31.5 inches) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or

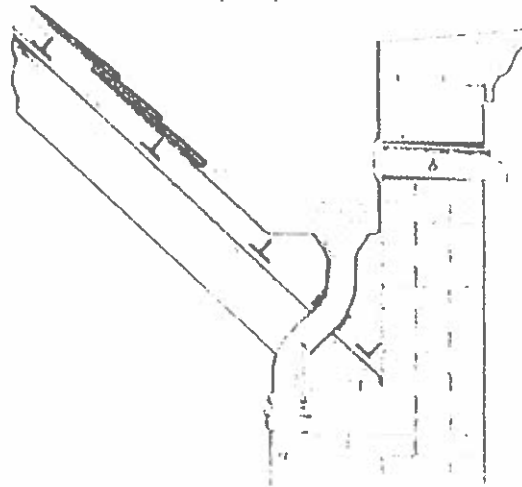


Figure 3: Example of a Parapet Wall and Eaves

3. the line of the eaves,

- (C) in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 inches) above the floor elevation of the second storey.

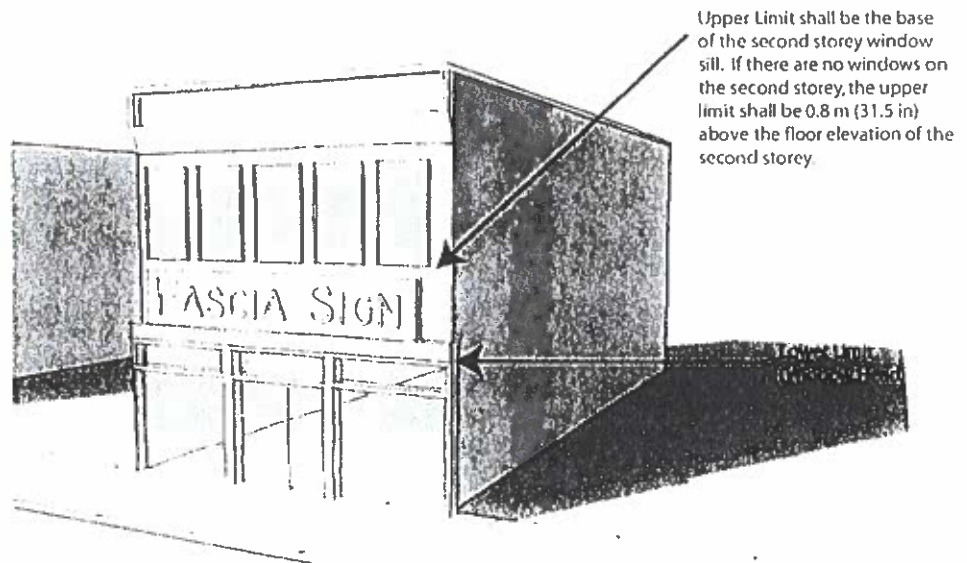


Figure 4: Fascia Sign placement on a two storey building

- (ii) Notwithstanding Subsection (a) above, a wall sign may be located:
- (A) below the area defined in Subsection (a) above, provided:
    - 1. the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
    - 2. the sign states no more than the name of the building or the principal tenant of the building, and
    - 3. the sign area does not exceed 20% of the building face below the area defined in Subsection (a) above,
  - (B) between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
    - 1. the sign states no more than the name of the building or the principal tenant of the building, and
    - 2. the sign area does not exceed 2.5 m<sup>2</sup> (26.9 sq. ft.), or
  - (C) above the third storey window sill, provided:
    - 1. the sign states no more than the name of the building or principal tenant of the building, and

2. there is no more than one (1) sign per building face above the third storey.
  - (iii) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
  - (iv) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.
- (h) Inflatable Signs
- (i) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 m<sup>2</sup> (59.2 sq. ft.) as applicable.
  - (ii) Larger inflatable signs require that a development permit be applied for, and approval obtained before installation.
  - (iii) One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
  - (iv) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
  - (v) An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.
  - (vi) Inflatable signs cannot be located on the roof of a structure.
- (8) Signs in or Adjacent to Residential Districts
- (a) Except as provided in Subsections (b) and (c) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
  - (b) An approved major home occupation may display a sign, not larger than 0.2 m<sup>2</sup> (2 sq. ft.) in the window of the dwelling.
  - (c) An approved bed and breakfast may display a sign, not larger than 0.2 m<sup>2</sup> (2.0 sq. ft.). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from inside a window of the dwelling.
  - (d) One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
    - (i) the sign area does not exceed 5.0 m<sup>2</sup> (53.8 sq. ft.),

- (ii) the height of the sign does not exceed 2.0 m (6.6 ft.), and
    - (iii) the sign is not internally illuminated, though it may be lit from the front.
  - (e) Name or number signs shall have a surface area of no more than 0.3 m<sup>2</sup> (3.0 sq. ft.).
  - (f) When an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
  - (g) When, in the opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in the Residential District, the Development Authority may impose such other requirements as they deem necessary, to protect the amenities of the Residential District.
- (9) Signs Relating to Institutional Uses

In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 m<sup>2</sup> (53.8 sq. ft.) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional use.

### 8.31 Site Conditions

- (1) Development shall not be allowed on unstable slopes, land characterized by soil instability, or land 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.
- (2) Lands Subject to Flooding or Subsidence
  - (a) Notwithstanding that a proposed development conforms in all respects with this Bylaw, where the application is for development on lands that are or may be subject to flooding or subsidence, or in an area potentially subject to a 1:100 year flood, the Development Authority shall not approve a development permit unless the applicant can demonstrate that preventive engineering and construction measures can be instituted to make the site suitable for the proposed development or to protect the development from the potential flooding hazard.
  - (b) If a development is subsequently approved in such an area, the developer shall be required to implement the preventive measures referred to in Subsection (a)



above, and agree within an agreement that can be caveated against the titles of the affected lands, that he and/or any subsequent landowners shall be responsible for any damage or loss caused by flooding or subsidence.

- (3) The Development Authority may impose conditions on the approval of a development permit requiring the retention of trees, or additional planting of such a type and extent that is considered necessary.
- (4) The Development Authority may prescribe setback and/or buffering requirements for uses which may be incompatible with adjacent land uses.
- (5) The Development Authority may prescribe or approve screening for uses which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.

### **8.32 Solar Energy Collection Systems**

- (1) Solar energy collection systems shall only be allowed as accessory developments.
- (2) Ground mounted solar collectors shall be located in a side or rear yard only.
- (3) When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot should 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 3.66 m (12 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.

Notwithstanding the foregoing, the Village shall not be held responsible for protecting access to solar energy on private land.

- (4) No solar energy collection 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.

### **8.33 Sour Gas Facilities**

- (1) No development shall be allowed within 100 m (328 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Resources Conservation Board (ERCB).
- (2) In the case of a Level 2 sour gas facility as determined by the ERCB:
  - (a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility; and
  - (b) no institutional use shall be allowed within 500 m (1640 ft.) of the sour gas facility.
- (3) In the case of Level 3 sour gas facility as determined by the ERCB:
  - (a) no permanent dwelling shall be allowed within 100 m (328 ft.) of the sour gas facility;
  - (b) no residential development with a density of more than eight (8) dwelling units per quarter section shall be allowed within 500 m (1640 ft.) of the sour gas facility; and
  - (c) no institutional use shall be allowed within 1500 m (4921 ft.) of the sour gas facility.

### **8.34 Subdivision of Land**

- (1) Where the development of land requires a subdivision, no development permit shall be issued until the proposed subdivision has received tentative approval from the Subdivision Authority for the Village.
- (2) Development agreements shall be required as a condition of approval for subdivision of land within the Village.

### **8.35 Topsoil Removal**

- (1) A development permit is required for the removal of top soil, sand, or gravel for commercial purposes.
- (2) The Development Authority may refer a copy of a development permit application for topsoil removal to the appropriate provincial agencies for input prior to making a decision.

### **8.36 Wind Energy 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 mi.) of the municipality; and
  - (b) landowners within 2 km (1.2 mi.) 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 Community Spirit
  - (d) Alberta Environment
  - (e) Alberta Sustainable Resource Development
  - (f) Alberta Tourism, Parks and Recreation
  - (g) 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 8.37(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.

## 8.37 Wind Energy 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 setback 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 Small Wind Energy System is allowed per single detached dwelling on a lot.

## **8.38 Wireless Communication Facilities**

- (1) The municipality will encourage developers of wireless communications facilities to demonstrate good planning and design with foremost regard to safety of the general public; adherence to established construction standards in industry; minimizing impacts to the natural environment; minimizing the visual impacts on nearby residents; and ensuring public consultation in the early development stages. A letter of support will be provided to licensing and approving authorities for applications meeting these criteria. A letter of non-support will be provided to licensing and approving authorities for applications not meeting these criteria.
- (2) Developers of a wireless communications facility that plan for the facility and can accommodate other wireless operators on the site will be given priority status.
- (3) The application for development of a wireless communications facility is encouraged to engage existing owner/operators of these structures for co-location opportunities. Existing operators are encouraged to participate in the process by charging reasonable rates for this privilege.
- (4) Applications for development of structures outside of the Alberta Building Code such as lattice towers shall include a document from authoritative sources demonstrating structural adequacy of the specified structure for the location and loading defined in the application. Such authorities include: the Canadian Standards Association and qualified structural engineers. Stamps and Seals of approval shall accompany the documentation.
- (5) Guyed-tower structures are to be located on properties that allow for a distance from the base to boundary setbacks that is no less than equal to the final structure height. In all cases that base and anchor structures must be designed for the soil

conditions present. A professional engineered design with supporting soil profiles must accompany the application for development. Precise location (Latitude and Longitude) of the base and anchors must be revealed.

Self-support towers are to be located respecting the building and safety codes for the community. In all cases the base structures must be designed for the soil conditions present. A professional engineered design with supporting soil profiles must accompany the application for development.

- (6) Multiple tower structures will require individual development permit applications.
- (7) Applications for the development of wireless facilities must include in the development application letters from the following authorities:
  - (a) Transport Canada governing painting and lighting of the applicant's tower for aeronautical safety;
  - (b) Nav Canada governing aircraft communication and instrumentation immunity from the applicant's tower transmissions;
  - (c) Industry Canada governing the frequency of operations and public safety from non-ionized radiation in accordance with Safety Code 6. Licensed Exempt operators must provide a stamped letter from a licensed professional RF engineer guaranteeing these conditions will be met; and
- (8) Appropriate fencing around the base, anchors and site limiting public access to the tower and exposure to high RF energy fields must be provided with consideration of community aesthetics.
- (9) The application for development must include consideration to minimizing environmental damage through the following measures:
  - (a) Consultation with Federal and Provincial environmental agencies to ensure the site selected and the resultant construction does not impact upon sensitive ecologies nor interfere with migrating birds or animals. Confirming letters from these agencies must accompany the application for development.
  - (b) The application for development shall include a signed letter from the applicant detailing corrective action(s) to remediate any environmental damages.
- (10) As a condition of obtaining a development permit the applicant agrees to the following:
  - (a) The site will be reclaimed within six (6) months of cessation of operation.
  - (b) The site reclamation will comply with Alberta Environmental Laws to be provided by Alberta Environment or their agent.

## B. general regulation

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- (11) A public consultative process shall commence within the intent to establish a wireless facility advertisement in the local newspapers and b letter to the neighbouring property owners 120 days prior to the anticipated date of construction. The municipality will arrange for the public meetings at its discretion and at the sole expense of the applicant.



# 9 Land Use District Regulations

## 9.1 R1 -- Large Lot Residential District

(1) General Purpose

The general purpose of this District is to allow the development of single family dwellings on large lots.

(2) Permitted Uses

- (a) Minor home occupations
- (b) Parks, playgrounds and similar recreational uses
- (c) Public utilities, not including an enclosed building
- (d) Single family dwellings
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Day homes
- (c) Family care facilities
- (d) Major home occupations
- (e) Modular dwellings
- (f) Public or quasi-public uses
- (g) Religious assemblies
- (h) Secondary suites
- (i) Show homes
- (j) Solar energy collection systems
- (k) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area for Single Family Dwellings = 557.4 m<sup>2</sup> (6000 sq. ft.)
- (b) Minimum Lot Area for Other Uses -- as required by the Development Authority.
- (c) Minimum Lot Width for Single Family Dwellings = 15.24 m (50.0 ft.)

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- (d) Minimum Lot Width for Other Uses – as required by the Development Authority.
- (e) Development on existing substandard lots may be considered by the Development Authority. Compliance with provincial plumbing, drainage and health Regulations will be required.
- (f) Minimum Floor Area for Residential Uses – 88.3 m<sup>2</sup> (950 sq. ft.) for each dwelling unit
- (g) Minimum Yard Requirements:
- (i) Front yard – 7.5 m (24.6 ft.)
  - (ii) Except as noted below, side yard – 10% of the lot width
  - (iii) Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
  - (iv) Side yard where there is no lane and where no attached garage is provided – 3.0 m (9.84 ft.)
  - (v) Rear yard – 7.5 m (24.6 ft.)

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

- (h) Maximum Lot Coverage
- (i) Dwellings – 23%
  - (ii) Accessory buildings – 12%
- (i) Design, Character and Appearance of Buildings:
- (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
  - (ii) All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.
  - (iii) All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the modular dwelling.
- (j) Other Requirements:

- (i) Every fence enclosing an outdoor swimming pool or hot tub exceeding 0.9 m (3 ft.) in depth shall be at least 1.7 m (5.6 ft.) in height and shall be designed so as to try to deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall be the same height as the fence and shall be equipped with a self-latching device located on the inside of the fence.
- (ii) The maximum height of any building shall be 10 m (32.8 ft.).

## 9.2 R2 – Small Lot Residential District

(1) General Purpose

The general purpose of this District is to allow the development of primarily smaller single family dwellings on large lots, with the possibility of some duplex development at the discretion of the Development Authority.

(2) Permitted Uses

- (a) Minor home occupations
- (b) Parks, playgrounds and similar recreational uses
- (c) Public utilities, not including an enclosed building
- (d) Single family dwellings
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Day homes
- (c) Duplexes
- (d) Family care facilities
- (e) Major home occupations
- (f) Modular dwellings
- (g) Public or quasi-public uses
- (h) Religious assemblies
- (i) Secondary suites
- (j) Semi-detached dwellings
- (k) Show homes
- (l) Solar energy collection systems
- (m) Buildings and uses accessory to discretionary uses

(4) Requirements

(a) Relating to Single Family Dwellings

- (i) Minimum Lot Area – 464.0 m<sup>2</sup> (4994 sq. ft.)
- (ii) Minimum Lot Width – 11.8 m (37 ft.)
- (iii) Development on existing substandard lots may be considered by the Development Authority. Compliance with provincial plumbing, drainage and health Regulations will be required.
- (iv) Minimum Floor Area
  - A. One storey buildings – 74.0 m<sup>2</sup> (796.5 sq. ft.)
  - B. One and one-half storey buildings – 92.0 m<sup>2</sup> (990 sq. ft.)

C. Two storey buildings =  $111 \text{ m}^2$  (1195 sq. ft.)

(v) Minimum Yard Requirements

- A. Front yard = 7.5 m (24.6 ft.)
- B. Except as noted below, side yard = 10% of the lot width
- C. Side yard abutting a road in the case of a corner lot = 4.5 m (14.75 ft.)
- D. Side yard where there is no lane and where no attached garage is provided = 3.0 m (9.84 ft.)
- E. Rear yard = 7.5 m (24.6 ft.)

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

(vi) Minimum Lot Coverage

- A. Dwellings = 23%
- B. Accessory buildings = 12%

(b) Relating to Duplexes and Semi-detached Dwellings

- (i) Minimum Lot Area for Duplexes =  $576 \text{ m}^2$  (6200 sq. ft.) provided that the total floor space of the two dwelling units does not exceed  $185.8 \text{ m}^2$  (2000 sq. ft.)
- (ii) Minimum Lot Area for Semi-detached Dwellings
  - A.  $743.0 \text{ m}^2$  (7997 sq. ft.) if a corner lot
  - B.  $668.0 \text{ m}^2$  (7190 sq. ft.) in all other situations
- (iii) Minimum Floor Area =  $55.7 \text{ m}^2$  (600 sq. ft.) per dwelling unit
- (iv) Minimum Yard Requirements = the same as for single family dwellings
- (v) Minimum Lot Coverage = 35%

(c) Relating to All other Uses

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

(d) Relating to All Uses

- (i) Maximum Lot Coverage = 35%
- (ii) Design, Character and Appearance of Buildings:

- A. Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
  - B. All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.
  - C. All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the modular dwelling.
- (iii) Other Requirements:
- A. Every fence enclosing an outdoor swimming pool or hot tub exceeding 0.9 m (3 ft.) in depth shall be at least 1.7 m (5.6 ft.) in height and shall designed so as to try to deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall be the same height as the fence and shall be equipped with a self latching device located on the inside of the fence.
  - B. The maximum height of any building shall be 10 m (32.8 ft.).

## 9.3 R3 – Moderate Density Residential District

(1) General Purpose

The general purpose of this District is to allow the development of a mixture of residential uses at an overall moderate density, with the development, including its design, being entirely at the discretion of the Development Authority.

(2) Permitted Uses

None

(3) Discretionary Uses

- (a) Apartments
- (b) Bed and breakfast establishments
- (c) Day homes
- (d) Duplexes
- (e) Family care facilities
- (f) Major and minor home occupations
- (g) Parks, playgrounds and similar recreational uses
- (h) Public or quasi-public uses
- (i) Public utilities, not including an enclosed building
- (j) Religious assemblies
- (k) Row housing
- (l) Secondary suites
- (m) Semi-detached dwellings
- (n) Show homes
- (o) Solar energy collection systems
- (p) Buildings and uses accessory to discretionary uses

(4) Requirements

(a) Relating to Single Family Dwellings

- (i) Minimum Lot Area – 464.0 m<sup>2</sup> (4994 sq. ft.)
- (ii) Minimum Lot Width – 11.8 m (37 ft.)
- (iii) Development on existing substandard lots may be considered by the Development Authority. Compliance with provincial plumbing, drainage and health Regulations will be required.
- (iv) Minimum Floor Area
  - A. One storey buildings – 74.0 m<sup>2</sup> (796.5 sq. ft.)
  - B. One and one-half storey buildings – 92.0 m<sup>2</sup> (990 sq. ft.)
  - C. Two storey buildings – 111 m<sup>2</sup> (1195 sq. ft.)

- (v) Minimum Yard Requirements
- A. Front yard – 7.5 m (24.6 ft.)
  - B. Except as noted below, side yard – 10% of the lot width
  - C. Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
  - D. Side yard where there is no lane and where no attached garage is provided – 3.0 m (9.84 ft.)
  - E. Rear yard – 7.5 m (24.6 ft.)

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

- (vi) Minimum Lot Coverage
- A. Dwellings – 23%
  - B. Accessory buildings – 12%

(b) Relating to Duplexes and Semi-detached Dwellings

- (i) Minimum Lot Area for Duplexes – 576 m<sup>2</sup> (6200 sq. ft.) provided that the total floor space of the two dwelling units does not exceed 185.8 m<sup>2</sup> (2000 sq. ft.)
- (ii) Minimum Lot Area for Semi-detached Dwellings
  - A. 743.0 m<sup>2</sup> (7997 sq. ft.) if a corner lot
  - B. 668.0 m<sup>2</sup> (7190 sq. ft.) in all other situations
- (iii) Minimum Floor Area – 55.7 m<sup>2</sup> (600 sq. ft.) per dwelling unit
- (iv) Minimum Yard Requirements – the same as for single family dwellings
- (v) Minimum Lot Coverage – 35%

(c) Relating to Row Housing

- (i) Minimum Lot Requirements for Row Housing – at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located, and all other requirements of this section.
- (ii) Maximum density – 40 dwelling units per ha (16 per ac.)
- (iii) Minimum Yard Requirements



- A. Front yard – 7.5 m (24.6 ft.)
  - B. Except as noted below, side yard – the greater of 10% of the lot width or 3.0 m (9.84 ft.)
  - C. Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
  - D. Side yard where there is no lane and where no attached garage is provided – 3.0 m (9.84 ft.)
  - E. Rear yard – 7.5 m (24.6 ft.)
- (iv) Each dwelling unit shall have an outdoor living area immediately adjacent to it and accessible to it via an entranceway. The minimum depth of this area shall be 7.5 m (24.6 ft.). Within this area, there shall be a privacy zone measuring a minimum of 4.5 m (14.75 ft.) in depth, contained by a fence with a minimum height of 1.5 m (5 ft.).
- (d) Relating to Apartments
- (i) Maximum density – 85 dwelling units per ha (34 per ac.)
  - (ii) Minimum Lot Area – 800 m<sup>2</sup> (8611 sq. ft.)
  - (iii) Maximum Building Height – 11.0 m (36 ft.)
  - (iv) Maximum Lot Coverage – 30%
  - (v) Maximum Floor Area Ratio – 0.60
  - (vi) Minimum Yard Requirements
    - A. Front yard – 9.1 m (30 ft.)
    - B. The greater of 40% of the building height or 15% of the lot width
    - C. Rear yard – 9.1 m (30 ft.)
  - (vii) A minimum of 10% of the lot area shall be landscaped to the satisfaction of the Development Authority
  - (viii) Each development shall provide, outside of required side yards, landscaped area on the basis of the following formula:
    - A. for each bachelor dwelling unit – 18.5 m<sup>2</sup> (200 sq. ft.)
    - B. For each one bedroom dwelling unit – 28.0 m<sup>2</sup> (300 sq. ft.)
    - C. For each two bedroom dwelling unit – 70 m<sup>2</sup> (750 sq. ft.)
    - D. For each dwelling unit with three or more bedrooms – 93.0 m<sup>2</sup> (1000 sq. ft.)

(e) Relating to All other Uses

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

(f) Relating to All Uses

(i) Design, Character and Appearance of Buildings:

- A. The design characteristics of the overall development, including landscaping, driveway pattern, and the spatial relationship of the various uses on a lot shall be to the satisfaction of the Development Authority.
- B. All modular dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the modular dwelling.
- C. All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a modular dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the modular dwelling.

(iii) Other Requirements:

- A. Every fence enclosing an outdoor swimming pool or hot tub exceeding 0.9 m (3 ft.) in depth shall be at least 1.7 m (5.6 ft.) in height and shall designed so as to try to deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall be the same height as the fence and shall be equipped with a self latching device located on the inside of the fence.
- B. The maximum height of any building shall be 10 m (32.8 ft.).

## 9.4 RMH1 – Residential Manufacture Home Subdivision District

(1) General Purpose

The general purpose of this District is to allow the development of manufactured home subdivisions, in which each manufactured home is located on a separate lot.

(2) Permitted Uses

- (a) Manufactured homes 10 years or less in age at the time of development permit application
- (b) Minor home occupations
- (c) Parks, playgrounds and similar recreational uses
- (d) Public utilities, not including an enclosed building
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Bed and breakfast establishments
- (b) Day homes
- (c) Family care facilities
- (d) Major home occupations
- (e) Manufactured homes older than 10 years in age at the time of development permit application
- (f) Public or quasi-public uses
- (g) Religious assemblies
- (h) Secondary suites
- (i) Show homes
- (j) Single family dwellings
- (k) Solar energy collection systems
- (l) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area
  - (i) For manufactured homes and single family dwellings – 464.0 m<sup>2</sup> (4994 sq. ft.)
  - (ii) For all other uses – as required by the Development Authority
- (b) Minimum Lot Width
  - (i) For manufactured homes and single family dwellings – 15.2 m (49.9 ft.)
  - (ii) For all other uses – as required by the Development Authority
- (c) Minimum Floor Area (not including any attached porches)

- (i) For manufactured homes and single family dwellings – 55.0 m<sup>2</sup> (592 sq. ft.)
  - (ii) For all other uses – as required by the Development Authority
- (d) Maximum Height of Buildings
- (i) For manufactured homes and single family dwellings– 4.6 m (15.1 ft.)
  - (ii) For accessory buildings – 4.6 m (15.1 ft.)
  - (iii) For all other buildings – as allowed by the Development Authority
- (e) Maximum Lot Coverage
- (i) For manufactured homes and single family dwellings– 23%
  - (ii) For accessory buildings – 12%
  - (iii) For all other buildings – as allowed by the Development Authority
- (f) Minimum Yard Requirements
- (i) Front yard – 4.5 m (14.75 ft.)
  - (ii) Except as noted below, side yard – 3.0 m (9.84 ft.)
  - (iii) Side yard abutting a road in the case of a corner lot – 4.5 m (14.75 ft.)
  - (iv) Rear yard
    - A. Interior Lot – 6.09 m (20 ft.)
    - B. Corner Lot – 4.5 m (14.75 ft.)

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

- (g) Design, Character and Appearance of Buildings:
- (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
  - (ii) All dwellings shall be factory built or of a quality equivalent thereto with walls of pre-finished siding, stucco, brick, or equivalent, as required by the Development Authority. Solid footings and a concrete or wood block foundation, wall or skirting shall be provided so that the appearance, design and construction compliment the dwelling.
  - (iii) All accessory structures such as patios, porches, additions, skirting and storage facilities attached to a dwelling shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the modular dwelling.

(iv) The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.

(h) Other Requirements:

(i) Every fence enclosing an outdoor swimming pool or hot tub exceeding 0.9 m (3 ft.) in depth shall be at least 1.7 m (5.6 ft.) in height and shall be designed so as to try to deter children from climbing over or crawling through or under it to gain access. Gates in the fence shall be the same height as the fence and shall be equipped with a self-latching device located on the inside of the fence.

## 9.5 RMHP – Manufactured Home Park District

(1) General Purpose

The general purpose of this District is to provide for the development of manufactured home parks where stalls are provided on a rental basis.

(2) Permitted Uses

- (a) Manufactured homes which are both
  - (i) within a manufactured home park for which a development permit has been approved, and
  - (ii) 10 years or less in age at the time of development permit application
- (b) Minor home occupations
- (c) Parks, playgrounds and similar recreational uses
- (d) Public utilities, not including an enclosed building
- (e) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Day homes
- (b) Major home occupations
- (c) Manufactured homes other than those described in Section 9.5(2)(a) above
- (d) Manufactured home parks
- (e) Public or quasi-public uses
- (f) Show homes
- (g) Solar energy collection systems
- (h) Uses directly related to the convenience of the manufactured home park residents or management
- (i) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Stall Area = 465 m<sup>2</sup> (5005 sq. ft.)
- (b) Minimum Stall Width = 15.0 m (49.2 ft.)
- (c) Minimum lot area size for a manufactured home park = 2 ha (5 ac.)
- (d) Maximum area coverage for manufactured home and accessory buildings on a stall = 40%
- (e) Maximum Density = 20 manufactured homes per ha (8 per ac.)
- (f) Minimum Yards for a Manufactured Home Park:
  - (i) Front = 7.6 m (25 ft.)
  - (ii) Side adjacent to a road = 7.6 m (25. ft.)

- (iii) All other yards 3.0 m (9.8 ft.)

Notwithstanding these regulations, any requirements established pursuant to the Alberta Safety Codes Act must be provided.

(g) Setback Requirements for Manufactured Homes within a Manufactured Home Stall

- (i) Front setback from an internal roadway or parking area 3.7 m (12 ft.).

- (ii) Manufactured homes including attached structures shall be at least 15.2 m (50 ft.) from any manufactured home, including any attached structures or permanent park structures located directly on the opposite side of a park street.

(iii) Minimum Side Setback:

No manufactured home shall be located within 1.5 m (15 ft.) of another and no portion of a manufactured home or accessory building shall be placed closer than 1.5 m (5 ft.) to a side line. No manufactured homes shall be permitted within a block of parcels designed or designated for zero lot line placement.

- (iv) Minimum rear setback 2.3 m (7.5 ft.)

(5) Manufactured Home Park Requirements

(a) Storage:

- (i) Communal or individual storage areas for vehicles, recreation vehicles, watercraft, and other items that cannot be stored on a manufactured home stall shall be provided at a rate of at least 18.6 m<sup>2</sup> (220 sq. ft.) of storage area per manufactured home stall.

- (ii) The Development Authority may require that a storage area be enclosed or screened by trees, landscape features or fences or a combination thereof to the satisfaction of the Development Authority.

- (iii) No vehicle greater than 9 m (30 ft.) in length may be parked on a manufactured home stall or manufactured home park street.

- (iv) Not more than one recreation vehicle or trailer may be parked on a manufactured home stall.

(b) Visitors' Off-Street Parking:

In addition to the parking requirements articulated in this Bylaw, one (1) parking stall for every five (5) manufactured home stalls shall be provided in the manufactured home park, as common parking for guests or as required by the Development Authority.

(c) Open Space:

A minimum of 10% of the gross park area shall be set aside as common open space recreation area and no portion of any manufactured home stall shall be included in this open space.

(d) Utilities:

All utility lines shall be placed underground or as stipulated in a development agreement.

(e) Appearance:

- (i) All accessory structures such as patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the manufactured home.
- (ii) The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.
- (iii) Outdoor lighting shall be of a design and appearance satisfactory to the Development Authority.
- (iv) All areas of manufactured home park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings, communal storage areas, or other developed facilities shall be grassed and landscaped.

(f) Fences and Screening:

The manufactured home park shall be screened from view with a vegetated buffer strip of a minimum of 9 m (30 ft.) and or other screening of a visually pleasing nature as required by the Development Authority.

(g) Buffer:



A landscaped buffer of not less than 10 m (33 ft.) or a width satisfactory to the Development Authority shall be provided around the perimeter of the manufactured home park.

(d) Other:

- (i) A development permit shall not be issued for a manufactured home park until the Development Authority has received assurance from appropriate authorities indicating that the proposed sewage disposal system has been approved.
- (ii) Adequate on-site recreation areas such as playgrounds and tot lots may be required if deemed appropriate.
- (iii) All roads in a manufactured home park shall be surfaced, and well drained, and maintained to the satisfaction of the Development Authority. Minimum driving surface width shall be 7.3 m (24 ft.).
- (iv) All parks shall be provided with safe, convenient, all-season pedestrian access of at least 1.0 m (3.25 ft.) width for intended use between individual manufactured homes, the park street and all community facilities provided for park residents.
- (v) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- (vi) All municipal utilities shall be provided underground to stalls in a manufactured home park.
- (vii) 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 residents and for the management and maintenance of the park.
- (viii) Manufactured home park facilities shall be arranged to create a homelike atmosphere. This objective is achieved by variations in street pattern, block shapes and location of manufactured home stands.
- (ix) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (x) Only one main, free-standing, identification sign of residential character and appearance shall be erected at the entrance to a manufactured home park unless the Development Authority is of



## 9.6 C1 -- Downtown Commercial District

(1) General Purpose

The general purpose of this District is to provide for a wide variety of commercial uses within the Village's downtown core

(2) Permitted Uses

- (a) Business support services establishments
- (b) Eating and drinking establishments
- (c) General retail establishments
- (d) Government services
- (e) Health services
- (f) Hotels
- (g) Household repair services
- (h) Indoor amusement establishments
- (i) Libraries and cultural exhibits
- (j) Office uses
- (k) Personal service shops
- (l) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Auctioneering establishments
- (b) Automotive and equipment repair shops
- (c) Automotive and recreational vehicle sales/rentals establishments
- (d) Bus depots
- (e) Day care facilities
- (f) Drive-in businesses
- (g) Entertainment establishments
- (h) Equipment rental establishments
- (i) Extensive recreation
- (j) Greenhouses
- (k) Institutional uses
- (l) Intensive recreation
- (m) Limited contractor services
- (n) Liquor stores
- (o) Motels
- (p) Outdoor amusement establishments
- (q) Parking lots
- (r) Private clubs
- (s) Protective and emergency services
- (t) Public or quasi-public buildings
- (u) Public or quasi-public uses
- (v) Public parks
- (w) Public utilities

- (x) Public utility buildings
- (y) Religious assemblies
- (z) Senior citizens' drop in centres
- (aa) Service stations
- (ab) Surveillance suite (maximum of one per lot)
- (ac) Vehicle repair establishments
- (ad) Veterinary clinics
- (ae) Warehouse sales establishments
- (af) Dwellings within buildings in which the predominant use is one or more of the above-listed permitted or discretionary uses, provided, however, that the dwellings have direct access to the outside of the building
- (ag) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (ah) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area: 140 m<sup>2</sup> (1507 sq. ft.)
- (b) Minimum Lot Width: 4.5 m (14.75 ft.)
- (c) Minimum Yard Requirements:
  - (i) Front yard: None, except where the Development Authority may require a setback in order to conform with existing adjacent development
  - (ii) Side yard:
    - A. If the subject lot is bounded on both sides by land classified C-1, no side yard shall be required.
    - B. If the subject lot is bordered by a lot in a Residential District, the minimum side yard required shall be 1.5 m (4.9 ft.)
    - C. When a side yard is provided, it shall not be less than 7.5 m (24.6 ft.)
- (d) 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.
- (e) No development shall be allowed that will, in any way and in the sole opinion of the Development Authority, become obnoxious by way of noise, odour, dust, or fumes.
- (f) Design, Character and Appearance of Buildings:

- (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
- (ii) All accessory structures shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the main building.

## 9.7 C2 -- General Commercial District

(1) General Purpose

The general purpose of this District is to allow for a wide variety of commercial uses which are somewhat more land extensive.

(2) Permitted Uses

- (a) Light industrial uses relating to a tradesperson
- (b) Office uses
- (c) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Auctioneering establishments
- (b) Automotive and equipment repair shops
- (c) Automotive and recreational vehicle sales rentals establishments
- (d) Bulk fuel storage and sales
- (e) Bus depots
- (f) Drive-in businesses
- (g) Entertainment establishments
- (h) Equipment rental establishments
- (i) Extensive recreation
- (j) General contractor services
- (k) Greenhouses
- (l) Heavy truck and equipment storage
- (m) Industrial vehicle and equipment sales rentals establishments
- (n) Institutional uses
- (o) Intensive recreation
- (p) Limited contractor services
- (q) Liquor stores
- (r) Motels
- (s) Outdoor amusement establishments
- (t) Outdoor storage
- (u) Parking lots
- (v) Private clubs
- (w) Protective and emergency services
- (x) Public or quasi-public buildings
- (y) Public or quasi-public uses
- (z) Public parks
- (aa) Public utilities
- (ab) Public utility buildings
- (ac) Recreational vehicle parks
- (ad) Recreational vehicle storage
- (ae) Recycling depots
- (af) Service stations

- (ag) Surveillance suite (maximum of one per lot)
- (ah) Trucking and cartage establishments
- (ai) Vehicle repair establishments
- (aj) Veterinary clinics
- (ak) Warehouse sales establishments
- (al) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (am) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area: 232.3 m<sup>2</sup> (2500 sq. ft.)
- (b) Minimum Lot Width: 7.62 m (25 ft.)
- (c) Minimum Yard Requirements:
  - (i) Front yard: None, except where the Development Authority may require a setback in order to conform with existing adjacent development
  - (ii) Side yard:
    - A. If the subject lot is bounded on both sides by land classified C1 or C2, no side yard shall be required
    - B. If the subject lot is bordered by a lot in a Residential District, the minimum side yard required shall be 1.5 m (4.9 ft.).
    - C. When a side yard is provided, it shall not be less than 7.5 m (24.6 ft.)
- (d) 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.
- (e) No development shall be allowed that will, in any way and in the sole opinion of the Development Authority, become obnoxious by way of noise, odour, dust, or fumes.
- (f) Design, Character and Appearance of Buildings:
  - (i) Buildings may be either of new construction or moved in. Exterior finish to be wood, metal or similar siding, brick or stucco to the satisfaction of the Development Authority.
  - (ii) All accessory structures shall be factory pre-fabricated units, or of a quality equivalent thereto, so that the appearance, design and construction will compliment the main building.

## 9.8 M1 - Industrial District

(1) General Purpose

The general purpose of this District is to provide for industrial activities in the Village. No industrial development shall take place which may have a detrimental effect on the municipality or its environment.

(2) Permitted Uses

- (a) Light industrial uses
- (b) Limited contractor services
- (c) Office uses
- (d) Protective and emergency services
- (e) Public or quasi-public buildings
- (f) Public or quasi-public uses
- (g) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Agricultural industries
- (b) Bulk fuel storage and sales
- (c) Drive-in businesses, but not including drive-in restaurants
- (d) Equipment vehicle rentals
- (e) Equipment rental establishments
- (f) Heavy truck and equipment storage
- (g) Industrial vehicle and equipment sales rentals establishments
- (h) Oilfield and gas field servicing
- (i) Outdoor storage
- (j) Pipe and equipment storage yards
- (k) Salvage yards and or auto wreckers
- (l) Sewage lagoons and other sewage treatment facilities
- (m) Surveillance suite (maximum of one per lot)
- (n) Vehicle repair establishments
- (o) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (p) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) Minimum Lot Area as required by the Development Authority
- (b) Minimum Yards:
  - (i) Front 9.0 m (29.5 ft.), or as required by the Development Authority.
  - (ii) Side 4.5 m (14.8 ft.), or as required by the Development Authority.



- 
- (iii) Rear 9.0 m (29.5 ft.), or as required by the Development Authority.

## 9.9 P – Community District

(1) General Purpose

The general purpose of this District is to allow the use of land for service, mainly of a public nature, which has a primary orientation to the community. Land within the P District must be owned by the municipality or other government, or will be so owned within six months of being so designated.

(2) Permitted Uses

- (a) Extensive recreation
- (b) Natural areas
- (c) Public parks
- (d) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Public or quasi-public buildings
- (b) Public or quasi-public uses
- (c) Public utilities
- (d) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

(4) Requirements

All requirements shall be as required by the Development Authority.

## 9.10 I -- Institutional District

(1) General Purpose

The general purpose of this District is to control the development of public and quasi-public buildings and uses, including recreational facilities within hamlets.

(2) Permitted Uses

- (a) Day care facilities
- (b) Government services
- (c) Group homes
- (d) Health services
- (e) Institutional uses
- (f) Libraries and cultural exhibits
- (g) Office uses
- (h) Protective and emergency services
- (i) Public education facilities
- (j) Public or quasi-public buildings
- (k) Public or quasi-public uses
- (l) Public parks
- (m) Recreational uses
- (n) Religious assembly
- (o) Senior citizens' homes and similar developments
- (p) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Cemeteries
- (b) Intensive recreation
- (c) Private clubs
- (d) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) All senior citizens' homes and similar developments shall be developed in accordance with the requirements for apartments in the R3 District.
- (b) All other development shall be developed in accordance with requirements as determined by the Development Authority.

## 9.11 UR -- Urban Reserve District

(1) General Purpose

The general purpose of this District is to reserve lands for future community growth and development.

(2) Permitted Uses


- (a) Extensive agriculture
- (b) Buildings and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Extensive recreation
- (b) Intensive agriculture, but not including kennels
- (c) Parks and playgrounds
- (d) Public or quasi-public buildings
- (e) Public or quasi-public uses
- (f) Public utilities
- (g) Any temporary use or building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically re-subdividing or developing the area in the future at urban densities.
- (h) Other uses which are, in the opinion of the Development Authority, similar to the above-listed permitted and discretionary uses
- (i) Buildings and uses accessory to discretionary uses

(4) Requirements

- (a) The minimum parcel area shall be 8 ha (20 ac.), or as required by the Development Authority.
- (b) Minimum Yard Requirements:
  - (i) Front yard - 7.5 m (24.6 ft.)
  - (ii) Side yard - 7.5 m (24.6 ft.)
  - (iii) Rear yard - 7.5 m (24.6 ft.)
- (c) The maximum height of any building or structure shall be 10 m (32.8 ft.).
- (d) Other Requirements:
  - (i) Extensive Agricultural uses shall not be offensive in nature, and shall not include the breeding and raising of livestock of any kind.
  - (ii) Any permit issued at the discretion of the Development Authority for a temporary use shall be for the period of up to a year only, or for a specified length of time to ensure that the use does not adversely affect future subdivision, servicing and urban development of such lands.



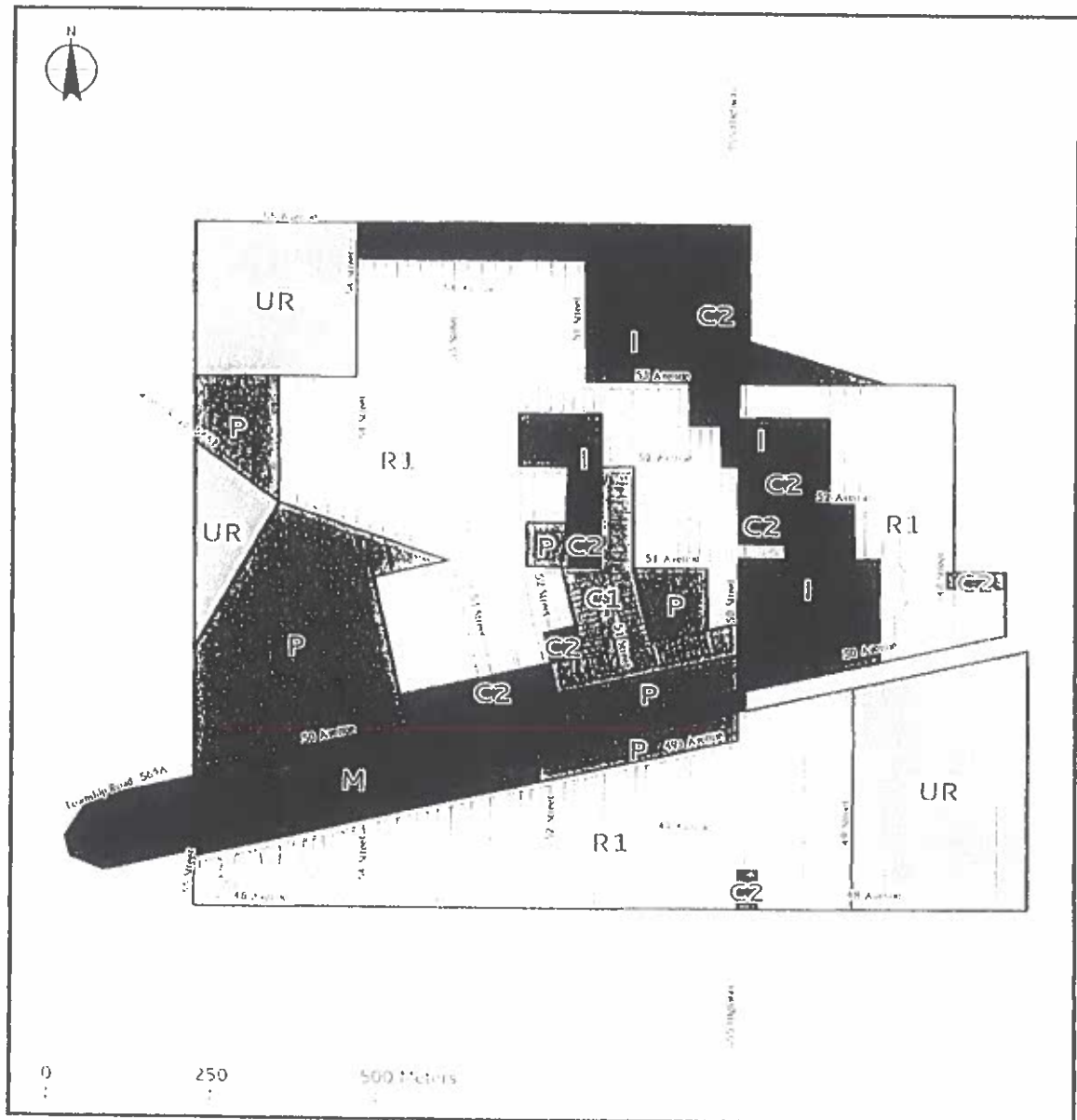
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Applications to extend the temporary use for a period of a year may be considered at the discretion of the Development Authority.



# 10 Land Use District Map

- |  |                          |
|--|--------------------------|
| R1 - Large Lot Residential                       | C1 - Downtown Commercial |
| R2 - Small Lot Residential                       | C2 - General Commercial  |
| R3 - Moderate Density Residential                | M - Industrial           |
| RMH1 - Residential Manufactured Home Subdivision | I - Institutional        |
| RMHP - Residential Manufactured Home Park        | P - Community            |
|  | UR - Urban Reserve       |



Digital Geographic Information: Canada National Topological Survey, Geobase and Geogratis & Altalis  
 Geographic coordinate system and projection: UTM, NAD 83 Datum, Zone 12H  
 FOR MORE INFORMATION: [www.municipal.ca](http://www.municipal.ca) #208, 1751-107 Avenue NW Edmonton, AB T5S 1E5 / 780.486.1991

MPS





**VILLAGE OF ANDREW**  
**BYLAW NO. 2013-03**

**A Bylaw of the Village of Andrew, in the Province of Alberta for the purpose of adopting a Land Use Bylaw for the Village of Andrew.**

**WHEREAS** the Municipal Government Act R.S.A. 2000, as amended, requires the Council of municipality to enact a land use bylaw to regulate and control the use and development of land and buildings within the municipality; and

**WHEREAS** the Council of the Village of Andrew deems it desirable, expedient and in the best interest of the Village of Andrew to adopt a new land use bylaw.

**NOW THEREFORE**, the Council of the Village of Andrew, duly assembled, enacts as follows:

1. This new Bylaw may be cited as "The Village of Andrew Land Use Bylaw".
2. The Land Use Bylaw of the Village of Andrew attached hereto as Schedule "A" to this Bylaw is hereby adopted.
3. Bylaw No. 98-03, as amended, being the previous Land Use Bylaw of the Village of Andrew, is hereby repealed.
4. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act, R.S.A., 2000, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

**DONE AND PASSED** as a Bylaw of the Village of Andrew, at the Village of Andrew in the Province of Alberta, this 28 day of August, A.D. 2013.

VILLAGE OF ANDREW

RELEVANT MAYOR

MANAGER

READ A FIRST TIME this 12 day of June, A.D., 2013

READ A SECOND TIME this 28 day of August, A.D., 2013

READ A THIRD TIME THIS 28 day of August, A.D., 2013



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