

LAND USE BYLAW
Bylaw No. 1190/2023

Being a Bylaw of Village of Delburne in the Province of Alberta to regulate and control the use and development of land and buildings within the Village of Delburne.

WHEREAS the Municipal Government Act (Alberta), being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, and amendments thereto, authorizes the council of a municipality to enact a land use bylaw to prohibit or regulate and control the use and development of land and buildings within the municipality.

NOW THEREFORE The Council of Village of Delburne in the Province of Alberta enacts as follows:

Title

This Bylaw shall be known as the “Village of Delburne Land Use Bylaw” and the attached document, including Schedule “A”

Application of the Land Use Bylaw

This Bylaw applies to all buildings, land, and development within The Village, including signs.

Transition

Any decision of the Development Authority or the Subdivision and Development Appeal Board, made thereunder and any development permit or occupancy permit issued thereunder shall be deemed for all purposes to have been made or issued under this Bylaw.

Effective Date

- (1)** This Bylaw comes into force and takes effect upon the date of its third reading.
- (2)** Land Use Bylaw 1108 as amended is hereby repealed upon this bylaw coming into effect.

Read a first time this 27th day of March, 2023.

A Public Hearing was held on May 8, 2023.

Read a second time this day of , 2023.

Read a third and final time this day of , 2023.

Tim Wilson
Mayor

Karen Fegan, *CLGM*
Chief Administrative Officer



VILLAGE OF DELBURNE

LAND USE BYLAW No.1190/2023

Adopted

VILLAGE OF DELBURNE
LAND USE BYLAW No. 1190/2023

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BYLAW NO. 1190/2023

BEING A BYLAW TO REGULATE AND CONTROL THE USE AND DEVELOPMENT OF LAND AND BUILDINGS IN THE VILLAGE OF DELBURNE

WHEREAS the *Municipal Government Act*, and amendments thereto, authorize the Council of a municipality to enact a *Land Use Bylaw* to prohibit or regulate and control the use and development of land and buildings within the municipality.

NOW THEREFORE the Council of the Village of Delburne in the Province of Alberta, enacts as follows:

PART 1: GENERAL

1.1 Short Title

This Bylaw may be cited as "The Village of Delburne Land Use Bylaw".

1.2 Purpose

The purpose of this Bylaw is to, amongst other things,

- (1) divide the municipality into Districts;
- (2) prescribe and regulate the use for each District;
- (3) establish the roles of the Development Authority;
- (4) establish a method of making decisions on applications for development permits including the issuing of development permits;
- (5) provide the manner in which notice of the issuance of a development permit is to be given; and
- (6) implement the statutory plans of the Village of Delburne.

1.3 Compliance with Other Legislation

- (1) Compliance with the requirements of this Land Use Bylaw does not exempt any person from
 - (a) the requirements of any federal, provincial or municipal legislation; and
 - (b) complying with any easement, covenant, agreement or contract affecting the development.

1.4 Sections Found Invalid

- (1) If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

1.5 Municipal Planning Commission

- (1) The Municipal Planning Commission is established by this Bylaw pursuant to the Municipal Government Act. The Municipal Planning Commission:
 - (a) is authorized to act as the Development Authority in those matters prescribed in this Bylaw and the Municipal Planning Commission Bylaw No. 799;
 - (b) shall issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Permitted Uses which the Development Officer refers to the Municipal Planning Commission; and
 - (c) shall issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Discretionary Uses which the Development Officer refers to the Municipal Planning Commission.
- (2) The Municipal Planning Commission may:
 - (a) direct the Development Officer to review, research or make recommendations on any other planning and development matter; and
 - (b) make recommendations to Council on planning and development matters.

1.5.1 Subdivision Authority

- (1) The Subdivision Authority is established by this Bylaw pursuant to the Municipal Government Act.
- (2) The Subdivision Authority shall exercise subdivision powers and duties on behalf of the Village.
- (3) Pursuant to the provisions of the Municipal Government Act, the Municipal Planning Commission of the Village of Delburne is the Subdivision Authority for the Village.
- (4) The signing authority for the Subdivision Authority shall be the Chairperson of the Municipal Planning Commission or his designate. In absence of the Chairperson of the Municipal Planning Commission, the Chief Administrative Officer shall be the signing authority of the Subdivision Authority.

1.6 Establishment of Development Officer

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

1.7 Authority and Responsibility of Development Officer

- (1) The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things
 - (a) receive and process all applications for development permits;
 - (b) review each development permit application to ascertain whether it is complete and in accordance with the information requirements of this Bylaw;
 - (c) review each development permit application to determine its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition or make application to amend this Land Use Bylaw;
 - (d) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Permitted Uses in the subject land use district;
 - (e) refer to the Municipal Planning Commission for its consideration any development permit application with respect to a Discretionary Use and such other matters as the Municipal Planning Commission may direct;
 - (f) provide notice of decisions on development permit applications in accordance with the notification requirements of this Land Use Bylaw;

- (g) keep a register of all applications for development, including the decisions thereon and the reasons therefore;
 - (h) prepare such forms and notices as they may deem necessary for the purpose of administering this Land Use Bylaw with such forms and notices having the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued; and
 - (i) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto.
- (2) The Development Officer may
 - (a) refer any application to an adjacent municipality or any other agency or land owner which in the Development Officer's opinion may provide relevant comments or advice respecting the application;
 - (b) at their discretion, refer to the Municipal Planning Commission for its consideration any development permit application with respect to a permitted use; and
 - (c) refer any other planning or development matter to the Municipal Planning Commission for its review, support or direction.
- (3) The Development Officer shall receive, determine whether the application is Complete, and process subdivision applications on behalf of, and make Recommendations to, the Subdivision Authority.
- (4) A subdivision application shall be made to the Development Officer on the prescribed form and shall be signed by the applicant or their agent.
- (5) In addition to the completed application form and application fee, the applicant shall provide such information in a format as may be required to the satisfaction of the Subdivision Authority.
- (6) A conditionally approved subdivision submitted for endorsement that has minor modifications to the approved plan may be authorized by the Development Officer provided:
 - (a) The number of parcels does not increase;
 - (b) Municipal, school, or environmental reserves are not compromised;
 - (c) Municipal roads and standards are not compromised;
 - (d) Such adjustments comply with municipal bylaws, except that minor changes To Land Use Bylaw standards may be included as provided for in Section 654(2) of the Act.

1.8 Establishment of Forms

- (1) For purposes of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.
- (2) Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

1.9 Establishment of Districts

- (1) For the purpose of this Land Use Bylaw, the Village of Delburne is divided into the following Districts:

Low Density Residential District	R1
Low Density Narrow Lot Residential District	R1-A
General Residential District	R2
Manufactured Home District	R3
Central Commercial District	C1
Highway Commercial District	C2
District Shopping Centre	C3
Industrial District	I
Public/Institutional District	P
Reserved for Future Development District	FD
Direct Control District	DC
Public Recreation District	PR

- (2) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A hereto. All roads, water courses and lakes are excluded from the Land Use Districts.
- (3) Where the location of District boundaries on the Land Use District Map is not clearly understood, the following rules shall apply:
 - (a) a boundary shown as approximately following a parcel boundary shall be deemed to follow the parcel boundary;
 - (b) a boundary which does not follow a parcel boundary shall be located by measurement of the Land Use District Map; and

- (c) a boundary location which cannot be satisfactorily resolved, shall be referred to Council for an official interpretation.

1.10 Repeal

- (1) Land Use Bylaw No. 1108 and all amendments thereto are hereby repealed.

1.11 Rules of Interpretation

- (1) Words used in the present tense include the other tenses and derivative forms. Words used in the singular include the plural and vice versa. Words used in the masculine gender shall also mean the feminine gender and the neutral. Words have the same meaning whether they are capitalized or not.
- (2) Words, phrases and terms not defined in this Land Use Bylaw may be given their definition in the *Municipal Government Act*, *Subdivision and Development Regulation* or the *Alberta Building Code*. Other words shall be given their usual and customary meaning.
- (3) The words “shall” and “must” require mandatory compliance except where a variance has been granted pursuant to this Land Use Bylaw.
- (4) Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more use definitions, the Development Authority may, using discretion, deem that the use conforms to and is included in that use class considered to be the most appropriate in character and purpose provided that the specific use is substantially similar in nature, character and impact as the other uses listed in the use class. In such case, the use shall be considered a discretionary use, whether or not the use class is listed as permitted or discretionary within the District.
- (5) Imperial equivalents are provided beside every metric value in this Land Use Bylaw for convenience. Such equivalents are rounded to the nearest whole number. The metric value is the actual standard to be used.

1.12 Definitions

In this Land Use Bylaw,

“accessory building” means a detached subordinate building, not used for human habitation, the use of which is naturally or customarily incidental and directly related to the principal building, site or use and is situated on the same parcel;

“accessory residential building” means an accessory building to a residence not used for human habitation, located on the same parcel as the principal residential building, and includes a garage, carport, workshop, garden shed or greenhouse;

“accessory use” means a subordinate use, other than human habitation, naturally or customarily incidental and directly related to the principle use and is located on the same parcel of land with such principal use;

“adjacent land” means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream;

“adult entertainment establishment” means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises;

“agricultural building” means a building used in connection with an agricultural operation but does not include a residence or any building that is part of a confined feeding operation which is subject to an approval, registration or authorization under the Agricultural Operation Practices Act and where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing;

“agricultural operation” means an agricultural activity, other than a confined feeding operation, conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward. An agricultural operation does not include a facility for growing, producing, packaging, storing or selling cannabis. An agricultural operation includes:

- (a) the cultivation of land,
- (b) the production of agricultural field crops,
- (c) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
- (d) the production of honey,
- (e) the operation of agricultural machinery and equipment, including irrigation pumps,

- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, and
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

"agricultural supply depot" means a facility for the purpose of supplying goods, products, and materials that support agricultural uses, whether retail, wholesale, or in bulk. Without limiting the generality of the foregoing, may include the handling, storage and sale of grain, seeds, feeds, or fertilizers but does not include the processing, purchase or sale of farm produce or livestock, seed and grain milling, cleaning and drying, or the sale, service, or rental of farm equipment;

"apartment" means a residential building consisting of at least three (3) dwelling units, but shall not include buildings containing units with separate exterior entrance ways;

"Appeal Board" shall mean the Subdivision and Development Appeal Board (SDAB);

"area redevelopment plan" means a plan adopted by the Council as an area redevelopment plan pursuant to the *Municipal Government Act*;

"area structure plan" means a plan adopted by the Council as an area structure plan pursuant to the *Municipal Government Act*;

"autobody repair" means an establishment for the painting, customizing, or structural repair of vehicles, but does not include a salvage yard or the storage of derelict vehicles.

"automotive repair" means an establishment for the general repair, rebuilding, or installation or replacement of parts or accessories of engines and vehicles, and may include undercoating, rustproofing, upholstery, or detailing, but does not include autobody repair.

"basement" means the habitable portion of a building which is situated partly below ground, but which has the top of the floor directly above it less than 1.85 m (6 ft.) above grade. If the top of the floor directly above it is 1.85 m (6 ft.) or more above grade, such "basement" shall be considered the first floor;

"bed and breakfast" means a single detached dwelling occupied by the property owner or the Bed and Breakfast (B & B) host as a primary residence, in which overnight accommodation, not exceeding 14 consecutive nights, is provided, with or without meals, for remuneration;

"boarding or rooming house" means a detached dwelling in which a proprietor supplies for a fee sleeping accommodations, with or without meals, for at least two (2) but not more than six (6) persons, exclusive of the proprietor's family, for not less than 14 consecutive nights;

"boundary" means the registered property line of a parcel;

- (a) **front boundary** means the boundary of a parcel adjacent to the street. In the case of a corner parcel, the front boundary is deemed to be the shorter of the two boundaries that are common with the streets (see sketch in section 5.7);
- (b) **rear boundary** means the boundary of the parcel lying opposite the front boundary (see sketch in section 5.7);
- (c) **side boundary** means the boundaries of the parcel connecting the front and rear boundaries (see sketch in section 5.7);

"building" includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge forming part of a highway or road;

"building demolition" means the pulling down, tearing down or razing of a building;

"building inspector" means the Safety Codes Officer employed by or appointed by the Village of Delburne;

"bus depot" means a facility providing for the arrival and departure of passengers and freight carried by bus;

"campground" means a parcel developed and maintained for the temporary accommodation of travelers, tourists and vacationers in tents or recreation vehicles;

"cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act (Canada)* and its regulations, as amended from time to time and includes edible products that contain cannabis;

"cannabis accessory" means cannabis accessory as defined in the *Cannabis Act (Canada)* and its regulations, as amended from time to time;

"cannabis retail sales" means a specialty retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold;

"cartage and freight terminal" means a facility accommodating the storage and distribution of freight shipped by air, rail or highway transportation;

"car wash" means a use where motor vehicles with a maximum length of 6.8 m (22.30 ft.) are washed;

"cellar" means a room or enclosed space that is located mainly underground and used for storage;

“cemetery” means a use of land or a building for the interment of the deceased;

“commercial recreation and entertainment facility” means a facility or establishment which provides for recreation or entertainment for a gain or a profit. It does not include adult entertainment facility or drinking establishment;

“commercial service facility” means a facility in which services are provided commercially to individuals, and without limiting the generality of the foregoing, may include

- (a) services related to the care and appearance of the body such as a massage business, beauty shop, tanning salon, or fitness center;
- (b) cleaning and repair of personal effects such as shoe repair, dry cleaning or laundering facility;
- (c) pet care services including the care of small animals such as a small animal veterinary clinic;
- (d) funeral home, financial or insurance services outlet, real estate agency, commercial school or day care facility;

“Commission” means the Municipal Planning Commission (MPC), established by Council pursuant to the *Municipal Government Act*;

“confined feeding operation” means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds;

“convenience store” means a commercial establishment with off-street parking established on the same site which serves the convenience shopping needs of the immediate neighbourhood;

“corner parcel” means and includes any lot which is adjacent to the intersection of two streets, the intersection of two lanes, or the intersection of a street and a lane (see sketch in section 5.7);

“Council” means the Council of the Village of Delburne;

“crematorium” means a facility with one or more cremation chambers used to reduce human bodies to ashes by heat, and where funeral services are not conducted;

“dangerous goods occupancy” means any occupancy where those products or substances which are regulated and defined by the *Dangerous Goods Transportation and Handling Act* and its Regulations, are unloaded, loaded, stored, processed, or otherwise handled in excess of the quantities identified under the Alberta Fire Code, with reference to Small Quantity Exemptions for Dangerous Goods, on a permanent or ongoing basis;

“day care facility” means a facility providing supervised childcare a regular basis for seven (7) or more children under the age of twelve (12), including the operator’s own children, for more than three (3) but less than twelve (12) consecutive hours in a day;

“day care facility, drop-in” means a facility providing only temporary supervised childcare for children under the age of twelve (12), such as for emergency care, occasional, casual, drop-in, or short term child care;

“deck” means an uncovered horizontal structure with a surface height greater than 0.6m (2.0 ft) above grade at any point, and intended for use as a private outdoor space;

“detached dwelling” means a residential building containing one (1) principal dwelling unit, which is physically separate from any other residential building, but does not include a manufactured or modular home;

“development” means,

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

“Development Authority” means the person or persons appointed by resolution of Council as Development Officer pursuant to the Land Use Bylaw, or the Municipal Planning Commission;

“Development Officer” means a person appointed as a Development Officer pursuant to this Land Use Bylaw;

“development permit” means a document authorizing a development issued pursuant to this Land Use Bylaw;

“discretionary use” means a use which may be compatible with other uses in the District that may be permitted by the Development Authority after due consideration is given on the impact of that use upon neighbouring land and other land in the Village and includes accessory and similar uses approved by the Development Authority;

“District” means a Land Use District established under this Bylaw as described in PART 7 and shown in Schedule A;

“district shopping centre” means a group of commercial establishments planned, owned, developed and managed as a unit with off-street parking established on the same site which serves the needs of the urban center and surrounding municipalities;

“drinking establishment (adult entertainment prohibited)” means an establishment, the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises, but does not permit or include adult entertainment. This drinking establishment includes any premises in respect of which a “Class A” Liquor License has been issued and where minors are prohibited by the terms of the license;

“drive-thru business” means an establishment with facilities for on-site service to customers who remain in their motor vehicles, but does not include a drive-in theatre;

“driveway” means a vehicle access route between the carriageway of a road and a use on a parcel;

“duplex” means a residential building consisting of two separate principal dwelling units only, each above grade and having exterior entrances;

“dwelling unit” means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate sanitary facilities intended as a permanent residence and having a separate entrance directly from the outside of the building or through a common area inside the building;

“dwelling unit for the occupancy of the owner, manager, or caretaker” means a dwelling unit that is accessory to commercial or industrial development on the parcel;

“eating establishment” means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and without limiting the generality of the foregoing, may include such uses as a restaurant, café, cafeteria, “take-out” counter, ice-cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand;

“eaveline” means the horizontal line that marks the intersection of the roof and the wall of a building;

“financial services” means the provision of services related to financial matters, including the deposit or lending of money, the sale of financial investments and the provision of financial planning services;

“floodplain” means the land adjacent to a lake, river or stream inundated by a one in one hundred year return flood as determined by Alberta Environmental Protection;

"floor area" means,

- (a) for residential buildings, the total area of all floors in a building measured from the outside of exterior walls including a basement, but excluding floor areas of cellars, attached garages, sheds, carports, or open porches in all residential building, or
- (b) for commercial buildings, the total floor area of all floors in a building measured from the outside of exterior walls including basements and cellars but excluding mall areas;

"fourplex" means a residential building containing four dwelling units, each unit comprising two floor levels and sharing a common party wall with two units;

"funeral home" means a business establishment where the bodies of the dead are prepared for burial or cremation, and where funeral services can be held; but does not include a crematorium;

"garage" means an accessory building or a portion of a dwelling which is designed and used by the residents of the dwelling for the storage, parking or maintenance of personal vehicles;

"garden center" means the use of land, buildings or structures, or parts thereof, for the growing of flowers, plants, shrubs, trees, and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies, but it does not include cannabis;

"gas bar" means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories, but does not include service stations or automotive repair establishments;

"golf course" means an area and accessory buildings and uses related to the playing of the game of golf without restricting the generality of the foregoing includes pro shop, club house, restaurant, licensed dining area or lounge, driving range and picnic area;

"government office" means a municipal office, court house, registry office, health and welfare centre, employment office, post office, or other office used for the purpose of local or other governmental administration;

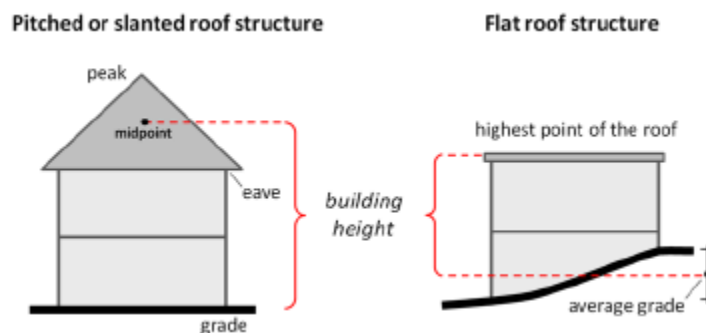
"grade" means for the purpose of regulating the height of a building, the average finished ground elevation adjoining the front of the principal building or for residential buildings with walkout basements, the average finished ground elevation adjoining the front and rear of the principal building;

"hard surface pad" means a pad constructed out of concrete or asphalt or paving stones having due regard to the load carrying capacity of the intended driveway, and may also mean two (2) full length strips of concrete or asphalt or paving stones for the wheel path area of a vehicle or trailer, the width of which shall be calculated as being measured from the outside edge of one strip to the outside edge of the other strip;

“health services” means a use where human health services are provided through diagnostic, therapeutic, preventative, or rehabilitative treatment without overnight stays for patients. Without limiting the generality of the foregoing, this use includes the offices of physicians, dentists, physiotherapy, chiropractic, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services;

“heavy manufacturing” means the manufacture of products, the process which generates fumes, gases, smokes, vapours, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land;

“height” means the vertical distance measured from grade to the peak of a building's roof. This does not include such features as mechanical penthouses, ventilation equipment or any other feature that the Development Authority determines is not essential to the enclosure of the building or load-bearing framework of the building;



“home occupation” means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, but does not include a Bed and Breakfast and does not include cannabis retail sales;

“hotel” means a commercial development used for the provision of temporary sleeping accommodation where the rooms/suites have access from an internal corridor and may be equipped with individual suite kitchen facilities and may include accessory eating and drinking establishments, meeting rooms, personal services shops and general retail shops;

“indoor merchandise sales” means the indoor sale or display of merchandise including indoor storage of merchandise in quantities limited to the needs of the outlet. This excludes Cannabis Retail Sales;

“interior parcel” means any parcel other than a corner parcel (see sketch in section 5.7);

“landscaped area” means an area made attractive by the use of grass, trees, shrubs, ornamental planting, fences, walls and associated earthworks, but does not include areas occupied by garbage containers, storage, parking lots or driveways;

- (a) **hard landscaping** means the use of non-vegetative materials, other than monolithic concrete, asphalt or gravel, as part of a landscaped area;
- (b) **soft landscaping** means the use of vegetative materials as part of a landscaped area;

"Land Use Bylaw" means Bylaw No. 1108, and amendments thereto;

"land use policies" means policies established by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*;

"lane" means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a Land Titles Office;

"length of a driveway" shall be measured from the property line to the closest point of the building;

"light industrial use" means the use of land, buildings or structures for the making of finished products or parts, usually from already prepared materials, and includes the processing, reconditioning, fabrication, assembly, treatment, packaging, storage, sales and distribution of such products or parts, but excludes conventional industrial uses;

"livestock" means poultry, horses, cattle, sheep, swine, goats, bison, fur-bearing animals raised in captivity and diversified livestock animals within the meaning of the *Livestock Industry Diversification Act*;

"low impact commercial use" means the conducting of "merchandise sales", the operation of an "office", or the provision of "personal services" and/or "commercial services" from a detached dwelling in a residential district, in a manner which, in the opinion of the Development Authority, does not adversely affect adjacent residential uses;

"manufactured home" means a residential building containing one dwelling unit built in a factory in one or more sections, suitable for long term occupancy designed to be transported on either its own wheels and chassis or other means to a suitable site, but does not include a modular home;

"manufactured home park" means a parcel comprehensively designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of manufactured homes on a long-term lease or rental basis;

"manufactured home subdivision" means an area subdivided into parcels intended for the placement of an individual manufactured home on each parcel;

"market" means a use where individual vendors operating from defined areas offer goods for sale directly to the public such as food products, produce, craft articles, second-hand goods and antiques. This excludes cannabis and Cannabis Retail Sales;

“modular home” means a factory built residential building which does not have an integral frame and which is incapable of being towed, but which must otherwise be transported to a site for placement on a permanent foundation and which appears indistinguishable in design and finish from a stick-built house, but does not include a manufactured home;

“motel” means a commercial development used for the provision of temporary sleeping accommodation where each room/suite has its own exterior access and may include accessory eating and drinking establishments and general retail shops;

“multiple housing development” means two or more buildings containing dwelling units, located on a parcel of land, where all the buildings, recreation areas, vehicular areas, landscaping and other features have been planned as an integrated development;

“municipality” means the Village of Delburne;

“Municipal Development Plan” means a plan adopted by Council as a municipal development plan pursuant to the *Municipal Government Act*;

“Municipal Government Act (MGA)” means the *Municipal Government Act*, S.A. 2000, c. M-26, as amended;

“Municipal Planning Commission” means a Municipal Planning Commission established pursuant to the *Municipal Government Act*;

“non-conforming building” means a building

- (a) that is lawfully constructed or lawfully under construction at the a land use bylaw affecting the building or land on which the building is situated becomes effective; and
- (b) that on the date a land use bylaw becomes effective does not, or when constructed will not, comply with the Land Use Bylaw;

“non-conforming use” means a lawful specific use

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a Land Use Bylaw affecting the land or building becomes effective; and
- (b) that on the date a Land Use Bylaw becomes effective does not, or in the case of a building under construction will not, comply with this Land Use Bylaw;

“office” means a use where government, professional, business, consulting, or administrative services are provided;

“open storage yard” means land that is used for the storage of products, goods, or equipment;

“outdoor display area” means an accessory use for the outdoor display of goods, products, materials or equipment intended and permitted to be sold or rented on a site;

“outdoor storage area” means an accessory use for the outdoor storage of equipment and materials associated with the day to day operations or sales of a business;

“owner” means the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land, or in respect of any property other than land, the person is in lawful possession of it;

“parcel” means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in a Land Titles Office;

“parcel area” means the total area within the property lines of a parcel of land;

“parcel coverage” means the percentage of parcel area covered by buildings and structures above established grade, but does not include steps, eaves, cornices or similar projections permitted in this bylaw;

“parcel of land” means

- (a) where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office;
- (b) where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks;
- (c) a quarter section of land according to the system of surveys under the *Surveys Act* or any other area of land described on a Certificate of Title;

“park” means an area of public land that is developed for active and/or passive outdoor recreation use;

“parking facility” means an area or areas of land or a building or part thereof which is provided for the parking of motor vehicles;

“permanent foundation” means,

- (a) a foundation meeting the current Alberta Building Code standard for permanent foundations; or
- (b) an engineer approved wood foundation; or
- (c) a poured concrete basement; or
- (d) a concrete block foundation;

“permitted use” means a use which is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms with this Land Use Bylaw;

“personal services” means the provision of a service to individuals on a commercial basis and includes, but is not limited to photographers, travel agents, beauty salons, the cleaning or altering of personal wardrobes, massage therapy clinics, and fitness centres, and may include retail sales of related goods as an ancillary use;

“pet care service” means a use where domestic animals are washed and groomed and may include the ancillary sale of products related to the service provided;

“playgrounds” means an area developed for active play using fixed equipment;

“porch” means an unenclosed, covered structure forming an entry to a building;

“principal building” means a building which,

- (a) occupies the major or central portion of a site,
- (b) is the chief or main one amongst the buildings on a site, or
- (c) constitutes, by reason of its own use, the primary purpose for which the site is used;

“principal use” means the primary purpose for which land, building, or other is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Land Use Bylaw;

“public use” means the use of land or a building for purposes of public administration and service, and without limiting the generality of the foregoing, may include libraries, museums, auditoriums, kindergartens, schools, colleges, places of worship or assembly, hospitals, private clubs, and facilities for government, fire, police protection, justice, institutional housing, and related services;

“public utility” means a public utility as defined in Part 17 of the *Municipal Government Act*;

“public utility building” means a building in which the proprietor of a public utility

- (a) maintains its offices; or
- (b) maintains or houses equipment used in connection with the public utility;

“quasi-public use” means a facility or use which is essentially public (as in services rendered) such as emergency shelters or food banks although the facility may be under private ownership or control;

“recreation facilities” means a public building or grounds for community entertainment, relaxation, social activity and other leisure needs;

“recreational vehicle” means a portable structure designed to provide temporary living quarters that is either carried on or pulled by a vehicle, or a vehicle that is designed to provide temporary living quarters to be used for travel, recreation, leisure or vacation purposes, including, but not limited to, travel trailers, truck campers, fifth wheel trailers, motor homes, and tent trailers;

“recycle drop-off” means an area of land where the materials such as newsprint, cardboard or other paper products, household plastics including containers, metal cans and glass containers are deposited by the public into a container that is labelled for the purpose of recycling materials and where no attendants are located on the site except when the recycling containers are being serviced;

“recycle yard” means an area of land where used material, such as paper, cardboard, tin cans, plastics, is collected for the purpose of shipment to others who will use those materials to manufacture new products;

“repair services” means the restoration and maintenance of objects, which are compatible with other uses in the District;

“residential building” means a building which is designed or used exclusively for one or more dwelling units;

“retail commercial use” means the sale of commodities or goods to individual consumers for personal use rather than for resale and, without limiting the generality of the foregoing, may include stores engaged in the sale of second-hand articles, furniture, appliances and tools, art and craft supplies, books, clothing, recreation or sporting goods, drug stores, florists, and video rental stores, but shall not include a specialty food store;

“road” means land,

- (a) shown as a road on a plan of survey that has been filed or registered in Land Titles Office, or
- (b) used as a public road; and

- (c) includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a Highway;

“row housing” means a group of three or more dwelling units, each separated by a common or party wall and having a separate front and rear access to the outside grade;

“sales, service, & rental outlet” means

- (a) ***automotive sales, service, & rental*** means a building, structure or premise where motor vehicles are stored or displayed for the purpose of sale or lease and where such vehicles may be picked up and dropped off, and may include the servicing, repair and ancillary sale of vehicle parts or accessories;
- (b) ***farm equipment sales, service, & rental*** means a use where farm equipment and vehicles are rented and/or sold to the public, and may include the accessory sale of related supplies and maintenance activities;
- (c) ***heavy equipment sales, service, & rental*** means a use where large construction or industrial equipment and vehicles are rented and/or sold to the public including terra forming vehicles such as excavators, backhoes, and bulldozers, farm and forestry equipment and other apparatus of similar size and function and includes maintenance activities;
- (d) ***light equipment sales, service, & rental*** means a use where light residential, commercial and industrial equipment is rented and/or sold to the public and includes portable and/or mobile tools and machines such as power tools, construction, trades, lawn and garden equipment and other goods of similar size and function. The use includes maintenance activities and all activities associated with the use taking place within a building;
- (e) ***recreational vehicle sales, service, & rental*** means a building, structure or premise where recreational vehicles such as a travel trailer, motorized camper or tent trailer, are stored or displayed for the purpose of sale or lease and where such vehicles may be picked up and dropped off, and may include the servicing, repair and ancillary sale of vehicle parts or accessories;
- (f) ***seasonal vehicle sales, service, & rental*** means a use where seasonal motor vehicles such as motorcycles, snowmobiles, ATVs or watercraft are sold or leased to the public and may include the servicing, repair and ancillary sale of vehicle parts or accessories;

“salvage yard/scrap metal dealer” means land and buildings that are used for the storage, wrecking, dismantling, refurbishing or handling of old or wrecked cars, trucks, farm vehicles, equipment, and other scrap metal for the purpose of recycling their components, including the retail sale of salvaged items and administrative functions associated with the use;

“screen” means a fence, berm, hedge, wall, or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas;

“secondary suite” means a separate and subordinate dwelling unit contained within a detached dwelling;

“self-service storage facility” means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods;

“service station” means an establishment where fuel, oils, antifreeze, tires, spark plugs, batteries, and other accessories for motor vehicles are for sale, or where motor vehicles may be oiled, tires inflated or batteries changed, or where only minor servicing or repairs essential to the actual operation of motor vehicles are executed or performed, but does not include autobody repair or automotive repair;

“setback” means the measurable distance that a development is to be separated from a property line or any other features specified by this bylaw.;

“sight triangle” means an area at the intersection of roads or roads and railways in which all buildings, fences, vegetation and finished ground elevations shall be less than 0.5 m (1.64 ft) in height above the average elevation of the carriageways/rails, in order that vehicle operations may see approaching vehicles in time to avoid collision;

“sign” means a device or structure erected or placed for the purpose of providing advertisement, announcement, direction or information on such things as a development, business, product, service, location, event or person;

“social care residence” means a building or portion of a building where two or more occupants are living on a temporary, short, or long-term basis who, because of their circumstances, cannot or do not wish to maintain their own households, are provided with meal services and may be provided with specialized care in the form of supervisory, counselling, personal care assistance, or homemaking services;

“soft sided building” means any temporary building that is faced or finished, on any portion of the building exterior with flexible sheeting capable of being rolled or folded;

“solar energy device” means structures and accessories designed to convert solar radiation into electrical or thermal energy;

“solid waste transfer station” means a facility for the collection and temporary holding of solid waste in a storage container;

“specialty food store” means a retail store primarily devoted to the sale of specialized foods and, without limiting the generality of the foregoing, includes stores such as a grocery store, butcher shop, a bakery, a fruit or vegetable store, a chocolate or candy store, an ice cream store, a frozen meat store or a store for the sale of cultural foods, but shall not include a supermarket;

“statutory plan” means a General Municipal Plan, Municipal Development Plan, Intermunicipal Development Plan, an area structure plan or an area redevelopment plan adopted by a bylaw of the municipality, or any one or more of them;

“street” means any category of road except a lane;

“structural alterations” means altering the main building components which support a building;

“structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground but does not include pavements, curbs, walks, or open air surfaced areas;

“Subdivision and Development Appeal Board” means the board established pursuant to the *Municipal Government Act*;

“Subdivision and Development Regulation” means the *Subdivision and Development Regulation* (AR 212/95), as amended;

“temporary building” means a building constructed without any foundation, and the use or placement of which is intended to be for periods of time that are less than six (6) months;

“towing service” means a use where trucks are dispatched to transport disabled vehicles and includes the secure outdoor storage of towed vehicles;

“use” means a permitted use or a discretionary use;

“utilities” means public utilities as defined in the *Municipal Government Act* with the exception of waste management;

“veterinary clinic” means a facility for the medical care and treatment of animals, and includes provisions for keeping of animals overnight, but does not include outdoor pens, runs or enclosures;

“warehouse” means a facility for the indoor storage of goods and merchandise and may include offices related to the administration of the warehouse facility and/or the retail sale of goods stored in the warehouse as accessory uses;

“wind energy device” means a structure designed to convert wind energy into mechanical or electrical energy;

“yard” means an open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein;

- (a) **front yard** means a yard extending across the full width of a parcel measured perpendicularly from the front boundary of a parcel to the nearest wall or supporting member of a principal building (see sketch in section 5.7);
- (b) **rear yard** means a yard extending across the full width of a parcel measured perpendicularly from the rear property boundary of the parcel to the nearest wall or supporting member of a principal building (see sketch in section 5.7);
- (c) **side yard** means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the nearest wall or supporting member of a principal building (see sketch in section 5.7).

All other words and expressions have the meaning respectively assigned to them in Part 17 of the *Municipal Government Act* and the *Subdivision and Development Regulation*.

PART 2: ADMINISTRATION & DEVELOPMENT PERMITS

2.1 Purpose of Development Permits

- (1) Development permits are required to ensure that all development is achieved in an orderly manner.
- (2) No development other than that specified in Section 2.2 shall be undertaken within the Municipality unless the development conforms to this Bylaw and a development permit has been issued.

2.2 Development Not Requiring a Development Permit

All development undertaken in the municipality requires an approved development permit prior to commencement, except:

- (1) the carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;
- (2) the completion of any development which has lawfully commenced before the passage of this Land Use Bylaw or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within twelve (12) months of the date of commencement;
- (3) the use of any such development as is referred to in subsection (2) for the purpose of which development was commenced;

- (4) the erection or construction of gates, fences, walls or other means of enclosure less than 1.0 m (3.3 ft) in height in front yards and less than 2.0 m (6.6 ft) in other yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure;
- (5) a temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use Bylaw;
- (6) a temporary use of a parcel for the sole purpose of mobile commercial sales (e.g. fish trucks, fruit trucks, etc.), providing a business license is obtained from the municipality and the location and length of operation of the business is to the satisfaction of the Development Authority;
- (7) the installation, maintenance and repair of utilities;
- (8) any development carried out by or on behalf of the Crown but not including that carried out by or on behalf of a Crown Corporation;
- (9) any development carried out by or on behalf of the municipality provided that such development complies with all applicable provisions of this Land Use Bylaw;
- (10) one accessory building used as a garden or tool shed on a residential parcel provided that the building does not exceed 9.5 m² (102.3 sq ft) in floor area and 2.5 m (8.2 ft) in height;
- (11) the demolition of a building less than 56.0 m² (602.8 sq ft);
- (12) development specified in the *Municipal Government Act*, which includes:
 - (a) a highway or road,
 - (b) a well or battery within the meaning of the *Oil and Gas Conservation Act*,
 - (c) a pipeline or an installation or structure incidental to the operation of a pipeline, or
 - (d) any other action, person, or thing specified by the Lieutenant Governor in Council by regulation;
- (13) one satellite dish antenna, less than 1.0 m (3.3 ft) in diameter, per parcel provided it is suited to the satisfaction of the Development Officer;
- (14) a flag attached to a single upright flagpole.

2.3 Development Permit Application

- (1) An application for a development permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:
 - (a) a scaled site plan in duplicate showing
 - (i) the treatment of landscaped areas if required;
 - (ii) the legal description and surveyed dimensions of the parcel, the front, rear, and side yards of existing and proposed buildings;
 - (iii) site parking layout, with dimensions, including existing and proposed onsite and off-site parking and loading;
 - (iv) access and egress points to the parcel, and abutting roads;
 - (v) location of all registered utility easements and right-of-ways;
 - (vi) proposed improvements to all portions of the site including loading facilities, parking, fences, retaining walls, storage areas, and garbage facilities;
 - (b) scaled floor plans, elevations and sections in duplicate;
 - (c) a statement of existing and proposed uses;
 - (d) a copy of the Certificate of Title to the land and, if the applicant is not the owner, a statement of the applicant's interest in the land together with the written consent of the owner to the application;
 - (e) the estimated commencement and completion dates;
 - (f) the estimated cost of the project or contract price;
 - (g) all sign locations and designs, if any, for sign application requirements refer to PART 6; and
 - (h) such other plans and information as the Authority may consider necessary to properly evaluate the proposed development.
- (2) The Development Officer may refuse to accept an application for a development permit where the information required by subsection (1) has not been supplied or where, in the opinion of the Development Officer, the quality of the material supplied is inadequate to properly evaluate the application.
- (3) The Development Officer may deal with an application and make a decision without all of the information required by subsection (1), if it is the opinion of the Development Officer that a decision on the application can be properly made without such information.

- (4) Each application for a development permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time by resolution of Council.

2.4 Decisions on Permitted Uses

- (1) For a **permitted use** in any District other than a Direct Control District, the Development Authority shall approve an application for a development permit for a permitted use if the application conforms to the requirements of the Land Use Bylaw, the *Act* and the *Subdivision and Development Regulation* and statutory plans, and the Development Authority may attach conditions to the permit necessary to ensure any of the following:
- (a) arrangements satisfactory to the Development Authority for the supply of utilities including, but not limited to, water, electric power, sanitary sewer, storm sewer, natural gas, cable, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (b) arrangements satisfactory to the Development Authority for vehicular and pedestrian access from public roads and trails, on-site vehicular and pedestrian circulation, parking, loading, landscaping or drainage, or any one or more of these matters, including payment of the costs of installation or constructing any such facility by the applicant;
 - (c) that the applicant enters into a development agreement or an interim agreement, which shall form part of such development permit and may be required to be registered by caveat against title to the site at the Land Titles Office, to do any or all of the following:
 - (i) to construct or pay for the construction of a road required to give access to the development;
 - (ii) to construct, or pay for the construction of:
 - 1. a pedestrian walkway system to serve the development, or
 - 2. pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - (iii) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
 - (iv) to construct or pay for the construction of:
 - 1. off-street or other parking facilities; and
 - 2. loading and unloading facilities;

- (d) that the applicant pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the *Municipal Government Act*;
 - (e) that the applicant provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site;
 - (f) that the applicant provides and causes to be registered on the applicable titles any easements, right-of-way agreements, encroachment agreements or restrictive covenants which in the opinion of the Development Authority are required; and
 - (g) that the applicant provide a real property report to the satisfaction of the Development Authority.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the *Municipal Government Act* and the *Subdivision and Development Regulation* and statutory plans, the Development Authority:
- (a) may refuse the application giving reasons for the refusal; or
 - (b) may approve the application subject to conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the *Municipal Government Act* and the *Subdivision and Development Regulation* and statutory plans; or
 - (c) may approve the application pursuant to Section 2.6 and subject to those conditions listed in subsection (1).

2.5 Decisions on Discretionary Uses

- (1) For a **discretionary use** in any District other than a Direct Control District, the Development Authority may approve an application for a discretionary use with or without conditions, based on the merits of the proposed development including its relationship to any approved statutory plan, non-statutory plan or approved policy affecting the site, subject to the following conditions:
- (a) conditions listed in subsection 2.4(1); and
 - (b) any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighborhood and the use, enjoyment and value of neighboring parcels of land, including, but not limited to, the following:
 - (i) limiting the time of operation including hours of the day, days of the week, and parts of the year;

- (ii) limiting the number of patrons;
 - (iii) requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development;
 - (iv) regarding the location, character and appearance of buildings;
 - (v) regarding the grading of the site or such other matters as are necessary to protect the site from other developments or to protect other developments from the site; and
 - (vi) establishing the period of time for which a development permit is valid.
- (2) The Development Authority, in its discretion, may refuse an application for a discretionary use permit giving reasons for its refusal.

2.6 Granting Relaxations

- (1) The Development Authority may approve, with or without conditions, an application for development that does not comply with this Bylaw if, in the opinion of the Development Authority:
 - (a) the proposed development conforms with the use prescribed for that land or building in this Land Use Bylaw; and
 - (b) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.
- (2) In approving an application for development pursuant to subsection (1) the Development Authority shall adhere to the following:
 - (a) except as otherwise provided in this Bylaw, there shall be no variance on density regulations;
 - (b) except as otherwise provided in this Bylaw, where the decision on an application is being made by the Development Officer a variance shall not be granted for less than ninety percent (90%) of any minimum regulation or more than one hundred and ten percent (110%) of any maximum regulation;
 - (c) have regard to the purpose and intent of the District and the nature of developments on adjacent properties; and

- (d) where the issuance of a development permit involves the exercise of any specified discretion of the Development Authority to relax a regulation of a District or any other regulation of this Bylaw, the Development Authority shall not permit any additional variance from that regulation.
- (3) In the event that a relaxation is granted, the nature of the approved relaxation shall be specifically described in the development permit approval.
- (4) Any relaxation granted by the Development Authority may be subject to an appeal in accordance with Section 2.11.

2.7 Notification of Decision

- (1) 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.
- (2) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- (3) When an application for a permitted use is approved with or without conditions, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:
 - (a) mail a notice of the decision to all persons that the Development Officer considers may be affected; or
 - (b) post a notice of the decision conspicuously on the property for which the application has been made; or
 - (c) publish in a newspaper circulating in the municipality a notice of the decision; or
 - (d) display a notice of the decision in a publicly accessible area of the Village Office.
- (4) The date of notice of decision is deemed to have been given on the date (whichever is the later) the notice is issued in accordance with this section.
- (5) When an application for a discretionary use or a permitted use where a relaxation has been granted is approved with or without conditions, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms listed in subsection 2.7(3).

2.8 Effective Date of a Development Permit

- (1) A development permit shall not become effective until twentyone (21) days after the date on which notice of issuance of the permit is given under subsections 2.7(3)(b), (c) or (d) or 28 days after the date on which notice of issuance of the permit is given, if such notice is given under subsection 2.7(3)(a) by ordinary mail, whichever last occurs.
- (2) Any development proceeded with by the applicant prior to the effective date described in subsection (1) is done solely at the risk of the applicant.
- (3) Where an appeal is made pursuant to the *Municipal Government Act*, a development permit shall not become effective until the appeal has been heard and a decision rendered, whereby the original decision of the Development Authority may be modified or nullified.

2.9 Cancellation or Expiry of a Development Permit

- (1) If the development authorized by a permit is not commenced within twelve (12) months from the date of its issue, or the date of decision of the Subdivision and Development Appeal Board upon appeal nor carried out with reasonable diligence as determined by the Development Authority, the permit ceases to be effective, unless an extension to this period, being no longer than an additional twelve (12) months, has previously been granted by the Development Authority.
- (2) A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Officer considers to be an unsightly or unsafe condition.
- (3) The Development Authority may cancel a development permit if
 - (a) the permit was issued in error;
 - (b) a contravention of the conditions of the development approval takes place;
or
 - (c) the permit was issued on the basis of incorrect information.

2.10 Resubmission Interval

- (1) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal to the Subdivision and Development Appeal Board the submission of another application for a permit on the same parcel and for the same or similar use of land by the same or any other applicant may not be accepted by the Development Authority for at least six (6) months after the date of the final decision unless in the opinion of the Development Authority the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

2.11 Development Permit Appeals

- (1) An appeal may be made to the Subdivision and Development Appeal Board
 - (a) By the applicant, where the Development Authority
 - (i) refuses or fails to issue a development permit; or
 - (ii) issues a development permit subject to conditions; or
 - (iii) issues an order under the *Municipal Government Act*; or
 - (iv) fails to make a decision with respect to an application within forty (40) days of receipt of an application or within such longer period as the applicant may have approved in writing.
 - (b) Or by any person claiming to be affected by an order, decision or development permit made or issued by a Development Authority.
- (2) No appeal lies in respect of the issuance of a development permit for a Permitted Use unless the provisions of this Land Use Bylaw were relaxed, varied, or misinterpreted.
- (3) An appeal to the SDAB is commenced by filing a written notice of the appeal, containing reasons, with the SDAB within fourteen (14) consecutive days,
 - (a) in the case of an appeal made by a person referred to in subsection 2.11(1)(a) after
 - (i) the date on which the person receives notice of the order or decision or the issuance of the development permit; or
 - (ii) if no decision is made with respect to the application within the 40-day period or within any extension of this time limit referred to under subsection 2.11(1)(a)(iv), the date the period or extension expires; or

- (b) in the case of an appeal made by a person referred to in subsection 2.11(1)(b), after the date on which the notice of the issuance of the permit was received or posted.
- (4) The Subdivision and Development Appeal Board must hold an appeal hearing within thirty (30) days after receipt of a notice of appeal in accordance with the *Municipal Government Act*.

2.12 Professional Fees, Charges, Costs

- (1) All costs incurred by the Municipality for technical or external review or processing of a planning application (or proposed statutory plan or amendment, or land use bylaw amendment) and related matters shall be paid by the applicant/developer. Such costs shall include, but are not limited to, all legal, planning, and engineering costs for:
 - (a) public hearing/meeting attendance or preparation;
 - (b) inspections or material testing;
 - (c) preparation or review of drawings or plans (e.g. area structure, outline, concept, or engineering plans);
 - (d) preparation, implementation, or enforcement of development agreements;
 - (e) review of proposed amendments to the Municipality's municipal development plan, other statutory plans, or land use bylaw (including redistricting); and
 - (f) review and processing of subdivision or development applications (including the registration of plans or documents with land titles),

all of which costs shall be the responsibility of the applicant/developer whether or not the agreement, application, or plans are ultimately used or executed.

- (2) Where Council has not established a particular fee or charge amount for such costs, administration shall develop and apply a method of calculation for the fees or charge based upon full cost recovery.
- (3) The costs described herein may be recovered under a development agreement entered into as a condition of a development permit or subdivision approval, or may be otherwise collected as incurred by the municipality.

PART 3: CONTRAVENTION, OFFENCES & PENALTIES

3.1 Contravention and Enforcement

- (1) If the Development Authority finds that a development, land use or use of a building is not in conformity with
- (a) the Land Use Bylaw, Part 17 of the *Municipal Government Act* or *Subdivision and Development Regulation*, or
 - (b) a development permit or subdivision approval,

the Development Authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to

- (c) stop the development or use of the land or building in whole or in part as directed by the notice;
- (d) demolish, remove or replace the development; or
- (e) carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, Part 17 of the *Municipal Government Act* or *Subdivision and Development Regulation*, a development permit or subdivision approval;

and in such order establish a time for reasonable compliance with such order.

- (2) Any person who receives an order under subsection (1) may appeal to the Subdivision and Development Appeal Board pursuant to Section 2.11 of this Land Use Bylaw.
- (3) The Development Authority may register a caveat under the *Land Titles Act* in respect of an order referred to in subsection (1) against the certificate of title for the land that is the subject of the order. A caveat registered under this subsection must be discharged once the order has been complied with.
- (4) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Council may seek a court order from the Court of Queen's Bench for any or all of the following:

- (a) a declaration that the person who received an order is in breach of the Land Use Bylaw, an order issued under the Land Use Bylaw and/or the Subdivision and Development Appeal Board's decision relating to an appeal of an order,
 - (b) an injunction ordering the person who received an order referred to in subsection (1) to comply with the Land Use Bylaw within a certain period of time,
 - (c) an order providing that, if compliance has not been achieved within the period stated in the court order, that the Council or persons appointed by it has the right to enter upon the land and building and take steps necessary to achieve compliance with the Land Use Bylaw,
 - (d) an order that legal costs and the costs to achieve compliance incurred by the municipality can be added to the tax roll for the land that is the subject of the court order,
 - (e) a provision that the court order may be registered against the certificate of title for the land that is the subject of the court order and discharged only on full compliance with the court order.
- (5) Where a person fails or refuses to comply with an order directed to him/her under subsection (1) or an order of the Subdivision and Development Appeal Board under the *Municipal Government Act* within the time specified, the Council or persons appointed by it may, in accordance with the *Municipal Government Act*, enter upon the land or building and take such action as is necessary to carry out the order.
- (6) For the purpose of entering and inspecting land or buildings as described in the *Municipal Government Act*, the Development Officer and any other persons appointed by Council, are hereby declared to be a "Designated Officer".

3.2 Offences and Penalties

- (1) A person who contravenes or does not comply with
- (a) the Land Use Bylaw,
 - (b) Part 17 of the *Municipal Government Act*,
 - (c) the *Subdivision and Development Regulation*,
 - (d) an order under subsection 3.1(1) of this Bylaw,
 - (e) a development permit or subdivision approval, or a condition therein,
 - (f) a decision of the Subdivision and Development Appeal Board, or

- (g) who obstructs or hinders any person in the exercise or performance of his powers or duties under this Land Use Bylaw,

is guilty of an offence.

- (2) A person who is guilty of an offence referred to in subsection (1) shall be liable to a penalty in the amount specified in Schedule B of this Bylaw, or in the case of an offence for which there is no specified penalty in Schedule B to a fine of not less than \$250.00 and not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) An issued penalty for contravention of subsection (1), shall be paid within sixty (60) days from the date of issue to the Village in the amount set out for the offence in Schedule B. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution of the same offence.
- (4) Where a person fails to pay a penalty issued for contravention of subsection (1) within sixty (60) days from the date of issue, Council may add that penalty amount owing by the owner of the parcel of land to the tax roll or to the tax roll of the parcel of land where the contravention occurred.
- (5) Where a contravention or offence is of a continuing nature, the Designated Officer may further issue a penalty of not less than \$500.00 and not more than \$2,500.00 for each day the offence continues.
- (6) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within twelve (12) months after the date of the occurrence of the first offence under that section of this Bylaw the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in Schedule B.
- (7) Where a person is found guilty of an offence under this Land Use Bylaw, the court may in addition to any other penalty imposed, order the person to comply with the Land Use Bylaw, or a development permit or condition attached thereto.
- (8) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw or the *Municipal Government Act*.

PART 4: AMENDING THE LAND USE BYLAW

4.1 Amendment of the Land Use Bylaw

- (1) The Council on its own initiative may give first reading to a bylaw to amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:
 - (a) a statement of the specific amendment requested;
 - (b) the purpose and reasons for the application;
 - (c) if the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;
 - (d) a statement of the applicant's interest in the lands; and
 - (e) an application fee, the amount of which shall be determined from time to time by resolution of Council.
- (3) If the amendment is for redesignation of land, the Development Officer may require:
 - (a) an outline plan for the area to be redesignated, to the level of detail specified by the Development Officer; and
 - (b) payment of a fee equal to the costs incurred by the Village to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline plan.
- (4) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Authority shall initiate or undertake an investigation and analysis of the potential impacts of development resulting from or allowed as a result of the proposed amendment. The analysis shall be based on the full development potential of the proposed amendment and not on the merits of any particular development proposal. The analysis 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 statutory plans or outline plans in preparation;

- (c) compatibility with surrounding development in terms of land use function and scale of development;
 - (d) traffic impacts;
 - (e) relationship to, or impacts on, services such as water and sewage systems, and other public utilities and facilities such as recreation facilities and schools;
 - (f) relationship to municipal land, right-of-way or easement requirements;
 - (g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - (h) necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant; and
 - (i) relationship to the documented concerns and opinions of area residents regarding development implications.
- (5) Upon receipt of an application for amendment to this Land Use Bylaw, the Development Authority shall determine when the application will be placed before the Council and shall issue not less than five (5) days' notice to the applicant advising that he/she may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within sixty (60) days of its receipt by the Development Authority.
- (6) Council, in considering an application for an amendment to this Land Use Bylaw, 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 conditions or 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, with or without conditions.
- (7) Following first reading of an amending bylaw, the Council shall
- (a) establish the date, time and place for a public hearing on the proposed bylaw;

- (b) outline the procedures to be followed by anyone wishing to be heard at the public hearing; and
 - (c) outline the procedure by which the public hearing will be conducted.
- (8) Following first reading of an amending bylaw, the Development Authority must give notice of the public hearing by:
 - (a) publishing notice at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates; or
 - (b) mailing or delivering notice to every residence in the area to which the proposed bylaw relates.
- (9) A notice of a public hearing must be advertised at least five (5) days before the public hearing occurs.
- (10) 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.
- (11) In the case of an amendment to change the District designation of a parcel of land, the Development Officer must, in addition to the requirements of subsections (7) through (10),
 - (a) include in the 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 clause (a) and subsection (7) to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality; and
 - (c) give written notice containing the information described in clause (a) and subsection (7) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

- (12) If the land referred to in subsection (11)(c) is in the County of Red Deer, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of Red Deer County.
- (13) Notwithstanding subsections (7) and (8), the Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical, or typographical errors and does not materially affect the Land Use Bylaw in principle or substance.
- (14) In the public hearing, the Council
 - (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by the Council; and
 - (b) may hear any other person who wishes to make representations and whom the Council agrees to hear.
- (15) After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, the Council may,
 - (a) pass the bylaw;
 - (b) refer 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.
- (16) 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 that initiated the application for amendment.
- (17) After third reading of the proposed bylaw, the Development Officer shall send a copy of it to
 - (a) the applicant;
 - (b) the registered owner of the land if not the applicant;
 - (c) an approved municipal planning services provider; and
 - (d) Red Deer County, if it received a copy of the proposed bylaw pursuant to subsection (12).

- (18) In this section,
- (a) “**adjacent land**” means land that is contiguous to the parcel of land that is being redesignated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream; and
 - (ii) any additional land identified by the Development Officer; and
 - (b) “**owner**” means the person shown as the owner of land on the assessment roll prepared pursuant to the *Municipal Government Act*.
- (19) The Development Officer shall not accept an application for an amendment which is identical or similar to an application which was refused by the Council, for a period of three (3) months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

PART 5: SUPPLEMENTARY REGULATIONS

BUILDINGS

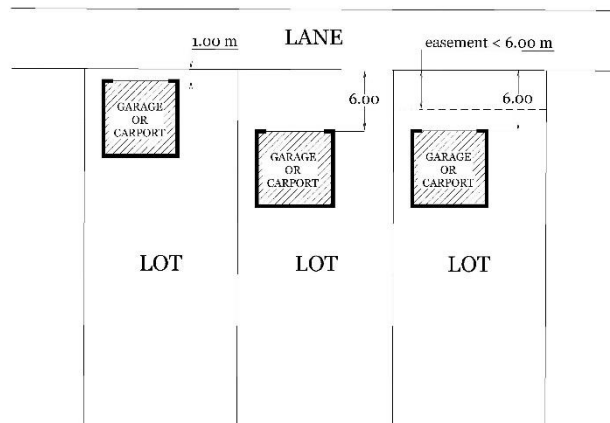
5.1 Accessory Buildings

- (1) All Districts
- (a) No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel.
 - (b) An accessory building on an interior parcel shall be situated so that the exterior wall is at least 1.0 m (3.3 ft) from the side and rear boundaries of the parcel.
 - (c) An accessory building on a corner parcel shall not be situated closer to the street than the main building. It shall not be closer than 1.0 m (3.3 ft) to the other side parcel boundary or the rear parcel boundary.
 - (d) Notwithstanding subsection (b), an accessory building or any portion thereof may be erected or placed on the rear or side boundary common to two parcels provided the accessory building serves the two abutting parcels.
 - (e) An accessory building must not be used for human habitation.

- (f) No part of an accessory building shall, except eaves, gutters, signs or canopies which are subject of an encroachment agreement, shall project into a public or private right-of-way.

(2) Residential Districts

- (a) An accessory building shall not be more than 4.5 m (14.8 ft) in height, and shall not exceed the height of the main building.
- (b) Accessory buildings shall not individually exceed 70.0 m² (753.5 sq ft).
- (c) The maximum number of accessory buildings on a lot shall exceed two (2).
- (d) The combined floor area of all accessory buildings on a lot shall not exceed the area of the principal building.
- (e) A private garage or carport, in addition to the other provision of this bylaw shall comply with the following:
- (i) Where the vehicle entrance to the garage or carport faces a lane, the building setback shall be either 6.0 m (19.7 ft) or 1.0 m (3.3 ft) from the lane, except those cases where an easement has been placed along the rear property line, in which event the building setback shall be either no less than 6.0 m (19.7 ft) or the width of the easement plus 0.5 m (1.6 ft) from the lane.



- (ii) Where the vehicle entrance to the garage or carport faces the boundary of the site which is not a common boundary with a street, the building shall be not less than 6.0 m (19.7 ft) from the side boundary which its entrance faces. If there is an easement, the building setback at its closest point shall be the width of the easement plus 6.0 m (19.7 ft) from the boundary.
- (iii) Where the vehicle entrance to the garage or carport faces the side boundary of the parcel which is a common boundary with the street, the building shall not be less than 6.0 m (19.7 ft) from that side property line. The building shall not project on or over an easement or right-of-way.



5.2 Building Orientation and Design

- (1) The design, character and appearance of any building, or series of buildings, structure or sign proposed or erected or located in any District must be acceptable to the Development Authority having due regard to
 - (a) amenities such as daylight, sunlight and privacy;
 - (b) the character of existing development in the District;

- (c) its effect on adjacent parcels; and
 - (d) all architectural controls in place for the area being developed.
- (2) No building in any District may be metal clad unless the type of metal cladding has been approved by the Development Authority.

5.3 Number of Buildings on a Parcel

- (1) A development permit shall not be issued for more than one principle building on a parcel except where it is proposed to develop more than one principle building to form a single, unified group of buildings.
- (2) The number of dwelling units permitted on a parcel shall be limited to one, except where
 - (a) in the opinion of the Development Authority, either
 - (i) the building is clearly designed to be divided into more than one dwelling, or
 - (ii) the development of the parcel is clearly designed to include more than one dwelling; and
 - (b) the use conforms to the uses prescribed in PART 7 for the District in which the parcel is located; and
 - (c) subject to Section 2.6 of PART 2, the development complies with the provisions of this Bylaw; and
 - (d) a development permit is issued for the use.
- (3) Not more than one principle building shall be erected and not more than one principle use shall be conducted on a site in a non-residential district except in the case of a group of commercial, industrial or institutional buildings and/or uses which have been approved by the Development Authority and which are in conformance with this Bylaw.

5.4 Relocation of Buildings

- (1) No person shall
 - (a) place on a parcel a building which has previously been erected or placed on a different parcel, or

- (b) alter the location of a building on a parcel which has already been constructed on that parcel,

unless a development permit has been issued by the Development Authority.

- (2) In addition to the requirements of Section 2.3 of PART 2, the Development Authority may require that an application for a development permit be accompanied with
 - (a) recent colour photographs showing all sides of the building;
 - (b) a statement on the age, size and structural condition of the building; and
 - (c) a statement of the proposed improvements to the building.
- (3) An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located.
- (4) Where a development permit has been granted for the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a performance bond of such amount to ensure completion of any renovations set out as a condition of approval of a permit.
- (5) All structure and exterior renovations shall be completed within one year of the issuance of a development permit.

5.5 Building Demolition

- (1) Satisfactory to the Development Authority, an application to demolish a building shall not be approved without a statement or plan which indicates
 - (a) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
 - (b) the final reclamation of the parcel.

5.6 Non-Conforming Buildings and Uses

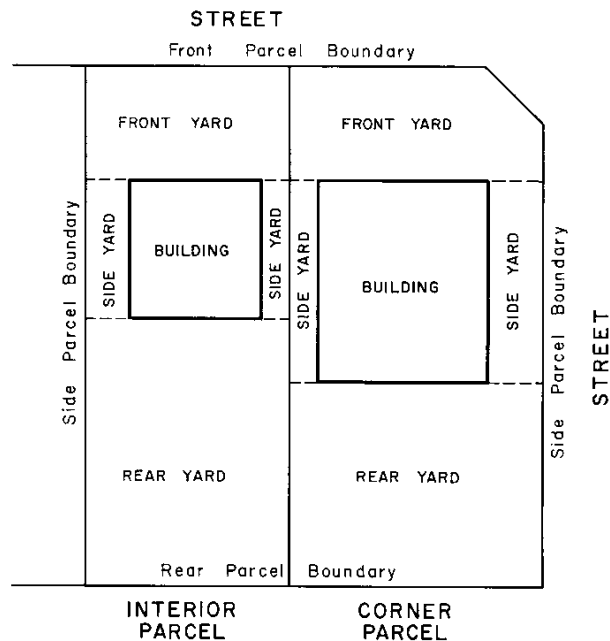
- (1) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with the Land Use Bylaw then in effect.

- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.
- (3) A non-conforming use of part of a parcel may not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings may be constructed on the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except
 - (a) to make it a conforming building;
 - (b) for routine maintenance of the building, if the Development Authority considers it necessary; or
 - (c) in accordance with the provisions of section 2.6 of PART 2.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Land Use Bylaw.
- (6) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

YARDS

5.7 Yard Definitions

- (1) The following illustrates the yard locations for parcels within the Village.



Projections Into Yards

- (1) Projections on foundation walls and footings, or on piles are deemed to be part of the building, and shall not be considered as a projection over a yard.
- (2) Wheelchair ramps may project without limits into a front, side or rear yard setback.
- (3) No portion of a building other than eaves, signs, or canopies shall project into a public or private right-of-way.
- (4) In Residential Districts, the following portions of or attachments to a principle or accessory building, including eaves, bay or bow windows, unenclosed decks and steps, and balconies, which extend or project into the minimum required yard shall be allowed:
 - (a) Projections into Side Yards
 - (i) Any projections, if they do not extend or project more than a distance equal to $\frac{1}{2}$ the minimum side yard required for the building.
 - (ii) In laneless subdivisions, where the side yard provides or is required to provide access to a detached garage or carport the projection shall not impede the use of vehicles or the minimum 3.0 m (9.8 ft) side yard.
 - (b) Projections into Front and Rear Yards

- (i) Any projections, if they do not extend or project more than 1.5 m (4.9 ft) into the minimum front yard.
 - (ii) Any projections, if they do not extend or project more than 3.0 m (9.8 ft) into a minimum rear yard.
- (5) In all other Districts, the following portions of or attachments to a principle or accessory building which extend or project into the minimum required yard shall be allowed:
 - (a) any projection not exceeding 1.5 m (4.9 ft) into a front or rear yard; and
 - (b) any projection not exceeding 1.5 m (4.9 ft) into a side yard.

5.8 Objects Prohibited or Restricted in Yards

- (1) No person shall allow a motor vehicle which is in a dilapidated or unsightly condition, a derelict vehicle or a motor vehicle which has all or part of its superstructure removed, to remain or be parked on a parcel in a Residential District, unless it is suitably housed or screened to the satisfaction of the Development Authority.
- (2) Recreational vehicles, motor homes, campers, or boats may be stored in any yard abutting a street in a Residential District, but they must be parked no closer to the property line than 1.5 m (4.92 ft) and they must be parked in the drive-way. Alternatively, they can be stored in the rear yard or on the side yard equal to or not going passed the front of the house.
- (3) Recreational vehicles parked in a Residential District may be used for living and sleeping accommodation only by bona fide tourists for a period no longer than one (1) week, up to a maximum of thirty (30) days per annum.
- (4) No person shall allow a vehicle of more than 2,730 kg (6,018.6 lbs) (Gross Vehicle Weight) and/or a length of 6.5 m (21.3 ft) to be parked or stored in a Residential District, except those vehicles described in subsection (2).
- (5) All types of outdoor boilers and propane tanks over 100 gallons are prohibited.

5.9 Zero Side Yard Developments

- (1) In a Central Commercial District (C1), the minimum side yard is zero (0) meters in accordance with PART 7.

- (2) In other Districts, other than Residential Districts, the Development Authority may allow one side yard of the main or accessory building to be zero (0) meters where
 - (a) the registered owner(s) of the adjoining parcel or parcels grant(s) a maintenance and eave and footing encroachment easement equivalent to two minimum yard requirements. The easements shall be to the satisfaction of the Development Authority and shall be registered against the title of the said parcel; and
 - (b) all roof drainage from any building shall be directed onto the parcel upon which such building is situated by means of eaves troughs and downspouts or other suitable means.

5.10 Laneless Subdivisions

- (1) In a laneless subdivision in a Residential District:
 - (a) detached dwellings with an attached garage shall have one (1) side yard of at least 1.5 m (4.9 ft);
 - (b) detached dwellings without an attached garage shall have one (1) side yard of at least 3.0 m (9.8 ft);
 - (c) duplexes with attached garages shall provide side yards of at least 1.5 m (4.9 ft); or
 - (d) duplexes without attached garages shall provide side yards of at least 3.0 m (9.8 ft).
- (2) In a laneless subdivision in a Commercial or Industrial District one side yard shall be not less than 6.0 m (19.7 ft). This does not apply to an accessory building where such building is located to the rear of the main building and separated therefrom by a minimum distance of 12.0 m (39.4 ft).

5.11 Setbacks on Future Major Roads

- (1) Where a parcel abuts a street for which a setback is established, the minimum yard requirement may be increased by an amount deemed acceptable to the Development Authority.

VEHICLES

5.12 Parking

- (1) The following minimum number of parking spaces shall be provided and maintained upon the use of a parcel or a building in any District as described in PART 7 of this Land Use Bylaw. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the next highest integer.

Uses	Parking Spaces Required
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Commercial

Indoor merchandise sales	
District Shopping Centre	5.0/100 m ² (1,076.4 sq ft)
Convenience Store	4.0/100 m ² (1,076.4 sq ft)
Other	3.5/100 m ² (1,076.4 sq ft)
Offices, Clinics	2.5/100 m ² (1,076.4 sq ft)
Motels, Hotels	1.0/guest room
Personal services	2.5/100 m ² (1,076.4 sq ft)
Repair services	2.0/100 m ² (1,076.4 sq ft)
Restaurants, Drinking Establishments	1.0/4 seats
Vehicle, Equipment Sales	2.0/100 m ² (1,076.4 sq ft)
Child Care	1 visitor space plus, 1/employee

Uses	Parking Spaces Required
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Industry

Manufacturing Industry	Minimum 6.0 spaces
Office area	2.0/100 m ² (1,076.4 sq ft)
Other area	1.0/100 m ² (1,076.4 sq ft)
Warehousing and Storage	Minimum 4.0 spaces
Office area	2.0/100 m ² (1,076.4 sq ft)
Storage area	0.7/100 m ² (1,076.4 sq ft)
Vehicle, Equipment Sales	2.0/100 m ² (1,076.4 sq ft)
Kennel	2.0/kennel, plus 1/employee

Public

Hospitals, Nursing Homes	1.0/4 beds & 1.0/2 workers
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LAND USE BYLAW – PART FIVE

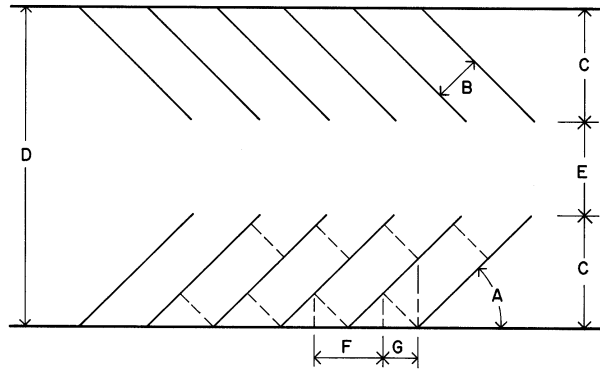
Places of Worship	1.0/6 seats
Public Assembly Buildings	1.0/6 seats
Schools	
Elementary & Junior High	1.0/1 worker
Senior High	1.0/1 worker, 1.0/20 students

Residential

Detached Dwelling/Duplexes	2.0/dwelling unit
Apartments, Four-plexes, Row Housing	1.0/bachelor/one bedroom unit, 2.0/two or more bedroom unit, plus 1.0/5 units for visitors
Senior Citizen Housing	1.0/unit of accommodation
Adult Care Housing	1.0/5 beds & 1.0/worker/shift
Accessory Suites	1.0/suite
Boarding and Rooming House	1.0/tenant
Bed & Breakfast Establishment	1.0/guest room
Garden Suite	1.0/suite
All other	2.0/dwelling

- (2) Uses not listed above: shall be determined by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.
- (3) When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original building or use and that of the enlarged building or changed or intensified use.
- (4) The parking space requirement on a parcel which has or is proposed to have more than one use shall be the sum of the requirements for each of those uses.
- (5) Any loading space provided pursuant to Section 5.15 may be used as parking space.
- (6) Each parking space shall have dimensions of not less than 2.75 m (9.0 ft) by 5.5 m (18.0 ft).

- (7) The dimensions of parking areas shall be as set out in the following diagram and table.



PARKING ANGLE	STALL WIDTH	STALL DEPTH	OVERALL DEPTH	MANEUVERING SPACE	CURB LENGTH	ROW END LENGTH
A	B	C	D	E	F	G
0°	2.75 m (9.02 ft)	2.75 m (9.02 ft)	9.00 m (29.53 ft)	3.50 m (11.48 ft)	6.70 m (21.98 ft)	0.0 m
30°	2.75 m (9.02 ft)	5.00 m. (16.4 ft)	13.50 m (44.29 ft)	3.50 m (11.48 ft)	5.45 m (17.89 ft)	0.85 m (2.79 ft)
45°	2.75 m (9.02 ft)	5.70 m (18.07 ft)	15.40 m (50.52 ft)	4.00 m (13.12 ft)	3.85 m (12.63 ft)	2.05 m (6.72 ft)
60°	2.75 m (9.02 ft.)	6.00 m (19.69 ft.)	17.50 m (57.41 ft.)	5.50 m (18.04 ft)	3.20 m (10.49 ft)	2.00 m (6.56 ft)
90°	2.75 m (9.02 ft)	5.50 m (18.04 ft)	18.00 m (59.06 ft)	7.00 m (22.97 ft.)	2.75 m (9.02 ft.)	0.0 m

- (8) A minimum standard of 24.75 m² (266.4 sq ft) per parking space shall be used for general calculations for the areas of parking facilities or the number of parking spaces in a parking facility.
- (9) In Commercial Districts, in lieu of providing parking spaces and subject to the approval of the Council, a payment may be made to the Village at a rate per space which the Council shall determine.
- (10) Parking spaces shall be located on the same parcel as the use for which they are being provided except that, subject to the approval of the Development Authority, the spaces may be located on another parcel within 50.0 m (164.0 ft) walking distance, provided that a restrictive covenant, ensuring the use of the parcel for the required number of parking spaces, is registered against the Certificate of Title of that parcel.

- (11) Hard surfacing of all driveways, parking pads, and parking areas used for vehicular storage shall be required, where any driveways, parking pads, or parking areas used for vehicular storage enters a paved road, otherwise, the surfacing shall be all-weather.

5.13 Barrier Free Parking

- (1) Barrier-free parking spaces for persons with physical disabilities must be provided
- (a) in accordance with the Alberta Building Code and the guidelines shown in the Table below; and
 - (b) the current Barrier-Free Design Guide prepared by the Safety Codes Council and the requirements stated in subsections (2) to (4) below.

No. of Parking Stalls Required	No. of Designated Barrier-free Stalls
1-25	1
26-50	2
51-100	3
For each additional increment of 100 or part thereof	One additional stall

- (2) All barrier free spaces shall:
- (a) have a minimum width of 3.7 m (12.1 ft), but where possible it is recommended that a single stall be 4.0 m (13.1 ft) wide to better accommodate a wheelchair transfer on a roadway or in a parking lot, and length of 7.0 m (23.0 ft);
 - (b) be clearly marked as being for the use of persons with disabilities through the use of appropriate signage, identifiable in all seasons;
 - (c) be level-surfaced and located close to an entrance; and
 - (d) be included as part of, and not in addition to, the applicable minimum parking requirements as outlined in subsection 5.13(1).

- (3) A barrier-free path consistent with the principles of universal design must be provided and maintained between the main entrance to a building and a barrier-free parking space. New development or redevelopment must provide the barrier-free path with a minimum width of 1.1 m (3.6 ft) and ramps must comply with the Barrier-Free Design Guide.
- (4) A pedestrian walkway consistent with the principles of universal design is required to connect the main entrance of a development or building to a public sidewalk or a trail if the building or development requires a barrier-free parking space. The Development Authority may require that a pedestrian connection be provided between the entrance to a building and a public sidewalk or trail if the development does not require a barrier-free parking space.

5.14 Loading Spaces

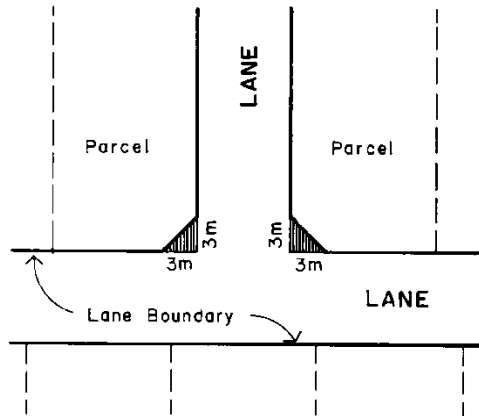
- (1) Loading spaces shall be required for all non-residential development and apartments.
- (2) Loading spaces shall be designed and located so that all vehicles using those spaces can be parked and maneuvered entirely within the bounds of the parcel before moving onto a road.
- (3) Loading spaces shall be located in rear and side yards only.
- (4) A loading space shall be at least 3.5 m x 8.0 m (11.5 ft x 26.3 ft) with an overhead clearance of at least 4.6 m (15.1 ft).
- (5) Hard surfacing of the loading space shall be required where a loading space enters a paved road, otherwise, the surfacing shall be all-weather.

5.15 Vehicle Access to Buildings

- (1) Any building into which a vehicle may enter shall have a driveway on the parcel at least 6.0 m (19.7 ft) in length, except where the driveway enters a lane, where it shall be either 1.0 m (3.3 ft) or at least 6.0 m (19.7 ft).

5.16 Sight Lines at Intersections of Roads

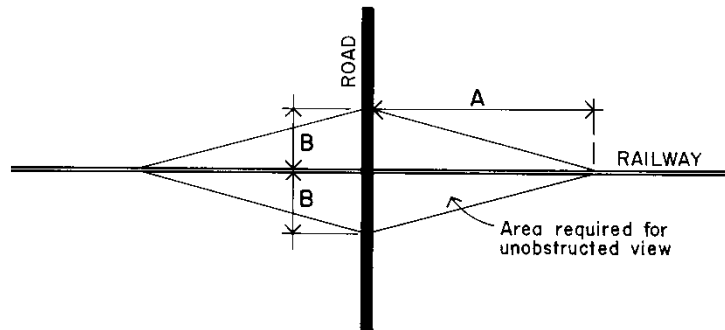
- (1) At the intersection of lanes, a 3.0 m (9.8 ft) sight triangle shall be provided (see diagram below).



- (2) At the intersection of other roads, the Development Authority may require the calculation of sight triangles where:
- (a) one or more rights-of-way is less than 15.0 m (49.2 ft); or
 - (b) regulated vehicle speed exceeds 50 km/h; or
 - (c) one of the carriageways is not centred in its right-of-way; or
 - (d) an intersection leg is curved or skewed; or
 - (e) an intersection leg is sloped at 2% or greater.
- (3) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roads.

5.17 Sight Triangles at Road and Rail Intersections

- (1) At the intersections of roads and railways which are unprotected by automatic warning signals, sight triangles shall be determined using the diagram and table below.



Maximum Train Speed		Sight Distance A From Crossing		Maximum Vehicle Speed		Sight Distance B From Crossing			
km/h	(mph)	m	(ft)	km/h	(mph)	m*	(ft)*	m**	(ft)**
32.2	(20)	91.4	(300)	32.2	(20)	32.0	(105)	18.3	(60)
48.3	(30)	137.2	(450)	48.3	(30)	53.3	(175)	29.0	(95)
64.4	(40)	182.9	(600)	64.4	(40)	79.3	(260)	44.2	(145)
80.5	(50)	228.6	(750)	80.5	(50)	112.8	(370)	64.0	(210)
96.6	(60)	274.3	(900)	96.6	(60)	150.9	(495)	85.3	(280)
112.6	(70)	320.0	(1,050)	112.7	(70)	192.0	(630)	111.3	(365)
128.7	(80)	365.8	(1,200)						
144.8	(90)	411.5	(1,350)						
160.9	(100)	457.2	(1,500)						

* distances based on level approach grade and good traction

** panic stop distances

- (2) At the intersections of roads and railways, which are protected by automatic warning signals, the Development Authority may require the calculation of sight triangles where:
- (a) One (1) or more of the rights-of-way is less than 15.0 m (49.2 ft); or
 - (b) regulated vehicle speed exceeds 50 km/h; or
 - (c) either the carriage way or the railway is not centred in its right-of-way; or
 - (d) an intersection leg is curved or skewed; or
 - (e) an intersection leg is sloped at 2% or greater.

- (3) Sight triangle calculations shall be in accordance with the recommended methods of the Roads and Transportation Association of Canada regarding crossing sight distances for roadways, with the provision that distance between the nearest rail and the front of the stopped motor vehicle be between 5.0 m (16.4 ft) and 15.0 m (49.2 ft) as required by the *Highway Traffic Act*.

5.18 Driveways

- (1) At street intersections, driveways shall be set back from the parcel boundaries which form the intersection not less than
- (a) 6.0 m (19.7 ft) where the driveways serves not more than four dwelling units; or
 - (b) 15.0 m (49.2 ft) for all other uses;

except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.

- (2) The maximum width of a driveway shall be 10.0 m (32.3 ft).
- (3) The minimum distance between driveways shall be:
- (a) nil, where the driveways provide access to single dwelling units; or
 - (b) 6.0 m (19.7 ft) where the driveways provide access to any other use;

except where existing or planned traffic volumes indicate that a greater distance is required to improve or maintain traffic safety and efficiency.

- (4) The minimum angle for a driveway to a use that generates high traffic volumes shall be 70°.
- (5) Hard surfacing (i.e. concrete, asphalt or other similar material suitable to the Development Authority) of a driveway shall be required in all districts if access is gained directly from or to a hard surface public road.
- (6) “**Length of a driveway**” shall be measured from the property line to the closest point of the building.

5.19 Drive-Thru Businesses

- (1) Drive-thru businesses, including gas bars and carwashes, shall be located only where the Development Authority is satisfied that the development and resulting vehicle circulation patterns will not adversely affect the functioning of public roadways, internal roadways or internal vehicle circulation routes.
- (2) Queuing space will be provided on the same site as the development as follows:
 - (a) A minimum of five (5) inbound queuing spaces must be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space must be provided on the exit side of the service window or automated machine.
 - (b) Each queuing space shall be a minimum of 5.5 m (18.0 ft) long and 3.05 m (10.0 ft) wide.
 - (c) Queuing lanes must provide sufficient space for turning and manoeuvring.

LANDSCAPING

5.20 Mechanized Excavation, Stripping, and Grading of Land

- (1) A temporary fence shall be erected around all excavations which in the opinion or the Development Authority may be hazardous to the public.
- (2) Where finished ground elevations are established, all grading shall comply therewith.
- (3) All parcels shall be graded to ensure that storm water is directed to a road without crossing adjacent land, except as permitted by the Development Authority.
- (4) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

5.21 Landscaping, Environmental Conservation, and Development

- (1) Unless otherwise specified in PART 7, the following standard of landscaping shall be required for all areas of a parcel not covered by buildings, driveways, storage and display areas:
 - (a) the conservation of existing trees and shrubs to the maximum extent possible;

- (b) the retention, in their natural state, of
 - (i) swamps, gullies and natural drainage courses;
 - (ii) unstable land;
 - (iii) land subject to flooding by a 1:100 year flood;
 - (iv) land with a natural gradient of 15% or greater; and
 - (v) a strip of land not less than 6.0 m (19.7 ft) in width along any river, stream, creek or lake with such distance to be measured from the top of the bank;
 - (c) the appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and roads;
 - (d) the planting of additional trees and shrubs as required by the Development Authority;
 - (e) a sufficient depth of topsoil to facilitate growth in the soft-landscape areas, with areas not planted to trees and shrubs being seeded to grass, sodded or left with its natural grass cover; and
 - (f) completion of the landscaping by the end of the first full growing season following completion of construction or the commencement of the use.
- (2) The owner of a property, or his/her successor or assignees, shall be responsible for landscaping and proper maintenance.

5.22 Surface and Sub-Surface Drainage

- (1) The storm water run-off and sub-surface drainage of all development must not cause any flows onto an adjacent property and shall otherwise also be in a manner acceptable to the Development Authority.
- (2) All roof drainage from a building shall be directed onto the parcel upon which the building is situated by means satisfactory to the Development Authority.
- (3) Any landscaping and/or re-contouring shall be done so that the finished grade does not direct surface drainage or cause the impounding of drainage onto an adjoining site unless otherwise approved by the Development Authority.

5.23 Fences and Screening

- (1) The maximum height of a fence, measured from the average grade, shall be:
 - (a) 1.8 m (6.0 ft) in the rear and side yards; and

- (b) 1.2 m (4.0 ft) in the front yard.
- (2) Notwithstanding subsection (1), a higher fence may be approved for public safety, security, privacy, or buffering purposes at the discretion of the Development Authority.

5.24 Lighting

- (1) On-site exterior lighting shall not spill over into or create excessive glare or light pollution for adjacent residential areas.

5.25 Garbage Storage

- (1) Garbage shall be stored in garbage containers constructed and located to the satisfaction of the Development Authority.
- (2) A commercial garbage bin shall be provided as part of the development of commercial and institutional uses, and dwelling units that are part of a commercial building. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
- (3) Bins for recycling and oil collection will be located and screened similar to garbage bins.

5.26 Yards Abutting a Residential District

- (1) Where a Commercial or Industrial use abuts a Residential District or a lane which abuts a Residential District,
 - (a) the required side or rear yard setbacks that abut a residential district shall be landscaped;
 - (b) no open storage shall be permitted in the abutting yard(s);
 - (c) outdoor display areas shall be screened from residential districts;
 - (d) no parking space shall be allowed in such yard(s) within 6.0 m (20.0 ft) of a lot line; and
 - (e) no outdoor eating or drinking area shall be located within 15.2 m (50.0 ft) of an adjacent residential property.

- (2) The Development Authority may require the applicant for a development permit for a proposed Commercial or Industrial use that is in close proximity (as determined by the Development Authority) to one or more Residential Districts to take measures, determined by the Development Authority, to ensure that noise, visual and other confirmed or potential impacts will be addressed so that the proposed use will not negatively affect the said Residential District(s). These measures may include vegetation planting, berming, fencing or masonry walls, street furniture, building orientation or a combination of any or all of these or any additional measures that are appropriate in the discretion of the Development Authority.

5.27 Outdoor Display Areas

- (1) Where permitted, all outdoor display areas shall be appropriately designed and landscaped to compliment the character of the development and surrounding parcels, to the satisfaction of the Development Authority.
- (2) All merchandise being displayed shall be maintained in good condition and shall be kept in a neat and orderly manner.
- (3) Outdoor display areas shall be maintained as such and shall not be used for the purpose of outdoor storage.

5.28 Outdoor Storage

- (1) No outdoor storage shall be permitted within the front yard of any non-residential district.
- (2) All outdoor storage of goods, products, materials or equipment shall be kept in a neat and orderly condition at all times and shall be screened from adjacent sites and thoroughfares, consistent with the fencing and screening provisions of this Bylaw, to the satisfaction of the Development Authority.

SPECIFIC USE REGULATIONS

5.29 Home Occupations

- (1) A home occupation will require a development permit. A permit may be revoked at any time if, in the opinion of the Development Authority, the home occupation has become detrimental to the residential nature and amenity of the neighbourhood or otherwise does not meet the criteria or intent of a home occupation.
- (2) Home occupations shall comply with the following:

- (a) a home occupation shall not include any use or operation which detracts from the amenities of a residential neighbourhood by way of creating a dangerous or objectionable conditions, and does not cause excessive vehicular or pedestrian traffic or otherwise interfere with or detract from the peace and quiet of a residential neighbourhood;
 - (b) a home occupation shall be incidental and subordinate to the residential use;
 - (c) there shall be no outdoor display or advertising other than signage placed in accordance with the applicable standards contained within PART 6;
 - (d) there shall be no outside storage of materials, commodities, or finished products;
 - (e) no commodity other than the project or service of the home occupations shall be sold on the premises;
 - (f) not more than one (1) business vehicle used in conjunction with the home occupation may be parked on the site or any street adjacent thereto;
 - (g) off-street parking be in accordance with the parking standards contained within Section 5.13; and
 - (h) a home occupation shall be confined to a maximum of 30.0 m² (323.0 sq ft) or 20% of the net floor area of a dwelling unit, whichever is less.
- (3) A home occupation license does not exempt the applicant from compliance with any federal or provincial regulation, or any municipal bylaw or regulation.

5.30 Dangerous Goods

- (1) Prior to making any decision on a development application which involves dangerous goods or development on adjacent land or in close proximity to any dangerous goods, the Development Authority shall refer the development proposal to the appropriate regulatory authority for comments.

5.31 Development in Proximity to Oil and Gas Wells

- (1) In accordance with the *Subdivision and Development Regulation*, no building shall be constructed within 100 m (328 ft) of the well head of a gas or oil well, unless, in the opinion of the Development Authority, it may be considered an infill development or is otherwise approved in writing by the Alberta Energy Regulator.

5.32 Development Setbacks from Landfills and Waste Sites

- (1) In accordance with the Subdivision and Development Regulation,
 - (a) a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distances from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station specified in the *Subdivision and Development Regulation*, and
 - (b) a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, food establishment or residence specified in the *Subdivision and Development Regulation*,

unless the development is approved in writing by the Deputy Minister of Environment and Sustainable Resource Development.

5.33 Land Use Development Setback from Wastewater Treatment Plants

- (1) In accordance with the Subdivision and Development Regulation,
 - (a) a school, hospital, food establishment, or residential building must not be approved and a residential building must not be constructed within 300 m (984 ft) of the working area of an operating wastewater treatment plant, and
 - (b) a wastewater treatment plant must not be approved unless the working area of the plant is at least 300 m (984 ft) from any existing or proposed school, hospital, food establishment or residential building,

unless the development is approved in writing by the Deputy Minister of Environment and Sustainable Resource Development.

5.34 Modular Home Design

- (1) The external appearance of modular homes must be acceptable to the Development Authority having regard to compatibility with other buildings in the vicinity and shall have:
 - (a) a minimum roof pitch of 4:12;
 - (b) a roof surface of wood or asphalt shingles, clay or concrete tiles, slates or wood shakes;

- (c) a minimum roof overhang or eaves of 0.4 m (16 inches) from each external wall;
- (d) a maximum length to width ratio of 2.5:1;
- (e) a minimum width of 6.7 m (22 ft); and
- (f) a permanent foundation.

5.35 Alternative Energy Collecting and Storing Devices

- (1) Solar and wind energy devices shall be considered an accessory use.
- (2) Solar energy devices attached to a principal or accessory building shall:
 - (a) be mounted to the roof or wall structure of a building and shall be integrated to the greatest extent that is reasonable;
 - (b) mounted panels shall not project vertically more than 1.0 m (3.3 ft) above the roof line in residential districts and not more than 1.8 m (6.0 ft) above the roof line in all other districts; and
 - (c) not project beyond the outermost edge of the roof or wall to which it is mounted.
- (3) Solar energy devices not attached to a building shall:
 - (a) be located in a side or rear yard only;
 - (b) not exceed 2.5 m (8.2 ft) in height above the ground; and
 - (c) be screened from adjacent properties with a fence or landscaping, to the satisfaction of the Development Authority.
- (4) Wind energy devices shall comply with the following:
 - (a) be located in a side or rear yard only;
 - (b) be sized appropriately and not exceed the maximum height for the District in which they are located;
 - (c) the base of a freestanding wind energy device shall be set back from the property line a minimum distance equal to the height of the wind turbine tower; and
 - (d) comply with any other municipal, provincial or federal, or other jurisdictional requirements.

5.36 Secondary Suites

- (1) A maximum of one (1) secondary suite may be allowed per detached dwelling.
- (2) A secondary suite,
 - (a) must have a separate entrance from the principal dwelling, either from a common indoor landing or directly from the exterior of the building;
 - (b) shall have a maximum floor area of 40% of the gross floor area of the principal dwelling, not exceeding 75 m² (807 sq ft);
 - (c) shall have a maximum of 2 bedrooms; and
 - (d) be completely self-contained.
- (3) One (1) off-street parking stall shall be provided for the secondary suite, in addition to the required number of parking stalls for the principal building.
- (4) A secondary suite shall be constructed in such a manner so as to maintain the appearance of the building as a detached dwelling, to the satisfaction of the Development Authority.

5.37 Bed and Breakfasts

- (1) The residential nature of the dwelling and the neighbourhood shall be preserved as much as is reasonably possible.
- (2) A dwelling that is being used for a bed and breakfast establishment shall not also contain a secondary suite.
- (3) The maximum number of guests allowed in a bed and breakfast shall be determined by the parcel's ability to meet:
 - (a) the off-street parking requirements contained within Section 5.13,
 - (b) the parcel coverage standard for the applicable land use district, and
 - (c) the requirements of the Alberta Building Code.
- (4) There shall be no exterior display or advertising other than signage placed in accordance with the applicable standards contained within PART 6.

5.38 Land Use Policies

- (1) Every action undertaken by the municipality and the Development Authority must be consistent with any land use policies established pursuant to the *Municipal Government Act*.

5.39 Impact of Incompatible Uses on Residential Districts

- (1) The Development Authority may require the applicant for a development permit for a proposed Commercial or Industrial use that is in close proximity (as determined by the development authority) to one or more Residential Districts to submit an impact statement as part of the development permit application, indicating the measure to be taken to ensure that noise, visual and other confirmed or potential impacts will be addressed so that the proposed use will not negatively affect the said Residential District(s).

5.40 Guidelines for Other Land Uses

- (1) All uses which are not covered by specific regulations in a land use District shall, in accordance with the following guidelines be:
 - (a) separated from adjacent uses by such a distance as to ensure that there will be no adverse impact upon or by those adjacent uses;
 - (b) at a density which is consistent with that prevailing in the area, unless otherwise provided for in a statutory plan;
 - (c) set-back from any parcel boundary abutting a road a sufficient distance to ensure that the development will not be visually intrusive, having regard to any possible changes in surrounding uses;
 - (d) of a height which will be consistent with that prevailing in the area;
 - (e) developed in such a manner that there will be no adverse impact upon or by traffic on adjacent roads; and
 - (f) developed in conformance with any applicable statutory plan policies.

5.42 Cannabis Retail Sales

5.42.1 Is a use

- a) Where cannabis is sold for consumption off premises;

- b) Where consumption of cannabis must not occur;
- c) That may include the ancillary retail sale or rental of merchandise;
- d) Where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility; and
- e) That has been licensed by the Provincial Government;

5.42.2 Unless otherwise approved by the Development Authority, cannabis retail sales shall not be located within a radial distance of **150 meters**, when measured from the closest point of an exterior wall of the building in which the proposed Cannabis Retail Sales use is located, to the closest point of a parcel that contains a:

- a) School;
- b) School reserve;
- c) Provincial Health Care Facility;

5.42.3 Unless otherwise approved by the Development Authority, a Cannabis Retail Sales shall not be located within a radial distance of **150 meters** from another Cannabis Retail Sales. For the purpose of this subsection only:

- a) The 150 meter radial separation distance shall be measured from the closest point of the exterior wall of the building in which the proposed Cannabis Retail Sales is located, to the closest point of the other Cannabis Retail Sales.

5.42.4 Unless otherwise approved by the Development Authority, Cannabis Retail Sales shall not be located within a radial distance of **150 meters** from a public playground. For the purposes of this subsection only:

- a) The 150 meter radial separation distance shall be measured from the edges of the playground structures to the closest point of the exterior wall of the building in which the proposed Cannabis Retail Sales use is located.
- b) The term “public playground” is limited to playgrounds that are located on municipal parks, and may include playground equipment/structures, skateboard parks, spray parks and outdoor fitness equipment installations.

5.42.5 The use shall not emit nuisances including, but not limited to, odour, noise and light that may have a negative impact to adjacent sites surrounding the area;

- 5.42.6 No outdoor storage or outdoor display shall be allowed on site;
- 5.42.7 It is prohibited to have cannabis products, accessories or any other cannabis related item or material visible from the exterior of the premises.
- 5.42.8 A Cannabis Retail Sales shall comply with all Federal, Provincial and Municipal regulations.
- 5.42.9 A valid development permit and business license issued by the Village are required to operate a retail cannabis store.
- 5.42.10 An application for a development permit for Cannabis Retail Sales will require proof of submission of an application for the AGLC for a Cannabis Retail Store License.
- 5.42.11 The hours of operation of a Cannabis Retail Sales outlet be set at 11:00 AM to 9:00 PM.

5.43 Campground

(1) Public Recreation District

- a. A comprehensive site plan of the campground shall be provided to the satisfaction of the Development Authority that shows the location, design standards and site requirements of any common accessory uses and services such as washrooms, laundromat, eating establishments, drinking establishments, fire pits, fire wood storage, lighting, water supply, sewage disposal facilities, solid waste collection facilities and any other similar uses or services that may be associated with or required within a campground;
- b. The following regulations apply to all campground developments unless noted otherwise:
 - i. Minimum camping / recreational vehicle stall size shall be:
 - i. 8.5m (27.89 ft.) in width;
 - ii. 18.0 (60 ft.) in depth;
 - iii. 153m² in area (1646.88 ft²);

- c. Trees and natural vegetative cover shall not be removed without municipal permission;
- d. Any campground boundary that adjoins a residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2 m and 3.0m (9.84ft) in width to the satisfaction of the Development Officer;
- e. Each stall or campsite shall be accessible by means of an internal road that is at least 3.0 m in width where the access is for one-way traffic (i.e. internal one way loop), or at least 6.0 m in width where the access is for two-way traffic;
- f. The internal road network shall be properly signed for users and for emergency response vehicles and shall be sensitive to the topography and environmental characteristics of the site;
- g. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations; 24-hour emergency communications service (e.g. telephones) shall be provided;
- h. Fires will be permitted only in designated fire pits or other such facilities;
- i. Fire pits must be:
 - i. 4 m (13ft) from all trees, shrubs, overarching branches, and combustible structures;
 - ii. 3m (10ft) from buildings or property lines;
 - iii. Less than 1m (3ft) wide;
 - iv. Have enclosed sides from bricks, concrete or heavy-gauge metal;
 - v. Have a mesh screen on top to stop sparks with openings smaller than 1.25cm (1/2inch)
- j. There shall be no less than one toilet and lavatory to be provided for each sex for every ten campsites;
- k. Garbage storage and collection must be accessible by garbage collection vehicles;
- l. Where utility services are provided, all utility wires and conduits shall be installed to the satisfaction of the Development Authority and the franchise utility companies;
- m. Potable water may be provided as follows;
 - i. If a potable water supply system is provided for each campsite, it should be designed to accommodate the campground user occupying a self-contained recreational vehicle and should be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Development Officer in accordance with all applicable Provincial and Municipal regulations;

- n. Onsite sewage disposal/ sanitary dumping stations may be provided as follows:
 - i. An adequate and safe sewage disposal system may be provided in a campground intended for each campsite designed to accommodate the campground user occupying a self-contained vehicle and should be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Officer. The sewage disposal system in a campground must be constructed to the satisfaction of the Development Officer and shall comply with all applicable Provincial and County regulations, and shall be maintained to the standards of the regulatory approvals;
 - ii. A campground may provide sanitary dumping stations in the ratio of one for every one hundred (100) recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained in accordance with Provincial regulations and standards to the satisfaction of the Municipal Engineer and the Development Officer. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign should be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations must be separated from any campsite by a distance of not less than 20 m;
- o. The storage, collection and disposal of solid waste in a campground shall be conducted as to not create health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of a Development Officer;
- p. Recreational vehicles may be stored within a campground during off-season provided that all utilities are turned off. No individual may occupy a recreational vehicle while stored during a campground's off season;
- q. No structures shall be attached/erected to recreational vehicles within individual campsites such as decks, sheds, or other like additions as recreational vehicles are intended to be temporary in use.
- r. Golf courses and campgrounds may have active seasons between March 1st and October 31st of any calendar year.

PART 6: SIGN REGULATIONS

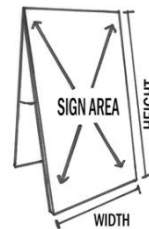
6.1 General Purpose

- (1) The purpose of this section is to encourage effective use of permanent, portable, and temporary signs within the Village of Delburne as a flexible means of communication and advertising. The regulation of size, type, form, appearance and location of signs is to ensure balance between need and expression, with safety and aesthetics. To meet these objectives, this PART contains regulations that can be equitably applied to individual Districts and enforced.

6.2 Definitions

In this Land Use Bylaw,

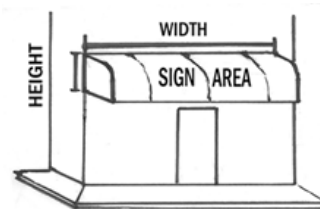
“A-Board Sign” means a self-supporting sign which is set upon the ground, has no external supporting structure, and is specifically designed or intended to be readily moved from one location to another. This includes signs commonly known as sandwich board or sidewalk signs.



Sign for illustrative purposes

“Awning” means a light, detachable roof-like structure covered by fabric or other flexible material supported, which is entirely supported from a building by a fixed or retractable frame.

“Awning Sign” means a local advertising sign inscribed on or affixed flat upon the covering material of an awning.



Sign for illustrative purposes

“Banner Sign” means a temporary sign that is constructed of a flexible, non-ridged material that is intended to be hung or suspended which displays characters, letters or illustrations advertising a business, event or matter.

“Bench Sign” means a sign is painted on or affixed flat to a bench.

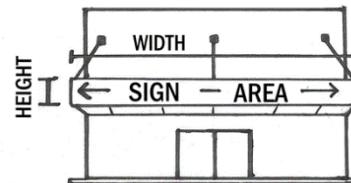
“Billboard Sign” means a sign to which advertising copy is pasted, glued, painted or otherwise fastened to permit its periodic replacement and includes poster panels and painted surfaces.



Sign for illustrative purposes

“Canopy” means an architectural feature or structural protective element affixed to the exterior wall of a building over a door, entrance, outdoor service area or similar type of entrance way for the purpose of affording shelter or protection from the weather.

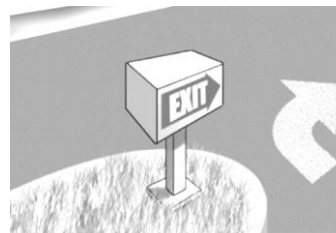
“Canopy Sign” means a local advertising sign attached to, forming part of, or on a face of a canopy.



Sign for illustrative purposes

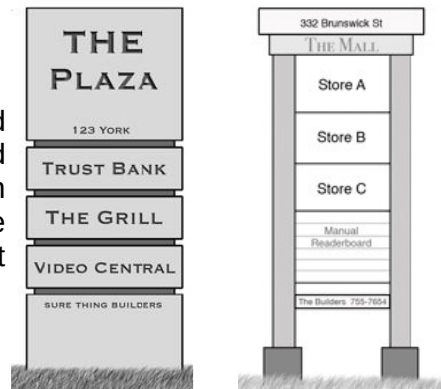
“Construction Sign” means a sign located on a site where construction is planned or is currently in progress, and contains general information about the intended construction.

“Directional Sign” means a sign which indicates the distance and/or direction to a place of business or other premises indicated on the sign.



Sign for illustrative purposes

“Directory Sign” means a sign supported independently of a building which is permanently fixed to the ground and is located on a site with more than one establishment which displays only a listing of the names of these businesses or organisations without advertising copy, except a business logogram.

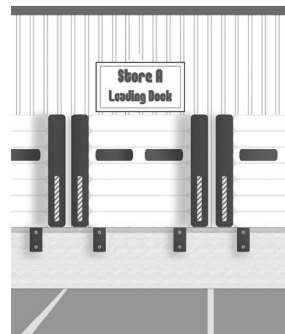


Signs for illustrative purposes

“Eaveline” means the horizontal line that marks the intersection of the roof and the wall of a building.

“Electronic Message Copy” means that portion of a sign that is comprised of a device which displays text, scrolling text, or characters, through electronically controlled single-colour changing lights or digital programming.

“Entrance Identification Sign” means a sign that identifies an entrance or service area (examples include ‘service entrance’, ‘sales entrance’ or ‘loading dock’) that are located over a doorway or building entrance and which may include the logo or name of the business to which the entrance provides access.



Sign for illustrative purposes

“Facia Sign” means a local advertising sign attached to, marked or inscribed on and parallel to the face of a building wall, but does not include a billboard, window sign, or mural.



Sign for illustrative purposes

“Freestanding Sign” means any sign or display supported independently of a building wall or structure by a freestanding column, but does not include a portable, directory or billboard sign.



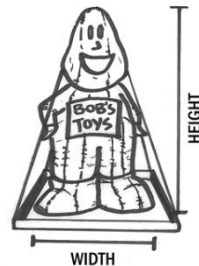
Sign for illustrative purposes

“Hold Time” means the length of time a sign message is fixed in place before changing to a different sign message.

“Identification Sign” means a sign which contains no advertising, but is limited to the name, address and number on a building, institution or person.

“Illumination” means the act of lighting up a sign by way of an artificial light source located within, or external to, the sign and does not include flashing or intermittent lighting.

“Inflatable Sign” means a temporary sign that is designed to be inflated with air or lighter-than-air gas and to be anchored or affixed to a building or to the ground.



Sign for illustrative purposes

“Manual Changeable Copy” means sign copy which displays alphanumeric characters and which is changed manually.

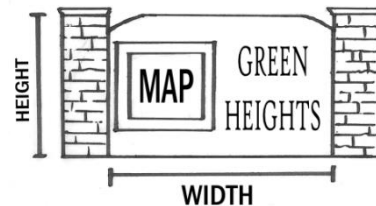
“Menu Board Sign” means advertising that is not visible from a public right-of-way and is intended to advertise goods available for sale on-site such as a drive-thru menu.



Sign for illustrative purposes

"Mural" means an artistic rendering or drawing that is painted or otherwise applied to the exterior wall or other integral parts of a building and that is intended for public display but that does not include any advertising. A mural is not considered a sign.

"Neighbourhood Identification Sign" means a sign which forms the entrance display for the identification of a residential neighbourhood or subdivision.



Sign for illustrative purposes

"Open House Sign" means a sign advertising an open house for a property for sale, and may include an A-board sign.

"Owner" means a person, or the authorized agent of such person, in lawful possession or control of a sign.

"Portable Sign" means any sign or advertising device that can be carried or transported from one site to another.



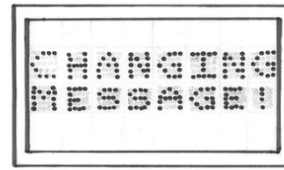
Sign for illustrative purposes

"Projecting Sign" means a sign which projects from a structure or building face, but does not include a canopy sign or awning sign.



Sign for illustrative purposes

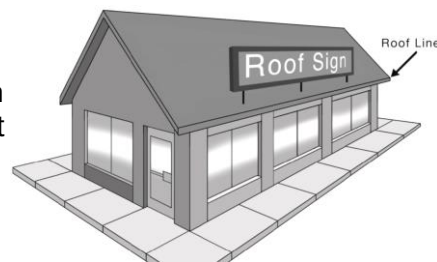
“Reader Board” means a portion of a sign whose informational content can be changed or altered through the uses of manual changeable copy or an electronic message copy, and may include time and temperature displays or non-moving images but may not display animated copy or video.



Sign for illustrative purposes

“Real Estate Sign” means a sign erected on a site by the owner or agent of the owner of the site, advertising the site for sale or lease, but does not include an inflatable sign.

“Roof Sign” means a sign or logo which is erected upon or above a roof or parapet of a building, but does not include an inflatable sign.



Sign for illustrative purposes

“Sign” means a device or structure erected or placed for the purpose of providing advertisement, announcement, direction or information on such things as a development, business, product, service, location, event or person.

“Sign Area” means the combined sign face area on which advertising is intended to be placed.

“Sign Copy” means any colour, graphic, logo, symbol, word, numeral, text, image, message, picture, or combination thereof displayed on a sign face, and includes manual changeable copy or an electronic message copy.

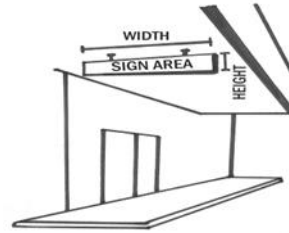
“Sign Face Area” means the area, per side, upon which the sign copy is located.

“Sign Height” means the total height of the sign from finished grade to the uppermost portion of the sign, including any support structure.

“Sign Structure” means a structure designed to support a sign and may consist of materials used to conceal or improve the visual appearance of the structural parts.

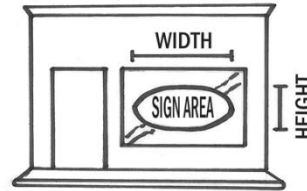
“Temporary Sign” means a sign intended to be featured for a limited period of time and displayed for a special, unique, or limited event, initiative, or promotion.

“Under-Canopy Sign” means a local advertising sign which is suspended beneath a canopy.



Sign for illustrative purposes

“Window Sign” means a sign which is painted on, attached to, or applied to the inside surface of a window and intended to be viewed from the outside.



Sign for illustrative purposes

6.3 Development Permit Required

- (1) No person shall erect, display, alter or relocate a sign and no person being the owner of the sign or the owner of the property lot shall permit, suffer or allow the construction, erection, display, alteration or relocation of a sign on such lot without a Development Permit first having been obtained in accordance with the provisions of this Bylaw.

6.4 Signs Not Requiring a Permit

- (1) The following signs shall not require a Development Permit but must comply with the regulations of the Land Use Bylaw:
 - (a) window signs, provided they are not for the purpose of advertising a home occupation or home office;
 - (b) construction signs provided that:
 - (i) they are located on private property;
 - (ii) are professionally designed and maintained to the satisfaction of the Development Officer; and
 - (iii) are erected within a period starting not earlier than six (6) months before the date of intended construction and ending one month (1) following the completion of construction, but in no case shall a construction sign be erected for a maximum total time period of 18 months;

- (c) signs identifying hazardous or dangerous areas or machinery;
- (d) election signs provided all such signs are removed within fourteen (14) days of the completion of the relevant election or plebiscite;
- (e) real estate signs, provided that such signage is removed within thirty (30) days after the sale or lease of the premises upon which the sign is located;
- (f) garage sale and auction signage, provided that the owner of the property upon which the sign is located has approved its placement and that the sign is removed immediately upon the conclusion of the sale;
- (g) directional signs provided that:
 - (i) the sign is a freestanding sign;
 - (ii) the sign face area does not exceed 0.5 m² and that the sign height does not exceed 1.5 m (4.9 ft);
 - (iii) the sign is set back a minimum of 2.0 m (6.6 ft) from front and side property lines and 1.0 m (3.3 ft) from the edge of pavement for any driveway access to the site;
 - (iv) only one (1) directional sign is permitted for each entrance, exit and drive-thru location, provided the sign is appropriately located adjacent to the entrance, exit or drive-thru; and
 - (v) the sign does not include advertising copy, with the exception of a logo representative of the business located on the lot for which the signs are directing traffic;
- (h) entrance identification signs (examples include 'service entrance', 'sales entrance' or 'loading dock') that are located over a doorway or building entrance;
- (i) menu board signs not visible from a public right-of-way, such as *drive-thru* menus and *car wash* menus;
- (j) temporary, banner, or inflatable signs relating to a special event, initiative, or promotion by an individual business or organization, provided that they are displayed for a period no greater than seven (7) days and no more than three (3) times in a calendar year; and
- (k) the placement of one (1) unilluminated sign of the following type and size on a building or parcel, provided such sign does not resemble or conflict with traffic signs:
 - (i) a sign for the purpose of identification or warning not exceeding 0.2 m² (2.2 sq ft);
 - (ii) a sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.2 sq ft); and

- (iii) a sign relating to an apartment or multi-residential building not exceeding 1.0 m² (10.8 sq ft).

6.5 Community and Non-Profit Organizations

- (1) The following signs for a community event or non-profit organization shall not require a Development Permit but must comply with the regulations of the Land Use Bylaw:
 - (a) the placement of one (1) unilluminated sign of the following type and size on a building or parcel, provided such sign does not resemble or conflict with traffic signs:
 - (i) a sign relating to religious, educational, cultural, recreation, or similar institution not exceeding 1.0 m² (10.8 sq ft);
 - (ii) an A-board, portable or temporary sign, or notice relating to a special event, initiative, or promotion by a community or non-profit organization, limited in display to a maximum of seven (7) days; and
 - (iii) an A-board, portable or temporary sign, or notice relating to the announcement of any local event of a religious, educational, cultural, political or governmental nature, limited in display to the period of completion of the event.
- (2) No sign permitted in subsection (1) shall be erected, operated, used or maintained that:
 - (a) may create a hazard to the safe and efficient movement of vehicular or pedestrian traffic, as determined by the Development Officer;
 - (b) projects or rests on the right-of-way of a road on any municipal property; or
 - (c) projects or rest more than 1.0 m (3.3 ft) over a street, a public right-of-way, walkway, public sidewalk, or public property.

6.6 Applying for a Permit

- (1) A development permit application for signs shall be submitted by the owner of the sign or the owner of the property upon which the sign is proposed to be placed as deemed necessary by the Development Authority.
- (2) If the Development Authority deems a development permit application for a sign is necessary, notwithstanding Section 2.3(1) and 2.3(2), the application for the sign shall be accompanied by the following:
 - (a) name and address of the applicant;

- (b) name and address of the lawful owner of the sign (if different from the applicant);
 - (c) all dimensions of the sign structure, including height, projection of the sign attached to the building;
 - (d) site plan showing location of the sign, distances from existing signs, approaches or driveway locations, property boundaries and buildings;
 - (e) design of copy face(s), including height of lettering and colours;
 - (f) sign content;
 - (g) method of support, type of construction and finish;
 - (h) details of sign illumination;
 - (i) height of freestanding sign, showing the sign's foundation in detail;
 - (j) amount of projection from the face of the building or above the building roof or parapet wall, if applicable;
 - (k) additional information as the Development Authority deems necessary; and
 - (l) application fee.
- (3) An application for a development permit for sign shall not be considered complete and final and received for processing until the Development Authority determines that all the information needed to assess the application has been provided by the applicant.

6.7 Sign Removal

- (1) Where a sign no longer fulfils its function under the terms of the approved permit on prior approval of the Development Authority, the Development Authority may order the removal of such a sign. The lawful owner of the sign or where applicable, the property owner, shall, upon such resolution:
- (a) remove such sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice;
 - (b) restore the immediate area around the sign to the satisfaction of the Development Authority; and
 - (c) bear all the cost related to such removal and restoration.

6.8 General Provisions for Signs

- (1) No sign shall be erected, operated, used or maintained and no development permit shall be issued for a sign that:
 - (a) conflicts with the general character of the surrounding streetscape or the architecture of nearby buildings or be liable to create a cluttered appearance to the street;
 - (b) project higher than the roofline of the building to which it is attached;
 - (c) obstructs the use of a fire escape, fire exit, door, flue, air intake, exhaust, window, or interferes with any electrical or telephone wires or associated supports, but shall not include a window sign permitted by this Bylaw. Notwithstanding, signs shall not be located such that they interfere with any opening required for ventilation or natural light;
 - (d) due to its position, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device, or may create a hazard to the safe and efficient movement of vehicular or pedestrian traffic, as determined by the Development Officer;
 - (e) displays lights resembling the flashing, intermittent or scintillating motion of lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles;
 - (f) rest on the right-of-way of a road on any municipal property without the approval of the municipality; or
 - (g) project more than 1.0 m (3.3 ft) over a street, a public right-of-way, walkway, public sidewalk, or public property.
- (2) Where a sign projects over a street or other public property, a minimum clearance of 2.5 m (8.2 ft) above grade shall be maintained.
- (3) Notwithstanding subsection (2), where a sign is located in or projects into or over a driveway or other area of vehicle movement, a minimum clearance of 4.6 m (15.1 ft) above grade level shall be maintained.
- (4) Only one (1) sign may project from each street frontage of a building.
- (5) The owner of the sign shall be responsible for maintaining their sign in a proper state of repair and shall:

- (a) keep the sign properly maintained, including well painted and ensuring the letters, numbers and characters used on the sign are kept in good condition at all times;
- (b) insure that the sign is and its structure is attached safely to the building to proper standards; and
- (c) ensure the sign surface is kept clean as it becomes necessary.

6.9 Signs in Residential Districts

- (1) Approved businesses located in Residential Districts are excluded from this Section and are subject to the applicable signage provisions of PART 6.
- (2) Fascia signs not exceed a sign face area of 0.4 m² (4.3 sq ft).
- (3) Freestanding signs not exceed a sign face area of 1.1 m² (12 sq ft).
- (4) Signs located on a parcel that is used as a place of worship shall not exceed 3.0 m² (32.3 sq ft).
- (5) For home occupations, a maximum of one (1) fascia sign at or below the level of the second floor windows and one (1) freestanding sign are permitted.
- (6) Signs shall not be illuminated, florescent, or moving and shall not employ back-lit construction.
- (7) Signs advertising garage and auction sales are permitted one (1) day before and on the actual day of the sale.
- (8) Signs shall be in good taste and compatible with the character of the neighbourhood.
- (9) Signs advertising commercial activities off-site are not permitted.

6.10 A-Board Signs

- (1) Subject to provisions of this PART, an A-Board sign is a permitted use in Commercial, Industrial, and Institutional Districts.
- (2) A-board signs shall be constructed such that a rigid frame is provided and be neat and clean in appearance.

- (3) A-board signs to be a maximum of 0.6 m (2.0 ft) wide and 0.9 m (3.0 ft) high.
- (4) A-board signs shall be secured to prevent public hazard.
- (5) A-board signs shall be limited to one (1) sign per business to be placed directly in front of the building to which the business is located.
- (6) A-board signs shall only be allowed on sidewalks during hours when the business to which the sign relates is open to the public.
- (7) A-board signs shall not impede the view of pedestrians or street traffic.
- (8) A-board signs shall be placed on the sidewalk in a location that allows at least 1.2 m (3.9 ft) minimum width for pedestrian traffic.
- (9) For businesses with zero front yard setbacks, one (1) sign may be placed on Village property adjacent the front property boundary provided that:
 - (a) the A-board sign is placed wholly within 1.0 m (3.0 ft) of the curb; and
 - (b) the A-board sign shall be placed as close as practical to any street furniture or tree where available in front of a business in order to maintain the maximum area possible for pedestrian passage.

6.11 Awning Signs

- (1) Subject to provisions of this PART, an awning sign is a permitted use in:
 - (a) Commercial, Industrial, and Institutional Districts;
 - (b) Residential Districts zoned for multiple dwelling units provided that the sign is for on-site name and address identification only; and
 - (c) a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) Awning signs shall have a minimum clearance of 2.5 m (8.2 ft) above grade level.
- (3) Awnings shall be constructed of durable, color-fast material and relate to the architectural design of the building to which they are attached.
- (4) Awnings shall be tightly stretched over a rigid frame in order to minimize the accumulation of dirt through sagging, and also to improve their neat appearance.

- (5) Awnings shall only display local advertising.

6.12 Billboard Signs

- (1) Subject to provisions of this PART, Billboard signs shall be permitted in Industrial Districts.
- (2) The maximum dimensions of a billboard shall be 3.1 m (10.0 ft) in height and 6.10 m (20.0 ft) in length.
- (3) The maximum height above grade of a billboard shall be 4.5 m (14.8 ft).
- (4) Illumination of billboards shall be restricted to gooseneck type lighting that directs light downward towards the sign.
- (5) Only one billboard sign may be erected on each parcel's boundaries with a street.

6.13 Canopy Signs

- (1) Subject to provisions of this PART, a canopy sign is a permitted use in:
 - (a) Commercial, Industrial, and Institutional Districts;
 - (b) Residential Districts zoned for multiple dwelling units provided that the sign is for on-site name and address identification only; and
 - (c) a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) Canopy signs shall be attached to the structure to which they refer.
- (3) Canopy signs may be attached to any or all faces of the canopy.
- (4) Under-canopy signs shall not exceed the height of 0.3 m (1.0 ft) and shall not project beyond the outer edge of the canopy.
- (5) Canopy signs attached to the face of the canopy or under the canopy shall have a minimum clearance of 2.5 m (8.2 ft) above grade level.

6.14 Directory Signs

- (1) Subject to provisions of this PART, a directory sign is a permitted use in the Highway Commercial District, District Shopping Centre District, and Industrial District.
- (2) Where permitted, a directory sign shall be located on a site where more than one business exists and display only a listing of the names of those businesses.
- (3) A directory sign shall:
 - (a) not exceed a maximum height of 11.0 m (36.1 ft); and
 - (b) not exceed 12.0 m² (129.2 sq ft) in combined sign area.
- (4) A minimum 2.0 m (6.6 ft) setback from front and side property lines for the entire perimeter of the sign and in no case shall any portion of the sign project over a property line.
- (5) In the case of a corner lot, the sign be located a minimum of 11.0 m (36.1 ft) from the intersection of the property lines.

6.15 Fascia Signs

- (1) Subject to provisions of this PART, a fascia sign is a permitted use in:
 - (a) Commercial, Industrial, and Institutional Districts;
 - (b) Residential Districts zoned for multiple dwelling units provided that the sign is for on-site name and address identification only; and
 - (c) a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) Fascia signs shall be affixed wholly upon the building to which the sign refers.
- (3) No fascia sign shall be lower than 2.5 m (8.2 ft) above grade, except in the case of signs intended solely for the information of pedestrians in which case the height shall be determined by the Development Authority having regard, amongst other things, to clarity and public safety.
- (4) No fascia sign on a single-storey building shall be higher than the eave line of the building.

- (5) No fascia sign shall project more than 0.4 m (1.3 ft) over a street or public property.
- (6) The total sign area of the fascia sign shall not exceed a 25% of the total area of the primary building face.
- (7) Fascia signs shall not be illuminated when directly abutting a residential parcel or where it could have an adverse impact on a residential parcel.

6.16 Freestanding Signs

- (1) Subject to provisions of this PART, a freestanding sign is a permitted use in:
 - (a) Commercial, Industrial, and Institutional Districts;
 - (b) Residential Districts zoned for multiple dwelling units or a manufactured home park provided that the sign is for name and address identification only; and
 - (c) in a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) Freestanding signs shall be situated wholly upon the site of the building or land use to which the sign refers.
- (3) Only one (1) freestanding sign may be allowed per site.
- (4) A freestanding sign shall have a maximum height above grade of 6.0 m (19.7 ft) and a maximum sign face area of 4.5 m² (48.4 sq ft), except in a Commercial or Industrial District where:
 - (a) the height above grade shall not exceed 10.0 m (32.8 ft); and
 - (b) the sign face area shall not exceed 9.5 m² (102.6 sq ft).

6.17 Neighbourhood Identification Signs

- (1) Subject to provisions of this PART, a neighbourhood identification sign may be located in Residential Districts.
- (2) A neighbourhood identification sign must:
 - (a) be a self-supported sign;
 - (b) not exceed 6.0 m² (64.6 sq ft) in sign area;

- (c) not exceed 3.0 m (9.8 ft) in height;
- (d) be setback a minimum 1.0 m (3.3 ft) from front and side property lines for the entire perimeter of the sign and in no case shall any portion of the sign project over a property line;
- (e) in the case of corner lot, be located a minimum of 6.0 m (19.7 ft) from the intersection of the property lines;
- (f) incorporate the neighbourhood or subdivision name specified by the relevant plans or bylaw;
- (g) be located on a private lot at the entrance to a neighbourhood or subdivision;
- (h) not employ back-lit construction; and
- (i) be designed so as to compliment the architecture and theme of the neighbourhood or subdivision the sign is identifying and be constructed of maintenance-free material including one or more of the following: brick, stone, architectural reinforced concrete, stucco, col-our coated metal, ceramic or glazed tile, or colour coated block.

6.18 Portable Signs

- (1) Portable signs may only contain local advertising and are intended for temporary on-site advertisement relating to the commercial activities of the landlord or tenants.
- (2) Portable signs shall be permitted on all properties containing approved commercial uses, or if they are related to public or quasi-public uses, with the exception of Home Occupations.
- (3) No portable sign relating to a commercial enterprise may be placed on any public property.
- (4) A portable sign shall not interfere with pedestrian and/or vehicular traffic.
- (5) A portable sign shall be stabilized, but shall not use unsightly or potentially hazardous methods.
- (6) A portable sign in use shall at all times be maintained in good condition, and specifically, shall contain lettering and signage which is secure and complete.
- (7) Only one portable sign shall be permitted on a parcel at any one time.

- (8) A portable sign shall not exceed 3.0 m (9.8 ft) in height or have a sign area larger than 4.0 m² (43.1 sq ft).

6.19 Projecting Signs

- (1) Subject to provisions of this PART, a projecting sign is a permitted use in:
- (a) Commercial, Industrial, and Institutional Districts; and
 - (b) a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) A projecting sign shall:
- (a) be located at or below the level of the second floor windows;
 - (b) be located at a right angle to the building façade;
 - (c) have a maximum of two parallel sign faces;
 - (d) have a minimum clearance of 2.5 m (8.2 ft) above grade level;
 - (e) not employ backlit construction or be encircled with flashing or neon lights;
 - (f) be limited to 1 per business; and
 - (g) have a maximum sign area of 0.5 m² (5.4 sq ft).

6.20 Reader Board

- (1) A reader board may form part of a directory sign, freestanding sign, or fascia sign located
- (a) in a Commercial, Institutional, and Industrial District; and
 - (b) in a district zoned for public or quasi-public uses provided the sign is related to the public or quasi-public use.
- (2) A reader board sign may display digital text and images but no text or image shall scroll or flash.
- (3) The rate at which text and images shall be refreshed or change shall be no less than 6 seconds.

6.21 Roof Signs

- (1) At the discretion and satisfaction of the Development Authority, roof signs shall only be permitted provided that the purpose of the sign cannot be achieved by another type of sign.

6.22 Temporary Signs

- (1) Temporary signs may only contain local advertising and are intended for temporary on-site advertisement relating to the commercial activities or events of the landlord or tenants.
- (2) No posters or signs shall be placed on Village street name signs.
- (3) A banner sign shall be maintained in good condition and promptly removed if damaged.
- (4) Except as enumerated herein, all provisions applicable to portable signs generally shall apply to banners.
- (5) No banner sign shall be suspended on or between support columns of any freestanding sign.
- (6) An inflatable sign shall:
 - (a) be tethered or anchored and shall be touching the surface to which it is anchored;
 - (b) not exceed the maximum free standing sign height allowable for the district; and
 - (c) not be located on the roof of a structure.

6.23 Other Signs

- (1) The Development Authority may approve other signs subject to Section 6.8.

PART 7: LAND USE DISTRICT REGULATIONS

7.1 LOW DENSITY RESIDENTIAL DISTRICT (R1)

General Purpose

To provide an area for low density residential development in the form of detached dwellings and compatible uses, herein listed, which are connected to the municipal sewer and water systems.

Permitted Uses:	Detached Dwellings Accessory Residential Buildings
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Discretionary Uses:	Accessory Uses Home Occupations Modular Homes Parks Playgrounds Public Uses Public Utility Buildings Quasi-Public Uses Social Care Residence
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7.1(1) Development Standards

The Supplementary Regulations contained in PART 5, shall apply to every development in this District. The following standards relate to residential dwellings:

Minimum Front Yard:	7.0 m (23.0 ft)
Minimum Side Yard:	1.5 m (4.9 ft) except: a) 3.0 m (9.8 ft) where it abuts a street, or b) In a laneless subdivision, subsection 5.11 of PART 5 shall also apply.
Minimum Rear Yard:	10.0 m (32.8 ft)
Minimum Parcel Area:	Interior Parcels 550 m ² (5920 sq ft) Corner Parcels 550 m ² (5920 sq ft)

Maximum Parcel Coverage:	40%, excluding patios and sun decks
Maximum Building Height:	Two storeys, maximum of 10.0 m (32.8 ft)
Minimum Floor Area:	84.0 m ² (904 sq ft)

7.1(2) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Residential Buildings – Section 5.1
 - Home Occupations - Section 5.30
 - Modular Homes - Section 5.35
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.2 LOW DENSITY NARROW LOT RESIDENTIAL DISTRICT (R1-A)

General Purpose

To provide an area for low density residential development in the form of detached dwellings and compatible uses on narrow urban lots in new neighborhoods, which are connected to the municipal sewer and water systems.

Permitted Uses:	Detached Dwellings Accessory Residential Buildings
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Discretionary Uses:	Accessory Uses Home Occupations Modular Homes Parks Playgrounds Public Uses Public Utility Buildings Quasi-Public Uses Social Care Residence
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7.2(1) Development Standards

The Supplementary Regulations contained in PART 5, shall apply to every development in this District. The following standards relate to residential dwellings:

Minimum Front Yard:	7.0 m (22.96 ft)
Minimum Side Yard:	1.25 m (4.1 ft) except: a) 3.0 m (9.8 ft) where it abuts a street, or b) In a laneless subdivision, subsection 5.11 of PART 5 shall also apply.
Minimum Rear Yard:	10.0 m (32.8 ft)
Minimum Parcel Area:	Interior Parcels 368 m ² (3960 sq ft) Corner Parcels 420 m ² (4520 sq ft)
Maximum Parcel Coverage:	50%, excluding patios and sun decks

Maximum Building Height: Two storeys, maximum of 10.0 m (32.81 ft)

7.2(2) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Residential Buildings – Section 5.1
 - Home Occupations - Section 5.30
 - Modular Homes - Section 5.35
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.3 GENERAL RESIDENTIAL DISTRICT (R2)

General Purpose

To provide an area for a variety of dwelling types and other compatible uses, herein listed, which are connected to the municipal sewer and water systems.

Permitted Uses:	Detached Dwellings
	Duplexes
	Accessory Residential Buildings

Discretionary Uses:	Accessory Uses and Buildings
	Apartments
	Bed and Breakfast
	Boarding and Rooming Houses
	Fourplexes
	Home Occupations
	Modular Homes
	Multiple Housing Developments
	Row Houses
	Parking Facilities for uses in this District
	Parks
	Playgrounds
	Public Uses
	Public Utility Buildings
	Quasi-Public Uses
	Secondary Suites
	Social Care Residence

7.3(1) Development Standards

The Supplementary Regulations contained in PART 5, shall apply to every development in this District. The following standards relate to residential dwellings and multiple housing developments:

Minimum Front Yard:	7.0 m (22.96 ft)
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Minimum Side Yard:

Residential Buildings

1.5 m (4.9 ft) except:

- a) 3.0 m (9.8 ft) where it abuts a street, or
- b) In a laneless subdivision, subsection 5.11 of PART 5 shall also apply.

Apartments

3.0 m (4.9 ft) except:

- a) 6.0 m (19.7 ft) where it abuts the road, or
- b) As required in the Alberta Building Code.

Multiple Housing Developments

Sufficient separation or screening must exist to maintain privacy within each dwelling under normal conditions, or as required in the Alberta Building Code, whichever is greater.

Minimum Rear Yard:

Residential Buildings - 10.0 m (32.8 ft)

Multiple Housing Developments (incorporating buildings with ground level private access), each dwelling unit shall have a private, screened yard area of not less than 45.0m² (485 sq ft).

Minimum Parcel Area:

Detached Dwelling, Modular Homes

Interior Parcels 400 m² (5920 sq ft)

Corner Parcels 420 m² (5920 sq ft)

Duplexes

Interior Parcels 235 m² (2529 sq ft)

Corner Parcels 280 m² (3014 sq ft)

Row Houses

Interior Parcels 185 m² (1991 sq ft)

Corner Parcels 275 m² (2960 sq ft)

Fourplexes

Interior Parcels 180 m² (1938 sq ft)

Corner Parcels 185 m² (1991 sq ft)

Apartments

1.3 times the building's total floor area

Maximum Parcel: Coverage	Residential - 40%
Maximum Building: Height	Two storeys, maximum of 10.0 m (32.8 ft) Apartments - 12.0 m (39.4 ft) Multiple Housing Developments As required for the various housing types described above.
Minimum Floor Area:	Detached dwellings, Duplexes, Modular Homes 84.0 m ² (904 sq ft) Other Residential 72.0 m ² (775 sq ft) per dwelling unit

7.3(2) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Residential Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Garbage Storage - Section 5.26
 - Home Occupations - Section 5.30
 - Modular Homes - Section 5.35
 - Secondary Suites - Section 5.37
 - Bed and Breakfasts - Section 5.38
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.4 MANUFACTURED HOME DISTRICT (R3)

To provide an area for and to regulate the development and use of land for manufactured homes, and other compatible uses, herein listed, which are compatible with a residential area, either on separately registered parcels or in comprehensively designed parks wherein sites are rented or owned as part of a condominium. The area is to be connected to municipal sewer and water systems.

Permitted Uses:	Manufactured Homes
	Manufactured Home Park
	Accessory Residential Buildings

Discretionary Uses:	Home Occupations
	Parks
	Playgrounds
	Public Uses
	Public Utility Buildings
	Quasi-Public Uses

7.4(1) Manufactured Home Subdivision Standards

In this District:

“lot” means the total area of land reserved for the placement of a manufactured home and for the exclusive use of its occupant(s).

“structure” means a subordinate building which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, storage structures, carports, porches or skirting.

The following standards relate to **Manufactured Homes** on separately registered parcels:

Minimum Floor Area:	91.0 m ² (980 sq ft)
Minimum Width:	6.1 m (20.0 ft)
Maximum Length: to Width Ratio	3:1
Maximum Height:	5.0 m (16.4 ft)

Minimum Parcel Area:	Interior Parcels	400 m ² (4305 sq ft)
	Corner Parcels	420 m ² (4520 sq ft)
Maximum Lot Coverage:	50%	
Minimum Yard Requirements:	Manufactured homes shall be at least: a) 6.0 m (19.7 ft) from any front boundary, b) 3.0 m (9.8 ft) from any rear lot line, c) 1.5 m (4.9 ft) from right-side lot line (facing lot from the street), d) 4.5 m (14.8 ft) from left-side lot line (facing lot from the street), e) 3.0 m (9.8 ft) from any side lot line that abuts a street, and f) attached structures shall be at least 1.5 m (4.9 ft) from any lot line.	

7.4(2) Manufactured Home Park

The following standards relate to **Manufactured Homes** in a comprehensively designed park:

Minimum Floor Area:	91.0 m ² (980 sq ft)
Minimum Width:	6.1 m (20.0 ft)
Maximum Length: to Width Ratio	3:1
Maximum Height:	5.0 m (16.4 ft)

The following standards relate to a comprehensively designed park for Manufactured Homes:

Maximum Gross Density:	17 manufactured homes per hectare (7 per acre)
Minimum Park Area:	2 hectares (4.9 acres)
Maximum Park Area:	4 hectares (9.9 acres)

Minimum Lot Area:	As determined by the size of the manufactured home units and the lot coverage and minimum yard requirements specified in this section.
Minimum Yard Requirements:	Manufactured homes shall be at least: a) 4.5 m (14.8 ft) from one another, b) 6.0 m (19.7 ft) from any park boundary, c) 3.0 m (9.8 ft) from any side internal access road or common parking area, d) 6.0 m (19.7 ft) from the front lot line, e) 1.5 m (4.9 ft) from any side lot line, f) 4.5 m (9.8 ft) from the rear lot line, g) attached structures shall be at least 1.5 m (4.9 ft) from any lot line.
Comprehensive Siting Plan:	A comprehensive siting plan satisfactory to the Development Authority is required for all manufactured home parks. The plan shall identify and provide detail regarding dimensions and treatments for the following: a) Entire site and individual lots b) Roads c) Walkways d) Recreation Areas e) Storage areas f) Parking areas g) Perimeter landscape area
Recreation Area:	A minimum of 5% of the total area of a manufactured home park shall be set aside in a suitable location as a recreation area. Playground apparatus or other recreation facilities shall be provided in accordance with a recreation site plan approved by the Development Authority.
Walkways:	Internal pedestrian walkways, where provided, shall be a minimum of 1.5 m (4.9 ft) in width.

Landscaped Area:

All areas of a manufactured home park not developed or occupied by park roads, walkway, driveways, parking aprons, buildings or other developed facilities, including paved playgrounds, shall be landscaped.

A manufactured home park shall have on its perimeter a landscaped area not less than 3.0 m (9.8 ft) in width between any manufactured home lot and a boundary line of the development. This buffer shall not comprise part of the 5% recreation area requirement.

The Development Authority may require the provision of a screening fence or wall within the 3.0 m (9.8 ft) perimeter. The height, material, style, finish and siting of the fence/wall shall be to the satisfaction of the Development Authority.

Roadways:

All manufactured home park roadways shall have at least a 12.0 m (39.4 ft) right-of-way and a carriageway not less than 8.0 m (26.3 ft) in width.

Storage Areas:

Common storage areas, separate from the manufactured home lot, shall be provided for storage of seasonal recreational equipment not capable of storage on the manufactured home lot. Such storage areas shall be screened.

Such storage areas shall have an area of not less than 20.0 m² (215.3 sq ft) per manufactured home lot.

Fences and Lot Lines:

Fences and hedges shall be allowed only if a uniform standard is used throughout the manufactured home park and erected and maintained by the manufactured home park operator.

All lot lines shall be clearly defined on the ground by permanent flush stakes, or markers, and with lot number or other address system.

7.4(3) Other Regulations

- (1) All manufactured homes in a manufactured home park require a development permit.
- (2) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Residential Buildings – Section 5.1
 - Home Occupations - Section 5.30
- (3) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.
- (4) Skirting or any attached structure shall be factory built with matching exterior finish, or be of durable all-weather construction and designed in a manner that will enhance the appearance of the manufactured home.
- (5) All wheels must be removed and the manufactured home placed on permanent foundation or concrete piers.

7.5 CENTRAL COMMERCIAL DISTRICT (C1)

General Purpose

To provide an area for intensive commercial use within the central/downtown core, offering a wide variety of goods and services, and other compatible uses, herein listed, an attractive pedestrian-friendly environment, but which will be accessible to motor vehicles.

Permitted Uses:

Convenience Stores
Day Care Facilities
Drinking Establishments (Adult Entertainment Prohibited)
Dwelling Units, subject to subsection 7.5(3)
Eating Establishments
Financial Services
Offices
Personal Services
Pet Care Services
Retail Commercial Uses
Specialty Food Stores

Discretionary Uses:

Accessory Buildings and Uses
Bus Depots
Cannabis Retail Sales
Commercial Recreation and Entertainment Facilities
Drive-Thru Business
Funeral Homes
Gas Bar
Health Services
Hotels
Market
Motels
Parking Facilities for uses in this District
Public Uses
Public Utility Buildings
Quasi-Public Uses
Repair Services
Service Stations

7.5(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Front Yard:	NIL
Minimum Side Yard:	NIL, unless otherwise required by PART 5 of this Land Use Bylaw or the Alberta Building Code
Minimum Rear Yard:	Shall be in accordance with applicable sections of PART 5 of this Land Use Bylaw
Maximum Parcel Coverage:	100%, includes parking facilities
Maximum Building Height:	10.0 m (32.8 ft)
Building Design:	As determined by the Development Authority

7.5(2) Restrictions of Outdoor Storage and Display Areas

- (1) No outdoor storage or outdoor display shall be permitted except for special occasions or temporary uses, or as permitted by the Development Authority.

7.5(3) Dwelling Units

- (1) Where a dwelling unit is part of the Commercial building, dwelling units shall:
 - (a) be secondary and subordinate to the principal commercial uses;
 - (b) have an entrance that is separate and distinct from the entrance of any non-residential component of the building;
 - (c) not be located in front of building on the ground floor level; and
 - (d) not be located on the same floor as a non-residential use unless there is a physical separation of uses or entrances to the satisfaction of the Development Authority.

7.5(4) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Loading Spaces – Section 5.15
 - Drive-Thru Businesses – Section 5.20
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Lighting – Section 5.25
 - Garbage Storage - Section 5.26
 - Yards Abutting a Residential District - Section 5.27
 - Outdoor Display Area - Section 5.28
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.6 HIGHWAY COMMERCIAL DISTRICT (C2)

General Purpose

To provide an area for commercial uses and other compatible uses, herein listed, adjacent to a major thoroughfare, which requires large open areas for parking by clientele, for display of merchandise, or both, which will create an attractive environment, primarily accessible to motor vehicles

Permitted Uses:

Convenience Stores
Drinking Establishments (Adult Entertainment Prohibited)
Dwelling Units, for occupancy of the owner, manager, or caretaker, subject to subsection 7.5(3)
Eating Establishments
Health Services
Hotels
Indoor Merchandise Sales
Motels
Offices
Repair Services
Sales, Service, & Rental Outlet -
 Automotive
 Recreational Vehicle
 Seasonal Vehicle
Service Stations

Discretionary Uses:

Accessory Buildings and Uses
Bus Depots
Car Wash
Cartage and Freight Terminals
Commercial Service Facility
Commercial Recreation and Entertainment
Day Care Facilities
Drive-Thru Business
Garden Centres

Discretionary Uses (cont'd):	Parking Facilities for uses in this District
	Public Uses
	Public Utility Buildings
	Quasi-Public Uses
	Recycle Drop-off
	Sales, Service, & Rental Outlet -
	Farm Equipment
	Light Equipment
	Self-Service Storage Facilities

7.6(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Front Yard:	9.0 m (29.5 ft) adjacent to a service or local road
Minimum Side Yard:	3.0 m (9.8 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw, or as required by the Alberta Building Code
Minimum Rear Yard:	6.0 m (19.7 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw
Minimum Rear Yard:	6.0 m (19.7 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw
Minimum Parcel Frontage:	15.0 m (49.2 ft) adjacent to a service or local road 46.0 m (150.9 ft) without a service road
Maximum Parcel Coverage:	80%, includes parking facilities
Maximum Building Height:	10.0 m (32.8 ft)

7.6(2) Landscaping

- (1) The minimum amount of site area to be landscaped shall be 15%.
- (2) All areas of the site not covered by buildings, driveways, and parking, storage and display areas shall be landscaped.

7.6(3) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Loading Spaces – Section 5.15
 - Drive-Thru Businesses – Section 5.20
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Lighting – Section 5.25
 - Garbage Storage - Section 5.26
 - Yards Abutting a Residential District - Section 5.27
 - Outdoor Display Area - Section 5.28
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.7 DISTRICT SHOPPING CENTRE (C3)

General Purpose

To provide for the development of district shopping centres adjacent to a major thoroughfare, which accommodates small scale commercial uses that are limited in size and type and that primarily serve the residents of the surrounding areas. District shopping centres are generally characterized by multi-tenant strip-type commercial buildings that are comprehensively designed, utilize shared parking and access, and have a high standard of landscaping and appearance.

Permitted Uses:

Convenience Stores
Day Care Facility, Drop-in
Financial Services
Health Services
Offices
Personal Services
Repair Services
Retail Commercial Uses
Veterinary Clinics

Discretionary Uses:

Accessory Buildings and Uses
Commercial Recreation and Entertainment Facilities
Drinking Establishments (Adult Entertainment Prohibited)
Eating Establishments
Pet Care Services
Public Utility Buildings
Any use that is similar, in the opinion of the Development Authority, to the permitted or discretionary uses described above

7.7(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Front Yard:	9.0 m (29.5 ft) adjacent to a service or local road
Minimum Side Yard:	3.0 m (9.8 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw, or as required by the Alberta Building Code
Minimum Rear Yard:	6.0 m (19.7 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw
Minimum Parcel Frontage:	15.0 m (49.2 ft) adjacent to a service or local road 46.0 m (150.9 ft) without a service road
Maximum Parcel Coverage:	80%, includes parking facilities
Maximum Building Height:	10.0 m (32.81 ft)

7.7(2) Landscaping

- (1) The minimum amount of site area to be landscaped shall be 15%.
- (2) All areas of the site not covered by buildings, driveways, and parking, storage and display areas shall be landscaped.

7.7(3) Restrictions of Outdoor Storage

- (1) No outdoor storage shall be permitted except for special occasions or temporary uses, or as permitted by the Development Authority.

7.7(4) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Buildings – Section 5.1
 - Parking – Section 5.13

- Barrier Free Parking – Section 5.14
 - Loading Spaces – Section 5.15
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Lighting – Section 5.25
 - Garbage Storage - Section 5.26
 - Yards Abutting a Residential District - Section 5.27
 - Outdoor Display Area - Section 5.28
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.8 INDUSTRIAL DISTRICT (I)

General Purpose:

To provide an area for industrial uses, and other compatible uses, herein listed, which are intended to accommodate uses which do not cause objectionable nuisance or dangerous conditions beyond the parcel boundary.

Permitted Uses:

Accessory Buildings and Uses
Automotive and Autobody Repair
Light Industrial Use
Municipal Shops and Storage Yards
Offices
Repair Services
Recycle Drop-off
Recycle Yard
Sales, Service, & Rental Outlet -
 Automotive
 Farm Equipment
 Heavy Equipment
 Light Equipment
 Recreational Vehicle
 Seasonal Vehicle
Self-Service Storage Facilities
Towing Services
Veterinary Clinics
Warehouse

Discretionary Uses:

Car Wash
Cartage and Freight Terminals
Dangerous Goods Occupancy
Dwelling Units, for occupancy of the owner, manager, or caretaker, subject to subsection 7.5(3)
Open Storage Yards
Parking facilities for uses in this District
Public Uses
Public Utility Buildings
Quasi-Public Uses
Salvage Yard/Scrap Metal Dealer
Solid Waste Transfer Station

7.8(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Front Yard:	9.0 m (29.53 ft)
Minimum Side Yard:	3.0 m (9.8 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw, or as required by the Alberta Building Code
Minimum Rear Yard:	6.0 m (19.7 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw
Minimum Parcel Frontage:	15.0 m (49.21 ft) except, where abutting a highway without a service road, in which case 30.0 m (98.4 ft) shall be required
Maximum Parcel Coverage:	80%, includes parking facilities

7.8(2) Landscaping

- (1) A minimum of 6.0 m (19.68 ft) wide area adjacent any residential parcel and any property boundary with a road shall be landscaped.
- (2) All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

7.8(3) Additional Aesthetic Requirements

- (1) The Development Authority may require the application of additional aesthetic regulations where, in the opinion of the Development Authority, there is a likelihood that elements of the proposed development will generate undesirable impacts on surrounding sites such as poor appearance, excessive noise, light, odours, traffic, litter, or dust or cause conflicts with other uses forming part of the development.
- (2) The additional aesthetic regulations that may be required may include, but are not limited to, the following:
 - (a) additional separation space between incompatible uses;
 - (b) the use of trees, shrubs, opaque fences, walls, and berms to buffer or screen uses of negative impacts; and

- (c) the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of the development.

7.8(4) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
- Accessory Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Loading Spaces – Section 5.15
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Lighting – Section 5.25
 - Garbage Storage - Section 5.26
 - Yards Abutting a Residential District - Section 5.27
 - Outdoor Display Area - Section 5.28
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.9 PUBLIC/INSTITUTIONAL DISTRICT (P)

General Purpose:

To provide an area for the development of public and institutional lands for multi-use facilities, and other compatible uses, herein listed.

Permitted Uses: Parks
Playgrounds

Discretionary Uses: Accessory Building and Uses
Cemeteries
Parking Facilities for uses in this District
Public Uses
Public Utility Buildings
Quasi-Public Uses

7.9(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Front Yard:	9.0 m (29.53 ft)
Minimum Side Yard:	3.0 m (9.8 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw, or as required by the Alberta Building Code
Minimum Rear Yard:	6.0 m (19.7 ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw
Maximum Parcel Coverage:	80%, includes parking facilities
Maximum Building Height:	12.0 m (39.4 ft)

7.9(2) Restrictions of Outdoor Display Areas

(1) No outdoor display shall be permitted.

7.9(3) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.10 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (FD)

General Purpose:

To reserve land for future subdivision and development until an overall plan is prepared for and approved by Council.

Discretionary Uses:

Accessory Uses
Agricultural Operation & Buildings
Agricultural Supply Depot
Existing residence and other related improvements
Public Utility Buildings
Uses that will not, in the opinion of the Municipal Planning Commission, (a) materially alter the uses of the land from that existing on the date the land was designated to this Land Use District, or (b) conflict with future urban expansion.

7.10(1) Development Standards

In addition to the Supplementary Regulations contained in PART 5, the following standards shall apply to every development in this District:

Minimum Parcel Area: All the land contained in the existing Certificate of Title, unless otherwise approved by the Municipal Planning Commission, having regard to future use of the parcel and the form of future subdivision and development.

7.10(2) Other Regulations

- (1) Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Accessory Buildings – Section 5.1
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Outdoor Storage - Section 5.29
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

7.11 DIRECT CONTROL DISTRICT (DC)

General Purpose:

The purpose of this district is to provide for the development of land uses under individually unique circumstances requiring site-specific controls where the application for conventional land use districts would be inappropriate or inadequate.

Uses:

In approving a bylaw for a Direct Control District for a particular site, Council shall specify those uses that may be allowed.

7.11(1) Development Standards

In approving a bylaw for a Direct Control District for a particular site, Council shall establish the development standards that apply.

7.11(2) Administrative Provisions

- (1) This District shall only be applied where the following conditions are met:

- (a) the development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and surrounding area and its compatibility with the scale and character of the surrounding development;
 - (b) the use of any other district on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of such District be utilized; and
 - (c) the development is of a unique form or nature not contemplated or reasonably regulated by another District.
- (2) In addition to the information required by the Land Use Bylaw for the amendment application, the application shall also provide the following:
 - (a) support rationale explaining why the proposed District is desirable for the site having regard for the conditions listed in subsection (1) above;
 - (b) a list of uses proposed for the site;
 - (c) an explanation of the methods used to obtain public input and written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to those concerns;
 - (d) plans and elevations that would help substantiate the need for the District and establish the development standards that would apply to the sites; and
 - (e) any other information as may be required by the Development Officer to evaluate the proposed development and its potential impacts.
- (3) In approving a bylaw for a Direct Control District for a particular site, Council may specify:
 - (a) those uses to be decided upon by a Development Authority; and
 - (b) those development standards for which a variance may be granted.

7.11(3) Sites Subject to Direct Control

- (1) The allowable uses and specific regulations for a particular site subject to Direct Control were adopted by Council and therefore, for continuity are re-adopted by this Bylaw. The Direct Control sites are as follows:
 - DC - Industrial 1: Plan 9621583, Lots 1, 2, & 3

- DC - Industrial 2: Plan 9521262, Lots 2 & 3
- DC - Industrial 3: Plan 6370AK, Lot A (CN Frontage)

7.12 PUBLIC RECREATION DISTRICT (PR)

General Purpose:

To provide an area for uses and facilities used by the public including parks and recreation for the use and enjoyment of the public at large.

Permitted Uses:

Park
Playground
Public Uses
Quasi-Public Uses
Parking Facilities
Campground
Golf Course
Accessory Building

Discretionary Uses: Public Utility Building

7.12(1) Development Standards

In addition to the supplementary regulations contained in PART 5, the following standards shall apply to every development in this district:

Minimum Front Yard: 9.0m (29.53 ft)

Minimum Side Yard: 3.0m (9.8ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw, or as required by the Alberta Building Code

Minimum Rear Yard: 6.0m (19.7ft) and in accordance with applicable sections of PART 5 of this Land Use Bylaw

Maximum Parcel Coverage: 80% includes parking facilities

Maximum Building Height: 12.0m (39.4ft)

7.12(2) Other Regulations

- (1) In addition to the regulations and standards listed above, the Supplementary Regulations established in PART 5 and by the Municipal Planning Commission apply to developments in this District. These Supplementary Regulations include but are not limited to the following:
 - Parking – Section 5.13
 - Barrier Free Parking – Section 5.14
 - Landscaping, Environmental Conservation and Development – Section 5.22
 - Outdoor Storage – Section 5.29
 - Campground – Section 0.0
- (2) All signage shall be placed in accordance with the applicable standards contained within PART 6 of this Land Use Bylaw.

VILLAGE OF DELBURNE
Land Use Bylaw 1108
District Map
Date Saved: Aug. 29, 2016
Scale: 1:5,000

Legend

- Residential Low Density (R1)
- General Residential (R2)
- Manufactured Homes (R3)
- Retail Commercial (C1)
- Highway Commercial (C2)
- Industrial (I)
- Public/Institutional (P)
- Direct Control (DC)
- Reserved For Future Development (FD)

SCHEDULE B

SPECIFIC PENALTIES FOR OFFENCES UNDER THE LAND USE BYLAW

Description of Offence	First Offence	Second Offence	Third or Subsequent Offence
Section 2.1(2) Commence development without a permit	\$500	\$1000	\$5000
Contravention or failure to comply with any provision of this Bylaw not listed above	\$250	\$500	\$1000
Section 6.3 Failure to obtain development permit for a sign	\$250	\$500	\$1000
Contravention or failure to comply with any provision related to signs in this Bylaw	\$250	\$500	\$1000