



Village of BIG VALLEY

Land Use Bylaw No. 765

October 2005

HOW TO USE THIS BYLAW

The Village of Big Valley's Land Use Bylaw establishes the regulations which govern how land and buildings can be developed in our village. The regulations vary depending on where the land is located and what kind of development is proposed.

If you are not sure you understand the regulations, or if you would like someone to guide you through the process, simply call or visit the Village Office.

Step 1

Locate the property in question on the Land Use District Map attached as Schedule "A" of the Bylaw. You will find the map in the pocket at the back of the Bylaw.

The map divides the Village into Land Use Districts. Each District has a land use designation such as "R-1" (Low Density Residential), or "C" (Commercial). Note which Land Use District the property is located in.

Step 2

Check the Table of Contents and find the District that you are interested in. In each District you will find a list of permitted and discretionary uses, development standards and other regulations.

Step 3

Review the Table of Contents to see if there are any general regulations which may apply to your project. For example, Part 3 General Regulations deals with such items as accessory buildings and uses, parking and loading, landscaping etc. It also includes regulations for home occupations, vehicular uses, bed and breakfasts, signs, and other uses and topics.

Step 4

Discuss your project with Village staff. They can assist you with your application and explain the process, whether you are applying for a development permit, subdivision, or Land Use Bylaw amendment.

We hope this "how to" guide has been useful. Again, if you need help, please ask!

*NOTE: This page is intended only to assist readers and does not form part of the Land Use Bylaw.

METRIC CONVERSION

This Bylaw is written in metric. To convert meters to feet, multiply the number of meters by 3.28 to get the approximate dimension in feet. Some typical dimensions used in the Bylaw and their Imperial equivalents are as follows:

<u>m</u>	<u>feet</u>
0.5	1.64
1.0	3.28
2.0	6.56
3.0	9.84
4.0	13.12
5.0	16.40
6.0	19.69
7.5	24.61
8.0	26.24
9.0	29.53
10.0	32.80
12.0	39.37
15.0	49.20
35.0	114.83

To convert m² to square feet, multiply the number of m² by 10.764 to get the number of square feet. Some typical conversions are as follows:

<u>m²</u>	<u>square feet</u>
1.5	16.15
7.5	80.73
9.0	96.88
310	3336.92
420	4520.99
465	5005.38
570	6135.63
600	6458.56
850	9149.62
1300	13993.54
8000	86114.10

*NOTE: This page is intended only to assist readers and does not form part of the Land Use Bylaw.

VILLAGE OF BIG VALLEY

BYLAW No. 765

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

WHEREAS: The Municipal Government Act, as amended, authorizes the Council of a Municipality to enact a Land Use Bylaw to regulate and control the use and development of land and buildings within the Municipality; and

WHEREAS: A Land Use Bylaw has been prepared in accordance with the requirements of Part 17 of the Municipal Government Act, as amended;

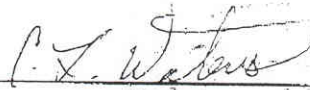
NOW THEREFORE, Council of the Village of Big Valley duly assembled enacts as follows:

1. The adoption of the Village of Big Valley Land Use Bylaw being the document attached hereto.
2. Bylaw No. 737 and all amendments thereto are hereby rescinded.
3. This Bylaw comes into effect upon the date of it being given third reading.

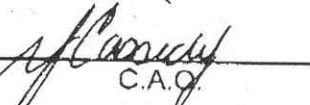
READ A FIRST TIME this 24TH day of October 2005.

READ A SECOND TIME this 28TH day of November 2005

READ A THIRD AND FINAL TIME this 28TH day of November 2005.



Mayor



C.A.G.

VILLAGE OF BIG VALLEY

**LAND USE BYLAW
No. 765**

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Schedule A Land Use District Map

PART 1: INTERPRETATION AND DEFINITIONS

1.1 Short Title

This Bylaw may be cited as "The Village of Big Valley 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 for each district the purposes for which land and buildings may be used;
- (3) establish the office of the Development Officer;
- (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.

1.3 Compliance with Other Legislation

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

- (1) the requirements of any federal, provincial or other municipal legislation;
- (2) complying with any easement, covenant, agreement or contract affecting the development, and
- (3) the obligation to obtain any other permit, license or other authorization required by this or any other bylaw.

1.4 Sections Found Invalid

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 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 neuter. 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) In any place in this Land Use Bylaw where there is a discrepancy between the metric and imperial equivalents shown, the metric shall take precedence.

1.6 Establishment of Districts

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

Low Density Residential District	R-1
Low Density Residential District	R-1A
General Residential District	R-2
Manufactured Home District	R-3
Commercial District	C
Light Industrial District	I-1
Heavy Industrial District	I-2
Public Open Space District	POS
Reserved for Future Development District	RD

- (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 and railway rights-of-way excluding station grounds 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 off the Land Use District Map; and
 - (c) a boundary location which cannot be resolved, shall be referred to Council for an official interpretation.

1.7 Definitions

In this Land Use Bylaw,

“abut or abutting” means contiguous to or physically touching, and when used with respect to a parcel or site, means that the parcel or site physically touches upon another parcel, site or piece of land, and shares a property line or boundary line with it;

“accessory building or use” means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building;

"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;

“adjacent use” means the use of adjacent land;

“adult care housing” means a building providing long-term accommodation wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may receive such services as housekeeping and personal care assistance;

“agricultural operation” means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and included but is not limited to:

- a) the cultivation of land
- b) the raising of poultry and livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act
- c) the raising of fur-bearing animals, birds or fish
- d) the production of agricultural field crops
- e) the production of fruit, vegetables, sod, trees, shrubs and other special horticultural crops
- f) the production of eggs and milk
- g) the production of honey
- h) the operation of agricultural machinery and equipment, including irrigation pumps and
- i) the application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;

"apartment" means a residential building consisting of at least 3 dwelling units, but shall not include buildings containing units with separate exterior entrances or entranceways;

"area redevelopment plan" means a plan adopted by bylaw pursuant to the *Municipal Government Act*,

"area structure plan" means a plan adopted by bylaw pursuant to the *Municipal Government Act*,

“auction market” means a parcel and/or a building used for the temporary storage of goods, which are to be sold on the premises by public auction from time to time;

“bachelor unit” means a dwelling unit for the use of one individual, comprising a combined living and sleeping room with cooking and separate toilet facilities;

"basement" means a habitable portion of a building which is partly underground, and has not more than half of the distance between the floor level and the underside of the ceiling joists above the adjacent finished grade elevation;

“bed and breakfast” means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee;

"boarding and rooming house" means a detached dwelling in which a proprietor supplies for a fee sleeping accommodations, with or without meals, for at least three (3) but not more than six (6) persons, exclusive of the proprietor's family;

"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 height” means the vertical distance between the average grade and the highest point on a building, other than any chimney, poles, vents or other things that, in the opinion of the Development Officer or Municipal Planning Commission are similar and are not part of the building structure;

“building separation” means the minimum distance between two buildings on adjoining parcels of land;

“caretaker suite” means a portion of the main land use district building not including a manufactured unit attached to the said building, used to provide accommodation for one individual that is employed by the business located on the property to provide janitorial and/or security functions for the same said property. Only one caretaker's suite per property location shall be permitted. A caretaker's suite may consist of an office, sleeping, kitchen and bathroom facilities, and for the purposes of this Land Use Bylaw shall not be considered a dwelling unit, and cannot be a business unto itself.”

“car wash” means a facility used for the purposes of washing motor vehicles;

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

“child care facility” means a facility that provides care and supervision for seven (7) or more children for more than three (3) but less than twenty-four (24) consecutive hours in each day that the facility is operating, and is intended to be operated for them at least twelve (12) consecutive weeks per year;

"commercial recreation and entertainment" means a facility which provides for recreation or entertainment for a gain or a profit. This includes movie theatres, live theatres, dancing, arcades, billiard or pool halls, bingo halls, bowling alleys, gymnasiums, racquet courts, simulated golf, and roller skating;

"Council" means the Council of the Village of Big Valley;

"density" means the number of dwelling units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit;

"detached dwelling" means a residential building containing one dwelling unit, which is physically separate from any other residential building, and does not include a manufactured 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 agreement" means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out;

"development authority" means the person or persons appointed pursuant to the Village's Development Authority Bylaw;

"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 of land or a building provided for in this Land Use Bylaw, which may be compatible with other uses in the District, for which a development permit may be issued upon an application having been made;

"District" means Land Use District;

"drinking establishment" 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 and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises. This 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-in business" means an establishment with facilities for on site service to customers who generally 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 separate residential building consisting of only two dwelling units, located side by side or one above the other, each 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 toilet facilities intended as a permanent residence and having an independent entrance either directly from the outside of the building or through a common area inside the building;

"encroachment agreement" means a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by another property owner;

"feed mills and grain elevators" means buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared;

"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;

"floor area" means

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

"fourplex" means a separate residential building, other than row housing, containing four dwelling units;

"freight and transportation depot" means a facility for the storage and distribution of freight shipped by air, rail or road transportation and includes a facility for the parking, storage and servicing of vehicles used in the transportation of freight or passengers for commercial purposes;

"front parcel boundary" means, in the case of an interior parcel, the boundary which abuts a street and in the case of a corner parcel, means the shorter of the two boundaries which abut a street;

"front yard" means a yard extending across the full width of a parcel from the front boundary of the parcel to the front wall of the main building situated on the parcel;

"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;

"gas bar" means a site or portion thereof used for the sale of gasoline, propane and other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments;

"grade" means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building;

"hard landscaping" means the use of non-vegetative material, other than monolithic concrete, asphalt or gravel, as part of a landscaped area;

"hard surfacing" means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority that is used in the construction of a driveway or parking area;

"heavy equipment assembly, sales and service" means the assembly, sales, rental and service of any heavy vehicle or equipment used in commercial, industrial, resource extraction or agricultural activities;

"heavy manufacturing" means the manufacture of products, the process of which generates fumes, gases, smoke, 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;

"home occupation – class 1" means an accessory use of a dwelling unit by a resident for a small scale business which is incidental to the primary use as a residence, undetectable from outside the dwelling unit;

"home occupation – class 2" means an accessory use of a dwelling unit or private garage by a resident for a small scale business which is incidental to the primary use as a residence. In accordance with the foregoing, home occupation – class 2 uses may include such activities as music lessons, offices and indirect sales, but may not include such uses as medical clinics, veterinary clinics or retail sales;

"hotel" means a building in which rooms are provided for temporary sleeping accommodation where each room has access for a common interior corridor and in which food and beverage services are also available;

"Land Use District" means an area as shown in Schedule A of this Land Use Bylaw;

"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;

"light manufacturing" means the manufacture of products, the process of which does not create and emit fumes, gases, smoke, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land;

"light repair services" means the repair and maintenance of small industrial and commercial equipment, vehicles and personal or household items where there are no nuisances created or emitted which could cause adverse effects on the users of adjacent lands'

"livestock auction market" means a facility where agricultural related items including cattle are bought and sold by public auction'

"loading space" means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials;

"main building" means a building in which is conducted the main or principal use of the parcel on which it is erected;

"main use" means the principal purpose for which a building or parcel is used;

"manufactured home" means a residential building containing one dwelling unit built in an enclosed factory environment in one or more sections and intended to be occupied in a place other than where it was manufactured;

"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 basis;

"mixed use development" means a building designed for more than one land use on the same site, such as residential and retail development, residential, office and retail development and office warehouse development;

"motel" means a building or a group of buildings on a parcel designed and operated to provide temporary sleeping accommodation for transient travellers and contains separate sleeping units, each of which is provided with an adjoining or conveniently located parking space;

"multi-attached building" means a residential building containing three or more dwelling units, each unit separated by a common or party wall and having a separate entrance, whether located on a single site or adjoining individual lots;

"multiple family building" means a building containing three or more dwelling units;

"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 all other features have been planned as an integrated development;

"municipality" means the Village of Big Valley;

"Municipal Government Act" means the *Municipal Government Act*, S.A. 1994, c.M-26.1, as amended;

"Municipal Planning Commission" means a commission established by the Village's Municipal Planning Commission Bylaw;

"municipal shop and storage yard" means the facility used by a municipality for the storage of materials used in fulfilling its various functions and the housing and repair of its equipment;

"natural environment preservation area" means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor recreation facilities;

"non-conforming building" means a building

- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or 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 this Land Use Bylaw or any amendment thereof affecting the land or building becomes effective, and
- (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Land Use Bylaw;

"office" means a facility providing for the administration of business, or government, or the provision of professional services;

"off-site levy" means a levy imposed pursuant to the Municipal Government Act;

"open storage yard" means land which is used for the storage of products, goods or equipment which is not available for immediate sale;

"outdoor display" means the use of land for the purpose of showing merchandise for sale;

"owner" means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land and, in respect of any property other than land, the person 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 the land titles office;

“parcel, corner” means a parcel abutting two or more streets, other than a lane, at their intersection or abutting two parts of the same street forming an interior angle of less than 135 degrees;

“parcel, interior” means a parcel abutting only one street other than a lane;

“parcel, through” means a parcel that abuts two parallel streets, not including lanes;

“parcel width” means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary;

“parking facility” means a structure or an area providing for the parking of motor vehicles;

“permitted use” means a use of land or a building that 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 service” means the provision of a service to individuals on a commercial basis and included but is not limited to such services as photographers, travel agencies, beauty salons and dry cleaners;

“private club or lodge” means a facility used for the meeting, social or recreational activities of members of non-profit, charitable, social service, athletic, business or fraternal organizations;

“public use” means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as publicly funded schools, parks, libraries, arenas, museums, art galleries, hospitals, tennis courts, swimming pools and other indoor and outdoor recreational facilities;

“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 within the public utility;

“railway uses” means a use of land or a building directly related to the building or operation of a railroad system;

“Real Property Report” means a plan prepared by an Alberta Land Surveyor which establishes dimensions of the boundaries of a parcel and the location of the improvements thereon;

“rear parcel boundary” means the registered boundary or boundaries of a parcel which is or are opposite the front parcel boundary;

“rear yard” means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear property boundary of the parcel;

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

“religious assembly” means a facility used for worship and related religious, charitable, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses included churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

“repair and contracting services” means the restoration and maintenance of objects, including cars, light trucks and recreation vehicles, the provision of technical and construction services and sales directly related to the one or more of these activities occurring on the same parcel;

“restaurant” means a building or part of a building the primary purpose of which is the preparation and sale of food for consumption on the premises and the secondary purpose of which may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take out food services and catering. A restaurant may include premises in respect of which a “Class A” Liquor License has been issued and where minors are not prohibited by the terms of the license;

“retail sales establishment” means a facility used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationery, etc;

“road” means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or used as a public road and 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 unit separated by a common or party wall and having a separate front and rear access to the outside grade;

"sales and service outlet for automobiles, trucks, recreation vehicles" means a facility providing for the sale, rental, service and repair of automobiles, trucks, recreation vehicles;

"sales and service outlet for farm and heavy equipment, building supplies and mobile homes" means a facility providing for the sale, rental, service or repair of farm and heavy equipment, building supplies or mobile homes;

“satellite dish antennae” means a curved apparatus for receiving electromagnetic waves from a satellite and the supporting structure of that apparatus;

"screen or screening" means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas;

“secondary suite” means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling;

"seed cleaning plant" means a building for the storage and preparation of seed used in agriculture;

"setback" means the distance additional to the minimum yard requirements that a development must be set back from a parcel boundary or any other feature of a site;

"side parcel boundary" means a registered boundary of a parcel which connects the front parcel boundary with the rear parcel boundary;

"side yard" means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the wall of the main building thereon;

"sight triangle" means an area at the intersection of two roads or a road and a railway in which all buildings, fences, vegetation, all signs except free-standing signs, and finished ground elevations shall be less than 1 m (3.3 ft.) in height above the average elevation of the carriageway/rails, in order that vehicle operators may see approaching vehicles in time to avoid collision. Unless otherwise required by this Bylaw, the area is established by marking the point at which the boundaries of the two rights-of-way intersect, measuring back 4.57 m (15.0 ft) on each street front and drawing a line connecting the two points to form a triangular area;

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

"sign awning" means a sign inscribed on or affixed flat upon the covering material of an awning;

"sign, billboard" means a sign to which advertising copy is affixed to permit its periodic replacement;

"sign, fascia" means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a billboard;

"sign, freestanding" means a sign that is supported independently of a building wall or structure but does not include a billboard;

"sign, portable" means a sign which is not in a permanently installed or affixed position;

"sign, projecting" means a sign which projects from a structure or a building face;

"site coverage" means the area covered by buildings, parking facilities, storage areas and display areas;

"social care housing" means a building where the occupants are living on a temporary, short-term or limited-term basis and are provided with specialized care in the form of supervisory, nursing, medical, counselling or homemaking services. For the purposes of this definition, 'temporary' means scheduled stays usually less than two weeks in duration and 'short-term or limited-term' means a finite term after which occupants move to other accommodation;

"soft landscaping" means the use of vegetative material as part of a landscaped area;

"statutory plan" means a 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 roads except a lane;

"structural alteration" means any change to the roof, foundation or exterior walls of a structure that results in the expansion of the useable floor area of a structure or reduces existing setback distances. For the purposes of this Bylaw, this definition is used in determining whether changes to buildings require a development permit;

"Subdivision and Development Appeal Board" means a board established by the Village's Subdivision and Development Appeal Board Bylaw;

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

"use" means the function or activity on land or in a building;

"variance" means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Board;

"veterinary hospital" means a facility for the medical care and treatment of animals and includes provision for their accommodation and confinement in outdoor pens, runs and enclosures;

"warehousing" means a facility for the indoor storage of goods and merchandise;

"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.

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

2.1 Establishment of Development Officer

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.

2.2 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 in accordance with the information requirements of this Bylaw,
 - (c) review each development permit application to ascertain its appropriate use definition and, if necessary, require the applicant to apply for a permit for a different use definition,
 - (d) keep and maintain for inspection of the public during office hours a copy of this Land Use Bylaw and all amendments thereto and ensure that copies are available to the public,
 - (e) keep a register of all applications for development including the decisions thereon and the reasons therefore,
 - (f) 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,
 - (g) issue decisions and if necessary state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the subject land use district where in the Development Officer's opinion the proposed development meets all the standards of the Land Use Bylaw and is compatible with the surrounding uses,
 - (h) provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw.
- (2) The Development Officer may:
 - (a) refer any development permit applications to the Municipal Planning Commission when deemed necessary by the Development Officer,

- (b) refer any other planning or development matter to the Municipal Planning Commission for its review, support or direction.

2.3 Authority and Responsibility of Municipal Planning Commission

- (1) The Municipal Planning Commission shall:
 - (a) 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,
 - (b) 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,
 - (c) consider and if necessary state terms and conditions on any other planning or development matter referred by the Development Officer.
- (2) The Municipal Planning Commission may:
 - (a) direct the Development Officer to review, research or make recommendations on any other planning and development matter,
 - (b) make recommendations to Council on planning and development matters.

2.4 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 or 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 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 m (3.28 ft.) in height in front yards and less than 2 m (6.56 ft.) in height in other yards, and the maintenance, improvement and other alterations of any gates, fences, 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) the installation, maintenance and repair of utilities;
- (7) 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;
- (8) subject to Section 3.2 of Part 3, accessory building with a maximum floor area of 9.5 m² (102.2 sq. ft.) and a maximum height of 2.5 m (8.2 ft.) on a parcel in a residential district;
- (9) the erection of one unilluminated sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs;
 - (a) a facia sign for the purpose of identification, direction and warning not exceeding 0.2 m² (2.15 sq. ft.),
 - (b) a facia sign relating to a person, partnership or company carrying on a profession, business or trade not exceeding 0.3 m² (3.23 sq. ft.)
 - (c) a facia or freestanding sign, relating to a religious, educational, cultural, recreational or similar institution, or to an apartment not exceeding 1 m² (10.76 sq. ft.)
 - (d) a temporary sign or notice, relating to the sale or lease of land or buildings, sale of goods or livestock by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 3.0 m² (32.29 sq. ft.) and limited in display to the period of completion of the sale, lease, construction or event,
 - (e) a flag attached to a single upright flag-pole;
- (10) development specified in Section 3 of 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 thing specified by the Lieutenant Governor in Council by regulation, which includes but is not limited to construction of buildings, or the construction or installation of equipment, navigational aids, and communications systems for use in connection with the operation of airports owned by or on land vested in the Crown in right of Alberta, or a municipal corporation;
- (11) the use of a building as a temporary polling station, an election candidate's campaign office or any other official temporary use in connection with a federal, provincial or municipal election or referendum.
- (12) the temporary placement of campaign signs in connection with a federal, provincial or municipal election or referendum.
- (13) the erection of a satellite dish antennae with a dish diameter of less than 1 m (3.28 ft.) which:
 - (a) is attached to a dwelling, other than an apartment, in such a manner that no more than one half of the dish is higher than the eaves of that part of the building to which it is attached, or
 - (b) is attached to a garage in a residential district in such a manner that no more than one half of the dish is higher than the eaves of the garage, or
 - (c) is at grade level and within 2 m (6.6 ft.) of the main building on the parcel,
 - (d) displays no advertising other than the manufacturer's name or logo, and
 - (e) is the only satellite dish antennae on the parcel.
- (14) the construction of a deck where the height of the decking does not exceed 0.61 m (2.0 ft.) above grade.
- (15) demolition of a building less than 25 m² (269 sq. ft.).

2.5 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 the treatment of landscaped areas if required, the legal description, the front, rear, and side yards, if any; any provision for off-street loading and vehicle parking and access and egress points to the parcel;

- (b) scaled floor plans, elevations clearly indicating the front, rear and sides and facing materials of any proposed buildings, 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) such other plans and information as the Development Officer 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 his/her opinion, 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 he/she is of the opinion 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-refundable processing fee, the amount of which shall be determined from time to time by resolution of Council.

2.6 Establishment of Forms

- (1) For the purpose 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.

2.7 Establishment of Fees

The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by resolution of Council. Council may at anytime by resolution increase, decrease or establish new fees for matters covered by this Bylaw.

2.8 Decisions on Permitted Uses

- (1) 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 Regulation and statutory plans, and 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 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:
 - (a) a pedestrian walkway system to serve the development or
 - (b) 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:
 - (a) off-street or other parking facilities; and
 - (b) 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 repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;

- (f) 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, and irrevocable letter or credit or charge against the title to the site.
 - (g) that the applicant submits a Real Property Report to the satisfaction of the Development Officer.
- (2) If an application for a development permit for a permitted use does not conform to the requirements of the Land Use Bylaw, the Act and Regulation and statutory plans, the Development Authority
- (a) may refuse the application giving reasons for refusal; or
 - (b) may approve the application subject to conditions listed in subsection (1) and any conditions to ensure that the application conforms to the requirements of the Land Use Bylaw, the Act and Regulations and statutory plans; or
 - (c) may approve the application pursuant to Section 2.10 and subject to conditions listed in subsection (1).

2.9 Decisions on Discretionary Uses

- (1) The Development Authority, in its discretion, may approve an application for a development permit for a discretionary use subject to:
- (a) conditions listed in subsection 2.8(1); and
 - (b) any conditions that the Development Authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of the neighbouring 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 appearances of buildings;
 - (v) regarding the grading of the site or such other matters as are necessary to protect other developments from the site;
 - (vi) establishing the period of time during which a development may continue.
- (2) The Development Authority, in its discretion, may refuse an application for a development permit for a discretionary use giving reasons for its refusal.

2.10 Variances

- (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 would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (2) In the event that a variance is granted, the Development Authority shall specify the nature of the approved variance in the development permit approval.

2.11 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) On the same date a development permit is issued with respect to a decision of the Development Authority, 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 who in his/her opinion may be affected, and/or
 - (b) post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (c) publish in a newspaper circulating in the municipality a notice of the decision.
- (4) On the same date a development permit is issued with respect to a decision by the Development Authority, the Development Officer shall display a notice of the issuance of the permit in a publicly accessible area of the Village Office.

2.12 Effective Date of a Development Permit

- (1) A permit issued pursuant to this Land Use Bylaw does not come into effect until fourteen (14) days after the date on which notice of issuance of the permit is given under subsection 2.11(1) or 2.11(2) or twenty-one (21) days after the date on which notice of issuance of the permit is given, if such notice is given under subsection 2.11(3)(a) by ordinary mail, whichever last occurs.
- (2) The date of issue of any permit shall be the date of notification pursuant to subsection 2.11(3).
- (3) Any development proceeded with by the applicant prior to the effective date of the development permit is done solely at the risk of the applicant.
- (4) Where an appeal is made pursuant to the Municipal Government Act, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

2.13 Expiry of a Development Permit

- (1) Except where a development permit is specified as being valid for a specified time period, a permit expires in twelve (12) months from its date of issuance unless development has been substantially started in a manner satisfactory to the Development Authority.
- (2) The Development Authority may grant an extension of the time the permit remains in effect for up to an additional twelve (12) months. Only one extension shall be granted.

2.14 Resubmission Interval

In the case where an application for a development permit has been refused pursuant to this Land Use Bylaw or ultimately after appeal, 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 Officer for at least six (6) months after the date of the final decision, 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.

2.15 Development Permit Appeals

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Officer, and the applicant may appeal in writing, as provided for in this Land Use Bylaw, unless the applicant enters into an agreement with the Development Officer to extend the 40-day period.

- (2) Where the Development Authority
 - (a) refuses or fails to issue a development permit to a person, or
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under the Municipal Government Act,the person applying for the permit or affected by the order, as the case may be, may appeal to the Subdivision and Development Appeal Board in accordance with the Municipal Government Act.
- (3) A person referred to in subsection (1) or any other person affected by an order, decision or development permit, may appeal to the Subdivision and Development Appeal Board by serving written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) consecutive days after receipt of the order, decision, or date of issuance of the development permit. The written notice of appeal must contain reasons for the appeal.
- (4) Despite subsection (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.

2.16 Contravention and Enforcement

- (1) Where the Development Authority finds that a development or use of land or building is not in accordance with Part 17 of the Municipal Government Act, this Land Use Bylaw, the Subdivision and Development Regulation, a development permit or subdivision approval, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice, or
 - (b) demolish, remove or replace the development, or
 - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with Part 17 of the Municipal Government Act, the Subdivision and Development Regulation, this Land Use Bylaw, a development permit or subdivision approval,within the time set out in the notice.
- (2) Any person who receives an order under subsection (1) may appeal to the Subdivision and Development Appeal Board pursuant to Section 2.15 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) Where the Council or persons appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll of the property that is subject of the order.
- (7) For the purpose of entering and inspecting land or buildings as described in the Municipal Government Act, the Development Officer is hereby declared to be an "authorized person".

2.17 Offences and Penalties

- (1) A person who contravenes or does not comply with a provision of the Municipal Government Act, the Subdivision and Development Regulation, this Land Use Bylaw, a stop work order issued under this Land Use Bylaw, a development permit or subdivision approval, or a decision of the Subdivision and Development Appeal Board or who obstructs or hinders any person in the exercise or performance of their powers or duties under Part 17 of the Municipal Government Act, the Subdivision and Development Regulation or this Land Use Bylaw is guilty of an offence.
- (2) A person who is found guilty of an offence pursuant to subsection (1) is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.
- (3) If a person is found guilty of an offence under the Municipal Government Act or this Land Use Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with the Act or this Land Use Bylaw or a permit issued under this Bylaw.
- (4) Development permit applications submitted after site preparation or construction has commenced may be subject to the double fee provisions described in the fee schedule adopted by Council resolution in accordance with section 2.7.

2.18 Amending the Land Use Bylaw

- (1) The Council on its own initiative may amend this Land Use Bylaw.
- (2) A person may make application to the Development Officer to amend 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 to the Village equal to the costs incurred by the Village to review the proposed redesignation and 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 Officer 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 Officer 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 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 Officer.
- (6) 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 procedure 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.
- (7) Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by:
- (a) publishing notice at least once a week for two 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 and to every assessed owner of a residence, if other than the occupier, in the area to which the proposed bylaw relates.
- (8) A notice of public hearing must be advertised at least five (5) days before the public hearing occurs.
- (9) 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,
 - (c) the date, place and time where the public hearing will be held.
- (10) 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 (6) to (8),
- (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 (8) to the assessed owner of that parcel of land at the name and address shown on the assessment roll of the municipality, and
 - (c) give written notice containing the information described in clause (a) and subsection (8) to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.
- (11) If the land referred to in subsection (9)(c) is in the County of Stettler, 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 the County of Stettler.

- (12) Notwithstanding subsection (5), 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.
- (13) 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, and
 - (c) shall read or circulate to all those in attendance, any written representations received from any person, or group of persons, who have complied with the procedures outlined by Council and who are not in attendance at the hearing.
- (14) After considering the representations made to it about the proposed bylaw at the public hearing and after considering the Village's statutory plans and any other matter it considers appropriate, the Council may
 - (a) refer it for further information or comment;
 - (b) pass the bylaw,
 - (c) make any amendment to the bylaw it considers necessary and proceed to pass it without advertisement or hearing, or
 - (d) defeat the bylaw.
- (15) The Development Officer shall not accept an application to amend this Land Use Bylaw which is identical or similar to an application which was refused by the Council, for a period of six (6) 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 3: GENERAL REGULATIONS

REGULATIONS PERTAINING TO ALL DISTRICTS

3.1 Applicability

The General Regulations shall apply to all development unless otherwise exempted in this Part. Where these Regulations may be in conflict with any District Regulations, the General Regulations shall take precedence.

3.2 Accessory Buildings and Uses

(1) In all Districts

- (a) Where a building is attached to the principal building by an open or enclosed roofed structure, it is to be considered a part of the principal building and not an accessory building.
- (b) No part of an accessory building shall be located on or over an easement or utility right-of-way unless authorised by the Development Authority.
- (c) An accessory building shall not be used for human habitation except where a secondary suite has been approved.

(2) In residential 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 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 m (3.3 ft.) to the other side parcel boundary or the rear parcel boundary.
- (d) An accessory building shall not be more than 4.5 m (14.8 ft.) in height.
- (e) Notwithstanding subsections (b) and (c), 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.

(3) In other Districts

No accessory building or any portion thereof shall be erected or placed within the front yard of a parcel, unless otherwise approved by the Development Authority.

3.3 Number of Buildings on a Parcel

- (1) Not more than one main building shall be erected, placed or moved onto a parcel except where it is proposed to develop more than one main 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 for the District in which the parcel is located, and
 - (c) subject to Section 2.10 of Part 2, the development complies with the provisions of this Land Use Bylaw, and
 - (d) a development permit is issued for the use.

3.4 Building Orientation and Design

The design, character and appearance of any building, must be acceptable to the Development Authority having due regard to

- (1) amenities such as daylight, sunlight and privacy;
- (2) compatibility with the design and appearance of existing development in the vicinity, including, but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing;
- (3) its effect on adjacent parcels.

3.5 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 on a parcel of a building 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 2.5 of Part 2, the Development Authority may require an application for a development permit to 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 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.

3.6 Building Demolition

An application to demolish a building shall not be approved without a statement or plan which indicates

- (1) how the operation will be carried out so as to create a minimum of dust or other nuisance, and
- (2) the final reclamation of the parcel

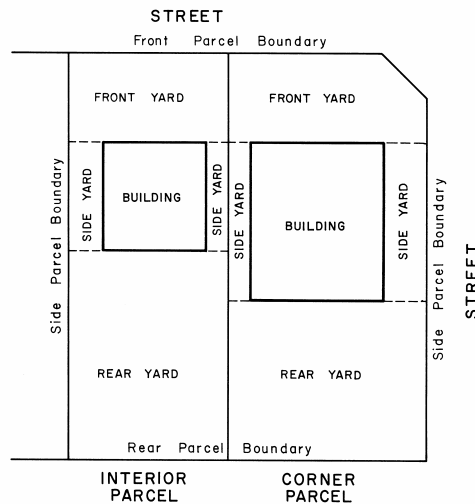
which is satisfactory to the Development Authority.

3.7 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 shall conform with provisions of the Land Use Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, 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 shall 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 2.10 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.

3.8 Yard Definitions



3.9 Projections Over Yards

- (1) In residential Districts the portion of and attachments to a main or accessory building which may project over or on a minimum yard are:
 - (a) a cornice, sill, canopy, or eave, which projects a distance not exceeding one-half of the minimum sideyard required for the parcel.
 - (b) an eave, chimney, unenclosed veranda, porch, or balcony, which projects not more than 1.5 m (4.92 ft.) over or on the minimum front or rear yard.
 - (c) unenclosed steps, if they do not project more than 2.5 m (8.20 ft.) over or on a minimum front or rear yard.

- (d) a cantilevered wall section, bay or bow window or chimney which projects into a side yard if the projection is not wider than 2.5 m (8.2 ft.) and does not project more than 0.6 m (2.0 ft) over the required side yard, unless the side yard provides or is required to provide access to a detached garage or carport in a rear yard in which case no projection is allowed within 3 m (9.8 ft.) of the property line.
- (2) In all other Districts the portions of and attachments to a main or accessory building which may project over or on a minimum yard shall be as determined by the Development Authority.

3.10 Objects Prohibited or Restricted in Yards

- (1) No person shall allow a motor vehicle used for stock car races, or a motor vehicle which is in a dilapidated or unsightly condition, or a derelict vehicle to remain or be parked on a parcel in a residential District, or within 30 m (98.42 ft.) of a public roadway in an Reserved for Future Development District, unless it is suitably housed or screened to the satisfaction of the Development Authority.
- (2) No person shall allow a holiday trailer, motor home, camper, or boat to be stored in any yard abutting a street in a residential District, except in a rear yard on a corner parcel where it shall not be less than 8 m (26.25 ft.) from the boundary of the street .
- (3) A holiday trailer, motor home or camper parked in a residential district may be used for living and sleeping accommodation only by bona fide tourists for a maximum period of thirty (30) days per annum.
- (4) No person shall allow a vehicle of more than 4500 kg gross vehicle weight and/or a length of 7.5 m (25 ft) except recreational vehicles to be parked or stored in a residential district for longer than is necessary to load or unload such a vehicle.

3.11 Setbacks Along Future Major Roadways

Where a parcel abuts a street for which a setback is established (identified on Schedule A), the minimum requirement for the yard abutting the street shall be increased by the amount of the applicable setback shown below:

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Existing Right-of-way</u>	<u>Setback Required</u>
Railway Avenue	Village Boundary	Village Boundary	20 m (66 ft.)	2 m (6.6 ft.)

3.12 Yards Adjoining Railway Property

All development undertaken on parcels adjoining railway property may be required to erect fencing to standards approved by the Development Authority.

3.13 Parking

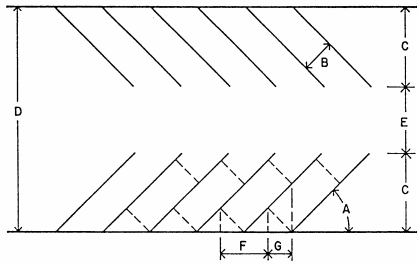
- (1) A person using a parcel or building in any District for the uses listed below shall provide and maintain no less than the number of parking spaces specified. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded up to the closest integer.

Uses	Parking Spaces Required
Commercial	
Offices	2.5/100m ² (1,076.4 sq.ft.)
Retail sales	4.0/100m ² (1,076.4 sq.ft.)
Personal services	2.5/100m ² (1,076.4 sq.ft.)
Light repair services	2.0/100m ² (1,076.4 sq.ft.)
Vehicle and equipment sales	2.0/100m ² (1,076.4 sq.ft.)
Repair and contracting services	2.0/100m ² (1,076.4 sq.ft.)
Restaurants and Drinking Establishments	1.0/4 seats indoors and 1.0/12 seats outdoors
Hotels and Motels	1.0/guest room
Public	
Religious assembly and auditorium	1.0/8 seats
Schools	
Elementary and junior high	1.0/worker plus 5.0 visitor
Senior high	1.0/worker and 1.0/10 students
Other public assembly buildings	1.0/8 seats
Hospitals and nursing homes and other health care institutions	1.0/4 beds
Residential	
Dwelling units	2.0/unit
Adult care housing	1.0/3 beds
Secondary suites	1.0/suite
Industry	
Manufacturing industry	
Office area	2.0/100m ² (1,076.4 sq.ft.)
Other area	1.0/100m ² (1,076.4 sq.ft.)
Warehousing and storage	
Office area	2.0/100m ² (1,076.4 sq.ft.)
Storage area	0.25/100m ² (1,076.4 sq.ft.)

- (2) The parking requirement for any uses not specified above shall be as required by the Development Authority having regard to similar uses listed above and the estimated traffic generation and attraction of the proposed use.
- (3) Any loading space provided pursuant to Section 3.14 may be used as parking space.
- (4) 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.
- (5) 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.

- (6) The parking spaces for two or more uses may, at the discretion of the Development Authority, be shared and the total number of spaces required by subsection (1) reduced, if the periods of occupation of the spaces required by each use are not concurrent. In the Commercial District, the availability of on-street parking and the sharing of these parking spaces by uses in the general vicinity may be taken into account in determining a reduction in the total number of parking spaces required.
- (7) Each parking space shall have dimensions of not less than 2.75 m (9.02 ft.) by 5.5 m (18.04 ft.).
- (8) The dimensions of parking areas shall be as set out in the following diagram and table:

A Parking Angle	B Stall Width	C Stall Depth	D Overall Depth	E Manoeuvring Space	F Curb Length	G Row End Length
0	2.75 m (9.0 ft.)	2.75 m (9.0 ft.)	9.00 m (29.5 ft.)	3.50 m (11.5 ft.)	6.70 m (22.0 ft.)	0.00 m
30	2.75 m (9.0 ft.)	5.0 m (16.4 ft.)	13.50 m (44.3 ft.)	3.50 m (11.5 ft.)	5.45 m (17.9 ft.)	0.85 m (2.8 ft.)
45	2.75 m (9.0 ft.)	5.70 m (18.7 ft.)	15.40 m (50.5 ft.)	4.00 m (13.1 ft.)	3.85 m (12.6 ft.)	2.05 m (6.7 ft.)
60	2.75 m (9.0 ft.)	6.00 m (19.7 ft.)	17.50 m (57.4 ft.)	5.50 m (18.0 ft.)	3.20 m (10.5 ft.)	2.00 m (6.7 ft.)
90	2.75 m (9.0 ft.)	5.50 m (18.0 ft.)	18.00 m (59.1 ft.)	7.00 m (23.0 ft.)	2.75 m (9.0 ft.)	0.00 m



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- (9) General calculations for parking lot area shall use a minimum standard of 30 m² (322.9 sq. ft.) per parking space.
- (10) Parking areas shall be screened from residential development on adjacent parcels. Any screen shall be a minimum of 1 m (3 ft.) in height and any berm used as a screen shall be landscaped in accordance with Section 3.20.
- (11) Parking spaces shall be located on the same parcel as the building for which they are being provided however, at the discretion of the Development Authority, parking may be located on another parcel within 125 m (410.1 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 title with the Village of Big Valley being a third party to the agreement.

3.14 Loading Spaces

- (1) A vehicle loading space at least 3.5 m x 9 m (11.5 ft. x 29.5 ft.) with an overhead clearance of at least 4.6 m (15.1 ft.) may be required by the Development Authority in the side or rear yard of a building in which commercial uses are established.
- (2) A vehicle loading space at least 3.5 m x 9 m (11.5 ft. x 29.5 ft.) with an overhead clearance of at least 4.6 m (15.1 ft.) shall be provided in the side or rear yard of a building in which any of the following uses are established:
 - (a) industry,
 - (b) warehousing,
 - (c) shopping centres.
- (3) A loading space shall be provided for apartment development.

3.15 Vehicle Access to Buildings

Any building into which a vehicle may enter shall have a driveway on the parcel at least 6 m (19.7 ft.) in length in front of the entranceway, except where the driveway enters a lane from a garage used as an accessory building to a dwelling unit, where it shall be either 1 m (3.3 ft.) or at least 6 m (19.7 ft.).

3.16 Driveways

- (1) At street intersections, driveways shall be setback from the parcel boundaries which form the intersection not less than
 - (a) 6 m (19.7 ft.) where the driveway serves not more than four dwelling units, or
 - (b) 15 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 m (32.8 ft.)
- (3) The minimum distance between driveways shall be:
 - (a) nil, where the driveways serve single dwelling units,
 - (b) 6 m (19.7 ft.), where the driveways serve 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 which generates high traffic volumes shall be seventy degrees (70°).

3.17 Site Circulation

The space for the manoeuvring and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads other than lanes or onto adjacent parcels when manoeuvring and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

3.18 Drive-in Businesses

- (1) Drive-in businesses shall include drive-in food services, gas bars, service stations, drive-through vehicular services and other developments providing drive-in services in which patrons generally remain inside their vehicles.
- (2) Drive-in businesses shall be located only where the Development Authority is satisfied that the development and the on-site layout of vehicle circulation patterns will not adversely affect the functioning of surrounding public roadways.
- (3) Queuing space shall be provided on the same site as the development as follows:
 - (a) For drive-in food services and other development having a service window or automated machine, a minimum of six (6) inbound queuing spaces shall be provided for vehicles approaching the service window or automated machine. One (1) outbound queuing space shall be provided on the exit side of the service window or automated machine.
 - (b) For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided for each service bay and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting unto a public roadway.
 - (c) Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3.05 m (10 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.

3.19 Sight Lines at Intersections of Roadways

- (1) At the junction of two lanes, or a lane and a street, no fence, wall, hedge, or other planting shall exceed 1 m (3.3 ft.) in height within a triangular area formed by the intersection of the boundaries of the said roadways, or their production (in the case where a corner cut-off has been previously registered), and points 3.0 m (9.8 ft.) back from their intersection.
- (2) At the junction of two streets, no fence, wall, hedge, or other planting shall exceed 1 m (3.3 ft.) in height within a triangular area formed by the intersection of the boundaries of the said roadways, or their production (in the case where a corner cut-off has been previously registered), and points 4.57 m (15.0 ft.) back from their intersection.

3.20 Landscaping

- (1) The following standard of landscaping shall be required for all parts of a parcel not covered by buildings, driveways, parking, storage and display areas:
 - (a) natural drainage courses, land subject to flooding by 1:100 year flood and land with a natural gradient of fifteen percent (15%) or greater shall be retained in their natural state as part of a landscaped area;
 - (b) the retention of trees which exist prior to development to the extent possible. Any such trees which are retained following development shall be considered in assessing fulfilment of the landscaping requirements;
 - (c) the appropriate screening of outside storage areas, parking facilities and loading areas from adjacent buildings and roads;
 - (d) the provision of landscaped areas within large off street car parks to enhance the appearance of the hard surfaced area, provide shade and wind breaks and assist in defining pedestrian walkways and rows of parking spaces;
 - (e) the landscaping of all boulevards adjoining the parcel;
 - (f) the planting of additional trees and shrubs to provide
 - (i) a minimum overall density of one tree per 40 m² (430.6 sq. ft.) of the required landscaped area,
 - (ii) a minimum overall density of four shrubs per 100 m² (1,076.4 sq. ft) of the required landscaped area,
 - (iii) a minimum of thirty-three percent (33%) coniferous trees and shrubs,
 - (iv) a minimum height of 1.8 m (6.0 ft.) for coniferous trees,
 - (v) a minimum calliper width of 5.08 cm (2 in) at 0.46 m (1.5 ft.) above ground level for deciduous trees,
 - (vi) a minimum height of 0.38 m (1.5 ft) for coniferous shrubs, and
 - (vii) a minimum height of 0.61 m (2 ft) for deciduous shrubs.
 - (g) a maximum of fifteen percent (15%) of the parcel area being hard-landscaped;
 - (h) a sufficient depth of topsoil to facilitate growth in the soft-landscaped areas, with areas not planted to trees and shrubs being seeded to grass, sodded, cultivated as a garden or left with its natural grass cover; and
 - (i) completion of the landscaping within one year of the completion of construction or the commencement of the use, whichever first occurs.

- (2) The owner of a property, or his/her successor or assignees, shall be responsible for landscaping and proper maintenance. If the required landscaping does not survive two (2) growing seasons, the applicant/owner must replace it with a similar type of species and with a similar calliper width or height.

3.21 Surface and Sub-surface Drainage

- (1) The storm water run-off and sub-surface drainage of all development shall not cause any flows across a sidewalk 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.

3.22 Fences and Screening

- (1) In any District, the maximum height of a fence as measured from grade shall be:
 - (a) 2.0 m (6.56 ft) for that portion of the fence which does not extend beyond the front portion of the principal building, and
 - (b) 1.0 m (3.28 ft) for that portion of the fence which extends beyond the front portion of the principal building.
- (2) Notwithstanding subsection (1) above, the Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for screening.
- (3) Barbed wire fences are not permitted in any residential District. Barbed wire fences are permitted on any parcel used primarily for agricultural purposes. The Development Authority may approve barbed wire fences around areas of storage located in commercial and industrial Districts that meet the following requirements:
 - (a) In the opinion of the Development Authority, the barbed wire fence is required for security purposes,
 - (b) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.4 meters (7.9 ft.) measured below the lowest strand of barbed wire, and

- (c) The entire fence and barbed wire are completely contained within the property lines of the parcel being fenced.
- (4) Electrified fences are not permitted in any District unless they are contained within a non-electrified perimeter fence. Lands that are being solely used for agricultural pursuits do not require a non-electrified perimeter fence provided adequate signage of the electrified fence is posted to the satisfaction of the Development Authority.
- (5) The Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels where such property lines are coterminous with a residential property line or are adjacent to lanes or roads that abut a neighbouring residential parcel. Such screening shall be at least 1.83 m (6 ft) in height.

3.23 Bed and Breakfasts

- (1) A maximum of three (3) guest rooms shall be permitted in any bed and breakfast establishment.
- (2) One (1) off-street parking space for each guest room and one (1) off-street parking space for each off-site employee shall be provided in addition to the parking spaces required for a detached dwelling. Parking spaces shall not be tandem.
- (3) One (1) sign with a maximum size of 0.56 m² (6.0 sq.ft.) and a maximum height of 1.2 m (3.9 ft.) shall be permitted on the site of a bed and breakfast.
- (4) A bed and breakfast shall not be permitted on a parcel where a home occupation – class 2 use or a secondary suite exists.

3.24 Development in Proximity to Sour Gas Facilities and Oil and Gas Wells

- (1) In accordance with the *Subdivision and Development Regulation*,
 - (a) development that results in permanent overnight accommodation or public facilities must not be approved unless it conforms to the setback requirements of the Alberta Energy and Utilities Board with respect to sour gas facilities unless the Board has given written approval to a lesser setback;
 - (b) no building shall be constructed within 100 m (328.1 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 and Utilities Board.
- (2) No building shall be constructed within 100 m (328.1 ft.) of the well head of a water injection well unless otherwise approved by the Development Authority.

3.25 Development Setbacks from Wastewater Treatment Plants

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 (984.25 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 (984.25 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 the Department of Environmental Protection.

3.26 Development Setbacks from Landfills and Waste Sites

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 distance 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 stations 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 the Department of Environmental Protection.

3.27 Home Occupations – Class 1

- (1) Home occupations – class 1 are essentially “desk and telephone” home offices that require no deliveries, require no storage, do not generate any non-residential traffic, do not have signage or commercial vehicles on the site, and are essentially “invisible” within a residential neighbourhood.
- (2) Home occupations - class 1 require a development permit. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit.
- (3) Home occupations – class 1 shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

- (4) Home occupations – class 1 shall be an incidental and subordinate use to the principal residential use and shall be contained within the principal building.
- (5) The operation of a home occupation – class 1 shall not:
 - (a) have outside storage of materials, goods or equipment on the site
 - (b) increase the need for parking or result in any traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation
 - (c) display any form of advertising related to the home occupation on the site
 - (d) require alterations to the principal building unless the Development Authority approves the alterations
 - (e) have any employees or business partners working on the site who are not residents of the dwelling unit
 - (f) include the direct sale of goods
 - (g) have a licensed commercial vehicle or vehicles with commercial advertising associated with the business parked on-site or in the vicinity of the site at any time
 - (h) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq.ft), whichever is less, devoted to business usage
 - (i) advertise the address of the home occupation to the general public

3.28 Home Occupations – Class 2

- (1) Home occupations – class 2 are allowed for in a number of land use districts to provide for the potential of operating more intensive home-based businesses than “desk and telephone” (Home Occupation – Class 1) operations.
- (2) The regulations which follow are intended to ensure that these businesses will be operated in a manner which recognizes that home occupations - class 2 are subordinate to the residential use of the site and do not interfere with the amenities of the residential neighbourhood in which they are located.
- (3) Home occupations – class 2 require a development permit and shall be operated only by a resident. A permit may be revoked at any time if, in the opinion of the Development Authority, the operator of a home occupation has violated any provisions of this Bylaw or the conditions of a permit.

- (4) Home occupations shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- (5) Home occupations shall be an incidental and subordinate use to the principal residential use and shall normally be contained within the principal building.
- (6) Home occupations - class 2 may be considered by the Development Authority within a private garage provided that at least fifty percent (50%) of the floor area of the garage is available at all times for the parking of motor vehicles and the proposed use does not interfere with the provision of the bylaw parking requirement.
- (7) Only residents of the residence may be employed on site by the home occupation.
- (8) Home occupations – class 2 shall not be permitted on the same site as a Bed and Breakfast establishment.
- (9) Home occupations – class 2 are limited to one (1) per dwelling unit and to those which shall not:
 - (a) create a nuisance by way of dust, noise, odor, smoke, parking, traffic generation, electrical interruption, bright light or anything of an objectionable nature which is detectable to normal sensory perception outside the building containing the home occupation or beyond the parcel boundaries
 - (b) display any form of advertising related to the home occupation on the site except in accordance with this bylaw
 - (c) require alterations to the principal building unless the Development Authority approves the alterations
 - (d) include the direct sale of goods which are not produced on the premises
 - (e) have more than one (1) commercial motor vehicle associated with the business parked on-site or in the vicinity of the site at any time
 - (f) have more than twenty percent (20%) of the gross floor area of the dwelling unit or 30 m² (323 sq.ft) whichever is less, devoted to business usage
 - (g) have no exterior signage, display or advertising other than a business identification plaque or sign having maximum dimensions of 10 by 12 inches (25 by 30 cm.) being located within the window of or at the discretion of the Development Authority, on the building
 - (h) advertise the address of the home occupation to the general public except in accordance with (g) above.

3.29 Satellite Dish Antennae

- (1) A satellite dish antenna with a dish diameter of 1 m (3.3 ft.) or more shall;
 - (a) only be located in a rear yard, or a side yard which does not abut a street;
 - (b) on an interior parcel, be situated so that no part of it is closer than 1 m (3.3 ft.) from the side or rear boundaries of the parcel;
 - (c) on a corner parcel, be situated so that no part of it is closer to the street than the main building, or closer than 1 m (3.3 ft.) from the other side parcel boundary or the rear parcel boundary;
 - (d) be both screened and located to the satisfaction of the Development Authority, where any part of it is more than 4 m (13.1 ft.) above grade level, or where it is located other than described in subsection (1)(a) above;
 - (e) display no other advertising than the manufacturer's name/logo;
 - (f) require an approved development permit.
- (2) A satellite dish antenna with a dish diameter of less than 1 m (3.3 ft.) and which does not meet the criteria of subsection 2.4(13) of Part 2 of this Land Use Bylaw shall be located to the satisfaction of the Development Authority.

3.30 Secondary Suites

- (1) A secondary suite shall be restricted to a site occupied by a detached dwelling.
- (2) One (1) secondary suite may be allowed per detached dwelling lot.
- (3) A secondary suite shall not contain more than 55 m² (592 sq.ft.) in gross floor area
- (4) A secondary suite shall be situated so the exterior walls are at least
 - (a) 1.5 m (4.9 ft) from the side parcel boundaries and on a corner parcel no closer to the street or avenue than the principal building
 - (b) 1.5 m (4.9 ft) from the rear parcel boundary when there is a blank wall facing the boundary
 - (c) 3.0 m (9.8 ft) from the rear parcel boundary when there is a window or doorway opening in the wall facing that boundary
 - (d) 2.5 m (8.2 ft) from the principal building and any accessory buildings on the parcel

- (5) A secondary suite developed on a second floor integral to a detached garage shall not be more than 7.5 m (24.6 ft) in height and shall not exceed the height of the principal building.
- (6) One (1) off-street parking stall shall be provided per secondary suite in addition to the required number of parking stalls for the principal building.

3.31 Guidelines for Other Land Uses

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) setback 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,
- (f) developed in accordance with the provisions of Part 3, General Regulations, and
- (g) developed in conformance with any applicable statutory plan policies.

3.32 General Requirements for Signs

- (1) A sign shall not conflict with or dominate or detract from the general character of the surrounding streetscape or the architecture of any building on the parcel on which it is located or in the vicinity of or be liable to create a cluttered appearance to the streetscape.
- (2) Where a sign projects over public property, a minimum clearance of 2.5 m (8.20 ft.) above grade level shall be maintained. An encroachment agreement with the municipality shall be completed prior to the erection of such signs.
- (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) No sign shall project higher than the roof-line of the building to which it is attached.
- (5) A sign shall not obstruct the view of or be liable to be confused with an official traffic sign, signal or device or otherwise pose a potential hazard to traffic.

- (6) A sign shall not display lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.

3.33 Fascia and Projecting Signs

- (1) No fascia or projecting 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 safety.
- (2) No fascia sign shall project more than 0.4 m (1.3 ft.) over a street or public property.
- (3) No fascia or projecting sign on a building two or more storeys in height shall be higher than the sill level of the second floor windows or the equivalent height in the case of attachment to a blank wall, unless approved by the Development Authority.
- (4) The maximum size for projecting signs shall be 1.9 m² (20.5 sq.ft.)
- (5) Only one (1) projecting sign may be erected on each street frontage of a building, unless otherwise approved by the Development Authority.

3.34 Freestanding Signs and Billboards

- (1) No freestanding sign shall extend beyond 6 m (19.7 ft.) above grade or be larger than 4.5 m² (48.4 sq.ft.)
- (2) A freestanding sign, excluding its supporting structure, shall be a minimum of 2.5 m (8.2 ft.) above grade level.
- (3) Only one (1) freestanding sign may be erected on each of a parcel's boundaries with a street.
- (4) No freestanding sign shall be erected in such proximity to a Public Open Space District that it would detract from the natural aesthetics of that District.
- (5) Freestanding signs shall be separated by a minimum distance of 15 m (49.2 ft.) from each other.
- (6) Freestanding signs shall only be erected on sites to which their display relates except in the case of
 - (a) advance directional and informational signs which may be approved by the Development Authority in locations where it considers the free and safe flow of traffic may be enhanced, or
 - (b) signs used solely by community organizations

3.35 Portable Signs

- (1) Only one (1) portable sign may be on a parcel.
- (2) A portable sign shall be a minimum of 2 m (6.6 ft.) from any parcel boundary and shall not be placed on any road or land owned by the municipality.
- (3) No portable sign shall be higher than 2 m (6.6 ft.) above grade or larger than 3 m² (32.3 sq. ft.).
- (4) The use of a portable sign shall be limited to a maximum of sixty (60) days following which time the sign shall be removed from the parcel. A minimum of thirty (30) days shall elapse between the removal of one portable sign and the placement of another portable sign on the same parcel.

3.36 Awning Signs

- (1) Awning signs shall only be permitted if the awning is a minimum of 2.5 m (8.2 ft.) above the grade level.
- (2) Any awning/canopy sign that encroaches over any road or land owned by the municipality shall have an awning/canopy encroachment agreement.

3.37 Other Signs

The Development Authority may approve other signs subject to the General Requirements of Section 3.32.

3.38 Sign Removal

Where a sign no longer fulfils its function under the terms of this Bylaw, the Development Authority may recommend that the Council resolve or order the removal of such a sign, and the lawful owner of the sign or where applicable, the registered property owner, shall, upon such a resolution,

- (a) remove such a 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,
- (c) bear all the costs related to such removal and restoration.

PART 4: DISTRICT REGULATIONS

4.1 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

General Purpose

The purpose of this district is to provide areas for low density residential development consisting predominantly of detached dwellings and uses that are complementary to and do not conflict with the residential use and character of the properties within the district.

Permitted Uses: Accessory buildings or uses
Detached dwellings
Home occupations – class 1
Parks

Discretionary Uses: Adult care housing
Bed and breakfasts
Child care facilities
Home occupations – class 2
Manufactured homes
Playgrounds
Public uses
Public utilities
Religious assemblies
Secondary suites
Signs
Social care housing
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings. Standards for all other uses shall be determined in accordance with Section 3.31 of Part 3.

Minimum Parcel Area:	Interior parcels	550 m ² (5,920.34 sq. ft.)
	Corner parcels	550 m ² (5,920.34 sq. ft.)
Minimum Parcel Width:	Interior parcels	15.24 m (50 ft.)
	Corner parcels	15.24 m (50 ft.)
Minimum Front Yard:		8 m (26.24 ft.)
Minimum Rear Yard:		10 m (32.81 ft.)

LOW DENSITY RESIDENTIAL DISTRICT (R-1) (cont'd)

- Minimum Side Yard: 1.5 m (4.92 ft.) except:
- a) 3 m (9.84 ft.) on the street side of a corner parcel
 - b) 3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided
- Maximum Building Height: 9.5 m (31.2 ft)
- Maximum Site Coverage: 50% including all accessory buildings but excluding patios and decks

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

Manufactured Home Design:

All manufactured homes shall be, at the time of placement on the parcel, a maximum of ten (10) years old. The character, appearance, design and quality of the manufactured home and any attached structure, including skirting, must be of a standard acceptable to the Development Authority, which may, at their discretion, require a written statement by an engineer or other person qualified in the Development Authority's opinion to make it, verifying the quality of construction standards. All wheels must be removed and the manufactured home placed on a permanent foundation, or on concrete or steel piers with skirting that shall be completed within thirty (30) days of the date of placement.

4.2 LOW DENSITY RESIDENTIAL DISTRICT (R-1A)

General Purpose

The purpose of this district is to provide areas for low density residential development in the form of detached dwellings and manufactured homes and uses that are complementary to and do not conflict with the residential use and character of the properties within the district.

Permitted Uses: Accessory buildings or uses
Detached dwellings
Home occupations – class 1
Manufactured homes
Parks

Discretionary Uses: Adult care housing
Bed and breakfasts
Child care facilities
Home occupations – class 2
Playgrounds
Public uses
Public utilities
Religious assemblies
Secondary suites
Signs
Social care housing
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above.

Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings and manufactured homes. Standards for all other uses shall be determined in accordance with Section 3.31 of Part 3.

Minimum Parcel Area:	Interior parcels	550 m ² (5,920.34 sq. ft.)
	Corner parcels	550 m ² (5,920.34 sq. ft.)
Minimum Parcel Width:	Interior parcels	15.24 m (50 ft.)
	Corner parcels	15.24 m (50 ft.)
Minimum Front Yard:	8 m (26.24 ft.)	
Minimum Rear Yard:	10 m (32.8 ft.)	
Minimum Side Yard:	1.5 m (4.92 ft.) except:	
	a)	3 m (9.84 ft.) on the street side of a corner parcel
	b)	3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided

LOW DENSITY RESIDENTIAL DISTRICT (R-1A) (cont'd)

Maximum Building Height: 9.5 m (31.2 ft.)

Maximum Site Coverage: 50% including all accessory buildings but excluding patios and decks

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.13 of Part 3

Landscaping – see Section 3.20 of Part 3

Fences – see Section 3.22 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

Manufactured Home
Design:

All manufactured homes shall be, at the time of placement on the parcel, a maximum of ten (10) years old. The character, appearance, design and quality of the manufactured home and any attached structure, including skirting, must be of a standard acceptable to the Development Authority, which may, at their discretion, require a written statement by an engineer or other person qualified in the Development Authority's opinion to make it, verifying the quality of construction standards. All wheels must be removed and the manufactured home placed on a permanent foundation, or on concrete or steel piers with skirting that shall be completed within thirty (30) days of the date of placement.

4.3 GENERAL RESIDENTIAL DISTRICT (R-2)

General Purpose

The purpose of this district is to provide areas for medium density residential development with a mixture of housing types and complementary uses.

Permitted Uses: Accessory buildings or uses
 Detached dwellings
 Duplexes
 Home occupations – class 1
 Manufactured homes
 Parks

Discretionary Uses: Adult care housing
 Apartments
 Bed and breakfasts
 Boarding and rooming houses
 Child care facilities
 Fourplexes
 Home occupations – class 2
 Manufactured homes
 Multiple housing developments
 Playgrounds
 Public uses
 Public utilities
 Religious assemblies
 Row housing
 Secondary suites
 Signs
 Social care housing
 Any use that is similar, in the opinion of the Municipal
 Planning Commission, to the permitted or discretionary
 uses described above

Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to detached dwellings, duplexes, manufactured homes, row housing, fourplexes, apartments and multiple housing developments. Standards for all other uses shall be determined in accordance with Section 3.31 of Part 3.

Minimum Parcel Area: Detached dwellings and Manufactured homes
 Interior parcels 550 m² (5,920.34 sq. ft.)
 Corner parcels 550 m² (5,920.34 sq. ft.)

GENERAL RESIDENTIAL DISTRICT (R-2) (cont'd)

Duplexes	
Interior parcels	280 m ² (3,013.89 sq. ft.) per unit
Corner parcels	330 m ² (3,552.09 sq. ft.) per unit
Row housing	
Interior parcels	180 m ² (1,937.50 sq. ft.) per unit
Corner/End parcels	280 m ² (3,013.89 sq. ft.) per unit
Fourplexes	200 m ² (2,152.78 sq.ft) per unit
Apartments	82 m ² (882.7 sq.ft) per bachelor and one bedroom unit 102 m ² (1098 sq. ft.) per unit with more than one bedroom
Multiple housing developments	
Duplexes	320 m ² (3,444.45 sq. ft.) per unit
Row housing	280 m ² (3,013.89 sq. ft.) per unit
Fourplexes	280 m ² (3,013.89 sq. ft.) per unit
Apartments	90 m ² (968 sq. ft.) per unit

Minimum Parcel Width: Detached dwellings and Manufactured Homes
 Interior parcels 15.24 m (50 ft.)
 Corner parcels 15.24 m (50 ft.)

Duplexes
 Interior parcels 7.5 m (24.6 ft.) per unit
 Corner parcels 9.0 m (29.5 ft.) per unit

Row housing
 Interior parcels 6.0 m (19.7 ft.) per unit
 Corner/End parcels 9.0 m (29.5 ft.) per unit

Fourplexes 15.24 m (50 ft.)

Apartments 15.24 m (50 ft.)

Minimum Front Yard: 8 m (26.24 ft.)

Minimum Side Yard: Detached dwellings, Duplexes, Manufactured homes, and end units on row housing
1.5 m (4.92 ft.) except:
 a) 3 m (9.84 ft.) on the street side of a corner parcel
 b) 3 m (9.84 ft.) on one side yard in a laneless subdivision where no attached garage or carport is provided

GENERAL RESIDENTIAL DISTRICT (R-2) (cont'd)

	Fourplexes 3.0 m (9.84 ft.), except 4.5 m (14.8 ft.) on the street side of a corner parcel
	Apartments 3.0 m (9.84 ft.), except 6.0 m (19.7 ft.) on the street side of a corner parcel
Minimum Rear Yard:	10 m (32.81 ft.)
	In all multiple housing developments incorporating row housing, fourplexes or duplexes, each dwelling unit shall have a private, screened yard area of not less than 40 m ² (430.6 sq. ft.)
Maximum Building Height:	9.5 m (31.2 ft.)
Maximum Site Coverage:	Detached dwellings, Duplexes, Manufactured homes and Row housing 55% including all accessory buildings but excluding all patios and decks
	Fourplexes and Apartments 45% including all accessory buildings
Landscaped Areas:	For multiple family buildings, a minimum of 30% of the parcel area with a minimum landscaped area of 6 m (19.7 ft.) in perpendicular depth and 1 m (3.3 ft.) on either side from all windows of living rooms, dining rooms, bedrooms and rumpus or family rooms in basements and first floors, provided as part of the landscaping scheme.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

For rowhousing, fourplexes and apartments, no part of a front yard shall be used for motor vehicle parking.

GENERAL RESIDENTIAL DISTRICT (R-2) (cont'd)

Manufactured Home Design:

All manufactured homes shall be, at the time of placement on the parcel, a maximum of 10 years old. The character, appearance, design and quality of the manufactured home and any attached structure, including skirting, must be of a standard acceptable to the Development Authority, which may, at their discretion, require a written statement by an engineer or other person qualified in the Development Authority's opinion to make it, verifying the quality of construction standards. All wheels must be removed and the manufactured home placed on a permanent foundation, or on concrete or steel piers with skirting that shall be completed within 30 days of the date of placement.

4.4 MANUFACTURED HOME DISTRICT (R-3)

General Purpose

The purpose of this district is to provide areas for low to medium density residential development in the form of manufactured homes and complementary uses within a comprehensively designed park on a single site.

Permitted Uses: Accessory buildings or uses
Home occupations – class 1
Manufactured homes
Manufactured home parks
Parks

Discretionary Uses: Child care facilities
Home occupations – class 2
Playgrounds
Public uses
Public utilities
Signs
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

Development Standards

The General Regulations contained in Part 3 shall apply to every development in this District. The following standards relate to manufactured home parks and manufactured home subdivisions. Standards for all other uses shall be determined in accordance with Section 3.31 of Part 3.

In a manufactured home park, “lot” means an area of land for the placement of a manufactured home and for the exclusive use of its occupant(s).

Maximum Density: 17 manufactured homes per hectare (7 per acre)

Park and Lot Area: The minimum site area for a manufactured home park shall be 2 ha (4.9 ac).

The maximum site area for a manufactured home park shall be 4 ha (9.9 ac).

The minimum lot area for a manufactured home shall be 370 m² (3,982.6 sq. ft.)

Minimum Setbacks: Manufactured homes shall be at least:
i) 4.5 m (14.76 ft.) from one another (except attached structures)
ii) 7 m (23 ft.) from any park boundary

MANUFACTURED HOME DISTRICT (R-3) (cont'd)

- iii) 3 m (9.8 ft.) from any internal access road or common parking area
- iv) 1.5 m (4.9 ft.) from any side lot line
- v) 4.5 m (14.76 ft.) from any rear lot line

Minimum Manufactured Home Width: 4.2 m (13.8 ft.)

Minimum Floor Area: 65 m²

Maximum Building Height: 9.5 m (31.16 ft.)

Notwithstanding the General Regulations of Part 3, no accessory or attached structure shall exceed the height of the manufactured home on the same lot.

Maximum Lot Coverage: 45% including all accessory buildings but excluding carports, decks and patios

Landscaped Area: A minimum of 5% of the total area of a manufactured home park shall be set aside for the recreational use and enjoyment of park residents.

In addition to the above area, each manufactured home park shall have on its perimeter a landscaped area not less than 2.5 m (8.2 ft.) wide between every manufactured home lot and the property line bounding the manufactured home park.

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

Landscaped areas shall be developed with recreation facilities to the satisfaction of the Development Authority and upon the approval of the development permit, the applicant shall deliver a performance bond in the amount of 100% of the estimated cost of landscaping to ensure its completion.

Vehicular and Pedestrian Area: All manufactured home park roadways shall have at least 12 m (39.4 ft.) right-of-way and the carriageways shall be no less than 10 m (32.8 ft.) in width. Internal pedestrian walkways, where provided, shall be a minimum of 1.5 m (4.9 ft.) in width.

MANUFACTURED HOME DISTRICT (R-3) (cont'd)

- Storage Areas:** Common storage areas, separate from the manufactured home lot shall be provided for storage of seasonal recreational equipment and other equipment not capable of storage on the manufactured home lot.
- Common storage areas shall be screened to the satisfaction of the Development Authority and shall have an area of not less than 20 m² (215 sq. ft.) per manufactured home lot.
- Utilities:** All utility services and all utility wires and conduits shall be installed underground and shall comply with existing regulations for underground installations.
- Fences and Lot Lines:** Fences and hedges shall be allowed only if they are erected and maintained by the manufactured home park operator to a uniform standard throughout the manufactured home park.
- All lot lines shall be clearly defined on the ground by permanent, flush stakes, or markers with a lot number or other address system.
- Building Design:** All manufactured homes shall be, at the time of placement on the parcel, a maximum of 10 years old. The character, appearance, design and quality of the manufactured home and any attached structure, including skirting, must be of a standard acceptable to the Development Authority, which may, at their discretion, require a written statement by an engineer or other person qualified in the Development Authority's opinion to make it, verifying the quality of construction standards. All wheels must be removed and the manufactured home placed on a permanent foundation, or on concrete or steel piers with skirting that shall be completed within 30 days of the date of placement.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

4.5 COMMERCIAL DISTRICT (C)

General Purpose

The purpose of this District is to facilitate the development of a unique area which includes a wide variety of commercial, institutional, cultural and residential development intended to serve the Village and surrounding region.

Permitted Uses:

- Accessory buildings or uses
- Alcohol sales
- Car washes
- Financial services
- Gas bars
- Mixed use developments
- Offices
- Parks
- Parking facilities
- Personal services
- Playgrounds
- Private club or lodge
- Restaurants
- Retail sales establishments

Discretionary Uses:

- Apartments
- Child care facilities
- Commercial recreation and entertainment uses
- Drinking establishments
- Drive-in businesses
- Dwelling units above the ground floor
- Funeral homes
- Home occupations – class 1 and 2
- Hotels and motels
- Light repair services
- Public uses
- Public utility buildings
- Religious assemblies
- Signs
- Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area: 360 m² (3,875.13 sq. ft.)

Minimum Parcel Width: 9.14 m (30.0 ft)

COMMERCIAL DISTRICT (C) (cont'd)

- Minimum Front Yard: Nil
- Minimum Rear Yard: 7.5 m (24.6 ft) except where parking, loading space and garbage areas have been adequately addressed in the opinion of the Development Authority in which case no rear yard is required
- Minimum Side Yard: Nil, except:
a) 1.5 m (4.9 ft.) on the side adjacent to a residential District
b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12m (39.37 ft) to the rear of the principal building.
- Maximum Building Height: 10 m (32.8 ft.) where adjacent to a residential District
- Maximum Site Coverage: 80% including all accessory buildings
- Garbage Storage: A commercial garbage bin shall be provided as part of the development of commercial and institutional uses and residential buildings containing three or more dwelling units on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
- Landscaped Areas: Nil, except for all areas of a site not covered by buildings, driveways and areas.
- Outdoor Storage/Display: Not permitted

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

No outdoor eating or drinking area shall be located within 15.2 m (50 ft) of an adjacent residential property.

COMMERCIAL DISTRICT (C) (cont'd)

Dwelling units within mixed use developments and developments incorporating dwelling units above the ground floor shall:

- a) have an entrance that is separate and distinct from the entrance to any non-residential component of the building
- b) not be located below the second storey
- c) not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority

4.6 LIGHT INDUSTRIAL DISTRICT (I-1)

General Purpose

The purpose of this District is to provide for a limited range of light industrial and service commercial businesses that may have limited outdoor storage and carry out their operations such that no nuisance is created or apparent outside an enclosed building. In addition, this District will provide for businesses which may be incompatible in commercial districts.

Permitted Uses: Accessory buildings or uses
Auction markets, excluding livestock
Light manufacturing
Light repair services
Public utility buildings
Repair and contracting services (electrical, glass, machine, plumbing, sheet metal and welding)
Veterinary clinics and hospitals
Warehousing

Discretionary Uses: Caretaker suites
Offices
Parking facilities
Private club or lodge
Signs
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary used described above

Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area: 580 m² (6,243.3 sq.ft.)

Minimum Parcel Width: 15 m (49.2 ft.), except where abutting a highway without a service road, in which case 30 m (98.4 ft.) shall be required.

Minimum Front Yard: 9 m (29.53 ft.), except where abutting a highway without a service road in which case it shall be determined by the Municipal Planning Commission.

Minimum Rear Yard: 6 m (19.7 ft.)

LIGHT INDUSTRIAL DISTRICT (I-1) (cont'd)

- Minimum Side Yard: 3 m (9.84 ft.) except:
- a) 6 m (19.7 ft.) where adjacent to a residential District or abutting a public road other than a lane or abutting a railway right-of-way
 - b) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12 m (39.37 ft) to the rear of the principal building.
- Maximum Building Height: 12 m (39.37 ft.) or the maximum height for a district adjacent to the site, whichever is less
- Maximum Site Coverage: 85% including all accessory buildings
- Outdoor Storage/Display: All outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways
- All outdoor displays shall be screened from residential Districts.
- Garbage Storage: A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
- Landscaped Areas: A minimum of 6 m (19.7 ft.) wide area adjacent any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

If a development in this district abuts a residential district the abutting yard shall be a minimum of 6 m (19.7 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

4.7 HEAVY INDUSTRIAL DISTRICT (I-2)

General Purpose

The purpose of this District is to provide for a wide range of manufacturing, assembling, fabricating, processing and storage of goods in which nuisance factors are likely to occur.

Permitted Uses:

- Accessory buildings or uses
- Auction markets, excluding livestock
- Heavy equipment assembly, sales and service
- Heavy manufacturing
- Light manufacturing
- Light repair services
- Municipal shops and storage yards
- Public utility buildings
- Repair and contracting services (electrical, glass, machine, plumbing, sheet metal and welding)
- Veterinary clinics and hospitals
- Warehousing

Discretionary Uses:

- Auction markets
- Auto wreckers
- Feed mills and grain elevators
- Freight and transportation depot
- Open storage yards
- Railway uses
- Sanitary landfill
- Seed cleaning plants
- Sewage treatment facilities
- Signs
- Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted and discretionary uses described above

Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every permitted use in this District:

Minimum Parcel Area: 580 m² (6,243.3 sq.ft.)

Minimum Parcel Width: 15 m (49.2 ft.), except where abutting a highway without a service road, in which case 30 m (98.4 ft.) shall be required.

Minimum Front Yard: 9 m (29.53 ft.), except where abutting a highway without a service road in which case it shall be determined by the Municipal Planning Commission.

HEAVY INDUSTRIAL DISTRICT (I-2) (cont'd)

- Minimum Rear Yard: 6 m (19.7 ft.)
- Minimum Side Yard: 3 m (9.84 ft.) except:
c) 6 m (19.7 ft.) where adjacent to a residential District or abutting a public road other than a lane or abutting a railway right-of-way
d) 6 m (19.7 ft) on one side in a laneless subdivision. This does not apply to an accessory building located at least 12 m (39.37 ft) to the rear of the principal building.
- Maximum Building Height: 12 m (39.37 ft.) or the maximum height for a district adjacent to the site, whichever is less
- Maximum Site Coverage: 85% including all accessory buildings
- Outdoor Storage/Display: All outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent sites and public roadways

All outdoor displays shall be screened from residential Districts.
- Garbage Storage: A commercial garbage bin shall be provided on the same site as the development. The bin shall be placed in a screened enclosure in the side or rear yard at a location accessible to garbage collectors.
- Landscaped Areas: A minimum of 6 m (19.7 ft.) wide area adjacent any residential parcel and any property boundary with a road shall be landscaped. All areas of the site not covered by buildings, driveways, parking, storage and display areas shall be landscaped.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to all developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

If a development in this district abuts a residential district the abutting yard shall be a minimum of 6 m (19.7 ft.) and shall be landscaped to the satisfaction of the Development Authority. In addition, a fence of at least 1.83 m (6 ft.) in height and providing sufficient visual screening shall be provided.

4.8 PUBLIC OPEN SPACE DISTRICT (POS)

General Purpose

The purpose of this District is to provide areas for the development of facilities and uses intended for the general benefit and enjoyment of the public at large and to protect environmentally sensitive areas by restricting development to minimal and environmentally compatible uses.

Permitted Uses: Natural environment preservation areas
Parks
Recreation facilities

Discretionary Uses: Accessory buildings or uses
Cemeteries
Public signs
Public uses
Public utility buildings
Railway uses
Religious assemblies
Any use that is similar, in the opinion of the Municipal Planning Commission, to the permitted or discretionary uses described above

Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

All Requirements: As determined by the Development Authority and in accordance with the General Regulations contained in Part 3 of this Land Use Bylaw.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

- Parking – see Section 3.13 of Part 3
- Landscaping – see Section 3.20 of Part 3
- Fences – see Section 3.22 of Part 3
- Accessory Buildings and Uses – see Section 3.2 of Part 3
- Discretionary Uses – see Part 3

4.9 RESERVED FOR FUTURE DEVELOPMENT DISTRICT (RD)

General Purpose

The purpose of this District is to ensure that development on lands required for growth is restricted to ensure that future development may proceed in an orderly and well planned fashion, premature subdivision is avoided, and existing agricultural use of lands is accommodated until development of a non-agricultural land use is imminent.

Permitted Uses: Agricultural operations lawfully existing at the date of adoption of this Land Use Bylaw
Uses lawfully existing at the date of adoption of this Land Use Bylaw

Discretionary Uses: Uses and buildings which will not, in the opinion of the Municipal Planning Commission, materially alter the use of the land from that existing at the time of adoption of this Land Use Bylaw
Public utility buildings
Signs

Development Standards

In addition to the General Regulations contained in Part 3, the following standards shall apply to every development in this District:

Minimum Parcel Area: Total area of land contained in current title

Maximum Building Height: 9.5 m (31.2 ft)

All other requirements: As determined by the Development Authority and in accordance with the General Regulations contained in Part 3 of this Land Use Bylaw.

Other Regulations

In addition to the regulations and standards listed above, the General Regulations apply to developments in this District. These General Regulations include but are not limited to the following:

Parking – see Section 3.13 of Part 3

Landscaping – see Section 3.20 of Part 3

Fences – see Section 3.22 of Part 3

Accessory Buildings and Uses – see Section 3.2 of Part 3

Discretionary Uses – see Part 3

VILLAGE OF BIG VALLEY

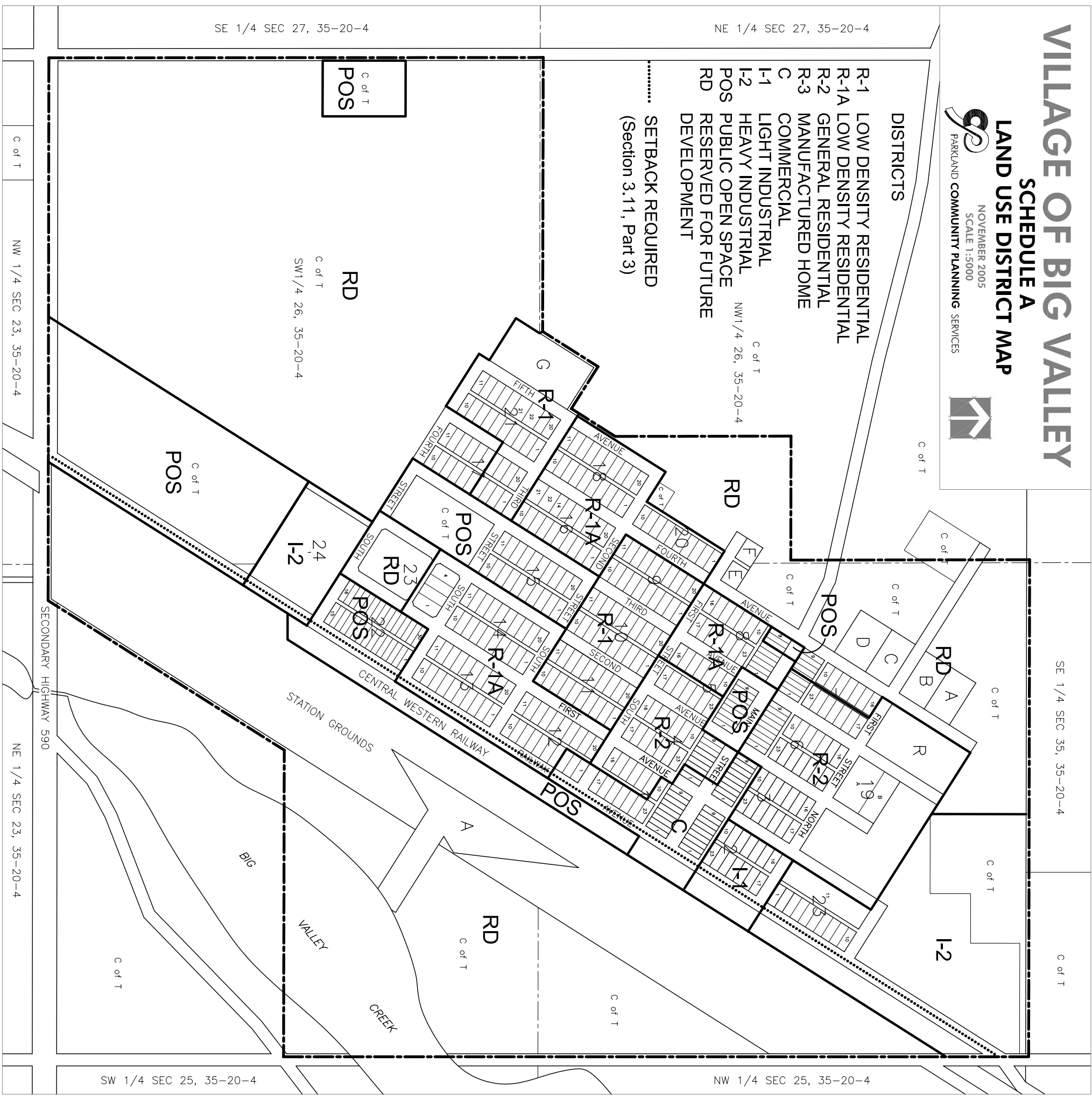
SCHEDULE A LAND USE DISTRICT MAP

NOVEMBER 2005
SCALE 1:5000
PARKLAND COMMUNITY PLANNING SERVICES



- DISTRICTS**
- R-1 LOW DENSITY RESIDENTIAL
 - R-1A LOW DENSITY RESIDENTIAL
 - R-2 GENERAL RESIDENTIAL
 - R-3 MANUFACTURED HOME
 - C COMMERCIAL
 - I-1 LIGHT INDUSTRIAL
 - I-2 HEAVY INDUSTRIAL
 - POS PUBLIC OPEN SPACE
 - RD RESERVED FOR FUTURE DEVELOPMENT

..... SETBACK REQUIRED
(Section 3.11, Part 3)



SE 1/4 SEC 27, 35-20-4

NE 1/4 SEC 27, 35-20-4

SE 1/4 SEC 35, 35-20-4

SW 1/4 SEC 25, 35-20-4

NW 1/4 SEC 25, 35-20-4

SECONDARY HIGHWAY 590

C of T
NW 1/4 SEC 23, 35-20-4

C of T
NE 1/4 SEC 23, 35-20-4