

VILLAGE OF EDBERG
Land Use Bylaw No. 3-93

Consolidated to March 1997

Prepared by the Battle River Planning Agency

TABLE OF CONTENTS

<u>SECTION</u>		<u>Page</u>
<u>PART 1: GENERAL</u>		
1.	Purpose	1
2.	Interpretation	1
3.	Establishment of Districts	5
4.	Establishment of Land Use District Regulations	6
5.	Dimensions	6
<u>PART 2: AGENCIES</u>		
6.	Development Authority	7
7.	Subdivision and Development Appeal Board	7
<u>PART 3: DEVELOPMENT PERMITS, RULES AND PROCEDURES</u>		
8.	Control of Development	8
9.	Development Not Requiring a Development Permit	8
10.	Non-Conforming Buildings and Uses	9
11.	Permission for Development	9
12.	Special Provisions	11
13.	Development Permits and Notices	11
14.	Municipal Services	12
<u>PART 4: APPEALS</u>		
15.	Appeal Procedure	13
16.	Public Hearing	13
17.	Decision	14
<u>PART 5: ENFORCEMENT AND ADMINISTRATION</u>		
18.	Contravention	16
19.	Application to Amend Bylaw	16
20.	Form of Application	17
21.	Amending Bylaws	17
22.	Compliance with Legislation	17
23.	Development Density	18
24.	Subdivision Time Extension	18
25.	Reserves	18
26.	Sour Gas Facilities	19
27.	Restricted Lands	20
28.	Other Changes	20

PART 6: LAND USE DISTRICTS

<u>SECTION</u>		<u>Page</u>
29.	R1 Single Family Residential District	21
30.	R2 Residential District	27
31.	C1 Central Commercial District	34
32.	C2 General Commercial District	38
33.	M Industrial District	43
34.	I Institutional District	48
35.	PR Parks and Recreation District	50
36.	UR Urban Reserve District	51

PART 7: LAND USE DISTRICT MAP

APPENDIX - FORMS

- FORM A - Application For Development
- FORM B - Development Permit
- FORM C - Notice of Refusal
- FORM D - Notice of Decision of Development Authority
- FORM E - Notice of Appeal Hearing
- FORM F - Notice of Appeal Decision
- FORM G - Application For Amendment to the Land Use Bylaw

A BY-LAW OF THE VILLAGE OF EDBERG, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF AUTHORIZING AMENDMENTS TO BY-LAW #3-93
BEING THE LAND USE BY-LAW OF THE VILLAGE OF EDBERG

WHEREAS it is deemed advisable to amend portions of Part 1,2,3,4,5 and 6 [the Land Use By-law] to reflect the changes in the Municipal Government Act and accommodate changes to the local land use by-law.

WHEREAS pursuant to the authority conferred upon it by the Municipal Government Act, Chapter M-26.1, Statutes of Alberta 1994, and amendments thereto, the Council of the Village of Edberg duly assembled, hereby enacts as follows:

THAT By-law no. 3-93, the Land Use By-law, be amended as follows:

- 1] As stated on accompany schedule 1, hereto attached

THAT this by-law comes into effect upon the date of third reading.

READ A FIRST TIME THIS 11TH DAY OF FEBRUARY A.D. 1997.


MAYOR: BLAKE NORMAN


MUNICIPAL ADMINISTRATOR:
B. McAMMOND

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH
DAY OF MARCH A.D., 1997.


MAYOR: BLAKE NORMAN


MUNICIPAL ADMINISTRATOR:
B. McAMMOND

03/24/1997 10:12 483077 2302 VILLAGE OF EDDBERG PAGE 03

SCHEDULE 1

AMENDMENTS TO THE LAND USE BY-LAW

- 1] Numerous definitions including such words as, development, act, home occupation, permitted use, discretionary use and hazardous material.
- 2] Method of reviewing a subdivision or development appeal
- 3] Development not requiring a development permit
- 4] When a person can re-apply for a development permit which has been refused
- 5] Who is to be notified of an appeal. When and how a person appeals a development or subdivision
- 6] Density of development allowed within each land use district
- 7] Policies on the taking of community reserves at the time of subdivision
8. Policies on setbacks for development from sour gas facilities
- 9] Policies on dealing with restricted lands

PART ONE - GENERAL

Section 1 Purpose

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

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

Section 2 Interpretation

In this Bylaw:

- (1) **ACT** - means the Municipal Government Act, 1996, with amendments, Statutes of Alberta;
- (2) **ACCESSORY BUILDING** - means a building which is separate and subordinate to the main building, the use of which is incidental to the main building and is located on the same parcel of land;
- (4) **ACCESSORY USE** - means a use customarily incidental and subordinate to the principal use or building and is located on the same parcel of land with the main use or building;
- (3) **APARTMENT** - means a residential use consisting of at least 3 dwelling units, but shall not mean row housing;
- (5) **AGENCY** - means Battle River Planning Agency
- (6) **BUILDING** - includes anything constructed or placed on, in over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;
- (7) **COUNCIL**- means the Council of the Village of Edberg;
- (8) **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;
- (9) **SUBDIVISION & DEVELOPMENT APPEAL BOARD** - means a subdivision and development appeal board established under Section 627 of the Act;
- (10) **DEVELOPMENT AUTHORITY** - means a person appointed as a Development Authority pursuant to this Bylaw;
- (11) **DEVELOPMENT PERMIT** - means a document authorizing a development issued pursuant to a land use bylaw or the land use regulations;
- (12) **DISCRETIONARY USE** - means the use of land or a building provided for in a land use bylaw for which a development permit may be issued upon an application having been made, subject to compliance with this bylaw and other requirements of law;
- (13) **DWELLING UNIT** - means a complete buildings or a self contained building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate self-contained set or suite of rooms;
- (14) **DUPLEX** - means two dwelling units sharing a common wall, and located side by side or one above the other;
- (15) **GROUP HOME** - means a building or portion of a building used for the care or rehabilitation of children, adolescents or adults;
- (16) **HAZARDOUS MATERIAL** - means any substance which is volatile, explosive, radioactive, poisonous, or otherwise dangerous, in quantities greater than those allowed in a dwelling under a standard homeowner's insurance policy;
- (17) **HOME OCCUPATION** - means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof. A home occupation does not include the keeping of a stock in trade, nor the employment of more than one paid assistant other than the occupant and the occupant's family;
- (18) **LOT** - means
- (a) a quarter section, or

- (b) a river lot or settlement lot shown on an official plan referred to in Section 32 of The Surveys Act that is filed or lodged in a land titles office, or
 - (c) a part of a parcel or parcels where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision, or
 - (d) in part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (19) **MAIN BUILDING** - means a building in which is conducted the main or principle use of the site on which it is erected;
- (20) **MOBILE HOME UNIT** - means a structure, whether ordinarily equipped with wheels or not, that is manufactured to be moved from one point to another by being towed or carried and which provided year round living accommodation for one or more persons and can be connected to utilities;
- (21) **MODULAR UNIT** - means a prefabricated or factory built tubular frame or shell which comprises the wall of siding of a proposed dwelling. More specifically, a modular unit represents only a section of the dwelling, and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side by side or vertically and completed to form one or more complete dwelling units for year round occupancy;
- (22) **MUNICIPALITY** - means the Village of Edberg;
- (23) **NON-CONFORMING BUILDING** - means a building
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective and;
 - (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (24) **NON-CONFORMING USE** - means a lawful specific use
- (a) being made of land or building or intended to be made of a building lawfully under construction, at the date the land use bylaw or any amendment thereof affecting the land of building becomes effective, and;
 - (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (25) **PARCEL** - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;
- (26) **PERMITTED USE** - means the use of land or a building for which a permit

shall be issued by the development authority where such uses conform to the provisions of the Land Use Bylaw;

- (27) **PUBLIC UTILITY BUILDING** - means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;
- (28) **REGISTERED OWNER** - means
- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) in the case of any other land,
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
 - (ii) in the absence of a person described in paragraph (i), the person registered under The Land Title Act as the owner of the fee simple estate in the land;
- (29) **YARD** - means a part of a parcel upon or over which no main building or portion of a main building above ground level is erected;
- (30) **YARD FRONT** - means a yard extending across the full width of a parcel from the front line of a parcel to the main wall of the main building situated on the parcel;
- (31) **YARD REAR** - means yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear line of the parcel;
- (32) **YARD SIDE** - means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building;

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

PART THREE

DEVELOPMENT PERMITS, RULES AND PROCEDURES

Section 8 **Control of Development**

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

Section 9 **Development Not Requiring a Development Permit**

The following development shall not require a development permit, provided that such development conforms with **ALL PROVISIONS OF THIS BYLAW** (setback, height etc.):

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;
- (2) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first publication of the official notice.
- (3) The use of any such buildings as is referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than one metre in height in front yards and less than two m in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this bylaw.
- (6) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (7) The use of a building or part thereof as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in conjunction with a federal, provincial or municipal election, referendum or census.
- (8) Official notices, signs, placards or bulletins required or permitted to be displayed pursuant to the provisions of federal, provincial or municipal legislation.

- (9) Signs which are an announcement for a particular public or community event and will be removed after the occurrence of the event.
- (10) The construction of utility installations for the service of the immediate area.

Section 10 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the 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, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except
 - (a) as may be necessary to make it a conforming building, or
 - (b) as the development authority considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the land use bylaw.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

Section 11 Permission for Development

- (1) An application for a development permit shall be made to the Development Authority in writing in the form of Form A hereto and shall be accompanied by the following and any other requirement which may be required under a land use district:
 - (a) a site plan in duplicate showing the legal description and the front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking and access and egress points to the site;
 - (b) floor plans and elevation and section in duplicate;
 - (c) a statement of uses;

- (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates; and
 - (f) the estimated cost of the project or contract price.
- (2) Each application for a development permit shall be accompanied by a fee, the value of which shall be set by resolution of council.
- (3) The Development Authority shall receive, consider and decide on all applications for a development permit.
- (4) In making a decision, The Development Authority may:
- (a) approve the application unconditionally, or impose conditions considered appropriate,
 - (b) as a condition of a development permit, require the applicant to make satisfactory arrangements for the supply of utilities,
 - (c) as a condition of a development permit, require the applicant enter into a development agreement,
 - (d) approve the permit permanently or for a limited period of time, of
 - (e) refuse the application, stating a reason(s) for the refusal
- (5) The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking areas, to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed by bylaw.
- (6) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part 4 of this bylaw, the submission of another application for a permit on the same property and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Authority for at least 90 days after the date of the previous refusal.
- (7) In the case where a proposed specific use of land or a building is not provided for in any district in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Part 6.
- (8) The Development Authority may approve an application for a development permit notwithstanding that the proposed development 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 properties, and
- (b) the proposed development does not conflict with the use prescribed for the land or building in the bylaw.
- (9) **Deemed Refusal**
An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision therein is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority and the person claiming to be affected may appeal in writing as provided for in PART FOUR of this Bylaw as though he had received a refusal at the end of the period specified in this subsection.

Section 12 Special Provisions

- (1) Where the development of land involves a multiple lot subdivision of land, no development permit shall be issued until the application has been submitted to the Battle River Planning Agency and written evidence received by the Development Authority that the subdivision has the approval of the Agency.

- (2) **Conditional Subdivision Approval**

Where certain works or conditions are operative against a lot or parcel due to a decision by the Agency acting within the jurisdiction of the Municipal Government Act of Subdivision Regulations, no permit shall be issued until the works or conditions have been complied with or until an agreement for specific performance is in existence between the developer and the Village.

Section 13 Development Permits and Notices

- (1) A permit granted pursuant to this PART does not come into effect until 14 days after the date an order, decision or development permit is issued, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made pursuant to PART FOUR of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.
- (3) When a permit has been granted upon application for a discretionary use or use pursuant to subsections (7) and (8) of Section 11 the Development Authority shall:
 - (a) immediately post a notice of the decision conspicuously on the property for which the application has been made; and/or
 - (b) a notice in writing shall be immediately mailed to all registered owners of land within 60 metres (200 feet) and to any landowner who in the opinion of the Development Authority may be affected; or

- (c) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.
- (4) If the development authorized by a permit is not commenced within 12 months from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has previously been granted by the Development Authority.
- (5) 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.
- (6) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

Section 14 **Municipal Services**

All development must connect to the village's municipal services, whenever it is feasible. Should hook-up to the services be considered undesirable, at the discretion of the development authority, then alternative measures may be acceptable, provided that the development meets the requirements of provincial guidelines/regulations/legislation.

Section 3 **Establishment of Districts**

- (1) **R.1** Single Family Residential District
 R.2 Residential District
 C.1 Central Commercial District
 C.2 General Commercial District
 M Industrial District
 I Institutional District
 P Parks and Recreation District
 UR Urban Reserve District
 DC Direct Control District - created March 2009
- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map being PART SEVEN hereto.
- (3) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
- Rule 1* Where a boundary is shown as following a street, lane, stream, bank break, or canal, it shall be deemed to follow the centre line thereof.
- Rule 2* Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3* In circumstances not covered by *Rules 1 and 2* the location of the district boundary shall be determined:
- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set out, or
- (b) where no dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (4) Where the application of the above rules does not determine the exact location of the boundary of a district, Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.
- (5) After Council has fixed a district boundary pursuant to the provisions of subsections (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

Section 4 **Establishment of Land Use District Regulations**

Land Use District Regulations shall be as set forth in the Schedule of Land Use Regulations, being Schedule B hereto, hereby adopted by reference to be part of this Bylaw, and may be amended in the same manner as any other part of the Bylaw.

Section 5 **Dimensions**

When an imperial measure is given in brackets after the metric measure, the imperial measure is given for convenience only, and has no standing interpretation of this bylaw.

PART TWO - AGENCIES

Section 6 **Development Authority**

- (1) The office of the Development Authority is hereby established and such office shall be filled by a person or persons to be appointed by resolution of the Council, and in the absence of any such resolution, the Municipal Administrator.
- (2) The Development Authority shall perform such duties that are specified in PART THREE of this Bylaw.
- (3) The Development Authority shall keep and maintain for the inspection of the public during all reasonable hours a copy of this Bylaw and all amendments thereto, and keep a register of all applications for development, including the decisions therein and the reasons therefor.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be a designated officer of the municipality.

Section 7 **Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board established by bylaw 10-95 shall perform such duties as are specified in PART FOUR of this Bylaw pursuant to the Act.

PART FOUR - APPEALS

Section 15 **Appeal Procedure**

- (1) An application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within 40 days of receipt of the application
- (2) An appeal may be made to the Subdivision and Development Appeal Board where the Development Authority:
 - (a) refuses or fails to issue a development permit within forty days of receiving the application, or
 - (b) issues a development permit subject to conditions; or
 - (c) issues an order under the Act,the person applying for the permit or affected by the order, as the case may be, may appeal to the Subdivision and Development Appeal Board.
- (3) Notwithstanding Section 15.2, **NO APPEALS** are allowed in respect of the issuance of a development permit for a permitted use listed in a Land Use District, unless the provisions of this bylaw were relaxed, varied or misinterpreted.
- (4) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Secretary of the Subdivision and Development Appeal Board within 14 days after
 - (a) in the case of an appeal made by a person referred to in subsection (1), the date on which
 - (i) the person is notified of the order or decision or the issuance of the development permit; of
 - (ii) if no decision is made with respect to the application for a development permit, the forty-day period referred to in subsection (1) expired; or
 - (b) in the case of an appeal made by a person referred to under subsection (2), the date on which the notice of the issuance of the permit was given in accordance with the Land Use Bylaw.

Section 16 **Public Hearing**

- (1) Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.

- (2) The Subdivision and Development Appeal Board shall give at least 5 days notice in writing of the public hearing to
 - (a) the appellant,
 - (b) the Development Authority from whose order, decision or development permit the appeal is made,
 - (c) those registered owners of land in the municipality who were notified under Section 13(3)(b) and any other person who in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit, and
 - (d) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including
 - (a) the application for the development permit, its refusal and the appeal therefrom, or
 - (b) the order of the Development Authority under Section 18, as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear
 - (a) the appellant or any person acting on his behalf,
 - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person,
 - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf, and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his behalf.
- (5) The Development Authority shall not act as secretary to the Subdivision and Development Appeal Board and shall not be present during the deliberations of the Subdivision and Development Appeal Board after the public hearing has been closed.

Section 17 **Decision**

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

- (2) In determining an appeal, the Subdivision and Development Appeal Board
- (a) shall comply with any statutory plan, the Village of Edberg planning study and subject to clause 17.2.c, of this Bylaw;
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, any decision or permit of its own.
 - (c) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with this Land Use Bylaw if, in its opinion
 - (i) (A) unduly interfere with the amenities of the neighbourhood, or
(B) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for that land or buildings in this Land Use Bylaw.
- (3) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 and 689 of the Act. An application for leave to appeal to the Court of Appeal shall be made
- (a) to a judge of the Court of Appeal, and
 - (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

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

PART FIVE
ENFORCEMENT AND ADMINISTRATION

Section 18 **Contravention**

- (1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with
- (a) the Municipal Government Act or the Subdivision Regulations, or
 - (b) a development permit or subdivision approval, or
 - (c) the Land Use Bylaw,
- 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
- (d) stop the development or use of the land or buildings in whole or in part as directed by the notice, or
 - (e) demolish, remove or replace the development or
 - (f) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations, a development permit, subdivision approval or this Bylaw as the case may be.
- (2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Subdivision and Development Appeal Board under Section 645 of the Act, within the time specified, the council or a person appointed by it may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the council or a person appointed by it carried out an order, the council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

Section 19 **Application to Amend Bylaw**

- (1) A person may apply to have this Bylaw amended, by applying in writing, and furnishing reasons in support of the application and paying the fee therefore required under Section 20 of this bylaw.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

Section 20 **Form of Application**

- (1) All applications for amendment to the Land Use Bylaw shall be made to the Council in the form of Form G hereto and shall be accompanied by the following, namely:
 - (a) A certificate of title to the land affected or other documents satisfactory to the Development Authority including the applicant's interest in the said land;
 - (b) All drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Authority and shall be fully dimensioned, accurately figured, explicit and complete.
 - (c) An application fee, the value of which will be set by resolution of Council, but if the proposed amendment is adopted by the Council, the Council may determine that the whole or part of the application fee be returned to applicant,
 - (d) Payment for the advertising, which may be refunded if the application is withdrawn and advertising is not required;
 - (e) Permission for municipal staff to enter on to the parcel,; and
 - (f) Any other information requested by council.

Section 21 **Amending Bylaws**

- (1) All amendments to this Bylaw shall be made by Council by bylaw and in conformance with Sections 606 and 692 of the Act.
- (2) All amending bylaws may be referred to the Battle River Planning Agency for comments. A copy of the amending bylaw shall be sent forward to the Agency.

Section 22 **Compliance with other Legislation**

- (1) An applicant is responsible for is not excused from ascertaining and complying with the requirements of any federal, provincial or the municipal legislation.
- (2) All development shall comply with federal, provision and other municipal legislation and with the conditions of any easement, covenant or development agreement affecting the land or the building.

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

Section 23 Development Density

Only one dwelling unit shall be constructed on each parcel.

THIS POLICY WILL BE STATED IN UNDER EACH LAND USE DISTRICT'S REGULATION WHICH STATES IT ALLOWS SOME FORM OF RESIDENTIAL USE.

Section 24 Subdivision Time Extension

Council may extend or may delegate the power to extend periods of time related to subdivision approval and endorsement as follows:

- (a) A subdivision approval for a use compatible in adjacent land uses may be extended in 1 year increments to a maximum 5 years from original application date.
- (b) A subdivision approval granted 5 years or more prior to the date of application for a time extension may not be extended, and
- (c) The endorsement date on a registerable subdivision instrument may be extended, in 1 year increments to a maximum of 3 years from the original date of endorsement.

Section 25 Reserves

- 1. As is required under the Municipal Government Act policies on the issue of reserves must be addressed. Reserves are used for parks, recreation areas, school sites or buffer strips. The reasoning for reserves is that the subdivision of land creates demands for land for these uses and it appears that the people who benefit from the development, rather than the local taxpayers, should provide it. Environmental reserve is taken to protect environmentally sensitive lands and shores.
- 2. When reserves are due because of a subdivision of land the village shall take 10% of the developable land for community reserves.
- 3. The preference of the Village of Edberg is to take reserves in form of land rather than money in place of reserves. There may be exceptions to this policy as outlined below.
- 4. As a general rule, one large parcel is worth much more as a park than ten small parcels. Therefore, whenever possible the Village may consolidate reserves into large useful parcels, even if it is some distance from the individual subdivision. This may be done by trading land or by taking money in place of reserves and using this to purchase land.
- 5. Reserves will normally be taken at the time of subdivision, but where there is staged development, part of the reserves may be deferred into the second stage.
- 6. In some cases land may be undevelopable, but may never the less be usable for recreational purposes. In this case the subdivision authority may, as is compatible with legislation, allow the developer to count some percentage of this land as credit

towards any municipal reserve which may be due.

7. The subdivision approving authority shall not require the registered owner of a parcel that is the subject of a proposed subdivision to provide reserve land or money in place of municipal reserve or school reserve or a combination of them if,
 - (1) one lot is to be created from a quarter section of land
 - (2) the land to be subdivided is two acres or less, or
 - (3) reserve land or money in place thereof was provided in respect of the land that is the subject of the proposed subdivision under the existing or previous legislation (ie. Municipal Government Act)
8. If money in place of municipal reserve or school reserve or municipal and school reserve is required to be provided, the appraised market value of the land shall be determined. By appraising it as of a specified date (occurring within the 35 day period following the date on which the application for subdivision approval is made) on the basis of what might be expected to be realized if the land were sold in the open market, by a willing seller to a willing buyer on the date as of which the appraisal is made and on the basis that the land is in an unsubdivided state.
9. The subdivision authority shall review and ask for comments from the local school authority before deciding on the amount of any school reserves owed by the developer.

Section 26 **Sour Gas Facilities**

1. All subdivision or development which occurs within 1.5 kilometres of a sour gas facility shall be referred to the Alberta Energy and Utilities Board for comments and a recommendation.
2. An application for development or subdivision **MUST NOT BE APPROVED** if it would result in development within 100 metres of a gas or oil well unless the development would be within a lesser distance approved in writing by Alberta Energy and Utilities Board. The distance is measured from the well head to the building or proposed building site.

Section 27 **Restricted Lands**

1. With no in-house environmental expertise, all applications will be referred to outside agencies (ie. Alberta Environmental Protection, Alberta Health) for advice when it appears that the site may contain an environmental risk.
2. The development authority may refuse to issue a development permit if the site appears to have an environmental risk.
3. The subdivision authority or development authority may give approval, on a site that may contain an environmental risk, if the owner/developer take remedial or defensive measures.

4. Final responsibility to determine if environmental risks exist will be the responsibility of the landowner/developer.

Section 28 Other Changes

Provincial legislation now states that all municipalities' planning documents must meet the newly created provincial land use policies and new municipal legislation. Your proposed amendments will help to meet these new changes.

PA R T SIX
- LAND USE DISTRICTS

Section 29 **R1 - Residential District**

Purpose:

To provide an area for quality, low density residential development in the form of detached dwellings and compatible uses:

(1) **Permitted Uses:**

New single family houses of conventional construction
Buildings accessory to the above

(2) **Discretionary Uses**

Home Occupations
Basement Suites
Modular homes
Public utility uses and Facilities
Child care Facilities
Group care Facilities
Parks
Swimming pools
Institutional and public uses
Churches

(3) **Minimum Site Area**

<u>USE</u>	<u>AREA</u>
Laned Lots	500 m ² (5382 ft ²)
Laneless lots	550 m ² (5920 ft ²)
Corner lots	600 m ² (6458 ft ²)

(4) **Minimum Lot Width**

Interior Parcel	15 m (49 ft)
Corner Parcel	17 m (56 ft)
Churches	30.5 m (100 ft)

(5) Minimum Lot Depth

30.5 m (100 ft)

(6) Minimum Setback Requirements

- (i) **Front Yard:**
- | | |
|--------------------|--|
| Main Building | 6 m (20 ft) |
| Accessory Building | No closer to the front property line than the front of the main building
2 m (7 ft) from the dwelling |
- (ii) **Side Yard:**
- | | |
|--------------------|--|
| Main Building: | |
| Laned | 1.5 m (5 ft) |
| Laneless | One side 1.5 m (5 ft) other side 3 m (10 ft) |
| Corner Lot | Side abutting street 3 m (10 ft) or in the case of a building with an attached garage which faces the street the building shall be setback 6 m (20 ft) from the roadway, other side 1.5 m (5 ft) |
| Accessory Building | 1 m (3 ft) except where an agreement exists between the owners of adjoining properties to build their garages centred on the property line, in which case a fire wall shall be constructed to the satisfaction of the fire chief. Also, where the vehicle doors of a detached garage face a street abutting the site, the garage shall be no closer than 6 m (20 ft) from the roadway.
No roof overhang shall be within 0.5 m (20 inches) of a side property line |
- (iii) **Rear Yard:**
- | | |
|--------------------|--|
| Main Building | 6 m (20 ft) |
| Accessory Building | No closer than 1 m (3 ft) from the rear property line, excepting where the vehicle doors of the detached garage face a lane abutting the site in which case the garage shall be no closer than 6 m (20 ft) from the lane.
No closer than 1 m (3 ft) from the rear property line in the case of an angular or curved approach from a lane
No roof overhang shall be within 0.5 m (20 inches) of the rear property line. |

(7) **Minimum Floor Area**

- (a) Residential 85 m² (914 ft²).
- (b) All other uses to the satisfaction of the Development Authority.

(8) **Maximum Building Height**

- (a) Main building 10 m (33 ft)
- (b) Accessory building 5 m (16 ft) except, within a public park and/or playground the maximum height shall be 10 m (33 ft).

(9) **Maximum Site Coverage**

- (a) 40% for total combined area of the principal and all accessory building.
- (b) 12% for total combined area of all accessory building.

(10) **Maximum Number of Accessory Buildings**

No more than two (2) accessory building shall be placed on one lot.

(11) **Parking Requirements**

<i>USE</i>	<i>MINIMUM PARKING SPACES</i>
<u>Residential</u>	
1 & 2 Family dwelling Units	1.0 per dwelling unit
3 family & greater dwelling units	1.5 per dwelling unit
<u>Places of Public Assembly</u>	
Churches, halls etc.	1.0 per 3 employees 1.0 per 10 seating places
<u>Schools</u>	
Elementary & Junior High	1.0 per employee
Senior High School	1.0 per employee 1.0 per 20 students
<u>Other</u>	
	To the satisfaction of the Development Authority

(12) **Off-Street Loading**

Schools, institutional and public uses shall provide 1 loading space per 2500 m² (26,910 ft²).

(13) Utility Easements

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

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

(14) Controlled Appearance

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

(15) Lot Grading

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

(16) Site Landscaping

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

(17) Damage to Local Improvements

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

(18) Prohibited Objects In Yards

- (a) No person shall keep on any visible part of any lot:
 - (i) Any dismantled or wrecked vehicle for more than one month
 - (ii) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

(19) Fencing

- (a) No fence/wall shall be:
 - (i) Higher than 2 m (7 ft) in side or rear yard
 - (ii) Higher than 1 m (3 ft) in front yard and where more than one yard faces

onto a street then each yard shall be deemed to be a front yard.

- (b) Fences shall be constructed of a material satisfactory to the Development Authority.

(20) Solar Collectors

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

(21) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(22) Modular Homes

Modular homes mounted on permanent foundations, may exist provided that the Development Authority is satisfied that the unit will not be an eyesore or a fire hazard or otherwise degrade the neighbourhood.

(23) Home Occupations

- (a) Home occupations may be allowed if:
 - (i) In the opinion of the Development Authority the dwelling in which it is proposed to carry on, the home occupation has adequate floor space and the use conforms with the residential nature of the dwelling.
 - (ii) The occupation is carried on entirely within the building and that no more than one outside employee is engaged.
 - (iii) The Development Authority attached the condition that no display of goods may be visible on the premises.

(24) Swimming Pools

- (a) Entry Restrictions
 - (i) Every private swimming pool shall be secure against entry of the public other than the owners, tenants, or their guests.
 - (ii) No privately owned outdoor swimming pool shall be constructed or maintained unless there is erected and maintained entirely around such pool an approved fence, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence line.

- (iii) Every fence enclosing an outdoor swimming pool shall be at least 2 m (7 ft) in height above the level of the grade outside the enclosure and made of close board, chain link or other approved design such that it will reasonably deter children from climbing over or crawling through or under it to gain access to the fenced in area. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock near the top and on the inside of the gate. Every gate shall be locked except when the fenced in area is actually being used and supervised by the owner of the premises or other adult person authorized by the owner to supervise the use of the pool.
- (iv) No barbed wire nor device for projecting an electric current shall form part of a fence or gate.

(b) Safety Requirements

- (i) A private swimming pool shall be constructed so that the depth of the pool shall be clearly marked in feet and metres at the deepest point, and the shallowest point.
- (ii) A private swimming pool shall provide at least one exit ladder or stair from the deepest part of the pool, where the greatest dimension of the pool does not exceed 10 m (33 ft), An additional ladder or stair is to be provided at the opposite end of the pool where the pool exceeds 10 m (33 ft)

(c) Treatment of Water

The method and degree of treatment of water for all private swimming pools shall be to the satisfaction of the local health authority.

Section 30 **R2 - Mixed Residential District**

Purpose:

To allocate lands for the use and development of a wide range of residential housing types.

(1) Permitted Uses:

- New Single family dwelling of onsite construction
- Modular homes mounted on permanent foundations
- Accessory buildings to the above

(2) Discretionary Uses

- Duplexes
- Apartments
- Row houses
- Boarding houses
- Basement Suites
- Single-wide or Double-wide mobile units or variations thereof
- Moved-in single family dwellings
- Parks and Playgrounds
- Churches
- Schools
- Home occupations
- Accessory to building to the above

(3) Minimum Site Area

<u>USE</u>	<u>AREA</u>
Single family dwelling, modular homes and moved in single family dwellings;	
Laned Lots	370 m ² (3983 ft ²)
Laneless lots	465 m ² (5005 ft ²)
Duplexes	555 m ² (5974 ft ²)
Row housing	240 m ² (2583 ft ²)
Apartment:	
4 units or less	555 m ² (5974 ft ²)
more than 4 units	1100 m ² (11,841 ft ²)
Mobile Homes	475 m ² (5113 ft ²)
Other uses	To the satisfaction of the Development Authority

(4) Minimum Lot Width

Interior Parcel	15 m (49 ft)
Corner Parcel	17 m (56 ft)
Churches	30.5 m (100 ft)

(5) Minimum Lot Depth

Mobile homes	33.5 m (110 ft)
All other uses	30.5 m (100 ft)

(6) Minimum Setback Requirements

(i) Front Yard:

Main Building	3 m (10 ft)
Other Uses	6 m (20 ft)
Accessory Building	No closer to the front property line than the front of the main building and must be at least 2 m (7 ft) from the dwelling

(ii) Side Yard:

Mobile homes:

Laned	1.5 m (5 ft) other 5 m (16 ft)
Laneless	Same as laned
Corner Lot	Sidyard abutting street 3 m (10 ft) other 5 m (16 ft)

Accessory Building:

Laned	1 m (3 ft) from any property line provided that the access doors are no closer than 6 m (20 ft) from opposite property line or where an agreement exists between owners of adjoining properties to build their garage centred on the property line, in which case a fire wall shall be constructed to the satisfaction of the fire chief No roof overhang shall be within 0.5 m (20 inches) of a side property line
Laneless	Same as laned
Corner lot	Side yard abutting a street 3 m (10 ft) except when the access doors face the street then 6 m (20 ft) Other 1 m (3 ft) No roof overhang shall be within 0.5 m (20 inches) of the side property line.

Other uses

Laned 1.5 m (5 ft)

Laneless one at 1.5 m (5 ft)
other at 3 m (10 ft)

Corner Lot Side abutting the street 3 m (10 ft) except
where an attached garage faces a street then
the setback shall be 6 m (20 ft)
Other at 1.5 m (5 ft)

(iii) **Rear Yard:**

Mobile home 5 m (16 ft)

Other uses 6 m (20 ft)

Accessory Building 1 m (3 ft) except where the access doors
face the lane then the setback is 6 m (20 ft).
No roof overhang shall be within 0.5 m (20
inches) of the rear property line.

(7) **Minimum Floor Area**

(a) Residential

80 m² (861 ft²)

(b) All other uses

To the satisfaction of the Development
Authority

(8) **Maximum Building Height**

(a) Main building

10 m (33 ft)

(b) Accessory buildings

5 m (16 ft) except, within a public park
and/or playground the maximum height shall
be 10 m (33 ft).

(9) **Maximum Site Coverage**

(a) 40% for total combined area of the principal building and all accessory
buildings.

(b) 12% for total combined area of accessory building

(10) **Maximum Number of Accessory Buildings**

No more than two (2) accessory building shall be placed on one lot.

(11) Parking Requirements

<i>USE</i>	<i>MINIMUM PARKING SPACES</i>
<u>Residential</u>	
1 & 2 Family dwelling Units	1.0 per dwelling unit
3 family & greater dwelling units	1.5 per dwelling unit
<u>Places of Public Assembly</u>	
Churches, halls etc.	1.0 per 3 employees 1.0 per 10 seating spaces but on street parking may be counted if it would not interfere with existing uses.
<u>Schools</u>	
Elementary & Junior High	1.0 per employee
Senior High School	1.0 per employee 1.0 per 20 students
<u>Other</u>	To the satisfaction of the Development Authority

(12) Off-Street Loading

Schools, institutional and public uses shall provide 1 loading space per 2500 m² (26,910 ft²).

(13) Utility Easements

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

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

(14) Controlled Appearance

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

(15) Lot Grading

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

(16) Site Landscaping

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

(17) Damage to Local Improvements

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

(18) Prohibited Objects In Yards

- (a) No person shall keep on any visible part of any lot:
 - (i) Any dismantled or wrecked vehicle for more than one month
 - (ii) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

(19) Fencing

- (a) No fence/wall shall be:
 - (i) Higher than 2 m (7 ft) in side or rear yard
 - (ii) Higher than 1 m (3 ft) in front yard and where more than one yard faces onto a street then each yard shall be deemed to be a front yard.
- (b) Fences shall be constructed of a material satisfactory to the Development Authority.

(20) Solar Collectors

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

(21) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(22) Moved-In Building

- (a) An application must be made for a permit to move any existing building or structure on the land controlled by this Bylaw. The application shall be

processed in the following manner:

- (i) the developer shall provide photographs of the building showing each elevation and the general condition of the building;
- (ii) the developer shall provide a statement indicating the present location and use of the building;
- (iii) the building may be inspected by the Development Authority or a qualified person delegated by the Development Authority and an inventory shall be taken of the structural condition of the building and works necessary to improve the building to a safe standard;
- (iv) the developer shall be required to present a bona fide estimate of the works required by clause (iii) above;
- (v) the Development Authority may at his/her discretion require that the applicant post a performance bond or an irrevocable letter of credit in the amount of the estimate, and any such bond or letter shall be forfeited if the necessary work is not completed within six months;
- (vi) inspection fees for any investigation carried out under clause (iii) above shall be as set by resolution of council.

(23) Older Homes and Modular Homes

Older homes and modular, homes mounted on permanent foundations, may exist provided that the Development Authority is satisfied that the unit will not be an eyesore or a fire hazard or otherwise degrade the neighbourhood.

(24) High Density Residences (Apartments, Duplexes, Row Housing etc.)

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

(25) Home Occupations

- (a) Home occupations may be allowed if:
 - (i) In the opinion of the Development Authority the dwelling in which it is proposed to carry on, the home occupation has adequate floor space and the use conforms with the residential nature of the dwelling.
 - (ii) The occupation is carried on entirely within the building and that no more than one outside employee is engaged.

- (iii) The Development Authority attached the condition that no display of goods may be visible on the premises.

(24) Swimming Pools

(a) Entry Restrictions

- (i) Every private swimming pool shall be secure against entry of the public other than the owners, tenants, or their guests.
- (ii) No privately owned outdoor swimming pool shall be constructed or maintained unless there is erected and maintained entirely around such pool an approved fence, except that a wall of a building may be considered to provide adequate protection for its length when substituted for any portion of the fence line.
- (iii) Every fence enclosing an outdoor swimming pool shall be at least 2 m (7 ft) in height above the level of the grade outside the enclosure and made of close board, chain link or other approved design such that it will reasonably deter children from climbing over or crawling through or under it to gain access to the fenced in area. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with a self-latching devise and lock near the top and on the inside of the gate. Every gate shall be locked except when the fenced in area is actually being used and supervised by the owner of the premises or other adult person authorized by the owner of supervise the use of the pool.
- (iv) No barbed wire nor device for projecting an electric current shall form part of a fence or gate.

(b) Safety Requirements

- (i) A private swimming pool shall be constructed so that the depth of the pool shall be clearly marked in feet and metres at the deepest point, and the shallowest point.
- (ii) A private swimming pool shall provide at least one exit ladder or stair from the deepest part of the pool, where the greatest dimension of the pool does not exceed 10 m (33 ft), An additional ladder or stair is to be provided at the opposite end of the pool where the pool exceeds 10 m (33 ft)

(c) Treatment of Water

The method and degree of treatment of water for all private swimming pools shall be to the satisfaction of the local health authority.

Section 31 C1 - Central Commercial District

Purpose:

To provide land for the development of retail land uses in the central retail core.

(1) Permitted Uses:

Retail stores
Office Buildings
Public and Institutional uses
Hotels and Motels
Professional Buildings and Clinics
Parking Areas
Banks and Financial Institutions
Theatres and halls
Restaurants and Eating establishments
Funeral parlours
Parks and Playgrounds
Utility Installations
Personal Service Establishments (dry cleaning, barber etc.)
Dwelling Units above first floor (if approved by Health Inspector)
Wholesale/retail and Warehousing - where the front portion of the building consists of not less than 30% of the floor area is used for offices, shop and/or counters and display cases, and where open storage of good is not permitted - bakery, liquor store, laundry.

(2) Discretionary Uses:

Pool halls
Bowling alleys
Cinemas
Gasoline Service Stations
Automotive & Machinery Sales & Repairs
Work shops & Workshop accessory to retail uses
Private clubs, lodges & organizations
Permitted & Discretionary Residential District Uses

(3) Minimum Site Requirements:

- (a) Gasoline service stations shall require 925 m² (9956 ft²), of which 50% will be open space.
- (b) All other uses shall require 230 m² (2476 ft²).

(4) Minimum Lot Width

7 m (23 ft)

(5) Minimum Lot Depth

30.5 m (100 ft)

(6) Minimum Setback Requirements

- (a): Front Yard
Not required
- (b) Side Yard:
 - (i) Gasoline service Stations shall require 1.5 m (5 ft)
 - (ii) All others do not require a side yard unless directly abutting a residential lot. In such cases the side yard shall be 2 m (7 ft) for that side of the lot or one half the building's height or at the discretion of the fire chief, whichever is greater.
- (c) Rear Yard:
No part of the main building shall be closer than 3 m (10 ft) to the rear property line to provide loading and waste disposal requirements

(7) Maximum Building Height

10 m (33 ft) without the approval of the fire chief

(8) Maximum Site Coverage

90% for all buildings

(10) Parking Requirements

<i>USE</i>	<i>MINIMUM PARKING SPACES</i>
<u>Retail Stores</u>	1 per employee
<u>Restaurants, cafes etc.</u>	1.0 per 3 employees 1.0 per 10 seating spaces
<u>Hotels, motels etc.</u>	1.0 per 3 employees 1.0 per sleeping unit
<u>Other</u>	To the satisfaction of the Development Authority

(12) Off-Street Loading

- (a) Schools, institutional and public uses shall provide 1 loading space per 2500 m² (26,910 ft²).

(b) Commercial uses shall provide:

(i) 1 space per 500 m² (5382 ft²) of gross floor area, or

(ii) 2 spaces per 500 m² (5382 ft²) to 2500 m² (26910 ft²)

(13) Lanes

Each parcel shall have a access to a lane at the side or rear

(14) Utility Easements

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

(i) In the opinion of the Development Authority, the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and

(ii) Written consent has been obtained from the utility company to which the easement has been granted.

(14) Controlled Appearance

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

(15) Lot Grading

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

(16) Site Landscaping

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

(17) Damage to Local Improvements

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

(18) Prohibited Objects In Yards

(a) No person shall keep on any visible part of any lot:

(i) Any dismantled or wrecked vehicle for more than one month

- (ii) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

(19) Fencing

- (a) No fence/wall shall be:
 - (i) Higher than 2 m (7 ft) in side or rear yard
 - (ii) Higher than 1 m (3 ft) in front yard and where more than one yard faces onto a street then each yard shall be deemed to be a front yard.
- (b) Fences shall be constructed of a material satisfactory to the Development Authority.

(20) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(21) Permitted & Discretionary Residential Uses

Provisions for these uses shall be at the discretion of the Development Authority. The provisions within the residential district may be used as a guideline.

(22) Gasoline Service Stations

Placement of gasoline pumps must meet fire chief approval but must not be less than 5 m (16 ft) from the main building.

(23) Accessory Buildings

- (a) Accessory buildings shall be at least 3 m (10 ft) from the main building.
- (b) Other provisions for accessory buildings shall be at the discretion of the Development Authority.

Section 32 C2 - Highway Commercial District

Purpose:

To provide land for those commercially oriented land uses requiring larger tracts of land for efficient operation and those which serve the travelling public.

(1) Permitted Uses:

- Drive-in Restaurants or similar eating establishments
- Travel Trailer Parks & Campsites
- Bulk oil and gas depots
- Hotels and Motels
- Parking Areas
- Banks and Financial Institutions
- Theatres and halls
- Restaurants and Eating establishments
- Funeral parlours
- Parks and Playgrounds
- Utility Installations
- Personal Service Establishments (dry cleaning, barber etc.)
- Dwelling Units above first floor (if approved by Health Inspector)
- Wholesale/retail and Warehousing - where the front portion of the building consists of not less than 30% of the floor area is used for offices, shop and/or counters and display cases, and where open storage of good is not permitted - bakery, liquor store, laundry.
- Pool Rooms
- Bowling Alleys
- Cinemas
- Gasoline Service Stations
- Automotive & Machinery sales & repair
- Workshops & Workshop accessory to retail stores
- Private clubs, lodges & organizations

(2) Discretionary Uses:

- Retail Stores
- Convenience Store
- Dwelling Units
- Offices
- Car Washes
- Public & Institutional Uses
- Professional Buildings and Clinics
- Banks and Financial Institutions
- Parks

(3) Minimum Site Requirements:

1000 m² (10,764 ft²)

(4) **Minimum Lot Width**

30.5 m (100 ft)

(5) **Minimum Setback Requirements**

(a) Front Yard
6 m (20 ft)

(b) Side Yard:
3 m (10 ft) or 10% of the lot width, whichever is lesser.

(c) Rear Yard:
6 m (20 ft)

(6) **Front Yard**

All front yards shall be paved or filled with mixed gravel compacted 95% proctor or more, or landscaped

(7) **Maximum Floor Area**

(a) Convenience store: 85 m² (915 ft²)

(b) All other uses are to the satisfaction of the Development Authority

(8) **Maximum Building Height**

10 m (33 ft)

(9) **Maximum Site Coverage**

Maximum site coverage of all buildings shall be determined by the Development Authority.

(10) **Parking Requirements**

<i>USE</i>	<i>MINIMUM PARKING SPACES</i>
<u>Retail Stores</u>	1 per employee
<u>Restaurants, cafes etc.</u>	1.0 per 3 employees 1.0 per 10 seating spaces
<u>Hotels, motels etc.</u>	1.0 per 3 employees 1.0 per sleeping unit
<u>Other</u>	To the satisfaction of the Development Authority

(11) Off-Street Loading

- (a) Schools, institutional and public uses shall provide 1 off-street loading space per 2500 m² (26,910 ft²).
- (b) Commercial uses shall provide:
 - (i) 1 space per 500 m² (5382 ft²) of gross floor area, or
 - (ii) 2 spaces per 500 m² (5382 ft²) and 2500 m² (26910 ft²) of gross floor area

(12) Buffers

A 6 m (20 ft) buffer shall be required adjacent to a highway right of way.

(13) Lanes

Each parcel shall have a access to a lane at the side or rear

(14) Utility Easements

- (a) No building shall be constructed or placed on a utility easement unless:
 - (i) In the opinion of the Development Authority, the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and
 - (ii) Written consent has been obtained from the utility company to which the easement has been granted.

(15) Controlled Appearance

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

(16) Lot Grading

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

(17) Site Landscaping

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

(18) Damage to Local Improvements

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

(19) Prohibited Objects In Yards

- (a) No person shall keep on any visible part of any lot:
 - (i) Any dismantled or wrecked vehicle for more than one month
 - (ii) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

(20) Fencing

- (a) No fence/wall shall be:
 - (i) Higher than 2 m (7 ft) in side or rear yard
 - (ii) Higher than 1 m (3 ft) in front yard and where more than one yard faces onto a street then each yard shall be deemed to be a front yard.
- (b) Fences shall be constructed of a material satisfactory to the Development Authority.

(21) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(22) Permitted & Discretionary Residential Uses

- (a) A dwelling unit may be permitted either attached or on a second storey of a building in this district provided that before a development permit is granted, the application is referred to the local health authority for comment and a reply is received.
- (b) Provisions for these uses shall be at the discretion of the Development Authority. The provisions within the residential district may be used as a guideline.

(23) Gasoline Service Stations

- (a) Should be located at the intersection of 2 or more streets
- (b) Placement of gasoline pumps must meet fire chief approval but must not be less than 5 m (16 ft) from the main building.

(24) Drive-in Business

- (a) A drive-in business shall be located where it can be demonstrated, to the satisfaction of the Development Officer, that traffic will not be impeded.
- (b) There shall also be at least 8 more customer parking spaces on site in addition to the requirements in Section 24 (11).
- (c) Adequate painted fencing not less than 1 m (3 ft) high shall be required and shall be erected as to prevent dispersal of litter from the site
- (d) In issuing a development permit the Development Authority may impose other conditions he/she feels necessary to ensure building quality and site control.

(25) Holiday Trailer Court

A development permit application for a holiday trailer court shall be submitted to the local health authority and Alberta Travel for comments.

(26) Accessory Buildings

- (a) Accessory buildings shall be at least 3 m (10 ft) from the main building.
- (b) Other provisions for accessory buildings shall be at the discretion of the Development Authority.

Section 33 **M-Industrial District**

Purpose:

To provide land on which industry of various forms may locate.

(1) Permitted Uses:

Industrial, manufacturing, processing and similar uses may be permitted provided they do not cause objectionable, dangerous or undesirable conditions to exist temporarily or permanently beyond the site boundary, by way of;

- noise
- vibrations
- odour
- unsightliness
- smoke
- dust or other particulate matter
- toxic and noxious matters, gases or vapours
- radiation hazards
- fire and explosive hazard
- heat
- humidity
- glare

(2) Discretionary Uses:

- Bulk fertilizer
- Bulk Oil & Gas Depot
- Packing plants
- Veterinary clinics
- Auction marts
- Auto wreckers within a fenced area
- Grain handling, sales and storage
- Feed mill

(3) Minimum Site Requirements:

1000 m² (10,764 ft²)

(4) Minimum Lot Width

23 m (75 ft)

(5) Minimum Setback Requirements

- (a) Front Yard
8 m (26 ft)

(b) Side Yard:
3 m (10 ft) on one side and 6 m (20 ft) on the other side.

(c) Rear Yard:
6 m (20 ft)

(6) Maximum Building Height

10 m (33 ft)

(7) Maximum Site Coverage

Maximum site coverage of all buildings shall be determined by the Development Authority. The Agency may be referred for comments

(8) Parking Requirements

The number of parking spaces shall be at the discretion of the Development Authority but there shall be a minimum of one parking space per employee.

(9) Off-Street Loading

(a) Industrial uses shall provide:

(i) 1 space per 500 m² (5382 ft²) of gross floor area, or

(ii) 2 spaces per 500 m² (5382 ft²) and 2500 m² (26910 ft²) of gross floor area

(10) Utility Easements

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

(i) In the opinion of the Development Authority, the building does not restrict access to the utility easement for the purpose of installation and maintenance of the utility, and

(ii) Written consent has been obtained from the utility company to which the easement has been granted.

(11) Controlled Appearance

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

(12) Lot Grading

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

(13) Site Landscaping

The Development Authority shall use his discretion in requiring all development to be properly screened and maintained. Open storage shall be maintained in an orderly manner as allowed by the Development Authority.

(14) Damage to Local Improvements

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

(15) Prohibited Objects In Yards

(a) No person shall keep on any visible part of any lot:

(i) Any dismantled or wrecked vehicle for more than one month

(ii) Any object which is unsightly or will offend neighbours, in the opinion of the Development Authority.

(16) Fencing

(a) No fence/wall shall be:

(i) Higher than 2 m (7 ft) in side or rear yard

(ii) Higher than 1 m (3 ft) in front yard and where more than one yard faces onto a street then each yard shall be deemed to be a front yard.

(b) Fences shall be constructed of a material satisfactory to the Development Authority.

(17) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(18) Gasoline Service Stations

- (a) Should be located at the intersection of 2 or more streets
- (b) Placement of gasoline pumps must meet fire chief approval but must not be less than 5 m (16 ft) from the main building.

(19) Drive-in Business

- (a) A drive-in business shall be located where it can be demonstrated, to the satisfaction of the Development Authority, that traffic will not be impeded.
- (b) There shall also be at least 8 more customer parking spaces on site in addition to the requirements in Section 24 (11).
- (c) Adequate painted fencing not less than 1 m (3 ft) high shall be required and shall be erected as to prevent dispersal of litter from the site
- (d) In issuing a development permit the Development Authority may impose other conditions he/she feels necessary to ensure building quality and site control.

(20) Burning Facilities

Burning may be allowed only if the burning facility has been approved by Alberta Environmental Protection and the fire chief.

(21) Accessory Buildings

- (a) Accessory buildings shall be at least 3 m (10 ft) from the main building.
- (b) Other provisions for accessory buildings shall be at the discretion of the Development Authority.

(22) Approval Procedure

- (a) All industrial uses shall be referred to the local health authority for comment before a development permit is issued.
- (b) The Development Authority shall consider the effect on the surrounding lands in the case of malfunction of any industrial process, and may refuse to issue a permit or issue one subject to such condition as he/she sees fit.
- (c) The applicant shall provide the following information to the Development Authority in addition to the general requirement of the development application:
 - (i) Location
 - (ii) Type of industry
 - (iii) Size of all buildings
 - (iv) Number of employees

- (v) Water demand and source
- (vi) Type of effluent and method of disposal
- (vii) Transportation routes to be used (rail and road)
- (viii) Reason for location
- (ix) Any ancillary works required (pipeline, railway, etc.)
- (x) Anticipated residence location of employees, and/or any such other information as may be necessary.

Section 34 I- Institutional District

Purpose:

To establish a district in which land is used for public and/or privately owned institutional developments.

(1) Permitted Uses:

- Schools
- Churches
- Community halls
- Police detachment
- Public Administration, government office buildings
- Public utility installations

(2) Discretionary Uses:

- Health services
- Hospitals
- Homes for the aged, handicapped or other institutional use
- Police detachments

(3) Minimum Site Requirements:

As required by the Development Authority on the advise of the provincial health inspector and/or other agencies as he/she sees fit.

(4) Parking Requirements

<i>USE</i>	<i>MINIMUM PARKING SPACES</i>
<u>Places of Public Assembly</u> Church, Halls etc.	1 per 3 employees and 1 per 10 seating spaces but on street parking may be counted if it would not interfere with existing use
<u>Schools</u> Elementary & Junior high High school	1.0 per employee 1.0 per employee and 1 per 20 students
<u>Hospital & similar uses</u>	1.0 per employee 1.0 per 4 beds
<u>Other</u>	To the satisfaction of the Development Authority

(5) Off-Street Loading

- (a) Schools, institutional and public uses shall provide 1 off-street loading space per 2500 m² (26,910 ft²).**

(6) Maximum Building Height

The maximum building height shall be at the discretion of the Development Authority.

(6) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(7) Other Requirements

Other requirements shall be at the discretion of the Development Authority who shall have the best interest of the surrounding lands in mind

Section 35 **PR- Park and Recreation District**

Purpose:

To establish a district in which land is used for publicly owned recreational and/or privately owned institutional developments.

(1) Permitted Uses:

Parks
Recreational buildings and uses
Playgrounds

(2) Discretionary Uses:

Accessory buildings
Public utilities

(3) Minimum Site Requirements:

Site requirements shall be at the discretion of the Development Authority, who shall consider the best interest of the surrounding area.

(4) Parking and Off-Street Loading Requirements

Parking and off-street loading shall be to the satisfaction of the Development Authority.

(5) Maximum Building Height

The maximum building height shall be at the discretion of the Development Authority.

(6) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(7) Other Requirements

Other requirements shall be at the discretion of the Development Authority who shall have the best interest of the surrounding lands in mind

Section 36 **UR- Urban Reserve District**

Purpose:

To designate land for future urban conversion. In such areas, capital improvements will be kept to an absolute minimum.

(1) Permitted Uses:

Farming (agriculture and horticulture), excluding any intensive animal operations
Single family dwelling units
Building accessory to the above

(2) Discretionary Uses:

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

(3) Minimum Site Requirements:

The minimum site area for a lot in this District shall be 32 hectares (80 acres), or such smaller size parcel in existence prior to the adoption of this bylaw.

(4) Minimum Setback Requirements

(a) Front Yard
7 m (23 ft)

(b) Side Yard:
1.5 m (5 ft)

(c) Rear Yard:
7 m (23 ft)

(5) Maximum Building Height

10 m (33 ft)

(6) Signs

The erection of signs for whatever purpose, except those noted in Section 9 of this Bylaw, must be approved by the Development Authority, who shall exercise discretion in sign specifications. Should there be a need, the Agency will act as an advisor.

(7) Keeping of Livestock

No livestock, fowl or furbearing animals may be kept in this district, unless the parcel is greater than 1.2 hectares (3 acres), in which case a pony, horse or cow may be permitted for every 1.2 hectares (3 acres) or part thereof in excess of 1.2 hectares (3 acres).

APPENDIX - FORMS