

# VILLAGE OF HUGHENDEN

## LAND USE BYLAW

### BYLAW NO. 413

1998

**Note:**

This document has been prepared for convenience only. The official Bylaw, and any amendments thereto, which are available from the office of the Village Administrator, should be consulted for all purposes of interpretation and application.

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# **BYLAW NO. 413**

## **LAND USE BYLAW**

Pursuant to the Municipal Government Act, 1994, as amended, the Council of the Village of Hughenden duly assembled, hereby enacts as follows:

### **PART ONE - GENERAL**

#### **1.1 Title**

The title of this Bylaw shall be the Land Use Bylaw of the Village of Hughenden.

#### **1.2 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 a method of making decisions on applications for development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a lot.

#### **1.3 Interpretation**

In this Bylaw

- (1) "accessory building" means a building separate and subordinate to the main building, the use of which is incidental to that of the main building and is located on the same lot;
- (2) "accessory use" means a use customarily incidental and subordinate to the main use or building, which is located in the same lot with such main use or building;
- (3) "Act" means the Municipal Government Act, 1994, as amended;
- (4) "amenity area" means a landscaped area of land available to the occupants of a

dwelling located on a lot, for their personal enjoyment and recreation. Required side yards and vehicle parking areas shall not be considered as part of or contributing to any amenity area;

- (5) "apartment" means a dwelling containing three (3) or more dwelling units, but shall not mean row housing;
- (6) "building" includes anything constructed or placed on, in, over, or under land but does not include a road or a bridge forming part of a road;
- (7) "corner lot" means a lot with boundary lines on two separate roads or a single road that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road shall not include a lane;
- (8) "Council" means the Council of the Village of Hughenden;
- (9) "day home" means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (10) "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 of any of them in, on, over or under land, 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;
- (11) "Development Authority" means the Development Authority established by the municipality's Development Authority Bylaw and appointed by Council;
- (12) "development permit" means a document authorizing a development issued pursuant to this Bylaw;
- (13) "discretionary use" means the use of land or a building provided for in this Bylaw for which a development permit may be issued upon an application having been made;

- (14) "duplex" means a dwelling containing two (2) dwelling units which share a common wall, and which are located either side by side or one above the other and which may or may not share a common access;
- (15) "dwelling" means any building used exclusively for human habitation and which is supported on a permanent foundation or base extending below ground level. This definition shall include one family dwellings, duplexes, row housing, and apartments, and manufactured homes;
- (16) "dwelling unit" means a complete dwelling or self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household, and which is not separated from direct access to the outside by another separate dwelling unit;
- (17) "family care facility" means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes boarding homes for children, group homes and family homes;
- (18) "floor area" means the total area of all floors of all buildings, not including accessory buildings, located on any lot, excluding the area of basement floors, except that all dwelling units in apartment buildings shall be included in the calculation of floor area;
- (19) "floor area ratio" means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total area of the lot on which the buildings are located;
- (20) "front line" means the boundary line of a lot lying adjacent to a road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the road shall be considered the front line;
- (21) "front yard" means a yard extending across the full width of a lot from the front line to the nearest wall of the main building situated on the lot. In the case of a curved front line, the front yard will also form a curve;
- (22) "ground floor area" means the total area of a lot including accessory buildings which is covered by any building or structure;
- (23) "group care facility" means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are handicapped, aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. This category includes supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, or boarding

homes;

- (24) "group home" means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults;
- (25) "home occupation" means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small sign not exceeding 2 sq. ft. in area. A home occupation does not include any outdoor storage of stock or equipment or any business, occupation, trade, profession, or craft in which more than one employee, other than the occupant of the dwelling and the occupant's family, comes to or works in the dwelling, in any accessory buildings, or at any location on the lot;
- (26) "light industrial use" means manufacturing, fabricating processing, repairing, storing, wholesaling, and/or distribution of goods and materials in such a manner that all activities take place inside buildings and no noise, dust, glare, heat, or any other emission is evident outside the building;
- (27) "lot" means:
- (a) a quarter section, or
  - (b) a river or a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (28) "lot coverage" is a calculation of the ground floor area divided by the area of the lot.
- (29) "lot width" means the length of a line parallel to the front line or, in a lot with a curved front line, perpendicular to a line running between the mid-point of the front line and the mid-point of the rear line, measured at a distance from the front line equal to the minimum required front yard;
- (30) "main building" means a building in which is conducted the main or principle use of the lot on which it is erected;
- (31) "manufactured home" means a dwelling that is designed to be transported on its own wheels or by other means, and upon arriving at the site for location is, apart

from incidental operations such as placement of foundation supports and connections of utilities, ready for year round use as accommodation for a single household. This definition shall include a dwelling that would otherwise be considered to be a one family dwelling if the ratio of depth vs. width (or width vs. depth) were less than 2.5:1, or if the depth of eaves were greater than 1 foot (0.3 m). If the ratio is greater than 2.5:1 or if the depth of eaves is less than 1 foot (0.3 m), the dwelling shall be considered to be a manufactured home unit.

- (32) "municipality" means the Village of Hughenden;
- (33) "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 the land on which the building is situated becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (34) "non-conforming use" means a lawful specific use:
  - (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (35) "one family dwelling" means a dwelling consisting of one (1) dwelling unit;
- (36) "owner" means:
  - (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
  - (b) in the case of any other land, the owner of the land according to the municipality's assessment roll.
- (37) "permitted use" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued upon an application having been made, provided that all of the regulations of this Bylaw are satisfied;
- (38) "public utility" means a public utility, as defined in the Act;
- (39) "rear line" means the boundary line of a lot lying opposite to the front line of the parcel and/or farthest from a road;

- (40) "rear yard" means a yard extending across the full width of a lot from the nearest wall of the main building situated on the lot to the rear line of the lot;
- (41) "rentable unit" means a separate unit on of a motel development used or intended to be used for the temporary dwelling accommodation of one or more persons;
- (42) "road" shall mean a "road" as defined in the Act, and, for the purposes of this Bylaw, shall include a highway;
- (43) "row housing" means a dwelling or dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access to the outside grade, but shall not mean "apartment";
- (44) "side line" means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (45) "side yard" means a yard extending from the nearest wall of the main building situated on a lot to the side line, and lying between the front and rear yards on the lot;
- (46) "Subdivision and Development Appeal Board" means the Subdivision and Development Appeal Board established by the Council by the Subdivision and Development Appeal Board Bylaw adopted pursuant to the Act;
- (47) "yard" means a part of a lot upon or over which no main building is to be erected;

and all other words and expressions have the meanings respectively assigned to them in the Act or in other Acts of the Legislature or in common law.

#### **1.4 Establishment of Districts**

- (1) For the purpose of this Bylaw, the Village of Hughenden is divided into the following Districts:
  - R - Residential District
  - C - Commercial District
  - CM - Highway Commercial/Industrial District
  - M - Industrial District
  - P - Community District
  - I - Institutional District
  - UR - Urban Reserve District
- (2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map, being Schedule A 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 road, lane, or water course, 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 Rule 1 or 2, the location of the boundary shall be determined:
- (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or
  - (b) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (4) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (5) After the Council has fixed a District boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (6) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.

## **1.5 Establishment of Land Use District Regulations**

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

## **PART TWO - AGENCIES**

### **2.1 Development Authority**

- (1) For the purposes of this Bylaw, the Development Authority shall be the person or persons appointed to be the Development Authority pursuant to the municipality's Development Authority Bylaw.
- (2) The Development Authority shall perform such duties and responsibilities that are specified in Part Three and in the Schedules 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; keep a register of all applications for development, including the decisions thereof and the reasons therefore.
- (4) For the purposes of Section 542 of the Act, the Development Authority is hereby declared to be the designated officer.

### **2.2 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board established by the municipality's Subdivision and Development Appeal Board Bylaw shall perform such duties as are specified in Part Four of this Bylaw.

## **PART THREE - DEVELOPMENT PERMITS, RULES AND PROCEDURES**

### **3.1 Control of Development**

No development other than that designated in Section 3.2 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

### **3.2 Development Not Requiring a Development Permit**

The following development shall not require a development permit:

- (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 that would require a building permit.
- (2) The completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice.
- (3) The use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection, construction, or maintenance, improvement or alteration 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 3.0 ft. in height in front yards and less than 6.0 ft. in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means or 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) An accessory building or structure with a gross floor area of under 100 sq. ft., unless the accessory building or structure does not satisfy the regulations indicated in Section 1.14 of Schedule B hereof.

- (8) Landscaping where the proposed grades will not adversely affect the subject or adjacent parcels of land, including the hard-surfacing of part of a lot in a Residential District for the purposes of providing vehicular access from a road to an attached or detached garage or carport.
- (9) The demolition or removal of any building or structure for which erection a development permit would not be required pursuant to subsections (4) through (7) above, both inclusive.

### **3.3 Non-Conforming Buildings and Uses**

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (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 thereto or therein.
- (3) A non-conforming use of part of a lot may not be exceeded or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (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 the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.4(9) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (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 may not be repaired or rebuilt except in accordance with this Bylaw.
- (6) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### **3.4 Permission for Development**

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and

shall be accompanied by:

- (a) a site plan showing 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 site;
  - (b) a statement of the proposed uses; and
  - (c) a statement of ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by resolution of Council.
  - (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include floor plans, elevations and sections of any proposed buildings; grading and landscaping plans; and, in the case of the placement of an already constructed or partially constructed building on a lot, information relating to the age and condition of the building and its compatibility with the District in which it is to be located.
  - (4) The Development Authority shall receive, review, consider and decide on all other applications for a development permit.
  - (5) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.
  - (6) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
  - (7) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, the Development Authority may or may not, at his sole discretion, accept the submission of another application for a permit on the same lot and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal.

- (8) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District in Schedule B.
- (9) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (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.
- (10) 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 Authority. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period specified in this subsection.

### **3.5 Development Permits and Notices**

- (1) A permit granted pursuant to this Part does not come into effect until fifteen (15) days after the date a decision on a development permit is publicized as described in subsection (3). 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 has been confirmed, modified or nullified thereby.
- (3) When a permit has been issued, the Development Authority shall immediately:
  - (a) post a notice of the decision conspicuously on the property for which the application has been made; and/or
  - (b) mail a notice in writing to all adjacent land owners who, in the sole opinion of the Development Authority, may be affected; and/or

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

## PART FOUR - APPEALS

### 4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (Board) where a Development Authority
  - (a) refuses or fails to issue a development permit to a person within forty (40) days of receipt of the application, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) The person applying for the permit or affected by the order, or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (4) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board, together with reasons and the development appeal fee as established by resolution of Council, within fourteen (14) days after
  - (a) the date the order, decision or permit issued by the Development Authority was publicized in accordance with Section 3.5(3); or
  - (b) the forty (40) day period referred to in subsection (1)(a) has expired.

### 4.2 Public Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the public hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those adjacent land owners who were notified under Section 3.5(3)(b) and any other person who, in the opinion of the Board, are affected by the order, decision or permit; and

- (d) such other persons as the Board specifies.
- (3) The 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 5.1,
- as the case may be.
- (4) At the public hearing referred to in subsection (1), the Board shall hear:
- (a) the appellant or any other person acting on his behalf;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

### **4.3 Decision**

- (1) The Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
  - (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to be appealed.

## PART FIVE ENFORCEMENT AND ADMINISTRATION

### 5.1 Contravention

(1) Where a Development Authority finds that a development or use of land or buildings is not in accordance with

- (a) the Act or the regulations made thereunder, or
- (b) a development permit or subdivision approval, or
- (c) this Bylaw,

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

- (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
- (ii) demolish, remove or replace the development, and/or
- (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,

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 within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.

(3) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment, pursuant to Section 566 of the Act.

(4) Where the Development Authority carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.

(5) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for

the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

(6) Violation Tickets

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

## 5.2 Application to Amend Bylaw

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 5.3.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Authority to initiate an application therefore.

## 5.3 Form of Application

- (1) All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:

- (a) an application fee as established by resolution of Council; and
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, and
  - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable.
- (2) If the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant.

#### **5.4 Amending Bylaws**

All amendments to this Bylaw shall be made by Council by bylaw and in conformity with the Act.

#### **5.5 Schedules**

Schedules A and B are part of this Bylaw.

#### **5.6 Repealing Existing Controls**

Bylaw No. 293, as amended, is hereby repealed.

#### **5.7 Date of Commencement**

This Bylaw comes into effect upon the date of it finally being passed.

READ A FIRST TIME IN COUNCIL THIS 16<sup>TH</sup> DAY OF JUNE, A.D. 1998.

PUBLIC HEARING HELD THE 30<sup>TH</sup> day of June, 1998.

READ A SECOND TIME IN COUNCIL THIS 30<sup>TH</sup> DAY OF JUNE, A.D. 1998.

READ A THIRD TIME IN COUNCIL THIS 21<sup>ST</sup> DAY OF JULY, A.D. 1998.

  
Mayor

  
Chief Administrative Officer

# **SCHEDULE B**

## **SCHEDULE OF LAND USE DISTRICT REGULATIONS**

### **PART ONE - GENERAL PROVISIONS**

#### **1.1 Subdivision of Land**

Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has been registered at the Land Titles Office.

#### **1.2 Dwelling Units on a Lot**

No permit shall be granted for the erection of more than one (1) dwelling unit on a single lot unless the dwelling units are located within a duplex, row housing or an apartment.

#### **1.3 Existing Substandard Lots**

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

#### **1.4 Top Soil Excavation**

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon the occupancy of the development, a minimum topsoil coverage of 6.0 inches and the affected area shall be landscaped to the satisfaction of the Development Authority.

#### **1.5 Fences and Walls**

- (1) Notwithstanding any regulation respecting required yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
- (2) No fence, wall or hedge in any Residential District shall be:
  - (a) higher than 6.0 ft. in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
  - (b) higher than 3.0 ft. in front yards, except in the case of a corner lot, the side yard adjacent to the road or highway shall be deemed to be a front yard for the purpose of this subsection; or
  - (c) higher than 3.0 ft. within 20.0 ft. of the intersection of lanes, roads, or any combination of them.

- (3) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence of not less than 4.0 ft. nor more than 7.0 ft. in height, along any side lines adjacent to any Residential District.
- (4) All drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 5.0 ft. in height nor more than 7.0 ft. in height adjacent to any Residential District.
- (5) All other commercial developments shall provide, to the satisfaction of the Development Authority, a wooden fence of not less than 6.0 ft. in height along any side or rear lines adjacent to any Residential District.

## **1.6 Landscaping**

- (1) Commercial developments adjacent to Residential Districts shall have at least 10% of the lot area landscaped.
- (2) Garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- (3) Landscaping shall be provided and maintained for all drive-in businesses, car washing establishments, service stations and gas bars, to the satisfaction of the Development Authority.
- (4) As a condition of the approval of a development permit, all required landscaping and planting must be carried out, to the satisfaction of the Development Authority, within two months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- (5) Off-street parking lots in Commercial Districts shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Authority.

## **1.7 Objects Prohibited or Restricted in Yards**

- (1) No person shall keep or allow in any part of any yard in any Residential District:
  - (a) any dismantled or wrecked vehicle for more than fourteen (14) successive days;
  - (b) any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district in which it is located;
  - (c) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the

situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;

- (d) any commercial vehicle, loaded or unloaded, of a weight in excess of 9000 lbs.
- (2) No person shall keep or allow in any part of any front yard in any Residential District:
- (a) any commercial vehicle or recreational vehicle.

### **1.8 Projection into Yards**

- (1) Except for fences as noted in Section 1.5(1) of this Schedule and for the features of buildings as described in Subsection (3) hereof, no building or structure shall be located or project into a required front yard in any Residential District.
- (2) If fireplaces or balconies are developed as part of a dwelling, yard requirements shall be measured from the leading edge of the fireplace or balcony.
- (3) The following features may project into a required yard:
  - (a) steps, eaves, gutters, sills, patios, and decks, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1 m; and
  - (c) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

### **1.9 Site Development**

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

### **1.10 Protection from Exposure Hazards**

- (1) The location of any liquefied petroleum gas (LPG) or anhydrous ammonia (AA) storage tank with a water capacity exceeding 2000 gal. shall be in accordance with the requirements of the Development Authority, but in no case be less than a minimum distance of 400 ft. from assembly, institutional, commercial or residential buildings.

- (2) LPG and AA containers with a water capacity of less than 2000 gal. shall be located in accordance with regulations under the Safety Codes Act.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- (4) Setbacks from pipelines and other utility corridors shall be as required by the Development Authority and appropriate Provincial Regulations and legislation.

### **1.11 Off-Street Loading**

- (1) When required by the Development Authority, a development shall provide loading spaces, each having dimensions of not less than 10.0 ft. in width, 25.0 ft. in length, and 14.0 ft. in height.
- (2) Such loading spaces shall provide vehicular ingress to and egress from a road or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting roads or lanes.
- (3) Such loading spaces shall be developed, including any hardsurfacing and drainage, in accordance with any requirements of the Development Authority.
- (4) Number of Off-Street Loading Spaces

The number of loading spaces required to be provided in a development shall be as follows:

- (a) For a retail, industrial, warehouse, office building, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or similar development, one (1) space for each 25,000 sq. ft. of gross floor area or part thereof.
- (b) For other uses, no spaces.

### **1.12 Off-Street Automobile Parking**

- (1) Location of Site and Site Standards
  - (a) All off-street parking areas and accessory off-street parking areas:
    - (i) shall not be located within 3.0 ft. of a lot boundary line common to the lot and to a road,
    - (ii) shall be constructed so that adequate access to, and exit from each parking space is provided at all times by means of manoeuvring aisles designed to the satisfaction of the Development Authority, and

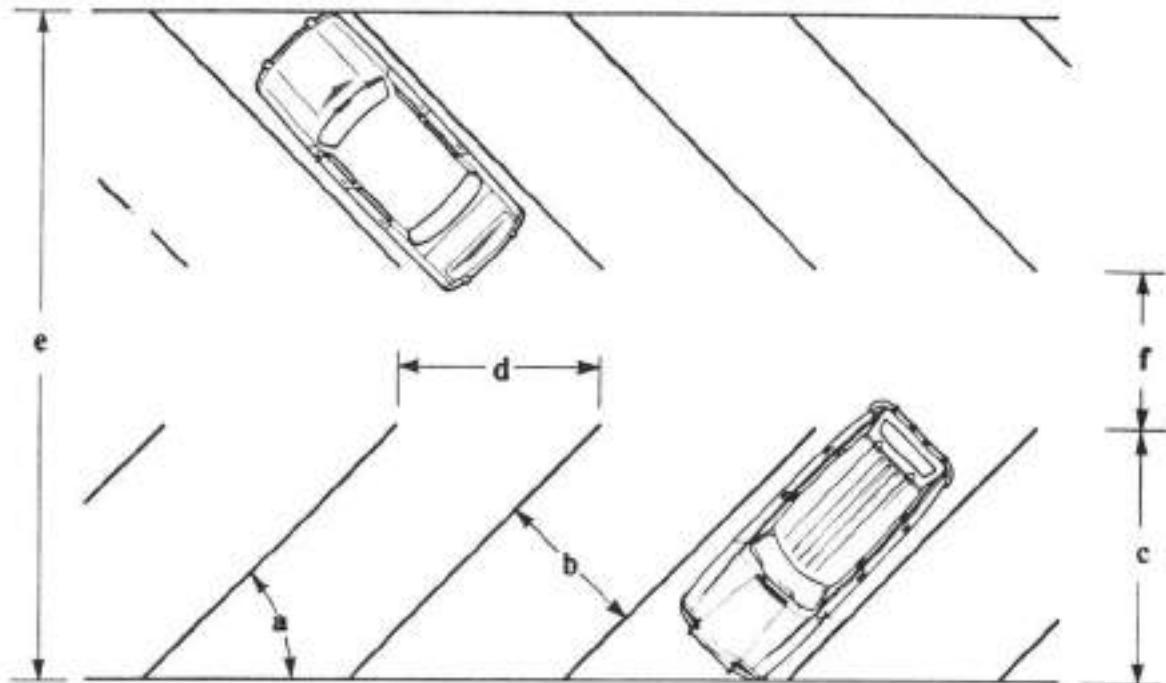
(iii) shall have necessary curb cuts located to the satisfaction of the Development Authority.

(b) All parking spaces shall conform to the following requirements:

### Minimum Parking Standards

a Parking Angle in Degrees	b Width of Space in Ft.(M)	c Depth of Space Perpendicular to Aisle in Ft. (M)	d Width of Space Parallel to Manoeuvring Aisle in Ft. (M)	e Overall Depth in Ft. (M)	f Width of Manoeuvring Aisle in Ft. (M)
0	9.0 (2.7)	9.0 (2.7)	23.0 (7.0)	30.0 (9.14)	One Way 12.0 (3.7)
30	9.0 (2.7)	17.0 (5.2)	18.0 (5.5)	46.0 (14.0)	One Way 12.0 (3.7)
45	9.0 (2.7)	19.0 (5.8)	12.7 (3.9)	50.0 (15.2)	One Way 12.0 (3.7)
60	9.0 (2.7)	20.0 (6.1)	10.3 (3.1)	60.0 (18.3)	One Way 20.0 (6.09)
90	9.0 (2.7)	20.0 (6.1)	9.0 (2.7)	60.0 (18.3)	One Way 24.0 (7.3)

(See figure below for definitions of column headings)



### (2) Surfacing and Drainage

- At the discretion of the Development Authority, parking spaces and the accesses to them may be required to be hardsurfaced if the access is from a road, or lane which is hardsurfaced.
- Parking areas must be paved or of a gravel mixture as approved by the Development Authority.
- Each parking area shall be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

(3) Required Number of Off-Street Parking Spaces

- (a) The minimum number of off-street parking spaces required for each development shall be calculated from the following table. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Authority. Where a development falls within more than one use as listed, the required number of spaces shall be the sum of the requirements for each of the uses listed.

The Development Authority may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project, or that there is sufficient parking available in the area of the development to meet needs, or if the development occupies an existing building where no or little parking is available. Subject to the approval of Council, the applicant may, at his option, pay to the municipality a payment equal to the cost of an equivalent public parking space provided elsewhere in the district.

**Use of Building or  
Development**

**Minimum Number of  
Parking Spaces**

Residential Uses

One family dwellings and duplexes

1.0 per dwelling unit

Apartments and row housing,  
including dwelling units on lots within the  
C District

1.5 per dwelling unit (Where this  
results in a fractional requirement,  
the total requirement shall be the  
next whole number.)

Home occupations

1 in addition to the requirements for  
the residential use

Commercial Uses

Retail and personal service shops,  
banks and offices

1 per 500 sq. ft. of gross  
leasable floor area

Restaurants, cocktail bars, taverns

1 per 5 seating spaces plus 1 per 3  
employees

Hotels, motor hotels and motels

1 per rentable unit plus 1 per 3  
employees

Places of Public Assembly

Auditoriums, churches, halls, clubs,  
theatres and other amusement or recreation  
places

To the satisfaction of the  
Development Authority, but not less  
than 1 space per 10 seating spaces.

### Schools

Public, separate or private elementary and Jr. High Schools

1 per employee, plus 5

Public or private Sr. High Schools, with or without an auditorium, gymnasium or swimming pool

1 per employee, plus 1 for every 10 students

### Industrial Uses

Manufacturing and industrial plants, warehousing, wholesale and storage buildings and yards, servicing and repair establishments, research laboratories and public utility buildings.

1 per 3 employees on maximum shift provided that this standard may be varied by the Development Authority

### Hospitals & Similar Uses

Hospitals, sanitoriums, convalescent homes, etc.

1 per 1000 sq. ft. of gross floor area, or 1 per 4 beds and 1 for every 2 employees on maximum shift, whichever is greater

## **1.13 Corner Lots**

- (1) On corner lots in a Residential District, no fence, wall, tree, bush, structure or thing more than 3.0 ft. in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points on the road lines 20.0 ft. from their intersection.
- (2) On corner lots in all Districts other than Residential Districts, no fence, wall, tree, bush, structure or thing more than 3.0 ft. in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or highway lines and a straight line joining points of the road 15.0 ft. from their intersection.

## **1.14 Accessory Buildings**

- (1) An accessory building shall not be used as a dwelling.
- (2) Accessory buildings other than fences shall be located such that the minimum distances shown on Figure "A" between the accessory buildings and main buildings, lot lines, and other buildings, structures, and uses are provided.
- (3) The siting of an accessory building on an irregularly-shaped lot shall be as approved by the Development Authority.
- (4) No accessory buildings, other than fences that otherwise comply with this Bylaw, shall be located in the front yard.

Figure "A" - Siting of Accessory Buildings

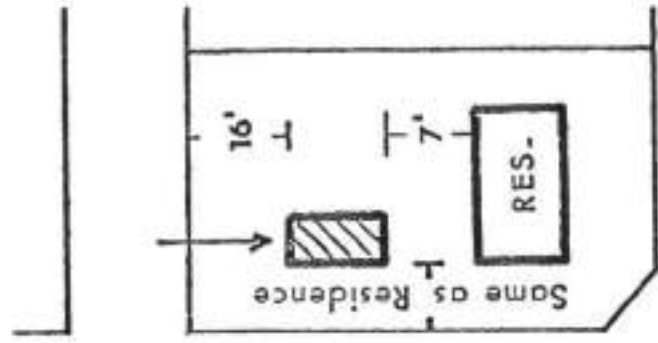


Fig. 5

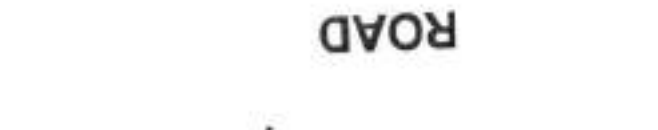


Fig. 4

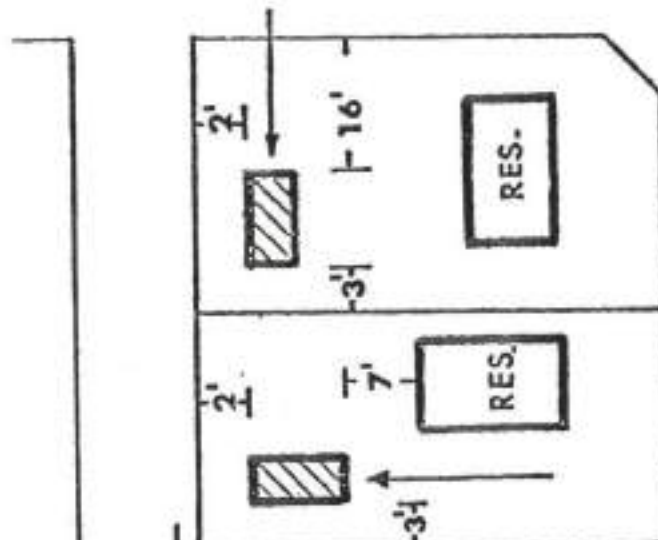


Fig. 3

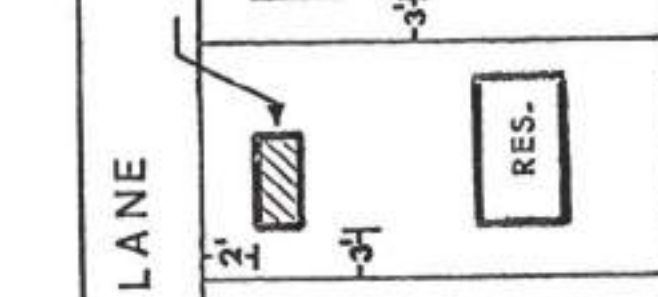


Fig. 2

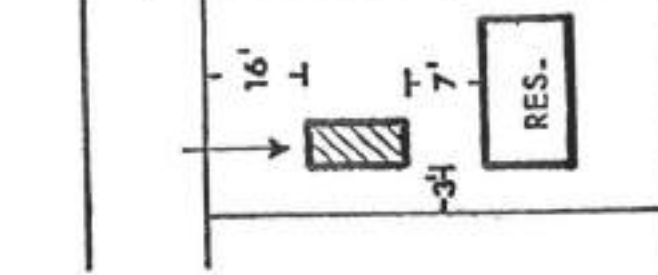


Fig. 1

ROAD

- (5) No accessory building, other than a fence, deck or patio, shall be located closer than 7.0 ft. to a main building.
- (6) The height of an accessory building shall not exceed 15.0 ft. nor one storey.
- (7) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
- (8) The total area of all accessory buildings on a lot shall not exceed 12% of the area of the lot.

### **1.15 Historical and Archaeological Sites**

Historical sites or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with that Act.

### **1.16 Signs**

- (1) No signs or advertising structures of a commercial, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.
- (2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.
- (3) No signs, billboards, advertising structures or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.
- (4) Notwithstanding the generality of Subsection (1) above, nor the provisions of Subsections (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit, provided that no such signs shall be illuminated.
  - (a) Signs for the purpose of identification, direction and warning or relating to a person, partnership or company carrying on a profession, business or trade, or relating to an institution of a religious, educational, cultural, recreational or similar character or to a hotel, an apartment, a club, or a similar institution, not exceeding 12.0 sq. ft. and limited to one (1) sign per lot.
  - (b) Temporary advertisements relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcements of any local event of a religious, educational, cultural, political or similar character not exceeding 20.0 sq. ft., provided that all such temporary advertisements shall be removed by the advertiser within

fifteen (15) days of the completion of the event or works to which such advertisements relate.

- (c) Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.
- (5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.
- (6) All advertisements shall be kept in a safe, clean and tidy condition, and may by resolution of Council be required to be renovated or removed.
- (7) No signs or advertising structures other than those specified under Subsection (4) above shall be permitted in Community, Institutional or Residential Districts.

## PART TWO - SPECIAL PROVISIONS

### 2.1 Home Occupations

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

### 2.2 Industrial Development

- (1) An application for the establishment of an industrial use shall be considered by the Development Authority after requesting advisory comment by those Provincial agencies or authorities whose interest or jurisdiction may be affected. The Development Authority shall request that such comments be made in writing.
- (2) Each application for an industrial use shall be accompanied by the following information related to the application, in addition to the information required pursuant to Section 3.4(1) of this Bylaw:

- Type of industry
- Size of buildings
- Number of employees
- Estimated water demand and anticipated source
- Type of effluent and method of treatment
- Transportation routes to be used (rail and road)
- Reason for specific location
- Any accessory works required (pipeline, railway spurs, etc.)

and/or any such other information as may be reasonably required by the Development Authority.

- (3) All lot regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Authority, in accordance with the District in which the site is located.

### 2.3 Service Stations (Including Gas Bars)

- (1) Service stations or gas bars shall be developed in such a manner that:
  - (a) no entrance or exit thereto for motor vehicles shall be located within 200.0 ft. of an entrance to or exit from a firehall, public or private school, playground, library, church, hospital, children's or senior citizen's home, or other similar public or quasi-public institutions;
  - (b) no part of any building or any pump or other accessory building, structure, or use shall be located within 20.0 ft. of a side or rear line;

- (c) there shall be a front yard of not less than 40.0 ft., provided, however, gasoline pumps may be located as little as 20.0 ft. from the front line; and
- (d) all fuel storage tanks shall be set back from adjacent buildings in accordance with Provincial regulations and legislation.

(2) Lot Area and Coverage

- (a) The minimum lot area shall be 800 sq. ft. and the maximum lot coverage shall be 25%. When a car wash is included, the minimum lot area shall be 12,000 sq. ft.

(3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the lot only and not on any adjoining lots.

(4) Use and Maintenance of Lot and Building

The owner, tenant, operator or person in charge of a service station or gas bar shall, at all times:

- (a) be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available in any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which constitutes a nuisance or annoyance to residences or businesses in the immediate vicinity of the service station or gas bar by reason of dust, noise, gases, odour, smoke or vibration;
- (b) be responsible for the proper, safe and orderly operation thereof of motor vehicles using said service station or gas bar, or being repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
  - (i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station or gas bar, and
  - (ii) that operators of motor vehicles enter and leave the service station or gas bar only at the entrances and exits provided for such purposes and not elsewhere; and
- (c) maintain on the boundaries of the lot, where required by the Development Authority, an appropriate fence not less than 5.0 ft. in height.

## **2.4 Car Washes**

### **(1) Lot Area**

The minimum lot area shall be 6000 sq. ft. In the case of service stations or gas bars including car washes, minimum lot area shall be 12,000.0 sq. ft.

### **(2) Lot and Building Requirements**

All lot and building requirements pertaining to drive-in businesses shall also apply to car washes.

## **2.5 Drive-In Businesses**

### **(1) Access**

Points of access and egress shall be located to the satisfaction of the Development Authority.

### **(2) Lot Area and Coverage**

The minimum lot area shall be 6000.0 sq. ft.

### **(3) Lot and Building Requirements**

- (a)** All parts of the lot to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.
- (b)** The lot and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (c)** Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (d)** The owner/operator of a drive-in shall be responsible for the safe and orderly operation of motor vehicles using the lot.

## **2.6 Motels**

### **(1) Minimum Lot Area per Rentable Unit**

- (a)** One Storey - 1500 sq. ft.
- (b)** Two Storeys - 1000 sq. ft.

### **(2) Minimum Floor Area per Rentable Unit - 285 sq. ft.**

(3) Space Between Buildings

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

(4) Driveways

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

(5) Entrances and Exits

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

(6) Maintenance of Lot and Buildings and Business

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

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

## 2.7 Churches

- (1) The lot on which a church is situated shall have a frontage of not less than 100.0 ft. and an area of not less than 10,000.0 sq. ft. except in the case where a building for a clergyman's residence is to be erected on the same lot. The area of the lot in this case shall not be less than 15,000.0 sq. ft.
- (2) Minimum front, side and rear yards shall be those required within the District in which the church is located.

## **2.8 Multiple Dwelling Developments**

- (1) Before any application for development of row housing or an apartment can be considered, the applicant must submit to the Development Authority, in addition to those requirements of Section 3.4(1) of this Bylaw:
  - (a) design plans and working drawings, including elevations; and
  - (b) site plans showing the proposed:
    - (i) location and position of structures on the lot, including any "For Rent" or identification signs,
    - (ii) location and number of parking spaces, exits, entries, and drives from roads or lanes,
    - (iii) location of an access to garbage storage areas, and the fencing and landscaping of these facilities, and
    - (iv) landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.
- (2) The aforementioned plans will append the application. If the development permit is approved, the plans shall be deemed conditions of approval. The Development Authority may require that security be provided to ensure that the conditions are satisfied.
- (3) The relationship of buildings to each other and to the landscape, in particular such matters as architectural appearance, the provision of light, air, privacy, and landscaping, shall be shown upon the site plans, and said relationships shall be to the satisfaction of the Development Authority.

## **2.9 Manufactured Homes**

- (1) Manufactured homes shall have Canadian Standard Association Certification.
- (2) All accessory structures, such as patios, porches, additions and skirtings, shall be
  - (a) designed and erected as to harmonize with the manufactured homes,
  - (b) considered as part of the main building, and
  - (c) erected only after obtaining a Development Permit.
- (3) A manufactured home shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the manufactured home.

- (4) The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the manufactured home, and this relationship shall be determined by the Development Authority.
- (5) No accessory building or use, other than parking spaces, shall be located in the front yard of a manufactured home lot.
- (6) The storage of any furniture, domestic equipment, or seasonally used equipment shall be adequately covered or screened, either individually on the mobile home stall or communally, and said storage shall conform to the Building, Fire, Electrical and Plumbing Codes.
- (7) The hitch and wheels are to be removed from the manufactured home.
- (8) All manufactured homes shall be placed on a foundation or base. The manufactured home is to be attached by means of bolting or otherwise to the foundation or base.
- (9) The lot is to be fully landscaped within one (1) year from the date of issuance of the development permit.
- (10) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.

## PART THREE - DISTRICT SCHEDULES

### 3.1 RESIDENTIAL DISTRICT - R

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

#### 1. Permitted Uses

- (a) One family dwellings
- (b) Day homes
- (c) Accessory buildings and uses

#### 2. Discretionary Uses

- (a) Apartments
- (b) Churches
- (c) Duplexes
- (d) Family care facilities
- (e) Group care facilities
- (f) Home occupations
- (g) Manufactured homes
- (h) Public or quasi-public buildings and uses required to serve the immediate area
- (i) Public utilities required to serve the immediate area
- (j) Row housing
- (k) Small parks and playgrounds
- (l) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### 3. Regulations

##### (a) Relating to One Family Dwellings

- (i) Minimum lot area - 6000 sq. ft.
- (ii) Minimum lot width - 50.0 ft. or, in the case of an irregularly shaped lot, an average of 50.0 ft.
- (iii) Minimum front yard - 25.0 ft.
- (iv) Minimum rear yard - 25.0 ft.
- (v) Minimum side yard - the lesser of 10% of lot width; or, at the discretion of the Development Authority, 5.0 ft. on all lots exceeding 50.0 ft. in width
  - Corner lots - 15.0 ft. abutting road
  - In laneless subdivisions where no attached garage is provided, one (1) side yard shall

- (vi) Minimum floor area - 1000 sq. ft. be a minimum of 10.0 ft.
- (b) Relating to Duplexes
- (i) Minimum lot area:
- a. "Up and down" units - 6200 sq. ft., provided the combined floor area does not exceed 2000 sq. ft.
  - b. "Side by side" or "Semi detached" units - 7200 sq. ft., or 8000 sq. ft. if on a corner lot
- (ii) Minimum yards - same as for one family dwellings

(c) Relating to Row Housing

- (i) Maximum density - 16 dwelling units per acre
- (iii) Minimum yards - same as for one family dwellings, except that no side yard shall be less than 10.0 ft. where side yards are provided, and side yards adjacent to roads on corner lots shall be a minimum of 15.0 ft.
- (iv) Outdoor living area

Each dwelling unit shall have an outdoor living area with a minimum depth of 25.0 adjacent to it. A minimum of 15.0 ft. of this depth must be a privacy zone, contained by a fence at least 5.0 ft. in height.

(d) Relating to Apartments

- (i) Maximum density and Minimum floor area

Type of Dwelling Unit	Minimum Floor Area in a Dwelling Unit	Minimum Lot Area Per Dwelling Unit
Bachelor	350 sq. ft.	800 sq. ft.
One Bedroom	500 sq. ft.	1050 sq. ft.
Two Bedrooms	600 sq. ft.	1450 sq. ft.
Three or more Bedrooms	700 sq. ft.	1450 sq. ft.

- (ii) Minimum lot area - 8600 sq. ft.
- (iii) Maximum building height - 35.0 ft. or 3 storeys, whichever is shorter
- (iv) Maximum lot coverage - 30%
- (v) Maximum floor area ratio - 0.6

- (vi) Minimum yards
  - a. Front- 30.0 ft.
  - b. Rear - 30.0 ft.
  - c. Side - 40% of the building height, or 15% of the lot width, whichever is greater
- (vii) Minimum landscaped area - 10% of the lot area
- (viii) Minimum amenity area

<b>Type of Dwelling Unit</b>	<b>Minimum Amenity Area To be Provided</b>
Bachelor	200 sq. ft.
One Bedroom	300 sq. ft.
Two Bedrooms	750 sq. ft.
Three or more Bedrooms	1000 sq. ft.

- (e) All other uses - as required by the Development Authority

## 3.2 COMMERCIAL DISTRICT - C

The General Purpose of this District is to permit commercial development appropriate for the Village. The regulations do not permit obnoxious uses or those involving excessive outside storage.

### 1. Permitted Uses

- (a) Banks
- (b) Barber shops, beauty parlours
- (c) Coin laundries
- (d) Dry cleaners
- (e) Grocery stores
- (f) Household appliance sales
- (g) Offices
- (h) Restaurants
- (i) Retail stores
- (j) The manufacture or treatment of products essential to the retail business conducted on the premises, for example:
  - a bakery
  - a dyeing or cleaning plant or establishment
  - the manufacture of candy, confectionary, ice cream or jam
- (k) Buildings and uses accessory to permitted uses

### 2. Discretionary Uses

- (a) Auction marts
- (b) Bowling alleys
- (c) Clinics
- (d) Clubs or lodges
- (e) Dance halls
- (f) Frozen food lockers
- (g) Hotels
- (h) Parking lots
- (i) Public or quasi-public buildings and uses
- (j) Public utilities
- (k) Service stations and gas bars
- (l) Storage and/or sales of:
  - Automobiles, recreational vehicles, and light trucks
  - Building supplies
  - Bulk Oil
  - Farm machinery
  - Fertilizer
  - Lumber
  - Propane Gas
- (m) Theatres
- (n) Veterinary clinics

- (o) Wholesale warehouses
- (p) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (q) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (r) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) Minimum lot area - 1500 sq. ft.
- (b) Minimum lot width - 15.0 ft.
- (c) Minimum yards
  - (i) Front - None, except where the Development Authority may deem it necessary to conform with existing development
  - (ii) Side - None, if the subject lot is bordered on both sides by land classified C. If the subject lot is bordered by a Residential District on a side, the minimum side yard on that side shall be 5.0 ft.
  - (iii) Rear - 25.0 ft., or as required by the Development Authority
- (d) Maximum site coverage  
80%, provided that provision has been made for on-site parking, loading, storage and waste disposal to the satisfaction of the Development Authority
- (e) Minimum Floor Area - as required by the Development Authority
- (f) Special considerations  
Where groups of commercial uses are to be built on a single lot or grouping of lots, regulations shall be determined by the Development Authority, who shall deal with the overall scheme for the site, taking into account buildings, access, parking and specific commercial uses.
- (g) Regulations for One family dwellings  
The regulations for one family dwellings shall be as indicated in the Residential (R) District.
- (h) No use shall be established that may, in the opinion of the Development Authority, become obnoxious by way of odour, noise, or dust.

### 3.3 HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICT - CM

The General Purpose of this District is to provide a highway commercial and light industrial area for such types of development to locate. More specifically, the land uses intended for this area would be those which will serve the travelling public as well as the more extensive manufacturing and retail/wholesale businesses which derive benefit from locating within the Village yet in close proximity to the Primary Highway, railway, and local rural markets.

#### 1. Permitted Uses

- (a) Convenience stores
- (b) Drive-in restaurants
- (c) Hotels
- (d) Motels
- (e) Parks
- (f) Public and quasi-public uses
- (g) Restaurants
- (h) Service stations and gas bars
- (i) Buildings and uses accessory to permitted uses

#### 2. Discretionary Uses

- (a) Light industrial uses
- (b) Offices
- (c) Public utilities
- (d) Recreation facilities
- (e) Recreational vehicle and travel trailer campgrounds
- (f) Retail stores
- (g) Showrooms
- (h) Storage and/or sales of:
  - Automobiles, recreational vehicles, and light trucks
  - Building supplies
  - Bulk Oil
  - Farm machinery
  - Fertilizer
  - Lumber
  - Propane Gas
- (i) A workshop used by any of the following:
  - (i) Cabinet maker
  - (ii) Carpenter
  - (iii) Decorator
  - (iv) Electrician
  - (v) Gas fitter
  - (vi) Launderer
  - (vii) Metal worker
  - (viii) Painter
  - (ix) Plumber
  - (x) Printer
  - (xi) Pipe fitter
  - (xii) Tinsmith
  - (xiii) Upholsterer

- (j) Dwelling units in a building used for any of the above mentioned permitted or discretionary uses
- (k) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (l) Buildings and uses accessory to discretionary uses

### 3. Regulations

- (a) The General Provisions and the Special Provisions of this Bylaw (Sections 1 and 2 of this Schedule) shall apply to specific development proposals in addition to and as varied by any regulations within this District.
- (b) Minimum lot area - 21,780 sq. ft.
- (c) Minimum yards
  - (i) Front - 26.25 ft.
  - (ii) Side - 9.8 ft.  
Corner - 26.25 ft. on side adjacent to road
  - (iii) Rear - 19.7 ft.
- (d) Maximum building height - as established by Development Authority
- (e) Maximum site coverage - 60%
- (f) Residential uses

One dwelling unit may be approved by the Development Authority per lot provided, amongst any other concerns that the Development Authority may have:

- (i) the dwelling unit forms part of the main building,
  - (ii) the main building is used for a permitted or a discretionary use,
  - (iii) the dwelling unit has a separate and direct access to the outside,
  - (iv) the dwelling units is occupied only by the business owner, manager, or caretaker and that individual's immediate family, and
  - (v) the residential nature of the dwelling unit be undetectable from outside the building, thus preserving the commercial/industrial nature of the surrounding area.
- (g) Access

No access shall be permitted onto the Primary Highway. Legal access to all developments shall be as required by the Development Authority.

(h) Buffer Strip

A 60 ft. wide landscaped buffer will be required adjacent to the right-of-way of the Primary Highway as a condition of development. This buffer may be located on a Municipal Reserve parcel rather than the lot which is the subject of a development permit; however, the Development Authority may require its construction may be a condition of the approval of any development permit.

(i) External Impact

No development will cause extreme, objectionable, dangerous, or undesirable conditions, in the sole opinion of the Development Authority, to exist temporarily or permanently beyond the site boundary by way of:

- noise or traffic,
- vibrations,
- odour,
- unsightliness,
- the emission of smoke, dust or other particular matter,
- the emission of toxic or noxious matter,
- the emission of gas or vapour
- radiation hazards,
- fire and explosive hazards,
- heat,
- humidity,
- glare.

### 3.4 INDUSTRIAL DISTRICT - M

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

#### 1. Permitted Uses

- (a) Light industrial uses
- (b) Servicing establishments
- (c) Warehousing; storage, and distribution of raw materials, processed or manufactured goods
- (d) All uses listed as permitted or discretionary uses in the C and CM Districts
- (e) Buildings and uses accessory to permitted uses

#### 2. Discretionary Uses

- (a) Industrial uses that may be obnoxious by reason of emission of odours, dust, smoke, gas noise or vibration
- (b) Municipal uses that are not restrictive and are compatible with an industrial area
- (c) Recreational uses that are not restrictive and are compatible with an industrial area
- (d) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (e) Buildings and uses accessory to discretionary uses

#### 3. Regulations

- (a) Minimum lot area - as required by the Development Authority
- (b) Minimum yards
  - (i) Front - 30.0 ft.
  - (ii) Side - as required by the Development Authority
  - (iii) Rear - 30.0 ft.
- (c) Maximum lot coverage - 60%
- (d) Maximum building height - 35.0 ft.

### **3.5 COMMUNITY DISTRICT - P**

The General Purpose of this District is to permit the use of land for service, mainly of a public nature, which have a primary orientation toward the community.

#### **1. Permitted Uses**

- (a) Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses
- (b) Accessory buildings and uses

#### **2. Discretionary Uses**

- (a) Cemeteries
- (b) Federal, provincial and municipal buildings and uses
- (c) Public utilities
- (d) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

#### **3. Regulations**

- (a) All regulations shall be as required by the Development Authority

## 3.6 INSTITUTIONAL DISTRICT - I

The General Purpose of this District is to permit development of uses of either a public or private nature which provide services to the community.

### 1. Permitted Uses

- (a) Churches
- (b) Community Halls
- (c) Hospitals and Nursing Homes
- (d) Schools
- (e) Senior citizens homes and similar buildings
- (f) Accessory buildings and uses

### 2. Discretionary Uses

- (a) Cemeteries
- (b) Clubs or lodges
- (c) Day cares
- (d) Public or quasi-public buildings and uses
- (e) Public utilities
- (f) Recreational uses
- (g) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

### 3. Regulations

- (a) All regulations shall be as required by the Development Authority