

# TOWN OF BASHAW

## Bylaw 675-2004

### A bylaw to regulate the development and use of land and buildings

Pursuant to Part 17 of the Municipal Government Act, the Council of the Town of Bashaw, duly assembled, hereby enacts as follows:

#### 1. TITLE

This bylaw may be cited as the Land Use Bylaw.

#### 2. PURPOSE

The purpose of this bylaw is to 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, among other things,

to divide the municipality into districts;

to prescribe and regulate for each district the purposes for which land and buildings may be used;

to establish the office of Development Authority;

to establish a method of making decisions on applications for development permits including the issuing of development permits;

to prescribe a procedure to notify owners of land likely to be affected by the issue of a development permit; and

to establish a procedure for appeals against the decisions of the Development Authority.

#### 3. DEFINITIONS

In this bylaw:

*Abut or abutting* means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.

*Accessory building* means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A garage attached to a main building is deemed to be part of the main building.

*Accessory use* means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

*Act* means the Municipal Government Act and the regulations pursuant thereto.

*Adjacent land or lot* means property that abuts a lot or which would abut if it were not for an intervening highway, road, lane, river, or stream.

*Agriculture* means all forms of farming except for intensive livestock facilities.

*Apartment building* means a building containing at least three separate dwellings which share a common entrance from outside the building.

*Applicant* means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.

*Bed and breakfast establishment* means a business operated in a private house in which up to three rooms within the house are made available for rent to short-term paying guests.

*Billboard* means a freestanding sign attached permanently and securely to the ground, engineered and maintained to the satisfaction of the Development Authority.

*Building permit* means a permit issued under the Safety Codes Act authorizing construction.

*Carport* means a roofed structure used for the storage or parking of vehicles and which has no more than 50% of its perimeter enclosed by walls.

*Church* includes a building used as a place of worship by any religion.

*Conventional construction* means a building constructed on site using conventional building materials and construction methods, and includes modular construction using pre-built panels and sections, but excludes manufactured houses.

*Council* means the Council of the Town of Bashaw.

*Day care facility* means a building and program for the provision of care, maintenance, and supervision for four or more children under the age of 15 years, by a person not related to the children by blood or marriage, for periods of less than 24 consecutive hours.

*Detached house* means a building which contains one dwelling unit and which may also contain one suite.

*Development* means, in addition to the meanings listed in section 616 of the Act, demolition.

*Development permit* means a document authorizing development issued under this bylaw.

*Discretionary use* means the use of land or a building provided for in this bylaw for which a development permit *may* be issued upon an application having been made, and against which an appeal may be made by an affected person.

*Duplex* means a building containing two dwelling units, sharing a common wall, with separate outside entrances for each dwelling unit.

*Dwelling unit* means a self-contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

*Easement* means a right to use land, generally for access to other property, or as a right-of-way for a public utility.

*Fence* includes wall.

*Floor area* of a building means the aggregate area of all finished floors on all levels.

*Front* means, in the case of a corner lot, the shorter side.

*Front yard* means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may designate one or more streets as the front of the lot.

*Grade* of a lot means the average elevation of the lot corners.

*Granny or nanny suite* means a self-contained suite in a dwelling which is (to be) occupied by a family member or servant of the householder.

*Group care facility* means a facility which provides residential services to seven or more individuals, one or more of whom are unrelated, and who require supervision because of their age, disability, or need for rehabilitation, and where qualified staff are present at all times.

*Group home* means group care facility which provides accommodation for six or less people, but does not include a foster home, day care facility, or family day home.

*Hard surfacing* of a parking stall means asphalt, concrete, stone, gravel or other all-weather surface treatment

*Height* (of a building) means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

*Home business* means a business, trade, craft, occupation, storage activity, or other commercial operation in a residence or accessory building on that site, on a scale greater than a home office, and carried on by the resident of that site, and does not include the repair of motor vehicles.

*Home office* means an office in a dwelling which

is not visited by a significant number of clients,

does not change the external appearance or residential character of the dwelling or yard, and

is carried on only by the residents of that dwelling.

*Lot* means an individual lot or parcel, or a bare land condominium unit for which a title has been issued, or, where two or more lots are "tied" for assessment purposes, or are included in a single title, the area encompassed by the two or more lots.

*Main building* means a building in which is conducted the main or principal use of the lot on which it is erected.

*Manufactured home* means a new residential building containing one dwelling unit, built in a factory and transported in one or more sections to a suitable site, and does not include "mobile home" or "modular home". Manufactured homes have replaced mobile homes, which are no longer built in Alberta.

*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 appears indistinguishable in design and finish from a stick-built house, and does not include *manufactured home* or *mobile home*.

*Mobile home* means a detached dwelling unit built in a factory in one or two sections and designed to be readily relocatable, and does not include *manufactured home* or *modular home*. Mobile homes, at one time commonly referred to as trailers, are no longer built in Alberta.

*Municipal Development Plan* means a plan adopted under section 632 of the Act.

*Municipality* means the Town of Bashaw.

*Owner* means, in addition to the meanings set out in the Act, a purchaser under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.

*Parking stall* means a hard-surfaced area at least 6 metres in length and 3 metres in width, reserved for the parking of motor vehicles.

*Permitted use* means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw.

*Rear yard* means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

*Rental suite* means a self-contained suite within a detached house which may be rented to a person who is not related to or a servant of the occupant of the house.

*Residence* means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular homes.

**“Restaurant” means a premise where food or beverage is prepared and offered for sale primarily for immediate consumption. (Bylaw 706-2008)**

*Road* means the entire width of the right-of-way of a road or lane shown on a township plan, road plan, or plan of subdivision, and not only the built traveling surface.

*Row housing* means a residential building containing at least 3 dwellings, each with direct outside access at grade.

*Service station* means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or repair business, but does not include key lock or bulk fuel sales.

*Setback* means the distance between the closest part of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.

*Side yard* means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary.

*Sign* means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

*Site* means the one or more lots on which a development exists or is proposed, and may include nearby lanes, boulevards, and roads on which associated development exists or is proposed.

*Suite* means an area within a residence which provides a self contained living area with its own cooking and washing facilities.

*Temporary building* means a building which will be removed within a year of its being erected. Note that this definition is not the same as that in the Alberta Building Code.

*Use* means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.

*Utility building* means a building in which the proprietor of a utility company houses any equipment used in connection with the utility, but excludes offices.

*Yard* means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

All other words have the meanings assigned to them by sections 1 and 616 of the Act, or common dictionary meanings.

#### **4. INTERPRETATION**

- 4.1. Any doubt as to the meaning of a word, or the boundaries of a land use district shown on Schedule C, shall be settled by a resolution of Council.
- 4.2. Where a property boundary is also the boundary of a land use district, and the property boundary is moved by subdivision, the land use district boundary follows the new property boundary.
- 4.3. In accordance with Alberta Land Titles practice, all areas and distances in this bylaw are in metric measure. Imperial equivalents are given as a convenience but may not be exact. In case of conflict, the metric measure shall govern.

#### **5. DEVELOPMENT AUTHORITY**

- 5.1. The office of Development Authority is hereby established and shall be filled by a person or persons appointed by resolution of Council.
- 5.2. The Development Authority shall:
  - 5.2.1 maintain a copy of this bylaw as amended, and make it available to any person on a cost recovery basis;
  - 5.2.2 maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge;
  - 5.2.3 review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw;
  - 5.2.4 issue letters of compliance certifying whether or not a building or land use complies with this bylaw;
  - 5.2.5 enforce this bylaw in conformance with the Act; and
  - 5.2.6 carry out the other duties imposed on him by this bylaw and the Act.
- 5.3. For the purposes of section 542 of the Act, the Development Authority is an authorized person of the municipality.
- 5.4. In accordance with common usage, the Development Authority may also be referred to as the Development Officer.

#### **6. SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

The Subdivision and Development Appeal Board established by Bylaw 562-01 shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.

#### **7. DEVELOPMENT PERMIT REQUIRED**

No development other than that listed in section 8 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

#### **8. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

The following development shall not require a development permit:

- 8.1. those uses of land or a building which are **exempt** under sections 618 or 619 of the Act or under regulations pursuant to those sections;
- 8.2. the **completion and use** of a building which was lawfully under construction or for which a development permit had been issued and was still valid at the date of adoption of this bylaw;
- 8.3. the use of a building or property which was authorized under a **previous bylaw**;
- 8.4. the **maintenance** or repair of any building, provided that such works do not include structural alterations or major works of renovation;
- 8.5. Internal **alterations** to a building, provided these alterations do not result in an increase in the number of dwelling units in the building (but a permit under the Safety Codes Act may still be required);
- 8.6. the construction 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 1 metre in height in front yards and less than 1.5 metres in side and rear yards, and subject to section 4 of Schedule A;
- 8.7. **landscaping and paving**, provided that grades and overland water flows are not altered;
- 8.8. the construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a **street or utility lot**;
- 8.9. a **temporary building as defined in section 3 of this bylaw**, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this bylaw;
- 8.10 a deck with a walking surface no more than 30 cm (one foot) above grade;
- 8.11 a **sign** which is exempt under Schedule B of this bylaw; and
- 8.12 new single storey buildings, not on permanent foundation, under 15 square metres (160 sq ft) in size which are **accessory** to a residential use. These buildings are bound by yard and setback rules.

## 9. NON-CONFORMING BUILDINGS AND USES

If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to section 643 of the Act, but it may not be enlarged or replaced except pursuant to section 13.6 of this bylaw.

## 10. APPLICATION FOR A DEVELOPMENT PERMIT

- 10.1 An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by
  - 10.1.1 a statement of the former, present, and proposed use of a lot and any buildings on it;
  - 10.1.2 the legal description and municipal address;
  - 10.1.3 a site plan drawn to scale and showing the boundaries of the lot, the locations of existing and proposed buildings, any front, rear, and side yards, any provision for off-street loading and vehicle parking, and access and egress points to the site;
  - 10.1.4 all easements and utilities, and the proposed connections to utilities;

- 10.1.5 the proposed site grading and drainage;
  - 10.1.6 the estimated commencement and completion dates of any construction;
  - 10.1.7 the estimated cost of the project or contract price; and
  - 10.1.8 the appropriate fee.
- 10.2. The Development Authority may also request
- 10.2.1 drawings of the proposed building with details of the finish of the building and the landscaping of the lot;
  - 10.2.2 a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot;
  - 10.2.3 engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination;
  - 10.2.4 a copy of the current title to the lot; and
  - 10.2.5 any other information which he deems necessary to make an informed decision on the proposed development.
- 10.3 An application for a development permit is not complete, and the time available to the Development Authority to make a decision under section 13 does not commence, until the items listed in sections 10.1 and 10.2 have been supplied.
- 10.4 Pursuant to section 640(5) of the Act, when an application for a development permit or change of land use designation has been refused, the Development Authority may refuse to accept another application on the same property and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

**11. DIRECT CONTROL DISTRICTS**

- 11.1. If a proposed subdivision or development in a Direct Control district is consistent with the Municipal Development Plan and other written municipal policies, the Development Authority may approve the application, with or without conditions.
- 11.2. In all other cases, a proposed development in a Direct Control district shall be referred to Council for a decision.

**12. PUBLIC CONSULTATION PRIOR TO DECISION**

Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving or interpreting any part of the bylaw, the Development Authority may at his discretion consult the owners of nearby land by mail or by advertising in the local newspaper, and if the neighbouring landowners reply within 14 days, the Development Authority shall consider their comments and recommendations before issuing a development permit.

**13. DECISION BY THE DEVELOPMENT AUTHORITY**

- 13.1 The Development Authority shall decide on all applications for a development permit, except that if the land is classified as Direct Control, section 11 of this bylaw and section 641 of the Act apply.
- 13.2 The Development Authority shall decide upon an application for a development permit within 40 days of receiving a complete application.

- 13.3 An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to make a decision.
- 13.4 An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 13.5 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 Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Schedule B, and approve it.
- 13.6 Consistent with section 640(6) of the Act, the Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,
  - 13.6.1 the proposed development would not
    - 13.6.1.1 unduly interfere with the amenities of the neighborhood, or
    - 13.6.1.2 materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land, and
  - 13.6.2 the proposed development conforms with the use prescribed for the land or building in this bylaw,

and this power extends to nonconforming buildings pursuant to section 643(5)(c) of the Act.
- 13.7 The Development Authority may at his discretion relax any required setback by up to 50%, and any required lot size or building size by up to 20%.
  - 13.7.1 If the amount of the relaxation is not more than 10%, the relaxed dimension or area is deemed to meet the requirements of this bylaw, and the relaxation need not be advertised.
  - 13.7.2 If the amount of the relaxation is more than 10%, the relaxation is deemed to be an exercise of discretion and must be advertised under section 17.
- 13.8 In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.
- 13.9 The Development Authority may refuse to issue a development permit for an accessory building if no main building exists on the lot.
- 13.10 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 13.11 The Development Authority may issue a letter of compliance for a building despite it having insufficient setbacks if in his opinion the lack of compliance meets the tests set out in section 13.6.1.

**14. CONDITIONS ATTACHED TO DEVELOPMENT PERMITS**

The Development Authority may issue a development permit subject to the condition that the applicant:

- 14.1 amends the proposal to conform with this or other bylaws;



- 14.2 pays an off-site levy or redevelopment levy imposed by bylaw;
- 14.3 enters into an agreement pursuant to the Act concerning servicing of the site;
- 14.4 registers an easement to protect a utility line;
- 14.5 repairs any municipal improvements that may be damaged as a result of the development;
- 14.6 finishes a building, or landscapes or paves a lot, within a stated period of time;
- 14.7 grades a lot to the satisfaction of the municipality;
- 14.8 supplies parking to meet the requirements of the bylaw;
- 14.9 registers a restrictive covenant concerning architectural controls and landscaping; or
- 14.10 deposits cash, a letter of credit, or a performance bond guaranteeing that any of the above conditions are met.

**15. ISSUANCE OF DEVELOPMENT PERMITS**

- 15.1 A development permit does not come into effect until 14 days after the date of issue.
- 15.2 If a valid appeal is made pursuant to 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.
- 15.3. 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 and to any person who has expressed an interest in the matter.

**16. SUSPENSION OR CANCELLATION OF A DEVELOPMENT PERMIT**

- 16.1 If the development authorized by a permit is not commenced within six months and completed within 12 months from the date of issue, and carried out with reasonable diligence, the permit expires, unless an extension has previously been granted by the Development Authority.
- 16.2 If a Development Permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by registered mail or by hand delivery.

**17. NOTICE OF EXERCISE OF DISCRETION**

When a permit has been granted for a discretionary use, or pursuant to sections 13.5, 13.6, or 13.7.2, the Development Authority

- 17.1 shall immediately mail a notice in writing to the registered owners of all land within 60 metres of the proposed development, and to any other person who may, in his opinion, be affected; and
- 17.2 may immediately publish in a newspaper circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and
- 17.3 may post a notice of the decision conspicuously on the property for which the application has been made,

and the notice shall set out the rights of persons to appeal against the issue of the development permit.

**18. APPEAL PROCEDURE**

- 18.1 An appeal against a decision or failure to make a decision by the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.
- 18.2 In hearing and determining an appeal, the Board shall follow the procedure set out in sections 684 to 687 of the Act.
- 18.3 No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.
- 18.4 In making its decision, the Subdivision and Development Appeal Board is **bound** by the uses of land set out in this bylaw, and shall **have regard for** all other parts of this bylaw and all statutory plans.

**19. JUDICIAL REVIEW**

A decision of the Subdivision and Development Appeal Board is final and binding on all persons subject only to an appeal upon a question of law or jurisdiction pursuant to section 688 of the Act.

**20. CONTRAVENTION**

- 20.1 If the Development Authority finds that a development or use of land or buildings is not in accordance with:

- 20.1.1 the Act or Regulations, or
- 20.1.2 a development permit or subdivision approval, or
- 20.1.3 this bylaw,

he may proceed under sections 541 to 556 and/or sections 645 and 646 of the Act.

- 20.2 Contravention of this bylaw is an offence and is subject to a fine not more than \$500.00 under section 566 of the Act.
- 20.3 If a person, knowing that a development permit is required, starts construction before obtaining such a permit, the fee for the development permit shall be doubled.

**21. AMENDMENT**

- 21.1 A person may apply to have this bylaw amended by applying in writing, giving reasons in support of the application, and paying the appropriate fee.
- 21.2 An application to change the district of any land may be initiated only with the consent of the owner of that land, or by Council.
- 21.3 An amendment to this bylaw must be consistent with the Act and Regulations, the Municipal Development Plan, and any area structure plan that has been adopted by bylaw.
- 21.4 A proposal to amend the bylaw must be advertised in the same way as a Notice of Decision as set out in section 17.

**22. FORMS AND FEES**

Forms and fees referred to in this bylaw shall be established by resolution of Council.

**23. CONTINUATION OF CONTROLS**

A condition attached to a development permit issued under a former bylaw continues under this bylaw.

**24. REQUIREMENTS OF OTHER AUTHORITIES**

24.1 A development authorized under this bylaw is subject to provincial and federal law, other bylaws, statutory plans, intermunicipal agreements, and any easements, caveats, covenants, and other encumbrances on the title to the land in question, whether or not the development permit refers to these other requirements.

24.2 Nothing in this bylaw removes the obligation of a person to obtain other permits, licences, or approvals under other legislation.

**25. LAND USE DISTRICTS AND REGULATIONS**

25.1 In all districts, development is regulated as set out in Schedule A.

25.2 Within individual districts, development is regulated as set out in Schedule B.

25.3 The boundaries of land use districts are as set out on the map forming Schedule C.

25.4 Schedules A, B, and C form part of and have full force in this bylaw.

25.5 Roads, lanes, and other land to which no title has been issued are not included in any land use district.

**26. REPEAL OF EXISTING BYLAWS**

The following bylaws are repealed:

- Bylaw 573-91
- Bylaw 585-92
- Bylaw 596-94
- Bylaw 606-95
- Bylaw 631-98
- Bylaw 634-98
- Bylaw 646-2000
- Bylaw 651-01
- Bylaw 666-03

**READ a First time this 6<sup>th</sup> day of July, A.D. 2004**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**TOWN MANAGER**

**READ a Second time this 7<sup>th</sup> day of September, A.D. 2004**

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**MAYOR**

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**TOWN MANAGER**

**READ a Third time this 5<sup>th</sup> day of October,  
A.D. 2004**

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**MAYOR**

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**TOWN MANAGER**

## **SCHEDULE A GENERAL REGULATIONS**

### **1. CONTAMINATED AND HAZARDOUS SITES**

If it appears to the Development Authority that the site may be contaminated as a result of a former use, or if the site appears to be hazardous in any way, the Development Authority may require the applicant for a development permit to supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such information, the Development Authority may refuse the application.

### **2. DESIGN, CONSTRUCTION, AND TREATMENT OF BUILDINGS**

The Development Authority may refuse to issue a development permit for a building if in his opinion the design, construction, or treatment is incompatible with the neighbouring buildings.

### **3. DRIVE IN BUSINESSES**

3.1 *Location:* Despite their being listed as approved uses in a land use district, drive in businesses are permitted only where passing traffic will not be impeded, and traffic entering and leaving the business will not endanger pedestrians.

3.2 *Curb cuts:* Curb cuts shall be situated at a location approved by the Development Authority, and no closer than 12 metres (40 feet) to the curb intersection of two streets.

3.3 *Hard surfacing:* All parts of the site to which vehicles have access shall be hard surfaced and drained to the satisfaction of the Development Authority.

3.4 *Parking and stacking:* The lot shall be large enough to accommodate all necessary parking, and provide room for vehicles awaiting service so that they do not back up into the adjacent street.

3.5 *Garbage control:* The site shall be provided with adequate garbage receptacles, and shall be fenced to the satisfaction of the Development Authority so garbage is prevented from blowing off the site.

3.6 *Screening:* If the site is adjacent to a residence, the Development Authority may require that the site be screened to his satisfaction.

### **4. FENCES**

4.1 In residential districts, no fence shall be higher than 1.75 metres (6 feet) in side and rear yards and no higher than 1 metres (3 feet) in front yards.

4.2 The height limits for fences in front yards apply to any side of a lot facing or flanking a street.

4.3 The maximum fence heights allowed in this section do not apply to swimming pools, which are governed by the Alberta Building Code.

4.4 Barbed wire may be used only

4.4.1 for fences surrounding land on which the grazing of livestock is a permitted or discretionary use, and

4.4.2 as the top strands of a fence in a commercial or industrial district, and provided the lowest strand of barbed wire is at least 1.75 metres (6 feet) above ground level, and

4.4.3 where required by other legislation.

4.5 No electric fence shall be constructed except as an internal cross-fence on land on which grazing of livestock is a permitted or discretionary use.

4.6 A person wishing to construct a fence that does not comply with this section shall apply for a Development Permit and the permit shall be advertised as a discretionary use.

## **5. GRADING OF LOTS**

5.1 No land shall be filled or raised, and no grading or drainage shall be undertaken, affecting adjacent property, unless a development permit has been issued for the work.

5.2 The Development Authority may require that a development permit application for a new building shall include a lot grading and drainage plan.

5.3 Any lot grading and drainage must comply with the municipality's engineering standards or, if no such standards have been adopted, with good municipal engineering practice.

## **6. LIVESTOCK**

6.1 No livestock other than normal domestic pets shall be kept in any district except UX or DC.

6.2 This section does not apply to auction marts, veterinary clinics, land occupied by an agricultural society, or land owned by the municipality and rented to third parties for farming purposes.

## **7. LOADING**

Where a business or a facility is likely to receive large quantities of goods, or frequent deliveries, the Development Authority may require that an off-street loading dock be provided, adequate to accommodate the expected traffic without disrupting the flow of vehicles on adjacent streets, as set out in Schedule D.

## **8. MOVED IN BUILDINGS**

8.1 A person wishing to move an existing building on to a lot shall make an application for a development permit in the usual way and shall also provide:

8.1.1 photographs showing all sides of the building;

8.1.2 a statement of the type of construction, condition, and age of the building; and

8.1.3 a statement of proposed improvements with an estimate of costs.

8.2 The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.

8.3 The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.

8.4 The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.

8.5 This section does not apply to new storage sheds, or to temporary buildings authorized under section 8.9 of the bylaw, or to new manufactured or modular homes being moved in to a district where they are a permitted or discretionary use.

## **9. OVERHANGS AND ENCROACHMENTS INTO YARDS**

- 9.1 A deck which is attached to a main building, and which has a walking surface 30 cm (one foot) or more above grade, is deemed to be a part of the main building, and is subject to the yard and setback requirements for a main building set out in Schedule B.
- 9.2 Structures attached to a building such as decks less than 30 cm (one foot) above grade, balconies, bay windows, chimneys, eaves, open steps, and sills may encroach into the yards required by Schedule B by the following distances:
- 9.2.1 1.5 metres (5 feet) into yards and setbacks of 4 metres (13 feet) or more, and
- 9.2.2 60 cm (2 feet) into yards and setbacks of 1.5 metres (5 feet) or more.
- 9.3 Encroachments greater than those set out above may be allowed by the Development Authority but are deemed to be discretionary and thus appealable.

## **10. OVERHANGS AND ENCROACHMENTS INTO ROADS**

- 10.1 No sign, building, or parking stall may encroach over or onto a road unless the person responsible for the encroaching object
- 10.1.1 has signed an encroachment agreement with the municipality, and
- 10.1.2 where required by the municipality, maintains liability insurance of at least \$1 million and naming the municipality as co-insured.
- 10.2 This section does not apply to fascia signs encroaching less than 30 cm over a road.
- 10.3 In front of the vehicle doors of every garage there shall be a parking stall located entirely within the lot, as shown on Figure 1.

## **11. PROHIBITED OBJECTS IN YARDS**

- 11.1 In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any object which is unsightly or offensive, in the opinion of the Development Authority.
- 11.2 Radio and TV antennas, aerials, and dishes larger than 1 metre in diameter shall not be located in a front yard of a residential district.

## **12. SERVICE STATIONS**

- 12.1 The lot containing a service station shall have a minimum area of 1,100 square metres (12,000 square feet) and shall have a frontage of at least 30 metres (100 feet).
- 12.2 Where a service station is not part of a larger commercial development such as a shopping centre, the buildings shall cover no more than 15% of the area of the lot.
- 12.3 Fuel pumps and above-ground fuel storage tanks shall be set back at least 9 metres (30 feet) from the front and side property lines, but if this bylaw contradicts the Alberta Building Code, the Code shall govern.
- 12.4 A development permit for a service station does not allow autobody work, auto wrecking, or the sale of vehicles, unless this is specifically written in the development permit.
- 12.5 The requirements of section 3, Drive-in Businesses, also apply to service stations.

## 13. SIGNS

### 13.1 Exemptions

No permit is required for a sign which:

- o is not visible from a public road or park, or
- o is erected by a government or school authority, or
- o concerns an election, or
- o identifies the address or function of a building or parcel on which the sign stands, or
- o advertises a sale or event taking place that day, or
- o offers for sale or rent the parcel on which it stands, or
- o advertises a business or activity taking place on that parcel, or
- o advertises a product, service, or commodity offered for sale or rent on that parcel,

provided the size, style, number, and location of the sign meets the requirements of this bylaw.

13.2 A development permit is required for all signs other than those listed above.

### 13.3 Signs on Roads

13.3.1 No sign shall be placed on the right of way of a road without the approval of the municipality.

13.3.2 Notwithstanding sections 13.2 and 13.3.1 above,

13.3.2.1 temporary signs protected by section 2(b) of the Constitution Act, 1982 (Canada), and

13.3.2.2 signs advertising auctions and garage sales taking place that day, do not require a development permit, and may be placed on a road provided that the signs

13.3.2.3 are not a danger to public safety, and

13.3.2.4 are removed promptly after the election or event which is the subject of the sign,

and these signs do not require an encroachment agreement or insurance cover under section 10 of this schedule.

### 13.4 Signs Overhanging Roads

13.4.1 The Development Authority shall require that a sign overhanging municipal property be constructed and maintained to such a standard that it is not a hazard to people, traffic, or property.

*Note:* Signs encroaching over a road require an encroachment agreement and may require insurance under section 10 of this schedule.



### 13.5 Signs in Residential Districts

In residential districts:

- 13.5.1 Signs shall not exceed 1 square metre (10 square feet), or 3 square metres (32 square feet) on church property, and shall not be illuminated, fluorescent, or moving.
- 13.5.2 Signs advertising a home occupation or home office shall be attached to the wall of the building in which the office or occupation is carried on.
- 13.5.3 Signs advertising garage and auction sales are permitted one day before and on the actual date of the sale.
- 13.5.4 Signs shall be in good taste and compatible with the character of the neighbourhood.
- 13.5.5 No more than one sign for each of the purposes listed in section 13.1 shall be erected on a residential parcel, except where the parcel abuts two or more roads, a sign may be erected facing each road.
- 13.5.6 Signs advertising commercial activities off site are not permitted.

### 13.6 Signs on Undeveloped Land Adjacent to Highways

13.6.1 No advertising other than

13.6.1.1 signs exempted by section 13.1, and

13.6.1.2 billboards as defined elsewhere in this bylaw

shall be placed within 200 metres of Highways 21 and 53 in the UX district.

13.6.2. Billboards on each side of a highway in the UX district shall be separated by at least 200 metres.

13.6.3 For the purposes of this bylaw, vehicles or trailers parked for more than seven days on a private parcel adjacent to a highway, and bearing advertising material, are deemed to be signs but not billboards.

### 13.7 Portable Signs

13.7.1 A portable sign is a sign which is not permanently or securely attached to the ground or to a building, or which is intended to be moved from place to place.

13.7.2 The Development Authority must not issue a development permit for a portable sign unless the sign is owned by

13.7.2.1 the owner or lessee of the land on which it stands, or

13.7.2.2 a person holding a current business licence.

13.7.3 No more than one portable sign may be placed on a lot for each 100 metres of frontage.

13.7.4 Portable signs are not permitted in residential districts.

13.7.5 Council may by resolution set an annual fee to be paid in respect of every portable sign displayed in the municipality.

### 13.8 Aesthetics

Signs shall be designed, constructed, and maintained so they are compatible with the quality of the neighbourhood, and at the discretion of the Development Authority.

### 13.9 Public Safety

13.9.1 A sign which is not attached to a building shall be set back from a road or lane the same distance as if it were a building, unless the Development Authority is satisfied that it will not interfere with sight lines for drivers.

13.9.2 Notwithstanding any other part of this bylaw, the Development Authority may refuse to issue a development permit for any sign which in his opinion would be a danger to traffic, property, or public safety.

13.9.3 If in the opinion of the Development Authority a sign is a danger to traffic, property, or public safety, he may demand the immediate removal of the sign, and if he is unable to identify the person responsible for the sign, he may enter under section 542(3) of the Act, and remove the sign.

### 13.10 Situations Not Covered by This Bylaw

Where this bylaw provides no regulations governing the size, style, number, purpose, content, or location of sign, a permit may be issued by the Development Authority, but the use shall be deemed a discretionary use, and shall be advertised in the usual manner, and may be appealed to the Subdivision and Development Appeal Board, which may confirm, amend, or revoke the permit.

## 14. **UTILITY BUILDINGS AND EQUIPMENT**

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system.

## 15. **VISIBILITY AT CORNERS**

The Development Authority may require the removal of any fence or vegetation which in his opinion is a hazard to traffic because it obstructs visibility.

## 16. **YARDS**

16.1. Where a lot abuts two or more roads, the Development Authority may require that front yard setbacks be observed from more than one road.

16.2. Where land is likely to be re-subdivided in future, the Development Authority may require that any new building be located as if the subdivision was already in effect.

## 17. **BED AND BREAKFAST OPERATIONS (Bylaw 705-2008)**

1. Bed and Breakfast operations must be run by the resident owners of the property.
2. A Bed and Breakfast operation shall not change the residential character and appearance of the building, and the Development Authority may regulate signage and other matters to that end.
3. A Bed and Breakfast operation shall have no more than three guest rooms, and these rooms must be located in the main building.

4. The only meal provided to the registered guests in a Bed and Breakfast operation shall be breakfast, and no food shall be prepared within the guest rooms.
5. Breakfast shall only be served to guests taking lodging in the facility.
6. One on-site stall is required for each guest room in addition to the parking required by Schedule D.
7. Bed and Breakfasts shall not be permitted in triplexes, fourplexes, rowhouses or apartment buildings.

## SCHEDULE B REGULATIONS FOR LAND USE DISTRICTS

### 1. **Low Density Residential (R1) District**

#### 1.1. Purpose

The purpose of the R1 district is to provide land for detached residences on individual, fully serviced lots.

#### 1.2. Permitted Uses

The following uses are permitted:

- o new detached residences
- o modular homes, but excluding manufactured and mobile homes
- o granny suites
- o home offices
- o public parks and recreation areas
- o buildings and uses accessory to the above.

#### 1.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o moved-in residences, but excluding manufactured and mobile homes
- o churches
- o group homes (*up to six clients*)
- o home businesses
- o rental suites
- o utility installations
- o buildings and uses accessory to the above.
- **Bed and Breakfasts (Bylaw 705-2008)**

#### 1.4. Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, but this shall not prevent the construction and use of one self-contained suite within a main building.

#### 1.5. Lot Size Requirements

*Lot area:* All residential lots shall have an area of at least 557 m<sup>2</sup> (6,000 square feet).

Lots for other uses shall have an area satisfactory to the Development Authority.

*Lot width:* Residential lots which have lane or road access to the rear yard shall have a mean width of at least 15.25 metres (50 feet).

Residential lots which do not have lane or road access to the rear yard shall have a mean width of at least 18.3 metres (60 feet).

Residential corner lots shall have a width of at least 17 metres (55 feet).

Non-rectangular residential lots shall have a front width of at least 10 metres (33 feet)

Where oversized lots are being re-subdivided, the required lot widths may be relaxed to accommodate existing buildings.

Lots for other uses shall have a width satisfactory to the Development Authority.

1.6. Building Sizes

1.6.1. A dwelling shall not exceed two and a half storeys above grade.

1.6.2. A dwelling shall have a finished floor area of at least 93 square metres (1001 square feet).

1.6.3. No accessory building shall have a wall height exceeding 3 metres (10 feet).

1.7. Site Coverage

Buildings shall cover no more than 30% of the area of a residential lot.

1.8. Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 6 metres (20 feet) from the front property line.

*Rear Yard:* Buildings shall be set back at least 6 metres (20 feet) from the rear property line.

*Side yard:* Buildings shall be set back at least

- o 3 metres (10 feet) from the side property line of a flanking street,
- o 3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and
- o 1.5 metres (5 feet) in all other cases, but this shall be increased by 0.3 metres for each 1 metre of building height above 7.5 metres.

1.9. Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street or lane.

*Rear yard* Accessory buildings shall be set back at least 1 metre (3 feet) from the rear property line.

~~Despite the above, garages may be located 1 metre (3 feet) or at least 6 metres (20 feet), but not *between* 1 metre and 6 metres, from a rear property line.~~

~~A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.~~

The vehicle doors of a garage shall be set back at least 6m from the property line opposite the vehicle doors. **(Bylaw 707-2008)**

1.10. Other Controls

The requirements of Schedules A and D apply in this district.

1.11 Distances Between Buildings

All accessory buildings shall be separated from the main building by 3 metres (10 feet), or such greater distance as may be required by the Alberta Building Code, whether on the same or a different lot. **(Bylaw 704-2008)**

## 2. General Residential (R2) district

### 2.1 Purpose

The purpose of the R2 district is to provide land for smaller detached houses and side-by-side duplexes.

### 2.2 Permitted Uses

The following uses are permitted:

- o new detached residences
- o modular homes, but excluding manufactured and mobile homes
- o duplex dwellings
- o granny suites in detached houses
- o home offices
- o public parks and recreation areas
- o buildings and uses accessory to the above.

### 2.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o moved-in residences
- o manufactured homes no more than 15 years old
- o churches
- o group homes
- o home businesses
- o rental suites
- o utility installations
- o buildings and uses accessory to the above.
- **Bed and Breakfasts (Bylaw 705-2008)**

### 2.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot, except that

- 2.4.1 a duplex may be built on a lot which is large enough to be re-subdivided, and
- 2.4.2 one self-contained suite may be constructed and used within a detached house.

### 2.5 Lot Size Requirements

*Detached houses:* A lot for a detached house shall have an area of at least 445 square metres (4,800 square feet), a mean width of at least 12.2 metres (40 feet), and a street frontage of at least 7.5 metres (25 feet).

*Duplexes:* A subdivided lot for one side of a duplex shall have an area of at least 250 square metres (2,690 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5 metres (16.5 feet).

*Non-residential uses:* Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

## 2.6 Site Coverage

Buildings shall cover no more than 40% of the area of a residential lot.

## 2.7 Yards and Setbacks: Main Buildings

- Front yard:* Buildings shall be set back at least 6 metres (20 feet) from the front property line.
- Rear yard:* Buildings shall be set back at least 6 metres (20 feet) from the rear property line.
- Side yard:* Buildings shall be set back at least
- o 3 metres (10 feet) from the side property line of a flanking street,
  - o 3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and
  - o 1.5 metres in all other cases, except that a duplex may be built straddling the side property line.

## 2.8 Yards and Setbacks: Accessory Buildings

- Front yard:* No accessory building shall be located in a front yard.
- Side yard:* Accessory buildings other than garages shall be set back at least 1 metre from side property lines.
- No accessory building shall be located between a main building and a flanking street or lane.
- A shared garage serving two attached duplexes may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.
- Rear yard* Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.
- ~~Despite the above, garages may be located 1 metre (3 feet) or more than 6 metres (20 feet), but not between 1 metre and 6 metres, from a rear property line.~~
- ~~A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.~~
- The vehicle doors of a garage shall be set back at least 6m from the property line opposite the vehicle doors. **(Bylaw 707-2008)**

## 2.9 Building sizes

A building shall not exceed two storeys above grade.

An accessory building shall not have a wall height exceeding 3 metres (10 feet)



2.10 Subdivision design

A new subdivision intended to be classified R2 shall contain lanes serving every residential lot.

2.11 Other Controls

The requirements of Schedules A and D apply in this district.

2.12 Distances Between Buildings

All accessory buildings shall be separated from the main building by 3 metres (10 feet), or such greater distance as may be required by the Alberta Building Code, whether on the same or a different lot. **(Bylaw 704-2008)**

### 3. Medium Density Residential (R3) district

#### 3.1. Purpose

The purpose of the R3 district is to provide land for medium density housing in the form of town housing, row housing, and fourplexes. Duplexes and detached houses are also allowed. This district does not allow apartments or any type of housing with more than two floors above grade.

#### 3.2. Permitted Uses

The following uses are permitted:

- o new detached residences
- o modular homes, but excluding manufactured and mobile homes
- o duplex, triplex, and fourplex dwellings not forming part of a condominium
- o row housing not forming part of a condominium
- o granny suites in detached houses
- o home offices
- o public parks and recreation areas
- o buildings and uses accessory to the above.

#### 3.3. Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o moved-in residences
- o manufactured homes no more than 15 years old
- o multiple unit housing registered as a condominium
- o churches
- o day care facilities
- o group homes
- o home businesses
- o rental suites
- o utility installations
- o buildings and uses accessory to the above.
- **Bed and Breakfasts (Bylaw 705-2008)**

#### 3.4. Number of Dwellings on a Lot

Only one detached dwelling shall be constructed on a lot, but this shall not prevent the construction and use of a single suite within a detached dwelling.

#### 3.5. Lot Size Requirements

*Detached houses:* A lot for a detached house shall have an area of at least 445 square metres (4,800 square feet), a mean width of at least 12.2 metres (40 feet), and a street frontage of at least 7.5 metres (25 feet).

*Duplexes:* A subdivided lot for one side of a duplex shall have an area of at least 250 m<sup>2</sup> (2,690 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5 metres (16.5 feet).

*Other residences:* A lot for other styles of residences shall be large enough to accommodate the proposed buildings with the required yards, site coverage, setbacks, parking, and landscaping.

*Non-residential uses:* Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

3.6 Site Coverage

Buildings shall cover no more than 40% of the area of a residential lot.

3.7 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 6 metres (20 feet) from the front property line.

*Rear yard:* Buildings shall be set back at least 6 metres (20 feet) from the rear property line.

*Side yard:* Buildings shall be set back at least

- o 3 metres (10 feet) from the side property line of a flanking street or lane,
- o 3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and
- o 1.5 metres in all other cases, except that a duplex may be built straddling the side property line.

3.8 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings other than garages shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street or lane.

A shared garage serving two attached duplexes may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.

*Rear yard* Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

~~Despite the above, garages may be located 1 metre (3 feet) or at least 6 metres (20 feet), but not between 1 metre and 6 metres, from a rear property line.~~

~~A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.~~

The vehicle doors of a garage shall be set back at least 6m from the property line opposite the vehicle doors. **(Bylaw 707-2008)**

3.9 Distances Between Buildings

~~All buildings shall be separated by 3 metres (10 feet) from all other buildings whether on the same or a different lot or such greater distance as may be required by the Alberta Building Code.~~

All accessory buildings shall be separated from the main building by 3 metres (10 feet), or such greater distance as may be required by the Alberta Building Code, whether on the same or a different lot. **(Bylaw 704-2008)**

3.10 Building sizes

A building shall not exceed two storeys above grade.

An accessory building shall not have a wall height exceeding 3 metres (10 feet)

3.11 Subdivision design

A new subdivision intended to be classified R3 shall contain lanes serving every residential lot.

3.12 Condominiums

3.12.1 The internal circulation routes within a condominium must be at least 7.5 metres (25 feet) wide and able to accommodate emergency vehicles.

3.12.2 Where the units in a condominium have direct outside access, they must each have at least 13.5 m<sup>2</sup> (140 square feet) of private outdoor space.

3.12.3 At least 40% of the area of the common property shall be landscaped.

3.13 Other Controls

The requirements of Schedules A and D apply in this district.

4. High Density Residential (R4) District

4.1 Purpose

The purpose of the R4 district is to provide land for higher density housing including apartments. The district may also be used for lower density housing.

4.2 Permitted Uses

The following uses are permitted:

- o new detached residences
- o modular homes, but excluding manufactured and mobile homes
- o duplex, triplex, and fourplex dwellings not forming part of a condominium
- o row housing not forming part of a condominium
- o apartment buildings not forming part of a condominium
- o granny suites in detached houses
- o home offices
- o public parks and recreation areas
- o buildings and uses accessory to the above.

4.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o moved-in residences
- o manufactured homes no more than 15 years old
- o multiple unit housing of any building type which is registered as a condominium
- o churches
- o day care facilities
- o group homes
- o home businesses
- o rental suites
- o utility installations
- o buildings and uses accessory to the above.
- **Bed and Breakfasts (Bylaw 705-2008)**

4.4 Number of Dwellings on a Lot

No more than one detached house may be built on a lot.

4.5 Lot Size Requirements

*Detached houses:* A lot for a detached residence shall have an area of at least 450 m<sup>2</sup> (4,800 square feet), a mean width of at least 12 metres (40 feet), and a street frontage of at least 7.5 metres (25 feet).

*Duplexes:* A lot for one side of a duplex shall have an area of at least 250 m<sup>2</sup> (2,690 square feet), a mean width of 7.5 metres (25 feet), and a street frontage of at least 5 metres (16.5 feet).

*Other residences:* A lot for other styles of residences shall be large enough to accommodate the proposed buildings with the required yards, setbacks, site coverage, parking, and landscaping.

*Non-residential uses:* Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.

4.6 Site Coverage

Buildings shall cover no more than 50% of the area of a residential lot.

4.7 Yards and Setbacks

*Front yard:* Buildings shall be set back at least 6 metres (20 feet) from the front property line.

*Rear yard:* Buildings shall be set back at least 6 metres (20 feet) from the rear property line.

*Side yard:* Buildings shall be set back at least

- o 3 metres (10 feet) from the side property line of a flanking street,
- o 3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard,
- o 25% of the overall height of the building, and
- o 1.5 metres (5 feet) in all other cases.

Despite the foregoing, a duplex, row house, or fourplex may be built straddling the side property line.

4.8 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines, but see below regarding garages accessing flanking streets.

No accessory building shall be located between a main building and a flanking street.

*Rear yard* Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

Despite the above, garages may be located 1 metre (3 feet) or at least 6 metres (20 feet), but not *between* 1 metre and 6 metres, from a rear property line.

~~A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.~~

~~A shared garage serving two attached dwellings may be constructed straddling the property line provided that there is a fireproof dividing wall at the property line.~~

The vehicle doors of a garage shall be set back at least 6m from the property line opposite the vehicle doors. **(Bylaw 707-2008)**

4.9 Distances Between Buildings

~~All buildings shall be separated by 3 metres (10 feet) from all other buildings whether on the same or a different lot, or such greater distance as may be required by the Alberta Building Code.~~

All accessory buildings shall be separated from the main building by 3 metres (10 feet), or such greater distance as may be required by the Alberta Building Code, whether on the same or a different lot. **(Bylaw 704-2008)**

4.10 Emergency Vehicle Access

4.10.1 Along the sides of an apartment building exceeding two storeys above grade, emergency vehicle access must conform to the side and rear yard setbacks as per the Alberta Building Code requirements. There shall be a firm, level "fire access area", accessible from the road by emergency response equipment. This requirement may increase the setbacks required by section 4.7 above.

4.10.2 No buildings, vehicles, or other obstructions shall be placed or allowed in a fire access area.

4.11 Height of buildings

4.11.1 No accessory building shall have a wall height exceeding 3 metres (10 feet).

4.11.2 No building shall have a height exceeding 10 metres (33 feet) above grade, measured to the roof peak.

4.12 Condominiums

4.12.1 The internal circulation routes within a condominium must be at least 7.5 metres (25 feet) wide and able to accommodate emergency vehicles.

4.12.2 Where the units in a condominium have direct outside access, they must each have at least 13.5 m<sup>2</sup> (140 square feet) of private outdoor space.

4.12.3 At least 40% of the area of the common property shall be landscaped.

4.13 Other Controls

The requirements of Schedules A and D apply in this district.

**5. Manufactured Housing Subdivision District (MHS)**

5.1 Purpose

The purpose of the MHS district is to provide land where manufactured homes may be placed on titled lots which are dimensioned to fit the unique size and shape of this style of housing.

5.2 Permitted Uses

- o new manufactured homes
- o new conventionally built detached residences
- o duplexes
- o modular homes
- o home offices
- o public parks and recreation areas
- o buildings and uses accessory to the above.

5.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o manufactured homes no more than fifteen years old when moved to the site
- o mobile homes
- o moved-in conventionally built residences
- o churches
- o day care facilities
- o group homes
- o home businesses
- o utility installations
- o buildings and uses accessory to the above.
- **Bed and Breakfasts (Bylaw 705-2008)**

5.4 Number of Dwellings on a Lot

Only one dwelling shall be constructed on a lot.

5.5 Lot Size Requirements

*Single wide units:* A lot for a single wide manufactured home or mobile home, serviced by a rear lane, shall have a mean width of at least 12 metres (40 feet), a street frontage of at least 9 metres (30 feet), and a depth of at least 36 metres (120 feet).

*Double wide units:* A lot for a double wide manufactured home or mobile home, serviced by a rear lane, shall have a mean width of at least 13.5 metres (44 feet), a street frontage of at least 10 metres (33 feet), and a depth of at least 30 metres (99 feet).

*Corner lots:* Residential corner lots shall be at least 15 metres (50 feet) wide.

*In all cases:* If a residential lot is not serviced by a lane it shall be at least 15 metres (50 feet) wide.

*Non-residential uses:* Lots for non-residential uses shall have an area and width satisfactory to the Development Authority.



5.6 Lot Coverage

Buildings shall cover no more than 40% of the area of a residential lot.

5.7 Yards and Setbacks: Main Buildings

*Front yard:* Buildings shall be set back at least 5 metres (17 feet) from the front property line.

*Rear yard:* Buildings shall be set back at least 5 metres (17 feet) from the rear property line.

*Side yard:* Buildings shall be set back at least

- o 3 metres (10 feet) from the side property line of a flanking street,
- o 3 metres (10 feet) on one side of the lot where there is no road or lane access to the rear yard, and
- o 1.5 metres in all other cases.

5.8 Yards and Setbacks: Accessory Buildings

*Front yard:* No accessory building shall be located in a front yard.

*Side yard:* Accessory buildings shall be set back at least 1 metre from side property lines.

No accessory building shall be located between a main building and a flanking street.

*Rear yard* Accessory buildings shall be set back at least 1 metres (3 feet) from the rear property line.

~~Despite the above, garages may be located 1 metre (3 feet) or at least 6 metres (20 feet), but not between 1 metre and 6 metres, from a rear property line.~~

~~A garage gaining direct access from a flanking street shall be located at least 6 metres from the flanking street.~~

The vehicle doors of a garage shall be set back at least 6m from the property line opposite the vehicle doors. **(Bylaw 707-2008)**

5.9 Distances Between Buildings

~~All buildings shall be separated by 3 metres (10 feet) from all other buildings whether on the same or a different lot, or such greater distance as may be required by the Alberta Building Code.~~

All accessory buildings shall be separated from the main building by 3 metres (10 feet), or such greater distance as may be required by the Alberta Building Code, whether on the same or a different lot. **(Bylaw 704-2008)**

5.10 Lanes

Where lanes are not provided, lot width must be sufficient to provide a wide side yard as required by section 5.7.

5.11 Aesthetics

Manufactured homes must be skirted and the hitches must be removed.

5.12 Other Controls

The requirements of Schedules A and D apply in this district.

**6. Manufactured Housing Park District (MHP)**

6.1 Purpose

The purpose of the MHP district is to provide land where manufactured homes can be set on rented sites. Regulations for the MHS district apply in this district. Additionally, the following regulations apply.

6.2 Interpretation

Where the word “lot” is used in the regulations for this district, it is to be interpreted as meaning an unsubdivided space, stall, pad, or site rented to the occupant of a manufactured home or mobile home for his exclusive use.

6.3 Site-built houses not permitted

Houses built on site are not permitted in the MHP district.

6.4 Site development plan required

6.4.1 No land shall be developed for a manufactured housing park unless that land is the subject of a site development plan accepted by council.

6.4.2 If Council does not adopt its own guidelines, the “Land Use Planning Recommendations for Manufactured Housing in Alberta,” prepared by the Manufactured Housing Association of Alberta and Saskatchewan, may be used, but where that document conflicts with this bylaw, the bylaw shall govern.

6.4.3 The site development plan shall specify the standards for servicing the site and whether these are the responsibility of the developer or the municipality, and these items shall be included in a formal agreement under section 560 of the Act prior to the issuance of a development permit.

6.4.4 The requirement for a site development plan does not apply to manufactured housing or mobile home parks which existed at the date of adoption of this bylaw.

6.5 Parking

The developer or operator of a manufactured home park may provide common parking lots in place of one of the two parking stalls required by each residence.

6.6 Other Controls

The requirements of Schedule A apply in this district.

## 7. Central Commercial District (C1)

### 7.1 Purpose

The C1 district provides land for pedestrian-oriented commercial land uses in the core of the municipality.

### 7.2 Permitted Uses

The following uses are permitted:

- o retail businesses, except those listed as discretionary
- o hotels and motels, except those listed as discretionary
- o professional, financial, and service businesses, except those listed as discretionary
- o clubs, associations, churches, and lodges, except those listed as discretionary
- o government, police, and emergency services operations
- o public parks and recreation areas
- o residences above the main floor
- o buildings and uses accessory to the above
- **“Restaurants, except those listed as discretionary” (Bylaw 706-2008)**

### 7.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o Trade workshops
- o Establishments selling or dispensing alcohol for consumption on the premises
- o Establishments providing "adult" entertainment or products
- o Establishments where gambling is conducted
- o Pawn shops
- o Amusement arcades
- o Businesses selling lumber or other flammable products
- o Drive-in businesses
- o Businesses selling or servicing motor vehicles
- o Day care facilities
- o Group care facilities
- o Residences at street level
- o Buildings and uses accessory to the above uses

### 7.4 Yards and Setbacks

7.4.1 All buildings shall be set back at least 6 metres (20 feet) from a rear lane, unless space is provided elsewhere for parking, loading, and garbage containers.

7.4.2 No front or side yard setbacks are required.

### 7.5 Other Controls

The requirements of Schedules A and D apply in this district.

## 8. Highway Commercial District (C2)

### 8.1 Purpose

The purpose of the C2 district is to provide land for services to the travelling public, for businesses which generate or benefit from exposure to large volumes of vehicle traffic, and for retail and service businesses which need larger lots than can reasonably be provided in the C1 area.

### 8.2 Permitted Uses

The following uses are permitted:

- o all uses listed as permitted in the C1 district
- o gasoline and other fuel sales
- o trade workshops
- o churches
- o automobile, recreation vehicle, boat, manufactured housing, and farm equipment sales, leasing, service, and repair businesses, but excluding body shops, paint shops, and bulk and unattended gasoline sales

### 8.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o all uses listed as discretionary in the C1 district
- o automotive body shops and paint shops
- o travel trailer campsites
- o bulk and unattended fuel sales, provided that the tanks and loading areas are at least 50 metres from any residence
- o warehousing and storage
- o fertilizer storage and sales
- o buildings and uses accessory to the above

### 8.4 Highway Access

The Development Authority shall not approve a direct access from a lot to Highway 21 or Highway 53 without the approval of Alberta Transportation.

### 8.5 Lot Size Requirements

8.5.1 Lots for commercial operations shall have an area of at least 1,000 square metres (10,750 square feet) and a mean width of at least 30 metres (100 feet).

8.5.2 The size of lots for other uses shall be as required by the Development Authority.

### 8.6 Yards and Setbacks

All buildings shall be set back at least

- o 8 metres (26 feet) from any road or, if used as part of a service station or a drive in business, 12 metres from any road,
- o 5 metres (16 feet) from the rear property line, and
- o 3 metres (10 feet) from the side property line, but no less than half the height of the building from a side property line which abuts a residential area.

8.7 Other Controls

The requirements of Schedules A and D apply in this district.

## 9. Industrial District (M)

### 9.1 Purpose

The purpose of the Industrial district is to provide land for industrial and commercial uses which will not damage or interfere with adjacent land uses by reason of noise, dust, odour, vibration, heavy traffic, or other objectionable conditions.

### 9.2 Permitted Uses

The following uses are permitted:

- o manufacturing, processing, and fabrication
- o services and sales to agriculture
- o warehousing and storage
- o railway operations
- o automobile, truck, and farm equipment sales and service
- o car and truck washing establishments
- o transportation, communications, and utilities industries
- o veterinary clinics
- o auction markets, but excluding animal sales
- o wholesale distributors
- o retail businesses, except those listed as discretionary
- o service businesses, except those listed as discretionary
- o clubs, associations, and lodges, except those listed as discretionary
- o government, police, and emergency services operations
- o utility installations
- o buildings and uses accessory to the above

provided that these uses comply with the purpose of this district as regards objectionable conditions, noted in section 9.1.

### 9.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o auto body and paint shops
- o bulk fuel and fertilizer storage and sales
- o slaughterhouses and meat processing plants
- o hatcheries
- o recycling industries including auto wreckers
- o livestock auction markets
- o liquor stores
- o restaurants, clubs, and other establishments serving alcoholic drinks
- o amusement arcades
- o casinos and bingo halls
- o residences to a maximum of one per lot
- o advertising signs not exempted by Schedule A
- o buildings and uses accessory to the above

When approving a discretionary use, the Development Authority may require that appropriate measures are taken to mitigate any objectionable conditions listed in section 9.1.

9.4 Highway Access

The Development Authority shall not approve a direct access from a lot to Highway 21 or Highway 53 without the agreement of Alberta Transportation.

9.5 Yards and Setbacks

All buildings shall be set back at least

- o 8 metres (26 feet) from any road or, if used as part of a service station or a drive in business, 12 metres (40 feet) from any road,
- o 6 metres (20 feet) from the rear property line, and
- o 3 metres (10 feet) from the side property line.

9.6 Screening

The Development Authority may require that areas used for open storage of unsightly material are screened from public view by means of suitable fencing or landscaping.

9.7 Other Controls

The requirements of Schedules A and D apply in this district.



**10. Institutional and Public Uses District (IPU)**

10.1 Purpose

The purpose of the IPU district is to provide land for parks, schools, hospitals, and other community service facilities, both publicly and privately owned.

10.2 Permitted Uses

The following uses are permitted:

- o schools
- o libraries
- o halls and auditoriums
- o churches
- o day care facilities
- o group homes (*up to six clients*)
- o group care facilities (*more than six clients*)
- o hospitals, hospices, nursing homes, and long term care facilities
- o cemeteries and crematoriums
- o public parks, playgrounds, and buffer strips
- o golf courses
- o municipally owned athletic and sporting facilities
- o storm water detention areas
- o buildings and uses accessory to the above

10.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o campgrounds
- o privately owned athletic, sporting, and recreational facilities
- o residences for staff of a permitted use
- o buildings and uses accessory to the above

10.4 Yards and Setbacks

Residences in the IPU district require the same yards and setbacks as in the adjacent residential district or, if there is no adjacent residential district, the same yards and setbacks as in the R1 district.

Yards and setbacks for other land uses shall be as required by the Development Authority.

10.5 Other Controls

The requirements of Schedule A and D apply in this district.

**11. Urban Expansion District (UX)**

11.1 Purpose

The purpose of the UX district is to identify land which in future will probably be converted to urban use, but which can be used for agriculture as long as the owner elects to do so. An outline plan acceptable to council must be prepared before the land will be considered for reclassification to another use.

11.2 Permitted Uses

The following uses are permitted:

- o agriculture, but excluding intensive livestock operations or the spreading of manure
- o buildings and uses accessory to the above

11.3 Discretionary Uses

The following uses may be allowed at the discretion of the Development Authority:

- o uses which are compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan or outline plan affecting the land

11.4 Number of Dwellings on a Lot

No more than one dwelling shall be established on a lot.

11.5 Yards and Setbacks

Buildings, utility connections, and other improvements shall be established in locations compatible with the long term plans for the land as set out in the Municipal Development Plan and any area structure plan or outline plan affecting the land.

11.6 Other Controls

The requirements of Schedule A apply in this district.

**12. Direct Control (DC) District**

12.1 Control by Council

Pursuant to section 11 of this bylaw and section 641 of the Act, and subject to any statutory plan, Council may directly regulate and control the use or development of land and buildings in a DC district in any manner it considers necessary.

## Schedule D

### **PARKING**

Type of development	Number of stalls
<b><i>Residential</i></b>	
Detached residence	2
plus per granny or rental suite	1
Duplex, triplex, fourplex, or row housing	2 per dwelling
Condo with units having individual at-grade entrance	1.5 per unit
Apartment	1.5 per suite
Manufactured house on subdivided lot	2
Manufactured house in unsubdivided park	2 per unit, but one of these units may be in a central parking lot

A stall for residential use may be inside a garage, or outside the building but entirely on the lot, and may include a driveway.

### ***Non-residential***

The following shall have sufficient on-site parking for all employees plus client / customer parking at the following rates

Retail stores	1 per 100 m <sup>2</sup> gross leasable area (GLA) (but see note)
Offices and financial institutions	1 per 100 m <sup>2</sup> GLA (but see note)
Hotels and motels	1 per room, plus stalls required for the entertainment component of the business at the bar rate
Restaurants, bars, and clubs	1 per 10 seats
Churches, halls, and theatres	1 per 10 seats
Industrial plants	1 per employee at maximum shift
Schools	1 per 10 students aged over 16
Hospitals	1 per 4 beds
Other	Sufficient that client parking does not congest nearby streets

Note: Where a business is likely to attract a high volume of traffic with high turnover, the Development Authority may require more parking.

On-site parking requirements for non-residential uses may be relaxed where in the opinion of the Development Authority

- (a) sufficient on-street parking is available without causing congestion, or
- (b) sufficient parking is available in public parking lots, or
- (c) private parking can be shared because peak use times are different.

### **LOADING**

Every non-residential building shall have an off-street loading space of sufficient size that vehicles loading or unloading need not park on a street or lane.

This requirement may be waived by the Development Authority if in his opinion parking on the street or lane will not unreasonably disrupt traffic flow.