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**TOWN OF WEMBLEY**

**LAND USE BYLAW NO. 603**

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**Prepared by:**

**March 1998**

**(Including amendments to August 27, 2018)**

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# **TOWN OF WEMBLEY**

## **LAND USE BYLAW NO. 603**

### **SECTION 1      GENERAL**

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#### **1.1      TITLE**

This Bylaw may be cited as the “Town of Wembley Land Use Bylaw”.

#### **1.2      PURPOSE**

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town of Wembley.

#### **1.3      APPLICATION OF BYLAW**

The provisions of this Bylaw apply to all land and buildings within the corporate boundaries of the Town of Wembley.

#### **1.4      CONFORMITY WITH BYLAW**

1.4.1 No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw, where such a permit is required.

1.4.2 Nothing in this Bylaw prevents the use of any lot, building or structure for any purpose not permitted by this Bylaw if such lot, building or structure was lawfully used for such purpose on the date of passing this Bylaw provided it is used for that purpose on a continuous, uninterrupted basis.

#### **1.5      ADDITIONAL REQUIREMENTS**

In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such approvals or licenses that may be required by other Government departments or regulatory agencies.

## SECTION 2 DEFINITIONS

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2.1 In this Bylaw:

“**ACCESSORY BUILDING**” means a building which, in the opinion of the Development Officer, is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site. A privately-owned Garage, as defined in this Bylaw, is considered an accessory use. **(Bylaw 603-W)**

“**ACCESSORY USE**” means a use which, in the opinion of the Development Officer, is incidental, subordinate and exclusively devoted to the principal use or building and located on the same site. **(Bylaw 603-W)**

“**ACT**” means the Municipal Government Act, SA 1994, as amended.

“**APARTMENT BUILDING**” means a building designed and built to contain three or more separate dwelling units, each of which has an independent entrance either directly from outside the building or through a common vestibule.

“**BOARD**” means the Subdivision and Development Appeal Board established by Bylaw.

“**BOARDING OR ROOMING HOUSE**” means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served and in which the proprietor may supply accommodation for his family.

“**BUFFER**” means a strip of land which may contain trees, shrubs, berming or fencing to provide visual screening and separation between sites or districts.

“**BUILDING**” includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge forming part of a highway or road.

“**BUILDING HEIGHT**” means the vertical distance between grade and the highest point of a building that is not a: roof stairway entrance, ventilating fan, skylight, steeple, chimney, smoke stack, firewall, parapet wall, flag pole, or similar device not structurally essential to the building.

“**BUSINESS, ADMINISTRATION AND PROFESSIONAL OFFICE**” means a development that provides business, administrative, professional, management, and similar office and business support services, excluding banks and financial agencies. **(Bylaw 603-W)**

“**CANNABIS**” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act (Canada)* and its regulations, as amended from time to time and includes edible products that contain cannabis. **(Bylaw 603 AD)**

“**CANNABIS RETAIL SALES**” means a retail store licensed by the Alberta Gaming and Liquor Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises and where consumption of Cannabis must not occur. **(Bylaw 603 AD)**

**“CANNABIS PRODUCTION FACILITY”** means a premise used for growing, producing, processing of raw materials, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada. **(Bylaw 603 AD)**

**“CARPORT”** means a building, designed and used for the storage of not more than four private motor vehicles, and consists of a roof supported on posts or columns and not enclosed on more than two sides whether separate from or attached to the principal building on a site.

**“CAR WASH ESTABLISHMENT”** means a building used for the purpose of washing motor vehicles. **(Bylaw 603-W)**

**“CHILD CARE FACILITY”** means the use of a building or portion thereof for the provision of care, maintenance, and supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, nurseries and after-school or baby-sitting programs which meet this definition.

**“CONSTRUCT”** means to build, reconstruct, or relocate, and without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining; and
- (b) altering an existing building or structure by an addition, enlargement, extension or other structural change.

**“CONSUMER PRODUCTS WHOLESALE ESTABLISHMENT”** means a development allowing the wholesale or retail sales of: plumbing or heating equipment and supplies; home improvement or building supplies; electrical equipment and supplies; and general machinery. **(Bylaw 603-W)**

**“CONTRACTOR, GENERAL”** means a development used for industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use. **(Bylaw 603-W)**

**“CONTRACTOR, LIMITED”** means a development used for the provision of electrical, plumbing, heating, painting, catering and similar contractor services primarily to individual households and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than two vehicles. **(Bylaw 603-W)**

**CORNER LOT”** means a lot which abuts two or more intersecting roads.

**“COUNCIL”** means the Council of Town of Wembley.

**“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 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 that results in or is likely to result in the intensity of use of the land or building.

**“DEVELOPMENT OFFICER”** means the person appointed by a resolution of Council to the office established by Section 6.1 of this Bylaw.

**“DISCRETIONARY USE”** means the use of land or of a building which is listed in the column captioned “Discretionary Uses” in a table of uses for land use districts in this Bylaw.

**“DRINKING ESTABLISHMENT”** means a facility licensed by the Alberta Gaming and Liquor Commission where alcoholic beverages are served for consumption on the premises and any preparation or serving of food is accessory thereto.

**“DRIVE-IN RESTAURANT”** means a business offering food for sale to the public and designed so that consumption may take place either within a motor vehicle parked in a permitted parking stall on the site or within a building located on the site.

**“DUPLEX”** means a building containing two dwelling units, one above the other, each of which has an independent entrance either directly from outside the building or through a common vestibule.

**“DWELLING UNIT”** means one or more rooms used as or designed to be used as a residence by one or more persons and containing cooking, eating, living, sleeping and sanitary facilities and with an independent entrance either directly from outside a building or through a common hallway inside a building.

**“EXTERIOR”** means a lot or unit that is flanked on two or more sides by a road.

**“FLEET SERVICE”** means a development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease. This includes, taxi services, bus lines, messenger and courier services, but does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg. **(Bylaw 603-W)**

**“FLOOR AREA”** means the total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, attached garages, sheds, open porches or breezeways.

**“GARAGE”** means an accessory building or part of the principal building designed and used primarily for the storage of non-commercial motor vehicles.

**“GAS BAR”** means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories but does not include service stations or automotive repair establishments. **(Bylaw 603-W)**

**“GENERAL INDUSTRIAL USE”** means the following development and such similar uses as: manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing, distribution or shipment of materials, finished goods, products or equipment. Activities may occur indoors, outdoors or both, unless specific limitations are applied within applicable land use districts. **(Bylaw 603-W)**



**“GREENHOUSE”** means a development for the raising, storage, basic processing and sale of fruits and vegetables, including bedding, edible, household and ornamental plants. This use includes nurseries. **(Bylaw 603-W)**

**“HOME OCCUPATION”** means the use of a portion of a residential building to conduct a business or commercial enterprise that is incidental or subordinate to the residential use of the building.

**“HOTEL”** means a building providing accommodation for the public containing guest rooms served by a common entrance as well as general kitchen and dining or other public rooms.

**“INTERIOR”** means a lot or unit that is flanked on both sides by another lot or unit.

**“LANDSCAPING”** means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) “soft landscaping” consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
- (b) “hard landscaping” consisting of non-vegetative materials such as brick, stone, concrete, tile, and wood, excluding monolithic concrete and asphalt.

**“LOADING SPACE”** means a space for parking a commercial vehicle while being loaded or unloaded.

**“LOT”** means:

- (a) a quarter section,
- (b) a river lot or settlement lot shown on an official plan as defined in the Surveys Act that is filed or lodged in a land titles office,
- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision, or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

**“LOT COVERAGE”** means that percentage of the area of any lot which is covered by all buildings on the lot, excluding balconies, canopies and the like.

**“LOT DEPTH”** means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

**“LOT LINE”** means a legally defined limit of any lot.

**“LOT LINE, FRONT”** means the boundary dividing the lot from an abutting road. In the case of a corner lot the owner of the site may select one of the road boundaries as the front.

**“LOT LINE, REAR”** means the lot line of a lot that is directly opposite to the front line.

**“LOT LINE, SIDE”** means any lot line other than the front or rear lot line.

**“LOT, THROUGH”** means any lot other than a corner lot having access on two abutting roads.

**“LOT WIDTH”** means the distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

**“MANUFACTURED HOME”** means a prefabricated detached dwelling unit that meets Canadian Standards Association (CSA) Z240 and A277 standards and meets the requirements of the Alberta Building Code. This definition applies to both single section and multiple section models but does not apply to recreational vehicles or industrial camp trailers.

**“MANUFACTURED HOME DWELLING SITE”** means that portion of manufactured home park which has been reserved for the placement of a manufactured home and related accessory buildings.

**“MANUFACTURED HOME PARK”** means a development on a lot under single ownership and managed by a park operator that is designed to accommodate numerous manufactured homes on leased sites in a community setting.

**“MOTEL”** means a building or group of buildings designed for the accommodation of the public containing guest rooms, each of which has a separate entrance directly from outside the building.

**“MUSEUM”** means a building or place where collections of things of artistic, scientific or historical interest are kept and displayed for viewing by the public. **(Bylaw 603-R)**

**“PARKING LOT”** means an area of land providing for the at-grade parking of motor vehicles. This does not include parking structures that enable parking of motor vehicles above or below grade. **(Bylaw 603-W)**

**“PARKING STALL”** means a space, within a building or a private or public parking area, designed for the parking of one vehicle.

**“PERMITTED USE”** means the use of land or of a building which is listed in the column captioned “Permitted Uses” in a table of uses for the land use districts appearing in this Bylaw.

**“PERSONAL SERVICE ESTABLISHMENT”** means a development used for the provision of services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. For purposes of clarification this includes barber shops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaners, and similar uses.

**“PRINCIPAL BUILDING OR USE”** means the main purpose for which, in the opinion of the Development Officer, a building or site is ordinarily used.

**“PRIVATE CLUB OR LODGE”** means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include any on-site residence(s). **(Bylaw 603-W)**

**“PUBLIC USE”** means a building, structure, or site used for public services by the Municipality, by any local board or agency of the Municipality, by any department, commission or agency of any other municipal corporation or the Government of Alberta or Canada, by any railway company authorized under the Railway Act, or by a public utility.

**“PUBLIC UTILITY”** means the right-of-way for:

- (a) telecommunications systems,
- (b) waterworks systems,
- (c) irrigation systems,
- (d) systems for the distribution of gas, whether natural or artificial,
- (e) systems for the distribution of artificial light or electric power,
- (f) heating systems, and
- (g) sewage systems,

or for the service or commodity supplied by any of those systems.

**“RECREATION ESTABLISHMENT”** means a development providing facilities within an enclosed building for sports and active recreation where patrons are predominantly participants and any spectators are incidental and attend on a sporadic basis. **(Bylaw 603-W)**

**“RELOCATED DWELLING”** means a single dwelling unit previously constructed on a site, that is to be relocated from that site.

**“RESTAURANT”** means an establishment where food is prepared, served and generally intended to be consumed on the premises for sale to the public.

**“ROW DWELLING”** means one of three or more attached dwelling units which are constructed in a row and divided vertically and each of which has a separate rear and front entrance.

**“SATELLITE DISH ANTENNA”** means a combination of (1) antenna or dish antenna whose purpose is to receive signals from orbiting satellites; (2) a low noise amplifier (LNA) situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; (3) a cable whose purpose is to transmit signals; and (4) other associated components.

**“SCREENING”** means a fence, berm or hedge used to visually separate areas or functions.

**“SECRETARY”** means the Secretary of the Subdivision and Development Appeal Board.

**“SEMI-DETACHED DWELLING”** means two attached dwelling units that share a common wall.

**“SERVICE STATION”** means a facility for the service and repair of motor vehicles and for the sale of gasoline, lubricating oils, and accessories for motor vehicles and which may provide a towing service, and further may include a building or site or part of a site where petroleum products are delivered into containers, tanks, vessels or cylinders.

**“SIGHT TRIANGLE”** means that triangle formed by a straight line drawn between two points on the exterior property lines of a corner lot 3 m (10 ft) from the point where they intersect. **(Bylaw 603-j)**

**“SIGN”** means any visual presentation that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark which serves to identify, to advertise, or to give direction.

**“SIGN, ADVERTISING”** means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.

**“SIGN, DIRECTIONAL”** means a sign which contains no advertising, but is limited to the distance and/or direction to a place of business or other premises indicated on the sign.

**“SIGN, FREE-STANDING”** means any sign supported independently of a building, wall or structure. It is supported by one or more columns, uprights, or braces in or upon grade and includes ground mounted signs, portable signs and the like.

**“SINGLE FAMILY DWELLING”** means a building containing only one dwelling unit but does not include a manufactured home.

**“SITE”** means a lot or group of lots used for or proposed to be used for a single development.

**“TEMPORARY”** means a use which occurs for 3 months from the date of development permit approval with allowance for one 3 month extension by the Development Officer.

**“VETERINARY CLINIC”** means a development for the purpose of treatment, boarding, training, or grooming of animals and includes retail sales of associated products. This includes such uses as veterinary clinics and grooming, boarding and breeding kennels, impounding and quarantining facilities and animal shelters, but does not include the sale of animals. **(Bylaw 603-W)**

**“WAREHOUSE AND STORAGE”** means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles or parts thereof, or any waste material. **(Bylaw 603-W)**

**“WAREHOUSE, DISTRIBUTION AND STORAGE”** means the use of a building and site primarily for the keeping of goods, merchandise, or parts, including trucking terminals and intermodal transfer areas.

**“YARD”** means a part of a lot over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

**“YARD, EXTERIOR SIDE”** means a side yard immediately adjoining a road.

**“YARD, FRONT”** means a yard extending across the full width of a lot and situated between the front lot line and nearest portion of the principal building.

**“YARD, INTERIOR SIDE”** means a side yard other than an exterior side yard.

**“YARD, REAR”** means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

**“YARD, SIDE”** means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the principal building.

**“YARD DEPTH, FRONT”** means the least horizontal dimension between the front lot line of the lot and the nearest part of the principal building.

**“YARD DEPTH, REAR”** means the least horizontal dimension between the rear lot line of the lot and the nearest part of the principal building.

**“YARD WIDTH, SIDE”** means the least horizontal dimension between the side lot line of the lot and the nearest part of the principal building.

## 2.2 METRIC CONVERSION VALUES

Metric values shall be used for the purpose of determining correct dimensions used in this bylaw. The imperial measurement is included for convenience only. Where metric and imperial measurements do not agree, the metric equivalent shall be deemed to be correct.

## SECTION 3 NEED FOR A DEVELOPMENT PERMIT

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### 3.1 DEVELOPMENT PERMITS REQUIRED

3.1.1 Except as provided in Section 3.2 of this Bylaw, no person shall undertake any development unless:

- (a) a development permit has first been issued pursuant to this Bylaw; and
- (b) it is in accordance with the terms and conditions of a development permit issued pursuant to this Bylaw.

### 3.2 DEVELOPMENT PERMITS NOT REQUIRED

A development permit is not required for the following developments, but they shall otherwise comply with the provisions of this Bylaw:

- (a) construction of or additions to a single-family dwelling unit or a semi-detached dwelling unit which is listed as a "Permitted Use";
- (b) works of maintenance, repair or renovation on a structure, both internal and external, if in the opinion of the Development Officer, such work:
  - (i) does not include structural alterations,
  - (ii) does not change the use or intensity of the use of the structure, and
  - (iii) is performed in accordance with obligatory legislation or other government regulations;
- (b) A change in the business or the occupancy of a building which, in the opinion of the Development Officer, does not constitute a change in the type of use of the site;
- (c) the completion of a building which is lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
  - (i) the building is completed in accordance with the terms of any permit granted by the municipality, and
  - (ii) the building is completed within a period of twelve (12) months from the date this Bylaw comes into effect;

- (d) the erection, construction, or maintenance of gates, fences, walls or other means of enclosure less than 2 m (6.5 ft) in height provided that it does not contravene any other provision of this Bylaw;
- (e) the erection or installation of machinery needed in connection with operations for which a Development Permit has been issued, for the period of those operations;
- (f) the construction and maintenance of that part of a public utility or public use placed in or upon a public thoroughfare or public utility easement;
- (g) the use of land of which the municipality is the legal or equitable owner for a purpose approved by a two-thirds majority vote of Council in connection with any public utility or public use;
- (h) the use of all or part of a building as a temporary polling station for a Federal, Provincial or Municipal election or referendum;
- (i) an official notice, sign, placard, or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;
- (j) one (1) temporary, on-site sign which does not exceed 1 m<sup>2</sup> (11 ft<sup>2</sup>) in area nor 1.2 m (3.9 ft) in height and is intended for:
  - (i) advertising the sale or lease of a dwelling unit, or property, or
  - (ii) identifying a construction or demolition project for which a development permit has been issued, or
  - (iii) identifying a political campaign, or
  - (iv) advertising a campaign or drive which has been approved by Council;
- (k) commemorative plaques and cornerstones of a non-advertising nature;
- (l) the construction, maintenance and repair of private walkways, private pathways, private driveways, and similar works;
- (m) the stripping or stockpiling of soil, installation of utilities and construction of roads in accordance with a current, signed development agreement; and
- (n) the construction of an accessory building having an area less than 9 m<sup>2</sup> (97 ft<sup>2</sup>) in a residential district; and
- (o) satellite dish antennas that are less than 0.9 m (3 ft) in diameter. *(Bylaw 603-c)*

## **SECTION 4      DEVELOPMENT PERMIT APPLICATIONS**

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### **4.1      FORMS AND NOTICES**

- 4.1.1 Where the Development Officer has determined, in accordance with Section 3, that an application for a development permit is required, then an application for a development permit shall be made to the Development Officer in writing in the prescribed form and shall be signed by the landowner or his authorized agent.

- 4.1.2 For the purpose of administering the provisions of this Bylaw, Council, by resolution, may authorize the preparation and use of such forms and notices as in its discretion it may deem necessary. Such forms or notices as contained in Schedule "A" are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they were designed, authorized and issued.

## 4.2 CONTENTS OF A DEVELOPMENT PERMIT APPLICATION

- 4.2.1 The Development Officer may require any or all of the following information with the application:
- (a) building plans, in duplicate, showing floor plans, elevations, and exterior finishing materials;
  - (b) site plans, in duplicate, showing:
    - (i) the legal description and municipal address,
    - (ii) dimensions of the site,
    - (iii) utilities, site drainage, grade elevations, existing and finished lot grades, the grades of the streets and the location of proposed sewer and water lines,
    - (iv) the height, dimensions, and relationship to property lines of all existing and proposed buildings and structures including retaining walls, trees, landscaping and location of fencing,
  - (c) in addition to the above, on applications for multiple unit dwellings, commercial, industrial, recreational, or institutional uses:
    - (i) loading and parking provisions,
    - (ii) access locations to and from the site,
    - (iii) garbage and storage area and the fencing and screening proposed for same,
    - (iv) location and approximate dimensions of existing and proposed culverts and crossings;
  - (d) other features may be required to be shown as deemed necessary by the Development Officer.
- 4.2.2 Each development permit application shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by resolution of Council.
- 4.2.3 When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with the application for a development permit, the Development Officer may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.
- 4.2.4 Upon approval of a development permit the Development Officer may attach approved building plans, site plans, and landscaping plans as schedules to the development agreement.

## **SECTION 5      PROCESSING A DEVELOPMENT PERMIT**

---

### **5.1      PROCESSING A DEVELOPMENT PERMIT APPLICATION**

- 5.1.1 The Development Officer shall consider and decide on development permit applications within forty (40) days of their receipt in complete and final form, however this time limit may be extended by a signed agreement between the applicant and the Development Officer.
- 5.1.2 If an extension agreement pursuant to Section 5.1.1 has not been entered into, the applicant may deem the application to be refused if a decision has not been made within the forty (40) day limit.
- 5.1.3 The Development Officer may refer a development permit application to any agency in order to receive comment and advice.

### **5.2      NOTIFICATION OF PERMIT APPROVAL OR REFUSAL**

- 5.2.1 When an application for a development permit is approved, the Development Officer or designate shall:
  - (a) mail a notice of decision to the applicant or his agent; and
  - (b) publish a notice in the local newspaper stating the location and address of the property for which the application has been made, the nature of the approval, and the decision of the Development Officer.
- 5.2.2 When an application for a development permit is refused, the Development Officer shall mail a notice of decision to the applicant or his agent stating the reasons for the refusal.
- 5.2.3 For the purposes of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when the Notice of Decision for approval (with or without conditions) has been published in the newspaper or when the notice has been received by the applicant through double-registered mail.
- 5.2.4 A development permit comes into effect fourteen (14) days after Notice of Decision has been given unless an appeal has been lodged with the Subdivision and Development Appeal Board. No development shall be commenced pursuant to the development permit until all appeals are finally determined and the issuance of the development permit has been upheld.



## SECTION 6 DUTIES OF DEVELOPMENT AUTHORITY

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### 6.1 DEVELOPMENT OFFICER

- 6.1.1 The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.
- 6.1.2 The Development Officer is authorized to act as a “Development Authority” pursuant to the Act.
- 6.1.3 The Development Officer shall:
- (a) receive, consider and decide upon all applications for development permits;
  - (b) keep and maintain for inspection of the public during office hours, a copy of this Bylaw and all amendments thereto, and ensure that copies are available to the public at a reasonable charge; and
  - (c) keep a register of all applications for development, including the decisions therein and the reasons therefore, for a minimum period of seven (7) years.

### 6.2 DEVELOPMENT OFFICER’S DISCRETION

#### 6.2.1 Permitted Uses

In making a decision on an application for a “Permitted Use”, the Development Officer:

- (a) shall approve an application provided the proposed development conforms with this Bylaw; or
- (b) may approve an application if the proposed development does not conform with this Bylaw subject to conditions necessary to ensure conformity; or
- (c) may refuse an application if the proposed development does not conform with this Bylaw.

#### 6.2.2 Discretionary Uses

In making a decision on an application for a “Discretionary Use”, the Development Officer:

- (a) may approve, with or without conditions, a development permit application which meets the requirements of this Bylaw;
- (b) may refuse a development permit application on its merits even though it meets the requirements of this Bylaw;
- (c) shall refuse a development permit application which does not meet the requirements of this Bylaw.

- 6.2.3 A development permit application for a use which is not listed as a “Permitted Use” or a “Discretionary Use” in the subject land use district shall be refused.
- 6.2.4 Notwithstanding any provisions or requirements of this Bylaw, the Development Officer may establish a more stringent standard for “Discretionary Uses” when deemed necessary to do so.
- 6.2.5 Variances
- (a) Notwithstanding Sections 6.2.1 and 6.2.2, the Development Officer may allow a variance not exceeding ten percent (10%) of the lot width, lot area, building height or development setback where it is deemed that such variance does not unduly interfere affect the amenities, use or enjoyment of the site or of the neighbouring properties.
  - (b) In established residential districts, the Development Officer may allow front yard setbacks for infill housing development to be varied to coincide with the average setback on the block face being developed.
  - (c) Notwithstanding anything else in this Bylaw, a vacant lot held in separate ownership from adjoining lots on the effective date of this Bylaw, having less than the minimum width may, at the discretion of the Development Officer, be used for any purpose allowed for in the district in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.
  - (d) Notwithstanding Section 6.2.3, if a proposed use of land or a building is not listed as a “Permitted Use” or “Discretionary Use” in the Bylaw, the Development Officer may determine that such a use is similar in character and purpose to a use listed under that land use district and may issue a development permit.
  - (e) In the event that a variance is granted pursuant to Section 6.2.5(a), the Development Officer shall specify the nature of the approved variance in a development permit.

### **6.3 CONDITIONS OF A DEVELOPMENT PERMIT**

- 6.3.1 The Development Officer, as a condition of issuing a development permit, may require that the applicant enter into an agreement with the municipality to do any or all of the following:
- (a) to construct or pay for the construction of a road required to give access to the development;
  - (b) to construct or pay for the construction of a pedestrian walkway system to serve the development, or pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development;
  - (c) to install or pay for the installation of public utilities, other than telecommunications systems or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of off-street or other parking facilities and loading and unloading facilities; and

- (e) to pay an off-site levy or redevelopment levy imposed by Bylaw.
- 6.3.2 The municipality may register a caveat pursuant to the provisions of the Act and the Land Titles Act in respect of an agreement under Section 6.2.1 against the Certificate of Title for the land that is the subject of the development. Said caveat shall be discharged when the agreement has been complied with.
- 6.3.3 When, in the opinion of the Development Officer, satisfactory arrangements have not been made by an applicant for the supply of water, electrical power, sewage, or access, including payment of the costs of installation or construction, the Development Officer shall not issue a development permit.
- 6.3.4 A development permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months from the date of issuing the permit, or within such longer periods not exceeding three (3) months as may be approved by the Development Officer.
- 6.3.5 When an application for a development permit has been refused pursuant to this Bylaw or ultimately after appeal, the submission of another application for a development permit on the same parcel of land for the same or similar use shall not be accepted by the Development Officer for at least six (6) months after the date of the refusal.

#### **6.4 CONTRAVENTION**

- 6.4.1 Where the Development Officer finds that a development or use of land is not in accordance with the Act, this Bylaw, or an issued development permit, the Development Officer may, by written notice, 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:
  - (a) stop the development or use of the land or building in whole or in part as directed by the notice;
  - (b) demolish, remove or replace the development; or
  - (c) carry out any other actions required by the notice so that the development or use of the land or building complies with the Act, a development permit or a subdivision approval, or this Bylaw as the case may be, within the time set out in the notice.
- 6.4.2 If a person fails or refuses to comply with an order directed to him under Section 6.4.1 or an order of a Board under the Act, Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 6.4.3 When Council or a person appointed by it carries out an order, 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.
- 6.4.4 For the purpose of entering and inspecting land or buildings as described in the Act, the Development Officer is hereby declared to be a “designated officer”.
- 6.4.5 The Development Officer may suspend or revoke a development permit which has not been complied with.

## **SECTION 7      APPEALING A DECISION**

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### **7.1      METHOD OF APPEAL**

- 7.1.1 The Board shall perform such duties and follow such procedures as specified in the Act and the Subdivision and Development Appeal Board Bylaw.
- 7.1.2 A decision of the Development Officer on a development permit application may be appealed by serving a written notice of appeal to the Secretary within fourteen (14) days of the date on the Notice of Decision.
- 7.1.3 In the event that a development permit application is refused by the Development Officer is approved by the Board, the subsequent issuance of the development permit by the Development Officer shall not require further advertising.

### **7.2      THE APPEAL PROCESS**

- 7.2.1 The Secretary shall ensure that a notice of appeal is given to all persons required to be notified under the provisions of the Subdivision and Development Appeal Board Bylaw.
- 7.2.2 When a notice has been served on the Secretary with respect to a decision to approve a development permit application, the development permit shall not be effective before:
  - (a) the decision on the permit has been upheld by the Board; or
  - (b) the Secretary has received written notification from the appellant that the appeal has been abandoned.
- 7.2.3 If the decision to approve a development permit application is reversed by the Board, the development permit shall be null and void.
- 7.2.4 If the decision to refuse a development permit application is reversed by the Board, the Board shall direct the Development Officer to issue a development permit forthwith in accordance with the decision of the Board.
- 7.2.5 If the decision to approve a development permit application is varied by the Board, the Board shall direct the Development Officer to issue a development permit forthwith in accordance with the terms of the decision of the Board.

## **SECTION 8      AMENDING THE BYLAW**

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### **8.1      CONTENTS OF AN AMENDMENT APPLICATION**

- 8.1.1 A Land Use Bylaw amendment application shall be made to the Development Officer in writing on the prescribed form and shall be signed by the applicant or his agent. The Development Officer may require any of the following information to accompany an application to amend this Bylaw:
- (a) if the amendment involves the redesignation of land to a different land use district,
    - (i) a copy of the Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Officer verifying that the applicant has a legal interest in the land;
    - (ii) where the applicant is an agent acting for the owner, a letter from the owner verifying the agent's authority to make the application; and
    - (iii) a properly dimensioned map indicating the affected site, and its relationship to adjacent land uses;
  - (b) a statement of the reasons for the request to amend the Bylaw; and
  - (c) such additional information as the Development Officer may require.
- 8.1.2 Each land use bylaw amendment application shall be accompanied by a non-refundable processing fee, the amount of which shall be determined from time to time by resolution of Council.
- 8.1.3 The Development Officer may refuse to process a Land Use Bylaw amendment application if the information required has not been supplied or if, in his opinion, it is of inadequate quality to properly evaluate the application.
- 8.1.4 Council, on its own initiative, may proceed to undertake an amendment to this Bylaw by directing the Development Officer to initiate an application.

### **8.2      THE AMENDMENT PROCESS**

- 8.2.1 Upon receipt of a complete application in accordance with Section 8.1, the Development Officer shall refer the application to Council for first reading and to establish a date for a public hearing to be held prior to second reading.
- 8.2.2 The Development Officer may refer an amendment application to any agency in order to receive comment and advice.

- 8.2.3 The Development Officer shall forthwith cause to be published in two (2) consecutive issues of the local newspaper. This notice shall contain:
- (a) the purpose of the proposed amendment;
  - (b) the one or more places where a copy of the proposed amending order may be inspected by the public during reasonable hours;
  - (c) the date, place, and time that Council will hold a public hearing on the proposed amendment;
  - (d) an outline of the procedures to be followed by anyone wishing to be heard at the public hearing;
  - (e) an outline of the procedures by which the public hearing will be conducted; and
  - (f) if the amendment involves the redesignation of land to a different land use district, the municipal address, if any, and the legal description of the land.
- 8.2.4 Council, after considering
- (a) any representations made at the public hearing; and
  - (b) any municipal development plan, area structure plan, and area redevelopment plan affecting the application and the provisions of this Bylaw may
    - (i) make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or
    - (ii) defeat the proposed amendment.
- 8.2.5 Where an application for an amendment has been refused by Council or withdrawn by the applicant after advertisement of the proposed amendment, the Development Officer shall refuse to accept another application on the same land for the same or similar purpose until six (6) months have passed from the date of such refusal, or six months after the date that the applicant's letter of withdrawal is received by the Development Officer.

## SECTION 9 GENERAL REGULATIONS

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### 9.1 DWELLING UNITS PER LOT

- 9.1.1 No person in the Town shall construct or cause to be constructed more than one dwelling unit per lot.
- 9.1.2 Section 9.1.1 does not apply to:
- (a) semi-detached dwellings;
  - (b) duplexes;
  - (c) dwellings containing basement suites;
  - (d) row housing;
  - (e) apartment buildings;
  - (f) dwellings that are located within an approved manufactured home park; and
  - (g) sites located in the Urban Reserve (UR) District if the site in question is used exclusively for agriculture and additional residences are required to accommodate full-time farm labour.
  - (h) in an Urban Reserve (UR) District, a second dwelling unit may be considered for temporary approval based on compassionate reasons such as financial hardship, special health needs, and age-related needs. **(Bylaw 603-P)**
  - (i) temporary approval of a second dwelling unit in an Urban Reserve (UR) District is prohibited unless as a condition of approval, the dwelling is placed on a temporary base or foundation from which it can easily and quickly be moved. **(Bylaw 603-P)**

### 9.2 CORNER SITE RESTRICTIONS AND FENCES (Bylaw 603-J)

- 9.2.1 On any corner site, no finished grade shall exceed the general elevation of the road by more than 0.6 m (2 ft) within the area defined as a sight triangle.
- 9.2.2 Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree within a site triangle if, in the opinion of the Development Officer, such objects or structures interfere with traffic safety.
- 9.2.3 At the Development Officers discretion the distance referred to in the definition of a Site Triangle may be reduced to 2 meters (7 ft.) **(Bylaw 603-J)**
- 9.2.4 Residential fences must be placed within the property lines and must not exceed the height regulations being:
- Front Property Line – All residential fences must not exceed four feet in height across the front of the lot.
- Side Property Line – All residential fences must not exceed four feet in height on the first fifteen feet of the side property line and may increase to six feet in height on the remaining side property line.
- Rear Property Line – All residential fences must not exceed six feet in height on the rear property line. **(Bylaw 603-o)**
- 9.2.5 Residential fences must be built in a manner that allows sectional removal of at least eight feet to allow for servicing of the water shut off valve. Free and clear access to the shut off valve must be available at all times. **(By-law 603-o)**

### 9.3 ILLUMINATION

Any lighting proposed to illuminate areas in any district shall be located and designed to the satisfaction of the Development Officer so that all direct light is focused on the area to be illuminated and not on any adjacent properties.

### 9.4 LANDSCAPING AND SCREENING

- 9.4.1 Any area required to be landscaped may, at the Development Officer's discretion, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.
- 9.4.2 Any area requiring landscaping or topographic reconstruction shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining site.
- 9.4.3 Screening shall be provided in the form of hard or soft landscaping in order to visually separate areas which detract from the surrounding neighbourhood unless in the opinion of the Development Officer it is not necessary or feasible. The construction and materials of the screen shall be of a quality to the satisfaction of the Development Officer.

### 9.5 OBJECTS PROHIBITED IN DISTRICTS

- 9.5.1 No person shall be allowed to keep or maintain:
- (a) a dismantled or derelict vehicle on a site in a residential district for more than fourteen (14) consecutive days;
  - (b) any excavation, building, or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with and the owner and developer of any such site shall assume full responsibility for on-site safety measures; and
  - (c) any excavation, equipment, or construction materials to remain on a site over a period longer than is reasonably necessary to complete construction.

### 9.6 PARKING AND LOADING FACILITIES

- 9.6.1 Off-street parking shall be provided in accordance with the following table:

<b><u>Residential Uses</u></b>	<b><u>Minimum Parking Requirements</u></b>
Apartment Building, Row Houses	1.5 stalls/dwelling unit
Boarding House	1 stall/2 beds
Single Family Dwellings, Manufactured Home Parks	2 stalls/dwelling unit



Senior Citizen Homes	1 stall/dwelling unit <b>(Bylaw 603-k)</b>
Other Residential Uses	1.5 stalls/dwelling unit <b>(Bylaw 603-k)</b>
<b><u>Commercial Uses</u></b>	
Business, Administrative and Offices, Banks	1 stall/45 m <sup>2</sup> (484 ft <sup>2</sup> ) of gross floor area Professional
Retail Shops, Personal Service Establishments	1 stall/28 m <sup>2</sup> (300 ft <sup>2</sup> ) of gross floor area
Restaurants, Drinking Establishments	1 stall/4 seats
Motels and Hotels	1 stall/guest unit plus 1 stall/2 employees
Where a hotel and/or restaurant and/or drinking establishment are grouped in any combination on one site.	Required number of stalls may be reduced at the discretion of the Development Officer to 75% of the combined total of all uses.
Shopping Centres	1 stall/18 m <sup>2</sup> (194 ft <sup>2</sup> ) of leasable floor area.
Service Stations and Gas Bars	1 stall/28 m <sup>2</sup> (300 ft <sup>2</sup> ) of floor area for all uses allowed on site including service islands at grade.
<b><u>Other Non-Residential Uses</u></b>	
Public Assembly Auditoria, Theatres, Halls, Gymnasias, Private Clubs or Organizations, Ball Parks	1 stall/3.5 seats or 1 stall/3 m <sup>2</sup> (32 Convention ft <sup>2</sup> ) of floor area used by patrons, whichever is greater.
Churches	1 stall/5 seating spaces
Hospitals, Clinics or Nursing Homes	1 stall/93 m <sup>2</sup> (1,000 ft <sup>2</sup> ) of floor area
Elementary Schools	1 stall/classroom
Junior High Schools	2 stalls/classroom
Senior High Schools	4 stalls/classroom
Manufacturing and Industrial Plants, Warehousing, Wholesale and Storage Buildings and Yards, Servicing and Repair Establishments, Public Utility Buildings	1 stall/3 employees on a maximum working shift.
All Other Uses	As determined by the Development Officer

- 9.6.2 When a building is enlarged, altered or changed in use, in such a manner as to cause an intensification of the use of that building, provision shall be made for the additional parking stalls required under the provisions of this Bylaw. The required parking shall be based only on the number of additional parking stalls required because of the enlargement, change in use, or intensification of the use of the building.
- 9.6.3 Parking stalls shall be located on the same site as the building or use for which it is required and shall be designed, located and constructed so that:
- (a) it is reasonably accessible to the vehicles intended to be accommodated there;
  - (b) it can be properly maintained; and
  - (c) it is satisfactory to the Development Officer in size, shape, location and construction.
- 9.6.4 Notwithstanding other provisions of this Bylaw, excluding Residential Districts, the Development Officer may allow for the required number of parking stalls to be fulfilled by any or a combination of the following methods:
- (a) The developer may be permitted to provide the required off-street parking on land other than the development site provided that
    - (i) the proposed parking is located and developed to the satisfaction of the Development Officer, and
    - (ii) the continued use of the proposed parking lot can be assured. Council may require a performance bond in order to ensure the future use and maintenance of the parking lot. In the event that the site is needed for some other use another site must be provided in accordance with the same criteria;
  - (b) Primary Commercial (C-1) properties unable to meet the required number of parking stalls may be permitted to provide cash-in-lieu of parking, the money to be paid to the Town and allocated to the development of public parking lots in the downtown area. The cash amount will be based on current land prices and development costs.
- 9.6.5 Parking stalls shall not be less than 15 m<sup>2</sup> (160 ft<sup>2</sup>) in area or 2.5 m (8 ft) in width.
- 9.6.6 Any loading space shall have at least 28 m<sup>2</sup> (300 ft<sup>2</sup>) of area, be at least 3.5 m (11.5 ft) in width and have at least 4 m (13 ft) of overhead clearance.
- 9.6.7 All required parking or loading spaces shall be developed and surfaced to the satisfaction of the Development Officer within twelve (12) months of the completion of the approved development.
- 9.6.8 Adequate curbs, pre-cast barrier curbs, or fences shall be provided to the satisfaction of the Development Officer where it is deemed necessary in order to protect adjacent fences, walls, boulevards, landscaped areas, or buildings from contact with vehicles.
- 9.6.9 Parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be disposed of in a manner satisfactory to the Development Officer.

- 9.6.10 For all commercial, public and recreational uses, a portion of the parking area nearest the principal building shall be designated for use by the handicapped to the satisfaction of the Development Officer.
- 9.6.11 Curb cuts shall be made in accordance with the following:
- (a) The maximum width of a curb cut shall not exceed 10.5 m (35 ft);
  - (b) The minimum distance between curb cuts on the same side of a building site shall be 6 m (20 ft) measured at the property line. The Development Officer may increase the minimum distance when it is deemed necessary for reasons of public safety or convenience.

## **9.7 RELOCATION OF BUILDINGS**

- 9.7.1 With the exception of manufactured homes, where a development permit has been granted for the relocation of a residential building on the same site or from another site, the Development Officer may require the applicant to provide:
- (a) a performance security of such amount to ensure completion of any renovations set out as a condition of approval of a development permit; and/or
  - (b) an engineer's certificate to confirm that the building is structurally sound.
- 9.7.2 Renovations shall be completed within one (1) year of the issuance of a development permit.

## SECTION 10 ADDITIONAL REGULATIONS FOR SPECIFIC LAND USES

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### 10.1 ACCESSORY BUILDINGS

- 10.1.1 For the purpose of calculating yard setbacks and site coverage requirements as provided for in this Bylaw, when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- 10.1.2 An accessory building shall be located at least 1.8 m (6 ft) from any principal building.
- 10.1.3 An accessory building located on a site in any residential district shall not be used as a dwelling unit.

### 10.2 CAR WASHING ESTABLISHMENTS

The minimum site area shall be 743 m<sup>2</sup> (8,000 ft<sup>2</sup>) and shall contain parking space for six (6) vehicles prior to their entry into any part of the cleaning process. In the case of service stations that have car washes installed, the minimum site area shall be 1,115 m<sup>2</sup> (12,000 ft<sup>2</sup>).

### 10.3 CHURCHES

- 10.3.1 (a) Minimums:
- |       |             |                                                                                    |
|-------|-------------|------------------------------------------------------------------------------------|
| (i)   | Site Width: | 30 m (98.5 ft)                                                                     |
| (ii)  | Site Area:  | 930 m <sup>2</sup> (10,010 ft <sup>2</sup> )                                       |
| (iii) | Setbacks:   | All setbacks are to be consistent with those of other developments in the district |
- (b) Building Height (max.): 15 m (50 ft)
- 10.3.2 In the case where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the church, the combined area of the site shall not be less than 1,390 m<sup>2</sup> (14,962 ft<sup>2</sup>).

### 10.4 HOME OCCUPATIONS

- 10.4.1 Home occupations shall be limited to those uses which do not interfere with the rights of other residents to the quiet enjoyment of a residential neighbourhood.
- 10.4.2 Home occupations shall be an incidental and subordinate use to the principal residential use, shall be restricted to the dwelling unit, and shall not:
- (a) employ any more than one (1) person other than the residents of the dwelling unit;
  - (b) occupy an area greater than 30 m<sup>2</sup> (323 ft<sup>2</sup>);

- (c) require alterations to the principal building unless the alterations are approved as part of a development permit application;
- (d) create a nuisance by way of dust, noise, smell, smoke or traffic generation;
- (e) have outside storage of materials, goods and equipment on or off the site; and
- (f) display any form of commercial advertising, wares or products discernible from the outside of the building but may display an unlighted sign placed in a window or attached to the exterior of the dwelling which is a maximum of 900 cm<sup>2</sup> (140 in<sup>2</sup>) in area.

10.4.3 Home occupations are limited to those uses which are approved by the Development Officer.

10.4.4 Permits shall be issued for a period not exceeding one (1) year with a common expiry date of March 31st at which time a new application shall be made for the continuance of the use.

10.4.5 All Bed and Breakfast establishments are required to conform to the standards administered by the local Health Authority, and to obtain all necessary licenses required under the applicable legislation.

## 10.5 MANUFACTURED HOMES

10.5.1 Manufactured homes, accessory structures, additions, porches and skirting shall be of sound construction and appearance to the satisfaction of the Development Officer.

10.5.2 The undercarriage of a mobile home shall be completely screened from view by a fireproof skirting or such other means acceptable to the Development Officer.

10.5.3 Axles, wheels, running gear and towing tongue shall be removed before any manufactured home is attached to a permanent foundation in conformity with the requirements of the Alberta Building Code.

10.5.4 In the event of oil being used for heating purposes, an oil receptacle shall be provided to be concealed and enclosed with external screening compatible with the manufactured home.

10.5.5 All manufactured homes shall be connected to municipal services prior to their occupation.

10.5.6 Manufactured homes shall be located in areas readily accessible for utility hook-ups and free from shifting due to frost.

10.5.7 Manufactured homes which are older than ten (10) years of age will not be permitted in areas except those areas zoned MHP Manufactured Home Park. In areas zoned MHP Manufactured Home Park, the Development Officer may require the applicant to provide a certified building inspectors report or an engineer's certificate to confirm that the building is structurally sound. **(Bylaw 603-d)**

## 10.6 SATELLITE DISH ANTENNAS *(Bylaw 603-c)*

- 10.6.1 Unless attached to a principle building or structure, a satellite dish antenna shall conform to the site requirements for accessory buildings.
- 10.6.2 The satellite dish antenna shall be located on the same site as the intended signal user.
- 10.6.3 Sections 10.6.2 and 10.6.3 may be waived where the applicant can demonstrate, to the satisfaction of the Development Authority, that compliance would prevent signal reception.
- 10.6.4 If a signal cannot be received in a location other than a front yard, the minimum front yard setback shall be 3.3 m (10 ft).

## **10.7 SERVICE STATIONS AND GAS BARS**

- 10.7.1 Site Area and Coverage:
  - (a) The minimum site area shall be 557 m<sup>2</sup> (5,995 ft<sup>2</sup>) and the maximum building coverage shall be fifteen percent (15%) of the site area.
  - (b) Where a service station forms part of a shopping centre development, the minimum site area and maximum building coverage may be varied at the discretion of the Development Officer.
- 10.7.2 Where a gas bar or service station is proposed to include a retail food store, a car wash and/or an auto parts store, the Development Officer shall ensure that the location of parking and circulation area does not interfere with the free movement of refuelling of vehicles.
- 10.7.3 All parts of the site to which vehicles have access shall be surfaced and drained to the satisfaction of the Development Officer.
- 10.7.4 No activity shall be carried on which constitutes a nuisance or annoyance to persons occupying land in the immediate vicinity of the site by reason of dust, noises, gases, odours, smoke, or vibration.
- 10.7.5 Landscaping shall be provided and maintained to the satisfaction of the Development Officer.
- 10.7.6 Fencing or screening to the satisfaction of the Development Officer shall be provided along the lot line separating a service station or gas bar from any abutting residential districts.

## **10.8 SIGN CONTROL**

- 10.8.1 No sign of an advertising, directional or information 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 by the Development Officer.
- 10.8.2 Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by this Bylaw or the Development Officer.
- 10.8.3 In considering a development application for a sign the Development Officer shall have due regard to the amenities of the area and the design of the proposed sign.

- 10.8.4 No sign, other than one providing a public service and deemed appropriate by the Development Officer shall be permitted to locate on a public right-of-way or reserve.
- 10.8.5 No sign shall be illuminated unless the source of light is suitably shielded and does not interfere with vehicular traffic.
- 10.8.6 There shall be a minimum clearance height of 2.5 m (8 ft) above finished grade to the bottom of any sign projecting over a public right-of-way or sidewalk.
- 10.8.7 No sign shall project more than 1.5 m (5 ft) above the top of any main wall or parapet to which it is affixed, unless in the opinion of the Development Officer it is has been designed as an integral part of the building.
- 10.8.8 No sign shall project more than 1.5 m (5 ft) from the face of any building to which it is affixed, unless in the opinion of the Development Officer it is has been designed as an integral part of the building.
- 10.8.9 The Development Officer may refuse to allow any sign which is deemed to be offensive in nature or inappropriate in design.

### **10.9 CANNABIS RETAIL SALES (Bylaw 603 AD)**

- 10.9.1 The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
- 10.9.2 Cannabis Retail Sales shall not be located within 100 metres from a private or public school and playground.
- 10.9.3 The separation distance between uses shall be measured from lot line to lot line.

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10.9.2  
10.9.3

- 10.9.4 The development shall not operate in conjunction with another approved use.
- 10.9.5 Customer access to the Cannabis Retail Sales is limited to a store front that is visible from the street.
- 10.9.6 No customer parking shall be located at the rear of the Cannabis Retail Sales building.
- 10.9.7 All parking areas in front of the building shall be well lit to the satisfaction of the Development Officer during operating hours.
- 10.9.8 All loading or receiving areas shall be well lit to the satisfaction of the Development Officer.
- 10.9.9 Parking shall be provided in accordance with the minimum requirements under Section 9.6.1 Commercial Uses: Retail Shops.

### **10.10 CANNABIS PRODUCTION FACILITY (Bylaw 603 AD)**

- 10.10.1 The owner or applicant must provide as a condition of development a copy of the

current licence for all activities associated with cannabis production as issued by the Federal Government.

- 10.10.2 The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
- 10.10.3 The development must be done in a manner where all the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- 10.10.4 The development shall not include an outdoor area for storage of goods, materials or supplies.
- 10.10.5 The development shall not operate in conjunction with another approved use.

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10.10.5

- 10.10.6 The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- 10.10.7 The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but is not limited to, details on:
- i. the incineration of waste products and airborne emissions, including smell;
  - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and
  - iii. the method and location of collection and disposal of collection and disposal of liquid and waste material discharged by the facility.





## SECTION 11 ESTABLISHMENT OF DISTRICTS

---

### 11.1 DISTRICT CLASSIFICATION

For the purpose of this Bylaw, all lands within the municipality are divided into districts and are classified as follows:

<u>District</u>	<u>Symbol</u>
Residential Restricted	R-1
Residential General	R-2
Residential Multi-Family	R-3
Manufactured Home Park	MHP
Primary Commercial	C-1
Highway Commercial	C-2
Industrial	M-1
Institutional	I
Urban Reserve	UR

### 11.2 DISTRICT SYMBOLS

Throughout this Bylaw and amendments thereto a district may be referred to either by its full name or by its abbreviation as set out in Section 11.1 above.

### 11.3 DISTRICT MAP

11.3.1 The District Map, as may be amended or replaced by bylaw from time to time, is that map attached to and forming part of this Bylaw and bears the identification "District Map" and "Section 11.3 of Bylaw 603".

11.3.2 In the event that a dispute arises over the precise location of a boundary of any district as shown on the District Map, Council may request planning advice and shall decide thereon.

## SECTION 12 DISTRICT RULES

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### 12.1 RESIDENTIAL RESTRICTED (R-1) DISTRICT

#### 12.1.1 Purpose

The purpose of this District is to provide for low density residential development in the form of larger single-family dwellings.

(a) Permitted Uses

- accessory buildings and uses
- parks and playgrounds
- single family dwellings

(b) Discretionary Uses

- bed and breakfasts
- churches
- home occupations
- public uses
- satellite dish antennas
- signs

#### 12.1.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

- |     |                             |                                                                              |
|-----|-----------------------------|------------------------------------------------------------------------------|
| (a) | Lot Area (min.):            | 372 m <sup>2</sup> (4,000 ft <sup>2</sup> ) <b>(Bylaw 603-f)</b>             |
| (b) | Lot Width (min.):           | 12 m (50 ft) <b>(Bylaw 603-f)</b>                                            |
| (c) | Front Yard (min.):          | 6.1 m (20 ft)                                                                |
| (d) | Rear Yard (min.):           | 7.5 m (25 ft) for principal building<br>0.9 m (3 ft) for accessory building  |
| (e) | Side Yard, Interior (min.): | 1.5 m (5 ft) for principal building<br>0.9 m (3 ft) for accessory building   |
| (f) | Side Yard, Exterior (min.): | 3.3 m (10 ft) for principal building<br>1.5 m (5 ft) for accessory building  |
| (g) | Building Height (max.):     | 8.5 m (28 ft) for principal building<br>5.5 m (18 ft) for accessory building |
| (h) | Site Coverage (max.):       | 33 percent                                                                   |

### 12.1.3 Additional Requirements

- (a) New relocated dwellings are allowed in this district if they meet the Alberta Building Code. **(Bylaw 603-g)**
- (b) Accessory buildings should be compatible in design with the principal building and of a quality that is to the satisfaction of the Development Officer.
- (c) In the case of laneless subdivisions, the Development Officer shall ensure that lot widths and development setbacks are such that a front drive garage may be accommodated on each site.
- (d) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

## 12.2 RESIDENTIAL GENERAL (R-2) DISTRICT

### 12.2.1 Purpose

The purpose of this District is to provide for low density residential development in the form of single family dwellings with provisions for duplex and semi-detached dwellings.

- (a) Permitted Uses

- accessory buildings and uses
- parks and playgrounds
- single family dwellings

(b) Discretionary Uses

- bed and breakfasts
- child care facilities
- churches
- duplexes
- fourplexes
- home occupations
- manufactured homes
- public uses
- public utilities
- satellite dish antennas
- semi-detached dwellings
- senior citizen homes
- signs

### 12.2.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

- |     |                             |                                                                                                                                                                                                                                                                                                                                              |
|-----|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Site Area (min.):           | 557 m <sup>2</sup> (6,000 ft <sup>2</sup> ) for duplex<br>279 m <sup>2</sup> (3,000 ft <sup>2</sup> ) for semi-detached (interior)<br>325 m <sup>2</sup> (3,500 ft <sup>2</sup> ) for semi-detached (exterior)<br>743 m <sup>2</sup> (8,000 ft <sup>2</sup> ) for fourplex<br>464 m <sup>2</sup> (5,000 ft <sup>2</sup> ) for all other uses |
| (b) | Lot Width (min.):           | 12 m (39.5 ft) for single family (interior lot)<br>13.7 m (45 ft) for single family (exterior lot)<br>16.5 m (55 ft) for duplex<br>9.1 m (30 ft) for semi-detached (interior unit)<br>10.5 m (35 ft) for semi-detached (exterior unit)<br>25 m (80 ft) for fourplex                                                                          |
| (c) | Front Yard (min.):          | 6.1 m (20 ft)                                                                                                                                                                                                                                                                                                                                |
| (d) | Rear Yard (min.):           | 7.5 m (25 ft) for principal building<br>0.9 m (3 ft) for accessory building                                                                                                                                                                                                                                                                  |
| (e) | Side Yard, Interior (min.): | 1.5 m (5 ft) for principal building<br>0.9 m (3 ft) for accessory building                                                                                                                                                                                                                                                                   |
| (f) | Side Yard, Exterior (min.): | 3.3 m (10 ft) for principal building<br>1.5 m (5 ft) for accessory building                                                                                                                                                                                                                                                                  |
| (g) | Building Height (max.):     | 8.5 m (28 ft) for principal building<br>5.5 m (18 ft) for accessory building                                                                                                                                                                                                                                                                 |
| (h) | Site Coverage (max.):       | 40 percent                                                                                                                                                                                                                                                                                                                                   |

### 12.2.3 Additional Requirements

- (a) All relocated dwellings proposed for this district shall be of an appearance and structural character to the satisfaction of the Development Officer.
- (b) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the development and the intent of the district.

## 12.3 RESIDENTIAL MULTI-FAMILY (R-3) DISTRICT

### 12.3.1 Purpose

The purpose of this District is to provide for the development of medium and high density multiple dwelling units.

(a) Permitted Uses

- accessory buildings and uses
- apartment buildings
- parks and playgrounds
- row houses

(b) Discretionary Uses

- churches
- public uses
- public utilities
- satellite dish antennas
- senior citizen homes
- signs

### 12.3.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

- |     |                                                      |                                                                                                                                                                                                                                               |
|-----|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Site Area (min.):                                    | 232 m <sup>2</sup> (2,500 ft <sup>2</sup> ) for row housing (interior unit)<br>279 m <sup>2</sup> (3,000 ft <sup>2</sup> ) for row housing (exterior unit)<br>929 m <sup>2</sup> (10,000 ft <sup>2</sup> ) for apartment building             |
| (b) | Site Width (min.):                                   | 7.5 m (25 ft) for row housing (interior unit)<br>9.1 m (30 ft) for row housing (exterior unit)<br>30.5 m (100 ft) for apartment building                                                                                                      |
| (c) | Front Yard (min.):                                   | 7.5 m (25 ft)                                                                                                                                                                                                                                 |
| (d) | Rear Yard (min.):                                    | 7.5 m (25 ft) for principal building<br>1.5 m (5 ft) for accessory building                                                                                                                                                                   |
| (e) | Side Yard, Interior (min.):<br><b>(Bylaw 603 AA)</b> | 1.5 m (5 ft) for row housing (end unit)<br>3.3 m (10 ft) for row housing (end unit corner lot)<br>None for row housing (interior unit, common wall)<br>3.3 m (10 ft) for all other principal buildings<br>0.9 m (3 ft) for accessory building |
| (f) | Side Yard, Exterior (min.):                          | 4.5 m (15 ft) for principal building<br>3.3 m (10 ft) for accessory building                                                                                                                                                                  |
| (g) | Floor Area (min.):                                   | 51 m <sup>2</sup> (550 ft <sup>2</sup> ) for apartments                                                                                                                                                                                       |

74 m<sup>2</sup> (800 ft<sup>2</sup>) for row housing

- (h) Building Height (max.): **(Bylaw 603 AA)** 8.5 m (28 ft) for row housing  
11 m (36 ft) for all other principal buildings  
4.5 m (15 ft) for accessory building
- (i) Site Coverage (max.): 40 percent

### 12.3.3 Additional Requirements

- (a) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the development and the intent of the district.
- (b) A minimum of 30% of a site to be used for an apartment shall be required for recreational and landscaping purposes to the satisfaction of the Development Officer. The areas of balconies, patios, and indoor recreation facilities, including swimming pools and communal lounges for free use of the tenants may, at the discretion of the Development Officer, be used in the calculation of the total requirement for recreational and landscaping areas.
- (c) In addition to the above, apartment developments shall satisfy the Development Officer as to parking design, building design and location, garbage storage provisions, safety of access, and amenity or leisure space.

## 12.4 **MANUFACTURED HOME PARK (MHP) DISTRICT**

### 12.4.1 Purpose

The purpose of this District is to provide for the development of manufactured home parks.

- (a) Permitted Uses
- accessory buildings and uses



- manufactured homes
- parks or playgrounds

(b) Discretionary Uses

- child care facilities
- home occupations
- public uses
- public utilities
- satellite dish antennas
- signs

#### 12.4.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

(a) Manufactured Home Dwelling Sites:

- |      |                    |                |
|------|--------------------|----------------|
| (i)  | Length (min.):     | 30 m (98.5 ft) |
| (ii) | Width (min.):      | 12 m (39 ft)   |
|      |                    |                |
| (b)  | Front Yard (min.): | 3.3 m (10 ft)  |
| (c)  | Rear Yard (min.):  | 2 m (6.5 ft)   |
| (d)  | Side Yard (min.):  | 1.2 m (4 ft)   |

#### 12.4.3 Additional Requirements

- (a) Within any manufactured home park, a minimum of five (5) percent of the total area shall be developed for general recreation uses, of which a minimum area of 2 m<sup>2</sup> (22 ft<sup>2</sup>) per manufactured home dwelling site shall be developed as playground areas.
- (b) For manufactured home parks containing fifty (50) or more dwelling sites, two (2) separate means of access to a public road shall be provided. These access points may be in the form of one access route containing two (2) carriageways in each direction separated by a centre boulevard of 2.5 m (8 ft) or more. Internal roads, parking and loading areas shall be paved to the satisfaction of the Development Officer.
- (c) All areas other than the carriageways of vehicular access routes and building areas shall be landscaped and shall include the planting of trees throughout the manufactured home park at a ratio of at least one (1) tree per dwelling site. All landscaping shall be done in accordance with Section 9.4.
- (d) Every manufactured home park dwelling site shall front on to a private road, and be clearly marked by means of stakes, fences, hedges or other means satisfactory to the Development Officer.
- (e) Every manufactured home park shall provide one (1) off-street parking stall per dwelling site, plus one (1) off-street parking stall per four (4) dwelling sites.



## 12.5 PRIMARY COMMERCIAL (C-1) DISTRICT

### 12.5.1 Purpose

The purpose of this district is to provide for office and retail commercial developments generally intended to locate in the central business area of the municipality.

#### (a) Permitted Uses

- accessory buildings and uses
- bakery shops
- banks and financial agencies
- business, administration, and professional offices
- coffee shops and restaurants
- medical clinics
- personal service establishments
- retail stores
- signs
- gas bar for Lot 1, Plan 7822876 only (**Bylaw 603AB**)

#### (b) Discretionary Uses

- amusement facilities
- churches
- cinemas
- community halls
- department stores
- drinking establishments
- drive-in restaurants
- dwelling unit(s) above or as accessory use to a commercial use
- furniture stores
- hotels and motels
- parking lots
- printing shops
- private clubs or organizations
- public uses
- public utilities
- repair shops
- satellite dish antennas
- cannabis retail sales (Bylaw 603 AD)

### 12.5.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. (**Bylaw 603-d**)

- |     |                    |                                             |
|-----|--------------------|---------------------------------------------|
| (a) | Site Area (min.):  | 232 m <sup>2</sup> (2,500 ft <sup>2</sup> ) |
| (b) | Site Width (min.): | 7.5 m (25 ft)                               |
| (c) | Front Yard (min.): | None required                               |

- (d) Rear Yard (min.): 3.3 m (10 ft), unless a fire rated wall is provided, in which case none is required. Where no rear yard is provided, no part of the building such as a door or window shall be permitted to extend beyond the rear lot line at any time.
- (e) Side Yard (min.): 3.3 m (10 ft) if adjacent to a residential district. None for all other locations if a fire rated wall is provided.
- (f) Building Height (max.): 10.5 m (35 ft)

### 12.5.3 Additional Requirements

- (a) All sites abutting a residential district shall be screened from view of the residential district to the satisfaction of the Development Officer.
- (b) All roof top appurtenances shall be screened to the satisfaction of the Development Officer.
- (c) All outside storage areas shall be screened from adjacent sites and from public areas to the satisfaction of the Development Officer.
- (d) The design, construction and architectural appearance of any building shall be to the satisfaction of the Development Officer.
- (e) The Development Officer may decide on such other requirements as are necessary having regard to the nature of the proposed development and the intent of this district.

## 12.6 HIGHWAY COMMERCIAL (C-2) DISTRICT

### 12.6.1 Purpose

The purpose of this district is to provide for certain commercial uses which are intended to serve the motoring public, have extensive land and/or outside storage requirements, and are located on heavily travelled roads.

#### (a) Permitted Uses

- accessory buildings and uses
- automobile and farm implement dealerships
- car washing establishments
- Museum (**Bylaw 603-R**)
- service stations and gas bars (**Bylaw 603-C**)
- signs

#### (b) Discretionary Uses

- building supply sales
- bulk oil and gas sales
- drive-in restaurants
- dwelling unit(s) above or as accessory use to a commercial use
- hotels and motels
- manufactured home and travel trailer sales
- public uses
- public utilities
- recreational vehicle and equipment sales
- retail nursery and garden supplies
- satellite dish antennas
- vehicle repair shops

### 12.6.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. (**Bylaw 603-d**)

- |     |                         |                                                |
|-----|-------------------------|------------------------------------------------|
| (a) | Site Area (min.):       | 1,115 m <sup>2</sup> (12,000 ft <sup>2</sup> ) |
| (b) | Site Width (min.):      | 30.5 m (100 ft)                                |
| (c) | Front Yard (min.):      | 9.1 m (30 ft)                                  |
| (d) | Rear Yard (min.):       | 6.1 m (20 ft)                                  |
| (e) | Side Yard (min.):       | 3.3 m (10 ft)                                  |
| (f) | Building Height (max.): |                                                |
|     | (i) Museum              | 15.2 m (50 ft.) ( <b>Bylaw 603-R</b> )         |
|     | (ii) All Other Uses     | 10.5 m (35 ft.)                                |

- (g) Site Coverage (max.): 50 percent including accessory buildings

### 12.6.3 Additional Requirements

- (a) Landscaping may be required to the satisfaction of the Development Officer.
- (b) All roof top appurtenances and outside storage areas shall be screened from view to the satisfaction of the Development Officer.
- (c) Provision for adequate vehicular traffic circulation and parking shall be provided on all sites in accordance with Section 9.6.
- (d) All areas provided for parking or access shall be indicated on the plan and shall be constructed to the satisfaction of the Development Officer.

## 12.7 INDUSTRIAL (M-1) DISTRICT

### 12.7.1 Purpose

The purpose of this district is to provide for manufacturing, processing, assembly, distribution, service, and repair uses which may require some outdoor operations or outdoor storage areas.

#### (a) Permitted Uses

- accessory buildings and uses
- auto body and paint shops (**Bylaw 603-c**)
- general machinery and construction equipment storage
- grain elevators
- industrial and construction equipment sales and service
- signs
- vehicle repair shops (**Bylaw 603-c**)
- welding shops (**Bylaw 603-c**)

#### (b) Discretionary Uses

- bulk retail outlets and services
- large scale industrial activity of an extractive or processing nature
- light manufacturing industries
- public uses and utilities
- satellite dish antenna
- seed cleaning plants
- truck terminals
- warehousing and wholesaling
- cannabis production facility (**Bylaw 603 AD**)

### 12.7.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. (**Bylaw 603-d**)

- |     |                         |                                                                                                                     |
|-----|-------------------------|---------------------------------------------------------------------------------------------------------------------|
| (a) | Site Area (min.):       | 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> )                                                                      |
| (b) | Site Width (min.):      | 30.5 m (100 ft)                                                                                                     |
| (c) | Front Yard (min.):      | 7.5 m (25 ft)                                                                                                       |
| (d) | Rear Yard (min.):       | 6.1 m (20 ft)                                                                                                       |
| (e) | Side Yard (min.):       | 1.5 m (5 ft), unless a fire rated wall is provided, in which case none is required.                                 |
| (f) | Building Height (max.): | 45.7 m (150 ft) for grain elevators<br>12.2 m (40 ft) for all other uses<br>48.2 m (158 ft) for a tent enclosure on |

## SW 22-71-8W6M (Bylaw 603-v)

12.7.3 Additional Requirements

- (a) A minimum of ten (10) percent of the site shall be landscaped to the satisfaction of the Development Officer. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Officer.
- (b) All sites abutting a residential district shall be buffered and screened from view of the residential district to the satisfaction of the Development Officer.
- (c) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
  - (i) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public;
  - (ii) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties; and
  - (iii) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
- (d) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.



## 12.8 INSTITUTIONAL (I) DISTRICT

### 12.8.1 Purpose

The purpose of this district is to provide for the development of public uses such as parks and schools.

(a) Permitted Uses

- accessory buildings and uses
- parks and playgrounds
- schools
- signs

(b) Discretionary Uses

- arenas
- cemeteries
- community halls
- public campgrounds
- public uses and utilities
- satellite dish antenna

### 12.8.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

- |                             |                |
|-----------------------------|----------------|
| (a) Front Yard (min.):      | 9.1 m (30 ft)  |
| (b) Rear Yard (min.):       | 7.5 m (25 ft)  |
| (c) Side Yard (min.):       | 4.5 m (15 ft)  |
| (d) Building Height (max.): | 12.2 m (40 ft) |

### 12.8.3 Additional Requirements

- (a) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

## 12.9 URBAN RESERVE DISTRICT (UR)

### 12.9.1 Purpose

The purpose of this district is to provide for the continuation of existing rural pursuits and future urban expansion.

(a) Permitted Uses

- accessory buildings and uses
- farm buildings and structures accessory to farming including a principal dwelling

(b) Discretionary Uses

- agricultural uses (excluding livestock operations)
- market gardening and nurseries
- public parks
- public uses and utilities
- satellite dish antennas
- signs
- single family dwellings

### 12.9.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district. **(Bylaw 603-d)**

- |     |                    |                       |
|-----|--------------------|-----------------------|
| (a) | Site Area (min.):  | 8 hectares (20 acres) |
| (b) | Site Width (min.): | 100 m (330 ft)        |
| (c) | Front Yard (min.): | 30 m (98.5 ft)        |
| (d) | Rear Yard (min.):  | 6.1 m (20 ft)         |
| (e) | Side Yard (min.):  | 6.1 m (20 ft)         |

### 12.9.3 Additional Requirements

- (a) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.

## 12.10 BUSINESS INDUSTRIAL (IB) DISTRICT (Bylaw 603-W)

### 12.10.1 Purpose

The purpose of this District is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and to accommodate limited, compatible commercial businesses. The industrial and limited commercial businesses shall also be compatible with any adjacent non-industrial District. This District should normally be located on the periphery of industrial areas and adjacent to arterial or major collector roadways including the future connector road between the Philip J. Currie Dinosaur Museum and the future Highway 43 interchange access road. It should also be applied as a transitional district between the Museum and the M-1 District.

(a) Permitted Uses

- accessory building
- accessory use
- business, administration and professional office
- consumer products wholesale establishment
- signs

(b) Discretionary Uses

- car wash establishment
- contractor, general, subject to Section 12.10.3(i)
- contractor, limited
- drinking establishment
- fleet service
- gas bar
- general industrial use, where primary activities occur indoors, subject to Section 12.10.3(i)
- greenhouse
- parking lot
- private club or lodge
- public use
- public utility
- recreation establishment
- restaurant
- satellite dish antenna
- veterinary clinic
- warehouse, distribution and storage

12.10.2 Site Provisions

In addition to the Regulations contained in Sections 9 and 10, the following standards shall apply to every development in this district.

- |     |                    |                                                                                                                                                                       |
|-----|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Site Area (min.):  | 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> )                                                                                                                        |
| (b) | Site Width (min.): | 30.5 m (100 ft)                                                                                                                                                       |
| (c) | Front Yard (min.): | 9.1 m (30 ft)<br>No area for parking, loading or storage, or any other like purpose shall be permitted within 7.5 m of the front yard abutting the road right-of-way. |

- (d) Rear Yard (min.): 6.1 m (20 ft)
- (e) Side Yard (min.): 3.3 m (10 ft), unless a fire rated wall is provided, in which case none is required.
- (f) Building Height (max.): 12.2 m (40 ft)
- (g) Site Coverage (max): 50 percent including accessory buildings

### 12.10.3 Additional Requirements

- (a) All Development Permit applications shall include a landscaping plan prepared by a qualified professional to the satisfaction of the Development Officer for consideration of approval by the Development Authority.
- (b) A minimum of ten (10) percent of the site shall be landscaped to the satisfaction of the Development Officer. The entire site shall be maintained in a neat and orderly fashion to the satisfaction of the Development Officer.
- (c) All sites abutting a residential district or an existing residential use shall be buffered and screened from view of the residential district through landscaping, berming, fencing or a combination thereof to the satisfaction of the Development Officer.
- (d) Each separate lot shall not have more than one (1) driveway access or approach road to any public roadway and shall be laid out having regard to continuity of traffic flow, the safety of vehicles and pedestrians, and avoidance of dangerous intersections to the satisfaction of the Development Authority. This may be increased to two (2) driveways accesses or approach roads if both are centred on the lot's property lines to enable shared access to the adjacent lots.
- (e) Outdoor Storage:
  - (i) Outdoor storage shall be permitted only when accessory to a permitted principal use.
  - (ii) An approved storage area shall be located to the rear of the principle building to conceal it from view of all public roads. Where this is not possible, an approved outdoor storage area shall be fenced, screened and landscaped to the height and extent considered necessary by the Development Authority to conceal it from view of all public roads.
- (f) Appearance:
  - (i) All buildings shall be of a design that is to the satisfaction of the Development Authority.
  - (ii) Front yards shall be landscaped in accordance with the plans approved by the Development Authority. The entire site and all buildings shall be maintained in a neat and tidy manner, including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

- (g) Any operation approved as a general industrial use including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
  - (i) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public;
  - (ii) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties; and
  - (iii) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
- (h) The Development Officer may decide on such other requirements as are necessary having regard to the nature of a proposed development and the intent of this district.
- (i) Applications for General Contractor or General Industrial Use developments shall not be approved within 150 m (492 ft) of the Philip J. Currie Dinosaur Museum located on Lot 3, Block 1, Plan 112 4144.

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**SCHEDULE A - LAND USE BYLAW FORMS**

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- FORM A DEVELOPMENT PERMIT APPLICATION
- FORM B DEVELOPMENT PERMIT
- FORM C DEVELOPMENT PERMIT TIME EXTENSION
- FORM D DEVELOPMENT APPEAL APPLICATION
- FORM E NOTIFICATION OF SUBDIVISION AND DEVELOPMENT APPEAL  
BOARD HEARING
- FORM F DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL  
BOARD
- FORM G APPLICATION FOR MUNICIPAL DEVELOPMENT PLAN/LAND USE  
BYLAW AMENDMENT

FORM A

Application No. \_\_\_\_\_

**TOWN OF WEMBLEY**  
**DEVELOPMENT PERMIT APPLICATION**

I/We hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

I/We understand that this application will not be accepted without the appropriate application fee, and a dimensioned site plan including all details relevant to the proposed development.

-----  
**APPLICANT INFORMATION**  
-----

Name of Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Name of Registered Landowner (If Different From Above): \_\_\_\_\_

Landowner Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Legal Description of Property to be Developed:  
\_\_\_\_\_

Municipal Address of Property to be Developed:  
\_\_\_\_\_

-----  
**DEVELOPMENT INFORMATION**  
-----

Existing Use of the Property:  
\_\_\_\_\_

Proposed Use of the Property:  
\_\_\_\_\_

Land Use Designation in Land Use Bylaw:  
\_\_\_\_\_

IF A STRUCTURE OR BUILDING IS PROPOSED:

Lot Length \_\_\_\_\_ Lot Width \_\_\_\_\_ Lot Area \_\_\_\_\_

Percentage of Lot to be Occupied by Building: \_\_\_\_\_

Proposed Setbacks: Front Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_

Side Yard (1) \_\_\_\_\_ Side Yard (2) \_\_\_\_\_  
 Building Height Above Finished Grade: \_\_\_\_\_ Number of Parking Stalls: \_\_\_\_\_

ON THE ATTACHED SHEET, PLEASE PROVIDE A SCALED PLAN INDICATING THE LOCATION AND DIMENSIONS OF EXISTING AND PROPOSED IMPROVEMENTS, INCLUDING:

- Property lines surrounding the site
- Parking, roads, sidewalks
- Above ground utilities and direction of storm water drainage off the site
- Buildings and structures
- Landscaping, fences and screening

Estimated Commencement Date: \_\_\_\_\_ Completion Date:  
 \_\_\_\_\_

Estimated Cost of Project: \$ \_\_\_\_\_

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## DECLARATION

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I/We hereby declare that the above information is, to the best of my/our knowledge, factual and correct.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Registered Landowner (If Different): \_\_\_\_\_ Date: \_\_\_\_\_



FORM B

Permit No. \_\_\_\_\_

**DEVELOPMENT PERMIT**

**TOWN OF WEMBLEY**

-----  
Development Permit Application No. \_\_\_\_\_ as applied for by \_\_\_\_\_  
has been (Name of Applicant)

- APPROVED
- APPROVED, subject to the following conditions:

- REFUSED for the following reasons:

If approved, you are hereby authorized to proceed with the specified development after 14 days of the issuance of this permit, provided that any stated conditions are complied with, and the development is in accordance with any approved plans and application. Should an appeal be made against this decision to the Subdivision and Development Appeal Board, this development permit shall be null and void.

\_\_\_\_\_  
Signature of Development Officer

\_\_\_\_\_  
Date of Decision

NOTE: FAILURE TO COMPLY WITH THE CONDITIONS OF THIS PERMIT WILL RESULT IN PUNITIVE ACTION BEING TAKEN BY THE DEVELOPMENT OFFICER AS AUTHORIZED BY SECTIONS 557, 566, AND 646 OF THE MUNICIPAL GOVERNMENT ACT.

-----  
**APPEAL PROCEDURE**  
-----

The Land Use Bylaw provides that any person claiming to be affected by the decision may appeal to the Secretary of the Subdivision and Development Appeal Board WITHIN 14 DAYS AFTER NOTICE OF THE DECISION IS GIVEN. Contact the Development Officer (766-2269) for a Development Appeal application form.

FORM C

Permit No. \_\_\_\_\_

## DEVELOPMENT PERMIT TIME EXTENSION

### TOWN OF WEMBLEY

-----

The Municipal Government Act, SA 1994, Section 684 states: "An application for a development permit is, at the option of the applicant, deemed to be refused if the decision of a development Officer is not made within 40 days of receipt of the application unless the applicant has entered into an agreement with the development Officer to extend the 40 day period."

-----

In accordance with Section 684 of the Municipal Government Act, SA 1994 as amended, please complete the following consent form agreeing to extend the 40 day period within which the Development Officer of the Town of Wembley has to make a decision.

I, the applicant, agree to extend the period of time within which the Development Officer of the Town of Wembley has to make a decision.

TIME EXTENDED TO: \_\_\_\_\_  
                                     DAY                    MONTH                    YEAR

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

DEVELOPMENT OFFICER: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

#### -----

ADDITIONAL TIME EXTENSION AGREEMENT

TIME EXTENDED TO: \_\_\_\_\_  
                                     DAY                    MONTH                    YEAR

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

DEVELOPMENT OFFICER: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

FORM D

**DEVELOPMENT APPEAL APPLICATION**  
**TOWN OF WEMBLEY**

-----

OFFICE USE ONLY:	Date Received: _____
	Appeal No.: _____
	Permit No.: _____
	Date of Hearing: _____

-----

I hereby give notice of appeal to the decision of the Development Officer dated \_\_\_\_\_ on the development permit application number \_\_\_\_\_ for the following reasons (attach a separate sheet if necessary):

Name(s) of Applicant(s) for Appeal: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

I hereby declare that all information provided by me is, to the best of my knowledge, true and correct in all respects.

\_\_\_\_\_  
Appellant(s) Signature(s)  
(If this appeal is being made by a Company, the President or other authorized officer should sign here.)

\_\_\_\_\_  
Date

Mail or deliver to:

The Secretary  
Subdivision and Development Appeal Board  
Town of Wembley  
Box 89  
Wembley, Alberta T0H 3S0  
(780) 766-2269 (780) 766-2868 (Fax)

FORM E

Application No. \_\_\_\_\_

**TOWN OF WEMBLEY****NOTIFICATION OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING**

-----

This is to notify you that an appeal has been made to the Subdivision And Development Appeal Board against a decision in respect of Development Permit No. \_\_\_\_\_.

A Development Permit has been  APPROVED for the following use:  
 APPROVED WITH CONDITIONS for the following use:  
 REFUSED for the following reasons:

The above decision has been appealed for the following reason(s):

Date of Hearing: \_\_\_\_\_ Time: \_\_\_\_\_

Location of Hearing: \_\_\_\_\_

Any person affected by the proposed development has the right to present a written brief prior to the hearing and may be present and be heard at the hearing. Persons requiring to be heard at the hearing may submit written briefs to the Secretary of the Subdivision and Development Appeal Board not later than the following date: \_\_\_\_\_.

\_\_\_\_\_  
 Secretary, Subdivision and Development Appeal Board

\_\_\_\_\_  
 Date

For further information, contact:

The Secretary, Subdivision and Development Appeal Board  
 Town of Wembley  
 Box 89  
 Wembley, Alberta T0H 3S0

(780) 766-2269

(780) 766-2868 (Fax)

FORM F

Appeal No. \_\_\_\_\_

**TOWN OF WEMBLEY****DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

-----

This is to notify you that an appeal against Development Permit No. \_\_\_\_\_ affecting the (Legal Description) \_\_\_\_\_ was considered by the Subdivision and Development Appeal Board on \_\_\_\_\_, 20\_\_\_\_, and the decision of the Board with regard to the appeal is as follows and for the following reasons:

\_\_\_\_\_  
Chairman, Subdivision and Development Appeal Board

\_\_\_\_\_  
Date

**NOTE:**

A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of law or jurisdiction pursuant to Section 688 of the Municipal Government Act, SA 1994 as amended. An application for leave to appeal to the Appellate Division of the Supreme Court of Alberta shall be made:

- (a) to a judge of the Appellate Division, and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

FORM G

Application No. \_\_\_\_\_

**TOWN OF WEMBLEY  
APPLICATION FOR MUNICIPAL DEVELOPMENT PLAN/LAND USE BYLAW AMENDMENT**

-----  
Name of Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_

Name of Registered Landowner (if different from applicant): \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Land Use Bylaw Amendment

Municipal Development Plan Amendment

Legal Description Of Property Affected By Amendment (If Applicable):

Lot \_\_\_\_ Block \_\_\_\_ Plan \_\_\_\_\_ or Quarter \_\_\_\_ Section \_\_\_\_ Twp 71 Rg 8 W6M

If reclassifying land, details of proposed amendment:

From: \_\_\_\_\_ To: \_\_\_\_\_

If not reclassifying land, details of proposed amendment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reasons supporting the proposed amendment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I/We enclose the required application fee of \$ 250.00.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Registered Landowner (If Different from Above)

\_\_\_\_\_  
Date

