

**BYLAW NO. 339
BEING THE LAND USE BYLAW OF THE
VILLAGE OF BITTERN LAKE**

With amendments to November 10, 2015
LUB Amendment 06.14

PART ONE - GENERAL

SECTION 1 PURPOSE

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

- (1) to divide the municipality into districts;
- (2) to prescribe and regulate for each district the purposes for which land and buildings may be used;
- (3) to establish the office for a Development Officer;
- (4) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (5) to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit.

SECTION 2 INTERPRETATION

In this Bylaw:

- (1) **ACT** - means the Municipal Government Act.
- (2) **ACCESSORY BUILDING** - means a building which is separate from the principal building on the lot where both are located, and which the Development Officer decides is subordinate to, and the use is incidental to, that of the principal building, but under no circumstances is to be used for human occupancy.
- (3) **APARTMENT** - means a residential use consisting of at least three dwellings units, but shall not mean row housing.
- (4) **BUILDING** - includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.

- (5) **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.
- (6) **AGENCY** - means the Battle River Planning Agency or its successor as planning advisor. *[Bylaw 10/04]*
- (7) **COUNCIL** - means the Council of the Village of Bittern Lake.
- (8) **DEVELOPMENT** - means:
- (a) an excavation or stockpile and the creation of either of them,
 - (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,
 - (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 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;
- (9) **DEVELOPMENT APPEAL BOARD** - means a Development Appeal Board appointed pursuant to *[the Act]*
- (10) **DEVELOPMENT AUTHORITY** - means a person appointed by resolution of council, and in accordance with common usage, may also be referred to as the development Officer. *[Bylaw 10/04]*
- (11) **DEVELOPMENT PERMIT** - means a document authorizing a development issued pursuant to this Bylaw;
- (12) **DISCRETIONARY USE**- means the use of land or a building provided for in a Land Use Bylaw for which a development permit may be issued upon an application having been made;
- (13) **DWELLING** - means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;
- (14) **DWELLING UNIT** - means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

- (15) **DUPLEX** - means two dwelling units sharing a common wall, and located side by side or one above the other;
- (16) **GROSS FLOOR AREA** - means the total area of all floors of all buildings including accessory buildings located on any parcel, excluding the area of basement floors, EXCEPT that basement suites in apartment buildings shall be included in the calculation of gross floor area;
- (17) **GROSS FLOOR AREA RATIO** - means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total site area of the parcel on which the buildings are located;
- (18) **HOME OCCUPATION** - means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building or land which does not change the character of the neighbourhood;
- (19) **GROUP HOME** - means a building or a portion of a building used for the care or rehabilitation of dependent children, adolescents or adults;
- (20) **LOT** - means:
- (a) a quarter section,
 - (b) a part of a parcel 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
 - (c) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (21) **MAIN BUILDING** - means a building in which is conducted the main or principle use of the site on which it is erected;
- (22) **MANUFACTURED HOME** - means a residential building containing one dwelling unit, built in a factory and designed to be moved from place to place. Typically, manufactured homes are long and narrow, with a low roof pitch and small or no roof overhangs, and are sometimes referred to as "mobile homes" or "trailers", although those names are no longer used by the manufactured housing industry. For the purposes of this bylaw, a manufactured home does not include a modular home. *[Bylaw 10/04]*
- (23) **MODULAR HOME** - means a new residential building containing one dwelling unit, built in a factory and transported to a site to be permanently installed on a foundation, and which appear indistinguishable in design and finish from a stick-built house. For the purposes of this bylaw, a modular home is not a manufactured home. *[Bylaw 10/04]*

- (24) **MUNICIPALITY** - means the Village of Bittern Lake;
- (25) **NON-CONFORMING BUILDING** - means a building
- (a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
 - (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;
- (26) **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 or any amendment thereof affecting the land or building becomes effective, and
 - (b) that on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the Land Use Bylaw;
- (27) **PARCEL** - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office;
- (28) **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 an application having been made;
- (29) **PUBLIC UTILITY BUILDING** - means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;
- (30) **REGIONAL PLAN** - means the regional plan adopted by the Commission under the Act;
- (31) **REGISTERED OWNER** - means
- (a) in the case of land owned by the Crown in the right of Alberta or the Crown in the right of Canada, the Minister of the Crown having the administration of the land, or

- (b) in the case of any other land,
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land;
- (32) **ROW HOUSING** - means a residential use where a building or buildings on a lot are each used for at least three dwelling units with each unit having direct access to the outside grade, but shall not mean APARTMENT;
- (33) **SITE** - means one or more lots or parcels for which an application for a development permit is being made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.
- (34) **YARD** - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this Bylaw;
- (35) **YARD, FRONT** - means that portion of the site extending across the full width of the site and lying between the front property boundary of the site and the exterior wall(s) of the principal building situated on the site;
- (36) **YARD, REAR** - means that portion of the site extending across the full width of the site and lying between the rear property boundary of the site and the exterior wall(s) of the principal building situated on the site;
- (37) **YARD, SIDE** - means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the site and the nearest portion of the exterior wall(s) of the principal building;

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

SECTION 3 ESTABLISHMENT OF DISTRICTS

- (1) For the purpose of this Bylaw the Village of Bittern Lake is divided into the following districts:

R.1 - RESIDENTIAL
R.2 - RESIDENTIAL
R1A - RESIDENTIAL *[Bylaw 08/01]*
C.1 - CENTRAL COMMERCIAL
C.2 - GENERAL COMMERCIAL
C.3 - HIGHWAY COMMERCIAL
M - INDUSTRIAL
SH - SMALL HOLDINGS
SH1 - SMALLHOLDING *[Bylaw 08/01]*
US - URBAN SERVICE AND OPEN SPACE
A - AGRICULTURAL

- (2) The boundaries of the districts listed in subsection (1) are as shown on the Land Use District Map being Part Eight hereto.

- (3) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following shall apply:

Rule 1. Where a boundary is shown as following a street, lane, stream, or canal, it shall be deemed to follow the centre line thereof.

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 out, or
- (b) where no dimensions are set out on the Land Use District Map, with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

- (4) Where the application of the above rules does not determine the exact location of the boundary of a district, the Council either on its own motion or upon 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 with the degree of detail as to measurements and directions as the circumstances may require.

- (5) After the Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) The Development Officer shall maintain a list of council's decisions with respect to boundaries or portions thereof fixed by it.

SECTION 4 ESTABLISHMENT OF GENERAL REGULATIONS

General Regulations shall be as set forth in the General Regulations, being Part Six of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

SECTION 5 ESTABLISHMENT OF LAND USE DISTRICT REGULATIONS

Land Use District Regulations shall be as set forth in the Land Use District Regulations, being Part Seven of this Bylaw and may be amended in the same manner as any other part of this Bylaw.

PART TWO - AGENCIES

SECTION 6 DEVELOPMENT OFFICER

- (1) The office of the Development Officer *[or Development Authority: Bylaw 10/04]* is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council, and in the absence of any such resolution, the Municipal Administrator of the Municipality.
- (2) The Development Officer shall perform such duties that are specified in Part Three of this Bylaw.
- (3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions thereon and the reasons therefor.
- (4) For the purposes of Section 210 of the Act, the Development Officer is hereby deemed to be an authorized person of the council. *Bylaw 06.14.*

SECTION 7 DEVELOPMENT APPEAL BOARD

The Development Appeal Board, being the council by virtue of the Act, shall perform such duties as are specified in PART FOUR of this Bylaw.

PART THREE - DEVELOPMENT PERMITS

SECTION 8 CONTROL OF DEVELOPMENT

- (1) No development other than that designated in Section 9 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

SECTION 9 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to a building, provided that such works do not include structural alterations or major works of renovation.
- (2) Development permits issued prior to the amendment will be considered valid, 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 it was granted and provided that the building is completed within a period of twelve months from the said date of the official notice. *Bylaw 06.14.*
- (3) The use of any such buildings as is referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or maintenance of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than one metre in height in front yards and less than two metres in height on the side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw.
- (6) The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.

- (7) The use of a building or part thereof as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in conjunction with a federal, provincial or municipal election, referendum or census.
- (8) Official notices, signs, placards or bulletins required or permitted to be displayed pursuant to the provisions of federal, provincial or municipal legislation.
- (9) Signs which are an announcement for a particular public or community event and will be removed after the occurrence of that event.
- (10) New single storey buildings, not on a permanent foundation, under 15 square metres (160 square feet) in size, which are accessory to a residential use. These buildings are bound by yard and setback rules. *[Bylaw 10/04]*

SECTION 10 NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provision of the land use bylaw then in effect.
- (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, shall not be enlarged or added to and no structural alterations shall be made to it or in it.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected on the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (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 shall not be repaired or rebuilt except in accordance with the land use bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

SECTION 11 PERMISSION FOR DEVELOPMENT

- (1) An application for development shall be made to the Development Officer in writing FORM A herein and shall be accompanied by:
 - (a) a site plan in duplicate showing the legal description and the front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking and access and egress points to the site;
 - (b) floor plans and elevations and sections in duplicate;
 - (c) a statement of uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates; and
 - (f) the estimated cost of the project or contract price.
- (2) Each application for a development permit shall be accompanied by a fee, the value which shall be set by resolution of the council.
- (3) The Development Officer shall receive, consider and decide on all applications for a development permit.
- (4) The Development Officer has the authority to approve development applications that conform to the bylaw. Applications that require discretionary consideration, or deviate from the land use bylaw; will proceed to council for consideration.
Bylaw 06.14.
- (5) The Development Officer may require with respect to the development that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking facilities, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw.
- (6) In the case where an application for a development permit has been refused pursuant to this PART or ultimately after appeal pursuant to PART FOUR of this bylaw, the submission of another application for a permit on the same property and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Officer for at least six months after the date of the previous refusal.

- (7) In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Officer may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Part Seven.
- (8) Council may approve an application for a development permit notwithstanding that the proposed development does not comply with this bylaw, if in the opinion and consideration of the Council, 06.14.
 - (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 properties, and
 - (b) the proposed development conforms with the use prescribed for the land or building in this Bylaw.
- (9) An application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer is not made within 40 days after receipt of the application by the Development Officer and the person claiming to be affected may appeal in writing as provided for in PART FOUR of this Bylaw as though he had received a refusal at the end of the period specified in this subsection.

SECTION 12 DEVELOPMENT PERMITS AND NOTICES

- (1) A permit granted pursuant to this PART does not come into effect until 14 days after the date of an order, decision, or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to PART FOUR of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) When a permit has been granted an application for a discretionary use or pursuant to subsections (7) and (8) of Section 11, the Development Officer shall:
 - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made, and/or

- (b) a notice in writing shall be immediately mailed to all registered owners of land who in the opinion of the Development Officer may be affected, and/or
 - (c) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (4) If the development authorized by a permit is not commenced within 12 months from the date of first issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Officer.
- (5) A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (6) When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

PART FOUR - APPEALS

SECTION 13 APPEAL PROCEDURES

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer is not made within 40 days of receipt of the application.
- (2) Where a Development Officer
 - (a) refuses or fails to issue a development permit, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under the Act,the person applying for the permit or affected by the order, as the case may be, may appeal to the Development Appeal Board.
- (3) A person affected by an order, decision or development permit made or issued by the Development Officer, other than a person having a right of appeal under subsection (1), may appeal to the Development Appeal Board.

- (4) An appeal to the Development Appeal Board shall be commenced by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after
 - (a) in the case of an appeal made by a person referred to in subsection (1), the date on which
 - (i) the person is notified of the order or decision or the issuance of the development permit; or
 - (ii) if no decision is made with respect to the application for a development permit, the 40-day period referred to in subsection (2) (a) expired; or
 - (b) in the case of an appeal made by a person referred to under subsection (2), the date on which the notice of the issuance of the permit was given in accordance with this Land Use Bylaw.

SECTION 14 PUBLIC HEARING

- (1) Within thirty days of receipt of a notice of appeal, the Development Appeal Board shall hold a public hearing respecting the appeal.
- (2) The Development Appeal Board shall give at least five (5) days' notice in writing of the public hearing to
 - (a) the appellant,
 - (b) the Development Officer from whose order, decision or development permit the appeal is made,
 - (c) those registered owners of land in the municipality who were notified under Section 12 (3) (b) and any other person who in the opinion of the Development Appeal Board, are affected by the order, decision or permit, and
 - (d) such other persons the Development Appeal Board specifies.

- (3) The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including
 - (a) the application for the development permit, its refusal and the appeal therefrom, or
 - (b) the order of the Development Officer under Section 16,as the case may be.
- (4) At the public hearing referred to in subsection (1), the Development Appeal Board shall hear:
 - (a) the appellant or any person acting on their behalf,
 - (b) the Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on the behalf of the Development Officer, that person,
 - (c) any person who was served with notice of the hearing and who wishes to be heard or a person acting on their behalf, and
 - (d) any other person who claims to be affected by the order, decision or development permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.
- (5) The Development Officer shall not act as secretary to the Development Appeal Board and shall not be present during the deliberations of the Development Appeal Board after the public hearing has been closed.

SECTION 15 DECISION

- (1) The Development Appeal Board shall give its decision in writing together with reasons for the decision within 15 days of the conclusion of the hearing.
- (2) In determining an appeal, the Development Appeal Board
 - (a) shall comply with the Regional Plan, any statutory plan and subject to clause (c), this Land Use Bylaw;
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or development permit of its own;

- (c) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in its opinion,
 - (i) the proposed development would not
 - (a) unduly interfere with the amenities of the neighbourhood, or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for that land or building in this Land Use Bylaw.
- (3) 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 **Section 688** of the Act. *Bylaw 06.14*. An application for leave to appeal shall be made
 - (a) to the judge of the Court of Appeal, and
 - (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed,

and notice of the application shall be given to the Development Appeal Board and such other persons as the judge may direct.

PART FIVE - ENFORCEMENT AND ADMINISTRATION

SECTION 16 CONTRAVENTION

- (1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with
 - (a) the Act or the regulations,
 - (b) a development permit or subdivision approval, or
 - (c) the Land Use Bylaw,

the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to,

- (d) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (e) demolish, remove or replace the development, or
 - (f) take other measures specified in the notice so that the development or use of the land or building is in accordance with the Act, the regulations, a development permit, subdivision approval or this Land Use 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 a Development Appeal Board under Section 85 of the Act within the time specified, the council or a person appointed by it may, in accordance with Section 43 of the Act, enter on the land or building and take any action necessary to carry out the order. When the council or a person appointed by it carries out an order, the council shall cause the costs and expenses incurred in carrying out the order to be 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.

SECTION 17 APPLICATION TO AMEND BYLAW

- (1) A person may apply to have this Bylaw amended, by applying in writing furnishing reasons in support of the application and paying the fee therefore required under Section 18 of this Bylaw.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application therefore.

SECTION 18 FORM OF APPLICATION

- (1) All applications to amend the Land Use Bylaw shall be made to the Council on FORM G herein and shall be accompanied by the following, namely:
- (a) an application fee, the value of which will be set by resolution of council, for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant,
 - (b) a certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land, and

- (c) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete.

SECTION 19 AMENDING BYLAWS

All amendments to this Bylaw shall be by Council by bylaw and in conformance with *[the relevant sections of]* the Act.

PART SIX - GENERAL REGULATIONS

SECTION 20 GARAGES AND ACCESSORY BUILDINGS

- (1) Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- (2) In residential districts:
 - (a) Numbers

No more than two accessory buildings shall be placed on one residential lot.
 - (b) Height

An accessory building shall not exceed 5 metres (16.4 feet) in height.
 - (c) Site Coverage

The **total gross** (*Bylaw 06.14*) **floor area** of accessory buildings shall not exceed 12% of the site area.
 - (d) Siting of Buildings

Unless otherwise provided in this Bylaw, detached garages and accessory buildings shall be located:

 - (i) A minimum of 2 metres (6.6 feet) from any dwelling.
 - (ii) No closer to the front property line than the front of the principal building.

- (iii) No closer than 1 metre (3.3 feet) to the rear or side property line, except;
 - (a) where the vehicle doors of the detached garage face a lane or street abutting the site in which case the garage shall be no closer than 6 metres (19.7 feet) from the lane or street.
 - (b) where an agreement exists between the owners of adjoining properties to build their garages centred on the property line, in which case the garage shall be constructed, to the standards of the Alberta Building Code.
 - (c) No closer than 1 metre (3.3 feet) from the side property line and from the rear property line in the case of an angular or curved approach from a lane.
 - (d) No roof overhang shall be within 0.5 metres (19.7 inches) of the side or rear property line.
- (3) In all other districts the provision of garages and accessory buildings shall be at the discretion of the Development Officer unless otherwise provided for in this Bylaw.
- (4) For further explanation on setback requirements see Section 23.

SECTION 21 CORNER AND DOUBLE FRONTING LOTS

- (1) Notwithstanding the provisions of this Bylaw, the Development Officer may require any corner site to provide an additional front yard or yards other than that required by the Bylaw, having regard to the orientation and access of any development, conditions pertaining to roadway visibility, and the front yard requirements of adjacent properties.
- (2) *[Deleted by Bylaw 10/04]*

SECTION 22 MOBILE HOME PARKS

- (1) Prior to the granting of a development permit for a mobile home park, the developer shall enter into an agreement with the municipality specifying the respective obligations to be assumed by him and the municipality regarding:

- (a) The establishment, operations and maintenance of the following:
- storm sewers and ditches
 - sanitary sewers
 - water, power, gas
 - roadways, sidewalks
 - snow removal
 - garbage collection
 - fire fighting
 - parks and playgrounds
 - other services deemed necessary by the Development Officer;
- (b) Standards of construction of above; and
- (c) Such other matters as deemed necessary by the Development Officer.

(2) General Regulations:

- (a) A mobile home shall not be located on any site within a mobile home park unless and until the necessary license required under the [Act], has been issued to the owner / manager / supervisor of the mobile home park or the owner / occupant of the mobile home by the responsible municipal official.
- (b) Each application for a development permit shall be accompanied by a site development plan as well as a landscaping plan which shall be to the satisfaction of the Development Officer. In addition, the applicant shall, upon approval of the permit, deliver a penalty bond to the amount of 25% of the estimated cost of landscaping to ensure completion of landscaping.
- (c) All accessory structures such as patios, porches, additions, skirting and storage facilities shall be of a quality satisfactory to the Development Officer, so that the design and construction will complement the mobile home.
- (d) The undercarriage of each mobile home shall be suitably enclosed from view by skirting or such other means satisfactory to the Development Officer. Hitches shall be removed or properly screened.
- (e) Adequate common storage areas, incorporated within the mobile home park, shall be provided for the storage of seasonal recreational equipment, etc. Such storage areas shall be enclosed or properly screened to the satisfaction of the Development Officer.

- (f) Each mobile home shall be placed upon a concrete pad or a gravel base with four concrete piles with tie down loops and supported by blocks as approved by the Development Officer.
 - (g) All utilities shall be underground and roads shall be paved or surfaced to a standard satisfactory to the Development Officer.
 - (h) All mobile homes must be C.S.A. approved.
- (3) Unit Lot Coverage:
- The area the mobile home occupies shall not exceed 35% of the lot area upon which it is located. The total unit lot coverage shall not exceed 40%.
- (4) Minimum Mobile Home Park Site Area
- (a) Minimum site park area shall be 2 hectares (4.9 acres).
 - (b) Minimum area for each unit site shall be 375 square metres (4037 ft²) and the boundaries of each site shall be clearly marked by permanent markers.
 - (c) The minimum lot width shall be 12 metres (39.4 feet).
- (5) Setbacks:
- (a) In a mobile home park the mobile home lots shall be located at least 8 metres (26.2 feet) from that boundary of the park abutting a public street or highway, and at least 5 metres (16.4 feet) from the remaining boundaries of the park. These setbacks shall be treated as amenity strips and suitably landscaped and protected from any sort of development which will compromise their intended use.
 - (b) Mobile homes, including any porch or addition, shall be separated from each other by at least 5 metres (16.4 feet).
 - (c) The distance from any side, end, or addition, to a mobile home shall in no instance be less than 1.5 metres (4.9 feet) to the adjacent lot line.
 - (d) Every mobile home shall be set back at least 3 metres (9.8 feet) from the adjoining internal access road or common parking area.

(7) Parking:

There shall be at least one car parking stall provided on each mobile home lot, and provision shall be made for visitor parking at the ratio of one per lot. The visitor parking shall be dispersed throughout the court to be conveniently located for all parts of the mobile home park.

(8) Recreation:

No less than 5% of the gross area of the court shall be designed for recreational uses. This area shall be conveniently located and supplied with recreational equipment.

(9) Signs Permitted

- (a) Identification sign to a maximum of 2 metres (6.6 feet) above grade and to a maximum area of 3 square metres (32 ft²) may be located at the main entrance to the park.
- (b) Directional signs within the mobile home park must be integrated in design and appearance and kept in scale with the immediate surroundings to the satisfaction of the Development Officer.

(10) Board of Health Regulations:

Every mobile home park shall comply with the provisions of the Provincial Board of Health Regulations.

SECTION 23 MINIMUM SETBACK REQUIREMENTS - RESIDENTIAL DISTRICT

The minimum setback requirements for residential districts shall be as shown in the following diagram.

[See also text for each district]

SECTION 24 MINIMUM PARKING STANDARDS

The minimum size for a parking space shall be as stated in the following table.

a	b	c	d	e	f	g
Parking Angle in Degrees	Width of Stall in Metres	Depth of Stall Perpendicular to Maneuvering in Metres	Overall Depth in Metres	Width of Maneuvering Aisle in Metres	Stall Width in Metres	Free Space Length in Metres
0	3	3	10	4	5.5	0
30	3	5	14	4	6.0	8.7
45	3	5.5	15	4	4.2	5.5
60	3	5.5	17	6	3.5	3.6
90	3	5.5	17	6	3.0	0

SECTION 25 OFF-STREET AUTOMOBILE PARKING

The minimum number of off-street parking spaces required for each use/development shall be as stated in the following table.

USE OF BUILDING/DEVELOPMENT	MINIMUM REQUIRED SPACES
<u>Residential</u> 1 & 2 family dwelling unit 3 family & greater dwelling units	1.0 per dwelling unit 1.5 per dwelling unit
<u>Commercial</u> Retail stores Restaurants, cafes, etc Hotels, motels, etc	1.0 per employee 1.0 per three employees 1.0 per ten seating spaces 1.0 per three employees 1.0 per sleeping unit
<u>Places of Public Assembly</u> Churches, halls, etc	1.0 per three employees 1.0 per ten seating spaces or when the greatest amount of parking will be required after normal business hours, the Development Officer may count nearby public parking as part of the

	required on-site parking.
<u>Schools</u> Public Senior	1.0 per employee 1.0 per employee 1.0 per twenty students
<u>Industrial</u> Manufacturing, wholesale, etc	1.0 per employee
<u>Hospitals & Similar Uses</u>	1.0 per employee 1.0 per four beds
<u>Mixed Uses</u>	Proposed developments of more than one use shall provide parking stalls equal to the sum of the requirements for the individual uses.
<u>Other</u>	To the satisfaction of the Development Officer.

NOTE: Employee shall refer to the total number of employees to be on site at any given peak period of time/shift.

SECTION 26 OFF-STREET LOADING

- (1) Each loading space shall have dimensions of not less than 3 metres (9.8 feet) in width and 8 metres (26.2 feet) in length.
- (2) Loading spaces shall be designed so that backing or turning movements of vehicles going to or from the site do not interfere with traffic in adjacent streets or lanes.
- (3) Each loading space shall be graded and surfaced to dispose of storm water runoff.
- (4) A minimum of one off-street loading space shall be provided for each commercial, industrial, or similar use.

SECTION 27 SITE LANDSCAPING

The Development Officer shall use his discretion in requiring all development to be properly screened and maintained.

SECTION 28 SIGNS

The erection of signs for whatever purpose, must be approved by the Development Officer, who shall exercise discretion in sign specifications.

SECTION 29 PROHIBITED OBJECTS IN YARDS

No person shall be allowed to keep or maintain on a site or street in a residential district:

- (1) any dismantled or wrecked vehicle for more than one month.
- (2) any object which is unsightly or will offend neighbours, in the opinion of the Development Officer.

SECTION 30 CONTROLLED APPEARANCE

The design, siting, external finish, and architectural appearance of any proposed building, structure, or sign must be acceptable to the Development Officer having due regard for the amenities and character of the existing development and neighbouring development.

SECTION 31 LOT GRADING

In all cases, lot grades shall be established to prevent drainage from one lot to the next.

SECTION 32 CHURCHES

- (1) The site on which a church is situated shall have a minimum frontage of 30 metres (98.4 feet).
 - (2) Front, side and rear yards shall be those required within the district in which the church site is located.
- (2) Parking requirements as specified in Sections 24 and 25.

SECTION 33 SWIMMING POOLS

(1) Entry Restrictions

- (a) Every private swimming pool shall be secured against entry of the public other than owners, tenants or their guests.
- (b) No privately owned outdoor swimming pool shall be constructed or maintained unless there is erected and maintained entirely around such pool an approved fence, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence.
- (c) Every fence enclosing an outdoor swimming pool shall be at least 2 metres in height above the level of grade outside the enclosure and shall be of close board, chain link or other approved design such that it will reasonably deter children from climbing over or crawling through or under it to gain access to the fenced in area. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock near the top and on the inside of the gate. Every gate shall be locked except when the fenced in area is actually being used and supervised by the owner of the premises or other adult person authorized by the owner to supervise the use of the pool.
- (d) No barbed wire nor device for projecting an electric current shall form part of a fence or gate.

(2) Safety Requirements

A private swimming pool shall be so constructed that:

- (a) The depth of the pool shall be clearly marked in metres at the deepest point, and the shallowest point.
- (b) It is provided with at least one exit ladder or stair from the deepest part of the pool, where the greatest dimension of the pool does not exceed 10 metres (32.8 feet). An additional ladder or stair is to be provided at the opposite end of the pool where the pool exceeds 10 metres (32.8 feet).
- (c) The method and degree of treatment of water for all private swimming pools shall be to the satisfaction of the Medical Officer of Health.

SECTION 34 FENCING

Fencing of various land uses shall be to the discretion of the Development Officer.

SECTION 35 APARTMENTS

In addition to the specific regulations noted in this Bylaw, the Development Officer, when issuing a development permit for an apartment building, may impose such conditions as he thinks necessary regarding location on lot, setbacks, parking, access, landscaping, and such other matters as appear necessary to protect the interest of future residents of the proposed building, neighbouring residents, and the municipality as a whole.

SECTION 36 C.3 DRIVE-IN BUSINESS

Drive in businesses shall only be located where it can be demonstrated that traffic will not be impeded. There shall also be a provision for at least 8 parking spaces on site in addition to that specified in Sections 25. In issuing a development permit for a drive-in business, the Development Officer may impose whatever conditions he feels necessary to ensure building quality and site control.

SECTION 37 GAS/SERVICE STATIONS

- (1) Service stations are encouraged to be located at the intersection of 2 or more streets. Yard requirements are as follows:
 - Front Yard: 12 metres (39.4 feet)
Gasoline pumps shall not be closer than 4 metres (13.1 feet) to the property line.
 - Rear Yard: 6 metres (19.7 feet)
 - Side Yard: One yard setback shall be at least 12 metres (39.4 feet) and the other shall not be less than 1.5 metres (4.9 feet), provided that where these uses are located on a flanking street, the 12 metres (39.4 feet) setback shall be provided on the side of the building abutting the flanking street.
- (2) Minimum Lot Width: 45 metres (147.6 feet)

SECTION 38 SOLAR COLLECTORS

No development permit shall be issued for the construction or enlargement of any building which would significantly reduce the amount of sunlight falling on any solar collection system which is complete or under construction at the time of application for the permit.

SECTION 39 DAMAGE TO LOCAL IMPROVEMENTS

The Development Officer may require, as a condition of issuing a development permit, that a developer post a bond to cover cost of repairing local improvements which may be damaged during process of development. The bond shall be returned if no damage results from development.

SECTION 40 UTILITY EASEMENTS

No building shall be constructed or placed on a utility easement unless:

- (1) In the opinion of the Development Officer, the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and,
- (2) Written consent has been obtained from the utility company to which the easement has been granted.

SECTION 41 MEASUREMENTS

Where a distance is given in both metric and imperial units, the imperial measure is given for convenience only and has no legal standing.

PART SEVEN - LAND USE DISTRICT REGULATIONS

SECTION 42 R.1 RESIDENTIAL DISTRICT

Purpose: The purpose of the R.1 Residential District is to provide land for the development of quality, low density residential houses.

(1) Permitted Uses

- (a) New single family houses of conventional construction
- (b) Parks and playgrounds
- (c) Accessory buildings to the above
- (d) Modular homes *[Bylaw 10/04]*

(2) Discretionary Uses

- (a) *[Modular homes deleted by Bylaw 10/04]*
- (b) Public utilities installations
- (c) Churches and schools
- (d) Home occupations
- (e) Swimming pools
- (f) Basement suites
- (g) Bed and Breakfast *[Bylaw 04-98]*

(3) Minimum Site Area

- (a) The minimum site area for a residential parcel in this District shall be 500 square metres (5382 ft²) providing the parcel is laned.
- (b) Laneless parcels shall have a minimum of 550 square metres (5920.2 ft²).
- (c) All corner parcels shall have a minimum site area of 600 square metres (6458.3 ft²).

(4) Minimum Site Width

Interior parcel: 15 metres (49.2 feet)
Corner parcel: 17 metres (55.8 feet)

(5) Minimum Lot Depth

30.5 metres (100 feet)

(6) Other Site Requirements

All other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

(7) Minimum Yard Requirements

(a) Front Yard: 6 metres (20 feet) *[Bylaw 10/04]*

(b) Side Yard: 1.5 metres (4.9 feet)

- Where in a laneless subdivision, one side yard shall be 1.5 metres (4.9 feet) and the other 3 metres (9.8 feet).

- Where on a corner parcel, in accordance with Section 21.

(c) Rear Yard: No part of the main building shall be closer than 6 metres (19.7 feet) to the rear property line.

(d) Other Yard requirements:

Accessory buildings shall be located in accordance with the regulations prescribed in Section 20.

(8) Minimum Floor Area

(a) Residence: 85 square metres (914 ft²)

- In the case of developments with two or more storeys, all finished development above the first storey shall be included in the total floor area.

(b) All other uses: to the satisfaction of the Development Officer.

(9) Maximum Building Height

Principal building: 10 metres (32.8 feet)

Accessory building: 5 metres (16.4 feet)

(10) Maximum Site Coverage

40% for principal and accessory buildings.

(11) Regulations Regarding Specific Uses

- (a) The Development Officer may refer applications for development permits for discretionary uses to the Commission for comment.
- (b) Home occupations may be permitted if:
 - in the opinion of the Development Officer, the dwelling has adequate floor space and the use conforms to the residential nature of the dwelling.
 - the occupation is carried on entirely within the building and that no outside employees are engaged, and
 - the Development Officer attaches the condition that no display of goods be visible on the premises.
- (c) Minimum parking requirements shall be in accordance with those regulations prescribed in Sections 24 and 25.

SECTION 43.1 R1A RESIDENTIAL DISTRICT [Bylaw 08/01]

Purpose: The purpose of the R1A Residential district is to provide land for the development of good quality detached housing.

(1) Permitted Uses

New single detached houses of conventional construction
Modular homes *[Bylaw 10/04]*
Parks and playgrounds
Buildings and uses accessory to the above

(2) Discretionary Uses

[Modular homes deleted by Bylaw 10/04]
Public utility installations
Churches and schools
Home occupations
Swimming pools
Basement suites
Group homes

Before issuing a permit for a discretionary use, the Development Authority may refer the application to neighbouring landowners or to its planning consultant for comments and recommendations.

(3) Minimum Site Requirements

- (i) A residential lot served by a lane shall have a minimum width of 15 metres (50 feet) and a minimum area of 500 m² (5,382 square feet).
- (ii) A residential lot not served by a lane shall have a minimum width of at least 17 metres (56 feet) and a minimum area of 550 m² (5,920 square feet).
- (iii) Despite the above, a residential corner lot shall have a minimum width of 17 metres (56 feet) and a minimum area of 600 m² (6,458 square feet).
- (iv) The minimum width and area of non-residential lots shall be at the discretion of the Development Authority.

(4) Minimum Yard Requirements

Front yard: 6 metres (20 feet) *[Bylaw 10/04]*

Side yard: 1.5 metres (5 feet) except

- o where the site width exceeds 15 metres (50 feet), in which case the side yard shall be 10% of the width of the lot, to a maximum of 3 metres (10 feet);
- o where the site is not served by a lane, in which case one side yard shall be at least 3 metres (10 feet).

Rear yard: No part of the main building shall be close than 7 metres (23 feet) to the rear property line.

Other; Accessory buildings shall be located in accordance with Part 6, General Regulations.

(5) Minimum Floor Area

- (i) The minimum floor area for a residence shall be 98 m² (1,050 square feet) excluding attached garages.
- (ii) The minimum floor area for all other uses shall be at the discretion of the Development Authority.

(6) Maximum Building Height

- (i) The maximum height of any building on a lot adjacent to Abbey Street on the south side of Alberta Avenue shall be 6 metres (20 feet), measured relative to the crown of the road on the adjacent part of Abbey Street.
- (ii) The maximum height of any main building elsewhere in this district shall be 10 metres above grade.
- (iii) The maximum height of any accessory building in this district shall be 5 metres above grade. In the case of lots adjacent to Abbey Street on the south side of Alberta Avenue, the grade shall be measured relative to the crown of the road on the adjacent part of Abbey Street.

(7) Maximum Site Coverage

The buildings on a lot shall cover no more than 35% of the site area.

(8) Home Occupations

Home occupations may be allowed if

- (i) in the opinion of the Development Authority, the dwelling has adequate floor space and the use conforms with the residential nature of the building, and
- (ii) the occupation is carried on entirely within the building and no outside employees are engaged, and
- (iii) no goods are displayed or stored outside the building.

(9) Parking

- (i) A residential lot shall have off-street parking for two vehicles behind the front of the residence.
- (ii) Minimum parking requirements for other uses shall be as set out in section 29.

SECTION 43 R.2 RESIDENTIAL DISTRICT

Purpose: The purpose of the R.2 Residential District is to provide land for a variety of residential developments.

(1) Permitted Uses

- (a) Single family dwelling units
- (b) Duplexes
- (c) Modular homes *[Bylaw 10/04]*
- (d) Basement suites
- (e) Parks and playgrounds
- (f) Public utilities installations
- (g) Accessory buildings to the above

(2) Discretionary Uses

- (a) Apartments
- (b) Row houses
- (c) Moved-in single family dwellings
- (d) Churches and schools
- (e) Home occupations
- (f) Institutional uses
- (g) Manufactured homes, no older than 10 years *[Bylaw 10/04]*
- (h) Mobile home parks
- (i) Swimming pools
- (j) Group homes
- (k) Bed and Breakfast *[Bylaw 04-98]*

(3) Minimum Site Area

- (a) The minimum site area for single family dwelling and mobile home parcels in this district shall be 420 square metres (4521 ft²). with a minimum parcel width of 13 metres (42.6 feet).
- (b) The minimum site area for each side of a duplex shall be 325 square metres (3498 ft²) or 650 square metres (6997 ft²) in total.
- (c) The minimum site area for row houses shall be 230 square metres (2476 ft²) for both interior and corner parcels.
- (d) The minimum site area for apartments shall be 770 square metres (8288 ft²) per site.

- (e) The minimum site area for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

(4) Minimum Floor Area

- (a) The minimum floor area for a single family dwelling unit in this district shall be 75 square metres (807.3 ft²), 65 square metres (700 ft²) for a duplex dwelling unit and row house unit, and 45 square metres (484.4 ft²) for an apartment dwelling.
- (b) In the case of residences with two or more storeys, all developments above the first storey shall be included in the total floor area.
- (c) The minimum floor area for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

(5) Minimum Yard Requirements

- (a) Front Yard: 6 metres (19.7 feet) [*Bylaw 10/04*]. Landscaping shall be to the satisfaction of the Development Officer.
- (b) Side Yard: 1.5 metres (4.9 feet) on both sides of the building except where:
 - where in a lane less subdivision, one side yard shall be 1.5 metres (4.9 feet) and the other 3 metres (9.8 feet).
 - where on a corner parcel, in accordance with Section 21.
- (c) Rear Yard: No part of the main building shall be closer than 6 metres (19.7 feet) to the rear property line.
- (d) Other Yard Requirements:

Accessory buildings shall be located in accordance with the regulations prescribed in Part Six - General Regulations.

(6) Maximum Building Height

Principal building: 10 metres (32.8 feet)

Accessory building: 5 metres (16.4 feet)

(7) Maximum Site Coverage

The maximum site coverage of buildings in this district shall be 40% and 50% for institutional buildings. In the case of apartment buildings, the development density shall be restricted by a 50 % maximum building floor/site area ratio.

(8) Regulations Regarding Specific Uses

- (a) Those regulations prescribed for the R.1 Residential District shall apply to the R.2 Residential District.
- (b) Minimum parking requirements shall be in accordance with those regulations prescribed in Part Six - General Regulations.
- (c) A permit may be granted to move a single family dwelling unit or mobile home into the R.2 district provided that:
 - the Development Officer inspects the building or mobile home or cause it to be inspected by a person he so appoints at the applicant's expense;
 - certain works of alteration, repair or maintenance as deemed necessary by the Development Officer of the building or mobile home and/or landscaping of the proposed site be carried out as a condition of the issue of a development permit insuring quality control;
 - the building or mobile home be placed on a foundation to the satisfaction of the Development Officer;
 - mobile homes be skirted with approved building materials and wheels removed.
 - mobile home parks shall be in accordance with Section 22.

(9) Manufactured Homes [Bylaw 10/04]

A manufactured home shall be placed on a permanent foundation which may be a concrete grade beam or slab on grade, or a basement of concrete, pressure treated wood, or other material consistent with the Alberta Building code's requirements for stick built dwellings. Placement on pilings or gravel pads is not permitted.

SECTION 44 C.1 CENTRAL COMMERCIAL DISTRICT

Purpose: The purpose of the C.1 Central Commercial District is to provide land for the development of retail land uses in the downtown area.

(1) Permitted Uses

- (a) Banks
- (b) Personal service shops
- (c) Bakeshops
- (d) Business and professional offices
- (e) Dry cleaners and laundries
- (f) Eating establishments
- (g) Retail stores
- (h) Theatres, halls and hotels
- (i) Post offices
- (j) Wholesaling and warehousing - where the front portion of the building consisting of not less than 60% of the floor space is used for office space, and where open storage of goods is not permitted.

(2) Discretionary Uses

- (a) Residences of any type permitted or discretionary in the R2 district *[Bylaw 10/04]*
- (b) Utility installations
- (c) Workshops accessory to permitted uses
- (d) Parks
- (e) Private clubs
- (f) Public and quasi-public buildings
- (g) Other appropriate uses as deemed acceptable by the Development Officer.

(3) Minimum Site Area

140 square metres (1507 ft²)

(4) Minimum Lot Width

4.5 metres (14.8 feet)

(5) Maximum Lot Coverage

90% for all principal and accessory buildings

(6) Minimum Yard Requirements

- (a) Front Yard: not required;
- (b) Side Yard: not required, unless abutting residentially owned land, in which case the side yard shall be at least 2 metres (6.6 feet) or one half the building height, whichever is the greater;
- (c) Rear Yard: 6 metres (19.7 feet), to provide for loading and waste disposal, as specified in Part Six - General Regulations.

(7) Maximum Building Height

Principal Building: 10 metres (32.8 feet)

(6) Regulations Regarding Specific Uses

- (a) Each lot in this district shall have lane access at the rear or side.
- (b) Loading, parking and signing provisions shall be in accordance with the regulations prescribed in Part Six - General Regulations.

SECTION 45 C.2 FRINGE COMMERCIAL DISTRICT

Purpose: The purpose of the C.2 General Commercial District is to provide land for those commercially oriented land uses requiring larger tracts of land for efficient operation.

(1) Permitted Uses

- (a) Those uses permitted in the C.1 District
- (b) Wholesale and retail uses

(2) Discretionary Uses

- (a) Those discretionary uses in the C.1 District
- (b) Car and truck washes
- (c) Moving and cartage companies
- (d) Automotive and machinery sales
- (e) Gasoline service stations
- (f) Bulk oil and gas depots
- (g) Convenience stores
- (h) Other appropriate uses as deemed acceptable by the Development Officer.

(3) Minimum Site Area

The minimum site area for all permitted and discretionary uses in this district shall be 581 square metres (6250 ft²) with the exception of gasoline service stations, which shall have an area of at least 750 square metres (8073 ft²).

(4) Minimum Site Width

15 metres (49.2 feet)

(5) Maximum Lot Coverage

Coverage shall not exceed 75% provided that adequate provision is made for parking and loading.

(6) Minimum Yard Requirements

- (a) Front Yard: not required
- (b) Side Yard: Internal lot none, corner lot 3 metres (9.8 feet)
- (c) Rear Yard: The minimum rear yard setback shall be 6 metres (19.7 feet).

(7) Maximum Building Height

10 metres (32.8 feet)

(8) Regulations Regarding Specific Uses

- (a) Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part Six - General Regulations.
- (b) Special Provisions for Gas/Service Stations shall be as required under Section 37.

SECTION 46 C.3 HIGHWAY COMMERCIAL DISTRICT

Purpose: The purpose of the C.3 Highway Commercial District is to provide land for the development of land uses oriented towards the motoring public.

(1) Permitted Uses

- (a) Gasoline service stations
- (b) Motels and hotels
- (c) Travel bureaus, trailer parks and campsites
- (d) Drive-in restaurants and cafes
- (e) Automotive sales, including truck and farm equipment
- (f) Cabaret and dancing establishments

(2) Discretionary Uses

- (a) Car washes
- (b) Mobile home sales
- (c) Bowling alleys
- (d) Public parks

(3) Minimum Site Area

The minimum site area for all permitted and discretionary uses in this district shall be 1100 square metres (11,480 ft²).

(4) Minimum Lot Width

30 metres (98.4 feet)

Gasoline/service stations: See Section 37

(4) Minimum Yard Requirements

Minimum yard requirements shall be as follows, EXCEPT for gasoline/service stations which shall be as specified in Section 37.

- (a) Front Yard: 7 metres (23 feet)
- (b) Side Yard: A minimum side yard setback of 3 metres (9.8 feet) is required. In the event the land is abutting residential land, any side yard shall be one-half the building height or 3 metres (9.8 feet), which ever is greater.
- (c) Rear Yard: The minimum rear yard setback shall be 6 metres (19.7 feet).

(5) Maximum Building Height

10 metres (32.8 feet)

(6) Regulations Regarding Specific Uses

- (a) Special provisions for drive-in businesses and gasoline service stations shall be as specified in Sections 36 and 37 respectively.
- (b) Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part Six - General Regulations.
- (c) Any highway commercial operations shall be served by a service road. Direct highway access shall be allowed on the advice of Alberta Transportation.

SECTION 47 M - INDUSTRIAL DISTRICT

Purpose: The purpose of the Industrial District is to provide land on which industry of various forms may locate.

(1) Permitted Uses

(a) Heavy and light industrial uses including:

- (i) manufacturing
- (ii) processing
- (iii) repairing
- (iv) storage
- (v) warehousing distributions providing the operation does not create objectionable conditions respecting:
 - noise
 - vibrations
 - odour
 - smoke, dust
 - radiation
 - glare
 - heat

(b) Servicing establishments

(c) Accessory buildings to the above

(2) Discretionary Uses

- (a) Abattoir
- (b) Auto wreckers
- (c) Bulk fertilizer stations
- (d) Packing plants
- (e) Auction markets
- (f) Veterinary clinics
- (g) Municipal utilities plant
- (h) Parks
- (i) Other uses deemed acceptable by the Development Officer

(3) Minimum Site Area

700 square metres (7535 ft²)

(4) Minimum Site Width

23 metres (75.4 feet)

(4) Minimum Yard Requirements

- (a) Front Yard: 8 metres (26.2 feet)
- (b) Side Yard: The minimum side yards shall be not less than 6 metres (19.7 feet) on one side and 2 metres (6.6 feet) on the other side of the building.
- (c) Rear Yard: 6 metres (19.7 feet)

(5) Maximum Building Height

The maximum building height in this district shall be 10 metres (32.8 feet), without approval of the Municipal Fire Chief.

(6) Regulations Regarding Specific Uses

- (a) Parking, loading, and signing provisions shall be in accordance with the regulations prescribed in Part Six - General Regulations.
- (b) Burning will be permitted within the Industrial District only if the burning facilities have been approved by the Fire Chief and Alberta Environment.
- (c) Outdoor storage of materials shall be permitted only when accessory to a permitted principal use. The area shall be screened to a height deemed necessary by the Development Officer.
- (d) The entire site and all buildings shall be maintained in a neat and tidy manner including the trimming and upkeep of landscaped areas, and the removal of debris and unsightly objects.
- (e) Easements and Rights-Of-Way:
 - (i) No building shall be sited closer than 15 metres (49.2 feet) to the centre line of a pipeline or the centre line of the pipeline right-of-way, whichever is the lesser.
 - (ii) No building shall be closer than 5 metres (16.4 feet) to a railway right-of-way.
 - (iii) No building shall be sited closer than 10 metres (32.8 feet) from the centre line of a utility within an easement, or closer than 3 metres

(9.8 feet) from the boundary of any easement or right-of-way containing the utility, whichever is the lesser.

- (f) Each industrial lot shall not have more than two approaches to any roadway, and shall be laid out having regard to traffic flow and safety, to the satisfaction of the Development Officer.

SECTION 48 SH - SMALL HOLDINGS DISTRICT

Purpose: The purpose of the SH - Small Holdings District is to provide for single family residential development in a rural setting.

(1) Permitted Uses

- (a) Single family dwellings
- (b) Parks and playgrounds
- (c) Accessory buildings to the above

(2) Discretionary Uses

- (a) Modular units [*"and mobile homes" deleted by Bylaw 08/01*]
- (b) Public utilities installations
- (c) Churches and schools
- (d) Home occupations

(3) Minimum Site Area

- (a) Residential use: 0.4 hectares (1.0 acre)
- (b) The minimum site requirements for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

(4) Minimum Yard Requirements

- (a) From internal roads - one family dwellings and mobile homes:
 - Front Yard: 10.5 metres (34.4 feet)
 - Side Yard: 10.5 metres (34.4 feet)
 - Rear Yard: 7.5 metres (24.6 feet)
- (b) From rural roads:
 - 40 metres (131.2 feet) from the centre line of the road.
- (c) Minimum yard requirements for all other permitted and discretionary uses shall be to the satisfaction of the Development Officer.

(5) Regulations Regarding Specific Uses

(a) Home occupations may be permitted if:

- in the opinion of the Development Officer, the dwelling has adequate floor space and the use conforms to the residential nature of the dwelling.
- The Development Officer attaches the condition that no display of goods be visible on the premises.

All permits issued for home occupations shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Officer, the use is or has become detrimental to the amenities of the neighbourhood.

(b) Minimum parking requirements shall be in accordance with Sections 24 and 25.

(c) The keeping of domestic pets shall at no time interfere with the general enjoyment of the residential use of adjoining parcels.

(d) Livestock operations are strictly prohibited in this district.

SECTION 48.1 SH1 SMALLHOLDING DISTRICT [Bylaw 08/01]

The purpose of the SH1 Smallholding district is to provide land for single detached residences on larger lots in a semi-rural setting. Because of the size and location of the lots, they may not be provided with municipal sewer service.

(1) Permitted uses

New single detached houses of conventional construction
Parks and playgrounds
Buildings and uses accessory to the above

(2) Discretionary Uses

Modular homes
Public utility installations
Churches and schools
Home occupations
Swimming pools

Before issuing a permit for a discretionary use, the Development Authority may refer the application to neighbouring landowners or to its planning consultant for comments and recommendations.

(3) Minimum Site Requirements

- (i) The minimum area of a residential lot shall be 1,850 square metres (19,913 square feet, about 0.46 acres), and width of at least 30 metres (100 feet), or such larger size as may be required by provincial regulations for the operation of a self-contained sewer system.
- (ii) A lot for any other use shall have an area and width to the satisfaction of the Development Authority.

(4) Minimum Yard Requirements

- (i) Residences and accessory buildings shall be set back the following distances from internal roads:

Front yard: 10.5 metres (34.4 feet)

Side yard: 10.5 metres (34.4 feet)

Rear yard: 7.5 metres (24.6 feet)

- (ii) Residences and accessory buildings shall be set back at least 40 metres (131 feet) from the centre line of any primary highway or travelled government road allowance.
- (iii) Yards and setbacks for all other uses shall be at the discretion of the Development Authority.

(5) Minimum Floor Area

- (i) The minimum floor area for a residence shall be 98 m² (1,050 square feet) excluding attached garages.
- (ii) The minimum floor area for all other uses shall be at the discretion of the Development Authority.

(6) Maximum Building Height

- (i) The maximum height of any residence shall be 190 metres (30 feet).
- (ii) The maximum height of any other building shall be at the discretion of the Development Authority.

(7) Maximum Site Coverage

The buildings on a lot shall not cover more than 20% of the site area.

(8) Home Occupations

Home occupations may be allowed if

- (i) in the opinion of the Development authority, the dwelling has adequate floor space and the use conforms with the residential nature of the building, and
- (ii) the occupation is carried on entirely within the building and no outside employees are engaged, and
- (iii) no goods are displayed or stored outside the building.

(9) Parking

- (i) A residential lot shall have off-street parking for two vehicles behind the front of the residence.
- (ii) Minimum parking requirements for other uses shall be as set out in section 29 of the bylaw.

SECTION 49 US - URBAN SERVICE AND OPEN SPACE

Purpose: The purpose of the Urban Service and Open Space District is to establish a district in which land is used for public and/or privately owned institutional, recreational and community service developments.

(1) Permitted Uses

- (a) Schools
- (b) Religious assemblies
- (c) Public buildings and institutional facilities
- (d) Parks
- (e) Recreational facilities and uses

(2) Discretionary Uses

- (a) Cemeteries
- (b) Private clubs and lodges
- (c) Hospitals
- (d) Nursing homes
- (e) Child care facilities
- (f) Group care facilities
- (g) Carnivals
- (h) Public utility uses and installations
- (i) Buildings and uses accessory to the above
- (j) Other uses similar in nature to the above as determined by the

Development Officer.

(3) Minimum Lot Area

930 square metres (10,010 ft²)

(4) Minimum Lot Width

30 metres (98.4 feet)

(4) Maximum Lot Coverage

40% for all principal and accessory buildings.

(5) Minimum Yard Requirements

- (a) Front yard setback: 7 metres (23 feet)
- (b) Side yard setback: 3 metres (9.8 feet)
- (c) Rear yard setback: 3 metres (9.8 feet)

(6) Maximum Building Height

Three storeys or such height as approved by the Development Officer.

(7) Regulations Regarding Specific Uses

(a) Parking shall be provided in accordance with Sections 24 and 25.

SECTION 50 A - AGRICULTURAL DISTRICT

Purpose: The purpose of the Agricultural District is to allow farming operations to continue until it is desirable to designate the land for urban conversion.

(1) Permitted Uses

- (a) Agriculture and horticulture, excluding any intensive animal operations
- (b) Single family dwelling units

(2) Discretionary Uses

Such interim uses that will not impede the eventual conversion of land to normal urban use.

(3) Minimum Site Area

The minimum site area for a lot in this district shall be 32 hectares (80 acres) or such smaller size of parcels as existed prior to this bylaw.

(4) Minimum Yard Requirements

- (a) Front Yard: 6 metres (19.7 feet)
- (b) Side Yard: 3 metres (9.8 feet)

(5) Maximum Building Height

The maximum building height shall be 10 metres (32.8 feet) except in the case of buildings or structures accessory to a farm operation other than dwellings.

(6) Other Requirements

- (a) The keeping of livestock, fowl or fur-bearing animals will be at the discretion of the Development Officer but such discretion shall not be unreasonably withheld.
- (b) All development shall be located in such a manner as to not make future urban growth unnecessarily difficult or expensive.