



VILLAGE OF EDGERTON

LAND USE BYLAW



DRAFT LAND USE BYLAW FORMATTING NOTES:

Black Text = Content in the Current Land Use Bylaw proposed to remain

Strikethrough Text = Content in the Current Land Use Bylaw proposed to be deleted/replaced

Red Text = Proposed new Content

Highlighted Text = Content flagged for the Attention of Council and the Community

LIST OF AMENDMENTS

The following is a list of amendments to the Village of Edgerton Land Use Bylaw. This page is provided for information only and is not approved as part of the bylaw.

BYLAW	THIRD READING DATE	DESCRIPTION
#123	January 1, 2024	Redistrict Lot 1, Block 1, Plan 12345678 from R1 – Residential to C1 – Commercial (this is included for example only)

DRAFT
MAY 21, 2024

GUIDE TO USING THE LAND USE BYLAW

The Village of Edgerton Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used, and how buildings can be constructed or moved) in the Village. Regulations vary depending on the location, type, and density/intensity development proposed. Other bylaws, policies, and regulations of the Village must also be followed, as well as all applicable acts, laws, and regulations of the Provincial and Federal governments.

There are several parts of the Land Use Bylaw that need to be reviewed together to understand how the Land Use Bylaw affects the use and development of lands within the Village.

The following steps may assist in the review of the Land Use Bylaw by a prospective development or subdivision proponent:

LOCATE

1

Locate the subject property on the Land Use District maps. These maps divide the Village into various Land Use Districts. Each Land Use District has a designation such as R – Residential District and M – Industrial District.

Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by a statutory plan which may contain policies that affect land use and development.

Please note that Land Use Districts are commonly referred to as “Zones” or “Zoning.” To conform to the language of the Act, this Land Use Bylaw uses the terms “District” and “Districting.”

CHECK

2

Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed in Section 11 – Land Use Districts. In each Land Use District, you will find a list of permitted and discretionary uses, subdivision regulations, and regulations for specific types of development. These districts identify what can be developed in any given Land Use District.

The definitions provided in Section 3.2 – Definitions should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.

REVIEW

3

Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, Section 7 describes enforcement procedures, Section 9.1 contains general regulations about accessory buildings, and Section 10.6 contains general regulations about Home Occupations.

DISCUSS

4

Discuss your proposal/concern with Village staff. Village staff can assist you with your development, subdivision, or general land use inquiries, and can help explain procedures and processes.

Please note that this page is intended to assist the reader of the Land Use Bylaw and does not form part of the approved bylaw.

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1. ADMINISTRATION

1.1 TITLE

- 1.1.1 The title of this Bylaw shall be the Land Use Bylaw of the Village of Edgerton. Village of Edgerton Land Use Bylaw (Bylaw XXXX).

1.2 PURPOSE

- 1.2.1 ~~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:~~
- ~~a. to divide the municipality into districts;~~
 - ~~b. to prescribe and regulate for each district the purposes for which land and buildings may be used;~~
 - ~~c. to establish a method of making decisions on applications for development permits;~~
 - ~~d. to provide the manner in which notice of the issuance of a development permit is to be given; and~~
 - ~~e. to establish the number of dwelling units permitted on a lot.~~
- 1.2.2 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:
- a. to divide the municipality into districts;
 - b. to prescribe and regulate for each district the purposes for which land and buildings may be used;
 - c. to establish the office of the Development Authority;
 - d. to establish a method of making decisions on applications for development permits;
 - e. to provide the manner in which notice of the issuance of a development permit is to be given;
 - f. to establish the number of dwelling units allowed on a lot;
 - g. to establish a system of subdivision and development appeals; and
 - h. to comply with:
 - i. the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended;
 - ii. the Subdivision and Development Regulation, AR43/2002, as amended; and
 - iii. the Provincial Land Use Polices (or, where applicable, a regional plan adopted under the *Alberta Land Stewardship Act*, S.A. 2009, c. A-26.8, as amended).

1.3 COMMENCEMENT

- 1.3.1 This Bylaw comes into effect upon the date of its third reading.

1.4 REPEAL

- 1.4.1 Bylaw No. 01-98, as amended, is hereby repealed.

1.5 AREA OF APPLICATION

- 1.5.1 The provisions of this Bylaw apply to all land and buildings within the Village of Edgerton.

1.6 CONFORMITY

- 1.6.1 No person shall commence any subdivision or development unless it is in accordance with this Bylaw.

1.7 COMPLIANCE

- 1.7.1 Compliance with the requirements of this Bylaw does not exempt a person from:
- a. The requirements of any federal or provincial legislation;
 - b. The policies and regulations of municipality's statutory plans and bylaws; and
 - c. Complying with any easement, covenant, agreement, or contract affecting the development.

1.8 SEVERABILITY

- 1.8.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions.
- 1.8.2 If any provision of this Bylaw is declared invalid, that provision shall be severed and all other provisions of the Bylaw shall remain in force and effect.

1.9 FIGURES

- 1.9.1 Figures are included within this Bylaw for information purposes; they do not form part of the approved Bylaw.

DRAFT
MAY 21, 2024

2. AUTHORITIES

2.1 COUNCIL

- 2.1.1 Council shall perform such duties as specified in this Bylaw.
- 2.1.2 In addition, Council shall decide upon all development permit applications within a Direct Control District, as stated in the Act.

2.2 DEVELOPMENT AUTHORITY

- ~~2.2.1 For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.~~
- ~~2.2.2 The Development Authority shall perform such duties and responsibilities that are specified in Part Three and in the Schedules of this Bylaw.~~
- ~~2.2.3 The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereof and the reasons therefore.~~
- 2.2.4 The Development Authority is hereby established.
- 2.2.5 The Development Authority shall perform such duties that are specified in this Bylaw.
- 2.2.6 The Development Authority shall be the Development Authority Officer of the Village, as appointed by resolution of the Council. If no person or persons are appointed, the Chief Administrative Officer shall act as Development Authority.
- 2.2.7 For the purposes of section 542 of the Act, the person (or persons) holding the office of Development Authority is a designated officer of the Municipality.

2.3 DEVELOPMENT AUTHORITY OFFICER

- ~~2.3.1 For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.~~
- 2.3.2 The Development Authority Officer shall perform such duties and responsibilities specified in this Bylaw.
- 2.3.3 The Development Authority Officer shall:
 - a. keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; and
 - b. keep a register of all applications for development, including a record of decisions and reasons for decisions. This information shall be made available to the public upon request in accordance with the Freedom of Information and Protection of Privacy Act.
- 2.3.4 The Development Authority Officer may sign on behalf of the Development Authority any order, decision, approval, notice, or other thing made or given by it.

2.4 SUBDIVISION AUTHORITY

- 2.4.1 The Subdivision Authority of the Village of Edgerton shall be established by the Village's Subdivision Authority Bylaw.
- 2.4.2 The Subdivision Authority shall be appointed by resolution of Council.
- 2.4.3 The Subdivision Authority shall perform such duties as are specified in this Bylaw and the Subdivision Authority Bylaw.

2.5 SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- ~~2.5.1 The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.~~
- 2.5.2 The Joint Subdivision and Development Appeal Board established by the Village's Subdivision and Development Appeal Board Bylaw shall perform such duties as specified in Section 7 of this Bylaw.

3. INTERPRETATION

3.1 MEASUREMENTS

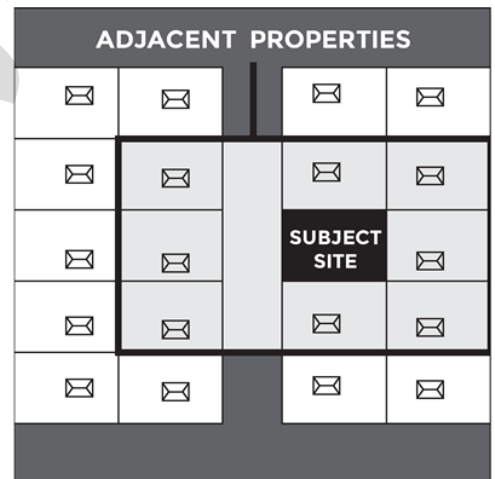
- 3.1.1 ~~Within this Bylaw, both Imperial and Metric measures are normally provided, the Metric measures within brackets. However, the Metric measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures.~~
- 3.1.2 Within this Bylaw, both metric and imperial measures are normally provided. Imperial measurements may be provided within brackets. Imperial measures are approximate, and are provided only for information, in order to provide some comparison for persons who unfamiliar with metric measures.
- 3.1.3 Metric measurements shall take precedence over imperial measurements for the purposes of interpretation in this Bylaw.

3.2 DEFINITIONS

In this Bylaw:

A

- 3.2.1 "abut" means immediately contiguous to, or physically attaching to, and when used in respect of a lot, means that the lot physically touches upon another lot and shares a property line with it.
- 3.2.2 "accessory building" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same lot.
- 3.2.3 "accessory use" means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building.
- 3.2.4 "Act" means the Municipal Government Act R.S.A. 2000, c. M—26 as amended.
- 3.2.5 "adjacent" means land that is immediately contiguous to a site or would be immediately contiguous to a site if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature (See Figure 1).
- 3.2.6 "adult use" means any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing, or related to sexual conduct or excitement. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 18.6 m² (200.0 ft.²), whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.
- 3.2.7 "alcohol retail sales" means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods. This use class does not include cannabis stores;
- 3.2.8 "amusement establishment, indoor" means a development providing recreational facilities with table games and/or electronic games, used by patrons for entertainment. Indoor amusement establishments include billiard parlours, electronic games arcades with tables and/or games, bowling alleys, and gambling machines such as video lottery terminals.



- 3.2.9 "amusement establishment, outdoor" means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals, or circuses.
- ~~"apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;~~
- 3.2.10 "apartment" see "dwelling, apartment."
- 3.2.11 "arborist report" means a report prepared by a certified arborist includes an inventory of the trees on the site and identifies a plan to manage the trees on the site to best preserve their health and function.
- 3.2.12 "auctioneering establishment" means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets.
- 3.2.13 "automobile, light truck and recreational vehicle sales and service" means a development where new or used automobiles, manufactured homes, trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. These include automobile and truck dealerships, recreational vehicle dealerships, car rental agencies and motorcycle dealerships.

B

- 3.2.14 "basement" means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above.
- 3.2.15 "bed and breakfast operation" means a dwelling where temporary sleeping accommodations (up to a maximum of three (3) bedrooms) with or without meals, are provided for remuneration to members of the public.
- 3.2.16 "buffer" means a row of trees, shrubs, berm(s), or fencing to provide visual screening and separation between sites and incompatible land uses.
- 3.2.17 "**building**" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road.
- 3.2.18 "building grade" see "grade, building"
- 3.2.19 "building pocket" means the land on which yard amenity areas, the main building on the site, and all accessory buildings will be situated.
- 3.2.20 "bulk fuel storage and sales" means lands, buildings and structures for the storage and distribution of fuels and oils including retail sales and key/card lock operations.
- 3.2.21 "business support service" means a development providing support services to businesses. Business support services are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; the provision of technological services such as computer hardware and/or software maintenance, desktop publishing, website design and/or hosting, and the like; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services include printing establishments, film processing establishments, computer service establishments, janitorial firms, and office equipment sales and repair establishments.

C

- 3.2.22 "cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil, and cannabis plant seeds and any other substance defined as cannabis on the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
- 3.2.23 "cannabis medical" means cannabis that is intended for medical purposes in accordance with applicable federal law.

- 3.2.24 "cannabis accessory" means as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs, and vaporizers.
- 3.2.25 "cannabis lounges" means development where the primary purpose of the facility is the sale of Cannabis to the public, for consumption within the premises that is authorized by provincial or federal legislation.
- 3.2.26 production sales of cannabis as approved by the Alberta Gaming, Liquor and Cannabis Commission and must have a provincial license.
- 3.2.27 "cannabis production and distribution" means a development used for the distribution and production of cannabis that is authorized by provincial or federal legislation.
- 3.2.28 "cannabis store" means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This use will include retail sales of cannabis and cannabis accessories as approved by the Alberta Gaming, Liquor and Cannabis Commission and must have a provincial retail cannabis license. This use does not include cannabis Production and Distribution.
- 3.2.29 "canopy" means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.
- 3.2.30 "carport" means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed.
- 3.2.31 "chattel" means a moveable item of personal property.
- 3.2.32 "childcare facility" means a development where the care, maintenance, education, and/or supervision of four or more children under the age of thirteen (13) years is carried out, by persons other than ones related by blood or marriage, for periods not exceeding twenty-four (24) consecutive hours. Childcare facilities include daycare centres, nurseries, kindergartens, and after-school or baby-sitting programs.
- "corner lot" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane.
- 3.2.33 "corner lot" see "lot, corner".
- 3.2.34 "Council" means the Council of the Village of Edgerton.

D

- 3.2.35 "day home" means a provincially licensed childcare facility operated from a residence supplying supervision of a maximum of six (6) children under the age of thirteen (13) years including any resident children. A day home shall supply an outside play space that is both fenced and gated and shall meet all fire regulations and health regulations.
- "development" means:
- ~~an excavation or stockpile and the creation of either of them, or~~
 - ~~a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or~~
 - ~~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; or~~
 - ~~the demolition or removal of a building; or~~
 - ~~the placement of an already constructed or a partially constructed building on a lot.~~
- 3.2.36 "development" means:
- an excavation or stockpile and the creation of either of them;
 - a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;
 - removal or demolition of a building or structure in whole or in part;

- d. 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;
- e. 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;
- f. redevelopment of a previously developed lot;
- g. stripping;
- h. grading;
- i. recontouring; or
- j. a change of use of land or a building that alters natural drainage patterns.

3.2.37 "Development Authority" means the Development Authority established by this the municipality's Development Authority Bylaw and appointed by Council.

3.2.38 "Development Authority Officer" means the person(s) appointed as the Village's Development Authority Officer as established by this bylaw.

3.2.39 "development permit" means a document authorizing a development issued pursuant to 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.~~

3.2.40 "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued, by the Development Authority, upon an application having been made;

3.2.41 "drainage" means the process or system by which natural run off water flows away.

3.2.42 "drive-in business" means a development which serves customers traveling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include, but are not limited to, service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes.

3.2.43 "dry cleaning depot" means an establishment which receives articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning, processing, or repairing elsewhere or onsite, and distributes any such articles or goods which have been subjected to any such processes.

~~"duplex" means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access.~~

3.2.44 "duplex" see "dwelling, duplex".

~~"dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include one family dwellings, duplexes, row housing, and apartments, but shall not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation.~~

3.2.45 "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include single-detached dwellings, duplexes, row housing, fourplexes, apartments, modular homes, and manufactured homes.

3.2.46 "dwelling, apartment" means a dwelling containing five (5) or more dwelling units but shall not mean row housing.

3.2.47 "dwelling, duplex" means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share common access.

3.2.48 "dwelling, fourplex" means a dwelling containing four (4) dwelling units which may be accessed from outside or from an internal landing or staircase but shall not mean row housing.

3.2.49 "dwelling, manufactured home" means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year-round use as accommodation for a single household. This definition shall include a dwelling that would otherwise be a

single-detached dwelling if the ratio of depth vs. width (or width vs. depth) were less than 3:1, or if the depth of eaves were greater than 0.9 m (3.0 ft.) If the ratio is greater than 3:1 or if the depth of eaves is less than 0.9 m (3.0 ft.), the dwelling shall be considered to be a manufactured home.

- 3.2.50 "dwelling, modular" means a single-detached dwelling constructed in large sections, away from the home site, and under controlled conditions, and which appears indistinguishable in design and finish from a site-built dwelling. It does not refer to a type of dwelling but rather to a method of construction. A modular dwelling is not considered a park model or a manufactured home.
- 3.2.51 "dwelling, row housing" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside but shall not mean a "fourplex".
- 3.2.52 "dwelling, single-detached" means a dwelling consisting of one (1) dwelling unit, including modular homes but does not include a manufactured home or a park model unit.
- 3.2.53 "dwelling, tiny home" means a dwelling that is 37.2 m² (400.0 ft.²) or less in floor area, whether on wheels or a temporary or permanent foundation.
- 3.2.54 "dwelling triplex" means a dwelling containing three (3) dwelling units which may have access from an internal landing or staircase but shall not mean row housing.
- 3.2.55 "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit.

E

- 3.2.56 "easement" means a right to use land, generally for access to other property or as a right-of-way for a public utility.
- 3.2.57 "easement, environmental reserve" means an environmental reserve easement as determined in accordance with the Act.
- 3.2.58 "eating and drinking establishment" means an establishment where a combination of food and/or alcoholic or non-alcoholic drink are intended to be consumed within the confines of the establishment excluding cannabis lounges.
- 3.2.59 "entertainment establishment" means a development where people may be entertained by music, theatre, or the like. An entertainment establishment may include theatre, dancing, or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit.
- 3.2.60 "environmentally sensitive area" means:
- hazardous lands and areas that are unsuitable for development in their natural state (i.e., floodplains, steep and unstable slopes);
 - areas that perform a vital environmental, ecological, or hydrological function (i.e., aquifer or recharge groundwater storage areas);
 - areas that contain unique geological or physiological features;
 - areas, buildings, or features that are important for cultural, historical, prehistoric, or archeological reasons;
 - areas that contain significant rare or endangered animal or plant species;
 - areas containing unique habitats with limited representation in the region or small remnants of previously abundant habitats which have virtually disappeared;
 - areas that contain large, relatively undisturbed habitats and provide shelter for species that are intolerant of human disturbance;
 - areas that provide an important link for the natural migration of wildlife; and/or
 - riparian areas of water bodies, wetlands, and watercourses.
- 3.2.61 "environmentally significant area" (ESA) means areas that are important to the long-term maintenance of biological diversity, physical landscape features and/or other natural processes, both locally and within a

larger spatial context. ESAs are determined by the Government of Alberta as per the criteria and evaluation matrix outlined in Environmentally Significant Areas in Alberta: 2014 Update.

- 3.2.62 "erosion and sediment control plan" means a plan that satisfies the requirements of the Development Authority which is to be provided to the contractor for implementation to address erosion and sedimentation issues both through temporary measures during construction and permanent measures to address post-construction conditions. It provides details about how the site will be managed during construction for the preservation of vegetation, topsoils, and municipal infrastructure and must detail how noise, erosion, mud, and sediment transport will be controlled and minimized, how the disturbance of vegetation and topography will be minimized.
- 3.2.63 "equipment rental establishment" means a development where tools, appliances, recreation craft, office machines, furniture, light construction and light farming equipment, or similar items are rented and serviced. Equipment rental establishments do not include developments where motor vehicles or industrial equipment are rented or serviced.
- 3.2.64 "excavation" means any breaking of ground, except common household gardening and ground care which may alter lot grading or drainage patterns.
- 3.2.65 "existing" means existing on the date on which this bylaw comes into force, unless otherwise noted.
- 3.2.66 "extensive agriculture" means the use of land or buildings, related to an agricultural operation, but not including intensive agriculture, or a confined feeding operation or manure storage facility if the confined feeding operation or the manure storage facility is the subject of an approval, registration or authorization under Part 2 of the Agricultural Operations and Practices Act.
- 3.2.67 "exterior wall" means the outermost point of a building projection, including, but not limited to bay windows, oval windows, chimneys, and verandas, but not including roof overhangs less than 0.6 m (2.0 ft).

F

- 3.2.68 "family care facility" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are ~~handicapped, aged, disabled, or~~ in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes and family homes.
- 3.2.69 "fence" means a physical barrier constructed from typical building material for the purpose of providing aesthetic decoration, visual screening, sound abatement, or to prevent unauthorized access.
- 3.2.70 "finished grade" see "grade, finished".
- 3.2.71 "firewall" means a type of fire separation of non-combustible construction which subdivides a Building or separates adjoining Buildings to resist the spread of fire and which has a fire-resistance rating as prescribed in the Alberta Building Code and has structural stability to remain intact under fire conditions for the required fire-rated time.
- 3.2.72 "fleet services" means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long-term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services and moving or cartage firms.
- 3.2.73 "floor area" means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of floor area.
- 3.2.74 "floor area ratio" means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total area of the lot on which the buildings are located.
- 3.2.75 "food and beverage production" means a commercial facility in which food or beverage products or both are manufactured, produced, or otherwise prepared for human consumption but not consumed on the premises. This may include a retail component; however, this retail component shall be accessory to the principal use. Typical uses may include a bakery, pre-packaged foods, water bottling and catering facilities.

This does not include food service or mobile catering. The impact of this use shall not extend beyond the boundaries of the building.

3.2.76 "fourplex" see "dwelling, fourplex".

3.2.77 "foundation" means the lower portion of a building and includes the footings which transfer the weight of and loads on a building to the ground. Though normally below grade, a foundation may be above or at grade.

3.2.78 "fragmented parcel" means a lot that is separated from the balance of a titled area by a natural barrier such as a water body or a coulee, or by a physical barrier such as a road or highway, either of which may prohibit reasonable or normal access.

3.2.79 "front line" means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line.

~~"front yard" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve.~~

3.2.80 "front yard" see "yard, front".

3.2.81 "funeral home" means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral homes include undertaking establishments.

G

3.2.82 "garage" means an accessory building or part of a main principal building designed and used primarily for the storage of motor vehicles, recreational vehicles, and/or boats, and chattel and is not intended to be occupied.

3.2.83 "gazebo" means a freestanding, roofed structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling. A gazebo is not serviced by permanent electrical or heating. A gazebo is not considered a tented structure for the purposes of this bylaw.

3.2.84 "geotechnical report" means a report prepared by a qualified professional that may include the following:

- Slope stability, including slope setback distances, cross-sections of the slope area both before and after development and final grading (The height and existing angle of the slope verified by accurate historical survey data or site-specific information completed by a qualified surveyor);
- Seasonally adjusted and recommended water tables;
- Recommended building foundations and basement construction; and
- Soil bearing capabilities.

3.2.85 "general retail store" means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationery, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail stores do not include developments where gasoline, new or used motor vehicles, manufactured homes, recreational vehicles, or heavy agricultural and/or industrial equipment are sold or rented.

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

3.2.87 "grade, building" means for the purposes of determining building height, the average level at which the existing undisturbed ground intersects the building foundation.

3.2.88 "grade, finished" means the local elevation of the ground after landscaping.

- 3.2.89 "greenhouse/plant nursery" means development for the growing, acclimating, propagating, harvesting, displaying and retail sale of fruits, vegetables, bedding plants, household, and ornamental plants, including trees for landscaping or decorative purposes, and that are not accessory to an agricultural use. It may include accessory uses related to the storing, displaying, and selling of gardening, nursery, and related products. This use does not include cannabis production and distribution facilities, cannabis retail sales establishments, or industrial hemp production and distribution facilities.
- 3.2.90 "green space" means an area of grass, trees, or other vegetation set apart for aesthetic purposes in an otherwise urban environment.
- 3.2.91 "gross leasable floor area" means that portion of the floor area leased to a tenant for their exclusive use and does not include any common areas such as an internal mall, stairs, washrooms, etc. to be used by the complex as a whole.
- 3.2.92 "**ground floor area**" means the total area of a lot including accessory buildings which is covered by any building or structure.
- 3.2.93 "**group care facility**" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are ~~handicapped, aged, or disabled,~~ and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes;
- 3.2.94 "**group home**" means a building or portion of a building used for the care or rehabilitation of children, adolescents, or adults.

H

- 3.2.95 "health service" means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, physiotherapy, and dental offices, health clinics and counseling services.
- 3.2.96 "height" means, when used in reference to a building, the vertical distance between a horizontal plane through the average elevation at the 4 corners of the subject lot and a horizontal plane through:
- the highest point in the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; or
 - the average level between the eaves and ridges in the case of a pitched, gambrel, mansard, hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.5 m (4.9 ft.) above the maximum allowed building height of the applicable Land Use District.
- 3.2.97 "highway commercial use" means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels.
- 3.2.98 "historic resource" means a building, structure, or area designated by a municipal, provincial, or federal authority to be historically significance.
- ~~"home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign not exceeding 2 sq. ft. (0.185 sq. m) in area. A home occupation does not include any outdoor storage of stock or equipment or any business, occupation, trade, profession, or craft in which more than one employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling, in any accessory buildings, or at any location on the lot.~~
- 3.2.99 "home occupation" means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building which does not change the character thereof. For the purposes of this Bylaw, home occupations are divided into two types:
- minor home occupations; and
 - major home occupations.

- 3.2.100 "home occupation, major" means a business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling and/or within the accessory buildings associated with that dwelling by at least one permanent resident of said dwelling, and which may increase traffic circulation in the neighbourhood in which it is located. A home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. Major home occupations may generate some external impacts on the neighborhood due to regular business activities. These impacts may include:
- traffic generation due to client visits to the site;
 - dust and/or noise due to use of equipment on the site; or
 - visual impacts due to outdoor storage.
 - A major home occupation shall not include a hobby farm or a farming operation.
- 3.2.101 "home occupation, minor" means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling, but not within any accessory buildings associated with that dwelling, by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw.
- 3.2.102 "hotel" means a development where members of the traveling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include eating and drinking establishments, meeting rooms, personal services shops, indoor amusement establishments, and general retail stores no larger than 100.0 m² (1,076 ft.²) but shall not include any entertainment establishment unless specifically approved by the Development Authority.
-
- 3.2.103 "industrial use, light" means manufacturing, fabricating, processing, repairing, storing, wholesaling, and/or distribution of goods and materials in such a manner that all activities take place inside buildings such that, in the sole opinion of the Development Authority, no noise, dust, glare, heat, or any other emission will be evident outside the building.
- 3.2.104 "industrial use, medium" means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, where no adverse environmental impact (noise, smoke, odour, dust, or vibration) takes place beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot. This use includes cannabis production and distribution and industrial hemp production and distribution facilities.
- 3.2.105 "industrial use, heavy" means a development which would be considered to be a medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to:
- the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use; or
 - the potential for significant toxic or noxious by-products such as air or water-borne emissions; or
 - or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety, or well-being.
 - Heavy industrial uses also include: the storage of toxic, flammable, or explosive products in significant quantities; rendering plants; large scale cannabis production and distribution; large scale industrial hemp production and distribution facilities; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses.
- 3.2.106 "industrial use, heavy petrochemical" means a development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the opinion of the Development Authority, may

emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. This use does not include industrial hemp production and distribution facilities or cannabis production and distribution.

3.2.107 "institutional use" means use types including but is not limited to public offices, educational facilities (schools), cemeteries, funeral homes, libraries and cultural exhibits, places of worship and churches.

K

3.2.108 "kennel" means a development in which more than two (2) dogs are maintained, boarded, bred, trained, cared for, or kept for purposes of sale or in which more than two (2) dogs not owned by the resident(s) of the lot on which the kennel is located are kept or cared for.

L

3.2.109 "landscaping" means the incorporation, preservation, or enhancement of vegetation and other materials on a site which are intended to improve the aesthetic appeal of the site, contribute to the character of a neighbourhood, and/or harmonize the site with its surrounding natural environment and may include the placement or addition of any or a combination of soft landscaping elements and/or hard landscaping elements. This does not include stripping, grading, shoreline modification (with non-vegetative materials), and architectural elements (i.e., decorative fencing, sculpture).

3.2.110 "landscaping plan" means a site plan detailing the design of the non-building area of a site.

3.2.111 "libraries and cultural exhibit" means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings, and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific, or artistic value are collected, preserved, and exhibited to the public. Libraries and cultural exhibits include libraries, museums, and art galleries.

3.2.112 "light industrial use" see "industrial use, light".

"lot" means:

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

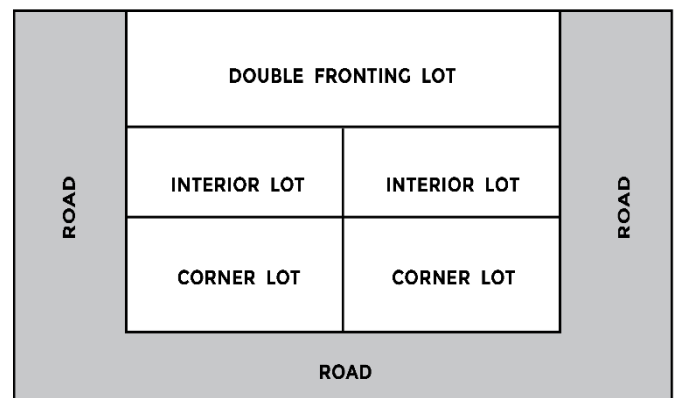
3.2.113 "lot" means:

- a. a quarter section, or
- b. a part of a lot described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
- c. a part of a lot 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.

3.2.114 "lot, corner" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane.

3.2.115 "lot coverage" means the calculation of the ground floor area divided by the area of the lot.

3.2.116 "lot depth" means the average distance between front and rear property lines of a lot.



- 3.2.117 "lot, double fronting" means a lot which abuts two (2) roads (except alleys or lanes as defined in the Traffic Safety Act, R.S.A. 2000, c. T-06, as amended) which are parallel or nearly parallel abutting the lot but does not include a corner lot.
- 3.2.118 "lot grading" means the recontouring or sloping of the land in such a way that surface drainage from rainstorms, snowmelt or groundwater is directed away from the buildings and is controlled in a manner that eliminates or minimizes the impact on adjacent properties.
- 3.2.119 "lot grading and drainage plan" means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading.
- 3.2.120 "lot interior" means a lot which is bordered by only one road.
- 3.2.121 "lot substandard" means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the land use district in which the lot is located.
- 3.2.122 "lot, undeveloped" means a lot which does not contain a residence, main building, or facilities to enable the primary use of the lot to take place.
- 3.2.123 "**lot width**" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard.

M

~~"main building" means a building in which is conducted the main or principle use of the lot on which it is erected.~~

3.2.124 "main building" see "principal building".

3.2.125 "maintenance" means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building.

~~"manufactured home" means a structure that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as dwelling accommodation for a single household. This definition shall include a building that would otherwise be considered to be a one family dwelling if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1, or if the depth of eaves were greater than 1 foot (0.3 m). If the ratio is greater than 2.5:1 or if the depth of eaves is less than 1 foot (0.3 m), the building shall be considered to be a manufactured home unit.~~

3.2.126 "manufactured home" see "dwelling, manufactured home".

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

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

3.2.128 "manufactured home subdivision" means an area subdivided into lots by registered plan for freehold or leasehold tenure and used for manufactured homes.

3.2.129 "may" is an operative word meaning a choice is available, with no particular direction or guidance intended.

- 3.2.130 "mixed use development" means a building including more than one land use, which are uses listed within the same Land Use District, on the same site, such as residential and retail stores, residential and office uses, or restaurant and office developments.
- 3.2.131 "moved-in building" means a building or structure that is transported from another location. A moved-in building does not include a manufactured home dwelling or a recreational vehicle.
- 3.2.132 "municipality" means the Village of Edgerton, unless otherwise noted.

N

- 3.2.133 "natural state" means a condition where the natural environment is left undisturbed, and where the only allowed development shall be limited to a walking trail with associated amenities such as benches, trash cans and fences to delineate the natural state area. Clearing of existing tree cover shall be limited to the development of a walking trail and associated amenities.
- 3.2.134 "non-conforming building" means a building:
- that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective; and
 - that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw.
- 3.2.135 "non-conforming use" means a lawful specific use:
- being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective; and
 - that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.
- 3.2.136 "nuisance" means anything that in the opinion of the Development Authority may cause adverse effects to the amenities of the neighbourhood or interfere with the normal enjoyment of adjacent land or building. This could include that which creates or is liable to create:
- noise, vibration, smoke, dust, odour, heat, electrical interference, glare, light; fumes, fire, explosion, or any other hazard to health or safety; and
 - unsightly or unsafe storage of goods, salvage, junk, waste or other materials.

O

- 3.2.137 "objectionable" see "offensive".
- 3.2.138 "occupancy" means the use or intended use of a building or a part thereof for the shelter or support of persons or property.
- 3.2.139 "occupant" means any person occupying or having control over the condition of any property and the activities conducted on the property, and includes the owner, lessee, tenant, or agent of the owner.
- 3.2.140 "offensive" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of:
- noise, vibration, smoke, dust or other particulate matter, odour, toxic, or non-toxic matter;
 - radiation, fire or explosion hazard, heat, humidity, glare; or
 - the unsightly storage of goods, materials, salvage, junk, waste, or other materials.
 - Such a use may adversely affect the amenities of the neighbourhood, or interfere with the normal enjoyment of any land, building or structure. An offensive or objectionable use may be further defined and/or regulated in a specific Community Standards bylaw of the Village.
- 3.2.141 "office and financial use" means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office and financial uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office and financial uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies.

3.2.142 "oilfield support operations" means a development that provides cleaning, repairing, servicing, or testing of goods, materials, and equipment normally associated with the oil and gas industry and may include the storage and transshipping of such materials, goods and equipment, excluding petrochemical products and supplies. This definition applies to oil and gas support operations, including but not limited to seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.

~~3.2.143 "one family dwelling" means a dwelling consisting of one (1) dwelling unit.~~

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

"owner" means:

- a. ~~in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or~~
- b. ~~in the case of any other land, the owner of the land according to the municipality's assessment roll the person shown as the owner of the lot on the current Certificate of Title.~~

3.2.145 "owner" means:

- a. in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- b. in the case of any other land, the person shown as the owner of the lot on the current Certificate of Title.

P

3.2.146 "parcel" shall mean "lot", unless otherwise noted.

3.2.147 "park model" means a recreational vehicle conforming to Canadian Standards Association (CSA) standards or an equivalent, which may be mounted on a single chassis or wheels; which can be relocated from time to time; which has a maximum length of 12.8 m (42.0 ft.) and a maximum width of 3.7 m (12.0 ft.), excluding all extensions, pull outs, tip outs, etc.

3.2.148 "parking area" means a portion of land or of a building set aside for the parking and maneuvering of motor vehicles.

3.2.149 "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied.

3.2.150 "personal service shop" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include, but are not limited to, barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning depots, and laundromats, but not health services.

3.2.151 "place of worship" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

3.2.152 "principal building" means a building in which, in the sole opinion of the Development Authority, the main or principal use of the lot on which it is erected is conducted.

3.2.153 "principal use" means the use which, in the sole opinion of the Development Authority, is the main or principal use of the lot on which the use is located.

3.2.154 "property line" means the legal perimeter demarcation as indicated by an Alberta Land Surveyor or on a real property report prepared by an Alberta Land Surveyor.

3.2.155 "property line, front" means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front property line.

- 3.2.156 "property line, rear" means the boundary line of a lot lying opposite to the front property line of the lot.
- 3.2.157 "property line, side" means the boundary line of a lot lying between a front property line and a rear property line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side property line.
- 3.2.158 "private club" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business, or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly.
- 3.2.159 "public or quasi-public building or use" means a building or use which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as a church, library, museum, or senior citizen drop-in centre.
- 3.2.160 "**public utility**" means a public utility, as defined in the Act.

R

~~"rear line" means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road.~~

- 3.2.161 "rear line" see "property line, rear".

~~"rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot.~~

- 3.2.162 "rear yard" see "yard, rear".

- 3.2.163 "recreation, community" means facilities for recreation, social or multi-purpose uses primarily intended for local community purposes. This includes but is not limited to community halls, non-profit social, service, and outdoor recreation clubs, and centres operated by a local community association.

- 3.2.164 "recreational facility" means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools.

- 3.2.165 "recreational vehicle" means, but is not limited to, a tent trailer, travel trailer, park model trailer, fifth-wheel trailer, truck camper, or motor home. A recreational vehicle is not a dwelling.

- 3.2.166 "recontouring" means the addition or removal of soil (or other material) on a lot that alters its natural topography to promote a building site and/or to create an aesthetically appealing area.

- 3.2.167 "renovation" means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing, gas, or an electrical permit pursuant to the Safety Codes Act, R.S.A. 2000, c. S-01, as amended or replaced.

- 3.2.168 "**rentable unit**" means a separate unit on of a motel development used or intended to be used for the temporary dwelling accommodation of one or more persons.

- 3.2.169 "reserve" means a lot owned and subject to the management of the municipality and reserved for use as natural environment preservation areas, walkways or parks and playgrounds separating areas used for different purposes, and registered at an Alberta Land Titles Office as reserve, environmental reserve, or municipal reserve lots.

- 3.2.170 "residential use" means the occupation and use of land and buildings as dwellings, whether on a seasonal or year-round basis.

- 3.2.171 "retail services" means land or a building where goods, merchandise, substances, articles, and other materials are offered for sale at retail to the general public but excludes adult entertainment establishments, automotive sales and service, building supplies, bulk fuel storage and sales, cannabis, equipment rental and sales, gas bars and liquor stores.

- 3.2.172 "retaining wall" means a structure designed and constructed to resist the lateral pressure of soil, loose rock, or similar material, which creates a change to site grades.

~~"road" shall mean a "road" as defined in the Act, and, for the purposes of this Bylaw, shall include a highway.~~

3.2.173 **"road"** shall mean a "road" as defined in the Act.

~~"row housing" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment."~~

3.2.174 "row housing" see "dwelling, row housing".

S

3.2.175 "sea can" means a shipping container which is used as a storage vault and includes sea/land/rail shipping containers.

3.2.176 "school" means a place of instruction offering courses of study. Included in the category are public, private, separate, and post-secondary institutions. Does not include home schooling in a residential district.

3.2.177 "senior citizen housing" means accommodations intended for the use of senior citizens that are constructed and financed in accordance with provincial legislation.

3.2.178 "setback" means the minimum distance that must be maintained between a land use or development and property line, water body, or watercourse. The distance is typically measured from the property line or the legal bank of the water body or watercourse to the boundary line of the development.

3.2.179 "shall" is an operative word which means the action is obligatory.

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

3.2.181 "should" is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that action be taken. Exceptions shall be made only under extenuating circumstances.

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

~~"side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line.~~

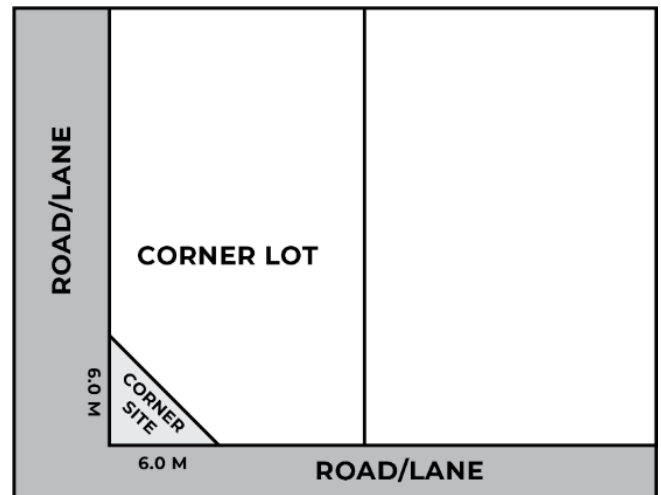
3.2.183 "side line" see "property line, side".

~~"side yard" means a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot.~~

3.2.184 "side yard" see "yard, side".

3.2.185 "sidewalk café" means a temporary outdoor area located and maintained by an adjoining eating and drinking establishment for the sale and consumption of food and beverage (see Figure 4).

3.2.186 "sign" means any word, letter, model, placard, board, notice, device, or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction and its supporting structure.



3.2.187 "similar use" means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment.

3.2.188 "site" means a lot on which a development exists or for which an application for a development permit is made.

3.2.189 "site, corner" means a part of a lot adjacent to two separate roads or lanes, or any combination of them, or adjacent to a single road or lane that curves at an angle of sixty (60) degrees or more at the subject lot. The corner site shall be the triangular area formed by the intersecting road or lane right-of-way boundary lines and a straight-line joining the road or lane right-of-way boundary line a distance of 6.0 m (19.7 m) from their intersection.

3.2.190 "site coverage" means the combined area of all buildings of the lot, measured at ground level, including but not limited to, porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projection.

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

3.2.192 "site plan" means a plan, drawn to scale, showing the boundaries of the lot, the location of all existing and proposed buildings upon that lot, and the use or the intended use of the portions of the lot on which no buildings are situated, and showing fencing, screening grassed areas, and the location and species of all existing and proposed shrubs and trees within the development.

3.2.193 "small animal breeding and boarding facility" means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics.

3.2.194 "solar energy conversion system" means the complete system required to convert solar rays into usable electricity for private use, including solar panels, mounting equipment, and additional required conversion electronics.

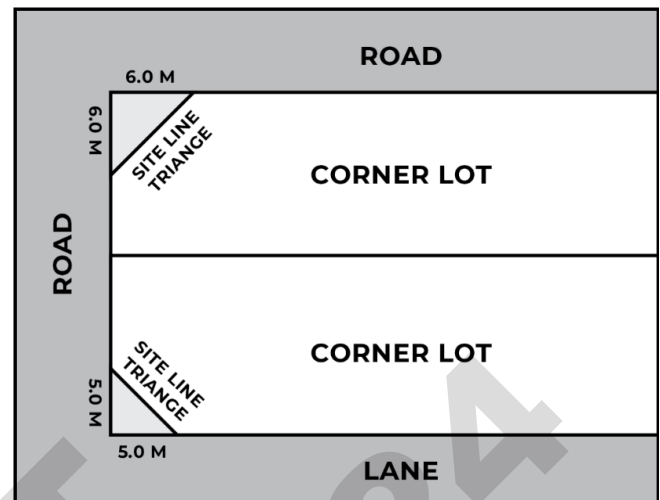
3.2.195 "solar energy conversion system, individual" means an individual alternate energy system consisting of a complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment, and additional required conversion electronics for use on the site that the AES is located.

3.2.196 "solar panel, free standing" means a device which is used to convert energy contained within the sun's rays into electricity, which is not mounted or attached to any other structure for support.

3.2.197 "stall" means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that manufactured home, located within a manufactured home park.

3.2.198 "storey" means that portion of a building which is situated between the top of any floor and the top of the floor above it. If there is no floor above it, the storey is that space between the top of the floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (5.9 ft.) above grade, such a basement shall be considered a storey.

3.2.199 "stormwater management plan (SWMP)" means a plan prepared by a qualified professional that outlines the design and implementation of systems that mitigate and control the impacts of man-made changes to the runoff and other components of the hydrologic cycle. Stormwater management plans should include design considerations to minimize flooding, erosion, and impacts on groundwater, water bodies and water courses. SMWPs must include:

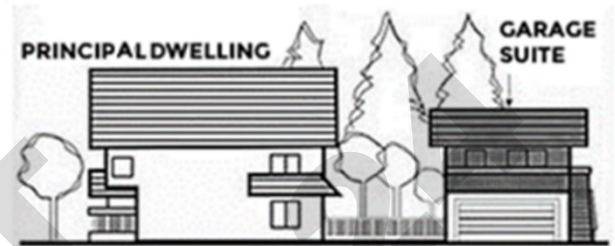


- a. Topography;
- b. Proposed plan to control runoff;
- c. Proposed minor drainage system (ditches/pipes/catch basin locations/flow rate);
- d. Proposed major drainage systems (direction of surface drainage/flow rate);
- e. Proposed on-site detention/retention facility (location/size/capacity);
- f. Location of outflow/outfall structures;
- g. Any related modeling and calculation information; and
- h. Conform with approved master drainage plans.

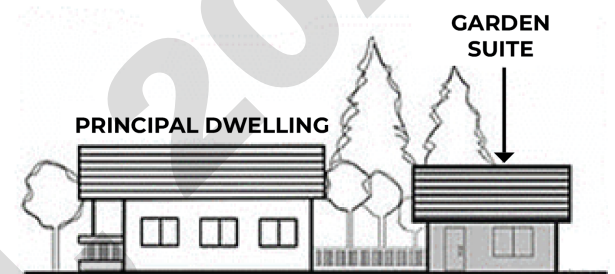
3.2.200 "stripping" means the removal of some or all vegetation and topsoil on lot in preparation for construction activities.

3.2.201 "Subdivision Authority" means a subdivision authority established and appointed pursuant to a Village Bylaw and the Act.

3.2.202 "Subdivision and Development Appeal Board" means the Joint Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act, in partnership with the Municipal District of Wainwright, the Town of Wainwrights, and the Villages of Chauvin and Irma.

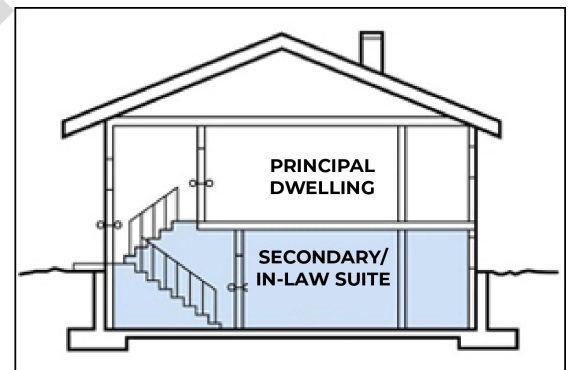


3.2.203 "suite, garage" means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single-detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building.

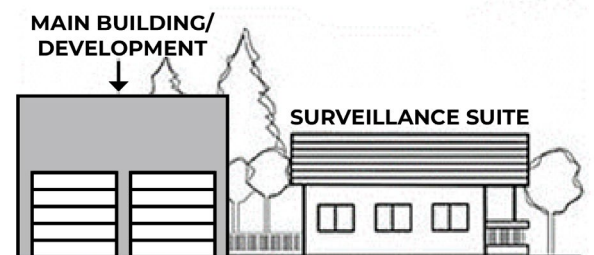


3.2.204 "suite garden" means a temporary, portable detached dwelling unit, located on a lot containing an existing single-detached dwelling. Garden suites shall not include manufactured homes.

3.2.205 "suite, in-law" means a subordinate, additional dwelling unit located within a single-detached dwelling or semi-detached dwelling intended for the sole occupancy of one (1) or two (2) adult persons, which has unfettered access to the adjoining dwelling unit.



3.2.206 "suite, secondary" means a subordinate self-contained dwelling unit located in a structure in which the principal use is a single-detached dwelling or semi-detached dwelling. A secondary suite has cooking, food preparation, sleeping and bathing facilities which are separate from those of the principal dwelling within the structure. Secondary suites also must have a separate entrance from the dwelling. This use includes conversion of basement space to a dwelling, or the addition of new floor space for a secondary suite to an existing dwelling. This use does not include duplexes, triplexes, fourplexes, row housing, or apartments where the structure was initially designed for two or more dwellings and does not include boarding and lodging houses. Garden suites, garage suites and in-law suites are not considered secondary suites (see Figure 9).



- 3.2.207 "suite, surveillance" means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development. Surveillance suites do not include manufactured homes (see Figure 10).
- 3.2.208 "supportive living facility" means a provincially licensed facility providing permanent accommodation to four (4) or more adults in which the operator provides or arranges for services related to safety and security of the residents and provides at least one meal a day or housekeeping services.

T

- 3.2.209 "temporary development" means a development for which a development permit has been issued and which is to exist for a limited time only, as determined by the Development Authority and indicated in the conditions of the development permit.
- 3.2.210 "tented structure" means a building that uses masts or poles and tensile membrane (e.g., fabric or animal skin) to create an enclosure. Portable garages and reception tents are examples of tented structures.
- 3.2.211 "tourist home" means a dwelling or dwelling unit operated as a temporary place to stay, with compensation, and includes all vacation rentals of a dwelling unit. The characteristics distinguish a tourist home from a dwelling unit used as a residence may include any of the following:
- The intent of the occupant to stay for short-term (30 days or less) vacation purposes rather than use the property as a residence;
 - The commercial nature of a tourist home;
 - The management or advertising of the dwelling unit as a tourist home or "vacation rental," on any website such as Airbnb or VRBO; and/or
 - The use of a system of reservations, deposits, confirmations, credit cards, or other forms of electronic payments, etc.
 - A recreational vehicle shall not be used as a tourist home.
- 3.2.212 "theatre" means a development designed or devoted to the showing of motion pictures or for the presentation of dramatic, musical, or live performances.
- 3.2.213 "truck and recreational vehicle sales/rental establishment" means a development where new or used trucks with a gross vehicle weight rating of 4,000 kg (8,818 lbs.) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6,000.0 kg (13,228 lbs.) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refueling and/or washing facilities as an integral part of the operation.
- 3.2.214 "trucking and cartage establishment" means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3,000.0 kg (6,614 lbs.).

U

- 3.2.215 "use" means the purpose or activity for which a site/lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained.

V

- 3.2.216 "veterinary clinic" means a development where domestic pets or livestock are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalization for fewer than four (4) days.

W

- 3.2.217 "wind energy conversion system (WECS)" Means a type of individual alternative energy system or commercial alternative energy system that consists of facilities designed to convert wind energy into mechanical or electrical energy. If the mechanical energy is used directly by machinery (pump or grinding stones) the machine is known as a Windmill. If the mechanical energy is converted to electricity, the machine is called a WECS.
- 3.2.218 "wind energy conversion system, individual" means a type of individual alternative energy system consisting of a small scale WECS designed to generate mechanical or electrical energy for a property owner's use on the site the WECS is located or adjacent to the site of use.
- 3.2.219 "wind energy conversion system, micro" means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure.
- 3.2.220 "wireless communications facility" means a facility that provides communication service using radio frequency (RF) technology to transmit and receive voice, picture, text, and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna de-icing equipment, antenna power dividers and matching equipment, combiners, utility power equipment, conditioners, and backup systems.
- 3.2.221 "work camp" means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than six (6) months and up to three (3) years. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.
- 3.2.222 "workcamp, short term" means a residential complex used to house camp workers by various contracting firms on a temporary basis, and without restricting the generality of the above, the camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation, and other basic living facilities. The units may be dismantled and removed from the site from time to time. For the purposes of this definition, temporary means for a period of up to six (6) months in total duration either consecutively or non-consecutively.

Y

~~"yard" means a part of a lot upon or over which no main building is to be erected.~~

- 3.2.223 "yard" means a part of a lot upon or over which no principal building is to be erected.
- 3.2.224 "yard, front" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve.
- 3.2.225 "yard, rear" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot.
- 3.2.226 "yard, side" means a yard extending from the nearest wall of the main building situated on a lot to the side line and lying between the front and rear yards on the lot.

ALL OTHER TERMS

- 3.2.227 All other terms in this Bylaw have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

4. AMENDMENTS

4.1 APPLICATIONS

- 4.1.1 A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee ~~therefore required under Section 5.3.~~ **identified in the Village's Fees and Charges Bylaw.**
- 4.1.2 Council may at any time initiate an amendment to this Bylaw by directing the Development Authority ~~to initiate an application therefore.~~
- 4.1.3 All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
- a. ~~an application fee as established by resolution of Council; and~~
 - b. ~~a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and~~
 - c. ~~drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.~~
 - d. **a statement of the specific amendment requested;**
 - e. **the purpose and reasons for the application; and**
 - f. **an application fee as identified in the Fees and Charges Bylaw.**
- 4.1.4 **If the application is for a mapping amendment the following additional information will also be required:**
- a. **the legal description of the affected lands;**
 - b. **a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and**
 - c. **drawings showing the subject site, the proposed Land Use District and the proposed use and development to be proposed on the site, if applicable.**
- 4.1.5 **If the amendment is for the redistricting of land, Village Administration may require:**
- a. **A conceptual scheme (or area structure plan) for the area to be redistricted, to the level of detail specified by Village Administration that provides Council with information to determine:**
 - i. **If the site is suitable for the intended use;**
 - ii. **If the site can be reasonably and cost effectively serviced; and**
 - iii. **That the proposed amendment will not unduly impact the rights of adjacent landowners to use and enjoy their property; and**
 - b. **Payment of a fee equal to the costs incurred by the municipality to review the proposed redistricting and/or related conceptual scheme, or if necessary to prepare a conceptual scheme; and**
 - c. **Technical studies requested by Administration to assess site suitability and servicing requirements.**
- 4.1.6 **Upon receipt of an application to amend this Land Use Bylaw, Village Administration may refer the application to the Village's planning and engineering services providers, who shall analyze the potential impacts on local land use, development, infrastructure, and servicing that would result from the proposed amendment. This analysis must consider the full development potential for the proposed amendment and shall, among other things, consider the following impact criteria:**
- a. **Relationship to and compliance with approved statutory plans and Council policies;**
 - b. **Relationship to and compliance with approved statutory plans, outline plans, or plans in preparation;**
 - c. **Compatibility with surrounding development in terms of proposed future land use and scale of development;**
 - d. **Traffic impacts;**
 - e. **Relationship to (or impacts on) municipal infrastructure, utilities, services, and facilities;**
 - f. **Relationship to municipal land, right-of-way, or easement requirements;**
 - g. **Necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and**

- h. Relationship to the documented concerns and opinions of area residents regarding development implications.
- 4.1.7 Upon receipt of an application to amend the Land Use Bylaw, Village Administration shall:
- a. prepare a report with recommendations on the proposed amendment for Council and an amending Bylaw for consideration of first reading by Council;
 - b. mail notify or deliver in person a written notice to landowners who are adjacent to the parcel of land affected by the proposed amendment or to a larger area as directed by Council;
 - c. provide notice of the Public Hearing to the applicant, the owner of the subject land if different than the applicant, to all directly adjacent property owners, and any other individuals or organizations identified by Council;
 - d. prepare a report and recommendation, including maps and other material, on the application, prior to a Public Hearing on the application for amendment; and
 - e. inform the applicant of the recommendation to Council.
- 4.1.8 All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.
- 4.1.9 In considering an application for amendment to this Bylaw, Council may, at its sole discretion:
- a. Refuse the application; or
 - b. Refer the application for further information; or
 - c. Pass first reading to a bylaw to amend this Land Use Bylaw, with or without amendments; or
 - d. Defeat first reading of a bylaw to amend this Land Use Bylaw; or
 - e. Pass first reading of an alternative amendment to this Land Use Bylaw.
- 4.1.10 Prior to third reading of the proposed Bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.
- 4.1.11 After third reading of the Bylaw, the Development Authority shall send a copy of it to:
- a. the applicant;
 - b. the registered owner of the land (if different from the applicant); and
 - c. The Village's subdivision and planning services provider.

4.2 PUBLIC HEARING AND DECISION

- 4.2.1 Following its first consideration, the Council shall establish the date, time, and place for a Public Hearing on the proposed amendment.
- 4.2.2 Following establishment of the date, time and place for a public hearing, Village Administration shall issue a notice of the public hearing by:
- a. Publishing notice at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publication circulating in the area to which the proposed bylaw relates; or
- 4.2.3 Mailing or delivering notice to every residence in the area to which the proposed bylaw relates.
- 4.2.4 A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- 4.2.5 A notice must contain:
- a. A statement of the general purpose of the proposed bylaw and public hearing;
 - b. The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected; and
 - c. The date, place and time where the public hearing will be held.
- 4.2.6 In the case of an amendment to change the land use district designation of a parcel of land, Village Administration must, in addition to the requirements of Section 4.2.5:
- a. Include in the public hearing notice:
 - i. The municipal address, if any, and the legal address of the parcel of land; and
 - ii. A map showing the location of the parcel of land;
 - b. Give written notice containing the information described in Section 4.2.5 to the owner of that parcel of land at the name and address shown on the certificate of title (or tax roll); and

- c. Give written notice containing the information described in Section 4.2.5 to each owner of adjacent land at the name and address shown for each owner on the tax roll of the municipality.

4.2.7 In the public hearing, Council:

- a. Must hear any person, group of persons, or person representing them, who claim(s) to be affected by the proposed bylaw and who has complied with the procedures outlined by Council; and
- b. May hear any other person who wishes to make representations and whom the Council agrees to hear.

4.2.8 After considering any representations made at the Public Hearing, and any other matter it considers appropriate, Council may:

- a. Pass the bylaw;
- b. Defer it for further information or comment;
- c. Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or
- d. Defeat the bylaw.

DRAFT
MAY 21, 2024

5. DEVELOPMENT PERMITS

5.1 CONTROL OF DEVELOPMENT

- 5.1.1 Development Permits are required to ensure that all development is achieved in an orderly manner.
- 5.1.2 No development other than that designated in Section 5.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 5.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other required provincial and federal approvals, permits and/or licenses.
- 5.1.4 Further, in addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure that their development is consistent with the conditions of any registered easements or covenants which affect the subject site.
- 5.1.5 Notwithstanding Section 5.2, where a variance to any regulation in this Bylaw is required for any development listed in Section 5.2, a development permit shall be required.

5.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 5.2.1 The following development shall not require a development permit:
 - a. The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit.
 - b. The completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice.
 - c. The use of any such buildings as referred to in 5.2.1.b for the purpose for which construction was commenced.
 - d. The erection, construction, maintenance, improvement, or alteration of new gates, fences, walls, or other means of enclosure equal to or less than 1.0 m (3.3 ft.) in height in all yards.
 - e. The maintenance, improvement and other alterations of any gates, fences, or walls or other means or enclosure, unless the gate, fence, wall, etc. exceeds the regulations indicated in Sections 1.5 and 1.15 of Schedule B hereof.
 - f. 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.
 - g. 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.
 - h. An accessory building or structure with a gross floor area of under 11.1 m² (120.0 ft.²) unless the accessory building or structure does not satisfy the regulations of this Land Use Bylaw with respect to the development of accessory buildings.
 - i. Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard surfacing of part (or all) of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
 - j. The following signs:
 - i. Signs posted or exhibited within a building;
 - ii. Signs posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
 - iii. A statutory or official notice of a function of the municipality;
 - iv. Traffic signs authorized by the municipality and/or provincial authorities;
 - v. Signs posted or exhibited solely for the identification of the land or building on which the signs are displayed, or to give directions to visitors, including professional, corporate, or

- trade name plates identifying the occupants, and signs indicating the street address of a building or lot, if the total area of the signs on a lot does not exceed 0.5 m² (5.4 ft.²) in area, subject to all other orders, bylaws, and regulations affecting such signs;
- vi. A maximum of two (2) on-site signs relating to the sale, lease, or rental of the buildings on the lot or the land on which the signs may be erected or attached, provided that:
 - (i) such signs on any lot in any residential land use district do not exceed 0.5 m² (5.4 ft.²) in area each; and
 - (ii) such signs are not illuminated;
 - vii. Campaign signs for federal, provincial, municipal, or school board elections on lots for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation, provided that:
 - (i) such signs are removed within fourteen (14) days after the election date;
 - (ii) the consent of the lot owner and/or occupant is obtained;
 - (iii) such signs do not obstruct or impair visibility or traffic;
 - (iv) such signs are not attached to trees or utility poles; and
 - (v) such signs indicate the name and address of the sponsor and the person responsible for the sign's removal.
 - viii. Signs on land or buildings used for public or quasi-public uses, provided that:
 - (i) such signs do not exceed 1.10 m² (12.0 ft.²) in area each; and
 - (ii) there are no more than one (1) sign for each side of the land or buildings on a different road.
 - ix. Signs of building contractors relating to construction work in progress on the lot on which the signs are erected, provided that:
 - (i) such signs do not exceed 3.0 m² (32.0 ft.²) in area each;
 - (ii) there is no more than one (1) sign for each side of the land or buildings on a different road; and
 - (iii) such signs are removed within fourteen (14) days of occupancy of the building which has been constructed.
 - k. Minor home occupations;
 - l. Gazebos; and
 - m. Roof mounted solar energy collection systems;
 - n. The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections 5.2.1.d through 5.2.1.m, both inclusive.

5.3 NON-CONFORMING BUILDINGS AND USES

- 5.3.1 Buildings and uses which do not conform to this Bylaw are subject to the provisions of the Act respecting non-conforming uses and buildings, which define the conditions under which they may be continued or altered.
- 5.3.2 A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- 5.3.3 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- 5.3.4 A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- 5.3.5 A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - a. to make it a conforming building,
 - b. for the routine maintenance of the building, if the Development Authority considers it necessary, or

- c. in accordance with the powers possessed by the Development Authority pursuant to the Act ~~and Section 12(9) of this Bylaw~~ to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- 5.3.6 If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- 5.3.7 The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

5.4 APPLICATION REQUIREMENTS

- 5.4.1 An application for a development permit shall be made to the Development Authority in writing, in the form as approved by resolution of Council, and shall be accompanied by:
- a. a site plan showing the legal description;
 - b. the front, rear, and side yards, if any;
 - c. any provision for off-street loading and vehicle parking and access and egress points to the site;
 - d. a statement of the proposed uses; and
 - e. a statement of ownership of the land and the interest of the applicant therein.
 - f. ~~post construction site and building elevations;~~
 - g. ~~floor plans, elevations, and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;~~
 - h. ~~landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;~~
 - i. ~~drainage plans;~~
 - j. ~~a scaled site plan showing:~~
 - i. ~~proposed site coverage, and as a percentage calculation of the total lot area;~~
 - ii. ~~measurements of all identified features;~~
 - iii. ~~front, side and rear yards;~~
 - iv. ~~north point;~~
 - v. ~~legal description of the property;~~
 - vi. ~~access and egress points to the property; and~~
 - vii. ~~the location and dimensions of existing and proposed municipal and private local improvements, principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, access and egress points to the parcel, and major landscaped areas including buffering and screening areas where provided; and~~
 - k. ~~a statement of existing and proposed use(s) or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer.~~
- 5.4.2 Each application for a development permit shall be accompanied ~~by a non-refundable fee as identified in the Village's Fees and Charges Bylaw. fee as established by resolution of Council.~~
- 5.4.3 ~~A Real Property Report prepared by an Alberta Land Surveyor (or some other sketch or form of report prepared by an Alberta Land Surveyor which serves the same purpose as a Real Property Report) shall be required if:~~
- a. ~~the development includes a new building;~~
 - b. ~~the development includes an addition to an existing building; or~~
 - c. ~~the Development Authority believes that the existing or proposed development identified on the site plan does not accurately correspond with the legal boundaries of the lot.~~
- 5.4.4 ~~The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings;~~

grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the district in which it is to be located.

- 5.4.5 The Development Authority may also require that the development proponent provide additional information to determine if the site is suitable for the intended use and to determine if the proposed development conforms to this Bylaw before consideration of the development permit application shall commence. Such information may include:
- a. lot grading and landscaping plans prepared by a registered Alberta Land Surveyor or engineer;
 - b. a description of exterior finishing materials; and
 - c. in the case of the placement of an already constructed or partially constructed building on a lot:
 - i. information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including, should the Development Authority require, any pictures of the building;
 - ii. reports, plans, and studies prepared by qualified professionals, including:
 - (i) Arborist Report;
 - (ii) Erosion and Sediment Control Plan;
 - (iii) Geotechnical Report;
 - (iv) Landscaping Plan;
 - (v) Wetland Assessment;
 - (vi) Environmental Assessments;
 - (vii) Biophysical Assessment; and
 - iii. any other reports, plans, and studies that provides information requested by the Development Authority;
 - d. in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
 - e. future development plans for a site which is to be partially developed through the applicable development permit; and
 - f. in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
 - g. In addition to the requirements indicated above, before any application for development of a fourplex, row housing or an apartment development can be considered, the applicant must also submit to the Development Authority:
 - i. site plans showing the proposed location and position of any signs, parking spaces, exits, entries, and drives, and garbage storage areas, including access to them; and
 - ii. landscape plan of the entire site which shall also show intended fencing and surfacing for drives and parking areas; and
 - iii. plans showing the relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping;
 - iv. in such detail that if the development permit is approved, the plans can be identified through conditions of approval.
- 5.4.6 In addition to the information requirements indicated above, an application for a development permit for the excavation or stripping of land that is proposed without any other development on the same land, may include with the application, the following information:
- a. location and area of the site where the excavation is to take place;
 - b. existing land use and vegetation;
 - c. the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
 - d. the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;

- e. identification of potential for outdoor noise and the discharge of substances into the air;
 - f. the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
 - g. an indication of all municipal servicing costs associated with the development; and
 - h. the proposed haul route, dust control plan and expected hours of operation.
- 5.4.7 In addition to the information requirements indicated above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- 5.4.8 The Development Authority may require an applicant for a subdivision or development permit for an Alcohol Retail Sales Establishment or a Cannabis Store to submit any or all of the following additional information, with the application a map identifying the distance from the proposed development to all property boundaries of:
- a. buildings containing another Cannabis Store or Alcohol Retail Sales Establishment;
 - b. buildings containing a registered day care;
 - c. buildings containing a school or a boundary of a parcel of land on which a school is located;
 - d. parcels of land that are designated as School Reserve or Municipal and School Reserve under the Municipal Government Act, R.S.A. 2000, c. M-26, as amended;
 - e. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
 - f. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission.
- 5.4.9 The Development Authority may refuse to accept a development permit application where the information required by this Bylaw and by the Development Authority has not been supplied or where, in the sole opinion of the Development Authority, it is inaccurate or of inadequate quality to properly evaluate the application.
- 5.4.10 When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, deem the application incomplete and request the applicant provide further details or decide on the application with the information it has available.
- 5.4.11 The Development Authority may refer any application for a development permit to any municipal, provincial, or federal department, or any other person or agency considered affected by the Development Authority for comments and recommendations.
- 5.4.12 The Development Authority may decide on a development permit application without all of the information required by this Bylaw or by the Development Authority if the Authority is of the opinion that a decision can be properly made without such information.
- ~~5.4.13 The Development Authority shall receive, review, consider and decide on all other applications for a development permit.~~
- ~~5.4.14 In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.~~
- ~~5.4.15 The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:~~
- ~~5.4.16 the proposed development would not:~~
- ~~5.4.17 unduly interfere with the amenities of the neighbourhood, or~~
- ~~5.4.18 materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and~~
- ~~5.4.19 the proposed development conforms with the use prescribed for that land or building in this Bylaw.~~
- ~~5.4.20 With the approval of the Development Authority the minimum lot area may be less in the case of existing substandard lots.~~

5.4.21—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.

5.4.22—In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.

5.5 PERMISSION FOR DEMOLITION

5.5.1 The demolition of a structure not identified in Section 5.2 shall require a development permit.

5.5.2 The demolition of any structure must be done in accordance with the Alberta Building Code and Canadian Standards Association Standard S350-M1980, "Code of Practice for Safety in Demolition of Structures" and/or any subsequent Alberta Building Code or Canadian Standards Association Standards.

5.5.3 In addition to the requirements of Section 5.4 of this Bylaw, an application for a development permit for the demolition of a building or structure shall include the following information:

- a. the value of the development;
- b. the alternatives to demolition if the building is of historic or architectural value;
- c. the purpose of the building demolition and the type of structure to replace the demolished building, if applicable;
- d. a work schedule of the demolition and site clean-up (the sequence of demolition must be such that at no time will a wall or a portion of a wall be left standing unsupported in an unstable condition or in danger of accidental collapse);
- e. the destination of debris materials;
- f. where redevelopment of the site is proposed, the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development (if materials are to be stored on site, a site plan will be required indicating the location of such materials in relation to property lines and other buildings);
- g. a copy of the original development approval including building permits where applicable;
- h. the form of demolition to be used (heavy equipment or by hand);
- i. the method whereby public safety is to be protected (normally a fence that is at least 1.8 m (6.0 ft.) in height is required around the excavation or structure to be demolished);
- j. an indication that all utility services to the site and/or the building have been disconnected to the satisfaction of the Development Authority;
- k. an indication that buildings on adjoining properties have been considered to ensure that damage will not occur to them or their foundations from the demolition;
- l. where a fire safety plan is required, an indication that the local Fire Chief has been consulted for determining the fire safety plan required; and
- m. an indication that any tanks containing flammable or combustible liquids will be removed before demolition begins and be purged of inert materials to the satisfaction of the Development Authority and any other applicable provincial agencies.

5.5.4 Before consideration of a development permit application for demolition, where a proposed development may involve the removal of hazardous materials, the Development Authority may also require the applicant to complete:

- a. a Hazardous Materials Assessment Report; and/or
- b. any phase of an environmental site assessment in order to determine whether the site is contaminated and the mitigation measures necessary to eliminate such contamination.

5.6 PROCESSING DEVELOPMENT PERMIT APPLICATIONS

5.6.1 The Development Authority Officer shall:

- a. receive all applications for development permits;

- b. Assess and provide notice in writing of a complete or incomplete application as required in Section 683.1 of the Act;
- c. Consider and decide on all applications for a development permit for those uses which constitute permitted uses in a district, or for a one family dwelling, a manufactured home, a home occupation, or a sign, which will fully comply with the minimum and/or maximum standards for that district, or where the regulation has been assigned by this Bylaw to the Development Authority Officer for consideration and decision;
- d. Refer all applications for development which would result in permanent overnight accommodation, including dwelling units, or public facilities to the Alberta Energy Regulator, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility and the proposed development is not, in the opinion of the Development Authority, an infill development;
- e. Refer any application to a municipality or agency as required by the Village of Edgerton & MD of Wainwright Intermunicipal Development Plan or the Village of Edgerton Municipal Development Plan;
- f. Refer any application to an adjacent municipality or any other agency or person which in their opinion may provide relevant comments or advice respecting the application;
- g. Consider and decide on applications for Development Permit which meet the standards of this Land Use Bylaw for permitted uses; and
- h. Refer Development Permit applications (with recommendations) to the Municipal Planning Commission for its consideration and decision(s) for any application which, at their sole opinion and discretion, should be decided by the Commission.

5.7 NOTICE OF COMPLETE OR INCOMPLETE DEVELOPMENT PERMIT APPLICATIONS

- ~~5.7.1 In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.~~
- 5.7.2 The Development Authority Officer shall, within 20 days of the receipt of an application for a development permit, determine whether the application is complete.
- 5.7.3 The time period referred to in Section 5.7.2 may be extended by an agreement in writing between the applicant and the Development Authority Officer.
- 5.7.4 An application is complete if:
- a. in the opinion of the Development Authority Officer, the application contains the documents and other information necessary to review the application; or
 - b. the Development Authority Officer does not decide within 20 days of receipt of an application for a development permit.
- 5.7.5 If the Development Authority Officer determines that the application is complete, the Development Authority Officer shall issue to the applicant, by means of posted letter or electronic notification, an acknowledgment that the application is complete.
- 5.7.6 If the Development Authority Officer determines that the application is incomplete, the Development Authority Officer shall issue the applicant a notice, in writing or electronically, that the application is incomplete. This notice shall list any outstanding documents and information required to review the application and provide a date by which the documents or information must be submitted in order for the application to be considered complete.
- 5.7.7 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 5.7.6, the Development Authority Officer must deem the application to be refused.
- 5.7.8 Despite that the Development Authority Officer has issued an acknowledgment under 5.7.5 or 5.7.6, in the course of reviewing the application, the Development Authority Officer may request additional information or documentation from the applicant that the Development Authority Officer considers necessary to review the application.

5.8 DEVELOPMENT PERMIT CONDITIONS AND DEVELOPMENT AGREEMENTS

- 5.8.1 The Development Authority may require that as a condition of issuing a development permit, the applicant enter into a **development** agreement to:
- construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development;
 - install or pay for the installation of public utilities other than telecommunications systems or works;
 - pay an off-site levy **contribution**, and/or
 - give security to ensure that the terms of the agreement noted herein are carried out.
- 5.8.2 The Development Authority may require the following conditions as part of development permit approval:
- Compliance with the Erosion and Sediment Control Plan;
 - Compliance with the Landscaping Plan;
 - Compliance with the Lot Grading and Drainage Plan;
 - Compliance with a Geotechnical Report;
 - The payment or fees as established by public works for utility service connections and/or inspections; and
 - Any other conditions requested by the Development Authority.
- 5.8.3 To ensure compliance with the development agreement, the Village may register a caveat against the certificate of title of the property that is being developed. This caveat shall be discharged when conditions of the development agreement have been met.
- 5.8.4 As a condition of issuing a development permit, the Development Authority may require the applicant to post a bond to cover the cost of repairing roads and other municipal improvements damaged as a result of the work authorized in the permit.
- 5.8.5 As a condition of development permit approval for developments that impact lot grading and drainage on a site, the Development Authority shall require that the applicant provide a surveyed drawing which demonstrates that the development on the site, including all buildings and the post construction lot grading and drainage pattern conforms to the drawings approved with the application.
- 5.8.6 As a condition of approving a development permit for the demolition of a building, the Development Authority may, in addition to other requirements, require that the applicant undertake those actions the Development Authority deems necessary to ensure the complete and safe demolition of the building, disposal of materials and debris, and site clean-up.
- ~~5.8.7 The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:~~
- ~~5.8.8 the proposed development would not:~~
- ~~unduly interfere with the amenities of the neighbourhood, or~~
 - ~~materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and~~
 - ~~the proposed development conforms with the use prescribed for that land or building in this Bylaw.~~
- ~~5.8.9 In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.~~

5.9 VARIANCES

- 5.9.1 The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority the proposed development would not:
- unduly interfere with the amenities of the neighbourhood; or
 - materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- 5.9.2 In approving an application for development pursuant to Section 5.9.1, the Development Authority shall adhere to the following:
- A variance shall be considered when warranted by the merits of the proposed development and in response to irregular parcel lines, parcel shapes or site characteristics which create difficulties in siting structures within the required setback or in meeting the usual bylaw requirements.
 - No variance will be granted to increase the maximum height of a building beyond what is permitted in this Land Use Bylaw.
 - Where a variance is granted, the nature of the approved variance shall be specifically described in the Development Permit approval.

5.10 DEVELOPMENT PERMIT NOTICES

- 5.10.1 A permit granted pursuant to this Part does not come into effect until ~~seventeen (17)~~ days after the date a decision or development permit is ~~publicized~~. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 5.10.2 Where an appeal is made pursuant to Section 7 of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified or nullified thereby.
- 5.10.3 ~~When a permit has been issued, the Development Authority Officer shall immediately:~~
- ~~immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or~~
 - ~~immediately mail a notice in writing to all adjacent landowners who, in the sole opinion of the Development Authority, may be affected; and/or~~
 - ~~immediately publish a notice of the decision in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.~~
- 5.10.4 ~~Notwithstanding any other provision of this Bylaw to the contrary, no notice of the approval of a development permit shall be given when that permit is for a use which is a permitted use and when none of the regulations of this Bylaw are relaxed or varied. In such a case, also, the development permit shall come into effect on the day after it is issued.~~
- 5.10.5 ~~If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period is granted by the Development Authority.~~
- 5.10.6 ~~A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.~~
- 5.10.7 ~~When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.~~
- 5.10.1 When a development permit has been issued for a permitted use and no variance to any regulation has been granted, the Development Authority shall within five (5) working days after a decision on a development permit application send a notice by regular mail of the decision to the applicant and post a notice on the Village's website. Mailing the notice is not required when an applicant picks up a copy of the decision.
- 5.10.2 In addition to the above, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:

- a. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on the Village Assessment Roll, to provide notice of the decision and right of appeal; and
- b. post notice of the decision on the Village's website; and
- c. send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal.

5.10.3 The notice indicated in Sections 5.10.1 and 5.10.2 shall state:

- a. the legal description and the street address of the site of the proposed development;
- b. the uses proposed for the subject development,
- c. any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority when the development permit was approved;
- d. the date the development permit was issued;
- e. whether an appeal lies to the subdivision and development appeal board or to the Land and Property Rights Tribunal; and
- f. how an appeal might be made and the deadline for such appeal.

5.10.4 Pursuant to this Section, a permit granted pursuant to this Part does not come into effect until twenty-one (21) days after the date that notice of the decision, or development permit is received. For the purposes of this Bylaw, notice is deemed to be received on the 5th day after the date of the issuance of the decision or permit. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

5.10.5 Where an appeal is made, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, modified, or nullified thereby.

5.10.6 If the development authorized by a permit is not commenced within twelve (12) months from the date of the date of the issue of the development permit and completed within twelve (12) months of the commencement of the development, the permit is deemed to be void.

5.10.7 A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Authority considers to be an unsightly or unsafe condition.

5.10.8 The applicant may be responsible for any damage to public or private property occurring as a result of development.

5.10.9 A decision of the Development Authority on an application for a development permit shall be made in writing.

5.11 CANCELLATION

5.11.1 The Development Authority may cancel a Development Permit if:

- a. The permit was issued in error; or
- b. The permit was issued on the basis of incorrect information.

5.12 COMPLIANCE WITH LEGISLATION AND AGREEMENTS

5.12.1 Compliance with the requirements of this Land Use Bylaw does not exempt any person from complying with:

- a. The requirements of any federal or provincial legislation;
- b. The requirements of other municipal plans and bylaws; and
- c. Any easement, covenant, agreement, or contract affecting the proposed site or development.

6. SUBDIVISION APPLICATIONS

6.1 SUBDIVISION OF LAND

- 6.1.1 ~~Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.~~
- 6.1.2 All subdivision applications for lands within the Village shall comply with the provisions under this Section.
- 6.1.3 A subdivision application may be submitted by:
- the registered owner of the land to be subdivided; or
 - a person with written authorization to act on behalf of the registered owner.

6.2 SUBDIVISION APPLICATION REQUIREMENTS

- 6.2.1 A tentative plan of subdivision shall:
- clearly outline the location, dimensions, and boundaries of the land which the applicant wishes to subdivide;
 - show the location, dimensions, and boundaries of:
 -
 - reserve land(s), if required;
 - the rights-of-way of each public utility, if required; and
 - other rights-of-way, if required;
 - indicate the use, location, and dimensions of existing buildings on the land that is the subject of the application, if any, and specify whether the buildings are proposed to be demolished or moved;
 - show the location of any river, stream, watercourse, lake, or other body of water (natural or man-made) that is contained within the boundaries of the proposed parcel of land;
 - identify the location of any existing or proposed water wells, the locations and type of any private sewage disposal system(s), and the distance from these to existing or proposed buildings and property lines;
 - include information provided by the Alberta Energy Regulator identifying the location of any active wells, batteries, processing plants or pipelines within the proposed subdivision; and
 - identify the existing and proposed access to the proposed parcels and the remainder of the titled area.
- 6.2.2 The Village may also require an applicant to submit to the Subdivision Authority any or all of the following:
- a figure showing topographic contours at no greater than 1.5 m (4.9 ft.) intervals;
 - if the proposed subdivision is not to be served by a water distribution system, information supported by the report of a qualified professional, registered in the Province of Alberta, respecting the provision, availability, and suitability of potable water on or to the land to be subdivided;
 - an assessment of subsurface characteristics of the land that is to be subdivided including, but not limited to, susceptibility to slumping or subsidence, depth to water table, and suitability for any proposed on-site sewage disposal system(s), prepared and signed by a qualified professional registered in the Province of Alberta;
 - reports, plans, and studies prepared by qualified professionals, including:
 - Arborist Report;
 - Geotechnical Report;
 - Lot Grading and Drainage Plan or Stormwater Management Plan;
 - Slope Stability Analysis;
 - Water Report;
 - Wetland Assessment;
 - Any other reports, plans, and studies that provides information requested by the Subdivision Authority;

- e. if the land that is the subject of an application is located in a potential Flood Plain, a figure showing the 1:100-year Flood Plain or highest and most frequent rain event series relevant to flooding of the land;
 - f. information respecting the land surface characteristics of land within 0.8 km (0.5 miles) of the land proposed to be subdivided;
 - g. if any portion of the parcel of land affected by the proposed subdivision is situated within 1.5 km (0.9 miles) of a sour gas facility, a map showing the location of the sour gas facility; and
 - h. where the proposed subdivision is staged or includes only a portion of the developable area within the subject site, an approved Area Structure Plan or Outline Plan that relates the application to future subdivision and development of adjacent lands.
- 6.2.3 If the proposed subdivision requires an environmental assessment under the Canadian Environmental Assessment Act, the applicant shall file an environmental assessment in accordance with the Canadian Environmental Assessment Act. A copy of the environmental assessment shall be submitted with the subdivision application.
- 6.2.4 If the proposed subdivision is required to obtain assessments and/or approvals from relevant Federal or Provincial agencies and organizations, the applicant shall file and obtain the appropriate reports and/or approvals with relevant agencies and organizations. A copy of the required reports and/or approvals or licenses shall be submitted with the subdivision application.
- 6.2.5 Information on abandoned oil and gas wells as required by the Subdivision and Development Regulations and Alberta Energy Regulator Directive 079 shall accompany every subdivision application.

6.3 SUBDIVISION AUTHORITY PROCESS

- 6.3.1 Upon receipt of a completed subdivision application, the Subdivision Authority:
- a. shall refer the subdivision application to any external agencies and adjacent landowners for comment prior to making a decision and may refer the subdivision application to any internal municipal department(s) as required;
 - b. shall approve, with or without conditions, a subdivision application for a permitted use where the proposed subdivision conforms to:
 - i. this Bylaw;
 - ii. applicable statutory plans; and
 - iii. the Act and the Regulations thereunder; or
 - c. shall refuse an application for a subdivision if the proposed subdivision does not conform with:
 - i. applicable statutory plans; and/or
 - ii. the Act and the Regulations thereunder; and/or
 - iii. the uses prescribed in the applicable land use district identified in this Land Use Bylaw; or
 - d. may refuse an application for a subdivision if the proposed subdivision does not conform with other regulations in this Bylaw;
- 6.3.2 The subdivision authority may approve, with or without conditions, an application for subdivision that does not comply with this Bylaw if, in the opinion of the Subdivision Authority, the proposed subdivision:
- a. would not unduly interfere with the amenities of the neighbourhood;
 - b. would not materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
 - c. conforms to the use prescribed for that land in this Bylaw.

6.4 NOTICE OF COMPLETE OR INCOMPLETE SUBDIVISION APPLICATIONS

- 6.4.1 The time period referred to in Section 6.4.1 may be extended by an agreement in writing between the applicant and the Subdivision Authority or, if applicable, in accordance with the Land Use Bylaw made pursuant to section 640.1(a) of the Act.
- 6.4.2 An application is complete if, in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application.

- 6.4.3 If the Subdivision Authority determines that the application is complete, the Subdivision Authority shall issue to the applicant, in writing or electronically, an acknowledgment that the application is complete.
- 6.4.4 If the Subdivision Authority determines that the application is incomplete, the Subdivision Authority shall issue to the applicant a notice, in writing or electronically, that the application is incomplete and that any outstanding documents and information referred to in the notice must be submitted by a date set out in the notice or a later date agreed on between the applicant and the Subdivision Authority in order for the application to be considered complete.
- 6.4.5 If the applicant fails to submit all the outstanding information and documents on or before the date referred to in Section 6.4.4, the Subdivision Authority must deem the application to be refused.
- 6.4.6 Despite that the Subdivision Authority has issued an acknowledgment under Section 6.4.4 or 6.4.5, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.

6.5 DUTIES OF THE SUBDIVISION AUTHORITY

- 6.5.1 The Subdivision Authority shall:
- a. participate in a pre-application submission meeting with development proponents (as requested);
 - b. receive all applications for subdivision applications;
 - c. assess and provide notice of a complete or incomplete application; and
 - d. issue notices in writing as required in the Act.

6.6 REQUIREMENTS AND CONDITIONS OF SUBDIVISION APPROVAL

- 6.6.1 The Subdivision Authority shall abide by the requirements of and consider the matters indicated in Sections 652 to 670 of the Act.
- 6.6.2 Subdivision approvals must comply with Part 17 of the Act and the Regulations therein.
- 6.6.3 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 6.6.4 For the purposes of this Bylaw, an unsubdivided quarter section shall include those quarter sections where a separate title exists for a public utility or an institutional use.
- 6.6.5 As a condition of subdivision approval, Environmental Reserves will be taken according to Section 664 of the Act either in the form of a lot (ownership transferred to the Village) or as an Environmental Reserve Easement (private ownership is retained).
- 6.6.6 As a condition of subdivision approval, the Village may require that the proponent provide hazard land as Environmental Reserves or provide an Environmental Reserve Easement.
- 6.6.7 Where a subdivision is proposed on lands adjacent to a water body, a watercourse or wetland, reserves shall be required as a condition of subdivision approval as provided for in the Act. When determining the width and size of the Environmental Reserve or Environmental Reserve Easement area the following shall be taken into consideration:
- a. Recommendations by qualified biologist, geotechnical scientists, or engineering professionals; and/or
 - b. The Riparian Setback Matrix Model (RSMM); and/or
 - c. The Province of Alberta's Recommended Setbacks Chart (see Appendix A).
- 6.6.8 Property taxes must be up to date prior to final endorsement of any subdivision within the Village.
- 6.6.9 All proposed parcels being created shall be designed to not, in the opinion of the Subdivision Authority, prejudice the future efficient development of the remnant lands.
- 6.6.10 The Subdivision Authority may require the following conditions as part of subdivision approval:
- a. Compliance with an approved Erosion and Sediment Control Plan;
 - b. Compliance with an approved Landscaping Plan;
 - c. Compliance with an approved Lot Grading and Drainage Plan;
 - d. Compliance with an approved Stormwater Management Plan;
 - e. Any other conditions requested by the Subdivision Authority.

7. SUBDIVISION & DEVELOPMENT APPEALS

7.1 DEVELOPMENT APPEALS

- ~~7.1.1 An appeal may be made to the Subdivision and Development Appeal Board where a Development Authority~~
- ~~a. refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or~~
 - ~~b. issues a development permit subject to conditions, or~~
 - ~~c. issues an order under Section 17 of this Bylaw.~~
- ~~7.1.2 Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.~~
- ~~7.1.3 The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Subdivision and Development Appeal Board.~~
- ~~7.1.4 An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board, together with reasons and the development appeal fee as established by resolution of Council, within fourteen (14) days after~~
- ~~7.1.5 the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 13(3); or~~
- ~~7.1.6 the forty (40) day period referred to in subsection (1)(a) has expired.~~
- 7.1.1 An appeal may be made to the Subdivision and Development Appeal Board (Board) where a Development Authority:
- a. refuses or fails to issue a development permit to a person; or
 - b. issues a development permit subject to conditions; or
 - c. issues an order under Section 645 of the Act;
- by the person applying for the permit or affected by the order, under s. 645.
- 7.1.2 In addition to Section 7.1.1, any person affected by an order, decision or development permit made or issued by the Development Authority may appeal the decision in accordance with Section 685(2.1) of the Act.
- 7.1.3 Despite 7.1.1 and 7.1.2, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied, or misinterpreted or the application for the development permit was deemed to be refused under Section 683.1(8).
- 7.1.4 Despite Sections 7.1.1, 7.1.2, and 7.1.3, where the decision issued for a development permit application within a direct control district is made by:
- a. Council, there is no appeal to the Subdivision and Development Appeal Board; or
 - b. the Development Authority, the appeal is limited to whether the Development Authority followed the directions of council, and if the board hearing the appeal finds that the Development Authority did not follow the directions of council it may, in accordance with the directions, substitute its decision for the Development Authority's decision.
- 7.1.5 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.1.6 An appeal of a decision of the Development Authority for lands identified in Section 685(2.1)(b) of the Act shall be made to the Subdivision and Development Appeal Board of the Village.
- 7.1.7 An appeal with respect to an application for a development permit may be made by a person identified in Section 7.1.1 by serving a written notice of appeal to the board hearing the appeal:
- a. within 21 days after the date on which the written decision is given; or

- b. if no decision is made with respect to the application within the 40-day period (or within any extension to that period under Section 684 of the Act), within 21 days after the date the period or extension expires; or
 - c. With respect to an order under Section 645 of the Act, within 21 days after the date on which the order is made.
- 7.1.8 An appeal with respect to an application for a development permit may be made by a person (identified in Section 7.1.1) by serving a written notice of appeal to the board hearing the appeal within 21 days after the date on which the written decision is given.
- 7.1.9 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.1.10 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:
- a. the appeal application fee as identified in the Village's Rates, Fees, and Charges Bylaw;
 - b. the legal description and/or the municipal address of the property to which the decision, order or issuance of the development permit relates;
 - c. the name, contact information and address of the appellant; and
 - d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.
- 7.1.11 Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if:
- a. in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal; or
 - b. in the case of a person referred to in Section 7.1.1 the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

7.2 SUBDIVISION APPEALS

- 7.2.1 The decision of a Subdivision Authority on an application for subdivision approval may be appealed:
- a. by the applicant for the approval;
 - b. by a government department if the application is required by the Subdivision and Development Regulations to be referred to that department;
 - c. by the council of the municipality in which the land to be subdivided is located if the council, a Designated Officer of the municipality or the Municipal Planning Commission of the municipality is not the Subdivision Authority; or
 - d. by a school board with respect to:
 - i. the allocation of municipal reserve and school reserve or money in place of the reserve;
 - ii. the location of school reserve allocated to it; or
 - iii. the amount of school reserve or money in place of the reserve.
- 7.2.2 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(a) of the Act shall be made to the Land and Property Rights Tribunal and shall proceed in accordance with the processes identified in the Act and the Land and Property Rights Tribunal Act.
- 7.2.3 An appeal of a decision of the Subdivision Authority for lands identified in Section 678(2)(b) and 678(2.1) of the Act shall be made to the Subdivision and Development Appeal Board of the Village.
- 7.2.4 An appeal to the Land and Property Rights Tribunal may be made by filing a notice to the Land and Property Rights Tribunal. The notice submission requirements shall be as established by the Land and Property Rights Tribunal.
- 7.2.5 An appeal to the Subdivision and Development Appeal Board may be launched by filing a notice by providing the following:

- a. the appeal application fee as identified in the Village's Fees and Charges Bylaw;
- b. the legal description and/or the municipal address of the property to which the decision, order, or issuance of the development permit relates;
- c. the name, contact information, and address of the appellant; and
- d. the reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal.

7.2.6 If the applicant files a notice of appeal within twenty-one (21) days after receipt of the written decision or the deemed refusal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board.

7.3 HEARING AND DECISION

7.3.1 Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.

7.3.2 The Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:

- a. The appellant;
- b. the Development Authority from whose order, decision or development permit the appeal is made;
- c. those adjacent land owners who were notified under Section 13(3)(b) and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
- d. such other persons as the Subdivision and Development Appeal Board specifies.

7.3.3 The Subdivision and 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 Authority under Section 17,
- c. as the case may be.

7.3.4 At the public hearing referred to in subsection (1), the Subdivision and Development Appeal Board shall hear:

- a. the appellant or any other person acting on his behalf;
- b. the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
- c. any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
- d. any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.

7.3.5 The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.

7.3.6 A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:

- a. to a judge of the Court of Appeal; and
- b. within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

7.3.1 Hearings for development appeals and decisions made by the board hearing the appeal shall be in accordance with Section 686 and 687 of the Act.

7.3.2 Hearings for subdivision appeals and decisions made by the board hearing the appeal shall be in accordance with Section 679, 680, and 681 of the Act.

8. ENFORCEMENT

8.1 GENERAL PROVISIONS

- ~~8.1.1 Where a Development Authority finds that a development or use of land or buildings is not in accordance with~~
~~8.1.2 the Act or the regulations made thereunder, or~~
~~8.1.3 a development permit or subdivision approval, or~~
~~8.1.4 this Bylaw,~~
~~8.1.5 the Development Authority may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to~~
~~8.1.6 stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or~~
~~8.1.7 demolish, remove or replace the development, and/or~~
~~8.1.8 take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,~~
~~8.1.9 as the case may be.~~
- 8.1.1 Enforcement may be conducted by a Designated Officer through the issuance of a violation warning, warning notice, final warning notice, stop order, violation tags or any other authorized action under the Act to ensure compliance with the regulations of this Land Use Bylaw.

8.2 PROHIBITION

- 8.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or action that is not permitted by this Bylaw.
- 8.2.2 No person shall contravene the conditions of a development permit or subdivision approval issued under this Bylaw.
- 8.2.3 No person shall authorize or undertake any development that is not compliant with the description, specifications, or plans that were the basis for the issuance of a development permit.
- 8.2.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of a permit by the Development Authority.

8.3 RIGHT OF ENTRY

- ~~8.3.1 Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.~~
- 8.3.2 After reasonable notice (generally to mean 48 hours) has been provided to the owner or occupant of a parcel or building that is subject to an order, a Designated Officer may enter a property at reasonable times (generally to mean between the hours of 7:30 a.m. and 10:00 p.m.) to ascertain if Land Use Bylaw and development permit conditions/requirements are being met.
- 8.3.3 A Designated Officer may enter the property outside of the identified time period if, in their opinion, a possible violation of the Land Use Bylaw or conditions of a development permit constitutes an immediate health, safety, or environmental concern.

8.4 VIOLATION WARNINGS

- ~~8.4.1 In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.~~

- 8.4.2 The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- 8.4.3 The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
- 8.4.4 Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$50.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 8.4.5 The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 8.4.6 If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 8.4.7 If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.
- 8.4.8 A Designated Officer may issue a violation warning or a final warning in writing by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

8.5 OFFENSES AND FINES

- 8.5.1 A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
- 8.5.2 Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- 8.5.3 A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offence as specified in the Village's Fees and Charges Bylaw.
- 8.5.4 If the penalty is not paid, the person may be liable for imprisonment for not more than one year, or to both fine and imprisonment.

8.6 STOP ORDERS

- 8.6.1 Subject to Section 542 of the Act, if a person fails to comply with the order of the Development Authority, a Designated Officer, or the Subdivision and Development Appeal Board, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.
- 8.6.2 The Village may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
- 8.6.3 The Village's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

8.7 VIOLATION TAGS AND TICKETS

- 8.7.1 In accordance with the Provincial Offences Procedures Act, a Designated Officer may issue a violation tag to a person for specific offences in contravention of a violation issuing a warning notice, a final warning notice, or stop order where there are reasonable and probable grounds to believe there is a contravention of this Bylaw.
- 8.7.2 A violation tag may be issued to a person either personally or by registered mail.
- 8.7.3 The violation tag shall be in a form approved by the Village and shall include the name of the person thought to have created the contravention, the offence, the penalty for the offence, a requirement that the

penalty be paid within 30 days of issuance of the violation tag, the method by which the tag may be paid, and other information as may be required by the Village.

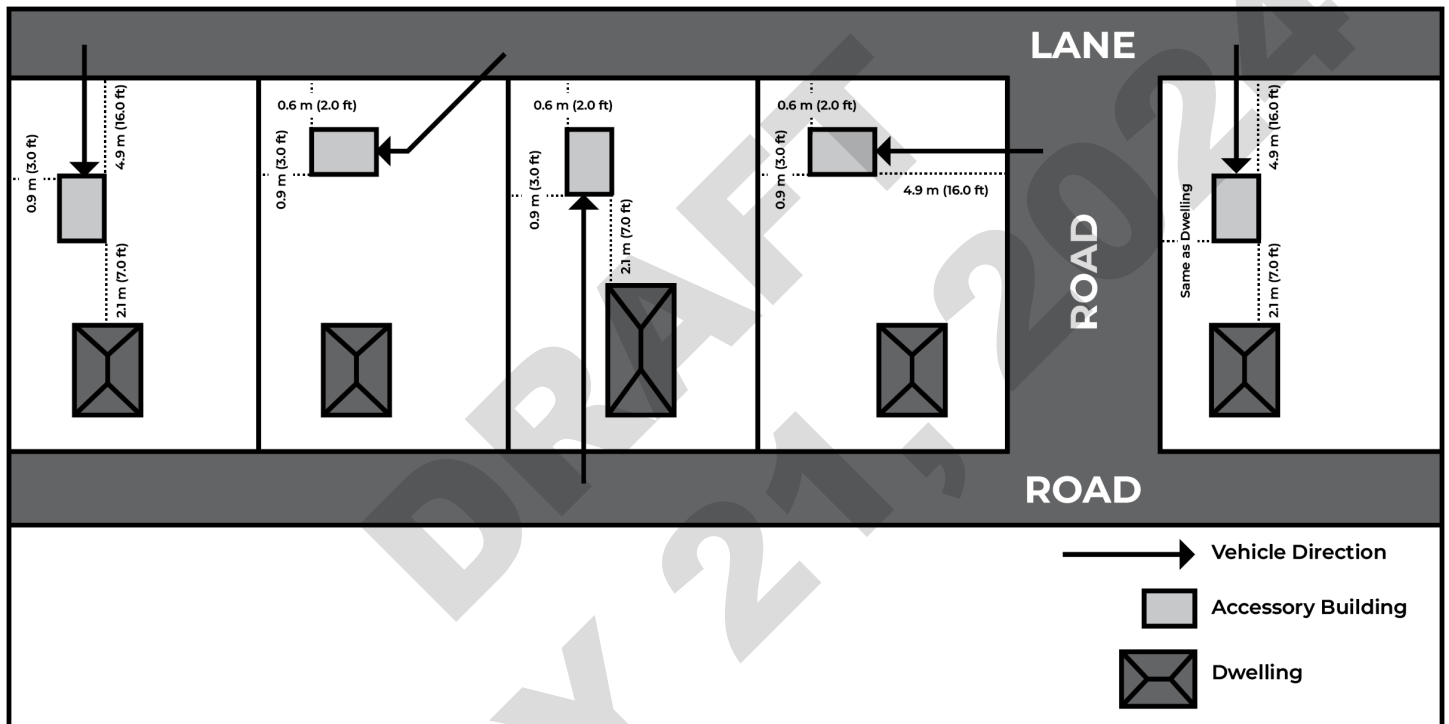
- 8.7.4 Offenses and related fines are as specified in the Village's Fees and Charges Bylaw.
- 8.7.5 Where a contravention is of a continuing nature, further violation tags may be issued.
- 8.7.6 The person to whom the violation tag is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation tag and pay the specified fine to the location indicated on the violation tag.
- 8.7.7 If payment is not made within the time specified on the tag, a Designated Officer may issue a violation ticket requiring the person to whom the violation ticket is issued to appear in court on the date specified in the summons portion of the ticket.
- 8.7.8 Nothing in this Bylaw shall prevent a Designated Officer from immediately issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.

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9. GENERAL LAND USE REGULATIONS

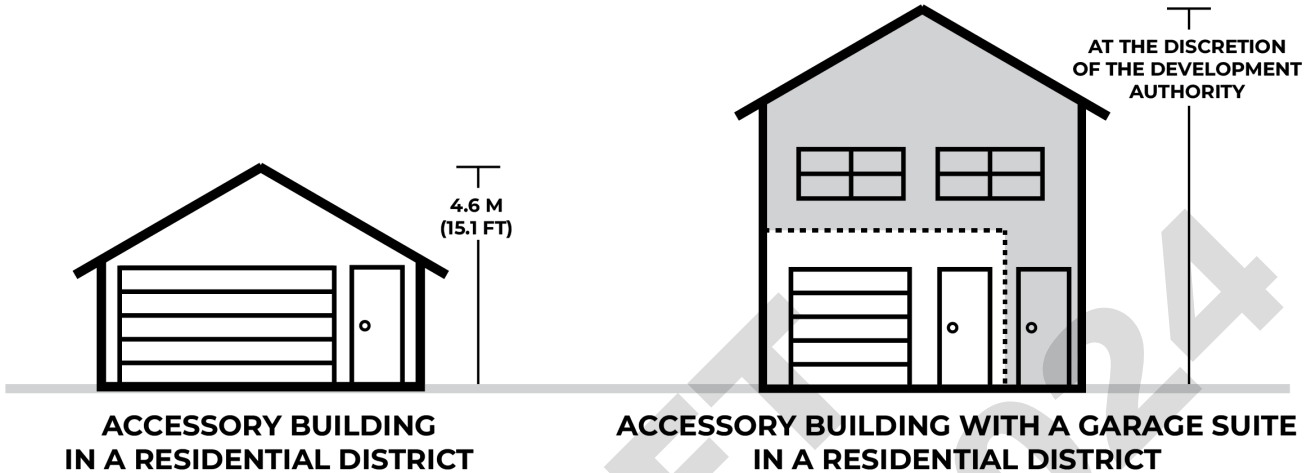
9.1 ACCESSORY BUILDINGS

- 9.1.1 An accessory structure or use is not permitted on a residential lot without a principal building or use. On lots in other districts, the construction of accessory buildings shall be at the discretion of the development authority.
- 9.1.2 Where a structure is attached to the principal building by a roof, an enclosed structure, or a foundation, it is to be considered a part of the principal building and is not an accessory building.
- 9.1.3 An accessory building shall not be used as a dwelling unless a development permit has been issued allowing the use of the accessory building as a guest house suite.
- 9.1.4 Accessory buildings other than fences shall be located such that the minimum distances between the accessory buildings and principal buildings, lot lines, and other buildings, structures, and uses are provided.



- 9.1.5 The siting of an accessory building on an irregularly shaped lot shall be as approved by the Development Authority.
- 9.1.6 No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- 9.1.7 No accessory building, other than a fence, deck, or patio, shall be located closer than 2.1 m (6.9 ft.) to the principal building.
- 9.1.8 The height of an accessory building in the Residential Districts shall not exceed 4.6 m (15.1 ft.) or one storey. However, the maximum height for an accessory building may be exceeded, at the sole discretion of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a lot where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties (see **Figure X**).
- 9.1.9 The maximum height of accessory buildings in all districts not listed in Section 9.1.8, shall be at the discretion of the Development Authority.

- 9.1.10 No part of an accessory building, including eaves, cantilevers, and other projections, shall be located on or over an easement or utility right-of-way registered by the Village unless authorized by the Development Authority and an Encroachment Agreement between the Village and the landowner has been registered on the Title of the subject lot.
- 9.1.11 An accessory building shall not:
 - a. have an eave overhang within 0.3 m (1.0 ft.) of a lot line; and
 - b. exceed more than 15% of the total site area; and
 - c. be larger than the total floor area of the principal building.



- 9.1.1 An accessory building shall not be used as a dwelling.
- 9.1.2 Accessory buildings other than fences shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
- 9.1.3 The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- 9.1.4 No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.
- 9.1.5 No accessory building, other than a fence, deck or patio, shall be located closer than 7.0 ft. (2.1 m) to a main building.
- 9.1.6 The height of an accessory building shall not exceed 15.0 ft. (4.6 m) nor one storey.
- 9.1.7 Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- 9.1.8 The total area of all accessory buildings on a lot shall not exceed 12% of the area of the lot.

9.2 APPEARANCE AND DESIGN OF BUILDINGS

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

9.3 CORNER AND DOUBLE FRONTING LOTS

- 9.3.1 On corner lots in a Residential District, no fence, wall, tree, bush, structure or thing more than 5.0 ft. (1.52 m) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points on the road or highway lines 20.0 ft. (6.1 m) from their intersection.
- 9.3.2 On corner lots in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 5.0 ft. (1.52 m) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points of the road or highway 15.0 ft. (4.6 m) from their intersection.
- 9.3.3 In the case of double fronting lots, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be on both roads and the lot may thus have no rear yard.
- 9.3.4 Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- 9.3.5 Notwithstanding any other provision of this Bylaw to the contrary, in residential districts, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
- 9.3.6 Notwithstanding Section 9.3.3, in residential areas, features under 0.5 m (1.6 ft.) above grade may project to the sideline where a second minimum front yard is not required on a corner site.

9.4 CORNER SITES AND SITE LINE PROTECTION

- 9.4.1 In Residential Districts, no fence, wall, tree, bush, structure, or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed, or maintained within the triangular area formed by intersecting driveways, roads, lanes, and right-of-way lines, extending 3.0 m (9.8 ft.) from each direction of the intersection.

9.5 DECKS

- 9.5.1 Balconies and decks may project up to:
- 2.0 m (6.5 ft.) into required yards with a minimum depth of 4.0 m (13.1 ft.); or
 - 0.5 m (1.6 ft.) for required yards less than 4.0 m (13.1 ft.)
- provided they do not encroach over an easement or right-of-way.
- 9.5.2 No person shall construct or allow the construction of an enclosed deck that:
- encroaches into a required front yard;
 - is less than 1.0 m (3.2 ft.) from a side property line in a front yard;
 - is less than 0.5 m (1.6 ft.) from a property line in a side yard;
 - in a rear yard, is less than 1.0 m (3.2 ft.) from the side and rear property lines;
 - notwithstanding Sections 9.5.2.c and 9.5.2.d, less than 3.0 (9.8 ft.) from the property line if the structure is abutting a public road in a side yard on a corner lot; and
 - is not placed upon a permanent foundation.

9.6 DWELLING UNITS ON A LOT

- 9.6.1 No permit shall be granted for the erection of more than one (1) dwelling unit on a single lot unless the dwelling units are located within row housing or an apartment.
- 9.6.1 No permit shall be granted for the erection of more than one (1) dwelling unit on a single lot unless the dwelling units are located within a duplex, triplex, fourplex, row housing or an apartment. The number of dwelling units allowed on a lot shall not exceed one (1).
- 9.6.2 Notwithstanding Section 9.6.1, the Development Authority may issue a permit for the construction or location of more than one (1) dwelling unit on a lot if the use conforms to the uses prescribed for the District in which the lot is located and:

- a. such unit(s) are contained in a building that, or in buildings each of which, are designed for or divided into two (2) or more dwelling units;
- b. it is a manufactured home forming part of a manufactured home park for which a development permit has been issued;
- c. is a building as defined in the Condominium Property Act that is subject to an approved condominium plan registered in the Land Titles Office;
- d. is a garage suite, garden suite, in-law suite or secondary suite as defined in this Bylaw and meets the requirements for such development as established in Sections 10.16 to 10.20, respectively; and
- e. the development complies with the provisions of this Land Use Bylaw and a development permit is issued for the use.

9.7 EXISTING SUBSTANDARD LOTS

9.7.1 With the approval of the Development Authority the minimum lot area and minimum lot width may be less in the case of existing substandard lots.

9.8 FENCES AND WALLS

9.8.1 The development of a fence other than those identified in Section 5.2.1.d shall require a development permit.

HIGHLIGHTED FOR ENGAGEMENT

9.8.2 Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.

9.8.3 No person shall construct or permit to be constructed retaining walls or fences that adversely or materially affect the grading or the drainage of the lot or of adjoining properties.

9.8.4 No fence, wall or hedge in any Residential District shall be:

- a. higher than 1.8 m (6.0 ft.) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
- b. higher than 1.5 m (4.9 ft.) in front yards, except in the case of a corner lot, the side yard adjacent to the road or highway shall be deemed to be a front yard for the purpose of this subsection; or
- c. higher than 1.5 m (4.9 ft.) within 6.1 m (20.0 ft.) of the intersection of lanes, roads, or any combination of them.

9.8.5 Notwithstanding 9.5.2, the Development Authority may consider a variance for a larger fence for the purpose of enclosing a yard (or portion of a yard) to facilitate the safe enclosure of pools, hot tubs, or pets.

9.8.6 All triplex, fourplex, apartment, or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 1.2 m (3.9 ft.) nor more than 1.8 m (6.0 ft.) 7.0 ft. (2.13 m) in height, along any side lines adjacent to any Residential District.

9.8.7 All drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.5 m (4.9 ft.) in height nor more than 1.8 m (6.0 ft.) 7.0 ft. (2.13 m) in height adjacent to any Residential District.

9.8.8 All other commercial and industrial developments adjacent to any Residential District shall provide fencing to the satisfaction of the Development Authority, a wooden fence of not less than 6.0 ft. (1.82 m) in height along any side or rear lines adjacent to any Residential District.

9.8.9 The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (5.0 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:

- a. garbage collection areas; and
- b. loading or vehicle service areas.

9.8.10 Electrification of fences may be allowed at the discretion of the Development Authority where the developer has demonstrated, to the satisfaction of the Development Authority that the fence is necessary for an agricultural operation and that dwellings will not be near the fence proposed.

9.8.11 No fences comprised of barbed wire shall be allowed, except, at the discretion of the Development Authority, in the Industrial District and in the Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (6.0 ft.) unless the Development Authority, at their discretion, allows

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

9.9 LANDSCAPING

- 9.9.1 Development permit applications for landscaping shall be accompanied by a general lot grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
- 9.9.2 Any landscaping and/or re-contouring shall occur so that the finished grade does not direct surface drainage or cause the impounding of drainage into an adjoining site unless otherwise approved by the Development Authority.
- 9.9.3 Landscaping may include the planting of trees, shrubs, flowers, and similar vegetation and may include other landscaping materials such as grass/sod, crushed rock, wood chips, rock gardens, vegetable gardens and ornamental plants, or a combination thereof to the satisfaction of the Development Authority.
- 9.9.4 Commercial developments adjacent to Residential Districts shall have at least 10% of the lot area landscaped.
- 9.9.5 Garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- 9.9.6 Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
- 9.9.7 As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within two months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- 9.9.8 Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

9.10 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- 9.10.1 No person shall keep or allow in any part of any yard in any Residential District:
 - a. any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - b. any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located; or
 - c. any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

9.11 OFF-STREET LOADING

- 9.11.1 When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 3.1 m (10.0 ft.) in width, 7.6 m (24.9 ft.) in length, and 4.3 m (14.1 ft.) in height.
- 9.11.2 Such loading spaces shall be developed, including any hard surfacing and drainage, in accordance with any requirements of the Development Authority.
- 9.11.3 The number of loading spaces required to be provided in a development shall be:
 - a. For retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club, or lodge, public utility, school, or similar development one (1) space.
 - b. For other uses, no spaces.

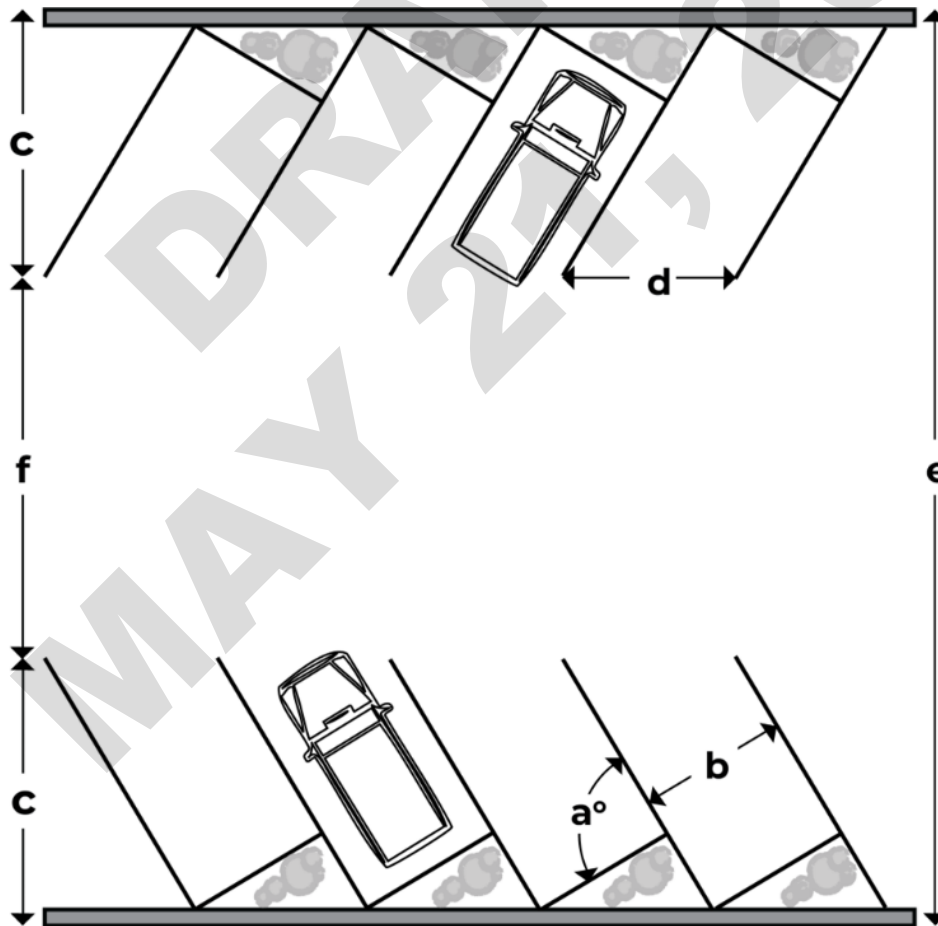
9.12 OFF-STREET PARKING

- 9.12.1 Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- 9.12.2 All off-street parking areas and accessory off-street parking areas:
 - a. shall not be located within 0.9 m (3.0 ft.) of a lot boundary line common to the lot and to a road;
 - b. shall have parking spaces and maneuvering aisles designed and sized to the satisfaction of the Development Authority;

- c. shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Authority;
- d. shall have necessary curb cuts located to the satisfaction of the Development Authority; and
- e. shall conform to the following requirements:

9.12.3 All parking spaces shall conform as follows:

Parking Angle in Degrees	Width of Stall	Depth of Stall Perpendicular to Manoeuvring Aisle	Width of Stall Parallel to Manoeuvring Aisle	Overall Depth	Width of Manoeuvring Aisle (one-way)	Width of Manoeuvring Aisle (two-way)
a	b	c	d	e	f	
0	2.7 m (8.86 ft.)	2.7 m (8.86 ft.)	7.0 m (22.97 ft.)	9.1 m (29.86 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
30	2.7 m (8.86 ft.)	5.2 m (17.06 ft.)	5.5 m (45.87 ft.)	14.0 m (45.93 ft.)	3.6 m (11.81 ft.)	7.3 m (23.95 ft.)
45	2.7 m (8.86 ft.)	5.8 m (19.03 ft.)	4.0 m (13.12 ft.)	15.2 m (49.87 ft.)	3.6 m (11.81 ft.)	6.7 m (21.98 ft.)
60	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	3.1 m (10.17 ft.)	18.2 m (59.71 ft.)	6.0 m (19.69 ft.)	7.3 m (23.95 ft.)
90	2.7 m (8.86 ft.)	6.1 m (20.01 ft.)	2.7 m (8.86 ft.)	19.5 m (63.98 ft.)	7.3 m (23.95 ft.)	7.3 m (23.95 ft.)



- 9.12.4 Surface and Drainage
- At the discretion of the Development Authority, parking spaces and the accesses to them may be required to be hard surfaced if the access is from a road, or lane which is hard surfaced.
 - Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
 - Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.
- 9.12.5 Required Number of Off-street Parking Spaces
- The minimum number of off-street parking spaces required for each development ~~shall be calculated from the following table~~ **shall be calculated in accordance with the regulations within the Land Use Districts**. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.
 - The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development occupies an existing building where no or little parking is available. ~~Subject to the approval of Council, the applicant may, at his option, pay to the municipality a payment equal to the cost of an equivalent public parking space provided elsewhere in the district.~~

9.13 PROJECTION INTO YARDS

- 9.13.1 Except for fences as noted in Section 9.8 and 9.13.3 below, ~~5(1) of this Schedule and for the features of buildings as described in Subsection (3) hereof,~~ no building or structure shall be located or project into a required front yard in any Residential District.
- 9.13.2 If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the leading edge of the fireplace or balcony.
- 9.13.3 The following features may project into a required yard:
- steps, eaves, gutters, sills, patios, and decks, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
 - canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 3.0 ft. (0.91 m); and
- 9.13.4 any other features which, in the opinion of the Development Authority, are similar to the foregoing.

9.14 PROTECTION FROM EXPOSURE HAZARDS

- 9.14.1 The location of any liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9,100 L (2004 gal.) shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 122.0 m (400.0 ft.) from assembly, institutional, commercial, or residential buildings.
- 9.14.2 LPG containers with a water capacity of less than 9,100 L (2004 gal) shall be located in accordance with regulations under the Safety Codes Act.
- 9.14.3 Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- 9.14.4 Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.
- 9.14.5 No tanks for the storage of anhydrous ammonia shall be allowed within the municipality.**

9.15 REMOVAL OF TOPSOIL

- 9.15.1 ~~No person shall commence or continue the removal of topsoil without first obtaining a development permit.~~

- 9.15.2 Except as provided for in Section 5.2 – Development Not Requiring a Permit, the removal of topsoil on a lot shall require a development permit.
- 9.15.3 ~~There shall be provided~~ Upon occupancy of a development a minimum topsoil coverage of 16.0 cm (6.0 in.) and the subject lot shall be landscaped to the satisfaction of the Development Authority.

9.16 SIGNS

- 9.16.1 No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- 9.16.2 No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- 9.16.3 No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- 9.16.4 Notwithstanding 9.16.1 through 9.16.3, ~~the generality of Subsection (1) above, nor the provisions of Subsections (2) and (3) above,~~ the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that no such signs shall be illuminated.
 - a. Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, an apartment, a club, or a similar institution, not exceeding 1.1 m² (12.0 ft.²) and limited to one (1) sign per lot.
 - b. Temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcements of any local event of a religious, educational, cultural, political or similar character not exceeding 1.9 m² (20.0 ft.²) provided that all such temporary advertisements shall be removed by the advertiser within fifteen (15) days of the completion of the event or works to which such advertisements relate.
 - c. Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- 9.16.5 No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- 9.16.6 All advertisements shall be kept in a safe, clean and tidy condition, and may by resolution of Council be required to be renovated or removed.
- 9.16.7 No signs or advertising structures other than those specified under Subsection (4) above shall be permitted in Community, Institutional or Residential Districts.
- 9.16.8 Notwithstanding any other provision of this Bylaw to the contrary, the construction or placement of any sign for any adult use, that is, any business into which premises only adults may be allowed in accordance with Provincial or Federal legislation or regulation, shall require approval of a development permit by the Development Authority, and such approval shall be given only at the sole discretion of the Development Authority.
- 9.16.9 Applications for such a permit shall include details as to the copy (that is, words or pictures) that may be on the sign and the lighting of the sign. In considering approval of the sign, the Development Authority shall give due consideration to all matters that he deems reasonable from the perspective of the municipality's amenities. If approved by the Development Authority, the copy area and lighting of the sign may not vary beyond that which is approved by the Development Authority.

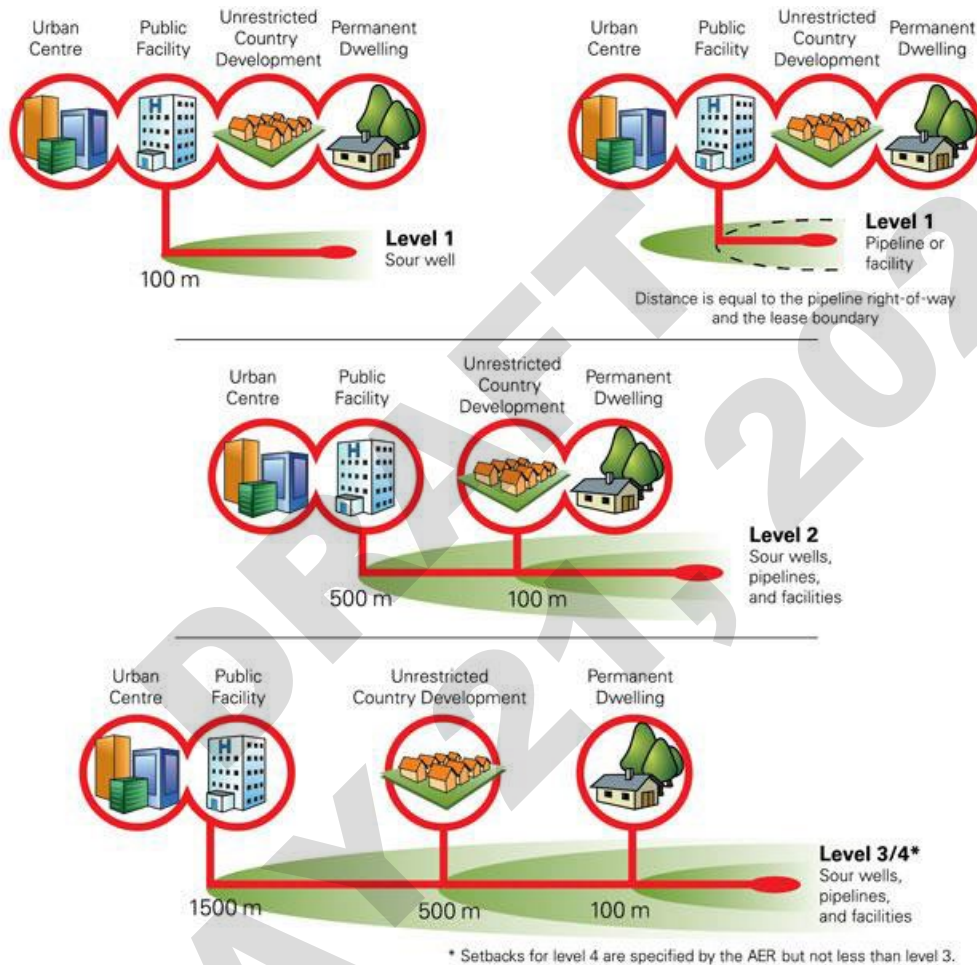
9.17 SITE DEVELOPMENT

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

- 9.17.2 The drainage and grading of all development, including the development of any accessory building, shall be to the satisfaction of the Development Authority in order that there shall be no re-direction of surface drainage to adjacent lots because of development.

9.18 SOUR GAS FACILITIES

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



9.19 WATER SUPPLY AND SANITARY FACILITIES

- 9.19.1 All development within the Village shall be serviced, at no cost to the Village, by sanitary facilities that comply with municipal and provincial design standards and any other Provincial legislation or regulations.
- 9.19.2 Notwithstanding 9.19.1, areas of the Village that are unable to be serviced by the Village's existing sanitary system may continue to be serviced by onsite sanitary services until such time as those areas are redeveloped for higher density residential development.
- 9.19.3 A development permit shall not be issued for residential, commercial, industrial, or recreational uses unless the Development Authority is satisfied that potable water supplies of sufficient quality and quantity are or will be made available to support the proposed development.
- 9.19.4 Where municipal water and sanitary services are available, new developments shall be required to connect to municipal services as a condition of subdivision or development approval.

10. SPECIFIC LAND USE REGULATIONS

10.1 ALCOHOL RETAIL SALES

- 10.1.1 In addition to any other regulations of this Bylaw, Alcohol Retail Sales meet the following requirements:
- a. an Alcohol Retail Sales Establishment shall only be located within a Land Use District where it is use is listed as a permitted or discretionary use;
 - b. an Alcohol Retail Sales Establishment shall not be located within 100.0 m (328.1 ft.) of any other Alcohol Retail Sales Establishment, Cannabis Store, private or public school, provincial health care facility, a registered day care, public park or lot that is designated as school reserve or municipal and school reserve under the Act. The term public or private schools is limited to elementary through to high school and does not include commercial schools;
 - c. the separation distance between an Alcohol Retail Sales Establishment and other uses shall be measured from the exterior wall of the Alcohol Retail Sales Establishment to the lot line of the lot;
 - d. an Alcohol Retail Sales Establishment shall only operate between the hours of 10:00 a.m. and 10:00 p.m.;
 - e. an Alcohol Retail Sales Establishment use shall not operate in conjunction with or accessory to any other use;
 - f. customer access to an Alcohol Retail Sales Establishment shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
 - g. all parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
 - h. parking and loading requirements for an Alcohol Retail Sales Establishment shall be provided based on Sections 9.17 and 9.18, the Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
 - i. the owner shall obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation; and
 - j. the Development Authority shall impose a condition on any Development Permit issued for Alcohol Retail Sales Establishment requiring that the development shall not commence selling alcoholic products until authorized by and compliant with superior legislation.
- 10.1.2 Notwithstanding 10.1.2.b, above, Alcohol Retail Sales Establishments approved prior to the commencement of this bylaw may be located closer than 100.0 m (328.1 ft.) to any use listed in 10.1.2.b until such time as the Alcohol Retail Sales Establishment use ceases for six months or longer.

10.2 CANNABIS PRODUCTION AND DISTRIBUTION

- 10.2.1 Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.
- 10.2.2 No cannabis production and distribution facility shall be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 10.2.3 A cannabis production and distribution facility shall comply with all applicable federal and provincial regulations.
- 10.2.4 A cannabis production and distribution facility must comply with the following requirements, in addition to any other municipal, provincial, or Federal regulations and requirements:
- a. must meet all applicable requirements of the identified district, which allows for the use; and
 - b. a copy of the current license(s) for the cannabis production and distribution development as issued by the provincial and/or federal government shall be provided to the Development Authority with the application or as a condition of development permit approval.

- 10.2.5 A cannabis production and distribution facility shall meet security and premises requirements as required under provincial and federal legislation and any additional security requirements imposed as a condition of the development permit issued by the Development Authority.
- 10.2.6 The design of the building(s) and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 10.2.7 The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- 10.2.8 No outdoor storage of goods, material, or supplies shall be permitted.
- 10.2.9 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 10.2.10 All activities related to the cannabis production and distribution facility shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- 10.2.11 Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
- 10.2.12 Exterior lighting and noise levels shall satisfy the following requirements:
 - a. the illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under provincial and federal regulations; and
 - b. noise from facilities shall not exceed the levels allowed under the Land Use Bylaw or any other bylaw and/or policy of the municipality and the requirements under provincial and federal regulations.
- 10.2.13 The minimum lot size shall be at the discretion of the Development Authority.
- 10.2.14 The minimum setback from any watercourse or waterbody shall be 30.0 m (98.4 ft.).
- 10.2.15 Maximum lot coverage shall be at the discretion of the Development Authority.
- 10.2.16 The maximum height of the principal building shall be 10.0 m (32.8 ft.).
- 10.2.17 A building or structure used for security purposes for a cannabis production and distribution facility may be located within the front yard and must comply with the required minimum setbacks.
- 10.2.18 On site buffering measures shall be required for all cannabis production and distribution facilities. Buffers may include a combination of setbacks, landscaping and fencing to mitigate the impacts on adjacent lots.
- 10.2.19 Parking and loading requirements for a cannabis production and distribution facility shall be provided at the discretion of the Development Authority and any applicable requirements in provincial and federal regulations, as amended or replaced.

10.3 CANNABIS RETAIL SALES

- 10.3.1 No cannabis retail sales establishment may be allowed unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- 10.3.2 Cannabis retail sales establishments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including the Cannabis Act and the Gaming Liquor and Cannabis Act.
- 10.3.3 Any cannabis retail sales development must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - a. must meet all applicable requirements of the identified district which allows for the use;
 - b. only facilities licensed by the provincial or federal governments will be permitted; and
 - c. a copy of the license(s) for the cannabis retail sales establishment, as issued by the provincial government, shall be provided to the Development Authority, or made a condition of the Development Permit issued by the Development Authority.
- 10.3.4 Cannabis retail sales establishments must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- 10.3.5 The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.

- 10.3.6 Cannabis retail sales establishments shall meet security and premises requirements as required under provincial and federal legislation.
- 10.3.7 No outdoor storage of goods, material, or supplies shall be permitted.
- 10.3.8 Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- 10.3.9 Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
- 10.3.10 Exterior lighting and noise levels shall satisfy the following requirements:
- 10.3.11 the illumination of parking areas, walkways, signs, and other structures associated with cannabis retail sale development shall be arranged to meet the requirements under provincial and federal regulations.
- 10.3.12 Cannabis retail sales establishments as defined in this Bylaw shall be setback from locating near the following sensitive uses within 100.0 m (328.1 ft) of a public education facility, a provincial health care facility, a school reserve, or a municipal and school reserve.
- 10.3.13 A public education facility, provincial health care facility, school reserve or municipal and school reserve constructed or created after the approval of a cannabis retail sales establishment shall not retroactively impact the cannabis retail sales establishment.
- 10.3.14 The separation distance between the cannabis retail sales establishment and the uses listed in 10.3.13 shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the parcel containing the sensitive use.
- 10.3.15 A site, building or structure established, operated, or maintained as a cannabis retail sales establishment shall comply with the provisions made for in any applicable municipal, provincial, and federal regulations as per this Bylaw.
- 10.3.16 Applications for subdivision of land for this use shall include the information required by the Development Authority.

10.4 DRIVE-IN BUSINESSES

- 10.4.1 The minimum lot area for a drive-in business shall be 557.4 m² (6,000 ft.²).
- 10.4.2 Queuing space shall be provided on the same site as the development as follows:
 - a. For drive-in food services and other developments having a service window, a minimum of six (6) inbound queuing spaces shall be provided for vehicles approaching the service window. One (1) outbound queuing space shall be provided on the exit side of the service window;
 - b. For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting unto a public roadway; and
 - c. Each queuing space shall be a minimum of 5.5 m (18.0 ft.) long and 3.0 m (9.84 ft.) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.
- 10.4.3 Service Stations and Gas Bars:
 - a. A canopy over a pump island may extend to within 3.0 m (9.84 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section.
- 10.4.4 Car Washes
 - a. All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.
 - b. In the case of service stations or gas bars including car washes, the minimum lot area shall be 1,115 m² (12,000 ft.²).
- 10.4.5 Points of access and egress shall be located to the satisfaction of the Development Authority.
- ~~10.4.6 Lot and Building Requirements~~
- 10.4.7 All parts of the lot to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
- 10.4.8 The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- 10.4.9 Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.

10.4.10 The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

10.5 HOME OCCUPATIONS

~~10.5.1 All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in its opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.~~

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

10.5.2 **A major home occupation** shall comply with the following regulations:

- a. The major home occupation shall not, in the opinion of the Development Authority, generate pedestrian or vehicular traffic or parking, in excess of that which is characteristic of the Land Use District in which it is located.
- b. The number of non-resident employees or business partners working on-site shall not exceed one (1) at any time.
- c. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage related to business activities shall be allowed in either the dwelling or accessory buildings.
- d. Articles offered for sale shall be limited to those produced within the dwelling or the accessory building(s).
- e. The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District having regard for the overall compatibility of the use with the residential character of the area.

10.5.3 **A minor home occupation** shall comply with the following regulations:

- a. The minor home occupation shall not employ any person on-site other than a resident of the dwelling. Nor shall the business be such that any clients come to the dwelling.
- b. There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business allowed on the site. Storage and the business activity itself shall only be allowed inside the dwelling and not in an accessory building. The minor home occupation does not involve the display of goods in the interior of the residence.

10.5.4 **All home occupations** shall comply with the following requirements:

- a. The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
- b. The peace, quiet, dignity and other amenities of the neighbourhood shall not be disturbed in any manner.
- c. A home occupation shall not change the principal character or external appearance of the dwelling involved, nor use more than 20% or 31.0 m² (334 ft.²), whichever is less, of the dwelling unit for business usage. Except as noted in 10.5.4.f, there shall be no exterior signage, display, or advertisement, but there may be a limited volume of on-premises sales.
- d. No more than one commercial vehicle used in or for the home occupation shall be parked on the subject site or on the adjoining road.
- e. There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
- f. Notwithstanding any other provisions of this Bylaw to the contrary, a dwelling in which a home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.2 m² (2.2 ft.²) in area.
- g. In addition to a Development Permit Application, each application for a major home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.

- h. Notwithstanding any other provision of this Bylaw to the contrary, when a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued.

10.5.5 Home occupations shall not involve:

- a. activities that use or store hazardous material in quantities exceeding those found in a normal household; or
- b. any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.

10.6 HOTELS AND MOTELS

~~10.6.1 Minimum Lot Area per Rentable Unit~~

- ~~a. One Storey - 1500 sq. ft. (139.3 sq. m)~~
- ~~b. Two Storeys - 1000 sq. ft. (92.9 sq. m)~~

~~10.6.2 Minimum Floor Area per Rentable Unit - 285 sq. ft. (26.5 sq. m)~~

~~10.6.3 Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 12.0 ft. (3.7 m) of clear and unoccupied space shall be provided between each rentable unit and any other building on the lot.~~

~~10.6.4 Each rentable unit shall face onto or about a driveway not less than 20.0 ft. (6.1 m) in width, and shall have unobstructed access thereto.~~

~~10.6.5 Not more than one (1) entrance and one (1) exit for vehicles to a road, each of a minimum width of 25.0 ft. (7.6 m), shall be permitted, provided however, that one (1) combined motor vehicle entrance and exit may be permitted, not less than 30.0 ft. (9.1 m) in width.~~

10.6.6 Site development requirements including (but not limited to):

- a. Minimum floor area requirements for rentable units;
- b. Fencing and screening;
- c. Storage of refuse;
- d. Landscaping;
- e. Orientation and design of the development and rentable units; and
- f. Parking and access;

shall be as required by the Development Authority.

~~10.6.7 The owner, tenant, operator or person in charge of a motel shall at all times:~~

- ~~a. maintain the lot and the buildings, structures, and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris;~~
- ~~b. maintain garbage facilities to the satisfaction of the Development Authority; and~~
- ~~c. maintain an appropriate fence, where required by the Development Authority, not less than 5.0 ft. (1.5 m) in height, around the boundaries of the lot; and~~
- ~~d. shall landscape and keep the lot landscaped to the satisfaction of the Development Authority.~~

10.7 INDUSTRIAL DEVELOPMENT

10.7.1 An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.

10.7.2 Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 5.4 of this Bylaw:

- a. Type of industry
- b. Size of buildings
- c. Number of employees
- d. Estimated water demand and anticipated source
- e. Type of effluent and method of treatment
- f. Transportation routes to be used (rail and road)

- g. Reason for specific location
 - h. Any accessory works required (pipeline, railway spurs, etc.)
 - i. and/or any such other information as may be reasonably required by the Development Authority.
- 10.7.3 All lot regulations and requirements shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

10.8 MANUFACTURED HOMES

- 10.8.1 A development permit is required prior to sitting and/or occupying a manufactured home on a residential lot in the Village.
- 10.8.2 All manufactured homes must be of new construction or not more than five (5) years of age from the date of the development application. Manufactured homes shall be in good condition to the satisfaction of the Development Authority. If the Development Authority determines that an inspection of the proposed manufactured home is required, travel costs incurred by the Development Authority shall be at the development proponent's expense.
- 10.8.3 Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with both the CSA Z240 MH National Manufactured Home Standard and the Alberta Building Code (ABC) as amended or replaced. If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection.
- 10.8.4 Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.
- 10.8.5 All manufactured homes shall be anchored to a permanent foundation, with at least four (4) tie downs for a single wide and eight (8) tie downs for a double wide. The foundation or basement shall not exceed 0.6 m (2.0 ft.) above finished grade.
- 10.8.6 In addition to the requirements of Sections 10.8.2 and 10.8.3, a manufactured home located within a residential district must meet the following aesthetic regulations:
- a. The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
 - b. The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
 - c. Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
 - d. Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate or general area.
 - e. The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contain a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.
 - f. Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1, as amended or replaced, may be employed.
 - g. The undercarriage of each manufactured home shall be completely screened from view by the foundation or skirting within thirty (30) days of the placement of the manufactured home.
- 10.8.7 The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found
- ~~10.8.8 Manufactured homes shall have Canadian Standard Association Certification.~~
- 10.8.9 All accessory structures, such as patios, porches, additions and skirtings, shall be

- a. factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes,
 - b. considered as part of the main building, and
 - c. erected only after obtaining a Development Permit;
 - d. be less than 25% of the gross floor area of the manufactured home in size.
- 10.8.10 A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.
- 10.8.11 The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
- 10.8.12 Additions to a manufactured home shall have a foundation or skirting equivalent to or better than that of the manufactured home and shall be provided with steps and landings to all entrances within thirty (30) days of their development.
- 10.8.13 For the purposes of storage, any furniture, domestic equipment, or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally and shall conform to the Alberta Building Codes (ABC) standards.
- 10.8.14 Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed with thirty (30) days of the placement of the manufactured home on a site.
- 10.8.15 With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or any Residential District.
- a. All utility lines shall be placed underground.
 - b. Notwithstanding any other provision of this Bylaw, all detached garages shall be located not less than 2.4 m (7.9 ft.) from a manufactured home.
 - c. Notwithstanding any other provision of this Bylaw to the contrary, the vehicle entry doors of all garages, whether attached to or detached from a manufactured home or any other building, shall be located not less than 5.5 m (18.0 ft.) from a rear or flanking lot line.
 - d. All areas of a manufactured home lot not occupied by driveways, walkways, manufactured homes, buildings, and other facilities shall be landscaped to the satisfaction of the Development Authority within two (2) months (weather permitting) of the date of the placement of the manufactured home.
 - e. Adequate screening in the form of vegetation or fencing shall be provided between the manufactured home lot and other manufactured home lots, or between the manufactured home lot and adjacent uses where the uses are incompatible with the residential use of the manufactured home lot. This section may be waived by the Development Authority if adjacent landowners agree in writing not to erect any form of screening between their respective properties.
 - f. Each manufactured home shall be clearly marked and defined with the property address of the lot. Such marking shall be displayed on the side of the manufactured home facing the road.
 - g. The owners of a manufactured home shall provide proper garbage containers on each lot.
 - h. Notwithstanding any other provision of this Bylaw to the contrary, a development on a corner lot shall comply with all the restrictions, limitations, and conditions relating to visibility at the intersecting roads as may be required by the Development Authority.
 - i. The manufactured home must be covered with an exterior material customarily used in conventional dwellings. The exterior covering material must extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
 - j. In addition to the requirements indicated in Section 5.4 of this Bylaw, each application for a development permit for a manufactured home shall be accompanied by:
 - i. a landscaping and site development plan, and
 - ii. photographs of each side of the proposed manufactured home.
- ~~10.8.16 The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.~~

- 10.8.17—No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home stall.
- 10.8.18—The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.
- 10.8.19—The following regulations apply to manufactured homes located in all subdivisions:
- The hitch and wheels are to be removed from the manufactured home.
 - All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
 - The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit.
 - Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.
- 10.8.20—The following regulations also apply to manufactured home parks:
- Manufactured home stalls shall be located at least 10.0 ft. (3.0 m) from a property boundary line. This 10.0 ft. (3.0 m) wide strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
 - All roadways shall be constructed and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 30.0 ft. (9.1 m).
 - A safe, convenient, all season pedestrian walkway of at least 3.0 ft. (0.9 m) in width shall be provided for access between individual manufactured homes, the park roadways, and all community facilities provided for park residents.
 - Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) manufactured homes. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
 - The design of manufactured home parks shall be to the satisfaction of the Development Authority.
 - A minimum of 5% of the gross lot area shall be devoted to recreational use
 - All areas not occupied by manufactured homes and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
 - No part of the park shall be used for non-residential purposes except for home occupations and such uses as are required for the direct servicing and well-being of the park residents and for the management and maintenance of the park.
 - Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
 - Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
 - Only one (1) main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.
 - Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.
 - Manufactured homes shall be separated from each other by at least 20.0 ft. (6.1 m) in all directions. Any porch or addition to the manufactured home shall be regarded as part of the manufactured home for the purpose of this separation.
 - The minimum lot size shall be 5.0 ac. (2.02 ha).
 - The maximum permissible density for a manufactured home park shall be 8 manufactured homes per gross developable acre (3.25 per ha) of the lot being developed at each stage of development.

- p. The minimum area for a manufactured home stall shall be 4000 sq. ft. (371.6 sq. m).

10.9 MIXED-USE DEVELOPMENTS

- 10.9.1 The commercial portion of the mixed-use building shall primarily be located on the ground floor.
- 10.9.2 Dwelling Unit(s) within a mixed-use Building shall not occupy the primary frontage of a site on the ground floor; these spaces shall be reserved for commercial use(s).
- 10.9.3 Dwelling unit(s) within a mixed-use building may have shared or separate entrance facilities; however, primary access to any dwelling unit shall not be through the commercial space.

10.10 MULTIPLE DWELLING DEVELOPMENTS

- ~~10.10.1 Before any application for development of row housing or an apartment can be considered, the applicant must submit to the Development Authority, in addition to those requirements of Section 12(1) of this Bylaw:~~
- ~~a. design plans and working drawings, including elevations; and~~
 - ~~b. site plans showing the proposed:~~
 - ~~i. location and position of structures on the lot, including any "For Rent" or identification signs,~~
 - ~~ii. location and number of parking spaces, exits, entries, and drives from roads or lanes,~~
 - ~~iii. location of an access to garbage storage areas, and the fencing and landscaping of these facilities, and~~
 - ~~iv. landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.~~
- ~~10.10.2 The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.~~
- ~~10.10.3 The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans, and said relationships shall be to the satisfaction of the Development Authority.~~
- 10.10.1 Before any development permit application for an apartment, duplex, triplex, fourplex, or row housing development can be considered by the Development Authority, the applicant must provide:
- a. design plans and working drawings including elevations which have been prepared or endorsed by a registered architect;
 - b. site plans showing the proposed:
 - i. location and position of structures on the site, including any "For Rent" or identification signs;
 - ii. location and number of parking spaces, exits, accesses, and drives from public roads;
 - iii. location of an access to refuse storage areas and incinerators and the fencing and landscaping of such facilities; and
 - iv. landscaping plan of the entire site which shall show intended surfacing for drives and parking areas.
 - c. The plans identified above will append the application and once approved, shall be deemed conditions of approval. The Development Authority may require a performance bond from the developer if deemed necessary.

10.11 PLACES OF WORSHIP

- 10.11.1 The lot on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 929.0 m² (10,000.0 ft.²) except in the case where a building for a single **employee's** ~~clergyman's~~ residence is to be erected on the same lot. The area of the lot in this case shall not be less than 1,393 m² (14,994 ft.²).
- 10.11.2 Minimum front, side, and rear yards shall be those required within the Land Use District in which the place of worship is located.

10.12 RECREATIONAL VEHICLES

- 10.12.1 No person shall use any recreational vehicle for permanent occupancy within the Village, other than within an approved campground.
- 10.12.2 One (1) recreational vehicle may be stored in the required front yard in any residential district or in the case of a corner lot, in a required front yard or flanking side yard in any residential district. The following provisions apply:
- The recreational vehicle must be entirely located within the boundaries of the subject site;
 - The recreational vehicle must comply with accessory building setback requirements from the side and rear yards; and
 - The recreational vehicle must be located on a hard surfaced driveway or pad.
- 10.12.3 No person shall keep more than one (1) recreational vehicle on a residential lot at any time.
- 10.12.4 No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved campground.

10.13 SEA CANS

- 10.13.1 The permanent placement of a sea can on a residential lot in the Village shall be prohibited.
- 10.13.2 Notwithstanding 10.13.1, a development permit may be issued for the temporary placement of one (1) sea can in the front yard on a lot within a Residential District on a temporary basis during the construction or renovation of the principal dwelling or accessory building.
- 10.13.3 If a temporary development permit for a sea can has been approved by the Development Authority, then the sea can may be placed on site for a maximum period of six (6) months. Extensions may be issued at the discretion of the Development Authority.
- 10.13.4 The maximum number of sea cans or shipping containers that may be placed on a lot in an urban reserve, commercial, or industrial land use district shall be at the discretion of the Development Authority.
- 10.13.5 The placement of a sea can or shipping container on any urban reserve, commercial or industrial lot requires a development permit.
- 10.13.6 Sea cans or shipping containers cannot be used as a dwelling or guest house suite.
- 10.13.7 No human or animal habitation will be permitted within a sea can or shipping container.

10.14 SERVICE STATIONS (INCLUDING GAS BARS)

- ~~10.14.1 Service stations or gas bars shall be developed in such a manner that:~~
- ~~no entrance or exit thereto for motor vehicles shall be located within 200.0 ft. (61.0 m) of an entrance to or exit from a firehall, public or private school, playground, library, church, hospital, children's or senior citizen's home, or other similar public or quasi-public institutions;~~
 - ~~no part of any building or any pump or other accessory building, structure, or use shall be located within 20.0 ft. (6.1 m) of a side or rear line;~~
 - ~~there shall be a front yard of not less than 40.0 ft. (12.2 m), provided, however, gasoline pumps may be located as little as 20.0 ft. (6.1 m) from the front line; and~~
 - ~~all fuel storage tanks shall be set back from adjacent buildings in accordance with Provincial regulations and legislation.~~
- ~~10.14.2 The minimum lot area shall be 8,000.0 sq. ft. (743.2 sq. m) and the maximum lot coverage shall be 25%. When a car wash is included, the minimum lot area shall be 12,000.0 sq. ft. (1114.8 sq. m).~~
- ~~10.14.3 In the case of a service station or gas bar designed and built as part of a shopping centre, the ratio of building space to parking space shall be determined as by the Development Authority.~~
- ~~10.14.4 Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.~~
- ~~10.14.5 The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:~~
- ~~be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available in any authorized service~~

station for storage) or of any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to residences or businesses in the immediate vicinity of the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration;

- b. be responsible for the proper, safe and orderly operation thereof of motor vehicles using said service station or gas bar, or being repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
 - i. that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station or gas bar, and
 - ii. that operators of motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided for such purposes and not elsewhere; and
- c. maintain on the boundaries of the lot, where required by the Development Authority, an appropriate fence not less than 5.0 ft. (1.5 m) in height.

- 10.14.1 No part of any building or accessory building, structure, or use shall be located within 6.1 m (20.0 ft.) of a side or rear line and 12.2 m (40.0 ft.) of a front line; however, gasoline pumps may be located as little as 6.1 m (20.0 ft.) from the front line.
- 10.14.2 The minimum lot area shall be 743.0 m² (7,998 ft.²). When a car wash is included, the minimum lot area shall be 1,114 m² (11,991 ft.²).
- 10.14.3 If a service station or gas bar is part of a shopping centre, the number of parking spaces shall be as determined by the Development Authority.
- 10.14.4 Any lighting shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.
- 10.14.5 The owner, tenant, operator, or person in charge of a service station or gas bar shall:
 - a. not carry on any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to dwellings or businesses near the service station or gas bar by reason of dust, noise, gases, odour, smoke, or vibration; and
 - b. be responsible for seeing that:
 - i. no motor vehicles obstruct the sidewalks or boulevards abutting or adjacent to the service station or gas bar; and
 - ii. motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided.

10.15 SUITES, GARAGE

- 10.15.1 A garage suite shall be restricted to a lot occupied by a single-detached dwelling.
- 10.15.2 A garage suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing or apartment developments.
- 10.15.3 A maximum of one (1) garage suite, garden suite, in-law suite, secondary suite, or surveillance suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 10.15.4 A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft.²).
- 10.15.5 A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage.
- 10.15.6 The minimum floor area for an at-grade garage suite is 30.0 m² (322.9 ft.²).
- 10.15.7 The minimum floor area for an above-grade garage suite is 30.0 m² (322.9 ft.²).
- 10.15.8 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- 10.15.9 A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220-volt wiring and toilet and bathing facilities.
- 10.15.10 A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- 10.15.11 Garage suites shall be a maximum height of 10.7 m (35.0 ft.).

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

10.15.13 No additional approach will be permitted to provide access or egress to the suite.

10.16 SUITES, GARDEN

10.16.1 A maximum of one (1) garage suite, garden suite, in-law suite, secondary suite, or surveillance suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.

10.16.2 A garden suite shall only be allowed on a lot occupied by a single-detached dwelling.

10.16.3 A garden suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing or apartment developments.

10.16.4 If a permit for a garden suite is approved by the Development Authority, no additional garage suite, garden suite, or secondary suite shall be allowed on the same lot.

10.16.5 Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.

10.16.6 The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.

10.16.7 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.

10.16.8 A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220-volt wiring) and toilet with bathing facilities.

10.16.9 The minimum floor area for a garden suite shall be 30.0 m² (322.9 ft.²).

10.16.10 A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft.²) in floor area.

10.16.11 Garden suites shall have a maximum height of 4.3 m (14.1 ft.).

10.16.12 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.

10.16.13 One onsite parking stall shall be provided for the secondary suite, in addition to the parking requirements for the main dwelling. Tandem parking may be permitted at the discretion of the Development Authority.

10.16.14 Windows contained within a garden suite shall be placed and sized such that they minimize overlook into yards and windows of abutting properties through one or more of the following:

- a. off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a garden suite window on an abutting site;
- b. strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
- c. placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.

10.16.15 A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

10.16.16 No additional approach will be permitted to provide access or egress to the suite.

10.17 SUITES IN-LAW

10.17.1 An in-law suite shall be restricted to a site occupied by a single-detached dwelling.

10.17.2 An in-law suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing or apartment developments.

10.17.3 A maximum of one (1) garage suite, garden suite, in-law suite, secondary suite, or surveillance suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.

10.17.4 An in-law suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft.²).

10.17.5 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.

- 10.17.6 An in-law suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220-volt wiring and toilet with bathing facilities.
- 10.17.7 An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- 10.17.8 The minimum floor area for an in-law suite is 30.0 m² (322.9 ft.²).
- 10.17.9 No additional approach will be permitted to provide access or egress to the suite.
- 10.17.10 The minimum lot width requirement for in-law suites is 12.2 m (40.0 ft.).
- 10.17.11 The minimum floor area for in-law suites is 30.0 m² (322.9 ft.²)
- 10.17.12 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 10.17.13 One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the main dwelling. Tandem parking may be permitted at the discretion of the Development Authority.

10.18 SUITES SECONDARY

- 10.18.1 A secondary suite shall be restricted to a site occupied by a single-detached dwelling or a duplex.
- 10.18.2 A secondary suite is prohibited from being constructed within duplexes, triplexes, fourplexes, row housing or apartment developments.
- 10.18.3 A maximum of one (1) garage suite, garden suite, in-law suite, secondary suite, or surveillance suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- 10.18.4 A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.1 ft.²)
- 10.18.5 Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- 10.18.6 A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove, or provision of 220-volt wiring and toilet with bathing facilities.
- 10.18.7 A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- 10.18.8 A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- 10.18.9 The minimum lot size for a secondary suite is 360.0 m² (3875.0 ft.²).
- 10.18.10 The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft.).
- 10.18.11 The minimum floor area for a secondary suite is 30.0 m² (322.9 ft.²)
- 10.18.12 Prior to development permit approval the developer may be required to submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- 10.18.13 One on-site parking stall shall be provided for the secondary suite, in addition to the parking requirements for the main dwelling. Tandem parking may be permitted at the discretion of the Development Authority.
- 10.18.14 No additional approach will be permitted to provide access or egress to the suite.

10.19 SUITE, SURVEILLANCE

- 10.19.1 The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
- 10.19.2 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject lot. Moreover, in the opinion of the Development Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.
- 10.19.3 Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or lot.
- 10.19.4 Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject lot is located or in accordance with the following requirements, whichever are greater:
- a minimum of 1.8 m (6.0 ft.) from any buildings; and
 - a minimum of 1.8 m (6.0 ft.) from the rear and side property lines; and
 - no closer than the front line of the main building to the front property line.
- 10.19.5 The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m² (500.0 ft.²).
- 10.19.6 The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character, and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

10.20 TREE CLEARING

- 10.20.1 The removal of more than 50% of trees on a residential lot shall require a development permit unless exempted by this Bylaw.
- 10.20.2 As part of an application for tree clearing, an applicant may be required to provide the following information:
- Reason(s) for the proposed tree clearing;
 - A description of the trees and other vegetation to be cleared;
 - A site plan with dimensions showing the area to be cleared and any significant natural features on and adjacent to the area to be cleared;
 - A proposed schedule for tree clearing and hauling; and
 - The proposed replanting plan, if applicable.
- 10.20.3 When considering an application for tree removal, the Development Authority shall have regard for whether the site to be cleared is within an environmentally sensitive area, and the potential impacts on adjacent lands, watercourses, and water bodies.

11. LAND USE DISTRICTS

11.1 ESTABLISHMENT OF LAND USE DISTRICTS

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

11.1.2 For the purpose of this Land Use Bylaw, the Village is divided into the following land use districts:

LAND USE DISTRICT	SYMBOL	MAP COLOUR
Residential Land Use District	R1	Yellow
Residential Manufactured Home Subdivision Land Use District	RMHS	Brown
Central Commercial Land Use District	C1	Pink
Secondary Commercial Land Use District	C2	Red
Industrial Land Use District	M	Purple
Community Land Use District	P	Green
Institutional Land Use District	I	Blue
Urban Reserve Land Use District	UR	Grey

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

- a. Where a boundary is shown as following a road, lane, or water course, it shall be deemed to follow the centre line thereof.
- b. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- c. In circumstances not covered by Rule 1 or 2, the location of the boundary shall be determined:
 - i. where dimensions are set out on the Land Use District Map, by the dimensions so set, or
 - ii. 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.

11.1.3 The boundaries of the Land Use District Map shall be interpreted as follows:

- a. Where a boundary is shown as following a street or road, it shall be deemed to follow the centre line thereof;
- b. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line;
- c. In circumstances not covered by 11.1.3.a and 11.1.3.b, the location of the district boundary shall be determined by the Development Authority by measurement of, and use of the scale shown on the Land Use District Map.

11.1.4 Where the application of the rules outlined in section 11.1.4 does not determine the exact location of the boundary of a land use district, the Council either:

- a. on its motion; or
- b. upon written application being made to it by any person requesting the determination of the exact location of the boundary.

11.1.5 After Council has fixed a land use district boundary pursuant to the provisions of Section 11.1.4, the boundary shall not be altered, except by an application to amend this Bylaw.

11.1.6 Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

11.1.7 The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

12. R – RESIDENTIAL DISTRICT

12.1.1 To support the development of a wide range of residential developments in the Village.

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

12.2 PERMITTED USES

- | | |
|---|---|
| <ul style="list-style-type: none"> a. Childcare facilities Day homes b. Dwellings, single detached c. Home occupations, minor | <ul style="list-style-type: none"> d. One family dwelling d. Buildings and uses accessory to permitted uses |
|---|---|

12.3 DISCRETIONARY USES

- | | |
|--|---|
| <ul style="list-style-type: none"> a. Dwellings, apartment b. Dwellings, Duplex c. Dwellings, row housing d. Group homes, minor and major e. Home occupations, major f. Parks g. Places of worship h. Public or quasi-public buildings and uses i. Public utilities j. Suites, garage k. Suites, garden l. Suites, in-law m. Suites, secondary n. Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district. o. Buildings and uses accessory to discretionary uses | <ul style="list-style-type: none"> p. Apartments q. Churches r. Duplexes s. Family care facilities t. Group care facilities u. Home occupations v. Public or quasi-public buildings and uses required to serve the immediate area w. Public utilities required to serve the immediate area x. Row housing y. Small parks and playgrounds z. Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses aa. Buildings and uses accessory to discretionary uses |
|--|---|

12.4 REGULATIONS RELATED TO SINGLE DETACHED DWELLINGS

12.4.1	Maximum Lot Area	464.5 m ² (5000 ft. ²)
12.4.2	Maximum Lot Width	15.2 m (50.0 ft.)
12.4.3	Minimum Yards	Front: 7.6 m (25.0 ft.) Rear: 7.6 m (25.0 ft.) Side: The lesser of 10% of the lot width, or 1.5 m (4.9 ft.)
12.4.4	Minimum Floor Area	1 Storey Dwellings: 92.9 m ² (1,000 ft. ²) 2 Storey Dwellings: 111.5 m ² (1,200 ft. ²)

12.5 REGULATIONS RELATED TO DUPLEX DWELLINGS

12.5.1	Minimum Lot Area	Up and down units: 576.0 m ² (6,200 ft. ²) provided the combined floor area does not exceed 185.8 m ² (2,000 ft. ²)
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		Side by side unit: 668.9 m ² (7,200 ft. ²), or 743.2 m ² (8,000 ft. ²) if on a corner lot
12.5.2	Minimum Yards	same as for one family dwellings Front and Rear: 7.6 m (25.0 ft.) Side adjacent to another lot: The lesser of 10% of the lot width, or 1.5 m (4.9 ft.)
12.5.3	Minimum Floor Area	As determined by the Development Authority

12.6 REGULATIONS RELATED TO ROW HOUSING DWELLINGS

12.6.1	Maximum Density	6.5 dwelling units per ha (16 dwelling units per acre)
12.6.2	Minimum Yards	Front: 7.6 m (25.0 ft.) Rear: 7.6 m (25.0 ft.) Side: 3.0 m (10.0 ft.) where provided Side, Corner Lot: 4.6 m (15.0 ft.)
12.6.3	Outdoor Living Area	Each dwelling unit shall have an outdoor living area with a minimum depth of 25.0 ft. (7.6 m) adjacent to it. A minimum of 15.0 ft. (4.6 m) of this depth must be a privacy zone, contained by a fence at least 5.0 ft. (1.5 m) in height.

12.7 REGULATIONS RELATED TO APARTMENT DWELLINGS

	Type	Minimum Floor Area	Minimum Lot Area
12.7.1	Bachelor	32.5 m ² (350.0 ft. ² .)	74.3 m ² (800.0 ft. ²)
12.7.2	One Bedroom	46.5 m ² (500.0 ft. ² .)	97.5 m ² (1,050 ft. ²)
12.7.3	Two Bedrooms	55.7 m ² (600.0 ft. ² .)	139.4 m ² (1,500 ft. ²)
12.7.4	Three or more Bedrooms	65.0 m ² (700.0 ft. ² .)	139.4 m ² (1,500 ft. ²)
12.7.5	Maximum Building Height	13.7 m (45.0 ft.), to a maximum of three stories	
12.7.6	Maximum Lot Coverage	30%	
12.7.7	Maximum Floor Area Ratio	0.6	
12.7.8	Minimum Yards	Front: 9.1 m (30.0 ft.) Rear: 9.1 m (30.0 ft.) Side: 40% of the building height, or 15% of the lot width, whichever is greater	
12.7.9	Minimum Landscaped Area	10% of the lot area	

12.8 REGULATIONS RELATED TO ALL OTHER USES

- 12.8.1 Site development regulations for all other developments shall be as required by the Development Authority.

13. RMH1 – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT

13.1.1 To allow for the development of manufactured home dwelling subdivisions, where each dwelling unit is located on a separated registered lot.

~~The General Purpose of this District is to permit development of manufactured home subdivisions, in which each manufactured home is located on a separately registered lot.~~

13.2 PERMITTED USES

- 13.2.1 Dwellings, manufactured home
- 13.2.2 Home occupations, minor
- 13.2.3 Parks
- 13.2.4 Public parks and playgrounds
- 13.2.4 Buildings and uses accessory to permitted uses

13.3 DISCRETIONARY USES

- 13.3.1 Dwellings, single detached
- 13.3.2 Home occupations, major
- 13.3.3 ~~One family dwellings~~
- 13.3.4 Public and quasi-public buildings and uses
- 13.3.5 Public utilities
- 13.3.6 Other uses which, in the opinion of the Development Authority, are similar to the
- 13.3.7 uses identified as permitted or discretionary in this district.
- 13.3.7 Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- 13.3.7 Buildings and uses accessory to discretionary uses

13.4 REGULATIONS

13.4.1	Maximum Building Height	Manufactured home dwellings: 4.6 m (15.0 ft.) Accessory buildings: 4.6 m (15.0 ft.) Other uses: As determined by the Development Authority
13.4.2	Minimum Floor Area	Manufactured home dwellings: 46.5 m ² (500.0 ft. ²), excluding attached porches Other uses: As determined by the Development Authority
13.4.3	Maximum Lot Area	Manufactured home dwellings: 464.5 m ² (5,000 ft.) Other uses: As required by the Development Authority
13.4.4	Maximum Lot Width	Manufactured home dwellings: 15.2 m (50.0 ft.), or as required by the Development Authority Other uses: As required by the Development Authority
13.4.5	Minimum Yards	Front: 4.6 m (15.0 ft.) or as required by the Development Authority Side: 9.7 m (30 ft.) Rear: 4.6 m (15.0 ft.) or as required by the Development Authority
13.4.6	Maximum Lot Coverage	Manufactured home dwellings: 23% Accessory buildings: 12% Others uses: as determined by the Development Authority

14. C1 – CENTRAL COMMERCIAL DISTRICT

14.1.1 To support the development of commercial uses appropriate for the Village's Central Business District. The General Purpose of this District is to permit commercial development appropriate for the Central Business District of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

14.2 PERMITTED USES

- 14.2.1 Business support services
- 14.2.2 Commercial use, highway
- 14.2.3 Drycleaning depots
- 14.2.4 Eating and drinking establishments
- 14.2.5 General retail stores
- 14.2.6 Government services
- 14.2.7 Indoor eating and drinking establishments
- 14.2.8 Institutional uses
- 14.2.9 Office and financial uses
- 14.2.10 Personal service shops
- 14.2.11 Retail services
- 14.2.12 Buildings and uses accessory to permitted uses
- 14.2.13 A workshop used by any of the following (a to m)
- 14.2.14 Banks
- 14.2.15 Barber shops, beauty parlours
- 14.2.16 Coin laundries
- 14.2.17 Dry cleaners
- 14.2.18 Grocery stores
- 14.2.19 Household appliance sales
- 14.2.20 Offices
- 14.2.21 Restaurants
- 14.2.22 Retail stores
- 14.2.23 Shoe repair shops
- 14.2.24 Tailor shops
- 14.2.25 If the floor space area used is not greater than 4000.0 sq. ft. (371.6 sq. m), the manufacture or treatment of products essential to the retail business conducted on the premises, for example:
 - 14.2.26 a bakery
 - 14.2.27 a dyeing or cleaning plant or establishment
 - 14.2.28 the manufacture of candy, confectionary, ice cream or jam
- 14.2.29 Buildings and uses accessory to permitted uses

14.3 DISCRETIONARY USES

- 14.3.1 Alcohol retail sales
- 14.3.2 Amusement establishments, indoor
- 14.3.3 Amusement establishments, outdoor
- 14.3.4 Automobile, light truck and recreational vehicle sales and service
- 14.3.5 Cannabis stores
- 14.3.6 Community recreation
- 14.3.7 Dwellings, single detached
- 14.3.8 Health care services
- 14.3.9 Hotels and motels
- 14.3.10 Parking areas
- 14.3.11 Private clubs
- 14.3.12 Drive-in businesses
- 14.3.13 Food and beverage production
- 14.3.14 Mixed use developments
- 14.3.15 Places of worship
- 14.3.16 Public and quasi-public buildings and uses
- 14.3.17 Public utilities
- 14.3.18 Recreational facilities
- 14.3.19 Service Stations and Gas Bars
- 14.3.20 Veterinary clinics
- 14.3.21 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district.
- 14.3.22 Buildings and uses accessory to discretionary uses
- 14.3.23 Auto and light truck sales
- 14.3.24 Bowling alleys
- 14.3.25 Clinics
- 14.3.26 Clubs or lodges
- 14.3.27 Dance halls
- 14.3.28 Hotels
- 14.3.29 Parking lots
- 14.3.30 Public or quasi-public buildings and uses
- 14.3.31 Public utilities
- 14.3.32 Service stations and gas bars
- 14.3.33 Theatres
- 14.3.34 One family dwellings that are in existence as of the date of the passage of this Bylaw

14.3.35 Dwelling units in a building used for any of the above mentioned permitted or discretionary uses

above mentioned permitted and discretionary uses

14.3.37 Buildings and uses accessory to discretionary uses

14.3.36 Other uses which, in the opinion of the Development Authority, are similar to the

14.4 COMMERCIAL USE REGULATIONS

14.4.1	Minimum Lot Area	139.3 m ² (1500 ft. ²)
14.4.2	Minimum Lot Width	4.6 m (15.0 ft.)
14.4.3	Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform with existing neighbouring developments
14.4.4	Minimum Rear Yard	7.6 m (25.0 ft.), or as required by the Development Authority
14.4.5	Minimum Side Yard	None, if the subject lot is bordered on both sides by a parcel within the C1 – Central Commercial District or the C2 – Secondary Commercial District. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 1.5 m (5.0 ft.).
14.4.6	Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.
14.4.7	Minimum Floor Area	As required by the Development Authority

14.4.8 Site development regulations for a lot (or group of contiguous lots) proposed to be developed for more than one use shall be as determined by the Development Authority.

Where groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking, and specific commercial uses.

14.5 REGULATIONS RELATED TO SINGLE DETACHED DWELLINGS

14.5.1 Site development regulations for single detached dwellings in the C1 – Central Commercial District shall be the same as identified in the R1 – Residential District.

The regulations for one family dwellings shall be as indicated in the Residential (R) District.

15. C2 – SECONDARY COMMERCIAL DISTRICT

15.1 PURPOSE

15.1.1 To support the development of a wide range of commercial uses that serve residents, businesses, and visitors of the Village of Edgerton and Wainwright Region.

~~The General Purpose of this District is to permit commercial development involving workshop-type uses, commercial uses which will serve the travelling public, and, at the discretion of the Development Authority, more land extensive uses.~~

15.2 PERMITTED USES

- | | | | |
|--------|--|---------|--|
| 15.2.1 | Automobile, light truck and recreational vehicle sales and service | 15.2.9 | Indoor eating and drinking establishments |
| 15.2.2 | Business support services | 15.2.10 | Institutional uses |
| 15.2.3 | Commercial use, highway | 15.2.11 | Office and financial uses |
| 15.2.4 | Drycleaning depots | 15.2.12 | Retail services |
| 15.2.5 | Eating and drinking establishments | 15.2.13 | Buildings and uses accessory to permitted uses |
| 15.2.6 | General retail stores | 15.2.14 | A workshop used by any of the following (a to m) |
| 15.2.7 | Government services | | |
| 15.2.8 | Health care services | | |

15.3 DISCRETIONARY USES

- | | | | |
|---------|--|---------|---|
| 15.3.1 | Alcohol retail sales | 15.3.26 | Buildings and uses accessory to discretionary uses |
| 15.3.2 | Amusement establishments, indoor | 15.3.27 | Auction marts |
| 15.3.3 | Amusement establishments, outdoor | 15.3.28 | Automobile garages |
| 15.3.4 | Campgrounds | 15.3.29 | Campgrounds |
| 15.3.5 | Cannabis stores | 15.3.30 | Car washes |
| 15.3.6 | Drive-in businesses | 15.3.31 | Drive-in Restaurants |
| 15.3.7 | Equipment rental establishment | 15.3.32 | Frozen food lockers |
| 15.3.8 | Fleet services | 15.3.33 | Funeral parlours |
| 15.3.9 | Food and beverage production | 15.3.34 | Garden centres |
| 15.3.10 | Greenhouse/plant nursery | 15.3.35 | Motels |
| 15.3.11 | Hotels and motels | 15.3.36 | Public or quasi-public buildings and uses |
| 15.3.12 | Mixed use developments | 15.3.37 | Public utilities |
| 15.3.13 | Outdoor storage | 15.3.38 | Service stations or gas bars |
| 15.3.14 | Places of worship | 15.3.39 | Storage and/or sales of: |
| 15.3.15 | Public and quasi-public buildings and uses | | a. Building supplies |
| 15.3.16 | Public utilities | | b. Bulk oil |
| 15.3.17 | Recreational facilities | | c. Farm machinery |
| 15.3.18 | Sea cans | | d. Fertilizer |
| 15.3.19 | Service Stations and Gas Bars | | e. Lumber |
| 15.3.20 | Suites, surveillance | | f. Propane gas |
| 15.3.21 | Truck and recreational vehicle sales/rental establishment | 15.3.40 | Veterinary clinics |
| 15.3.22 | Trucking and cartage establishment | 15.3.41 | Wholesale warehouses |
| 15.3.23 | Veterinary clinics | 15.3.42 | Dwelling units in a building used for any of the above mentioned permitted or discretionary uses |
| 15.3.24 | Warehousing and storage | 15.3.43 | Other uses which, in the opinion of the Development Authority, are similar to the |
| 15.3.25 | Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district | | |

above mentioned permitted and discretionary uses

15.3.44 Buildings and uses accessory to discretionary uses

15.4 REGULATIONS

15.4.1	Minimum Lot Area	139.3 m ² (1500 ft. ²)
15.4.2	Minimum Lot Width	4.6 m (15.0 ft.)
15.4.3	Minimum Front Yard	None, except where the Development Authority may deem it necessary to conform with existing neighbouring developments
15.4.4	Minimum Rear Yard	7.6 m (25.0 ft.), or as required by the Development Authority
15.4.5	Minimum Side Yard	None, if the subject lot is bordered on both sides by a parcel within the C1 – Central Commercial District or the C2 – Secondary Commercial District. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 1.5 m (5.0 ft.).
15.4.6	Maximum Lot Coverage	80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority.
15.4.7	Minimum Floor Area	As required by the Development Authority

15.4.8 No use is to be established that is or may become obnoxious by way of noise, odour, dust, or fumes, in the opinion of the Development Authority.

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MAY 21, 2024

16. M – INDUSTRIAL DISTRICT

16.1 PURPOSE

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

16.2 PERMITTED USES

- | | |
|---|--|
| 16.2.1 Automobile, light truck and recreational vehicle sales and service | 16.2.15 Light manufacturing and fabrication which are not obnoxious |
| 16.2.2 Business support services | 16.2.16 Office and financial uses |
| 16.2.3 Commercial use, highway | 16.2.17 Retail services |
| 16.2.4 Drive-in businesses | 16.2.18 Sea cans |
| 16.2.5 Drycleaning depots | 16.2.19 Truck and recreational vehicle sales/rental establishment |
| 16.2.6 Equipment rental establishment | 16.2.20 Trucking and cartage establishment |
| 16.2.7 Fleet services | 16.2.21 Servicing establishments |
| 16.2.8 Food and beverage production | 16.2.22 Warehousing, storage, and distribution of raw materials, processed or manufactured goods |
| 16.2.9 General retail stores | 16.2.23 All uses listed as permitted or discretionary uses in the C2 District |
| 16.2.10 Government services | 16.2.24 Buildings and uses accessory to permitted uses |
| 16.2.11 Greenhouse/plant nursery | |
| 16.2.12 Industrial uses, light | |
| 16.2.13 Indoor eating and drinking establishments | |
| 16.2.14 Institutional uses | |

16.3 DISCRETIONARY USES

- | | |
|---|---|
| 16.3.1 Cannabis distribution and production | 16.3.10 Public utilities |
| 16.3.2 Eating and drinking establishments | 16.3.11 Recreational facilities |
| 16.3.3 Industrial uses, medium | 16.3.12 Service Stations and Gas Bars |
| 16.3.4 Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas noise or vibration | 16.3.13 Suite, surveillance |
| 16.3.5 Municipal uses that are not restrictive and are compatible with an industrial area | 16.3.14 Recreational uses that are not restrictive and are compatible with an industrial area |
| 16.3.6 Oilfield support services | 16.3.15 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district. |
| 16.3.7 Outdoor storage | 16.3.16 Buildings and uses accessory to discretionary uses |
| 16.3.8 Places of worship | |
| 16.3.9 Public and quasi-public buildings and uses | |

16.4 REGULATIONS

16.4.1	Minimum Lot Area	As required by the Development Authority
16.4.2	Minimum Front Yard	9.1 m (30.0 ft.)

16.4.3	Minimum Rear Yard	9.1 m (30.0 ft.)
16.4.4	Minimum Side Yard	As required by the Development Authority
16.4.5	Maximum Lot Coverage	60%
16.4.6	Maximum Building Height	10.7 m (35.0 ft.), or at the discretion of the Development Authority.

16.4.7 Uses and operations with this District shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust and other kinds of particulate matter, odour, toxic and noxious matter, radiation hazards, fire and explosive hazards, humidity, and glare.

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17. P – COMMUNITY DISTRICT

17.1 PURPOSE

- 17.1.1 To provide for a wide range indoor and outdoor community, cultural, and recreation activities.
To permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

17.2 PERMITTED USES

- | | |
|---|---|
| 17.2.1 Community recreation | 17.2.4 Public utilities |
| 17.2.2 Parks playgrounds, recreation areas, and other similar | 17.2.5 Recreational facilities |
| 17.2.3 Public or quasi-public buildings and uses | 17.2.6 Buildings and uses accessory to permitted uses |

17.3 DISCRETIONARY USES

- | | |
|--|---|
| 17.3.1 Cemeteries | uses identified as permitted or discretionary in this district. |
| 17.3.2 Federal, provincial and municipal buildings and uses | 17.3.5 Buildings and uses accessory to discretionary uses |
| 17.3.3 Public utilities | |
| 17.3.4 Other uses which, in the opinion of the Development Authority, are similar to the | |

17.4 REGULATIONS

- 17.4.1 Site development regulations for all uses Minimum requirements shall be as required by the Development Authority.

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18. I – INSTITUTIONAL DISTRICT

18.1 PURPOSE

18.1.1 To permit the development of **public and private** buildings and uses of either a public or private nature ~~which~~ that provide institutional services to the community.

18.2 PERMITTED USES

- | | |
|---|--|
| 18.2.1 Community recreation | 18.2.8 Hospitals and Nursing Homes |
| 18.2.2 Health services | 18.2.9 Schools |
| 18.2.3 Institutional uses | 18.2.10 Senior citizens housing homes and similar buildings |
| 18.2.4 Libraries and cultural exhibits | 18.2.11 Buildings and uses accessory to permitted uses |
| 18.2.5 Places of worship | |
| 18.2.6 Churches | |
| 18.2.7 Community Halls | |

18.3 DISCRETIONARY USES

- | | |
|--|---|
| 18.3.1 Cemeteries | 18.3.8 Recreational facilities uses |
| 18.3.2 Childcare facilities | 18.3.9 Other uses which, in the opinion of the Development Authority, are similar to the uses identified as permitted or discretionary in this district. |
| 18.3.3 Clubs or lodges | |
| 18.3.4 Day cares | |
| 18.3.5 Private clubs | 18.3.10 Buildings and uses accessory to discretionary uses |
| 18.3.6 Public or quasi-public buildings and uses | |
| 18.3.7 Public utilities | |

18.4 REGULATIONS

~~18.4.1~~ **Site development regulations for all uses** ~~Minimum requirements shall be as required by the Development Authority.~~

19. UR – URBAN RESERVE DISTRICT

19.1 PURPOSE

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

19.2 PERMITTED USES

- | | |
|---|--|
| 19.2.1 Agriculture, extensive
Farming and cultivation of land, but not including such agricultural uses as feed lots, hog barns, poultry farms and fur farms | 19.2.2 Single Detached Dwellings (on existing parcels only)
One family dwellings on existing parcels only |
| | 19.2.3 Buildings and uses accessory to permitted uses |

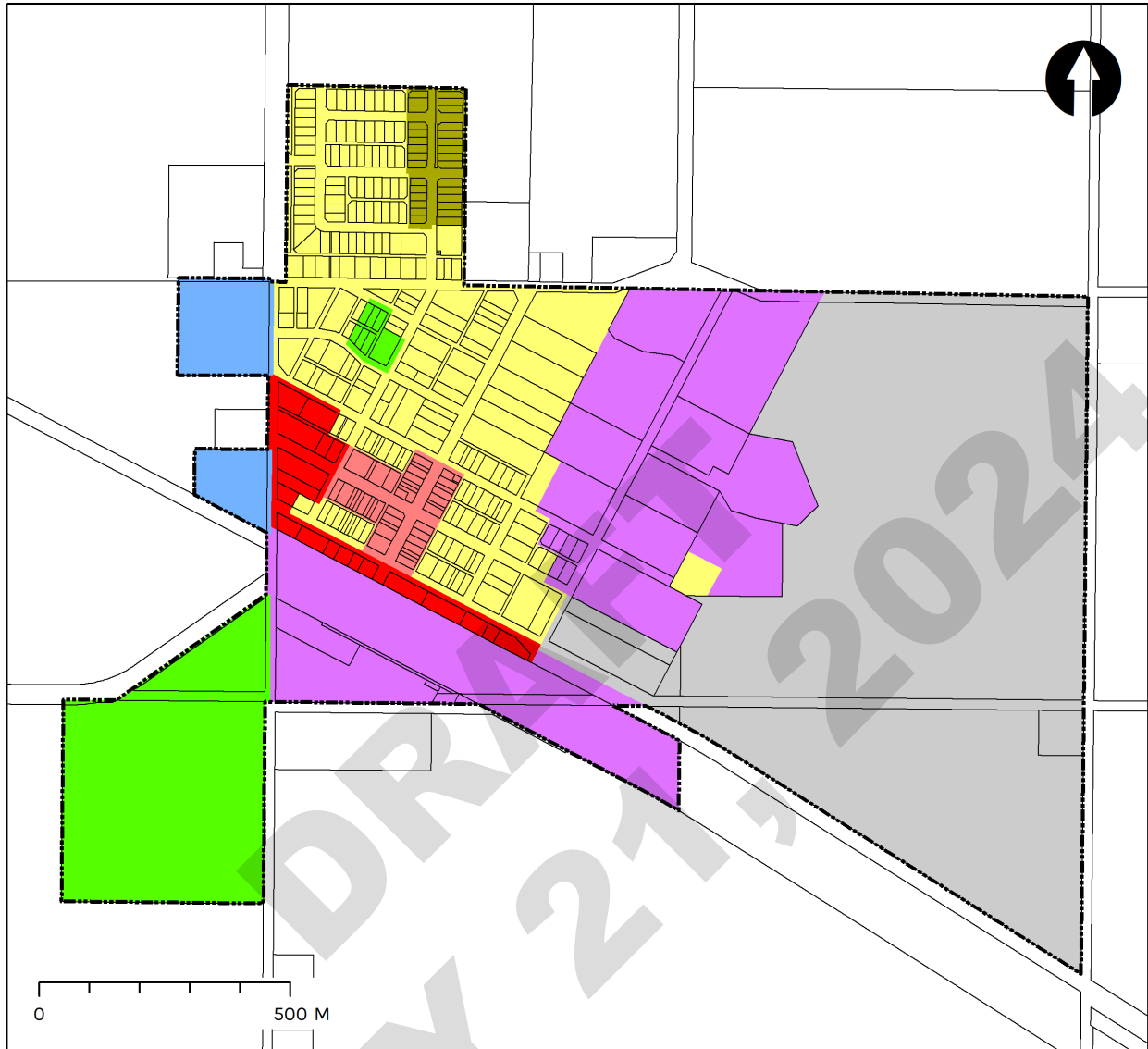
19.3 DISCRETIONARY USES

- | | |
|---|--|
| 19.3.1 Public or quasi-public buildings and uses | uses identified as permitted or discretionary in this district. |
| 19.3.2 Public utilities | |
| 19.3.3 Other uses which, in the opinion of the Development Authority, are similar to the | 19.3.4 Buildings and uses accessory to discretionary uses |

19.4 REGULATIONS









- 19.4.1 No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish a plan showing the subdivision design, the proposed land use classification, public reserve dedications and utilities policies.
- 19.4.2 **The Development Authority may allow for** a ~~Any strictly~~ temporary use or building which in their opinion of the Development Authority will not prejudice the possibility of conveniently and economically subdividing or developing the area in the future.
~~Relating to one family dwellings:~~
- 19.4.3 **Site development regulations for all uses** ~~Minimum requirements~~ shall be as required by the Development Authority.

20. LAND USE DISTRICT MAP



VILLAGE OF EDGERTON LAND USE BYLAW | BYLAW XX LAND USE DISTRICT MAP

Land Use Districts

 R - Residential	 M - Industrial
 RMH1 - Residential Manufactured Home Subdivision	 I - Institutional
 C1 - Central Commercial	 P - Community
 C2 - Secondary Commercial	 UR - Urban Reserve

21. APPENDIX A – PROVINCE OF ALBERTA’S RECOMMENDED SETBACKS

Alberta Environment and Parks Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

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

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

Water Feature	Minimum ER Width ²	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland ¹	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (\geq 15m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (\leq 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

¹ Alberta Environment and Parks views the term “swamp” to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophobic vegetation (i.e. wetlands or peat lands).

² In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

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

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

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