

# VILLAGE OF CHIPMAN

## LAND USE BYLAW

### BYLAW NO. 537-2010

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September, 2010

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# BYLAW NO. 537-2010

## LAND USE BYLAW

Pursuant to the Municipal Government Act, 2000, as amended, the Council of the Village of Chipman duly assembled, hereby enacts as follows:

### PART ONE - GENERAL

#### 1.1 Title

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

#### 1.2 Purpose

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

- (1) to divide the municipality into Districts;
- (2) to prescribe and regulate for each District the purposes for which land and buildings may be used;
- (3) to establish a method of making decisions on applications for development permits including the issuing of development permits;
- (4) to provide the manner in which notice of the issuance of a development permit is to be given; and
- (5) to establish the number of dwelling units permitted on a parcel of land.

#### 1.3 Interpretation

In this Bylaw:

- (1) **"abut"** or **"abutting"** means immediately contiguous or physically touching, and, when used with respect to a lot or site, means that the lot or site physically touches upon another lot or site, and shares a property line or boundary line with it;
- (2) **"accessory building"** means a temporary or a permanent building which is separate and subordinate to the principal building, the use of which is incidental to that of the principal building and located on the same parcel of land. Accessory buildings include private garages, portable garages, or sheds;
- (3) **"accessory use"** means a use customarily incidental and subordinate to the principal use or building and located in the same parcel of land with such principal use or building;

- (4) **"Act"** means the Municipal Government Act, R.S.A. 2000, as amended, and any Regulations made pursuant thereto;
- (5) **"adjacent land"** means land that is contiguous to a particular parcel of land and includes:
  - (a) land that would be contiguous if not for a highway, road, river or stream, and
  - (b) any other land identified in this Bylaw as adjacent for the purpose of satisfying Section 3.14 of this Bylaw;

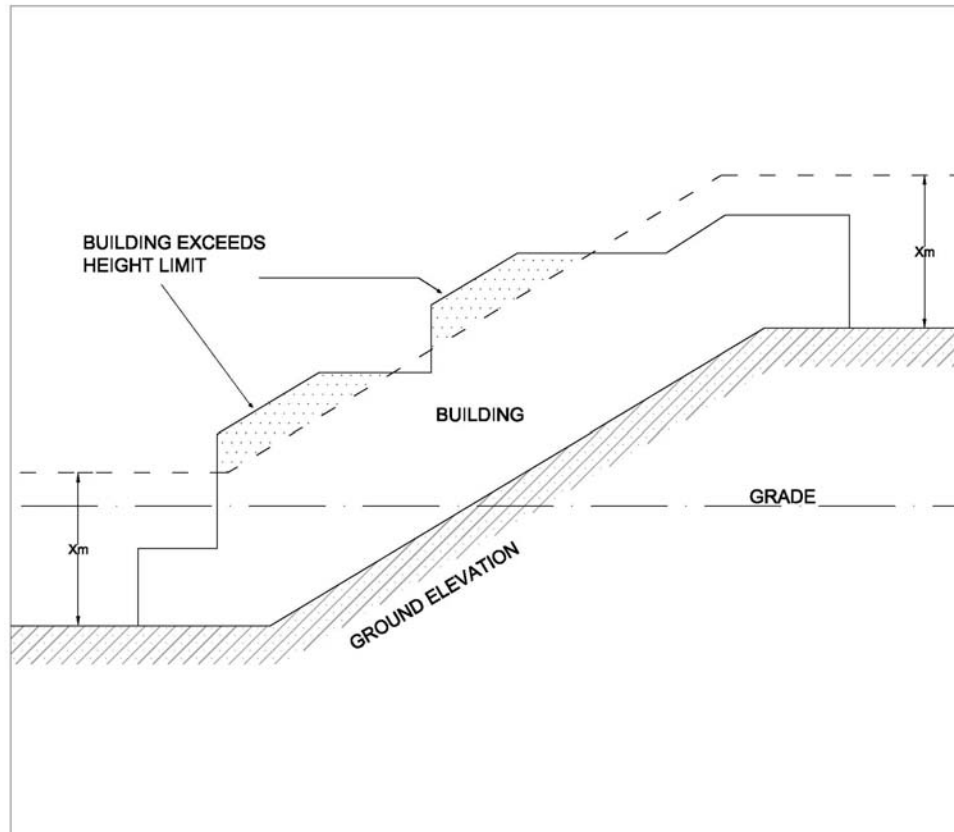


**Figure 1: Adjacent Land**

- (6) **"agricultural operation"** means an agricultural operation as defined in the Agricultural Operations Practices Act;
- (7) **"agriculture, extensive"** means the use of land or buildings, including the first dwelling or manufactured home, for an agricultural operation which requires large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more), but not including confined feeding operations;
- (8) **"agricultural industry"** means an industrial activity involving the processing, cleaning, packing or storage of agricultural products. Agricultural industry includes, but is not restricted to, seed cleaning and/or processing plants, and grain elevators, but does not include the manufacture of processed foods from agricultural products or abattoirs;

- (9) **"alcohol retail sales"** means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include as well as the sale of alcohol the retail sales of related products such as soft drinks and snack foods;
- (10) **"amenity area"** means an area which is developed for the active or passive recreation and enjoyment of the occupants of a dwelling or dwellings. Such area may be for either private or communal use and may be under either individual or common ownership;
- (11) **"amenity area – private outdoor"** means an amenity area which shall be provided subject to regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling unit and which is immediately adjacent to and directly accessible from the dwelling unit it is intended to serve. Amenity areas may include: landscaped areas, patios, balconies, communal lounges, swimming pools, play areas and similar uses but does not include any area occupied at grade by a building's service areas, 'parking lots, aisles or access driveways;
- (12) **"amusement establishment, indoor"** means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. . Major amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys;
- (13) **"amusement establishment, outdoor"** means a development providing recreational facilities outdoors played by patrons for entertainment. Outdoor amusement establishments include amusement parks, go-cart tracks, and miniature golf courses. However, outdoor amusement establishments do not include drive-in motion picture theatres, carnivals or circuses;
- (14) **"animal hospital"** means a development where livestock as well as domestic pets are cared for and treated. Animal hospitals primarily involve out-patient care, but may include medical procedures involving hospitalisation for more than four (4) days. All animals shall be kept within an enclosed building. Animal hospitals are distinct from veterinary clinics (which serve only domestic pets) and do not include small animal breeding and boarding establishments;
- (15) **"apartment"** means a dwelling containing three (3) or more dwelling units, but shall not mean ground-oriented multiple unit dwellings (row housing). Apartments include, but are not limited to, dwellings commonly referred to as triplexes, fourplexes, sixplexes, and the like;
- (16) **"area of a sign"** means the total surface area within the outer edge of a sign, and, in the case of a sign comprised of individual letters, numerals, or symbols, shall be the area of a rectangle enclosing the letters, numerals, or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of the area of a sign;

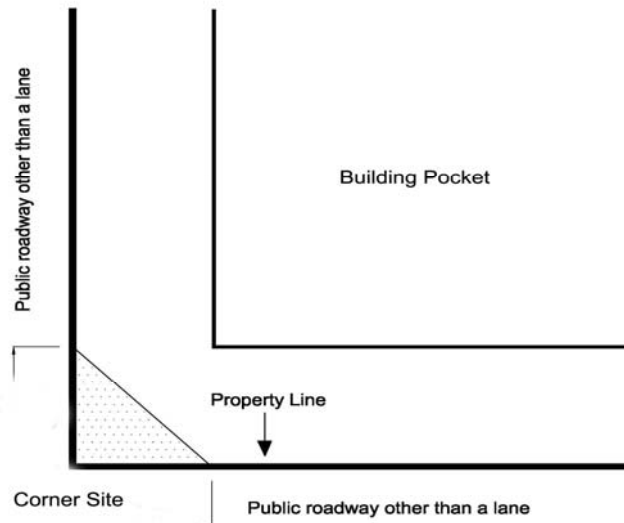
- (17) **"auctioneering establishment"** means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment. Auctioneering establishments do not include flea markets;
- (18) **"automotive and equipment repair shop"** means a development where automobiles, motorcycles, snowmobiles and similar vehicles are serviced or mechanically repaired and where related accessories and parts are sold and/or installed. Automotive and equipment repair shops include transmission shops, muffler shops, small engine repair shops, tire shops, automotive glass shops, and upholstery shops, but not body repair or paint shops;
- (19) **"automotive and minor recreational vehicles sales/rentals establishment"** means a development where new or used automobiles, light trucks, motorcycles, snowmobiles, tent trailers, boats, travel trailers, or similar light recreational vehicles or craft are sold or rented, together with incidental maintenance services and sale of parts. Automotive and minor recreational vehicle sales/rental establishments include automobile dealerships, car rental agencies and motorcycle dealerships, but do not include dealerships for the sale of trucks with a gross vehicle weight rating greater than 4000 kg (8818.5 lbs), or the sale of recreational vehicles with either a gross vehicle weight rating greater than 6000 kg (13,227.7 lbs) or a length greater than 6.7 m (22.0 ft.);
- (20) **"basement"** means the portion of a building which is wholly or partially below grade, having above grade no more than 1.8 m (5.9 ft.) of its clear height which lies below the finished level of the floor directly above;
- (21) **"bed and breakfast establishment"** means a development within a single family dwelling, where temporary sleeping accommodations, up to a maximum of four (4) bedrooms, with or without meals, are provided for remuneration to members of the public;
- (22) **"boarding and lodging house"** means a development, within a single family dwelling in which the resident supplies, for compensation, either room or room and board to three (3) or more bedrooms, exclusive of those for the resident and family, and which is not open to the travelling public. Boarding and lodging houses may include student co-operative housing, lodges for senior citizens, but not group homes;
- (23) **"building"** means 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;
- (24) **"building area"** means the greatest horizontal area of a building above grade within the glassline of exterior walls, or within the glassline of exterior walls and the centreline of fire walls;
- (25) **"building height"** means the vertical distance measured from the grade immediately adjacent to the subject building to the highest point of the building, exclusive of any accessory roof construction such as a mechanical housing, an elevator housing, a ventilating fan, a skylight, a smokestack, a flagpole, a fire wall, a parapet wall, a chimney, a steeple, an antenna, or a similar device;



**Figure 2: Building Height**

- (26) **"business frontage"** means
- (a) any side of a lot or building which abuts a road, or
  - (b) in the case of individual business or tenants within a building, any business which has separate access to a road.
- (27) **"business support services establishment"** means a development providing support services to businesses. Business support services establishments are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Business support services establishments include printing establishments, film processing establishments, janitorial firms, and office equipment sales and repair establishments;
- (28) **"canopy"** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;
- (29) **"carport"** means a roofed structure used for storing or parking of motor vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed;

- (30) **"cemetery"** means a development for the entombment of the deceased, which may include the following accessory developments: crematories, cineraria, columbaria, and mausoleums. Cemeteries may include memorial parks, burial grounds and gardens of remembrance;
- (31) **"chattel"** means a movable item of personal property;
- (32) **"cluster"** means a form of development that locates buildings in limited areas on a site to allow the remaining land to be used for a variety of open space purposes.
- (33) **"commercial school"** means a development where training and instruction in a specific trade, skill or service is provided for the financial gain of the individual or company owning the school. Commercial schools do not include schools operated by a School Division, but includes secretarial, business, hairdressing, beauty culture, dancing, or music schools;
- (34) **"commercial use"** means all forms of retail, service and similar developments which operate for remuneration and which are separately defined within this Bylaw;
- (35) **"communications tower"** means a structure that is intended for transmitting or receiving television, radio, or telephone communications
- (36) **"community recreation service"** means a development without fixed seats and with an occupancy capacity of less than five hundred (500) persons, primarily intended for local community purposes, where recreational, social, or multi-purpose activities occur. Community recreation services include community halls, community centres, and community league buildings operated by a local residents' organization;
- (37) **"confined feeding operation"** means a confined feeding operation as defined in the Agricultural Operation Practices Act;
- (38) **"convenience retail store"** means a development where goods required by area residents or employees on a day to day basis are bought and sold. The gross leasable area of a convenience retail store shall not exceed 275 sq. m (2,960 sq. ft.). Convenience retail stores include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and person care items, hardware, and/or printed matter;
- (39) **"corner site"** means a site with boundary lines on two separate roads which intersect at an angle of less than one hundred and thirty five (135) degrees, or a single road that curves such that the arc of the inside boundary of the road is less than 45 m (147.6 ft.) in radius over an angle of more than one hundred and thirty-five (135) degrees at the subject site. For the purposes of this definition, a road shall not include a lane;

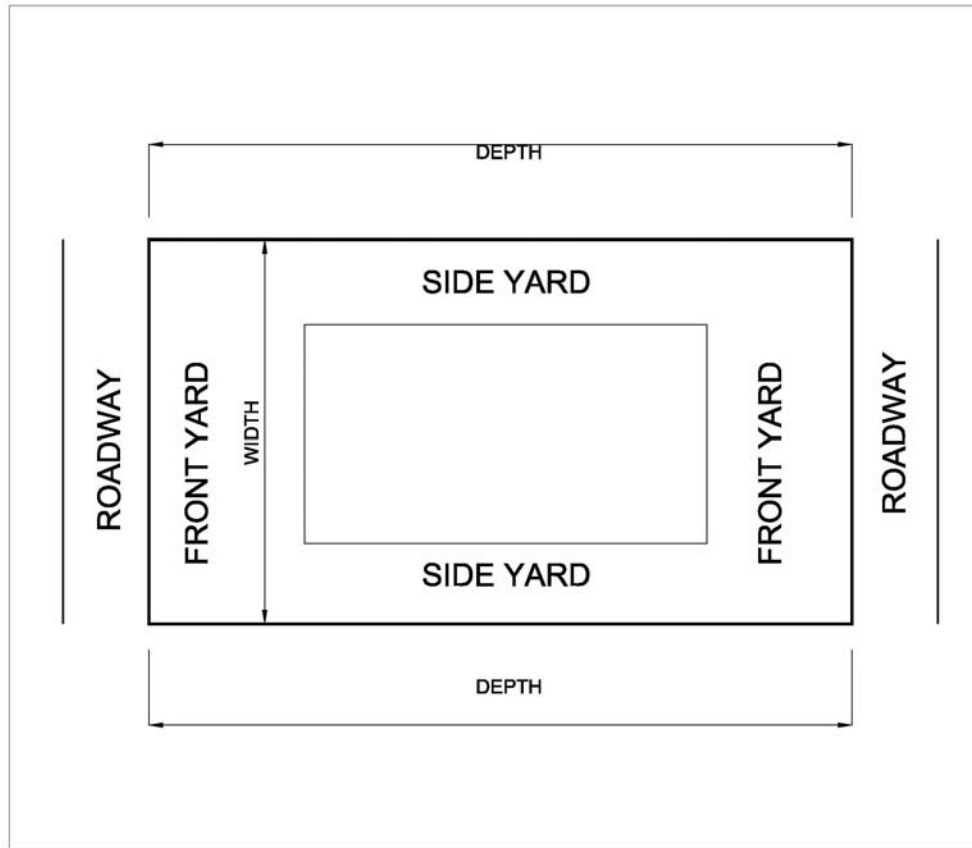


**Figure 3: Corner Site**

- (40) **"Council"** means the Council of the Village of Chipman;
- (41) **"curb cut"** means the lowering of a curb, sidewalk and/or boulevard to provide vehicular and/or pedestrian access to a site;
- (42) **"day care facility"** means a provincially licensed development providing daytime personal care, maintenance and supervision to seven (7) or more children under the age of eleven (11) years, by persons unrelated to the children by blood or marriage, but does not include overnight accommodation. Day care facilities include day care centres, day nurseries, kindergartens, nursery school, and play schools and after school or baby-sitting programmes which satisfy this definition. Day care facilities shall not include a day home, a family care facility, a group care facility, or a school operated by a School Division;
- (43) **"day home"** means a provincially licensed child care facility operated from a residence supplying supervision of a maximum of six (6) children under the age of eleven (11) years including any resident children. A day home shall supply an outside play space that is both fenced and gated, and shall meet all fire regulations and health regulations;
- (44) **"deck"** means any open structure attached to a building having a height greater than 0.6 m (2 ft.) above grade, and thereby requiring stairs and railings as outlined in regulations approved under the Safety Codes Act. A deck shall not have walls higher than 1.25 m (4.1 ft.) or a roof;
- (45) **"density"** means a measure of the average number of persons or dwelling units per unit of area;
- (46) **"developer"** means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

- (47) **"development"** means:
- (a) an excavation or stockpile and the creation of either of them, or
  - (b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
  - (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
  - (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- and includes:
- (e) any increase in the number of households occupying and living in any building or on any site, and any construction or alterations or additions which would provide for an increase in the number of households which could occupy and live in any building or on any site, including any increase in the number of dwelling units in a building or on a site; or
  - (f) the placing of refuse or waste material on any land; or
  - (g) the use of land for the storage or repair of motor vehicles or other machinery or equipment; or
  - (h) the continued use of land or of a building for any purpose for which it is being used unlawfully when this Bylaw comes into effect; or
  - (i) the demolition or removal of a building; or
  - (j) the placement of an already constructed or a partially constructed building on a parcel of land; or
  - (k) the use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks, or any other type of portable building whatsoever, whether or not the same has been placed or affixed to the land in any way; or
  - (l) the removal of topsoil.
- (48) **"Development Authority"** means the Development Authority established pursuant to the Act through this Bylaw;
- (49) **"development permit"** means a document issued pursuant to this Bylaw authorizing a development;
- (50) **"discontinued"** means the time at which, in the opinion of the Development Authority, substantial construction activity or use, whether conforming or not conforming to this Bylaw, has ceased;
- (51) **"discretionary use"** means the use of land or a building provided for in this Bylaw for which a development permit may be issued, with or without conditions, upon an application having been made, at the discretion of the Development Authority;
- (52) **"domestic pet"** means an animal which is normally kept inside a dwelling. Domestic pets includes, dogs, cats, parrots, and similar-sized animals, but does not include livestock;

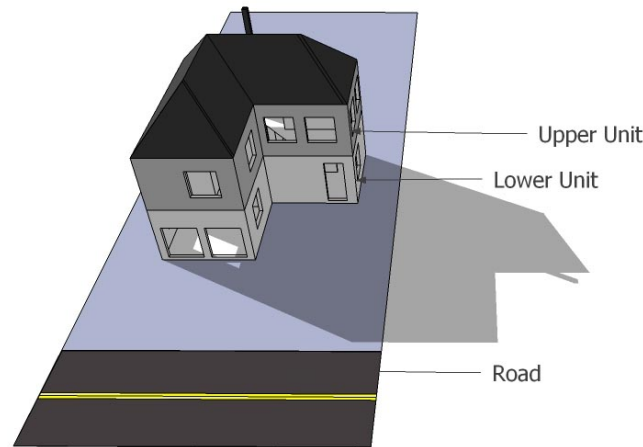
- (53) **"double fronting lot"** means a lot which abuts two roads (except alleys as defined in the Traffic Safety Act, R.S.A. 2000, as amended), which are parallel or nearly parallel where abutting the lot, but does not include a corner lot;



**Figure 4: Double Fronting Lot**

- (54) **"drinking establishment"** means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site are open to the public and where liquor is the primary source of business.
- (55) **"drive-in business"** means a development which serves customers travelling in motor vehicles driven onto the site where such business is carried on, where normally the customer either remains in the vehicle for service, or parks the vehicle for a short period for the purpose of doing business at the premises. Drive-in businesses include service stations, gas bars, drive-in restaurants, drive-through vehicle service establishments such as lubrication shops, recycling depots, and car washes;
- (56) **"drive-in restaurant"** means an eating and drinking establishment which is designed as a drive-in business. Drive-in restaurants may have one or more of the following features: car attendant services, drive through food pickup services, or parking primarily intended to allow for the on-site consumption of food within a motor vehicle;

- (57) **"duplex"** means a dwelling containing two (2) dwelling units which are located at least in part one above the other, and which may share a common wall;



**Figure 5: Duplex**

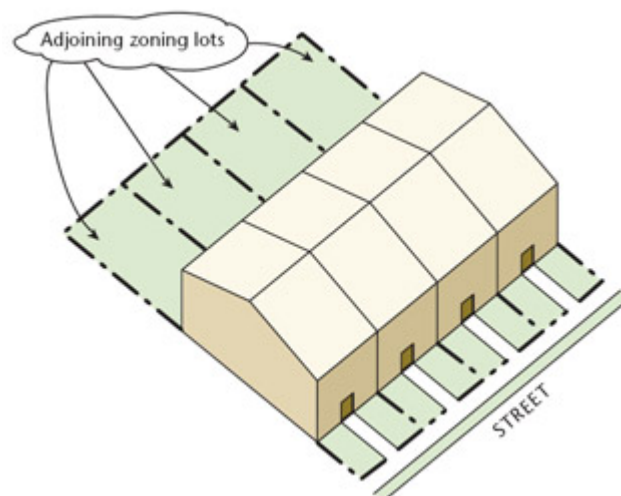
- (58) **"dwelling"** means any building used exclusively for human habitation and which is supported on a permanent foundation or base. Dwellings include Type A and Type B single family dwellings, semi-detached dwellings, duplexes, ground-oriented multiple unit dwellings (row housing), and apartments;
- (59) **"dwelling unit"** means a complete dwelling, a self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which, except for a secondary suite, is not separated from direct access to the outside by another separate dwelling unit;
- (60) **"eating and drinking establishment"** means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an accessory outdoor seating area on the site, or off the site, which is not a drive-in restaurant. Eating and drinking establishments include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants, but shall not include drive-in restaurants. Eating and drinking establishments shall not contain within them an entertainment establishment unless otherwise provided for in an approved development permit;
- (61) **"entertainment establishment"** means a development where persons may be entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit;
- (62) **"equipment rental establishment"** means a development where tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items are rented and serviced. Equipment rental

establishments do not include developments where motor vehicles or industrial equipment are rented or serviced;

- (63) "**excavation**" means any breaking of ground, except common household gardening and ground care;
- (64) "**exhibition and convention facility**" means a development which provides permanent facilities for meetings, seminars and conventions; product and trade fairs; carnivals and other exhibitions. Exhibition and convention facilities include exhibition grounds and convention centres;
- (65) "**extended medical treatment facility**" means a development which provides room, board and surgical or other medical treatment for the sick, injured, or infirm, and which may include out-patient services and accessory staff residences. Extended medical treatment facilities include hospitals, sanatoriums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres;
- (66) "**extensive agriculture**" means all forms of cultivation, but not the keeping or raising, for any purpose, of any livestock;
- (67) "**exterior wall**" means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, bow windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2 ft.);
- (68) "**family care facility**" means a development which provides resident care service in a dwelling unit to six (6) or fewer individuals. These individuals may be handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs. Family care facilities include foster or boarding homes for children and group homes;
- (69) "**fence**" means a vertical physical barrier constructed to try to reduce sound or visual intrusion or to limit unauthorized access;
- (70) "**fleet service**" means a development which administers a number of vehicles which deliver people, goods, or services, and where such vehicles are not available for sale or long term lease. Fleet services may include the storage and servicing of administered vehicles. Fleet services may include ambulance services, taxi services, bus lines, messenger and courier services, but do not include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000 kg (6613.9 lbs.);
- (71) "**floor area**" means the total area of all floors of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, but not including the floor area of basements, attached garages, sheds, open porches or breezeways, except that all dwelling units in and apartment shall be included in the calculation of floor area;

- (72) **"foundation"** means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;
- (73) **"front line"** means the boundary line of a site lying adjacent to a road. In the case of a corner site, the shorter of the two boundary lines adjacent to the road shall be considered the front line. In the case of a double fronting site, both boundary lines adjacent to the roads shall be considered front lines;
- (74) **"front yard"** means a yard extending across the full width of a site from the front line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the front line. In the case of a curved front line, the front yard will also form a curve;
- (75) **"frontage"** means the length of the front line. On double fronting sites, all front lines shall be considered frontage;
- (76) **"funeral service"** means a development where the dead are prepared for burial or cremation and where funeral services are held. Funeral services includes funeral homes and undertaking establishments;
- (77) **"garage"** means an accessory building or that part of a principal building which is designed and/or used primarily for the storage of motor vehicles and includes a carport;
- (78) **"gas bar"** means a development where gasoline, lubricating oils, and other automotive fluids and automobile accessories are bought and sold. Gas bars do not include facilities for the servicing or repairing of motor vehicles and do not include service stations;
- (79) **"general contractor service"** means a development used for the provision of 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 use only;
- (80) **"general retail establishment"** means a development where groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and sold from within a building. Minor public services, such as postal services and film processing depots may also be provided. General retail establishments includes convenience retail stores but does not include warehouse sales, or developments where gasoline, new or used motor vehicles, alcohol, heavy agricultural and/or industrial equipment are sold or rented;

- (81) **"government service"** means a development where municipal, provincial, or federal government services is provided directly to the public. Government services do not include protective and emergency services, utility services, and public education facilities. Government services may include government administration offices, courthouses, postal distribution offices, manpower and employment offices and social services offices;
- (82) **"grade"** means the ground level adjacent to the exterior walls of a building. If the ground is not entirely level, the grade shall be the average of the elevation of the ground around the perimeter of the building;
- (83) **"greenhouse and plant nursery"** means a development where bedding, household and ornamental plants are raised, stored and sold, together with incidental accessories such as garden equipment, and fertilizers and garden care products;
- (84) **"gross leasable area"** means the floor area of a building, plus the horizontal area contained within the exterior of the basement walls, excluding the floor areas of mechanical and utility rooms, public washrooms, stairwells, and elevators;
- (85) **"ground-oriented multiple unit dwelling"**, also known as **"row housing"** means a dwelling or a number of dwellings, each of which consists of at least three (3) dwelling units with each unit having direct access at grade to the outside, but shall not mean "apartment";



**Figure 6: Ground-Oriented Multiple Unit Dwellings (Row Housing)**

- (86) **"ground floor area"** means the total area of the first floor of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls, including covered porches and verandas, but excluding open decks, patios, and steps, cornices, eaves and similar projections. Site coverage shall include air wells, and all other space within a building except inner or outer courts;
- (87) **"group care facility"** means a development which provides resident care services to seven (7) or more individuals. These individuals may be handicapped,

aged, or disabled, and undergoing rehabilitation, and are provided services to meet their needs. Group care facilities include supervised uses such as group homes (all ages), halfway houses, resident schools, resident facilities, foster or boarding homes, and psychiatric care facilities, but not major institutional care facilities such as hospitals or group homes;

- (88) **"group home"** means a building or portion of a building used for the care of rehabilitation of children, adolescents or adults, but does not include halfway houses for the rehabilitation of convicted criminals or for the treatment of alcohol or drug addictions;
- (89) **"half storey"** means that part of any dwelling, wholly or partly within the framing of the roof, where the habitable floor area is not more than seventy percent (70%) of that of the ground floor;
- (90) **"hazard"** means something which may have an inherent or natural environmental attribute such as contamination, pollution, susceptibility to flood or erosion, poor drainage, organic soils, steep slopes or any physical condition or limitation and which, if developed, may lead to the deterioration or degradation of the environment or cause property damage or loss of life either on a subject site or in surrounding areas or both;
- (91) **"health service"** means a development where physical or mental health services are provided on an out-patient basis. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Health services include medical, chiropractic, and dental offices, health clinics and counselling services;
- (92) **"highway"** means a highway or proposed highway that is designated as a highway pursuant to the Public Highways Development Act;
- (93) **"highway commercial use"** means a commercial use serving the travelling public which relies on a highly visible location in proximity to a highway or a major traffic thoroughfare. Highway commercial uses include eating and drinking establishments, services stations, gas bars, convenience retail stores, hotels, and motels;
- (94) **"home occupation, major"** means a business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in this Bylaw. A major home occupation may have up to one (1) employee, other than those resident in the dwelling unit working on site at any time. A major home occupation may also have more than five (5) client visits per week, and a limited amount of outdoor storage of goods. A major home occupation may include, but is not restricted to, hairdressing and cutting, dressmaking, millinery and similar domestic crafts, stamp and coin sales, music and/or dance instruction, minor repairs to household equipment and tutoring;

- (95) **"home occupation, minor"** means any business, occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the dwelling, and which does not change the character of the building in which it is located or have any exterior evidence of such secondary use other than a small sign as provided for in this Bylaw. A minor home occupation will have no employees, other than those residing in the dwelling unit, and no more than five (5) client visits per week, and no outdoor storage of any goods. A minor home occupation may include, but is not restricted to, offices of accountants, doctors, business and professional consultants, contractors, lawyers, bookkeepers, architects, catalogue sales, and minor repair shops, but does not include any development that may, in the opinion of the Development Authority, be considered to be a major home occupation;
- (96) **"hotel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, where access to the rentable units is from a common entranceway. A hotel may include minor and major eating and drinking establishments, meeting rooms, personal services shops, convenience retail stores, and minor alcohol sales, but shall not include any establishment where there is a dance floor larger than 5 sq. m (55 sq. ft.) unless specifically approved by the Development Authority;
- (97) **"household"** means:
- (a) a person, or
  - (b) two (2) or more persons related by blood, marriage, a common law relationship, or adoption, or
  - (c) a group of not more than five (5) persons who are not related by blood, marriage, or adoption,
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants, up to two (2) boarders or lodgers, or up to four (4) foster children;
- (98) **"household repair service"** means a development where goods, equipment and appliances normally found within a dwelling unit may be repaired. Household repair services include radio, television, appliance and electronics repair shops, and furniture refinishing and upholstery shops, but not personal service shops. Household repair services do not have any outdoor storage;
- (99) **"industrial vehicle and equipment sales/rentals establishment"** means a development where new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield, and mining construction, manufacturing, assembling, and processing operations and/or agricultural operations are sold or rented, together with incidental maintenance services and sale of parts. Industrial vehicle and equipment sales/rental establishments do not include truck and recreational vehicle sales/rental establishments or automotive and minor recreational vehicles sales/rental establishments;
- (100) **"institutional use"** means a development of governmental, religious, social, health care, or cultural facilities serving the municipality, area, or region;

- (101) **"internal site"** means a site which is bordered by only one (1) road;
- (102) **"kennel"** means any building in which more than four (4) dogs are maintained, boarded, bred, trained, cared for, or kept for purposes of sale or in which more than four (4) dogs not owned by the resident of the lot on which the kennel is located are kept or cared for;
- (103) **"landfill"** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards. A landfill shall be owned by either a municipal corporation or by a municipally-owned corporation;
- (104) **"landscaping"** means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture;
- (105) **"lane"** means a right-of-way on which motorized vehicles are normally allowed to operate, which is 10 m (32.8 ft.) or less, and 6.0 m (19.7 ft.) or more in width, or an alley as defined in the Traffic Safety Act, as amended;
- (106) **"leading wall"** means the outermost part of a wall, including any bay window or cantilevered section of wall, the outer wall of a fireplace chase, etc.;
- (107) **"libraries and cultural exhibits"** means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, and distributed for public use, viewing, or enjoyment; or a development where works or objects of historical, scientific or artistic value are collected, preserved and exhibited to the public. Libraries and cultural exhibits includes libraries, museums, and art galleries;
- (108) **"light industrial use"** means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which is wholly contained within an enclosed building and thus does not, in the sole opinion of the Development Authority, emit undue noise, smoke, dust, odour, vibration, etc., beyond the boundaries of the building in which the light industry is located. A light industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main light industrial use;
- (109) **"limited contractor service"** means a development where electrical, plumbing, heating, painting and similar contractor services are provided, primarily to individual households, and where goods normally associated with the contractor service may be sold, where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four (4) vehicles;
- (110) **"livestock"** means livestock as defined in the Agricultural Operation Practices Act, R.S.A. 2000, as amended. This includes, but is not limited to poultry, horses, cattle, sheep, swine, goats, bison, and fur-bearing animals;
- (111) **"lot"** means:

- (a) a quarter section, or
  - (b) a part of a parcel of land described in a certificate of title if the boundaries of the part are separately described in the certificate of title other than by reference to a legal subdivision, or
  - (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (112) "**maintenance**" means the upkeep of the physical form of any building, which upkeep does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, and repair of any facility related to a development, but will not include any activity that will change the habitable floor area of any dwelling unit or the internal volume of any building;
- (113) "**manufactured home**" means a single family dwelling comprised of one or more large factory-built sections. A manufactured home is manufactured in full compliance with both the CSA Z240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displayed CSA Z240MH Mobile Home Label and an Alberta Municipal Affairs label that certifies compliance to both the CSA Z240MH Standard and the ABC;
- (114) "**manufactured home park**" means any site on which two (2) or more occupied Type B single family dwellings are harboured or are permitted to be harboured without regard to whether a fee or charge is paid or made, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such manufactured home park;
- (115) "**may**" is an operative word meaning a choice is available with no particular direction or guidance intended;
- (116) "**medium industrial use**" means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, and which may emit undue noise, smoke, odour, dust, or vibration beyond the building in which the medium industry is located. A medium industrial use may also include the retail of goods and/or services to the general public, so long as any such retail component is secondary to the main medium industrial use;
- (117) "**minor repair shop**" means a development where small-scale products and appliances are repaired or reconditioned and where no outdoor storage exists;
- (118) "**mobile home**" means a single family dwelling comprised of one or more large factory-built sections. It may be manufactured in compliance with the CSA Z240 MH National Mobile Home Standard but not with the Alberta Building Code (ABC). For the most part, a mobile home will refer to a modular home that was constructed prior to 1991; however, some modular homes constructed prior to 1991 will be considered to be manufactured homes by virtue of their satisfying the Alberta Building Code;

- (119) **"modular home"** means a dwelling constructed in large sections, away from the home site, and under controlled conditions. It does not refer to a type of dwelling but rather to a method of construction, and includes both manufactured and mobile homes;
- (120) **"motel"** means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways. A motel may include minor eating and drinking establishments and convenience retail stores, but shall not include minor or major alcohol sales, or an establishment where there is a dance floor;
- (121) **"municipality"** means the Village of Chipman;
- (122) **"natural area"** means an area of land and/or water especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means. Areas such as groomed parks, recreational areas for sports, and schoolyards are not included in this definition.
- (123) **"natural resource extraction industry"** means the surface or sub-surface mining of metallic or non-metallic minerals;
- (124) **"non-conforming building"** means a building:
- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or the land on which the building is situated becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or when constructed will not, comply with the land use bylaw;
- (125) **"non-conforming use"** means a lawful specific use:
- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date a land use bylaw affecting the land or building becomes effective, and
  - (b) that on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw;
- (126) **"nuisance"** means any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, or troublesome, or destructive or harmful, or inconvenient, or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received either by the Chipman municipal office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law.
- (127) **"obnoxious"** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, may, in the opinion of the Development Authority, create noise, vibration, smoke, dust or other particulate

matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become a nuisance, or which adversely affects the amenities of the neighbourhood, or which may interfere with the normal enjoyment of any land or building;

- (128) "**occupancy**" means the use or intended use of a building or part thereof for the shelter or support of persons or property;
- (129) "**occupant**" means any person occupying or having control over the condition of any property and the activities conducted on any property, be such person the owner, lessee, tenant or agent of the owner or whether such person resided thereon or conducts a business thereon.
- (130) "**off-site sign**" means a sign that advertises goods, products, services or facilities located on a site which is in a different location from where the sign is located or which directs persons to a different site;
- (131) "**off-street parking lot**" means a parking area which is located on a parcel of land and not accessory to a particular use or development;
- (132) "**offensive**" means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or non-toxic matter, radiation, fire, or explosive hazard, heat, humidity, glare, or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which, in the opinion of the Development Authority, may be or may become hazardous or injurious to health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land or building;
- (133) "**office use**" means a development where government, professional, management, administrative, consulting, and financial services may be provided. Office uses include the offices of lawyers, accountants, engineers, architects, and realtors. Office uses also include insurance firms; clerical, secretarial, employment and telephone answering and similar office support services; banks, credit unions, loan offices and similar financial institutions; the offices of governmental and public agencies;
- (134) "**outdoor storage**" means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be placed outside of a building on a more or less permanent or continuous basis;
- (135) "**owner**" means the person shown as the owner of land on the assessment roll prepared under the Act;
- (136) "**parcel of land**" means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

- (137) **"parking area"** means the area set aside for the storage and/or parking of vehicles. Components of parking areas include parking spaces, loading spaces, aisles, entrances and exits to the parking area, and traffic islands where they are part of the parking area. A parking area may be within a building, and, if so, is commonly referred to as a parkade;
- (138) **"parking space"** means an area set aside for the parking of one (1) vehicle;
- (139) **"park model"** means a recreational vehicle of a particular design. Two types of park models are currently recognized by the industry. They are:
- (a) **Park Model Trailer 102** is a unit designed to be towed by a heavy-duty tow vehicle (auto, van, pick-up truck, etc.) but is of restricted size and weight so that it does not require a special highway movement permit. The maximum width when being towed is 2.6 m (8.5 ft.). These units are designed for infrequent towing, and are **not** fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it must be connected to the local utilities. This style of recreational vehicle is built on a single chassis mounted on wheels. It usually has one or more slide-outs, but when in set-up mode the gross trailer area does not exceed 37.2 sq. m (400 sq. ft.). It conforms to the **CSA Z-240** Standard for recreational vehicles.



**Figure 7: Park Model Trailer 102**

- (b) **Park Model Recreational Unit** is built on a single chassis mounted on wheels, which may be removed and returned to the factory. The unit is designed to facilitate occasional relocation, with living quarters for a temporary residence or seasonal use, and must be connected to those utilities necessary for the operation of installed fixtures and appliances. It has a gross floor area, including lofts, not exceeding 50 sq. m (approximately 540 sq. ft.) in the set-up mode and has a width greater than 2.6 m (8.5 ft.) in the transit mode.



**Figure 8: Park Model Recreational Unit**

Park model recreational units often require a special tow vehicle and a special permit to move on the road as the width of the unit is greater than 2.6 m (8.5 ft.). It conforms to the **CSA Z-241** Standard for recreational vehicles.

- (140) "**patio**" means any developed surface adjacent to a building on a site which is less than 0.6 m (2.0 ft.) above ground level;
- (141) "**permitted use**" means the use of land or a building provided for in this Bylaw for which a development permit shall be issued, with or without conditions, upon an application having been made provided that the proposed development complies in all respects with this Bylaw;
- (142) "**personal service shop**" means a development where personal services related to the care and appearance of the body, or the cleaning and repair of personal effects are provided to persons. Personal service shops include barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, dry cleaning establishments, and laundromats, but not health services;
- (143) "**place of worship**" means a development where worship and related religious, philanthropic, and social activities occur. Accessory developments include rectories, manses, classrooms, and dormitories. Places of worship include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;
- (144) "**porch**" means a covered entrance to a building, usually projecting from the wall and having a separate roof;
- (145) "**principal building**" means a building which:
  - (a) occupies the major or central portion of a site;
  - (b) is the chief or main building among one or more buildings on the site, or
  - (c) constitutes by reason of its use the primary purpose for which the site is used.
- (146) "**principal use**" means the primary purpose or purposes for which a building or site is used;
- (147) "**private club**" means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly;
- (148) "**private park**" means a development designed or reserved for active or passive but non-intensive recreational use within a particular development, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation. Private parks include tot lots, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, and similar non-intensive open areas;

- (149) **"project"** when used as a noun means a development comprising one or more multi-family dwellings, a zero lot line development, a manufactured home park, a shopping centre, or any multiple use building;
- (150) **"protective and emergency services"** means a development where the administration of the protection of persons and property from injury, harm or damage takes place, and where the equipment necessary for such activities is stored, maintained, and supplied. Protective and emergency services include police stations, detention centres, fire stations, and ancillary training facilities;
- (151) **"public education facility"** means a development where educational, training, or instruction occurs under the auspices of a School Division or under the auspices of an organization authorized by the Province to provide education similar to that which would be provided by a School Division. Public education facilities include the administration offices, storage, and maintenance operations of the School Division. Public education facilities include public and separate schools, community colleges, universities, technical and vocational schools, and private academies or "charter schools", and their administrative offices and maintenance facilities;
- (152) **"public park"** means a development designed or reserved for active or passive recreational use, including all natural and man-made open space and landscaping, facilities, playing fields, and buildings that are consistent with the general purposes of recreation, whether or not such recreational facilities are public operated or operated by other organizations pursuant to arrangements with the public authority owning the public park. Public parks include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, baseball diamonds, football fields, soccer pitches, and similar outdoor sports fields;
- (153) **"public use"** means a development where public services are provided by the municipality, by any local board or agency of the municipality, by any department, commission or agency of the Government of Alberta or of Canada, or by any public utility. However, public uses shall not include office uses, protective and emergency services, and utility services;
- (154) **"public utility"** means a public utility, as defined in the Act;
- (155) **"rear line"** means the boundary line of a site lying opposite to the front line of the site and/or farthest from a road;
- (156) **"rear yard"** means a yard extending across the full width of a site from the rear line to the nearest exterior wall of the principal building situated on the site, measured at right angles to the rear line. In the case of a curved rear line, the rear yard will also form a curve;
- (157) **"recreational facility"** means a development for sports and active recreation within an enclosed building. Recreational facilities include bowling alleys, ice arenas, curling rinks, and swimming pools;

- (158) **"recreational use"** means a recreational development conducted on a unified basis on a single site where the prime reason for location is to take advantage of natural physical features including the availability of large areas of land to provide day-to-day sporting and athletic facilities and the structures incidental thereto. This includes ski slopes, golf courses, archery, trap and rifle ranges, race tracks, boating, riding swimming, picnicking, community halls, skating and curling rinks, drop-in centres, and sports grounds, and similar uses, and may include a refreshment stand incidental to the primary use;
- (159) **"recreational vehicle"** means a vehicle or a trailer that is designed, constructed and equipped, either temporarily or permanently, as a temporary accommodation for travel, vacation or recreational use and includes duly licensed trailers, motorized homes, slide in campers, chassis mounted campers, boats, all terrain vehicles, snowmobiles, park models, and tent trailers;
- (160) **"recreational vehicle campground"** means a development which is designed for or intended to be used for the temporary location of more than one (1) recreational vehicle;
- (161) **"recycling depot"** means a development where bottles, cans, newspapers, and similar non-hazardous household goods are bought, sold, and temporarily stored for reuse and where all storage is contained within an enclosed building or an enclosed compound;
- (162) **"renovation"** means an addition to, deletion from, or change to any building which does not require a permit pursuant to the Safety Codes Act other than a plumbing permit or an electrical permit;
- (163) **"rentable unit"** means a separate unit of a hotel or motel used or intended to be used for the temporary accommodation of one or more persons;
- (164) **"road"** means a right-of-way on which motorized vehicles are normally allowed to operate, or a road as defined in the Act and includes a highway, but does not include a lane;
- (165) **"roof"** means the top of any enclosure, above or within the vertical walls of a building;
- (166) **"sea can"** means a pre-built metal container or structure originally designed and/or constructed for the purpose of cargo storage;

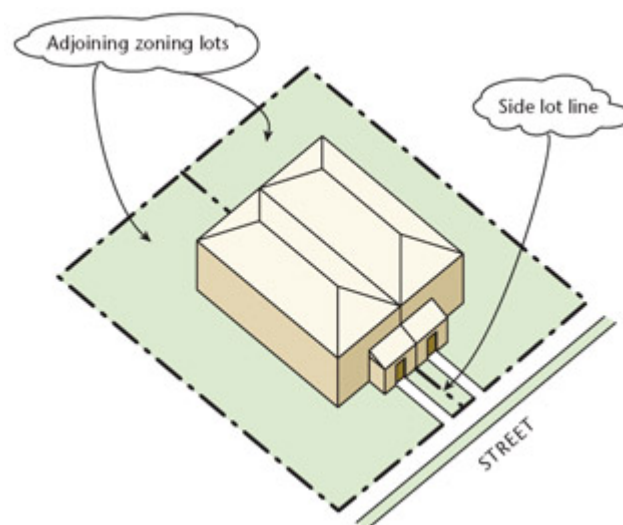


**Figure 9: Example of a Sea Can**

- (167) **"secondary suite"** means a subordinate self-contained dwelling unit, located within a single detached dwelling which has separate cooking, sleeping and bathing facilities from the principal dwelling unit within the dwelling. Secondary suites shall have a separate entrance from the principal dwelling unit, either from a common indoor landing or directly from the exterior of the dwelling. A secondary suite includes the conversion of basement space to a dwelling unit, or the addition of new floor space to an existing single family dwelling.

Secondary suites do not include dwelling units in dwellings that were initially designed for two or more dwelling units such as duplexes, semi-detached dwellings, ground-oriented multiple unit dwellings, apartments, or boarding and lodging houses. Garden suites and garage suites are also not considered secondary suites;

- (168) **"self-service storage facility"** means a development where varying sizes of individual, compartmentalized, and controlled access lockers are provided within a fenced compound or within a building for the storage of a customer's goods or wares. The maximum height of lockers shall be 3.0 m (9.8 ft.). Self-service storage facilities do not include any outdoor storage;
- (169) **"semi-detached dwelling"** means a dwelling containing two (2) dwelling units which share a common wall, and which are located one entirely beside the other;



**Figure 10: Semi-detached Dwelling**

- (170) **"service station"** means a development where gasoline, lubricating oils, and other automotive fluids and accessories for motor vehicles are bought and sold. Service stations may also include facilities for the servicing or repairing of motor vehicles, and a towing service dispatch point, but not including body repair or paint shops;
- (171) **"setback"** means the minimum horizontal distance between a lot boundary and the nearest point on the exterior wall of a building on the lot

- (172) "**shall**" is an operative word, which means the action is obligatory;
- (173) "**shopping centre**" means a development consisting of a building or a group of buildings, comprising general retail stores, personal service shops, office uses, and similar uses, with shared off-street parking facilities, and which may be managed as a single unit;
- (174) "**should**" means that in order to achieve local goals and objectives it is strongly advised that action be taken;
- (175) "**show home**" means a dwelling unit which is used temporarily for the purpose of illustrating to the public the type and character of dwelling units to be constructed in other parts of a neighbourhood or development in which the show home is located. Show homes may contain offices for the sale of other lots or dwelling units in the municipality and must be located within a dwelling which is either a permitted or a discretionary use in the District in which they are located;
- (176) "**side line**" means the boundary line of a site lying between a front line and a rear line of a site. In the case of a corner site, the longer of the two boundary lines adjacent to the road shall be considered a side line;
- (177) "**side yard**" means a yard extending from the side line to the nearest exterior wall of the principal building situated on the site, and lying between the front and rear yards on the site, measured at right angles to the side line. In the case of a curved side line, the side yard will also form a curve;
- (178) "**sign**" means any visual medium, including its structure and other component parts, illuminated or not illuminated, which is used or capable of being used, on a permanent or temporary basis, to identify or convey information, or to advertise or attract attention to a product, service, place, activity, person, institution or business. Without limiting the generality of the foregoing, signs shall include banners, placards, and painted messages, but not national flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle intended for use on a public roadway;
- (179) "**sign, a-frame**" means a sign formed by two boards which are hinged at one end;



**Figure 11: Canopy Sign**

- (180) **"sign, canopy"** means a sign which is part of or attached to the outside edge of a canopy but which does not extend below the bottom edge or surface of the canopy;
- (181) **"sign, fascia"** means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.1 m (0.33 ft.) from the surface of the building, and does not project above the roof or parapet;

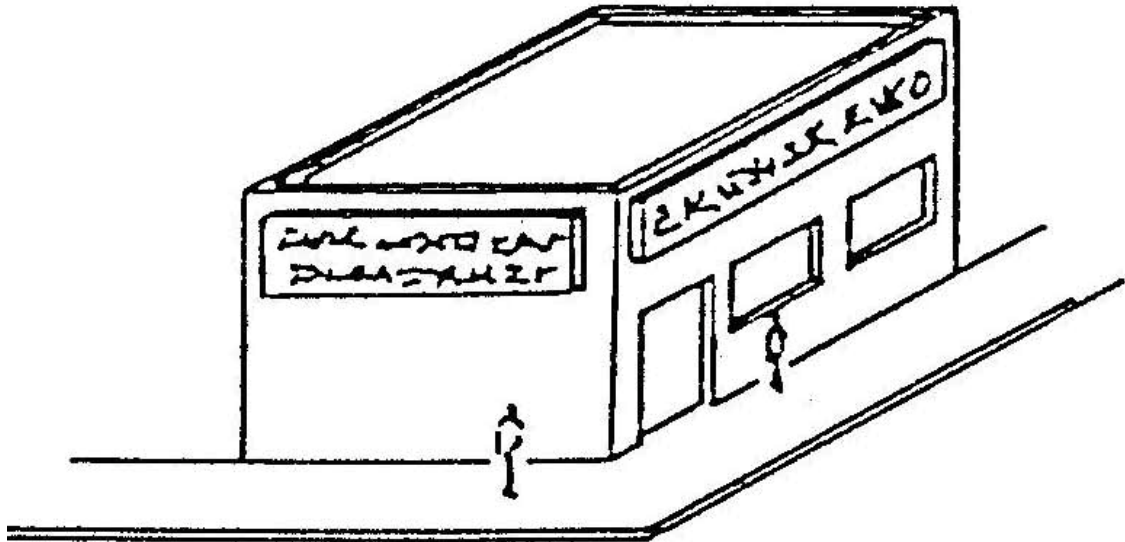


Figure 12: Fascia Sign

- (182) **"sign, freestanding "** means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure;

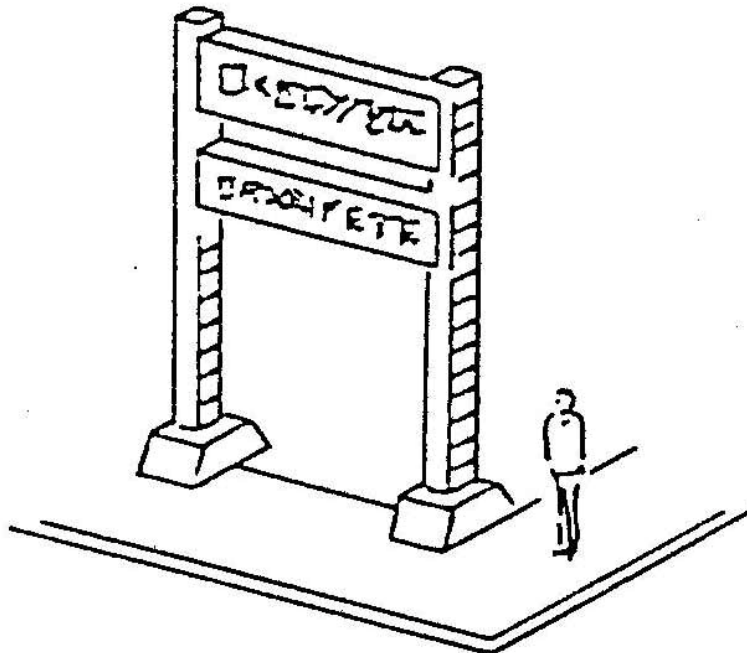


Figure 13: Freestanding Sign

- (183) **"sign, off site"** means a sign that advertises goods, products, services or facilities not available on the site where the sign is located, and which may also direct persons to another location;
- (184) **"sign, projecting"** means a sign affixed to a building or part thereof and extending beyond the building by more than 0.3 m (1.0 ft.). This does not include a sign attached to the ground;
- (185) **"sign, roof"** means a sign erected upon, against or directly above the roof of a building or the top of a parapet wall;

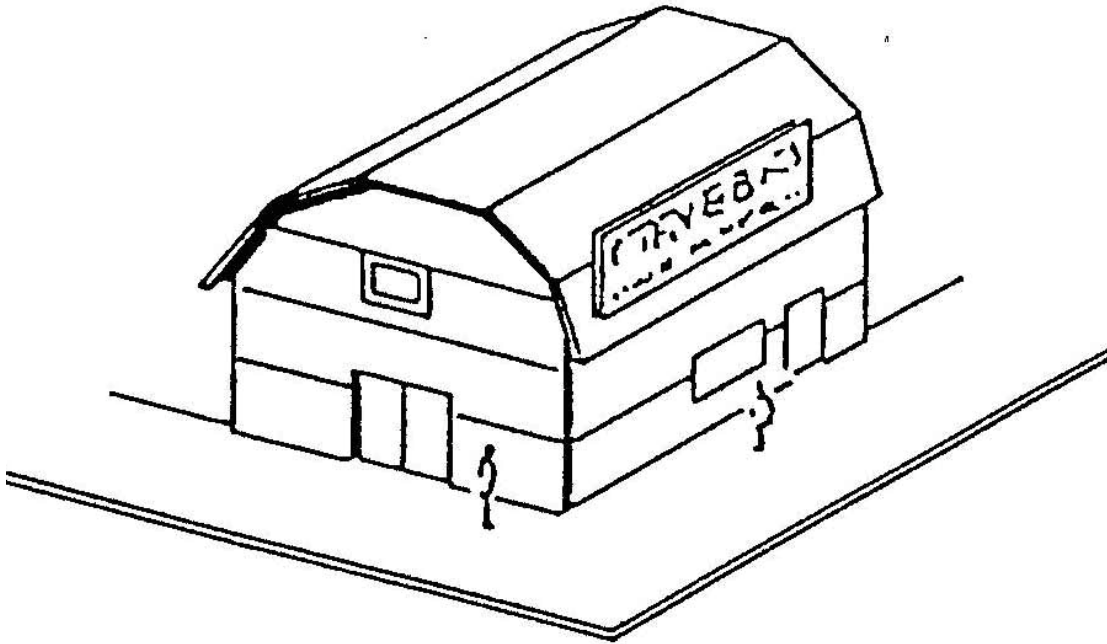


Figure 14: Roof Sign

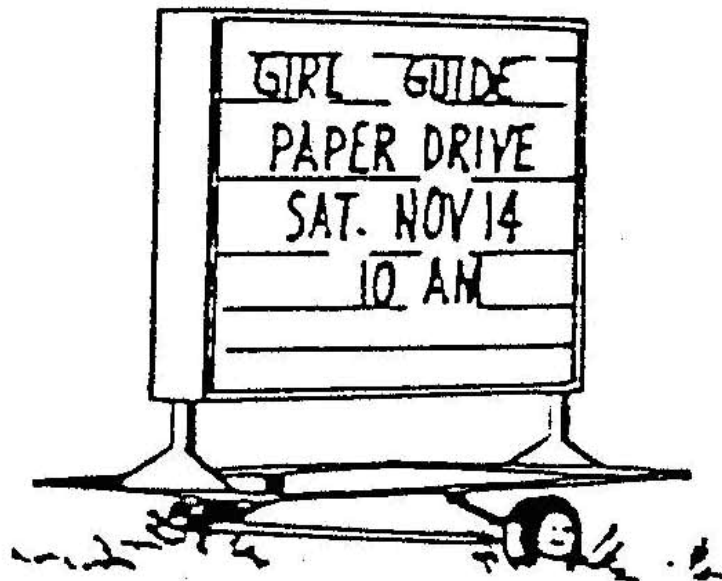
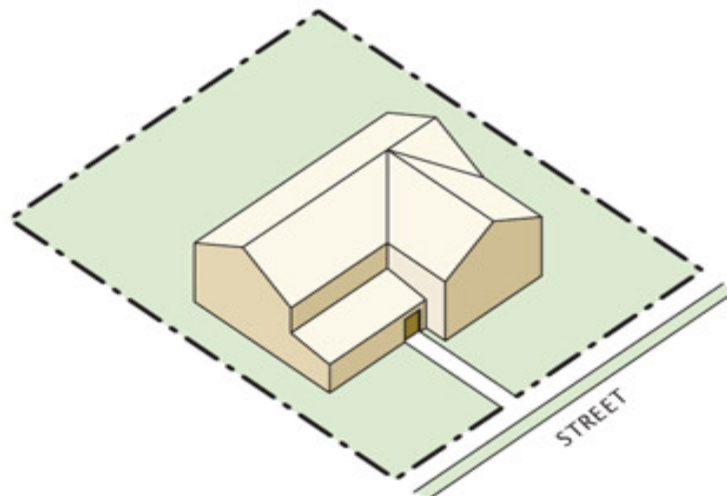


Figure 15: Temporary Sign

- (186) **"sign, temporary/portable"** means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- (187) **"sign, under canopy"** means a sign which is attached to the bottom surface or edge of a canopy;
- (188) **"similar use"** means a use which, in the opinion of the Development Authority, closely resembles another specified use with respect to the type of activity, structure and its compatibility with the surrounding environment;
- (189) **"single family dwelling"** means a dwelling containing only one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite. A single family dwelling may be site-built, modular or manufactured, and which is supported on a permanent foundation;



**Figure 16: Single Family Dwelling**

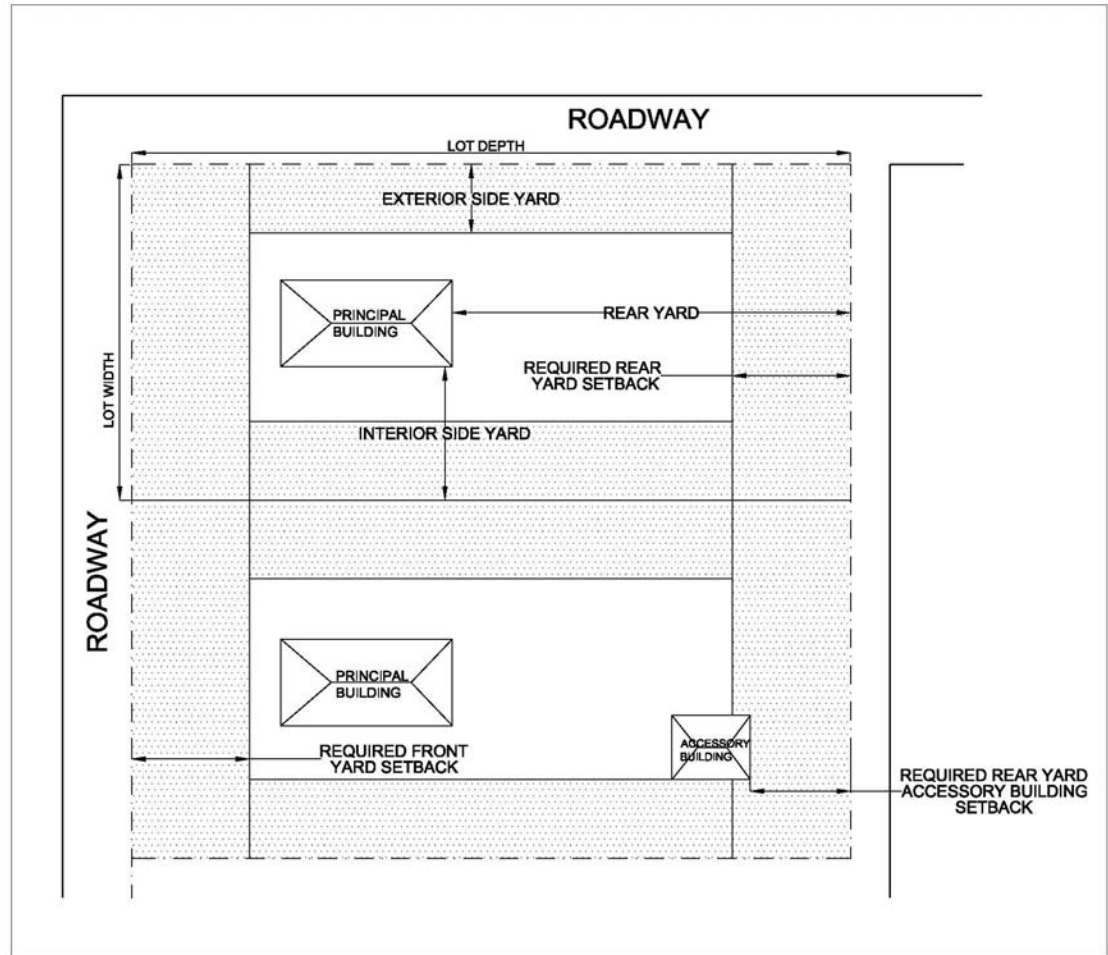
- (190) **"site"** means a lot, a part of a lot, or a number of abutting lots or parts of lots which are considered for a single use or a mixture of uses, which is owned or managed as a single unit;
- (191) **"site area"** means the total area of a site;
- (192) **"site boundaries"** means the boundaries of a site which enclose the site at its perimeter;
- (193) **"site built"** means a building that is constructed primarily on its site. Although some components may be prefabricated off-site, the building is erected, framed, and finished by workers on location using stock materials;
- (194) **"site coverage"** means the sum of the ground floor areas of all buildings on a site;

- (195) **"site depth"** means the average horizontal distance between the front and rear lines of a site measured either perpendicular to the front line, or perpendicular to the tangent on a curve from the midpoint of a curved front line;
- (196) **"site width"**, unless otherwise defined in this Bylaw, means the average horizontal distance between the side lines or, where the site width would be shorter, the distance between the side lines at either the minimum required front yard distance or the minimum required rear yard distance, whichever distance is the shorter, measured parallel to the front line or at right angles to the tangent on a curve from the midpoint of a curved front line;
- (197) **"small animal breeding and boarding establishment"** means a development where domestic pets are bred, boarded, or trained. Small animal breeding and boarding establishments include kennels but do not include animal hospitals or veterinary clinics;
- (198) **"stall"** means an area of land upon which a Type B single family dwelling is to be located within a manufactured home park, and which is reserved for the exclusive use of the residents of that particular Type B single family dwelling;
- (199) **"storey"** means the space between one floor of a multi-storey building and the next floor above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement shall not be considered a storey;
- (200) **"structural alterations"** means the addition to, deletion from, or change to any building which requires a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act;
- (201) **"Subdivision and Development Appeal Board"** means the Subdivision and Development Appeal Board established pursuant to the Act through the municipality's Subdivision and Development Appeal Board Bylaw;
- (202) **"Subdivision Authority"** means the Subdivision Authority established pursuant to the Act through the municipality's Subdivision Authority Bylaw;
- (203) **"substandard lot"** means any lot which is smaller, in area or in any dimension, than the minimum area or dimension stipulated in the regulations of the District in which the lot is located;
- (204) **"surveillance suite"** means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and safety of the development;
- (205) **"temporary building"** means a building that has been allowed to be located and/or used for a limited time only. Temporary buildings include construction shacks used for administrative and/or storage purposes during construction of a large-scale development;
- (206) **"temporary use"** means a use that has been allowed to be located and/or operate for a limited time only. Temporary uses include pipe, vehicle, or heavy

equipment storage compounds, or special events such as circuses, carnivals and rodeos;

- (207) **"truck and recreational vehicle sales/rentals establishment"** means a development where new or used trucks with a gross vehicle weight rating of 4000 kg (8818.5 lbs) or greater, motor homes, and recreational vehicles with a gross vehicle weight rating of 6000 kg (13,227.7 lbs) or greater or a length greater than 6.7 m (22.0 ft.) are sold or rented, together with incidental maintenance services and sale of parts. Truck and recreational vehicle sales/rental establishments include truck dealerships, recreational vehicle dealerships, and truck and recreational vehicle rental agencies, and may include refuelling and/or washing facilities as an integral part of the operation;
- (208) **"trucking and cartage establishment"** means a development where goods shipped by truck are transferred from one truck to another, or where trucks are dispatched to pick up and/or deliver goods. Trucking and cartage establishments may include dispatch offices or storage compounds for the temporary storage of goods, and include moving or cartage firms involving vehicles with a gross vehicle weight of more than 3000 kg (6613.9 lbs.);
- (209) **"Type A single family dwelling"** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is less than 3:1, the roof pitch is equal to or greater than 1:4, and the depth of eaves is equal to or greater than 30 cm (1.0 ft.). A Type A single family dwelling must be constructed on a permanent foundation. According to this definition, both modular and site built homes may be considered Type A single family dwellings;
- (210) **"Type B single family dwelling"** means a dwelling consisting of one (1) dwelling unit, and, if the provisions of this Bylaw allow, a secondary suite, for which the ratio of depth vs. width (or width vs. depth) is equal to or more than 3:1, the roof pitch is less than 1:4, or the depth of eaves is less than 30 cm (1.0 ft.). According to this definition, both modular and site built homes may be considered Type B single family dwellings;
- (211) **"use"** means the purpose or activity for which a site, a parcel of land, or a lot and any buildings located on it are designed, arranged, developed, or intended, or for which it is occupied or maintained;
- (212) **"utility service"** means a development of a public utility or a public utility building or a government service function. Utility services include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, incinerators, waste recycling plants, vehicle, equipment and material storage yards for utilities and services; snow dumping sites; surface reservoirs or storm water management facilities; water towers, water treatment plants; power terminal and distributing substations; communication towers; and gate stations for natural gas distribution;

- (213) "**veterinary clinic**" means a development where domestic pets are cared for and treated. Veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. All animals shall be kept within an enclosed building. Veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (214) "**veterinary clinic, large animal**" means a development where large animals, including livestock are cared for and treated. Large animal veterinary clinics primarily involve out-patient care and minor medical procedures involving hospitalisation for fewer than four (4) days. Large animal veterinary clinics do not include animal hospitals or small animal breeding and boarding establishments;
- (215) "**warehouse sales establishment**" means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include furniture stores, carpet stores, major appliance stores, and building materials stores;
- (216) "**work camp**" means a temporary residential complex used to house camp workers for a contracting firm or project on a temporary basis of more than thirty (30) days and less than one (1) year. The camp is usually made up of a number of manufactured units, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities;
- (217) "**yard**" means a part of a site which is unoccupied and unobstructed by any building or portion of a building above the ground level, unless otherwise allowed by this Bylaw;



**Figure 17: Yards**

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

## **1.4 Metric and Imperial Measurements**

Within this Bylaw, both Metric and Imperial measures are normally provided, the Imperial measures within brackets. However, the Imperial measures are approximate, and are provided only for information, and in order to provide some comparison for persons who are unfamiliar with Metric measures. As a result, the metric measurement shall take precedence for the purposes of interpretation of this Bylaw.

## **1.5 Date of Receipt**

Where a subdivision or development permit approval or refusal, subdivision or development appeal notice, notice to reclassify lands or notice of appeal hearing is sent, given or served by mail, and the document is properly addresses and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected five (5) days from the date of mailing if the document is mailed in Alberta to an address in Alberta.

In the event of a dispute, the Interpretation Act, as amended, shall apply.

## 1.6 Establishment of Districts

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

<b>District Name</b>	<b>Symbol</b>
Single Family Residential District	R-1
Single Family Large Dwelling Residential District	R-2
Single Family Large Lot Residential District	R-3
Single Family Small Lot Residential District	R-4
Single Family Small Site and Dwelling Residential District	R-4A
Zero Lot Line Residential District	R-Z
Two Family Residential District	R-5
Medium Density Residential District	R-6
High Density Residential District	R-7
Manufactured Home Subdivision Residential District	R-MHS
Manufactured Home Park Residential District	R-MHR
Primary Commercial District	C-1
General Commercial District	C-2
Highway Commercial District	C-3
Industrial District	M-1
Semi-Public District	SP
Direct Control District	DC
Urban Reserve District	UR

- (2) For the purposes of this Bylaw, the R-1, R-2, R-3, R-4, R-4A, R-Z, R-5, R-6, R-7, R-MHS, and R-MHP Districts shall be considered to be Residential Districts, and the C-1, C-2, and C-3 Districts shall be considered to be Commercial Districts.
- (3) The boundaries of the Districts listed in subsection (1) are as delineated on the Land Use District Map, attached as Schedule A to this Bylaw.
- (4) Where uncertainty exists as to the boundaries of Districts as shown on the Land Use District Map, the following rules shall apply:
- (a) Where District boundaries are shown to approximate the following, they shall be deemed to be:
- the lot boundaries, or
  - the municipal boundaries, or
  - the centre lines of railway rights-of-way, or
  - the centre lines of the right-of-way of a road or lane.
- (b) In circumstances not covered by Subsection (a), the location of the boundary shall be determined:
- where dimensions are set out on the Land Use District Map, by the dimensions so set, or

- (ii) where no dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (5) Where Districts have been established in accordance with a proposed subdivision of land, the boundaries of the District shall be understood to conform with the boundaries of the certificate of title or as shown on the Plan of Survey or Descriptive Plan when it is registered in a Land Titles Office. Prior to the registration, the District boundaries shall be determined on the basis of the dimensions stated in the proposed plan of subdivision or on the scale of the Land Use District Map where dimensions are not provided.
- (6) Where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (7) After the Council has fixed a District boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (8) The Development Authority shall maintain a list of Council's decisions with respect to boundaries or portions thereof fixed by Council.
- (9) Subsections (3) to (8) above also apply to the overlay regulatory areas and their boundaries shown on the Land Use District Map.

## **1.7 Schedule A**

Schedule A attached hereto, the Land Use District Map, is a part of this Bylaw.

## **1.8 Non-applicability of Bylaw**

This Bylaw does not apply to roads or lanes.

## **PART TWO - AGENCIES**

### **2.1 Development Authority**

- (1) The Development Authority for the Village of Chipman is hereby established.
- (2) The Development Authority shall be:
  - (a) the Development Authority Officer of the Town, and
  - (b) in the Direct Control District(s), the Council.
- (3) When this Bylaw refers to the Development Authority, it shall be taken as referring to either the Development Authority Officer or Council as the case may be and the situation may provide, in accordance with the procedural requirements of this Bylaw.

### **2.2 Development Authority Officer**

- (1) The position of designated officer for the limited purpose of exercising the powers, duties and functions of a Development Authority Officer for the Village is hereby established.
- (2) The Development Authority Officer shall be appointed by resolution of Council.
- (3) The Development Authority Officer shall perform such duties that are assigned to the Development Authority in this Bylaw except for any involvement in deciding on the completeness of an application or the making of decisions on development permit application within the Direct Control District.
- (4) As well as signing his own orders, decisions, approvals, notices, or other things, the Development Authority Officer may sign, on behalf of the Council, any order, decision, approval, notice or other thing made or given by the Council.
- (5) The Development Authority Officer shall:
  - (a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto;
  - (b) keep a register of all applications for development, including the decision thereon and reasons therefore.
- (6) For the purposes of Section 542 of the Act, the Development Authority Officer is hereby declared to be a designated officer.

### **2.3 Council**

The Council shall perform such duties as are specified for it in this Bylaw and issue any permits in the Direct Control District.

## **2.4 Subdivision and Development Appeal Board**

The Subdivision and Development Appeal Board shall perform such duties as are specified in Part Four of this Bylaw.

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

## **3.1 Control of Development**

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

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

The following development shall not require a development permit:

- (1) the carrying out of works of maintenance or renovation to any building, provided that such works do not include structural alterations;
- (2) the completion of a building which was lawfully under construction at the date of approval of this Bylaw, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of said approval;
- (3) the use of any such buildings as referred to in subsection (2) for the purpose for which construction was commenced;
- (4) the construction, completion, alteration, maintenance, or repair of public works, public services, and public utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled.
- (5) the construction, completion, alteration, maintenance or repair of a road, lane or utility, undertaken upon a road right-of-way, utility easement or other lands or undertaken to connect the same with any lawful use of buildings or land;
- (6) the erection or placement of a temporary building or sign, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this Bylaw, provided the temporary building or sign is removed within thirty (30) days of substantial completion or as determined by the Development Authority;
- (7) the erection of campaign signs for federal, provincial, municipal or school board elections on privately-owned lots for no more than thirty (30) days, or such time as regulated under provincial or federal legislation provided that:
  - (a) such signs are removed within one (1) day after the election date,
  - (b) such signs do not obstruct or impair vision or traffic,
  - (c) such signs are not attached to fences, trees, or utility poles; and
  - (d) such signs indicate the name and address of the sponsor and the person

responsible for removal;

- (8) the placement of one (1) sign on internal sites, or two (2) signs on corner sites advertising a residential property for sale or rent displayed on the property to which it (or they) pertain(s) during the time the property is being offered for sale, with removal to be within one (1) day after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 sq. m (6.5 sq. ft.) in area and provided further that such signs are placed or erected no closer than 3 m (9.8 ft.) to a road right-of-way;
- (9) the placement of signs in Commercial or Industrial Districts provided they are inside the window or inside the building;
- (10) the placement of a portable sign on a site provided that the requirements of Section 8.4 of this Bylaw are satisfied;
- (11) hard-surfacing of any yard area in a Residential District for the purpose of providing vehicular access from a road to an on-site parking space, provided that such hard-surfacing does not exceed 8 m (26 ft.) in width;
- (12) accessory buildings, other than fences, walls, gates, or other means of enclosure, which are accessory to a dwelling, and which total less than 10 sq. m (107.7 sq. ft.) in total size and 2.5 m (8.2 ft.) in height, unless the accessory building does not meet the minimum distance requirements outlined in Section 8 of this Bylaw. If the proposed accessory buildings on a lot either are or will total more than 10 sq. m (107.7 sq. ft.) in size, or more than 2.5 m (8.2 ft.) in height, or are a fence, wall, gate, or other means of enclosure, then a development permit is required;
- (13) a patio, as defined in this Land Use Bylaw, in a Residential District that meets the minimum required yard requirements outlined in Section 8 of this Bylaw;
- (14) boarding and foster care within a dwelling unit, provided the use, in the opinion of the Development Authority, is not a boarding and lodging house, a day home, a day care facility, a group home, a family care facility, or a group care facility;
- (15) extensive agriculture on lots 8 ha (20 acres) or more in area in an Urban Reserve (UR) District;
- (16) landscaping where the proposed grades will not adversely affect the subject or adjacent properties, except where landscaping forms part of a development which requires a development permit;
- (17) a television satellite dish;
- (18) the construction and maintenance of public utilities, not including a waste transfer station, landfill, communications tower, or a sewage lagoon;
- (19) the demolition or removal of any building or structure for the erection of which a development permit would not be required pursuant to subsections (4) through (18) above, both inclusive.

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

- (1) If a development permit has been issued on or before the day on which this Land Use bylaw or an amendment thereto comes into effect, and the Bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the Bylaw or the amendment.
- (2) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (4) A non-conforming use of part of a lot or site may not be exceeded or transferred in whole or in part to any other part of the lot or site and no additional buildings may be constructed upon the lot or site while the non-conforming use continues.
- (5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
  - (a) to make it a conforming building,
  - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
  - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and Section 3.6(8) of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with this Bylaw.
- (7) Except as noted in Section 7.4, the land use or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

### **3.4 Development Permit Applications**

- (1) An application for a development permit shall be made to the Development Authority in writing, in the form required by the Development Authority, and shall be accompanied by:
  - (a) a site plan in duplicate showing:
    - (i) the boundaries of the site including any lots that may make up the site,
    - (ii) all of the existing and proposed buildings on the site,
    - (iii) the front, rear, and side yards, if any,

- (iv) any provision for off-street loading, vehicle standing, and parking areas, and
    - (v) access and egress points to the site;
  - (b) an indication of the proposed uses; and
  - (c) an indication of the ownership of the land and the interest of the applicant therein.
- (2) Each application for a development permit shall be accompanied by a fee as established by Council.
- (3) The Development Authority may also require additional information in order to assess the conformity of a proposed development with this Bylaw before consideration of the development permit application shall commence. Such information may include:
- (a) the location of existing and proposed municipal and private storm and sanitary sewage collection and disposal, and water supply and distribution utilities, landscaped areas and buffering and screening;
  - (b) the height and horizontal dimensions of all existing and proposed buildings;
  - (c) outlines of roof overhangs on all buildings;
  - (d) existing and proposed grades and elevations on the site and on adjacent sites, roads and lanes;
  - (e) proposed post construction site and building grades and elevations;
  - (f) floor plans, elevations and sections of any proposed buildings, including the lowest floor elevation in either the basement or on the main floor in the principal and accessory buildings;
  - (g) landscaping plans, including the location of existing and proposed trees, shrubs, grassed areas, fences, screenings, and outdoor furniture on the site and on adjacent boulevards within road rights-of-way;
  - (h) plans and engineering reports calculating the portion of the site which might be subject to a flood hazard during a 1:100 year flood event, and the means whereby any flood hazard is to be mitigated;
  - (i) drainage plans;
  - (j) in a Residential District, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal;
  - (k) future development plans for a site which is to be partially developed through the applicable development permit;
  - (l) in the case of a proposed home occupation, information concerning the number of employees, the location of any goods to be kept or stored, and an estimate of the number of client visits to be expected to the site each week;
  - (m) in the case of the placement of an already constructed or partially constructed building on a site, including a manufactured home, information relating to the age and condition of the building and its compatibility with the District in which it is to be located, including photographs of the building;
  - (n) any other information or tests required by the Development Authority, at his sole discretion, respecting the site or adjacent lands, including an environmental screening of the site; and

- (o) a statutory declaration indicating that the information supplied is accurate.
- (4) In addition to the information requirements indicated in Sections 3.4(1) and (3) above, each application for industrial development may be requested, at the discretion of the Development Authority, to be accompanied by the following information:
- (a) type of industry,
  - (b) estimated number of employees,
  - (c) estimated water demand and anticipated source,
  - (d) type of effluent and method of treatment,
  - (e) transportation routes to be used,
  - (f) reason for specific location,
  - (g) means of solid waste disposal,
  - (h) any accessory works required (pipeline, railway spurs, power lines, etc.),
  - (i) anticipated residence location of employees,
  - (j) municipal servicing costs associated with the development,
  - (k) physical suitability of site with respect to soils, slopes and drainage,
  - (l) if a subdivision is involved, the size and number of parcels and proposed phasing (if any),
  - (m) servicing requirements and provisions for meeting them, and
  - (n) costs associated with providing new or upgraded municipal services associated with the development,
- and/or any other information as may be reasonably required by the Development Authority.
- (5) In addition to the information requirements indicated in Sections 3.4(1),(3), and (4) above, the Development Authority may require for a proposed industrial use the provision of environmental assessment information and a risk assessment to assist the County in assessing the effect of the proposed development in relation to the natural and human environments, and indicate both if and how any negative matters can be mitigated.
- (6) In addition to any or all of the information required under Sections 3.4(1) and (3) of this Bylaw, each application for a commercial or recreational development may be required, at the discretion of the Development Authority, to be accompanied by the following information:
- (a) physical suitability of site with respect to soils, slopes and drainage,
  - (b) the size and number of parcels and proposed phasing (if any),
  - (c) servicing requirements and provisions for meeting them,
  - (d) costs associated with providing new or upgraded municipal services associated with the development,
  - (e) the requirements and provisions for employee and customer parking and for site access,
  - (f) a landscaping plan,
  - (g) cross-sections and elevations for each building, and
  - (h) a list of proposed uses.
- (7) In addition to the information requirements indicated Sections 3.4(1) and (3) above, where not required to do so by the Province, the proponent of a natural resource extraction industry may be required to submit a reclamation plan.

- (8) In addition to the information requirements indicated in Sections 3.4(1) and (3) above, an application for a development permit for the excavation, stripping or grading of land that is proposed without any other development on the same land, may include with the application, the following information:
- (a) location and area of the site where the excavation is to take place;
  - (b) existing land use and vegetation
  - (c) the type and dimensions including average depth of the excavation to be done, and the potential, if any, to affect existing drainage patterns on and off the site;
  - (d) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
  - (e) identification of potential for outdoor noise and the discharge of substances into the air;
  - (f) the condition in which the site is to be left when the operation is complete, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening erosion or dust from the site;
  - (g) an indication of all municipal servicing costs associated with the development; and
  - (h) the proposed haul route, dust control plan and expected hours of operation.
- (9) In addition to the information requirements indicated Sections 3.4(1) and (3) above, each application for a sign may be accompanied by additional information at the discretion of the Development Authority.
- (10) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may refuse to accept an application for a development permit where, in his sole opinion, the information supplied by the applicant in accordance with this Section is insufficient or of insufficient quality to properly evaluate the application. If this is the case, the Development Authority shall notify the applicant in writing of any deficiencies in the application. The time period for consideration of a development permit application shall not commence until the Development Authority is satisfied, in their sole opinion, that the development permit application is complete.
- (11) Notwithstanding any other provisions of this Bylaw to the contrary, the Development Authority may make a decision on a development permit application without all of the information required by this Section or where, in his sole opinion, the information supplied by the applicant is sufficient to properly evaluate the application.

### **3.5 Referral of Applications**

- (1) Development permit applications within 305 m (1000 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.

- (2) All subdivision proposals and all applications for what are, in the opinion of the Development Authority, significant discretionary development permits within 1.6 km (one mile) of Lamont County shall be referred to Lamont County for comment prior to a development permit being issued or a subdivision being approved.

### **3.6 Decision Process and Re-Application**

- (1) The Development Authority Officer shall:
  - (a) receive and review all applications for a development permit;
  - (b) if he deems it reasonable or necessary, refer an application a development permit in accordance with Section 3.5 above;
  - (c) refer all development permit applications within the DC District to Council, and then
  - (d) consider and decide on all applications for a development permit not within the DC District.
- (2) In making a decision, the Development Authority may:
  - (a) approve the application unconditionally,
  - (b) approve the application subject to those conditions he considers appropriate,
  - (c) approve the application permanently or for a limited period of time, or
  - (d) refuse the application.
- (3) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement with the municipality
  - (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
    - (i) a pedestrian walkway system to serve the development, or
    - (ii) pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development,or both;
  - (c) to install or pay for the installation of public utilities or works, that are necessary to serve the development;
  - (d) to construct or pay for the construction of
    - (i) off-street or other parking facilities, and
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy; and/or
  - (f) to give security to ensure that the terms of the agreement are carried out.
- (4) The Development Authority may require that as a condition of issuing a development permit, the applicant undertake construction in accordance with and complete the site plans, landscaping plans, drainage plans, flood protection plans, and grading plans submitted, and undertake any remedial measures recommended or required by any engineering or environmental screening reports provided to the Development Authority during the development permit application process, and may require that the developer submit a Real Property Report by an Alberta Land

Surveyor prior to occupancy of the development, which Report certifies that all development has been located and that all grades have been provided as either indicated in the approved development permit application or as required by the Development Authority.

- (5) The Development Authority may require, as a condition of issuing a development permit for the placement of an already constructed or partially constructed building on a site, that the developer modify the building by way of construction, repairs, painting, or any other action, so as to conform to the general standard of construction, repair, design, colour, character, or any other factor in the area within which the building is being located that the Development Authority, in his sole discretion, deems reasonable; and, further, that the building not be occupied or used for its intended use until some or all of the required modifications are completed to the satisfaction of the Development Authority.
- (6) The erection of a building on any site may be prohibited where it would otherwise be allowed under this Bylaw when, in the opinion of the Development Authority, satisfactory arrangements have not been made by the developer for the supply of required improvements as specified under Subsection (3), including payment of the costs of installing or constructing any such facilities by the developer.
- (7) In the case where a proposed specific use of land or a building is not provided for in any District in the Bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for a particular District.
- (8) The Development Authority may approve an application for a development permit even though the proposed development does not conform with this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (9) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made by the Development Authority within forty (40) days after receipt of the application by the Development Authority unless the applicant has entered into a written agreement with the Development Authority to extend the forty (40) day period. The person claiming to be affected may appeal in writing as provided for in Part Four of this Bylaw as though he has received a refusal at the end of the forty (40) day period or any agreed-to extension thereof as specified in this Subsection.
- (10) In the case where an application for a development permit has been refused pursuant to this Part or ultimately after appeal pursuant to Part Four of this Bylaw, at his discretion, the Development Authority may or may not accept the

submission of another application for a permit on the same parcel of land and for the same or similar use by the same or any other applicant for six (6) months after the date of the refusal. The Development Authority may establish any condition respecting the construction or maintenance or appearance of the subject site in consideration of any extension as he, in his sole discretion, may require.

- (11) Notwithstanding any other provisions of this Bylaw to the contrary, if the Development Authority discovers that a decision made by him/her on a development permit application was either:
  - (a) incorrect, that is, not in compliance with the provisions and requirements of this Bylaw, or
  - (b) based on information which was subsequently determined to be incorrect or misunderstood by the Development Authority,the Development Authority may rescind the approval of the development permit. In such a circumstance, the appeal period provided for under Part Four of this Bylaw begins from the date the applicant is advised that the permit approval has been rescinded.
- (12) If the development authorized by a permit is not commenced within twelve (12) months from the date of the issue of the development permit, and completed within twelve (12) months of commencement, the permit is deemed to be void, unless an extension to this period is granted in writing by the Development Authority.
- (13) Notwithstanding any other provision of this Bylaw to the contrary, where an application for a development permit is submitted whereby the development would occur in stages over a time period exceeding twelve (12) months, the Development Authority may:
  - (a) issue a permit for the entire development upon submission of satisfactory information as to the proposed staging and corresponding time frame of each stage, or
  - (b) notwithstanding Subsection (9) above, extend the permit on an annual basis up to a maximum period of five (5) years from the original date the permit is approved, provided that:
    - (i) no change in the original development permit application as approved is proposed, and
    - (ii) no significant change in the Land Use Bylaw affecting the development is deemed, in the sole opinion of the Development Authority, to have occurred.

### **3.7 Development Permits and Notices**

- (1) A permit approved pursuant to this Part does not come into effect until twenty (20) days after the date notification is given of a decision on a development permit as described in Subsection (3) hereof. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

- (2) Where an appeal is made pursuant to Part Four of this Bylaw, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit has been confirmed, with or without modifications as the case may be, by the appeal.
- (3) When a development permit has been issued within the Direct Control (DC) District, or for a permitted use and no variance to any regulation has been granted as provided for by Section 3.6(8) of this Bylaw, the Development Authority shall immediately post a notice of the decision conspicuously in the Village municipal office.
- (4) When a development permit has been issued outside the Direct Control (DC) District for a discretionary use or for a permitted use where a variance to a regulation has been granted as provided for by Section 3.6(8) of this Bylaw, the Development Authority may, also, in addition to the requirements of Subsection (3) above:
  - (a) mail a notice in writing to all owners of adjacent land; and/or
  - (b) publish a notice of the decision in a newspaper circulating in the municipality.
- (5) The notice indicated in Subsections (3) and (4) shall state:
  - (a) the legal description and the street address of the site of the proposed development,
  - (b) the uses proposed for the subject development,
  - (c) any discretion that was granted in the approval of the development, whether by use or by interpretation of this Bylaw, and any variation or relaxation in regulation that was made by the Development Authority Officer when the development permit was approved,
  - (d) the date the development permit was issued, and
  - (e) how an appeal might be made to the Subdivision and Development Appeal Board and the deadline for such appeal.
- (6) The decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.

# PART FOUR - APPEALS

## 4.1 Appeal Procedure

- (1) An appeal may be made to the Subdivision and Development Appeal Board (the Board) where a Development Authority
  - (a) refuses or fails to issue a development permit to a person, or
  - (b) issues a development permit subject to conditions, or
  - (c) issues an order under Section 5.1 of this Bylaw.
- (2) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of this Bylaw were relaxed, varied or misinterpreted.
- (3) Notwithstanding Subsection (1) above, no appeal lies in respect of the issuance of a development permit by Council within the DC District.
- (4) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or development permit of a Development Authority may appeal to the Board.
- (5) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board within fourteen (14) days after
  - (a) the date a notice of the decision or permit issued by the Development Authority was given in accordance with Section 3.7(3) or 3.7(4) of this Bylaw; or
  - (b) the date an order was given in accordance with Section 5.1(1) of this Bylaw; or
  - (c) the forty (40) day period or any extension referred to in Section 3.6(9) has expired, or
  - (d) such other period of time that may be provided by the Act.

## 4.2 Appeal Hearing

- (1) Within thirty (30) days of receipt of a notice of appeal, the Board shall hold an appeal hearing respecting the appeal.
- (2) The Board shall give at least five (5) days notice in writing of the appeal hearing to:
  - (a) the appellant;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made;
  - (c) those land owners who were notified under Section 3.7(4) and any other person that the Board considers to be affected by the order, decision or permit; and
  - (d) such other persons as the Board specifies.

- (3) The Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
  - (a) the application for the development permit, its refusal and the appeal therefrom; or
  - (b) the order of the Development Authority under Section 5.1, as the case may be.
  
- (4) At the appeal hearing referred to in Subsection (1), the Board shall hear:
  - (a) the appellant or any other person acting on his behalf;
  - (b) the Development Authority from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Authority, that person;
  - (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
  - (d) any other person who claims to be affected by the order, decision or permit and that the Board agrees to hear or a person acting on his behalf.

### **4.3 Appeal Decision**

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

# **PART FIVE ENFORCEMENT**

## **5.1 Contravention**

- (1) The Development Authority or another person identified as a designated officer by the Council for the purposes of this Section may enter into or upon any land or building within the municipality, pursuant to the Act for the purpose of ensuring compliance with this Bylaw.
  
- (2) Where a Development Authority or another authorized person finds that a development or a land use or use of a building is not in accordance with
  - (a) the Act or the regulations made thereunder, or
  - (b) a development permit or subdivision approval, or
  - (c) this Bylaw,the Development Authority and/or the authorized person may, by notice in writing, order the owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to
  - (i) stop the development or use of the land or buildings in whole or in part as directed by the notice, and/or
  - (ii) demolish, remove or replace the development, and/or
  - (iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the regulations made thereunder, a development permit, subdivision approval or this Bylaw,as the case may be.
  
- (3) A person who fails or refuses to comply with an order directed to him under subsection (2) or an order of the Subdivision and Development Appeal Board within the time specified, the Development Authority may, in accordance with Section 542 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.
  
- (4) A person found guilty of an offence is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one (1) year, or to both fine and imprisonment, pursuant to Section 566 of the Act.
  
- (5) Where the municipality carries out an order, the costs and expenses incurred in carrying out the order shall 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) In addition to the process and penalties described above, the Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.

(7) Violation Tickets

- (a) The Development Authority or any other person identified as a designated officer by the Council for the purposes of this Section, may issue a violation ticket to any person alleged to have breached any provision of this Bylaw.
- (b) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Village.
- (c) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$150.00 for a first offence and \$100.00 for a second or subsequent offence. Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- (d) The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- (e) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- (f) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$500.00, plus court costs, for each offence.

# **PART SIX**

## **AMENDMENT TO THIS BYLAW**

### **6.1 Application to Amend Bylaw**

(1) **Application**

Subject to the provisions of the Act a person may apply to have this Bylaw amended, by applying in writing to the Village, in care of the Development Authority, furnishing reasons in support of the application and paying the fee therefore required under Section 6.2(1)(a).

(2) **Proposed Amendments May Originate From the Development Authority**

The Development Authority may, at any time on its own volition, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Authority.

(3) **Amendments Proposed by Council**

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority for their report and recommendation.

(4) **Technical Amendments:**

Proposed bylaw amendments which are of a clerical nature (clarification, typo correction, etc.) may be processed as a technical amendment and not require a formal public hearing at the discretion of Council.

### **6.2 Form of Application**

- (1) All applications for amendment to this Bylaw shall be made on the form as determined by the Development Authority, and shall be accompanied by:
- (a) an application fee as established by Council for each application;
  - (b) a recent title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land;
  - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
  - (d) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application; and
  - (e) any other information deemed necessary by the Development Authority or by Council.

(2) Where the amendment is to change the District applicable to a site, the Development Authority may require that the applicant undertake and provide an environmental screening of the site as part of the amendment application.

(3) **Referral of Applications**

- (a) In order to prepare the proposed Bylaw amendment for Council, the Development Authority may refer the application to such agencies as they consider necessary for comment.
- (b) During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.

(4) **Additional Information**

Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.

(5) **Payment and Undertaking:**

A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- (a) pay the Village of Chipman an application fee as set by Council;
- (b) undertake in writing on a form provided by the Village of Chipman to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Village of Chipman may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
- (c) provide the Development Authority with all additionally requested information in a reasonable time frame. Additional information may include: an Area Structure Plan or Outline Plan, geophysical or hydrological report, traffic impact assessment, etc.; and
- (d) sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

(6) **Consideration by Council:**

An application for an amendment to this Bylaw may be referred to the Development Authority for a recommendation. The recommendation of the Development Authority may be presented to Council prior to Council's decision on the proposed amendment.

(7) **Investigation by Development Authority:**

Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:

- (a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment, including circulating the application to such agencies as s/he considers necessary for comment;
- (b) prepare a detailed report for the Council on the proposed amendment; and
- (c) submit a copy of the report, maps and all material relevant thereto to the Council.

(8) **Preliminary Examination:**

The Development Authority shall:

- (a) examine the proposed amendment for content; and
- (b) advise the applicant that:
  - (i) it is prepared to recommend the amendment to the Council without further investigations, or
  - (ii) it is prepared to recommend an alternative amendment either at once or after due investigation, or
  - (ii) it is not prepared to recommend the amendment with reasons provided.

(9) **Procedure by Applicant:**

Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:

- (a) s/he wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Development Authority; or
- (b) s/he wishes to withdraw his application for an amendment.

(10) **Decision by Council:**

As soon as reasonably convenient and regardless of its recommendation, the Development Authority may submit the proposed amendment as originally applied for, or as alternatively chosen by the applicant, as the case may be, to the Council, accompanied by his recommendation and report and other relevant material, if any, and the Council shall then consider the proposed amendment.

(11) **Council May Direct Repayment:**

If it appears that the proposed amendment is one which is applicable to and for the benefit of the municipality at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the municipality pay the expense which the applicant has agreed to pay.

(12) **Limit on Frequency of Applications:**

Notwithstanding anything in this Section or this Part, a proposed amendment which has been rejected by Council within the previous six (6) months may not be reconsidered unless Council otherwise specifically directs.

- (13) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding enactment of Bylaws.
- (14) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit and negotiate a development agreement for the proposal which initiated said proposed amendment.

### **6.3 Public Hearing**

All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act regarding the notification and holding of a public hearing.

### **6.4 Amending Bylaws**

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

# **PART SEVEN**

## **GENERAL REGULATIONS**

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

### **7.1 Subdivision of Land**

- (1) Where the development of land involves a subdivision of land, no development permit, except for a show home and accessory buildings and uses to a show home, shall be issued until the subdivision has been registered at the Land Titles Office.
- (2) Subject to Subsection (3) below, any application to subdivide land in the municipality shall conform with the Act, regulations made pursuant to the Act, and this Bylaw.
- (3) The Subdivision Authority may approve an application for subdivision or a bare land condominium plan even though the proposed subdivision or bare land condominium plan does not comply with this Bylaw if, in the opinion of the Subdivision Authority:
  - (a) the proposed subdivision or bareland condominium plan would not:
    - (i) unduly interfere with the amenities of the neighbourhood, or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - (b) the proposed subdivision or bareland condominium plan conforms with the use prescribed for that land or building in this Bylaw.

### **7.2 Dwelling Units on a Parcel of Land**

In the R-1 District, the R-2 District, the R-3 District, the R-4 District, and the R-MHS District, no permit shall be granted for the erection of more than one (1) dwelling unit on a single parcel of land, or if a secondary suite is approved within the dwelling on the parcel of land, more than two (2) dwelling units.

### **7.3 Substandard Lots**

With the approval of the Development Authority the minimum site area, site depth, and site width may be less in the case of existing substandard lots which are held in separate title from abutting substandard lots as of the date of the approval of this Bylaw.

### **7.4 Fences**

- (1) Notwithstanding any regulation respecting required minimum yard to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a site.

- (2) Notwithstanding any other provision of this Bylaw to the contrary, if a proposed fence does not conform with the regulations of this Bylaw, a development permit is required prior to the erection or construction of the fence.
- (3) Unless otherwise provided in this Bylaw, no fence, wall or hedge shall be:
  - (a) higher than 1.8 m (5.9 ft.) above grade in side yards and rear yards; or
  - (b) higher than 1.0 m (3.3 ft.) above grade in front yards; or
  - (c) higher than 1.0 m (3.3 ft.) above grade within 6.0 m (19.7 ft.) of the intersection of lanes, roads, or any combination of them.
- (4) Notwithstanding Subsection (3) above, in the case of a double fronting site or a corner site, a fence shall be allowed no higher than:
  - (a) 1.0 m (3.3 ft.) at no less than 3.0 m (9.8 ft.) from the property line, or
  - (b) 1.3 m (4.3 ft.) at no less than 4.5 m (14.8 ft.) from the property line, or
  - (c) 1.5 m (4.9 ft.) at no less than 6.0 m (19.7 ft.) from the property line, or
  - (b) 1.8 m (5.9 ft.) at no less than 7.5 m (24.6 ft.) from the property line, oralong one (1) front yard in the case of double fronting sites and along the side yard adjacent to a road in the case of corner sites.
- (4) Notwithstanding Subsections (3) and (4) above, at the discretion of the Development Authority, the height of a fence on or adjacent to a rear line or a portion of a rear line may be up to 2.5 m (8.2 ft.) in height. The approval of such a fence height by the Development Authority shall be considered to be a discretionary decision and therefore subject to objection and appeal to the Subdivision and Development Appeal Board.
- (5) Notwithstanding Subsection (3) above, the height of a fence in an Industrial District or in an Urban Reserve District shall be as determined by the Development Authority.
- (6) No fences comprised of barbed wire, page wire, or razor wire shall be allowed, except in the Industrial District and in the Urban Reserve District. If barbed wire is allowed, it shall not be allowed below a height of 1.8 m (5.9 ft.) unless the Development Authority, at their sole discretion, allows barbed wire at a lower height where, in their opinion, dwellings would not be in proximity to the fence proposed.
- (7) No electrification of fences shall be allowed.
- (8) The Development Authority may require that a fence or other screen be provided to a height of at least 1.5 m (4.9 ft.) surrounding the following where they would be visible from a road or from an adjacent dwelling:
  - (a) outdoor storage areas,
  - (b) garbage collection areas, and
  - (c) loading or vehicle service areas.
- (9) Outside storage areas shall be screened from adjacent sites and roads to the satisfaction of the Development Authority. Such screening may include fences and/or landscaping.

## 7.5 Landscaping

- (1) Landscaping in all developments shall be to the satisfaction of the Development Authority and in accordance with the municipality's landscaping standards as stated in Subsection (9). Where a landscaping plan is required with an application for a development permit, no landscaping shall commence prior to the plan being approved by the Development Authority.
- (2) A \$1000.00 landscaping deposit may be required with the submission of Development Permit Applications for Residential, Commercial and Industrial Development. The Deposit will be fully refundable after the first year of the completion of the development if the landscaping conforms to the approved landscaping plan and meets with the satisfaction of the Village's Development Authority.
- (3) Landscaping plans shall include the following information which adheres to the following standards:
  - (a) the final grading of the area and the placing and spreading of topsoil. In particular:
    - (i) the cross slope across boulevards shall be a minimum of two percent (2%), and
    - (ii) all areas to be landscaped shall be graded to drain to the road, into catch basins, or into adjacent drainage easements. Under no circumstances shall an area be designed, built, or landscaped to drain from public property onto private property, or from private property onto adjacent private property without appropriate easements;
  - (b) all physical features, both existing and proposed, including: shrubs and trees identified by their common name, their botanical name, and their size; grassed areas; flower beds; berms showing contours; walls; fences; outdoor furniture; surface utilities; water features; and decorative paving; and
  - (c) playground equipment and public seating areas if the area forms part of a communal amenity area.
- (4) The areas to be landscaped shall include all boulevards, buffer strips, drainage easements, retention and detention ponds, walkways, and playgrounds.
- (5) When the implementation of landscaping plans is a condition of the approval of a development permit, all such landscaping and planting must be carried out, to the satisfaction of the Development Authority, within two (2) months (weather permitting) of the occupancy or the commencement of operation of the proposed development.
- (6) The owner of the site or his successors or assignees shall be responsible for proper maintenance of the landscaping. If plant material does not survive a two (2) year maintenance period, commencing when the Development Authority determines that the landscaping has been completed in accordance with approved plans, it must be replaced with plant material of similar type and size.

- (7) When no lane separates commercial or industrial development from residential development, a landscaped buffer between the uses shall be required. A landscaped buffer may be required where a lane separates such uses. The planting and width of the buffer shall be as required by the Development Authority.
- (8) Trees shall be planted on all buffers.
- (9) Unless otherwise specified, plant material required in a landscape plan must meet the following landscaping standards:
  - (a) be hardy to the municipality and the proposed site. The Horticultural Standards of the Canadian Nursery Trades Association may be used as a reference guide in selecting plants);
  - (b) the proportion of deciduous to coniferous trees shall be approximately 60:40, unless the landscaping plan is prepared by a professional landscape architect;
  - (c) deciduous trees must have a minimum calliper width of 5 cm (1.9 in.) measured 10 cm (3.9 in.) above the root ball;
  - (d) coniferous trees must be a minimum height of 2.0 m (6.6 ft.) at the time of planting; and
  - (e) shrub material, if deciduous, must have a minimum height of 60 cm (23.6 in.) when planted and, if coniferous, must have a minimum spread of 40 cm (15.7 in.) when planted.
- (10) Where trees are required within a parking lot, they shall be provided in a ratio of one (1) tree per five (5) parking spaces (single row parking) or one (1) tree per ten (10) parking spaces (double row parking), and planted in landscaped islands.
- (11) Landscaped islands must be:
  - (a) designed to protect all plant material from damage, and
  - (b) finished with tree grates, ground cover vegetation, and/or hard landscaping.
- (12) Landscaping islands may be designed to be part of any storm water management system.
- (13) Landscaping must be located so that it will not have a negative impact on above or below ground utilities.

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

- (1) No person shall keep or permit in any part of any yard in any Residential District:
  - (a) any abandoned, dismantled, wrecked motor vehicle for more than fourteen (14) successive days;
  - (b) any vehicle with a gross vehicle weight of 4.5 tonnes (9921 lbs.);
  - (c) no more than two (2) unlicensed, but mechanically sound vehicle provided that they are not, in the opinion of the Development Authority, unsightly or tend to adversely affect the amenities of the District in which they are located;

- (d) any other object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District in which it is located;
  - (e) any excavation, storage or piling up of materials required during construction unless all necessary safety measures are taken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; or
  - (f) any bulk fuel tanks or petroleum products so as to create a hazard or nuisance;
  - (g) any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 4000 kg (8818 lbs.) for longer than is reasonably necessary to load or unload the vehicle.
- (2) No person shall keep or permit in any part of any front yard in a Residential District any recreational vehicle or commercial vehicle, or any parking area for any other motor vehicle which is not either paved or of a gravel mixture acceptable to the Development Authority.

## **7.7 Projection into Yards**

- (1) Except as provided in this Section and Section 7.8, and except for fences as noted in Section 7.4(1), no portion of a building shall be located or project into a required minimum yard.
- (2) Required Minimum Front Yards

The following features may project into a required minimum front yard:

- (a) steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be as allowed by the Development Authority;
  - (b) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
  - (c) exterior balconies on apartments provided that:
    - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
    - (ii) they do not project more than 2.0 m (6.6 ft.) into the required minimum front yard; and
  - (d) any other features which, in the opinion of the Development Authority, are similar to the foregoing.
- (3) Required Minimum Side Yards

The following features may project into a required minimum side yard; except where a side yard of 3 m (9.8 ft.) is required for vehicular passage:

- (a) steps, chimneys and decks, provided such projection does not exceed fifty percent (50%) of the width of the required minimum side yard;
- (b) patios, which can project to the side line;

- (c) verandas, porches, eaves, gutters, sills, bay or oval windows, chimneys, or other similar projections, provided such projections do not exceed 0.6 m (2.0 ft.);
- (d) canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m (3.3 ft.);
- (e) exterior balconies on apartments provided that:
  - (i) they are cantilevered and not enclosed, and designed as an integral part of the building, and
  - (ii) they do not project more than 1.0 m (3 ft.) into a required side yard and in no case are closer than 2.0 m (6.6 ft.) to a side line; and
- (f) any other features which, in the opinion of the Development Authority, are similar to the foregoing.

## **7.8 Corner Sites and Double Fronting Sites**

- (1) In the case of double fronting sites, the front yard shall be that portion of the site abutting the road on which the front yards of adjacent lots face. If adjacent lots have front yards facing both roads, front yards shall be considered to be on both roads and the lot may thus have no rear yard.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner site or on a double fronting site provide two minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
- (3) Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner site, the minimum required side yard on the side adjacent to the road shall not be less than 3.8 m (12.6 ft.).
- (4) Notwithstanding Subsection (3) features under 0.5 m (1.65 ft.) can project to the side line where a second minimum front yard is not required on a corner site.

## **7.9 Site Line Protection**

- (1) On corner sites, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road right-of-way lines (or their projections) and a straight line joining points on the road right-of-way lines 6.0 m (19.7 ft.) from their intersection.
- (2) At the intersection of roads and lanes, and at intersections of driveways and roads, no fence, wall, tree, bush, structure or thing more than 1.0 m (3.3 ft.) in height shall be erected, placed or maintained within the triangular area formed by the intersecting road or lane right-of-way lines or the edge of the driveway and a straight line joining points on the road or lane right-of-way lines or the edge of the driveway 3.0 m (9.8 ft.) from their intersection.

- (3) This Section 1.9 does not apply in the C-1 District or in the C-2 District, except where an existing building is set back from the property line sufficient to allow for the regulations provided by Subsections (1) and (2).
- (4) Notwithstanding any other provision of this Bylaw to the contrary, no sign shall be located within the areas defined in Subsections (1) and (2) such that any part of the sign is between the heights of 1.0 m (3.3 ft.) and 4.0 m (13.1 ft.) above grade.

## **7.10 Site Grading and Drainage**

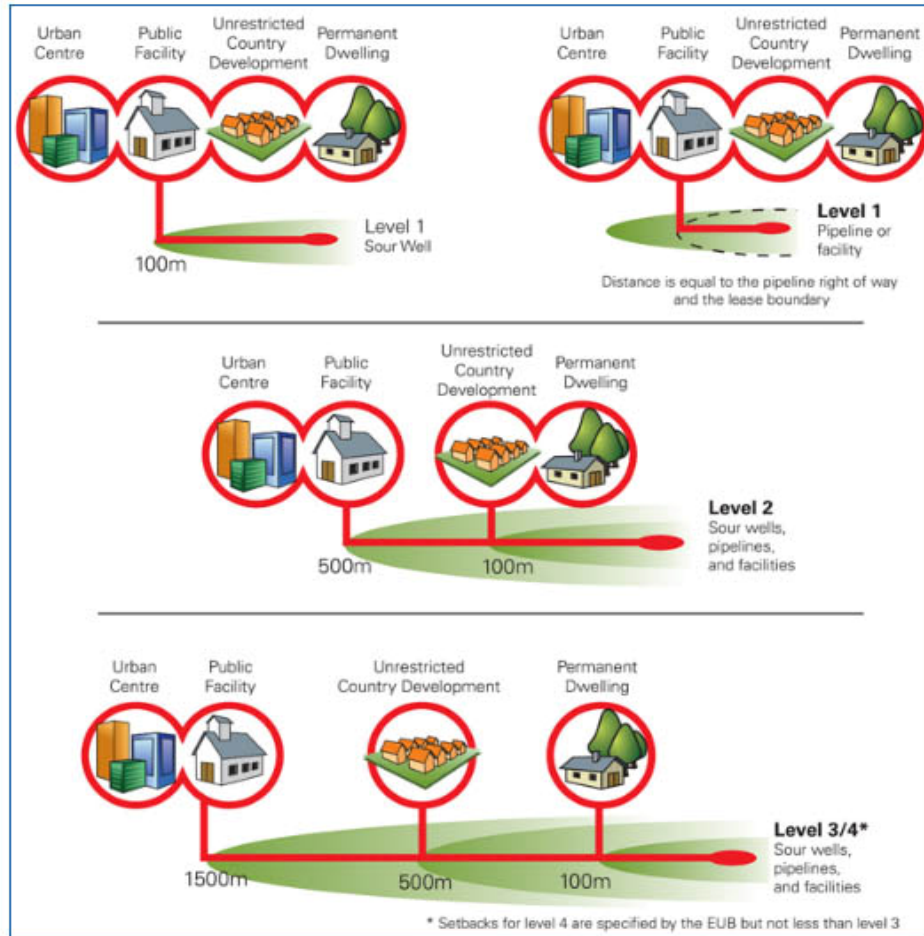
In all cases, site grades shall be established to not allow one site to drain onto an adjacent site except where drainage conforms to an acceptable local or subdivision drainage plan and/or where there are appropriate drainage easements in place.

## **7.11 Building Exteriors**

- (1) The quality of exterior treatment and design of all buildings, where development permit approval is required, shall be to the satisfaction of the Development Authority. The Development Authority may specify exterior finishing materials for any building or structure for which a development permit is required.
- (2) The design, siting, external finish, architectural appearance and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings.
- (3) The Development Authority may consider the following when reviewing development proposals in all Districts:
  - (a) the design, character and appearance of all buildings with respect to their compatibility with any other buildings existing in the vicinity;
  - (b) the design of the building must be consistent with the purpose of the District in which it is located; and
  - (c) any other matter that the Development Authority considers relevant regarding the exterior treatment of buildings and structures for which a development permit is required.

## **7.12 Sour Gas Facilities**

- (1) No development shall be permitted within 100 m (330 ft.) of a Level 1 sour gas facility (consisting of a well) as determined by the Alberta Energy Resources Conservation Board.
- (2) No development shall be permitted within 500 m (1640 ft.) of a Level 2 sour gas facility as determined by the Alberta Energy Resources Conservation Board.
- (3) No development, other than a dwelling or an unrestricted country development shall be permitted within 1500 m (4920 ft.) of a Level 3 or Level 4 sour gas facility as determined by the Alberta Energy and Utilities Board.



**Figure 18: ERCB Sour Gas Setback Requirements**

### 7.13 Noise

No use or operation shall create noise levels which exceed those measures prescribed in municipal bylaws.

### 7.14 Nuisance

- (1) No activity may be undertaken which, in the opinion of the Development Authority, constitutes a nuisance on a private or public site by reason of the generation of vibration, heat, humidity, glare, smoke, dust, other particulate matter, or odour.
- (2) Sites and buildings in all District shall be maintained in a clean and tidy condition, free from all rubbish and debris.
- (3) Garbage shall be stored in weather-proof and animal-proof containers and shall be placed in a location or screened from adjacent sites, and roads, in a manner that is to the satisfaction of the Development Authority and shall be in a location easily accessible for pick-up.

## **7.15 Environmental Screening**

Where the potential for prior contamination of a site exists, the Development Authority may require that a Phase 1 Environmental Site Assessment be conducted according to applicable provincial requirements and/or guidelines prior to a development permit being issued. Any follow-up assessment or remedies that may be required may be incorporated into conditions for the approval of the development permit.

## **7.16 Hazardous Materials**

- (1) No anhydrous ammonia (AA) or liquefied petroleum gas tank or (LPG) storage tank with a water capacity exceeding 9080 l (2000 gal.) shall be allowed within the municipality.
- (2) All developments which store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics will comply with Provincial and Federal legislation and regulations.
- (3) No development in any District shall emit air or water contaminants in excess of the standards prescribed Provincial and Federal legislation and regulations.
- (4) All commercial or industrial developments involving the following hazardous materials shall submit a written description of the materials and operations being undertaken on the site to the development authority for review prior to development approval at the time of development permit application: or at the time the operation begins using the material:
  - (a) poisonous and infectious agents;
  - (b) pesticides;
  - (c) corrosives and explosives;
  - (d) flammable and combustible liquids;
  - (e) manures; and
  - (f) radiation.
- (5) No development shall create or discharge toxic materials in amounts or quantities that exceed the levels prescribed by Provincial and Federal legislation and regulations.
- (6) No development shall discharge toxic or noxious materials:
  - (a) across the boundaries of a site,
  - (b) through infiltration into the soil,
  - (c) into the municipal sewage disposal system, except as otherwise directed by the municipality, or
  - (d) into a water body, any surface water channel, or any below surface water course.

## **7.17 Amenity Areas**

Where required in any District, private and/or communal amenity areas shall be provided in accordance with the following:

- (1) Private outdoor amenity areas shall be designed for the occupants of an individual dwelling unit and shall:
  - (a) be located immediately adjacent to, and with direct access from, the dwelling it is intended to serve,
  - (b) be located in a yard other than a front yard,
  - (c) be landscaped and surfaced for convenient use for outdoor activities,
  - (d) be of a width and length of at least 4 m (13.2 ft.), and
  - (e) be developed as open space unencumbered by any accessory buildings or future additions.
- (2) Notwithstanding Subsection (1)(d) above, balconies may be considered private outdoor amenity areas provided they are unenclosed and have a minimum depth of 2.0 m (6.6 ft.).
- (3) Communal amenity areas shall be designed for the recreational use of all residents of the development or for the use and enjoyment of the public in the case of a non-residential development. The area shall be indoor or outdoor space, or a combination thereof, including but not limited to landscaped courtyards, public seating areas, swimming pools, fitness rooms, party rooms, games rooms, and children's play areas complete with equipment.
- (4) In multi-family dwelling developments of 15 dwelling units or more, a minimum communal amenity area of 2.5 sq. m (26.9 sq. ft.) per dwelling unit shall be provided and be developed as children's play space or other communal recreation space, and be aggregated into areas of not less than 50 sq. m (528.2 sq. ft.).
- (5) In multi-family dwelling developments, at least ten percent (10%) of the open space area required on the site shall be provided for recreational purposes; and in multi-family dwelling developments of 15 units or more, recreational equipment shall be provided on this area to the satisfaction of the Development Authority. This requirement may be relaxed at the discretion of the Development Authority where indoor recreational facilities are provided.

## **7.18 Utility Easements**

No development other than landscaping or a fence shall be constructed or placed on a utility easement unless, in the sole opinion of the Development Authority, the development does not restrict access to the utility easement for the purpose of installation and maintenance of the utility.

## **7.19 On-Site and Off-Site Services and Improvements**

- (1) Where any on-site services or improvements, or any off-site local improvements are required to service a proposed development, a developer shall not begin the excavation for the foundation nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken. In order to satisfy the Development Authority in this respect, the

developer may be required to enter into a development agreement with the Village as a condition of development permit approval.

- (2) No development permit shall be issued for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.

## **7.20 Development of a Project**

- (1) Prior to the granting of approval of a subdivision application or a development permit for a project, as the case may be, the developer shall provide the municipality with a proposed site development and landscaping plan. As a condition of the approval of a development permit for a project, the developer shall enter into an agreement with the municipality specifying the respecting obligations of the developer and the municipality regarding all of the following as are applicable:
  - (a) the establishment, operation and maintenance of facilities for:
    - (i) storm water management,
    - (ii) sanitary sewage collection and disposal,
    - (iii) water, power and gas supply,
    - (iv) access via roads, sidewalks, walkways and curbs,
    - (v) snow removal,
    - (vi) garbage collection, including garbage collection areas and buffering of same,
    - (vii) fire protection,
    - (viii) parks, playgrounds, buffers and other amenity areas,
    - (ix) landscaping and fencing, and
    - (x) any other facility deemed necessary by the Development Authority;
  - (b) the standards of construction for same and the provision of security to ensure completion of any or all of them;
  - (c) the manner in which costs of same are to be met or recovered;
  - (d) the period of time agreed upon for completion of construction or installation of the facilities;
  - (e) the provision to the municipality of as-built site and utility plans showing the boundaries of all lots and the location of all buildings and services; and
  - (f) such other matters as may be deemed necessary by the Development Authority.
- (2) In considering a condominium plan or a bareland condominium plan, the following shall apply:
  - (a) except as provided for in Subsection (4) below, the development regulations of the District in which the condominium plan or bareland condominium plan is located shall apply;
  - (b) roadway and municipal engineering standards may, at the discretion of the Development Authority, be relaxed within the condominium plan or the bareland condominium plan provided that:

- (i) adequate emergency vehicle access, legal road access, and municipal servicing is provided and maintained to the satisfaction of the Development Authority, and
  - (ii) the developer and his heirs and assigns or the condominium corporation assumes all responsibility for the construction, maintenance, repair and replacement of all such roads and services within the condominium plan or bareland condominium plan.
- (3) All uses in a project containing multiple use building shall be either permitted or discretionary uses in the District in which the building is located.
- (4) The site area, lot sizes, lot coverage and density within a project shall adhere to the regulations of the District in which the project is located, except that the site size, site coverage, and density may be relaxed in part of the development where the minimum site area is achieved and the maximum density on the site is not exceeded.
- (5) No building within a project shall be located closer to a front, side, or rear line than specified within the District in which the project is located.
- (6) Internal separation space between buildings within a project shall be to the satisfaction of the Development Authority, based on site design considerations and the need for access between buildings. In no case shall such separation space be less than 2.5 m (8.2 ft.) where building height is 2 storeys or less and 4.25 m (13.9 ft.) where building height exceeds 2 storeys.

## **7.21 Relocation of Buildings**

Notwithstanding that an application is for a permitted use, in making his decision on a development permit application to relocate an already constructed or partially constructed building, the Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be located, may approve the development permit subject to making alterations to the building so as to make it compatible, or may refuse a development permit if the building is or will be incompatible with the neighbourhood.

# **PART EIGHT**

## **REGULATIONS FOR ACCESSORY BUILDINGS AND USES**

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

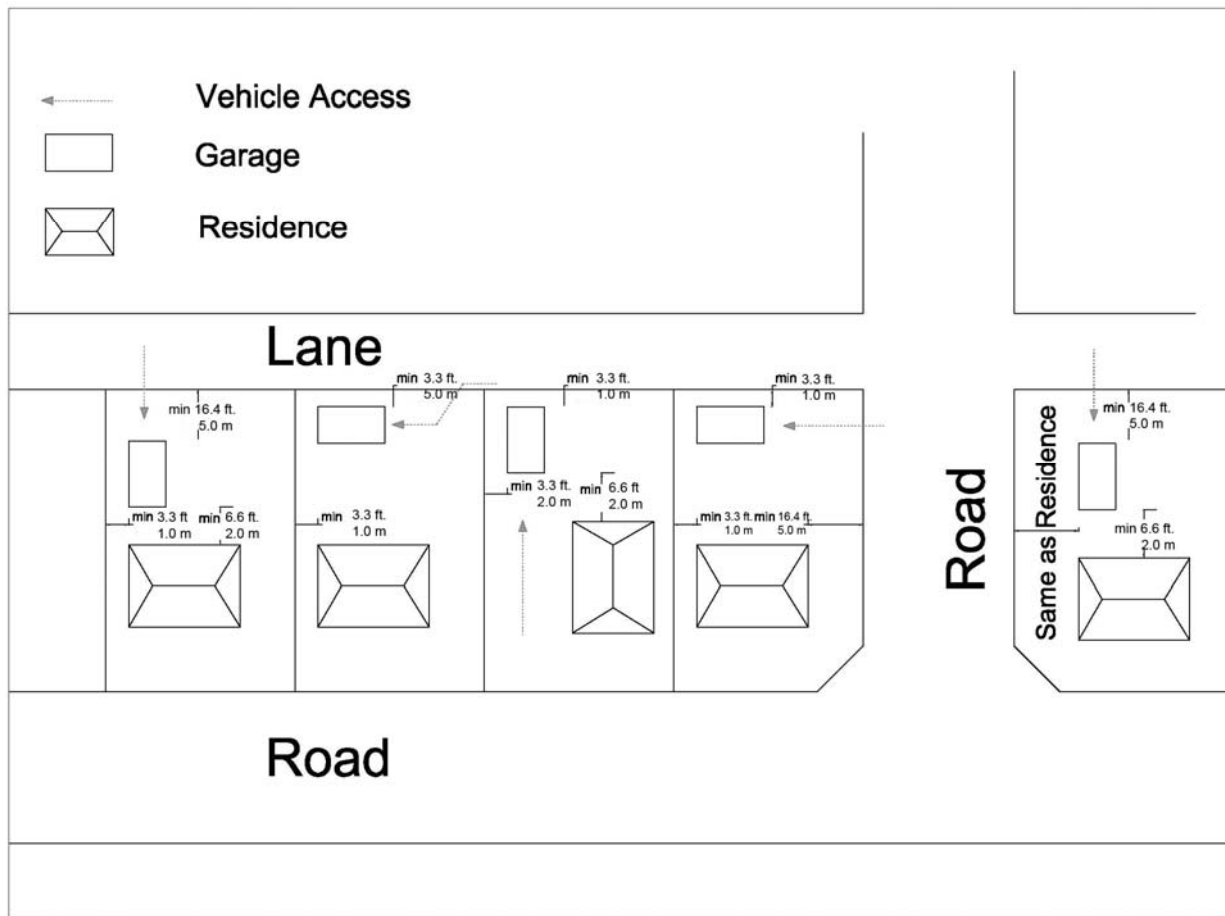
### **8.1 General Regulations**

- (1) All accessory buildings and uses shall comply with all relevant provisions of this Bylaw.
- (2) No person shall use, or permit an accessory building to be used as a dwelling unit, except as a surveillance suites, where allowed in this Bylaw.
- (3) Accessory buildings shall be constructed either simultaneously with, or after, the construction of the principal building on a site or the commencement of the principal use on a site, and not before the principal building is constructed or the principal use commences.
- (4) Where a building is attached to a principal building by a breezeway, a roofed passage or an open or enclosed structure above grade, it is to be considered a part of the principal building and not an accessory building, and all the minimum yard requirements of the principal building shall apply.
- (5) No person shall construct or permit the construction of an accessory building, or group of accessory buildings, such that, individually or collectively, the gross floor area of the accessory building or buildings would:
  - (i) along with the principal building, exceed the maximum site coverage allowed on the site,
  - (ii) exceed the floor area of the principal building on the site, or
  - (iii) exceed twelve percent (12%) of the site area.
- (5) Accessory buildings shall not be located in a front yard.
- (6) Accessory buildings shall not be located on an easement or a utility right-of-way.

### **8.2 Accessory Buildings in Residential Districts, including Garages, Sheds, Decks, etc.**

- (1) Unless otherwise provided, in Residential Districts:
  - (a) an accessory building shall not exceed one storey or 4.5 m (14.8 ft.) in height;
  - (b) where an open carport is attached to a dwelling, the minimum required side yard may, at the discretion of the Development Authority, be reduced to 1.2 m (3.9 ft.);

- (2) Accessory buildings in Residential Districts shall be located:
- (a) a minimum of 2.0 m (6.6 ft.) from the dwelling;
  - (b) no closer to the front line than the front of the principal building except in the case of double fronting or corner sites, in which case the minimum required yard may be reduced to 4.5 m (14.76 ft.) from one front line, and the minimum required side yard adjacent to the side line may be reduced to 7.5 m (24.6 ft.) where, in the opinion of the Development Authority, any adjacent developments would not be adversely affected;
  - (c) no closer than 1.0 m (3.3 ft.) to the rear line, providing there is no encroachment of any part of the building beyond the rear line, except that where the vehicle doors of a garage face a lane abutting the site, the garage shall be no closer than 5.0 m (16.4 ft.) from the rear line;
  - (d) no closer than 1.0 m (3.3 ft.) from the side line, excepting where a fire wall is constructed along the boundary line between two garages located within one building. In such a case, accessory buildings may be built within 1.0 m (3.3 ft.) of the side line; and
  - (e) such that no roof overhang is located within 0.3 m (1.0 ft.) of a side or rear line.



**Figure 19: Siting of Accessory Buildings**

- (3) All decks and verandas in Residential Districts shall be located such that they do not project into minimum required yards.
- (4) Notwithstanding Subsection (3) above, any deck or veranda which the Development Authority allows, at his sole discretion, to project into a minimum required front yard in a Residential District, may be roofed but shall not be enclosed.

### **8.3 Accessory Buildings in Districts Other Than Residential Districts**

- (1) In Districts other than Residential Districts, regulations governing the development of accessory buildings shall be at the discretion of the Development Authority, unless otherwise indicated in this Bylaw.
- (2) At the discretion of the Development Authority, a development permit may be issued for the temporary erection of a factory-manufactured building for use as an accessory building provided that the following additional conditions are met:
  - (i) the development permit approval shall not be for a period of more than six (6) months,
  - (ii) if an extension to the six (6) month period is desired by the applicant, the applicant must submit a new development permit application to locate the building for a further six (6) months.

### **8.4 Private Swimming Pools and Hot Tubs**

- (1) Notwithstanding any other provision of this Bylaw to the contrary, a development permit is required prior to the commencement of the installation or construction of a private swimming pool or hot tub.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, private swimming pools and hot tubs shall be developed in accordance with all relevant regulations respecting accessory buildings and uses in this Bylaw.

### **8.5 Surveillance Suites**

- (1) A surveillance suite shall not be allowed on a site unless specifically listed as a permitted or as a discretionary use within the District within which the site is located; and provided, further, that it is accessory to a specific development.
- (2) A surveillance suite which is not located attached to or within the principal building shall be located:
  - (a) a minimum of 2.0 m (6.6 ft.) from any buildings;
  - (b) a minimum of 3.0 m (9.8 ft.) from the rear and side lines; and
  - (c) no closer to the front line than the principal building.
- (3) A surveillance suite may be a Type B single family dwelling. Where it is a Type B single family dwelling, the Type B single family dwelling shall be secured to a foundation and properly skirted to the satisfaction of the Development Authority.

- (4) The maximum floor area of a surveillance suite shall be 32.6 sq. m (351 sq. ft.).
- (5) The design and quality of the exterior treatment of the surveillance suite shall be compatible with any other buildings existing on the property and shall be to the satisfaction of the Development Authority.

## **8.6 Home Occupations**

- (1) Home occupations shall not be allowed on a site unless a dwelling unit is located on the site on which the home occupation is to be located.
- (2) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his opinion, the home occupation is or has become detrimental to the amenities of the neighbourhood in which it is located or if there is any change or intensification of the home occupation as originally approved.
- (3) The Development Authority may place time limits on the period for which a development permit for a home occupation is valid.
- (4) All home occupations shall comply with the following requirements:
  - (a) Except for a sign as allowed for in this Bylaw, no home occupation shall change the principal character or external appearance of the dwelling involved or of any accessory buildings.
  - (b) Home occupations shall be incidental and subordinate to the principal use of the dwelling.
  - (c) No more than 20% or 30 sq. m (323 sq. ft.), whichever is less, of the dwelling unit shall be occupied by the home occupation.
  - (d) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the home occupation allowed on the site.
  - (e) The home occupation shall not create any nuisance by way of noise, dust, odour, or smoke, or anything of an offensive or objectionable nature.
  - (f) There shall be no mechanical or electrical equipment used which creates external noise, or visible or audible interference with home electronics or computer equipment in adjacent dwellings.
  - (g) When a development permit is issued for a home occupation, such permit shall be terminated should the applicant vacate the property for which the permit has been issued. This matter shall be indicated by the Development Authority as a condition of approval of a development permit for a home occupation.
  - (h) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the home occupation is located.
  - (i) Only one (1) commercial vehicle, of a capacity not exceeding 1.0 tonne (2400 lbs), shall be used in conjunction with the home occupation, or parked or maintained on the site or on the road in proximity to the site. Truck trailers or vehicle accessories or equipment shall not be allowed.
  - (j) Home occupations shall not involve:

- (i) activities that use or store hazardous material in quantities exceeding those found in a normal household; or
  - (ii) any use that would, in the opinion of the Development Authority, materially interfere with or affect the use, enjoyment, or value of neighbouring properties.
- (5) A major home occupation shall also comply with the following regulations:
  - (a) There may be a limited volume of on-premises sales; however, no commodity other than the product of the business shall be sold on the premises.
  - (b) Pedestrian or vehicular traffic or parking, shall not, in the opinion of the Development Authority, be generated in excess of that which is characteristic of the District in which the major home occupation is located.
  - (c) The number of non-resident employees or other persons working on-site shall not exceed one (1) at any time.
  - (d) The number of clients or customers on-site shall not exceed six (6) at any time.
  - (e) Storage related to the business activity and the business activity itself may be allowed in either the dwelling or accessory buildings.
  - (f) The major home occupation shall not be allowed if, in the opinion of the Development Authority, such use would be more appropriately located in a Commercial or an Industrial District, having regard for the overall compatibility of the use with the residential character of the area.
  - (g) The dwelling in which a major home occupation is located may have one fascia sign placed on the dwelling, providing that the sign does not exceed 0.4 sq. m (4 sq. ft.) in area.
- (6) A minor home occupation shall also comply with the following regulations. If it does not, it shall be considered to be a major home occupation and an approved development permit will be necessary to operate:
  - (a) All sales relating to the minor home occupation shall occur off the premises.
  - (b) No person shall be employed on-site other than a resident of the dwelling unit.
  - (c) There shall be no more than five (5) client or customer visits to the minor home occupation per week.
  - (d) Storage related to the business activity and the business activity itself shall only be allowed inside the dwelling and not in an accessory building or outside on the site. A minor home occupation does not involve the display of goods in the interior of the residence.
  - (e) There may not be a sign relating to a minor home occupation.

## **8.7 Bed and Breakfast Establishments**

- (1) A bed and breakfast establishment shall only be developed as an accessory use to a dwelling unit.

- (2) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved, and shall have a maximum of four (4) sleeping bedrooms.
- (3) Cooking facilities shall not be located within the sleeping units.
- (4) In addition to the above, a bed and breakfast establishment shall comply with all of the requirements for a major home occupation described in this Bylaw.

# PART NINE

## PARKING AND LOADING PROVISION

Notwithstanding the District Regulations in effect on a site, the following regulations shall also apply:

### 9.1 Parking Areas

- (1) Unless otherwise approved by the Development Authority, each development shall provide on its site a parking area containing, at a minimum, the number of parking spaces as calculated from the following.

<b>Use of Building or Site</b>	<b>Minimum Number of Parking Spaces</b>
<u>Residential Uses</u>	
Seniors apartments	2 for each 3 dwelling units
Boarding and lodging houses	1.0 per sleeping unit
Senior citizen homes	2 per 3 dwelling units
Secondary suites	1 per dwelling unit
All other dwellings	2 per dwelling unit
Manufactured home parks	2 per Type B single family dwelling plus 1 visitor parking space per 3 Type B single family dwellings
<u>Commercial Uses</u>	
Office uses and government services	1 per 40 sq. m (430 sq. ft.) of gross leasable area
Health services	1 per 30 sq. m (325 sq. ft.) of gross leasable area or 3 spaces for each full time or part-time professional, whichever is greater
Eating and drinking establishments (except as noted below)	1 per 4 seating spaces or 1 per 3 employees, whichever is greater
Eating and drinking establishments (all food taken off-site to be consumed off site)	1 per 13 sq. m (140 sq. ft.) of gross leasable area plus or 1 per 3 employees on maximum shift
Drive-in restaurants	1 per 3 sq. m (32.3 sq. ft.) of gross

	leasable area or 1 per 5 seating spaces, whichever is the greater
Other drive-in businesses	8
Hotels and motels	1 per rentable unit plus 1 per 3 employees on maximum shift
Bed and breakfast establishments	1 per sleeping unit
Minor home occupations	1 in addition to the requirements for the residential use
Major home occupations	2 in addition to the requirements for the residential use
All other commercial uses	
For the first 1000 sq. m (10,764) sq. ft. of gross leasable area	1 per 30 sq. m (325 sq. ft.) of gross leasable area
For the next 3000 sq. m (32,291) sq. ft. of gross leasable area	1 per each 20 sq. m (215 sq. ft.) of gross leasable area
For the any additional gross leasable area beyond 4000 sq. m (43,055 sq. ft.)	1 per each 17 sq. m (183 sq. ft.) of gross leasable area
<u>Places of Public Assembly</u>	
Auditoriums, places of worship, halls, clubs, theatres and other recreation places	1 per 17.5 seating spaces or 1 per 7 sq. m (75.3 sq. ft.) used by patrons, whichever is greater
<u>Schools</u>	
Elementary and junior high schools	1 per school employee during regular school hours, plus 5
High schools	4 per 10 students
Commercial schools	1 per student
<u>Industrial Uses</u>	
	1 per employee on maximum shift
<u>Hospitals &amp; Similar Uses</u>	
Hospitals, sanitoriums, convalescent homes, senior citizen lodges, nursing homes, group care facilities, etc.	1 per 100 sq. m (1076 sq. ft.) of gross area or 1 per 4 beds, whichever is greater, plus 1 for every 2 employees on maximum shift

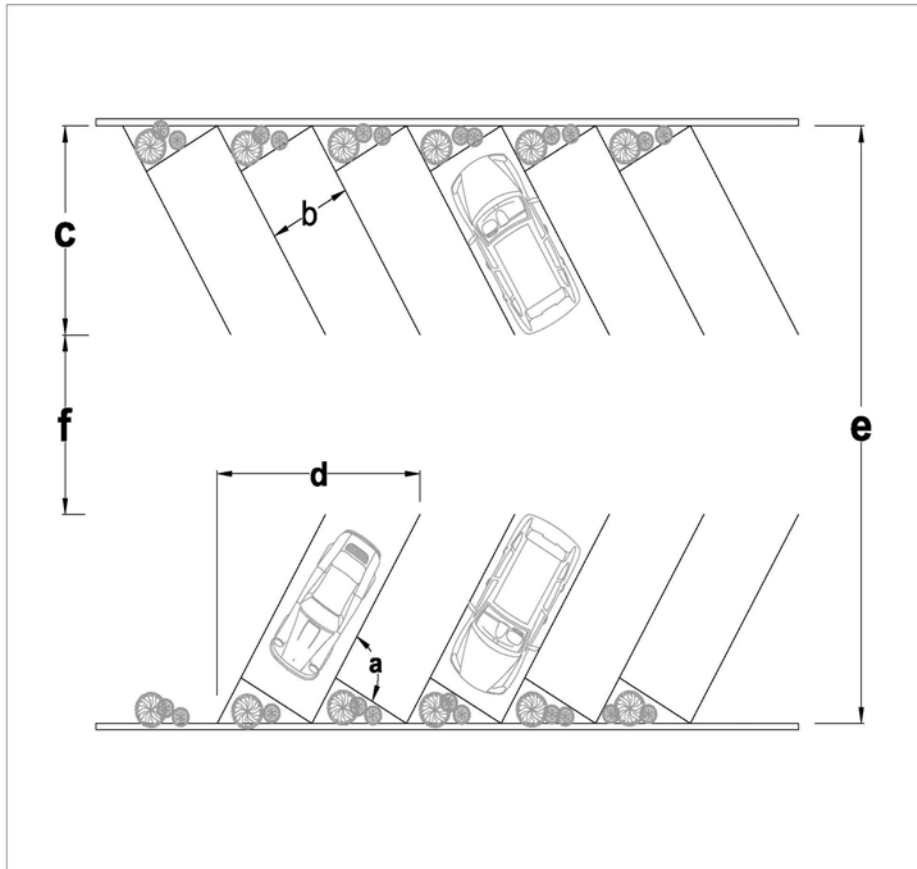
- (b) In the case of a use not specifically mentioned, the required number of on-site parking spaces shall be the same as for a similar use as determined by the Development Authority.
  - (c) Where a development contains more than one use as listed, the required number of parking spaces shall be the sum of the requirements for each of the uses listed.
  - (d) Where a fractional number of parking spaces are required, the next highest number of spaces shall be provided.
  - (e) If the Development Authority approves, one or more developments or uses may pool their minimum required parking spaces within one or more communal parking areas and may thereby collectively fulfil the requirements of this Bylaw.
- (2) The Development Authority may allow an applicant to provide a lesser number of spaces by up to fifteen percent (15%) if it can be shown to the satisfaction of the Development Authority that the standard is not applicable to the project due to
- (a) the relationship of the development to other parking areas;
  - (b) differing hours of demand for parking; or
  - (c) the scale and character of the development.
- (3) Surfacing and Drainage
- (a) All parking areas shall be clearly marked, hard surfaced, landscaped, adequately lit with lighting directed away from adjacent sites, adequately graded and drained to dispose of all storm water run-off, and contain the necessary curb cuts.
  - (b) Notwithstanding Subsection (a) above, where the access to or egress from a parking areas is from a gravelled road, or where the development involves the expansion of an existing building on a site where the existing parking area is not hard surfaced, the parking area may, at the option of the developer, be gravelled to the satisfaction of the Development Authority.
  - (c) Drainage shall only be allowed to cross sidewalks if approved by the Development Authority.

- (4) All parking spaces shall conform with the requirements shown in Table 1.

**TABLE 1  
MINIMUM PARKING STANDARDS**

(a) Parking Angle in Degrees	(b) Stall Width	(c) Stall Depth Perpendicular to Aisle	(d) Stall Width Parallel to Aisle	(e) Overall Depth	(f) Aisle Width (One Way)
0	3.0 m (9.84 ft.)	3.0 m (9.84 ft.)	7.0 m (23 ft.)	9.6 m (31.5 ft.)	3.6 m (11.8 ft.)
30	3.0 m (9.84 ft.)	5.2 m (17 ft.)	5.5 m (18 ft.)	14.0 m (46 ft.)	3.6 m (11.8 ft.)
45	3.0 m (9.84 ft.)	5.8 m (19 ft.)	4.0 m (13 ft.)	15.2 m (50 ft.)	3.6 m (11.8 ft.)
60	3.0 m (9.84 ft.)	6.1 m (20 ft.)	3.5 m (11.5 ft.)	18.3 m (60 ft.)	6.0 m (20 ft.)
90	3.0 m (9.84 ft.)	6.1 m (20 ft.)	3.0 m (9.84 ft.)	19.5 m (65 ft.)	7.3 m (24 ft.)

(See Figure19 for definitions of column headings)



**Figure 20: Parking Lot Layout**

## 9.2 Off-Street Loading Areas

- (1) Where a proposed development will, in the opinion of the Development Authority, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.

- (2) When required by the Development Authority, loading spaces shall:
- (a) have dimensions of not less than 4.0 m (13.1 ft.) in width, 8.0 m (26.2 ft.) in length, and 4.3 m (14.1 ft.) in height above grade;
  - (b) have vehicular ingress to, and egress from, a road or lane either directly or by a clearly defined traffic aisle;
  - (c) be sited at an elevation or elevations convenient to a major floor level in building or to a utility elevator serving each major floor level;
  - (d) be so graded and drained as to dispose of all storm water runoff. Drainage shall only be allowed to cross sidewalks if approved by the Development Authority;
  - (e) be paved or hard surfaced where a parking area is required to be paved or hard surfaced;
  - (f) have adequate lighting to the satisfaction of the Development Authority; and
  - (g) be screened on each side adjoining any Residential District by a wall, fence, earth berm or hedge of not less than 1.5 m (4.9 ft.) and not more than 2.0 m (6.6 ft.) in height.
- (3) The number of loading spaces required to be provided in a development shall be as follows:
- (a) For a retail, industrial, warehouse, or similar development,
    - (i) one (1) space for a development of less than 1000 sq. m (10,764 sq. ft.) of gross leasable area, plus
    - (ii) one (1) space for the next 1000 sq. m (10,764 sq. ft.) of gross leasable area or fraction thereof in a development, plus
    - (ii) one (1) additional space for each additional 2000 sq. m (21,528 sq. ft.) of gross leasable area or fraction thereof in a development.
  - (b) For an office use, place of public assembly, convalescent home, institution, club or lodge, school or any similar use, one (1) space for a development of less than 3000 sq. m (32,293 sq. ft.) of gross floor area, and one (1) additional space for each additional 3000 sq. m (32,293 sq. ft.) of gross floor area or fraction thereof.
  - (c) For multi-family dwellings, one (1) space for each ten (10) dwelling units or fraction thereof.
  - (d) Any other building or use shall provide loading spaces as required by the Development Authority.
  - (e) Where a fractional number of loading spaces are required, the next highest number of spaces shall be provided.

# PART TEN

## SPECIAL USE PROVISIONS

Notwithstanding the District Regulations, the following regulations shall also apply:

### 10.1 Drive-In Businesses

- (1) Location
  - (a) A drive-in business may be located only where it can be shown, to the satisfaction of the Development Authority, that the development would not:
    - (i) impede safe traffic movement entering and exiting the site;
    - (ii) interfere with the functioning of surrounding roads or the enjoyment of any neighbouring residential uses; and
    - (iii) create unsafe traffic circulation on the site.
  - (b) A drive-in business may be located in a shopping centre or other multiple use development at the discretion of the Development Authority.
- (2) Site Area and Coverage
  - (a) Except as provided in Subsection (b) hereof or Table 2, the minimum site area shall be 600 sq. m (6458 sq. ft.), the minimum frontage shall be 30 m (98.4 ft.), and the maximum floor area of buildings shall be 90 sq. m (969 sq. ft.).

TABLE 2

#### Site Area and Site Coverage Drive-in Businesses

<u>Type of Business</u>	<u>Site Area (Minimum)</u>	<u>Site Coverage (Maximum)</u>
Drive-in Restaurant	600 sq. m (6458 sq. ft.)	20%
Gas Bars (not associated with other developments)	60 sq. m (646 sq. ft.) for each fuel pump not including the area	15% covered by buildings
Service Stations	1200 sq. m (12,917 sq. ft.)	20% including pump islands
Car Washes	600 sq. m (6458 sq. ft.)	20%
Service Station & Car Wash together	1200 sq. ft. (12,917 sq. ft.)	20%

- (b) Where a drive-in business forms part of a shopping centre of multiple use development, the minimum site area, maximum site coverage, and maximum building floor area may be varied at the discretion of the Development Authority.

- (3) **Curb Cuts**
- (a) The nearest edge of a curb cut to the property line on the adjacent road shall be not less than 8.0 m (26.2 ft.).
  - (b) The maximum width of the curb cut shall be 10.0 m (32.8 ft.).
  - (c) The minimum distance between curb cuts on the same site line shall be 6.0 m (19.7 ft.). The Development Authority may increase this minimum distance for situations where, in his sole opinion, public safety or convenience would be improved.
- (4) The minimum required distances between site lines and any building shall be:
- (a) 9.5 m (31.2 ft.) from the site line to that part of the principal building used as a drive-through building or as part of a drive-through,
  - (b) 6.0 m (19.7 ft.) from any site line or parking areas to all pump islands;
  - (c) 3.0 m (9.8 ft.) from any site line to canopies over pump islands or drive-through aisles; and
  - (d) for a drive-through development adjacent to a residential use or Residential District:
    - (i) 10.0 m (32.8 ft.), or
    - (ii) in the case of a car wash, 25.0 m (82.0 ft.), or
    - (iii) such greater distance that the Development Authority deems necessary in order to buffer the residential use or District from noise, traffic or other impacts of the drive-through development.
- (5) **Queuing Space**
- (a) Queuing space and traffic circulation shall be provided in accordance with the following:
    - (i) a drive-through development with a drive-up service window shall provide a minimum of 3 in-bound and 1 outbound queuing spaces per service window,
    - (ii) a drive-through vehicle service establishment shall provide a minimum of 4 in-bound and 1 out-bound queuing spaces per service bay,
    - (iii) a full service car wash shall provide 4 in-bound and 2 out-bound queuing spaces, or such other number as required by the Development Authority taking into consideration the number of wash bays,
    - (iv) queuing spaces must be a minimum of 6.0 m (19.7 ft.) long and 3.0 m (9.8 ft.) wide,
    - (v) queuing spaces must allow for vehicle turning and maneuvering, and
    - (vi) pump islands must be located to allow a through traffic lane with a minimum width of 6.0 m (19.7 ft.).
  - (b) With the exception of a drive-through restaurant, a queuing space does not include any space occupied by a motor vehicle during the provision of service.
- (6) **Site and Building Requirements**
- (a) All parts of the site to which vehicles may have access shall be hardsurfaced and drained to the satisfaction of the Development Authority.

- (b) The site and all improvements thereon shall be maintained in clean and tidy condition, free from rubbish and debris.
- (c) Receptacles for the purpose of disposing of rubbish and debris shall be provided as required by the Development Authority.
- (d) A minimum of ten percent (10%) of the site area of a drive-in business shall be landscaped to the satisfaction of the Development Authority.
- (e) In addition to the fencing, landscaping, and environmental protection requirements indicated in Part 1 of this Schedule B, a berm and/ or fence shall be erected and maintained by the developer of a drive-in business along any site lines abutting or across a lane or walkway from a Residential District.
- (f) If a car wash is located on a site which abuts a residential use or a Residential District, noise attenuation shall be provided to the satisfaction of the Development Authority.

## **10.2 Motels**

- (1) Notwithstanding the provisions of the District in which it is located, a motel shall have a minimum required front yard of 6.0 m (19.7 ft.).
- (2) Notwithstanding any other provisions of this Bylaw to the contrary, a minimum of 10% of the site area of a motel development shall be landscaped in accordance with Part 1 of this Schedule and to the satisfaction of the Development Authority.

## **10.3 Shopping Centres**

- (1) The maximum building height shall be 10.7 m (35.1 ft.) or two (2) storeys, whichever is greater.
- (2) The maximum floor area shall be equal to the site area; however, all other regulations of this Bylaw, such as required yards, parking and loading requirements, etc. shall be adhered to.
- (3) Notwithstanding Section 12 of this Bylaw, one (1) pole sign or one (1) ground identification sign, but not a lighted signs of the flashing or animated type, not exceeding 10.7 m (35.1 ft.) in height shall be allowed on a site, provided no portion of the sign shall project over a road or lane.
- (4) All shopping centres shall satisfy the Development Authority as to:
  - (a) the orientation, exterior design, and architectural appearance of buildings,
  - (b) the location of development in relation to adjacent land uses,
  - (c) vehicular traffic flow patterns within and access to and from the site,
  - (d) safe pedestrian access and egress within the site and from any pedestrian way, and
  - (e) the location of exterior signs.
- (5) A shopping centre shall only contain those uses listed as permitted or discretionary uses within the District in which the shopping centre is located.

- (6) The Development Authority may require any other matters, regulations, or conditions relating to the development as, in his opinion, are necessary, having regard to the nature of the proposed shopping centre development and adjacent land uses.

#### **10.4 Animal Care and Related Uses**

- (1) These regulations shall apply to all animal care and related uses, including: animal hospitals, small animal breeding and boarding establishments, and veterinary clinics.
- (2) The Development Authority shall require that development of these uses pay particular attention to Sections 7.14 and 7.16 of this Bylaw, specifically noise and odour which may cause nuisance or negative external impact. Pens, rooms, and runs shall be adequately soundproofed.
- (3) Facilities which house animals overnight shall be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed.
- (4) A separate air extractor system shall be provided in the animal holding area where heating and air conditioning is shared with other developments

#### **10.5 Places of Worship**

- (1) The site on which a place of worship is situated shall have a frontage of not less than 30.0 m (98.4 ft.) and an area of not less than 900 sq. m (9688 sq. ft.) except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1440 sq. m (15,500 sq. ft.).
- (2) Minimum front, side and rear yards shall be those required within the District in which the place of worship is located.
- (3) A place of worship may be located in any District if it is an accessory use to a permitted or discretionary use in that District.
- (4) Notwithstanding any other provision of this Bylaw to the contrary, a portion of the required minimum number of parking spaces may be located on a site other than that of the subject place of worship if it is demonstrated to the satisfaction of the Development Authority that such off-site parking spaces are available for the use of the patrons of the place of worship.

#### **10.6 Conversion of Single Detached Dwellings to Other Uses**

- (1) In considering any application for the conversion of a single detached dwelling into an other use, the Development Authority shall ensure that the Development complies with the following requirements:

- (a) The use shall be listed as a permitted or a discretionary use in the District in which the single detached dwelling is located.
- (b) Parking shall be provided in accordance with this Bylaw, except that on-street parking may be taken into account and a number of on-street parking stalls subtracted from the number of off-street parking stalls required at the discretion of the Development Authority.
- (c) Off-street parking shall be located at the rear of the principal building and accessible from the lane only, except in the case of a corner site where parking may be allowed between the side of the principal building and the road, if the parking is screened from adjacent roads to the satisfaction of the Development Authority.
- (d) Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height, exterior finish, design and coverage to the satisfaction of the Development Authority.
- (e) Existing healthy vegetation should be retained whenever possible and to the satisfaction of the Development Authority.
- (f) All signs shall be in keeping with Section 12 of this Bylaw.

## **10.7 Show Homes**

- (1) In addition to the requirements of Section 3.4 of this Bylaw, a development permit application for a show home shall be accompanied by information indicating:
  - (a) the location and area intended as the site for the show home,
  - (b) proposed parking, exterior lighting and signs.
- (2) Development permits shall be issued for a maximum of one (1) year only, and if the operator wishes to continue the use, must be renewed on an annual basis.
- (3) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the character of other buildings in the vicinity.

## **10.8 Day Care Facilities**

- (1) In considering a development permit application, the Development Authority shall consider, among other matters, if the development would be suitable for the proposed location, taking into account, among other matters, potential traffic, proximity to park and recreation areas, isolation of the site from dwellings, buffering or other techniques limiting interference with other uses and the peaceful enjoyment of nearby dwellings, and consistency in term of intensity of use with other development in the area.
- (2) The Development Authority shall establish the maximum number of children for which care may be provided, having regard for the nature of the facility, the density of the District in which the day care is located, and potential impacts, including traffic, on the other uses in the vicinity of the development.

## **10.9 Recreational Vehicle Campgrounds**

- (1) The construction and maintenance of all internal roadways shall be the responsibility of the developer. Internal roadways shall have a minimum driving surface width of 6 m (20 ft.), except for one-way roadways, which shall have a minimum driving surface width of 3.65 m (12 ft.).
- (2) Each recreational vehicle parking area shall be a minimum width of 10 m (32.8 ft.) and a minimum area of 250 sq. m (2691.0 sq. ft.).
- (3) As a condition of approval, the Development Authority shall require the developer to obtain any necessary permits and approvals from all regulatory authorities and agencies having jurisdiction, including any necessary approvals pursuant to the Alberta Safety Codes Act that may be applicable.
- (4) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary roads to provide access to the development.

## **10.10 Age of Single Family Dwellings**

- (1) No Type A or Type B Single Family Dwelling older than five (5) years from the date of the development permit application shall be allowed within the municipality unless:
  - (a) the building is upgraded, if necessary, so as to meet all requirements pursuant to the Alberta Safety Codes Act, and
  - (b) the building is renovated, if necessary, to the sole satisfaction of the Development Authority, to conform to the general standard of construction, repair, design, colour, character, or any other factor in the area within which the dwelling is being located that the Development Authority, in his sole discretion, deems reasonable.

# **PART ELEVEN**

## **DISTRICT PROVISIONS**

### **11.1 Single Family Residential (R-1) District**

(1) Purpose

The purpose of this District is to provide for residential development in the form of low density Type A single family housing on a variety of lot sizes, and such other compatible uses provided for herein.

(2) Permitted and Discretionary Uses

(a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Public parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

(b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Family care facilities
- (iii) Major home occupations
- (iv) Natural areas
- (v) Places of worship
- (vi) Public utilities that have no office or workshop as a part of the development
- (vii) Show homes
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

(3) Subdivision Regulations

- (a) Minimum site depth - 30.5 m (100 ft.)
- (b) Minimum site width
  - (i) internal sites - 15.2 m (50.0 ft.)
  - (ii) corner sites - 16.75 m (55.0 ft.)
- (c) Minimum site area – 464.5 sq. m (5000 sq. ft.)

(4) Development Regulations

- (a) Maximum Site Coverage - 40%

(b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

(c) Minimum Required Side Yard

- (i) The minimum required side yards on each site shall total a minimum of 20% of the site width and shall be a minimum of 1.5 m (4.9 ft.) on each side.
- (ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
- (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
- (iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

(e) Minimum Floor Area

- (i) Type A single family dwellings
  - (A) 1 storey – 79 sq. m (850 sq. ft.)
  - (B) 1½ storey and split level – upper floor – 37 sq. m (398 sq. ft.)  
- lower floors – 70 sq. m (753.5 sq. ft.)
  - (C) 2 storey – each floor – 61 sq. m (656.6 sq. ft.)
- (ii) Other uses - at the discretion of the Development Authority

(f) Maximum Building Height – 10.0 m (32.8 ft.)

(g) Parking

- (i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
- (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
- (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-1 District.

- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) Bed and breakfast establishments shall be developed in accordance with Section 8.7 of this Bylaw.
- (i) Places of worship shall be developed in accordance with Section 10.5 of this Bylaw.
- (j) No signs shall be allowed in the R-1 District except as provided for in Section 12 of this Bylaw.

## 11.2 Single Family Large Dwelling Residential (R-2) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of large, low density Type A single family housing on large lots, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Public parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Family care facilities
- (iii) Major home occupations
- (iv) Natural areas
- (v) Places of worship
- (vi) Public utilities that have no office or workshop as a part of the development
- (vii) Show homes
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site depth - 36.5 m (119.75 ft.)
- (b) Minimum site width
  - (i) internal sites – 19.8 m (65.0 ft.)
  - (ii) corner sites – 21.0 m (68.9 ft.)
- (c) Minimum site area – 725 sq. m (7804 sq. ft.)

### (4) Development Regulations

- (a) Maximum Site Coverage - 40%
- (b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which

the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

(c) Minimum Required Side Yard

- (i) The minimum required side yards on each site shall total a minimum of 20% of the site width and shall be a minimum of 1.5 m (4.9 ft.) on each side.
- (ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
- (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
- (iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

(e) Minimum Floor Area

- (i) Type A single detached dwellings
  - (A) 1 storey – 139 sq. m (1496.2 sq. ft.)
  - (B) 1½ storey and split level – upper floor – 56 sq. m (602.8 sq. ft.)  
- lower floors – 112 sq. m (1205.6 sq. ft.)
  - (C) 2 storey – upper floor – 61 sq. m (656.6 sq. ft.)  
- lower floors – 93 sq. m (1001 sq. ft.)
- (ii) Other uses - at the discretion of the Development Authority

(f) Maximum Building Height – 10.0 m (32.8 ft.)

(g) Parking

- (i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
- (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
- (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-2 District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.

- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) Bed and breakfast establishments shall be developed in accordance with Section 8.7 of this Bylaw.
- (i) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (j) No signs shall be allowed in the R-2 District except as provided for in Section 12 of this Bylaw.

## 11.3 Single Family Large Lot Residential (R-3) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of low density Type A single family housing on large lots, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Public parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Family care facilities
- (iii) Major home occupations
- (iv) Natural areas
- (v) Places of worship
- (vi) Public utilities that have no office or workshop as a part of the development
- (vii) Show homes
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

(a) Minimum site depth - 36.5 m (119.75 ft.)

#### (b) Minimum site width

- (i) In the case of road and lane systems
  - (A) internal sites - 18.3 m (60.0 ft.)
  - (B) corner sites – 19.8 m (65.0 ft.)
- (ii) In the case of laneless systems
  - (A) internal sites – 19.8 m (65.0 ft.)
  - (B) corner sites – 21.0 m (68.9 ft.)

#### (c) Minimum site area

- (i) In the case of road and lane systems – 669 sq. m (7201 sq. ft.)
- (ii) In the case of laneless systems – 725 sq. m (7804 sq. ft.)

#### (4) Development Regulations

(a) Maximum Site Coverage - 40%

(b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

(c) Minimum Required Side Yard

(i) The minimum required side yards on each site shall total a minimum of 20% of the site width and shall be a minimum of 1.5 m (4.9 ft.) on each side.

(ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.

(iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.

(iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

(e) Minimum Floor Area

(i) Type A single detached dwellings

(A) 1 storey – 111.5 sq. m (1200 sq. ft.)

(B) 1½ storey and split level – upper floor – 56 sq. m (602.8 sq. ft.)  
- lower floors – 112 sq. m (1205.6 sq. ft.)

(C) 2 storey – upper floor – 74 sq. m (796.5 sq. ft.)  
- lower floors – 93 sq. m (1001 sq. ft.)

(ii) Other uses - at the discretion of the Development Authority

(f) Maximum Building Height – 10.0 m (32.8 ft.)

(g) Parking

(i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.

- (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
- (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) **Additional Regulations**

- (a) Secondary suites shall not be allowed in the R-3 District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) Bed and breakfast establishments shall be developed in accordance with Section 8.7 of this Bylaw.
- (i) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (j) No signs shall be allowed in the R-3 District except as provided for in Section 12 of this Bylaw.

## 11.4 Single Family Compact Lot Residential (R-4) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of low density Type A single family housing on small lots, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Public parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Family care facilities
- (iii) Major home occupations
- (iv) Natural areas
- (v) Places of worship
- (vi) Public utilities that have no office or workshop as a part of the development
- (vii) Show homes
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

#### (a) Minimum site depth

- (i) In the case of road and lane systems – 33.5 m (109.9 ft.)
- (ii) In the case of laneless systems – 36.6 m (120 ft.)

#### (b) Minimum site width

- (i) In the case of road and lane systems
  - (A) internal sites – 10.7 m (35.1 ft.)
  - (B) corner sites – 12.2 m (40.0 ft.)
- (ii) In the case of laneless systems
  - (A) internal sites – 12.2 m (40 ft.)
  - (B) corner sites – 13.7 m (45.0 ft.)

#### (c) Minimum site area (which is not necessarily the product of the minimum site depth by the minimum site width)

- (i) In the case of road and lane systems – 408.8 sq. m (4400 sq. ft.)
- (ii) In the case of laneless systems – 464.5 sq. m (5000 sq. ft.)

#### (4) Development Regulations

(a) Maximum Site Coverage - 50%

(b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

(c) Minimum Required Side Yard

(i) The minimum required side yards on each site shall total a minimum of 20% of the site width and shall be a minimum of 1.0 m (3.3 ft.) on each side.

(ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.

(iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.

(iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

(e) Minimum Floor Area

(i) Type A single detached dwellings

(A) 1 storey – 83.5 sq. m (898.8 sq. ft.)

(B) 1½ storey and split level – upper floor – 32.5 sq. m (349.8 sq. ft.)  
- lower floors – 51 sq. m (549 sq. ft.)

(C) 2 storey – upper floor – 46.5 sq. m (500.5 sq. ft.)  
- lower floors – 55.5 sq. m (597.4 sq. ft.)

(ii) Other uses - at the discretion of the Development Authority

(f) Maximum Building Height – 10.0 m (32.8 ft.)

(g) Parking

(i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.

(ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.

(iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-4 District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) Bed and breakfast establishments shall be developed in accordance with Section 8.7 of this Bylaw.
- (i) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (j) No signs shall be allowed in the R-4 District except as provided for in Section 12 of this Bylaw.

## **11.5 Single Family Small Lot and Dwelling Residential (R-4A) District**

### **(1) Purpose**

The purpose of this District is to provide for residential development in the form of small Type A single family housing on small sites, and such other compatible uses provided for herein, in the form of Plans of Condominium or of Bare Land Condominium Plans.

The regulations of this District shall apply to each unit of a Bare Land Condominium Plan or the Unit plus the private use space allocated to a Unit within a Plan of Condominium. In other words, a front line shall mean the boundary line of the site of the condominium unit lying adjacent to the access roadway or walkway; however, additional regulations relating a development within this District to the area outside the Condominium Plan or Plan of Bare Land Condominium shall also be articulated.

### **(2) Permitted and Discretionary Uses**

#### **(a) Permitted Uses**

- (i) Minor home occupations
- (ii) Day homes
- (iii) Private parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

#### **(b) Discretionary Uses**

- (i) Ground-oriented multiple unit dwellings, with a maximum of three (3) dwelling units
- (ii) Natural areas
- (iii) Public utilities that have no office or workshop as a part of the development
- (iv) Semi-detached dwellings
- (v) Show homes
- (vi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (vii) Buildings and uses accessory to discretionary uses

### **(3) Subdivision Regulations**

- (a) Subdivision in this District shall not be allowed, except by way of a Bare Land Condominium Plan or a Plan of Condominium.
- (b) Minimum unit depth – 30 m (98.4 ft.)
- (c) Minimum unit width – 11 m (36.1 ft.)
- (d) Minimum unit area – 350 sq. m (3767 sq. ft.)

- (e) A Plan of Condominium or a Bare Land Condominium Plan shall be designed to provide clusters of between four (4) and eight (8) dwelling units clustered around a common private park unit or area.

#### (4) Development Regulations

- (a) Maximum Density – 37 dwelling units per ha (15 units/ac.)
- (b) Maximum Site Coverage - 50%
- (c) Minimum Required Yards:
  - (i) between all buildings and roadways – 3.0 m (9.8 ft.),
  - (ii) between all buildings and lanes – 1.2 m (3.9 ft.),
  - (iii) between all buildings and common units – 1.5 m (4.9 ft.),
  - (iv) between all garages and carports between roadways and lanes – 6.0 m (19.7 ft.),
  - (v) between all garages and carports and common units – 1.0 m (3.3 ft.).
- (d) There shall be a minimum separation of 3.0 m (9.8 ft.) between all dwellings.
- (e) Floor Area
  - (i) Minimum per dwelling unit – 40.8 sq. m (439.2 sq. ft.)
  - (ii) Maximum per dwelling unit – 93.0 sq. m (1001.0 sq. ft.).
  - (iii) Other uses – at the discretion of the Development Authority
- (f) Maximum Building Height – 10.0 m (32.8 ft.)
- (g) A dwelling unit may have a covered porch adjacent to the main entry to the dwelling unit, between the main entry and a common unit. If a porch is developed, it shall have a minimum area of 5.5 sq. m (59.2 sq. ft.) and a minimum dimension in any direction of 1.8 m (5.9 ft.).
- (h) Each dwelling unit shall have a private outdoor amenity area located adjacent to it, associated with it, and directly accessible to the interior of the dwelling unit by way of door. Each private outdoor amenity area shall have a minimum area of 18.5 sq. m (199.1 sq. ft.) and a minimum dimension in any direction of 2.4 m (7.9 ft.).
- (g) Parking
  - (i) Notwithstanding any other provision in this Bylaw to the contrary, the minimum number of parking spaces provided for each dwelling unit shall be one (1) per bedroom, to a maximum of two (2) per dwelling unit, and the minimum surface area of a parking space shall be 16.7 sq. m (179.8 sq. ft.), with appropriate dimensions.
  - (ii) Parking areas shall be separated from the central common area by landscaping and/or architectural screening. Solid board fencing shall not constitute an architectural screen.
  - (iii) Each parking space shall have an electrical outlet associated with it and located immediately adjacent to it.

- (iv) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this District.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the RA-4 District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw, except that within a Plan of Bareland Condominium or a Condominium Plan area, no fence shall exceed a height of 1.0 m (3.3 ft.) and no fence shall be constructed of chain link or similar material.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations that are allowed shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) No signs shall be allowed in the R-4A District except as provided for in Section 12 of this Bylaw.

## 11.6 Zero Lot Line Residential (R-Z) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of Type A single family housing on small sites, and such other compatible uses provided for herein, in the form of what are commonly referred to as “zero lot line” developments – that is, where the dwellings are located adjacent to one of the two side lines.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Private parks
- (iv) Type A single family dwellings
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Natural areas
- (ii) Public utilities that have no office or workshop as a part of the development
- (iii) Show homes
- (iv) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (v) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

#### (a) Minimum site depth

- (i) In the case of road and lane systems – 33.5 m (109.9 ft.)
- (ii) In the case of laneless systems – 36.6 m (120 ft.)

#### (b) Minimum site width

- (i) In the case of road and lane systems
  - (A) internal sites – 10.7 m (35.1 ft.)
  - (B) corner sites – 12.2 m (40.0 ft.)
- (ii) In the case of laneless systems
  - (A) internal sites – 12.2 m (40 ft.)
  - (B) corner sites – 13.7 m (45.0 ft.)

#### (c) Minimum site area (which is not necessarily the product of the minimum site depth by the minimum site width)

- (i) In the case of road and lane systems – 408.8 sq. m (4400 sq. ft.)
- (ii) In the case of laneless systems – 464.5 sq. m (5000 sq. ft.)

#### (4) Development Regulations

(a) Maximum Site Coverage - 50%

(b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

(c) Minimum Required Side Yard

- (i) The minimum required side yard on one side shall be nil, and the minimum required side yard on the other side shall be 3.0 m (9.84 ft.).
- (ii) An encroachment, access, and maintenance easement of a minimum width of 1.83 m (6.0 ft.) against the entire length of the site shall be registered by way of caveat against the title of the site adjacent to which any side yard is less than 1.83 m (6.0 ft.).

- A. This easement may be reduced by 0.1 m (0.33 ft.) in width for every 0.1 m the building is setback from the side line. For example, a building located 0.6 m (2.0 ft.) from the side line will require a 1.23 m (4.0 ft.) easement.
- B. This easement shall be increased by 0.1 m (0.33 ft.) in width for every 0.1 m of the height of the wall closest to the side line beyond 4.0 m (13.1 ft.). For example, a building which has a 4.6 m (15.1 ft.) wall closest to the side line will require a 2.43 m (8.0 ft.) easement.
- C. Notwithstanding any other provision of this Bylaw to the contrary, evidence of the existence of this easement shall be required before any development permit is issued for any dwelling located less than 1.83 m (6.0 ft.) from a side line or for any building in this District that has a wall facing a side line that exceeds 4.0 m (13.1 ft.) in height.

- (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
- (iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 4.5 m (14.8 ft.).

(e) Minimum Floor Area

- (i) Type A single detached dwellings
  - (A) 1 storey – 83.5 sq. m (898.8 sq. ft.)
  - (B) 1½ storey and split level – upper floor – 32.5 sq. m (349.8 sq. ft.)  
- lower floors – 51 sq. m (549 sq. ft.)

- (C) 2 storey – upper floor – 46.5 sq. m (500.5 sq. ft.)  
- lower floors – 55.5 sq. m (597.4 sq. ft.)
  - (ii) Other uses - at the discretion of the Development Authority
- (f) Maximum Building Height – 10.0 m (32.8 ft.)
- (g) Parking
  - (i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
  - (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
  - (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-Z District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) No signs shall be allowed in the R-Z District except as provided for in Section 12 of this Bylaw.

## 11.7 Two Family Residential (R-5) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of duplex and semi-detached housing, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Minor home occupations
- (ii) Day homes
- (iii) Duplexes
- (iv) Public parks
- (v) Semi-detached dwellings
- (vi) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Bed and breakfast establishments
- (ii) Family care facilities
- (iii) Group care facilities
- (iv) Major home occupations
- (v) Natural areas
- (vi) Places of worship
- (vii) Public utilities that have no office or workshop as a part of the development
- (viii) Secondary suites
- (ix) Show homes
- (x) Type A single family dwellings
- (xi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xii) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

(a) Minimum site depth - 36.5 m (119.75 ft.)

(b) Minimum site width for each dwelling containing 2 dwelling units

(A site for a duplex (which has 2 dwelling units within it) must be the same width as a site for a semi-detached dwelling (which has 2 dwelling units within it).)

- (i) In the case of road and lane systems
  - (A) internal sites – 10.5 m (34.4 ft.)
  - (B) corner sites – 12.0 m (39.4 ft.)
- (ii) In the case of laneless systems
  - (A) internal sites – 12.0 m (39.4 ft.)
  - (B) corner sites – 14.0 m (45.9 ft.)

- (c) Minimum site area for each dwelling containing 2 dwelling units
  - (i) In the case of road and lane systems – 384.5 sq. m (4138.7 sq. ft.)
  - (ii) In the case of laneless systems – 439.0 sq. m (4725.4 sq. ft.)
- (d) Minimum site width and site area requirements for Type A single family dwellings – in accordance with the requirements of the R-1 District

#### (4) Development Regulations

- (a) Maximum Site Coverage - 45%
- (b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

- (c) Minimum Required Side Yard
  - (i) The minimum required side yards on each site shall be a minimum of 1.5 m (4.9 ft.) on each side.
  - (ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
  - (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
  - (iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

- (d) Minimum Required Rear Yard

The minimum required rear yard shall be 8.0 m (26.2 ft.), except in the case of a corner site, where the rear yard next to a lane may be a minimum of 5.0 m (16.4 ft.).

- (e) Minimum Floor Area
  - (i) Dwelling units - 74 sq. m (796.5 sq. ft)
  - (ii) Other uses - at the discretion of the Development Authority

- (f) Maximum Building Height – 10.0 m (32.8 ft.)

- (g) Parking
  - (i) In the case of road and lane systems, a parking area shall be provided to the rear of the dwelling.
  - (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
  - (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (e) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (f) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (g) Bed and breakfast establishments shall be developed in accordance with Section 8.7 of this Bylaw.
- (h) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (i) No signs shall be allowed in the R-5 District except as provided for in Section 12C of this Bylaw.

## 11.8 Medium Density Residential (R-6) District

### (1) Purpose

The purpose of this District is to provide for residential development, predominantly in the form of medium density, ground oriented, multiple dwelling developments, but with the possibility of some apartment density at fairly low densities for apartments, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Day homes
- (ii) Ground-oriented multiple unit dwellings (Row housing)
- (iii) Minor home occupations
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Apartments
- (ii) Boarding and lodging houses
- (iii) Duplexes
- (iv) Family care facilities
- (v) Group care facilities
- (vi) Major home occupations
- (vii) Natural areas
- (viii) Public utilities that have no office or workshop as a part of the development
- (ix) Semi-detached dwellings
- (x) Senior citizens' homes
- (xi) Type A single family dwellings
- (xii) Show homes
- (xiii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xiv) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations for Ground-Oriented Multiple Unit Dwellings (Row Housing)

- (a) Minimum site depth – 36.5 m (119.75 ft.)
- (b) Minimum site width – 21 m (68.9 ft.)
- (c) Minimum site area – 769 sq. m (8277.4 sq. ft.)

(4) Subdivision and Development Regulations for Duplexes and Semi-Detached Dwellings

The subdivision and development regulations for duplexes and semi-detached dwellings shall be the same as for duplexes and semi-detached dwellings within the R-4 District.

(5) Subdivision and Development Regulations for Type A Single Family Dwellings

The subdivision and development regulations for Type A single family dwellings shall be the same as for single family dwellings within the R-1 District.

(6) Subdivision and Development Regulations for Apartments

The subdivision and development regulations for apartments shall be the same as for apartments within the R-7 District.

(7) Development Regulations for Ground-Oriented Multiple Unit Dwellings (Row Housing) and Other Uses

(a) Maximum Site Coverage - 40%

(b) Minimum Required Front Yard

The minimum required front yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a front yard of less than 7.6 m (24.9 ft.).

(c) Minimum Required Side Yard

(i) The minimum required side yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a side yard setback of less than 8.0 m (26.2 ft.)

(ii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.

(iii) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.

(d) Minimum Required Rear Yard

The minimum required rear yard shall be at the discretion of the Development Authority, who shall have regard for the amenities of the neighbourhood in which the site is located; however, in no case shall the Development Authority allow a rear yard setback of less than 7.6 m (24.9 ft.).

(e) Maximum Building Height – 10.0 m (32.8 ft.)

- (f) Maximum Density - 30 dwelling units per ha (12.14 per ac.)
  - (g) Minimum Floor Area
    - (i) In ground-oriented multiple unit dwellings (row housing), per dwelling unit - 51.1 sq. m (550 sq. ft)
    - (ii) In apartments - per dwelling unit - 51 sq. m (549.0 sq. ft.)
    - (iii) In senior citizens' homes – 42 sq. m (452 sq. ft.)
    - (iii) Other uses - at the discretion of the Development Authority
  - (h) Minimum Proportion of Site Covered in Landscaping - 35%
  - (i) Parking
    - (i) A parking area shall be provided for each development in a location satisfactory to the Development Authority.
    - (ii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- (8) Additional Regulations
- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
  - (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
  - (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
  - (d) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
  - (e) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
  - (f) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
  - (g) No signs shall be allowed in the R-6 District except as provided for in Section 12 of this Bylaw.

## 11.9 High Density Residential (R-7) District

### (1) Purpose

The purpose of this District is to provide for residential development in the form of high density dwelling developments, with the possibility of incorporating some minor, convenience types of retailing to serve the occupants of the development and the immediate neighbourhood, and such other compatible uses provided for herein.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Apartments
- (ii) Ground-oriented multiple unit dwellings (Row housing)
- (iii) Minor home occupations
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Boarding and lodging houses
- (ii) Convenience retail stores
- (iii) Day homes
- (iv) Family care facilities
- (v) Group care facilities
- (vi) Major home occupations
- (vii) Natural areas
- (viii) Public utilities that have no office or workshop as a part of the development
- (ix) Senior citizens' homes
- (x) Show homes
- (xi) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xii) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site area - 880 sq. m (9472.2 sq. ft.)

### (4) Development Regulations for Ground-Oriented Multiple Unit Dwellings (Row Housing)

The development regulations for ground-oriented multiple unit dwellings (row housing) shall be the same as for ground-oriented multiple unit dwellings (row housing) within the R-6 District.

### (5) Development Regulations for Other Uses

- (a) Maximum Site Coverage - 30%

- (b) Maximum Building Height – 10.0 m (32.8 ft.)
  - (c) Maximum Density – 86.5 dwelling units per ha (35.0 per ac.)
  - (d) Minimum Floor Area
    - (i) Dwelling unit - 37.0 sq. m (398.3 sq. ft)
    - (ii) Other uses - at the discretion of the Development Authority
  - (e) Minimum Required Yards
    - (i) Front – 7.6 m (24.9 ft.)
    - (ii) Side - one-half the height of the building or 15% of the site width, whichever is the greater
    - (iii) Rear – one-half the height of the building or 7.6 m (24.9 ft.), whichever is the greater
    - (iv) Notwithstanding the above, corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
    - (v) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
  - (f) Minimum Proportion of Site Covered in Landscaping - 30%
  - (g) Parking
    - (i) A parking area shall be provided for each development in a location satisfactory to the Development Authority.
    - (ii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
  - (h) In addition to the above, all development shall take place to the satisfaction of the Development Authority with respect to:
    - (i) provision of storage of garbage, and access thereto,
    - (ii) access for fire fighting purposes,
    - (iii) light between buildings,
    - (iv) privacy for dwelling units within and adjacent to the development,
    - (v) orientation of the buildings and the general appearance of the development, and
    - (vi) pedestrian access to and from the road adjacent to the development.
- (6) Additional Regulations
- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
  - (b) Amenity areas shall be provided for all apartment developments in accordance with Section 7.17 of this Bylaw.
  - (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
  - (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.

- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) No signs shall be allowed in the R-7 District except as provided for in Section 12 of this Bylaw.

## **11.10 Manufactured Home Subdivision Residential (R-MHS) District**

### **(1) Purpose**

The purpose of this District is to provide for residential development in the form of Type B single family homes, and such other compatible uses provided for herein.

### **(2) Permitted and Discretionary Uses**

#### **(a) Permitted Uses**

- (i) Minor home occupations
- (ii) Day homes
- (iii) Type B single family dwellings
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

#### **(b) Discretionary Uses**

- (i) Major home occupations
- (ii) Natural areas
- (iii) Places of worship
- (iv) Public utilities that have no office or workshop as a part of the development
- (v) Show homes
- (vi) Type A single family dwellings
- (vii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (viii) Buildings and uses accessory to discretionary uses

### **(3) Subdivision Regulations**

- (a) Maximum density – 20 lots/net ha (8.1/net ac.)
- (b) Minimum site width – 15.0 m (49.2 ft.)
- (c) Minimum site area – 495 sq. m (5328.1 sq. ft.)

### **(4) Development Regulations**

#### **(a) Minimum Required Front Yard**

The minimum required front yard shall be at the discretion of the Development Authority; however, in no case shall the Development Authority allow a front yard of less than 6.0 m (19.7 ft.).

- (b) **Minimum Required Side Yard**
- (i) The minimum required side yards on each site shall be 1.5 m (4.9 ft.) on each side.
  - (ii) Notwithstanding subsection (i) above, where a site has vehicular access from the front only and no attached garage or carport is provided with access to the front, one side yard of at least 3.0 m (9.8 ft.) shall be provided.
  - (iii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
  - (iv) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
  - (v) Notwithstanding the above, the minimum distance separating manufactured home units shall be 4.6 m (15.0 ft.).
- (c) **Minimum Required Rear Yard**
- The minimum required rear yard shall be 3.2 m (10.5 ft.).
- (d) **Minimum Floor Area**
- (i) Type A and Type B single family dwellings – 79 sq. m (850 sq. ft.)
  - (ii) Other uses - at the discretion of the Development Authority
- (e) **Maximum Building Height – 10.0 m (32.8 ft.)**
- (f) **Parking**
- (i) In the case of road and lane systems, a parking area shall be provided to the rear or side of the dwelling.
  - (ii) In the case of laneless systems, a parking area shall be provided to the front, rear or side of the dwelling.
  - (iii) Site design shall be such that a garage, either attached or detached, may be built to comply with the minimum requirements of this Bylaw.
- (g) Each Type B single family dwelling must be attached to a permanent foundation made of concrete in a manner satisfactory to the Development Authority.
- (h) The undercarriage of each Type B single family dwelling shall be enclosed from view by skirting or another means in a manner satisfactory to the Development Authority. Axles, wheels and trailer hitches shall be removed where they are not part of the frame. Where a hitch cannot be removed, it shall be skirted or otherwise covered from view in a manner satisfactory to the Development Authority.
- (i) Notwithstanding any other provision of this Bylaw to the contrary, where a manufactured home unit is to be on a site abutting any Residential District other than the RMS District of the RMP District, that manufactured home unit shall be a double-wide unit and not a single-wide unit.
- (j) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may refuse an application for a development permit to allow the placement of a Type B single family dwelling if, in his sole opinion, the

proposed Type B single family dwelling will not be of suitable quality, age, or condition, matching the quality, age or condition of adjacent Type B single family dwellings.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-MHS District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of this Bylaw. In addition, all accessory buildings shall have a foundation, and all accessory buildings shall have an appearance equivalent to that of the Type B single family dwelling.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (h) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (i) No signs shall be allowed in the R-MHS District except as provided for in Section 12 of this Bylaw.

## **11.11 Manufactured Home Park Residential (R-MHP) District**

### **(1) Purpose**

The purpose of this District is to provide for residential development in the form of a manufactured home park, and such other compatible uses provided for herein.

### **(2) Permitted and Discretionary Uses**

#### **(a) Permitted Uses**

- (i) Type B single family dwellings in manufactured home parks which have an approved development permit
- (ii) Minor home occupations
- (iii) Public parks
- (iv) Buildings and uses accessory to permitted uses

#### **(b) Discretionary Uses**

- (i) Convenience retail stores
- (ii) Day homes
- (iii) Major home occupations
- (iv) Natural areas
- (v) Type B single family dwellings in manufactured home parks which do not have an approved development permit
- (vi) Manufactured home parks
- (vii) Places of worship
- (viii) Public utilities that have no office or workshop as a part of the development
- (ix) Show homes
- (x) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xi) Buildings and uses accessory to discretionary uses

### **(3) Subdivision Regulations**

- (a) Minimum site area - 0.4 ha (1.0 ac.)

### **(4) Development Regulations**

#### **(a) For a Manufactured Home Park:**

- (i) Maximum Density - 20 Type B single family dwellings per ha (8.1 per ac.)
- (ii) Minimum required front yard - 7.6 m (24.9 ft.)
- (iii) Minimum required side and rear yards - 4.6 m (15.1 ft.)

- (iv) A storage area shall be established for the storage of any furniture, domestic equipment, or seasonally used equipment which is not stored inside Type B single family dwellings. This area shall be set aside and screened to the satisfaction of the Development Authority.
- (v) All roadways within a manufactured home park shall be built and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 9.0 m (29.5 ft.).
- (vi) A safe, convenient, all season pedestrian walkway of at least 1.0 m (3.3 ft.) in width shall be provided for access between individual Type B single family dwellings, the park roadways, and all community facilities provided for park residents.
- (vii) Visitor parking spaces shall be provided at a ratio of at least one (1) space for every two (2) dwelling units. The visitor parking shall be located at convenient locations throughout the manufactured home park, and shall not be used for the storage of boats, trailers, etc.
- (viii) The design of manufactured home parks shall be to the satisfaction of the Development Authority.
- (ix) All municipal utilities shall be provided underground to stalls.
- (x) A minimum of five percent (5%) of the gross site area shall be devoted to recreational use.
- (xi) All areas not occupied by dwellings and their additions, internal roadways, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Development Authority within one (1) year from the date of issuance of the development permit for a manufactured home park. Screen fences or walls shall be erected where deemed necessary by the Development Authority around maintenance yards, refuse collection points and playgrounds.
- (xii) No part of the park shall be used for non-residential purposes except such uses as are required for a convenience retail store and for the management and maintenance of the park.
- (xiii) Each stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (xiv) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (xv) (A) Only one main, free-standing, identification sign of residential character and appearance may be erected at the entrance to a manufactured home park, unless the Development Authority is of the opinion that a second and similar sign shall be allowed under

exceptional circumstances relating to the layout, location and size of the park in relation to surrounding areas. The sign or signs shall be of a size, type and construction acceptable to the Development Authority.

- (B) Directional signs within the manufactured home park must be integrated in design and appearance, be kept in scale with the immediate surroundings and constructed of durable material.

- (b) For a Type B Single Family Dwelling Stall:
  - (i) Minimum Stall Area - 371 sq. m (3993.5 sq. ft.)
  - (ii) Maximum Stall Coverage - 40%
  - (iii) Minimum Floor Area of a Type B Single Family Dwelling – 79 sq. m (850 sq. ft.)
  - (iv) Minimum Required Yards within Stalls
    - (A) Front - 3.0 m (9.8 ft.)
    - (B) Side - 1.2 m (3.9 ft.)
    - (C) Rear - 3.0 m (9.8 ft.)
  - (v) Minimum Distance Between Type B Single Family Dwellings - 4.6 m (15.1 ft.)
  - (vi) Maximum Building Height – 10.0 m (32.8 ft.)
  - (vii) All accessory structures, such as patios, porches, additions and skirtings, shall be
    - (A) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the Type B single family dwelling,
    - (B) considered as part of the principal building, and
    - (C) erected only after obtaining a development permit.
  - (viii) A Type B single family dwelling shall be skirted from the floor level to the ground level. The skirting shall match the external finish of the Type B single family dwelling.
  - (ix) The maximum permitted floor area of porches and additions shall be proportionate to the floor area of the Type B single family dwelling, and this relationship shall be determined by the Development Authority.
  - (x) No accessory building or use, other than parking spaces, shall be located in the front yard of a stall.
  - (xi) The hitch and wheels are to be removed from the Type B single family dwelling.

- (xii) All Type B single family dwellings shall be placed on a foundation or base as required by the Development Authority. The Type B single family dwelling is to be attached by means of bolting or otherwise to the foundation or base.

(5) Additional Regulations

- (a) Secondary suites shall not be allowed in the R-MHP District.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.2 of Part 2 of Schedule B of this Bylaw. In addition, all accessory buildings shall have a foundation, and all accessory buildings shall have an appearance equivalent to that of the Type B single family dwelling.
- (f) Private swimming pools and hot tubs shall be developed in accordance with Section 8.4 of this Bylaw.
- (g) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.

## 11.12 Primary Commercial (C-1) District

### (1) Purpose

The purpose of this District is to provide all residents of the community and trading area with access to a wide variety of retail and service establishments, predominantly in storefront developments in the downtown core of the municipality.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Business support services establishments
- (ii) Commercial schools
- (iii) Eating and drinking establishments
- (iv) General retail establishments
- (v) Government services
- (vi) Health services
- (vii) Hotels
- (viii) Household repair services
- (ix) Indoor amusement establishments
- (x) Libraries and cultural exhibits
- (xi) Office uses
- (xii) Off-street parking lots
- (xiii) Personal service shops
- (xiv) Public parks
- (xv) Public uses
- (xvi) Public utilities that have no workshop as a part of the development
- (xvii) Veterinary clinics
- (xviii) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Auctioneering establishments
- (ii) Automotive and minor recreation vehicle sales/rentals establishments
- (iii) Day care facilities
- (iv) Dwelling units in buildings where there is a commercial use on the ground floor
- (v) Entertainment establishments
- (vi) Equipment rental establishments
- (vii) Fleet services
- (viii) Funeral services
- (ix) Limited contractor services
- (x) Minor repair shops
- (xi) Motels
- (xii) Private clubs
- (xiii) Recreational facilities
- (xiv) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xv) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site depth – 30.0 m (98.4 ft.)
- (b) Minimum site width – 5.0 m (16.4 ft.)
- (c) Minimum site area – 140 sq. m (1507.0 sq. ft.)

### (4) Development Regulations

- (a) The design, siting, external finish, architectural appearance and landscaping of all developments, including any accessory buildings and signs and any reconstruction shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent buildings and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (b) Where groups of buildings are built, or buildings which are to accommodate a number of individual establishments on one site, development requirements shall be determined by the Development Authority having in mind the overall development and the parking requirements of this Bylaw.
- (c) Maximum Site Coverage - 100%, provided that adequate provision, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
- (d) Minimum Required Front Yard – None
- (e) Minimum Required Side Yard – None, unless the site abuts a Residential District, in which case the minimum required side yard shall be 2.5 m (8.2 ft.) or one-half the height of the building, whichever is the greater.
- (f) Minimum Required Rear Yard – None, except as required to provide loading, parking, or garbage facilities.
- (g) Maximum Building Height – 10.0 m (32.8 ft.)
- (g) Access, Parking and Loading

Each site shall have direct access to a lane at one side or at the rear.

#### (h) Landscaping

When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.

(i) Outdoor Storage

No outdoor storage shall be allowed in the C-1 District, even as an accessory use to a permitted or a discretionary use which is allowed.

(j) Dwelling Units

The following regulations shall apply to dwelling units within the C-1 District:

- (i) Dwelling units shall be allowed only in buildings where at least part of the first storey is used for commercial purposes.
- (ii) Dwelling units shall have access at grade which is separate from any access for any commercial use.
- (iii) Dwelling units shall meet the requirements for dwelling units in the High Density Residential (R-7) District, except for minimum site area, minimum required yards, and maximum site coverage, which shall all be at the sole discretion of the Development Authority.
- (iv) Where more than two (2) dwelling units are to be provided, a minimum of 7.5 sq. m (80.7 sq. ft.) of amenity area per dwelling unit shall be provided in accordance with the regulations of this Bylaw.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
- (e) Signs shall be allowed in the C-1 District as provided for in Section 12 of this Bylaw.

## 11.13 General Commercial (C-2) District

### (1) Purpose

The purpose of this District is to allow for a wider range of retail and service establishments to serve residents of the community and the trading area, including those uses which generally require larger land sites.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Warehouse sales establishments
- (ii) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) All uses listed as permitted or discretionary uses in the C-1 District
- (ii) Bus depots
- (iii) Drive-in restaurants
- (iv) Industrial vehicle and equipment sales/rentals establishments
- (v) Public utilities that have a workshop as a part of the development
- (vi) Self-service storage facilities
- (vii) Truck and recreational vehicle sales/rentals establishments
- (viii) Trucking and cartage establishments
- (ix) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (x) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.

### (4) Development Regulations

- (a) The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and that there may be adequate protection afforded to the amenities of any adjacent residential uses.
- (b) Maximum Site Coverage - 50%, provided that adequate provision, in the opinion of the Development Authority, for access, parking, loading and garbage facilities.
- (b) Minimum Required Front, Side and Rear Yards
  - (i) The minimum required front, side and rear yards shall be as required by the Development Authority.
  - (ii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.

- (iii) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
- (c) Maximum Building Height – 10.0 m (32.8 ft.)
- (d) Landscaping

When a commercial use is proposed adjacent to a Residential District, a landscaped buffer shall be provided and maintained on the site of the commercial use between the commercial use and the Residential District. The buffer may be comprised of any or all of the following: landscaped green space, closed or open fencing, trees, and/or earth berming. All details of the buffer, including its size, width, and components, shall be to the satisfaction of the Development Authority.
- (e) Outdoor Storage
  - (i) Outdoor storage shall be allowed in the C-2 District, but only as an accessory use to a permitted or a discretionary use which is allowed.
  - (ii) All outdoor storage shall be screened to the height considered necessary by the Development Authority.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
- (e) Signs shall be allowed in the C-2 District as provided for in Section 12 of this Bylaw.

## 11.14 Highway Commercial (C-3) District

### (1) Purpose

The purpose of this District is to provide a variety of goods and services, predominantly those which are travel-oriented, to the community and the surrounding region.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Automotive and minor recreational vehicles sales/rentals establishments
- (ii) Convenience retail stores
- (iii) Drive-in businesses
- (iv) Gas bars
- (v) Highway commercial uses
- (vi) Hotels
- (vii) Eating and drinking establishments
- (viii) Motels
- (ix) Private clubs
- (x) Public parks
- (xi) Service stations
- (xii) Truck and recreational vehicle sales/rentals establishments
- (xiii) Veterinary clinics
- (xiv) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Animal hospitals
- (ii) Entertainment establishments
- (iii) Institutional uses
- (iv) Public uses
- (v) Public utilities
- (vi) Recreational facilities
- (vii) Recreational vehicle campgrounds
- (viii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (ix) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to allow for the clustering of a variety of uses in a compact area.

### (4) Development Regulations

- (a) The siting and architectural appearance of all developments and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity in such matters with adjacent developments and

that there may be adequate protection afforded to the amenities of any adjacent residential uses.

- (b) Maximum Site Coverage - 30%
  - (c) Minimum Required Front Yard – 7.6 m (24.9 ft.)
  - (d) Minimum Required Side Yard
    - (i) The minimum required side yard shall be 10% of the width of the site or 4.0 m (13.1 ft.), whichever is the less. The minimum required side yard may be reduced to 1.5 m (4.9 ft.) provided, in his sole opinion of the Development Authority, the location of buildings and the appearance of the site would be improved.
    - (ii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
    - (iii) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
  - (e) Minimum Required Rear Yard – 7.6 m (24.9 ft.) when adjacent to a Residential District; otherwise, 6.0 m (19.7 ft.) at the level of the first storey of the development. Upper storeys of a development may extend to the rear line except in a site abutting a Residential District. Where not adjacent to a Residential District, the minimum required rear yard may be reduced to 1.5 m (4.9 ft.) provided, in the sole opinion of the Development Authority, the location of the buildings and the appearance of the site would be improved.
  - (f) Maximum Building Height – 10.0 m (32.8 ft.)
  - (g) Outdoor Storage
    - (i) Outdoor storage shall be allowed in the C-3 District, but only as an accessory use to a permitted or a discretionary use which is allowed.
    - (ii) All outdoor storage shall be screened to the height considered necessary by the Development Authority.
- (5) Additional Regulations
- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
  - (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
  - (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
  - (d) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
  - (e) Signs shall be allowed in the C-3 District as provided for in Section 12 of this Bylaw.

## 11.15 Industrial (M-1) District

### (1) Purpose

The purpose of this District is to provide for business and industrial uses which create little or no nuisance or hazard beyond the site upon which they are located, but which, by their nature, are better suited to locations away from concentrations of population.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Automotive and equipment repair shops
- (ii) Automotive and minor recreational vehicles sales/rentals establishments
- (iii) Business support services establishments
- (iv) Drive-in businesses, but only if they are drive-through vehicle service establishments
- (v) Equipment rental establishments
- (vi) Fleet services
- (vii) Greenhouses and plant nurseries
- (viii) Industrial vehicle and equipment sales/rentals establishments
- (ix) Light industrial uses
- (x) Limited contractor services
- (xi) Public parks
- (xii) Public uses
- (xiii) Recycling depots
- (xiv) Self-service storage facilities
- (xv) Truck and recreational vehicle sales/rentals establishments
- (xvi) Veterinary clinics
- (xvii) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Agricultural industry
- (ii) Animal hospitals
- (iii) Auctioneering establishments
- (iv) Eating and drinking establishments
- (v) General contractor services
- (vi) Medium industrial uses
- (vii) Outdoor amusement establishments
- (viii) Outdoor storage
- (ix) Public utilities
- (x) Recreational facilities
- (xi) Small animal breeding and boarding establishments
- (xii) Utility services
- (xiii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xiv) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site area – 650 sq. m (6996 sq. ft.)

### (4) Development Regulations

- (a) Maximum Site Coverage – 60%
- (b) Minimum Required Front Yard – 6.0 m (19.7 ft.), unless a greater yard is deemed necessary by the Development Authority. No loading, parking, or storage area shall be allowed within the required minimum front yard.
- (c) Minimum Required Side Yard
  - (i) The minimum required side yard shall be 6.0 m (19.7 ft.) on one side and 1.5 m (4.9 ft.) on the other for a building up to a height of 4.5 m (14.8 ft.). For a building over 4.5 m (14.8 ft.), the minimum required side yard shall be increased by 0.3 m (1 ft.) for every 1.0 m (3.3 ft.) of height up to a maximum requirement of 6.0 m (19.7 ft.).
  - (ii) Corner and double fronting sites shall provide side yards as provided pursuant to Section 7.8 of this Bylaw.
  - (iii) On corner sites, site lines shall be protected pursuant to Section 7.9 of this Bylaw.
- (d) Minimum Required Rear Yard – at the discretion of the Development Authority, except that where the rear yard is adjacent to a Residential District, the minimum required rear yard shall be 5.0 m (16.4 ft.).
- (e) Maximum Building Height – 10.0 m (32.8 ft.)
- (f) Access
  - (i) Each site shall have direct access to a road designed and constructed to have regard for continuity of traffic flow, safety of vehicles, and avoidance of dangerous intersections, all in the opinion of the Development Authority.
- (g) Outdoor Storage

All outdoor storage shall be screened to the height considered necessary by the Development Authority.
- (h) Landscaping

All yards shall be landscaped with trees, shrubs and planted ground cover in accordance with plans approved by the Development Authority.

(j) Upkeep of Site

The entire site and all buildings shall be maintained in a neat and tidy manner to the satisfaction of the Development Authority. This shall include the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
- (e) Signs shall be allowed in the M-1 District as provided for in Section 12 of this Bylaw.

## 11.16 Semi-Public (SP) District

### (1) Purpose

The purpose of this District is to provide for development of a public service, social service, heritage, or cultural nature, or other uses which are supportive to such uses, whether operated for profit or not-for-profit.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Institutional uses
- (ii) Places of worship
- (iii) Public education facilities
- (iv) Public parks
- (v) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Cemeteries
- (ii) Day care facilities
- (iii) Exhibition and convention facilities
- (iv) Extended medical treatment facilities
- (v) Government services
- (vi) Group care facilities
- (vii) Health services
- (viii) Libraries and cultural exhibits
- (ix) Natural areas
- (x) Private clubs
- (xi) Protective and emergency services
- (xii) Public uses
- (xiii) Public utilities
- (xiv) Recreational facilities
- (xv) Recreational vehicle campgrounds
- (xvi) Utility services
- (xvii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xviii) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

- (a) Minimum site area shall be sufficient, in the opinion of the Subdivision Authority, to accommodate the proposed use.

### (4) Development Regulations

- (a) All site regulations shall be at the discretion of the Development Authority.

- (b) The Development Authority shall require that the design, siting, landscaping, screening and buffering of any development minimize and compensate, in his sole opinion, for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (c) In considering whether or not to approve a development application for a discretionary use, the Development Authority shall evaluate the proposal in terms of its scale and the extent to which it is, in his sole opinion, consistent with, and not prejudicial to, the overall purpose of this District.

(5) **Additional Regulations**

- (a) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (b) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
- (e) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (f) Signs shall be allowed in the SP District as provided for in Section 12 of this Bylaw.

## 11.17 Direct Control (DC) District

### (1) Purpose

In accordance with Section 641 of the Act, this Direct Control District applies to areas determined to be unique or of special character or where particular circumstances are present and where particular development control is deemed necessary. Pursuant to the relevant sections of the Act and this Bylaw, applications under this District will be received, considered and decided upon by Council.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

None

#### (b) Discretionary Uses

- (i) Business support services establishments
- (ii) Commercial schools
- (iii) Day care facilities
- (iv) Dwelling units in buildings where there is a commercial use on the ground floor
- (v) Eating and drinking establishments
- (vi) Entertainment establishments
- (vii) Fleet services
- (viii) General retail establishments
- (ix) Government services
- (x) Health services
- (xi) Hotels
- (xii) Household repair services
- (xiii) Indoor amusement establishments
- (xiv) Libraries and cultural exhibits
- (xv) Minor repair shops
- (xvi) Office uses
- (xvii) Off-street parking lots
- (xviii) Personal service shops
- (xix) Private clubs
- (xx) Public parks
- (xxi) Public uses
- (xxii) Public utilities
- (xxiii) Recreational facilities
- (xxiv) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xxv) Buildings and uses accessory to discretionary uses

### (3) Regulations

- (a) Notwithstanding any development permit application requirements to the contrary in this Bylaw, Council may specify the following additional application requirements in the case of an application within the DC District
  - (i) To the level of detail determined by Council, applicants shall fully disclose the precise nature and extent to the proposed use or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this Land Use District.
  - (ii) In support of an application within this Land Use District, Council may undertake, or require that the applicant undertake in a manner satisfactory to them, a polling of the adjacent properties within the Town of Provost to assist in the comprehensive evaluation of the application.
- (b) Upon receipt of a completed development permit application in a DC District, the Council may, prior to making a decision, refer the application to the Development Authority Officer, the Municipal Planning Commission, any municipal department or any other external agency for comment.
- (c) The Council, in considering a development permit application pursuant to Section 9.16(1), will consider but shall not be bound by the comments it receives.
- (d) At some point, as determined by Council, prior to deciding upon the application before it, the Council will provide for public notice, through means and to whom it considers necessary, that a decision regarding an application pursuant to a Direct Control District is to be made, that an opportunity will be afforded to any interested person to make representation on the application, and that Council shall take into account any such representations when giving final consideration to the said application.

### (4) General Provisions

- (a) In evaluating a proposed land use development, the Council:
  - (i) shall have regard for, but not be limited to:
    1. the existing use of the land,
    2. the general and special regulations as contained elsewhere in this Bylaw, and
    3. the land use regulations of adjoining land use districts; and
  - (ii) shall comply with the Act as well as any statutory plan and/or Conceptual Scheme in effect specifically for the purpose of directing the implementation/administration of this land use district.
- (b) All development regulations shall be as determined by Council who, in determining such regulations, shall consider all information it obtains pursuant to the provisions of this District and comply with any applicable provisions of any statutory plan or Conceptual Scheme in effect.
- (c) No activity may be undertaken that would, in the opinion of Council, unduly interfere with the amenities or materially interfere with or affect the use,

enjoyment or value or neighbouring properties by reason of excessive noise, smoke, emissions or containment of hazardous materials.

- (d) The design, external finish, architectural appearance, siting, landscaping, screening and buffering of any building shall be to the satisfaction of Council so that there shall be general conformity in such matters with respect to adjacent buildings, adequate protection afforded to the amenities of the adjacent residential properties and any objectionable aspects or potential incompatibility with other uses and developments in adjacent land use districts is or can be minimized.
- (e) The Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- (f) The Council may also:
  - (i) as a condition of approval, require that the applicant enter into a development agreement with the municipality pursuant to the Act and this Bylaw. To ensure compliance with the conditions in the agreement, the municipality may be protected by caveat registered in favour of the municipality;
  - (ii) as a condition of approval, require financial guarantees, in a form and an amount acceptable to the municipal, from the applicant to secure performance of any of the conditions of the approval; and/or,
  - (iii) revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, sewerage and road access, or any of them, including payment of the costs of installing or constructing any such utility by the developer.
- (g) The Council may stipulate the times of day or week during which an approved use or development may operate as well as the length of time the approval remains in effect.
- (h) As a condition of approval, Council may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- (i) The Council may issue a temporary development permit where Council is of the opinion that the proposed use is of a temporary nature.
- (k) If at any time, in the opinion of Council, any of the provisions of Section 9.16 have not been complied with, the Council may utilize the enforcement mechanisms available under the Act and this Bylaw.

## 11.18 Urban Reserve (UR) District

### (1) Purpose

The purpose of this District is to protect significant tracts of predominantly vacant land for future urban development, and to allow a limited range of low intensity uses which are consistent with that intent.

### (2) Permitted and Discretionary Uses

#### (a) Permitted Uses

- (i) Extensive agriculture
- (ii) Buildings and uses accessory to permitted uses

#### (b) Discretionary Uses

- (i) Greenhouses and plant nurseries
- (ii) Major and minor home occupations
- (iii) Natural areas
- (iv) Natural resource extraction industry
- (v) Public parks
- (vi) Public uses
- (vii) Type A and Type B single detached dwellings
- (viii) Small animal breeding and boarding establishments
- (ix) Utility services
- (x) Temporary light and medium industrial uses, such as a concrete batching plant, that provides materials during a construction period
- (xi) Other temporary uses which, in the sole opinion of the Development Authority, will not prejudice the possibility of conveniently and economically subdividing or developing the site in the future
- (xii) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (xiii) Buildings and uses accessory to discretionary uses

### (3) Subdivision Regulations

#### (a) Only one of the following two subdivision options shall be allowed in the UR District:

- (i) the subdivision of a quarter section of land into two equal-sized lots of a minimum of 30 ha (74.1 ac.) more or less, or
- (ii) the subdivision of a lot of between 1.0 ha (2.47 ac.) and 8.0 ha (19.77 ac.) in size from a quarter section of land to accommodate a Type A or Type B single detached dwelling existing as of the date of the approval of this Bylaw and accessory uses. Only one such lot shall be allowed on a quarter section.

#### (b) Notwithstanding Subsection (a) above, the following additional subdivisions may be allowed in this District:

- (i) the subdivision of a lot when the lot is physically severed from the balance of the title area by a permanent man-made or natural feature, or

- (ii) the subdivision of a lot to accommodate a public use, a public park, or a utility service.

#### (4) Development Regulations

- (a) Maximum Building Height – 10.0 m (32.8 ft.), except in the case of buildings which are part of or accessory to extensive agriculture other than a dwelling.
- (b) All other site regulations shall be at the discretion of the Development Authority.
- (c) The Development Authority may specify the length of time any use is approved in this District, having regard to the servicing and future development of the subject area.

#### (5) Additional Regulations

- (a) No subdivision or development other than the subdivision indicated in Subsection (3) above or for the uses indicated in Subsection (2) above shall take place until an Area Structure Plan for the area has been approved by Council. This Plan shall comply with the provisions of the municipality's Municipal Development Plan and should establish a satisfactory road network, all proposed land use classifications, the location of public reserve dedications, and means of utility servicing.
- (b) Fences shall be developed in accordance with Section 7.4 of this Bylaw.
- (c) Landscaping shall be provided in accordance with Section 7.5 of this Bylaw.
- (d) Grading and drainage of the site shall be provided in accordance with Section 7.10 of this Bylaw.
- (e) Accessory buildings shall be developed in accordance with Section 8.3 of this Bylaw.
- (f) Home occupations shall be developed in accordance with Section 8.6 of this Bylaw.
- (g) Places of worship shall be developed in accordance with Section 10.6 of this Bylaw.
- (h) Signs shall be allowed in the UR District as provided for in Section 12 of this Bylaw.
- (i) Notwithstanding any other provision of this Bylaw to the contrary, the keeping of livestock shall not be allowed on any site with an area less than 4.0 ha (9.98 ac.), and, further, no confined feeding operations shall be allowed in the UR District.

## **PART TWELVE SIGNS**

In addition to the other regulations of this Bylaw, the following additional regulations shall apply to signs:

### **12.1 - GENERAL PROVISIONS**

#### **12.1.1 Limitations**

- (1) Except as provided in Section 3.2 of this Bylaw, no person shall erect, relocate or structurally alter or enlarge any sign, including an election sign, unless he has complied with the requirements of this Schedule and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
- (2) The Development Authority may issue a development permit for a sign as part of the development permit for the use or the building to which the sign pertains, provided the development permit application indicates that there is to be a sign and provided further that all information requirements for a development permit application for a sign are met to the satisfaction of the Development Authority.

#### **12.1.2 Information Requirements for a Development Permit for a Sign**

In addition to the requirements of Section 3.4 of this Bylaw, a development permit application for a sign shall include the following information:

- (1) a letter of consent from the property owner,
- (2) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
- (3) any animation, moving copy, or other moving features of the sign, if applicable,
- (4) method of illumination, if applicable,
- (5) mounting details,
- (6) the location and size of all other existing and proposed signs on the building façade or site,
- (7) mounting heights and clearances to grade, and
- (8) the amount of projection of the sign from a building, if any.

#### **12.1.3 Signs as Permitted or Discretionary Uses**

- (1) No sign, other than an off-site sign in the Districts indicated in Subsection (2) below, or a sign which is otherwise exempted from the requirement of obtaining a development permit as indicated in Section 3.2 of this Bylaw, shall be allowed unless it is accessory to an existing use.
- (2) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this Schedule, off-site signs shall be considered to be discretionary uses in the Primary Commercial (C-1) District, in the General

Commercial (C-2) District, in the Highway Commercial (C-3) District, in the Industrial (M-1) District, and in the Urban Reserve (UR) District.

#### **12.1.4 Procedures for the Consideration of Development Permit Applications for Signs**

All development permit applications for signs shall follow the process outlined in Sections 3.5 and 3.6 of this Bylaw and be subject to appeal if applicable in accordance with Part 4 of this Bylaw.

#### **12.1.5 General Sign Regulations**

- (1) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
  - (a) its position, size, shape, colour, format or illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device or other official sign, or otherwise poses a potential hazard to traffic,
  - (b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or with those used by police, fire, or other emergency vehicles, or
  - (c) it would be situated within a sight line protection area defined in Section 7.9 of this Bylaw.
- (2) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority, the sign is on a vehicle, whether that vehicle is operational or not.
- (3) A sign shall be integrated with the building on which it is to be located and compatible with the general architectural lines and forms of the nearby buildings or of adjoining developments.
- (4) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
- (5) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a sign may encroach onto the adjacent site or a road or lane.
- (6) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18 sq. m (193.6 sq. ft.).
- (7) A maximum of five (5) signs may be allowed on a site, including temporary signs and portable signs.
- (8) Signs will not be allowed on fences in Residential Districts or in Commercial Districts.

## **12.1.6 Care and Maintenance of Signs**

- (1) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
- (2) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair he may, by notice in writing to the owner of the land on which the sign is located and, if it is indicated on the sign, the owner or operator of the sign, order the owner of the land and the owner or operator of the sign to:
  - (a) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
  - (b) take such measures as he may specify in the notice to alter and/or refurbish and/or repair the sign.
- (3) Failure to remove the sign or to comply with the measures specified in the notice described in Subsection (2) above may result in the issuance of a violation ticket as described in Section 5.1(6) of this Bylaw.
- (4) The notice described in Subsection (2) above shall be considered to be a stop order for the purposes of Subsections (1) to (5), both inclusive, of Section 5.1 of this Bylaw.

## **12.2 - TYPES OF SIGNS**

### **12.2.1 A-Frame Signs**

- (1) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
- (2) The maximum area of each a-frame sign face shall be 0.7 sq. m (7.5 sq. ft.).
- (3) The maximum height of an a-frame sign shall be 1.0 m (3.3 ft.).
- (4) No more than one (1) a-frame sign shall be allowed per business frontage.
- (5) Where the back of an a-frame sign is visible, it shall be suitably painted or otherwise covered to present a neat and clean appearance. Angle iron shall not be open to public view unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (6) The area around an a-frame sign shall be kept clean. All vegetation shall be cleared away to a distance of at least 1.5 m (4.9 ft.) around the a-frame sign.
- (7) A-frame signs are not to be used in conjunction with projecting signs at grade level.

## 12.2.2 Canopy Signs

Where a canopy is constructed solely as a support structure for a sign, the following regulations shall be adhered to:

- (1) the maximum area of all canopy signs on one face of a canopy shall not exceed 50% of the area of the face of the canopy,
- (2) the bottom of the canopy shall be not less than 2.5 m (8.2 ft.) above grade,
- (3) no part of the canopy shall project over a road or lane,
- (4) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft.),
- (5) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade,
- (6) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 sq. m (5.4 sq. ft.) in area, and
- (7) all canopy signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guide wires or similar support elements are visible from a road or lane.

## 2.3 Freestanding Signs

- (1) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
- (2) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15 m (49.2 ft.) at road level.
- (3) Notwithstanding Subsection (2) above, a maximum of one (1) freestanding sign may be allowed per site except:
  - (a) where a site has more than a 90 m (295.3 ft.) frontage, one (1) additional freestanding sign may be erected for each additional 90 m (295.3 ft.) or portion thereof of frontage abutting the developed portion of the said site, or
  - (b) where a site is considered by the Development Authority to be a double fronting site, each frontage may have freestanding signs providing that the freestanding signs are at least 90 m (295.3 ft.) apart.
- (4) The total sign area of all freestanding signs on a site shall not exceed 0.3 sq. m (3.2 sq. ft.) in area for each lineal metre of frontage, to a maximum of 12 sq. m (129.2 sq. ft.).
- (5) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft.).

- (6) Where a freestanding sign and a projecting sign are located along the same frontage of a site, a minimum distance of 10.0 m (32.8 ft.) shall be maintained between the signs.
- (7) Any support structure for a freestanding sign shall be set back a minimum of 0.3 m (1.0 ft.) from any site line and no part of the freestanding sign itself shall encroach onto or overhang an adjacent site, road or lane.

## **2.4 Portable Signs**

- (1) Any support structure for a portable sign shall be set back a minimum of 0.5 m (1.6 ft.) from any site line and no part of a portable sign shall encroach onto or overhang an adjacent site, road or lane.
- (2) No more than one (1) portable sign shall be located on a site.
- (3) Notwithstanding Subsection (2) above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer to another than 15.0 m (49.2 ft.).
- (4) All portable signs shall be double-faced.
- (5) No portable sign shall exceed a height of 2.5 m (8.2 ft.) above grade.
- (6) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
- (7) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in the Urban Reserve (UR) District or in any Residential District.
- (8) Portable signs shall not be allowed on otherwise vacant sites unless advertising the sale of the property on which the portable sign is located.
- (9) No portable sign shall be allowed at any location where the intent is to have the portable sign seen from a highway or the direct access or egress from a highway.

## **2.5 Projecting Signs**

- (1) No projecting sign shall project over another site, a road, or a lane.
- (2) A projecting sign shall have a vertical clearance of a minimum of 2.5 m (8.2 ft.) from grade.
- (3) No more than one (1) projecting sign of 0.5 sq. m (5.4 sq. ft.) in size shall be allowed for each frontage of a commercial or industrial use.

- (4) All projecting signs shall be erected in such a manner that the structural support elements are designed to appear as an integral part of the overall sign design and concealed such that no angle iron bracing, guy wires, or similar support elements are visible from a road.

## **2.6 Roof Signs**

- (1) Roof signs must be manufactured and erected in such a way that they appear as an architectural feature and they shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself.
- (2) No supporting structure for a roof sign shall be visible to the public unless finished in an aesthetically pleasing manner to the satisfaction of the Development Authority.
- (3) All roof signs shall be set back a minimum of 1.0 m (3.3 ft.) from the edge of the building on which the roof sign is located.

## **2.7 Wall Signs**

- (1) The portion of a wall which can be used for or which can be covered by a wall sign on the front of a building shall be the space defined by the following lower and upper limits:
  - (a) the lower limit of the portion shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 2.4 m (7.9 ft.) above grade,
  - (b) in the case of a one storey building, the upper limit of the portion shall be either:
    - (i) the roofline of a flat-roofed building, or, where there is an existing majority of wall signs which exceed the roofline, the upper limit of such existing wall signs,
    - (ii) a maximum of 0.8 m (31.5 inches) above the line of the eaves, if there is a parapet wall, provided that the sign does not project above the upper edge of the parapet, or
    - (iii) the line of the eaves,
  - (c) in the case of a building that is not a one storey building, the upper limit of the portion shall be the window sill of the second storey or, in the absence of any windows on the second storey, 0.8 m (31.5 inches) above the floor elevation of the second storey.
- (2) Notwithstanding Subsection (1) above, a wall sign may be located either:
  - (a) below the area defined in Subsection (1)(a) above, provided:
    - (i) the sign consists of individual letters, symbols, or logos that are directly attached to the building face,
    - (ii) the sign states no more than the name of the building or the principal tenant of the building, and
    - (iii) the sign area does not exceed 20% of the building face below the area defined in Subsection (1)(a) above,

- (b) between the second storey window lintel and the third storey window sill, or, in the case of a two storey building, between the second storey window lintel and the roof or parapet, provided:
  - (i) the sign states no more than the name of the building or the principal tenant of the building, and
  - (ii) the sign area does not exceed 2.5 sq. m (26.9 sq. ft.), or
- (c) above the third storey window sill, provided:
  - (i) the sign states no more than the name of the building or principal tenant of the building, and
  - (ii) there is no more than one (1) sign per building face above the third storey.
- (3) A wall sign may be allowed on the side wall of a building facing a road where a development is located on a corner site provided that the sign is integrated with the other signage on the building and is of the same height and width.
- (4) Any other location for a wall sign shall be at the discretion of the Development Authority, who shall have consideration for the aesthetic quality and compatibility of the proposed wall sign with adjacent developments.

## **12.3 – SIGNS IN DISTRICTS OR RELATING TO USES**

### **12.3.1 Signs in or Adjacent to Residential Districts**

- (1) Except as provided in Subsections (2) and (3) below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
- (2) An approved major home occupation may display a sign, not larger than 0.2 sq. m (2 sq. ft.) on the dwelling. If outside, the sign shall be placed flat against the wall of the dwelling. Alternatively, the sign may be displayed from the inside of a window of the dwelling.
- (3) One (1) freestanding sign per site may be allowed for the purpose of identifying the name of a multi-family dwelling, a manufactured home park, a neighbourhood, or a subdivision, provided:
  - (a) the sign area does not exceed 5.0 sq. m (53.8 sq. ft.),
  - (b) the height of the sign does not exceed 2.0 m (6.6.ft.),
  - (d) the sign is not internally illuminated, though it may be lit from the front.
- (4) Name or number signs shall have a surface area of no more than 0.3 sq. m (3 sq. ft.).
- (5) Illuminated signs shall not be allowed and, when an illuminated sign is located in a District adjacent to a Residential District, the illumination from that sign shall be deflected away from the Residential District.
- (6) When, in the sole opinion of the Development Authority, a proposed sign in any District adjacent to a Residential District might be objectionable to a resident in

the Residential District, the Development Authority may impose such other requirements as he, in his sole opinion, deems necessary, to protect the amenities of the Residential District.

### **12.3.2 Signs Relating to Institutional Uses**

In any District where a place of worship or a school or another institutional use is allowed, one (1) sign of not more than 5.0 sq. m (53.8 sq. ft.) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional use.

# **PART THIRTEEN ADMINISTRATION**

## **13.1 Schedule**

Schedule A is adopted as part of this Bylaw, and may be amended in the same manner as any other part of this Bylaw.

## **13.2 Repealing Existing Controls**

Bylaw No. 486-2000, as amended, is hereby repealed.

## **13.3 Date of Commencement**

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

READ A FIRST TIME IN COUNCIL THIS 17<sup>th</sup> DAY OF August, A.D. 2010

READ A SECOND TIME IN COUNCIL THIS 1<sup>st</sup> DAY OF September, A.D. 2010

READ A THIRD TIME IN COUNCIL THIS 13<sup>th</sup> DAY OF September, A.D. 2010

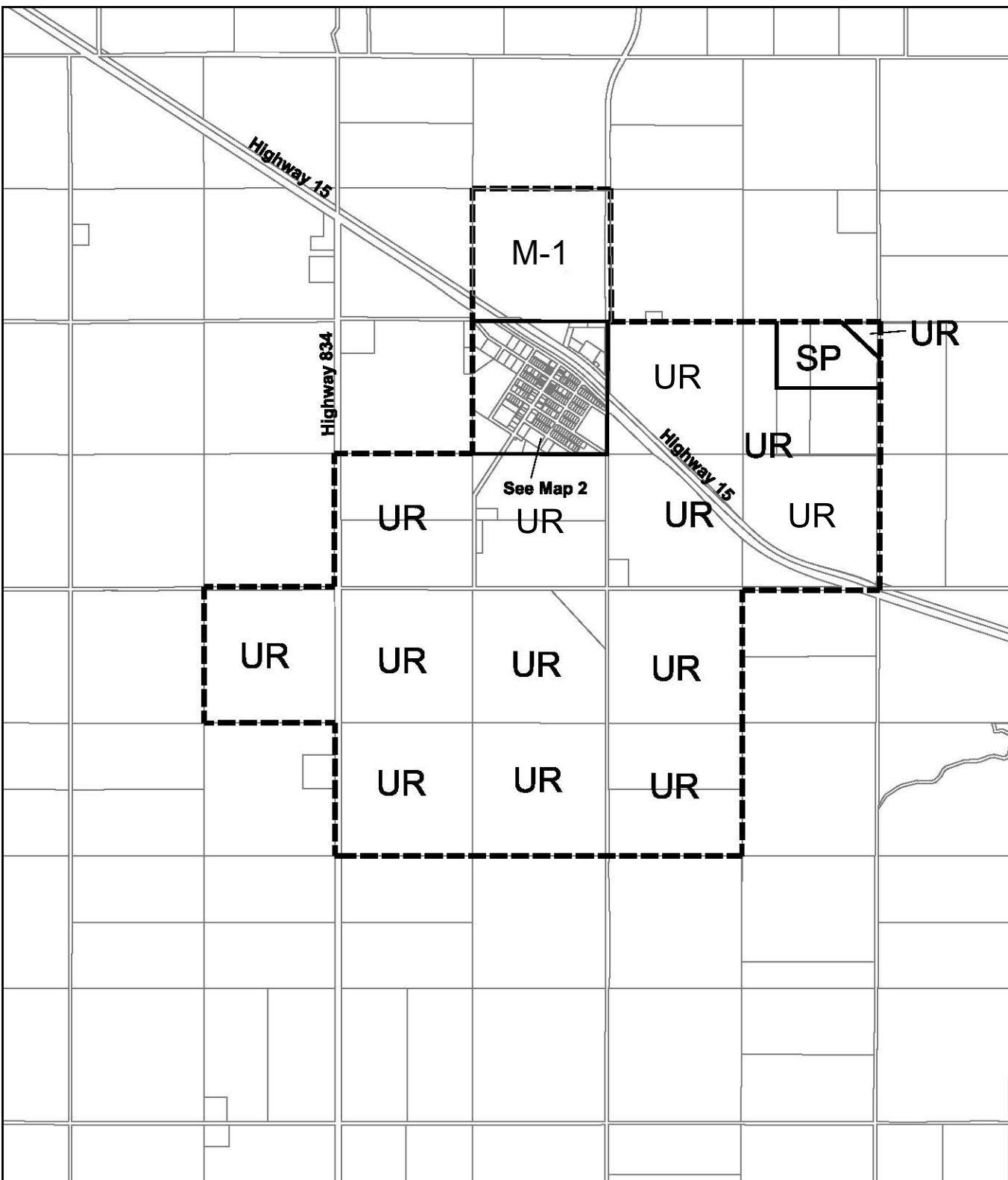
# CHIPMAN

## LAND USE BYLAW SCHEDULE A LAND USE DISTRICT MAP

### MAP 1

#### LEGEND

- R-1** Single Family Residential District
- R-2** Single Family Large Dwelling Residential District
- R-3** Single Family Large Lot Residential District
- R-4** Single Family Small Lot Residential District
- R-4A** Single Family Small Site and Dwelling Residential District
- R-Z** Zero Lot Line Residential District
- R-5** Two Family Residential District
- R-6** Medium Density Residential District
- R-7** High Density Residential District
- R-MHS** Manufactured Home Subdivision Residential District
- R-MHR** Manufactured Home Park Residential District
- C-1** Primary Commercial District
- C-2** General Commercial District
- C-3** Highway Commercial District
- M-1** Industrial District
- SP** Semi-Public District
- DC** Direct Control District
- UR** Urban Reserve District



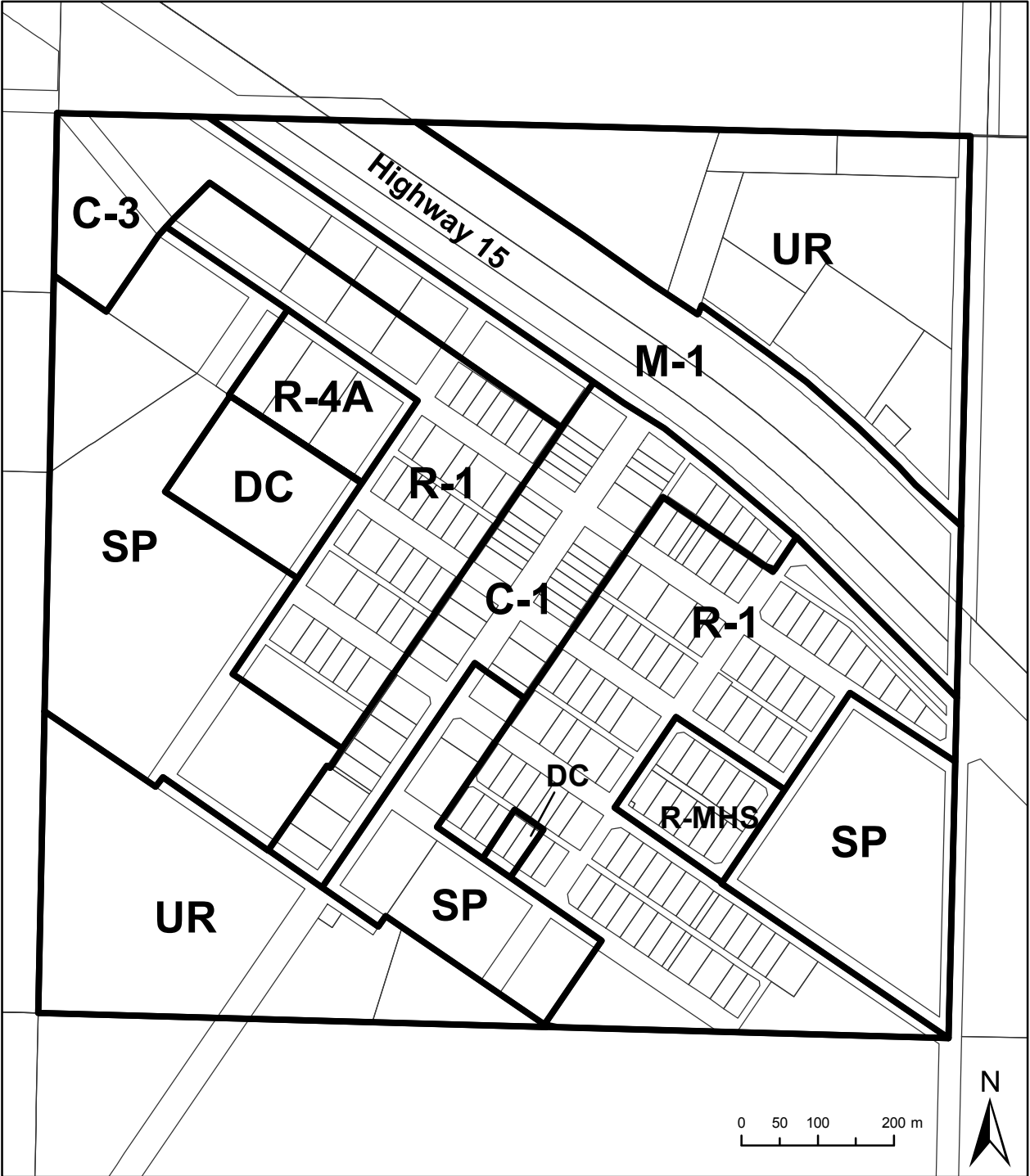
September, 2010

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# Village of Chipman

## Land Use Bylaw Schedule A

### Land Use District Map Map 2



- R-1** Single Family Residential District
- R-2** Single Family Large Dwelling Residential District
- R-3** Single Family Large Dwelling Residential District
- R-4** Single Family Large Lot Residential District
- R-4A** Single Family Small Lot and Dwelling Residential District
- R-Z** Zero Lot Line Residential District
- R-5** Two Family Residential District
- R-6** Medium Density Residential District
- R-7** High Density Residential District
- R-MHS** Manufactured Home Subdivision Residential District
- R-MHR** Manufactured Home Park Residential District
- C-1** Primary Commercial District
- C-2** General Commercial District
- C-3** Highway Commercial District
- M-1** Industrial District
- SP** Semi-Public District
- DC** Direct Control District
- UR** Urban Reserve District

Digital Geographic Information obtained from: Village of Chipman (Altalis). Geographic coordinate system and projection: UTM. NAD 83 Datum. Zone 12 N. All Boundaries are approximate.  
Municipal Planning Services (2009) Ltd.: #208 17511-107 Avenue, Edmonton, AB, T5S 1E5 Phone: (780) 483-7326