

Land Use Bylaw
No. 01-09

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Section 9: Definitions

The following definitions shall be used in this Land Use Bylaw:

“ABUT or ABUTTING” means immediately contiguous to or physically touching, and when used in respect of a lot, means that the two abutting lots share a property line.

“ACCESSORY BUILDING” means a building separate and subordinate to the main building, the use of which is incidental to that main building and is located on the same lot. A garage attached to a main building it is deemed to be part of the main building.

“ACCESSORY USE” means a use customarily incidental and subordinate to the main use or building and located on the same lot with such main use or building.

“ACT” means the Municipal Government Act and the regulations pursuant thereto.

“APARTMENT BUILDING” means a building containing at least three separate dwellings which share a common entrance from outside the building.

“APPLICANT” means an owner, agent or any person, firm, or company required to obtain or having obtained a development permit.

“BED AND BREAKFAST ESTABLISHMENT” means a business operated in a private house in which up to three rooms are made available for rent to short-term paying guests.

“CHURCH” means a place of worship of any faith.

“COUNCIL” means the Council of the Village of Galahad.

“DISCRETIONARY USE” means the use of land or a building provided for in this bylaw for which a development permit *may* be issued upon an application having been made.

“DUPLEX” means a building containing two dwelling units side by side, sharing a common wall, with separate outside entrances for each dwelling unit. It does *not* mean one dwelling unit above another.

“DWELLING” means a self contained living premises with cooking, eating, living, sleeping, and sanitary facilities for domestic use of one or more individuals.

“DWELLING, FOURPLEX” means a building containing four dwelling units each with direct access to the outside grade, but not all the units are required to have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. This shall not mean row housing dwelling or duplex dwelling. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“DWELLING, SINGLE DETACHED” means a residential building containing one dwelling unit intended as a permanent residence. Single detached dwellings must be of new construction and feature the following criteria: shall include single detached dwellings constructed off-site; all exterior walls of the floor area must be dimensioned at less than or equal to 3:1 length to width ratio; and all roof pitches must be a minimum of 3:12 ratio (3 feet of elevation for 12 feet of width). All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“FAMILY DAY HOME” means a day care business operated by an individual in her own home.

“FRONT” means, in the case of a corner lot, the shorter side.

“FRONT YARD” means that portion of the site extending across the full width of the lot from the front property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the front property boundary. Where a lot fronts on two or more streets, the Development Authority may designate one or more streets as the front of the lot.

“GRADE” means the average elevation of the corners of a lot.

“GRANNY SUITE OR NANNY SUITE” means a self contained suite within a detached residence, intended for use by a dependent or servant of the owner or occupier of the detached residence, and not rented or leased.

“GROUP HOME” means a facility which provides accommodation for people who require assistance in daily living on account of age or disability, or who are undergoing rehabilitation, and where qualified staff are present at all times.

“HEIGHT” (of a building) means the vertical distance from grade level to the highest point on the roof of the building, but excluding chimneys and aerials.

“HOME BUSINESS” means a business, trade, craft occupation, storage activity, or other commercial operation on a residential lot on a scale greater than a home office.

“HOME OFFICE” means an office in a dwelling which: is not visited by a significant number of clients; does not change the external appearance or residential character of the dwelling, and is carried on by the residents of that dwelling; and includes child care for up to three children who do not live at that place.

“LOT” means an individual lot or parcel for which a title has been issued under the Land Titles Act, or, where two or more lots are “tied” for assessment purposes, or are included in a single title, the area encompassed by the two or more lots.

“MAIN BUILDING” means a building in which is conducted the main or principal use of the lot on which it is erected.

“MUNICIPALITY” means the Village of Galahad.

“OWNER” means, in addition to the meanings set out in the Act, a purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title of the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title.

“PARKING STALL” means an indoor or outdoor area at least 6 metres in length and 3 metres in width, reserved for the parking of motor vehicles, with a surface of concrete, paving, or gravel.

“PERMITTED USE” means the use of land or a building provided for in this bylaw, and for which, if it complies in every way with this bylaw, a development permit *shall* be issued with or without conditions as provided for in this bylaw.

“REAR YARD” means that portion of the site extending across the full width of the lot from the rear property boundary of the lot to the nearest portion of the exterior wall of the building, and shall be measured at right angles to the rear property line.

“RESIDENCE” means any building or structure used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding houses, and (unless more closely defined for the purposes of one section of the bylaw) includes manufactured and modular houses and also residential suites in non-residential buildings.

“ROAD” means the entire width of the right-of-way of a road or lane shown on a Village plan, road plan, or plan of subdivision, and not only the built travelling surface.

“ROW HOUSE” means a building on a lot or lots that consist of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean “apartment” or “four-plex”.

Units are attached at the side walls, each having frontage onto a public or private condominium road. A row house dwelling unit may be located on a separate lot if the lot is registered after construction of the row house dwelling.

“SECTIONAL HOME” means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A sectional home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Sectional Homes shall feature the following criteria: minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches); and a minimum floor area length to width ratio of 3:1. A sectional home does not include a single detached dwelling.

“SERVICE STATION” means a business selling motor fuels to the public, and includes freestanding service stations, gas bars, and the fuel sales component of any automobile supply or repair business.

“SETBACK” means the distance between the closest part of the foundations of a building and the front, side, or rear property line of the lot, measured at right angles to that property line.

“SIDEYARD” means that portion of the site extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building, and shall be measured at right angles to the side property boundary.

“SIGN” means an object or device primarily intended to advertise or call attention to any person, matter, thing, or event.

“SUITE” means an area within a residence which provides a self contained living area with its own cooking and bathroom facilities.

“TRIPLEX” means a building containing three dwelling units each with direct access to the outside grade, but not all the units have separate frontage onto a public or private road. Units may have common side and rear walls and may also be separated by a common ceiling/floor assembly. All dwelling units must adhere to the provisions of the Alberta Safety Codes Act.

“USE” means a use of land or a building as determined by the Development Authority, or on appeal by the Subdivision and Development Appeal Board.

“UTILITY BUILDING” means a building in which the proprietor of a utility company maintains his office(s) and/or maintains or houses any equipment used in connection with the utility.

“YARD” means the open space between the outside wall of the main building on a lot and the boundaries of that lot.

THREE: Development Authority

Section 10: Development Authority

- 10.1 The office of Development Authority is hereby established and shall be filled by a person appointed by resolution of Council. In the absence of such a resolution, the Chief Administrative Officer is the Development Authority.
- 10.2 The Development Authority shall:
 - 10.2.1 maintain a copy of this bylaw as amended, and make it available to any person on a cost recovery basis;
 - 10.2.2 maintain a register of all applications, the decisions made on them, and the reasons for those decisions, and make it available to any person at no charge;
 - 10.2.3 review and process all applications for a development permit, and make and issue a decision in accordance with this bylaw;
 - 10.2.4 enforce this bylaw in conformance with the Act; and
 - 10.2.5 carry out the other duties imposed on him by this bylaw and the Act.
- 10.3 For the purposes of Section 542 of the Act, the Development Authority is an authorized person of the municipality.
- 10.4 The Development Authority may also be referred to as the Development Officer.

Section 11: Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by bylaw shall hear and decide upon appeals against the decision (or lack of decision) of the Development Authority.

FOUR: Development Permits

Section 12: Development Permit Required

No development other than that listed in Section 14 shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

Section 13: Forms and Fees

- 13.1 Council may by resolution adopt fees and forms for the administration of this bylaw.
- 13.2 Fees and forms in force under the previous bylaw continue in effect until amended by resolution of Council.

Section 14: Development Not Requiring a Development Permit

The following development shall not require a development permit:

- 14.1 Those uses of land or a building which are **exempt** under Section 618 or 619 of the Act or under regulations pursuant to those sections;
- 14.2 The **completion and use** of a building which was lawfully under construction at the date of adoption of this bylaw;
- 14.3 The use of a building or property which was authorized under a **previous bylaw**;
- 14.4 The **maintenance** of or repair to any building, provided that such works do not include structural alterations or major works of renovation;
- 14.5 **Internal alterations** to a building, provided these alterations do not result in an increase in the number of dwelling units in the building;
- 14.6 The construction of **gates, fences, walls**, or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 2.0 metres (6.6 feet) in side and rear yards;
- 14.7 **Landscaping and paving**, provided that grades and water flows are not substantially altered;
- 14.8 The construction or maintenance of any utility, work, or improvement undertaken by the municipality or a utility in a **street or utility lot**;
- 14.9 The construction and maintenance of a **railway line**,
- 14.10 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;
- 14.11 A **change of use or ownership** of land or an existing building where the new use is permitted in that land use district and conforms in every way with this bylaw;
- 14.12 New single storey buildings, not on permanent foundation, under 15.0 square metres (162.0 square feet) in size which are **accessory** to a residential use. These buildings are bound by yard and setback rules.

Section 15: Non-conforming Buildings and Uses

If a building or land use is not allowed in this bylaw, but was legally in existence at the date of passage of this bylaw, it may continue legally as a non-conforming use and be maintained, pursuant to Section 643 of the Act, but it **may not be enlarged or replaced except pursuant to Section 18.6 of this bylaw**.

Section 16: Application for a Development Permit

- 16.1 An application for a development permit shall be made to the Development Authority in writing on the appropriate form, signed by the owner or his authorized agent, and shall be accompanied by
 - 16.1.1 a statement of the former, present, and proposed use of a lot and any buildings on it;
 - 16.1.2 the legal description and municipal address;
 - 16.1.3 a site plan drawn to scale and showing the boundaries of the lot, the locations of existing and proposed buildings, any front, rear, and side yards, any provision for off-street loading and vehicle parking, and access and egress points to the site;
 - 16.1.4 a sketch of all easements and utilities, and the proposed connections to utilities;

- 16.1.5 the proposed site grading and drainage;
- 16.1.6 the estimated commencement and completion dates of any construction; and
- 16.1.7 the estimated cost of the project or contract price and the appropriate fee.
- 16.2 The Development Authority may also request
 - 16.2.1 details of the proposed finish of the building and the landscaping of the lot;
 - 16.2.2 a real property report drawn by an Alberta Land Surveyor, if there is any doubt as to the boundaries of the lot;
 - 16.2.3 engineering and other reports to prove the safety and suitability of the site for the purpose intended, including a declaration that the site is free from contamination; and
 - 16.2.4 a copy of the current title to the lot.
- 16.3 In the case where an application for a development permit has been refused initially or on appeal, the Development Authority may refuse to accept another application for a permit on the same property, and for the same or similar use of the land by the same or any other applicant for six months after the date of previous refusal, unless the circumstances have changed sufficiently to warrant otherwise.

Section 17: Public Consultation Prior to Decision

Before deciding on an application for a development permit for a discretionary use, or before relaxing or waiving or interpreting any part of the bylaw, the Development Authority may at his discretion consult the owners of nearby land by mail or by advertising in the local newspaper, and if the neighbouring landowners reply within 14 days, the Development Authority shall consider their comments and recommendations before issuing a development permit.

Section 18: Decision by the Development Authority

- 18.1 The Development Authority shall decide on all applications for a development permit.
- 18.2 The **Development Authority shall decide** upon an application for a development permit **within 40 days** of receiving a complete application.
- 18.3 An applicant for a development permit may authorize the Development Authority, in writing, to take a longer period of time to make a decision.
- 18.4 An application for a development permit may, at the option of the applicant, be deemed to be refused when a decision is not made on it by the Development Authority within 40 days after receipt of the application by the Development Authority, and the applicant may appeal as if the application had been refused.
- 18.5 In the case where a proposed specific use of land or a building is not provided for in any district in this bylaw, the Development Authority may determine that such use is similar in character and purpose to a permitted or discretionary use prescribed for that district in Part 10, and approve it.
- 18.6 The Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this bylaw, if, in his opinion,
 - 18.6.1 the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and
 - 18.6.2 the proposed development conforms with the use prescribed for the land or building in this bylaw, and this power extends to nonconforming buildings pursuant to Section 643(5)(c) of the Act.
- 18.7 In making a decision, the Development Authority may approve the application unconditionally, or impose conditions considered appropriate, permanently, or for a limited period of time, or refuse the application.
- 18.8 When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal.
- 18.9 The Development Authority may issue a development permit subject to the condition that the applicant:

- 18.9.1 amends the proposal to conform with this or other bylaws;
- 18.9.2 pays an off-site levy or redevelopment levy imposed by bylaw;
- 18.9.3 enters into an agreement pursuant to Section 650 of the Act concerning servicing of the site;
- 18.9.4 registers an easement to protect a utility line;
- 18.9.5 repairs any municipal improvements that may be damaged as a result of the development;
- 18.9.6 finishes a building, or landscapes or paves a lot within a stated time;
- 18.9.7 grades a lot to the satisfaction of the municipality;
- 18.9.8 supplies parking to meet the requirements of the bylaw; or
- 18.9.9 deposits cash, a letter of credit, or a performance bond guaranteeing that any of the above conditions are met.

Section 19: Development Permits

- 19.1. A **development permit does not come into effect until 14 days after the date of issue**, and if a person starts construction prior to that, he does so at his own risk because the permit may be overturned on appeal.
- 19.2 If a valid appeal is made pursuant to this bylaw, a development permit which has been granted is suspended.
- 19.3 A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent to the applicant and to any person who has expressed an interest in the matter.

Section 20: Suspension or Cancellation of a Development Permit

- 20.1 If the development authorized by a permit is not commenced within 12 months from the date of issuance, or carried out with reasonable diligence, the permit is void, unless an extension has previously been granted by the Development Authority.
- 20.2 If a Development Permit was issued in error or was obtained through misrepresentation, the Development Authority may revoke it by sending a notice to the applicant by registered mail.

Section 21: Notice of Decision

When a permit has been **granted for a discretionary use**, or pursuant to Subsections 18.5 or 18.6 of this bylaw, the **Development Authority**

- 21.1 **shall immediately mail a notice** in writing to the registered owners of all land within 50.0 metres (164.1 feet) and to any other person who may, in his opinion, be affected; and
- 21.2 **may immediately publish in a newspaper** circulating in the municipality a notice stating the location of the property for which the application has been made and the use approved; and
- 21.3 **may post a notice of the decision conspicuously on the property** for which the application has been made,

and the notice shall set out the rights of persons to appeal against the issuance of the Development Permit.

Section 22: Appeal Procedure

- 22.1 An appeal against a decision of the Development Authority shall be launched by filing notice, with the appropriate fee, with the Secretary of the Subdivision and Development Appeal Board.
- 22.2 The procedure for hearing and determining appeals against a decision of the Development Authority shall be as set out in Sections 684 to 687 of the Act.
- 22.3 No appeal lies against a development permit for a permitted use unless the bylaw was relaxed, varied, or misinterpreted.
- 22.4 In making its decision, the Board **is bound** by the uses of land set out in this bylaw, and **shall have regard for** all other parts of this bylaw and all statutory plans, as required by Section 680(2) of the Act.

Seven: General Regulations

Section 30: Contaminated Sites

If it appears to the Development Authority that the site may be contaminated as a result of the former use, or if an application for a development permit indicates that the site was previously used for another purpose, the Development Authority may require the applicant to supply evidence that the site is free of contamination and suitable for the proposed use, and lacking such information, the Development Authority may refuse the application.

Section 31: Design, Construction and Treatment of Buildings

The Development Authority may refuse to issue a development permit for a building if the size, design, construction, or treatment is, in his opinion, incompatible with the neighbouring buildings.

Section 32: Decks

For the purpose of establishing yards and setbacks,

- 32.1 a deck which is attached to a main building, and which has a walking surface 0.6 metres (2.0 feet) or more above ground, is deemed to be part of the main building; and
- 32.2 a deck which has a walking surface less than 0.6 metres (2.0 feet) above ground is not bound by yard and setback requirements.

Section 33: Fences

- 33.1 Fences shall complement the character and quality of the principal building.
- 33.2 The height of a fence must be no higher than:
 - 33.2.1 1.0 m (3.3 ft.) in the front yard, except in the case of double fronting or corner sites, in which case a fence shall be permitted no higher than:
 - (a) 1.0 m (3.3 ft.) at no less than 3.0 m (9.8 ft.) from the curb, or
 - (b) 1.2 m (3.9 ft.) at no less than 4.5 m (14.8 ft.) from the curb, or
 - (c) 1.5 m (4.9 ft.) at no less than 6.0 m (19.7 ft.) from the curb, or
 - (d) 1.8 m (5.9 ft.) at no less than 7.5 m (24.6 ft.) from the curb of one front boundary where, in the opinion of the Development Officer, adjacent permitted developments would not be adversely affect; and
 - 33.2.2 2.0 m (6.6 ft.) in the side or rear yard.
- 33.3 Notwithstanding 33.2, a higher fence or a fence with barbed or other security features may be approved for public safety, security, privacy or buffering purposes.
- 33.4 No barbed wire fences shall be permitted in residential areas.
- 33.5 The electrification of any fences within Galahad shall not be permitted.

Section 34: Dwelling and Garage Location on Lot

In front of the vehicle doors of every garage there shall be a parking area entirely located on the lot, as shown in Figure 34.1.

Figure 34.1 Siting of Dwellings and Garages



Section 35: Grading of Lots

- 35.1 No land shall be filled or raised, and no grading or drainage shall be undertaken, unless a development permit has been issued for the work.
- 35.2 In no case shall the water from one lot drain on to another lot unless this is explicitly allowed in a development permit AND the person whose lot is being drained has the written permission of the person whose land will receive the water.
- 35.3 An application for a development permit application for a new building shall include a lot grading and drainage plan showing existing and proposed ground levels on the lot in question and on neighbouring lots, roads, and lanes, and shall normally provide for a minimum 4% slope away from buildings.

Section 36: Livestock and Pets

- 36.1 No livestock other than normal domestic pets (**limit of three adult pets per house**) shall be kept in the municipality.
- 36.2 This section does not apply to auction marts, veterinary clinics, or other commercial establishments which deal with animals in the ordinary course of their business.

Section 37: Moved In Dwellings

- 37.1 Existing dwellings, including sectional homes older than 10 years of age, may be moved on to a lot in the municipality.
- 37.2 A person wishing to move an existing dwelling on to a lot shall make an application for a development permit in the usual way and shall also provide:
- 37.2.1 photographs showing all sides of the building;
 - 37.2.2 a statement of the type of construction, condition, and age of the building; and
 - 37.2.3 a statement of proposed improvements with an estimate of costs.
- 37.3 The Development Authority may inspect the building which is proposed to be moved in, or have another qualified person do so, and in either case the expenses of such inspection, including the inspector's time, shall be paid by the applicant before any development permit is issued.
- 37.4 The Development Authority shall consider whether the building is compatible with the character of the neighbourhood in which it is proposed to be set, and may refuse a development permit if, in his opinion, the building is unsuitable.
- 37.5 The Development Authority may issue a development permit subject to such conditions as he believes necessary to bring the building up to a suitable standard within 12 months from the date of issuance of the development permit.
- 37.6 The Development Authority may also require a letter of security, performance bond or certified cheque of up to \$5,000 to guarantee satisfactory completion of work stipulated in the Development Permit.
- 37.7 This section **does not apply** to new storage sheds, or to temporary buildings authorized under Section 14.2 of the bylaw, or to **new detached dwellings or sectional homes**.

Section 38: Permitted Lot Projections

- 38.1 Balconies and decks may project into yards by the following distances:
- 38.1.1 1.5 metres (4.9 feet) into the front and rear yard setbacks as required under Part 10 of this Bylaw; and
 - 38.1.2 0.6 metres (2.0 feet) into the side yard setback as required under Part 10 of this Bylaw.
- 38.2 Other features attached to a building such as bay windows, chimneys, eaves, open steps, and sills may project into the yards required by Part 10 by the following distances:
- 38.2.1 0.6 metres (2.0 feet) into the front and rear yard setback; and
 - 38.2.2 0.45 metres (1.5 feet) into the side yard setback.

Section 39: Prohibited Objects in Yards

- 39.1 In a residential district, no person shall keep a vehicle weighing greater than 4500 kg for longer than is reasonably necessary to unload the vehicle.
- 39.2 Despite section 39.1, a motor home or other recreational vehicle may be stored in the back or side yards of a residential lot.
- 39.3 In a residential district, no person shall keep visible any wrecked or partially dismantled vehicle, or any other object which in the opinion of the Development Authority is unsightly or offensive.
- 39.4 Radio and TV receiving dishes, antennas, and aerials, larger than 1 metre in diameter, shall not be located in a front yard of a residential district.
- 39.5 Garbage shall be contained in weatherproof and animal-proof containers.

Section 40: Temporary Structures

- 40.1 A temporary structure may be erected in the Downtown Commercial and Light Industrial Business District subject to the owner agreeing to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority.
- 40.2 A temporary structure may be erected in the Residential District provided that: (a) No such temporary structure shall have a floor area of more than 16.5 square metres (178.2 square feet), be more than 3.0 metres (9.8 feet) in height or set back less than 1.5 metres (4.9 feet) from the side and rear property lines; and the owner enters into an agreement to remove such a structure in accordance with the terms and conditions stipulated by the Development Authority.
- 40.3 There shall be no more than one temporary structure per site;
- 40.3.1 A **temporary structure** being used as a garage must be placed in the **rear yard only**;
- 40.3.2 In the case of a pre-manufactured temporary structure, the elevations shall be subject to approval of the Development Authority; and
- 40.3.3 The structure is completed in accordance with the terms stipulated by the Development Authority, provided that the development permit for the temporary structure shall expire at the end of 24 months, unless renewed by the Development Authority for a further term, and that such structure will comply with this Bylaw.
- 40.4 If an owner fails to comply with the terms and conditions of a temporary development permit, the Development Authority may remove or cause to be removed such structure as the case may be, the costs of which shall be charged against the lands upon which the temporary structure is situated and shall be payable by the owner to the Village on demand.
- 40.5 A temporary structure shall not be used as a dwelling.
- 40.6 **Metal freight/cargo storage containers** shall only be permitted in the **Light Industrial Business District**.

Section 41: Utility Buildings and Equipment

The Development Authority may waive or relax siting and yard regulations where this is necessary for the efficient operation of a public utility system.

Nine: Signs

Section 44: Sign Requirements

- 44.1 Except as set out in Section 44.2 below, no sign shall be placed within the municipality unless a development permit has been obtained.
- 44.2 No permit is required for a sign which:
 - 44.2.1 identifies the address or function of a building or parcel on which the sign stands, or
 - 44.2.2 advertises a sale or event taking place that day, or
 - 44.2.3 offers for sale or rent the parcel on which it stands, or
 - 44.2.4 advertises a business or activity taking place on that parcel, or
 - 44.2.5 advertises a product, service, or commodity offered for sale or rent on that parcel,
 - 44.2.6 is not visible from a public road or park, or
 - 44.2.7 is erected by a government or school authority, or
 - 44.2.8 concerns an election.
- 44.3 Signs not listed in Section 44.2 above are deemed to be discretionary uses in all districts.
- 44.4 The Development Authority may immediately remove any sign, including those listed in Section 44.2 above, if in his opinion it is a danger to public safety because of its condition or because it obstructs the view of drivers, or it devalues adjacent properties.

Ten: Land Use Districts

Section 45: Establishment of Land Use Districts

- 45.1 For the purposes of this bylaw the municipality is divided into the following districts:
- R Residential
 - C1 Downtown Commercial
 - LIB Light industrial business
 - P Public use
- 45.2 The boundaries of these districts are set out on the map forming Schedule A.
- 45.3 Where a lot boundary is the boundary of a land use district, and the boundary of that lot is changed, and the land classification is adjusted to conform with the new lot boundary.
- 45.4 Roads and other land to which no title has been issued are not included in any land use district.

Section 46: R Residential District

46.1 Purpose:

The purpose of the R district is to provide land for residences and for accessory uses other uses which are compatible with residential use.

46.2 Uses:

| Permitted Uses | Discretionary Uses |
|---|--|
| <ul style="list-style-type: none"> ▪ Dwelling, single detached – new ▪ Home offices ▪ Parks ▪ Sectional home – new ▪ Unattended utility installations ▪ Buildings and uses accessory to the above | <ul style="list-style-type: none"> ▪ Basement, granny and nanny suites in single detached dwellings ▪ Bed and breakfast establishments ▪ Buildings and uses accessory to the above ▪ Churches ▪ Dwelling, single detached – moved in ▪ Duplexes, triplexes, fourplexes, row housing, and apartments ▪ Family day homes ▪ Home businesses ▪ Sectional homes less then Ten (10) years of age from the date of Development Permit Application ▪ Moved In Dwellings, including Section Homes greater then Ten (10) years of age, subject to the conditions outlined in Section 37 ▪ Signs ▪ Temporary structures |

46.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

| | |
|-------------------------|--|
| Density of Development | Only one detached residence and one suite shall be built on each lot. |
| Lot Area | <p>A lot for a detached residence or an unsubdivided duplex shall have an area of at least 500 square metres (5,382 sq ft).</p> <p>Lots for a subdivided duplex shall have an area of at least 250 square metres (2,690 sq ft).</p> <p>All other lots shall have an area sufficient to give the required yards, setbacks, and site coverage.</p> |
| Lot Width | <p>A lot for a detached residence or unsubdivided duplex shall have a width of at least 15.0 metres (49.2 feet). On a pie-shaped lot, the width is measured at the building line.</p> <p>A lot for a subdivided duplex shall have a width of at least 7.5 metres (24.6 feet).</p> <p>All other lots shall have a width sufficient to give the required yards and setbacks.</p> |
| Site Coverage | No more than 40% of the area of a lot shall be covered by buildings. |
| Maximum Building Height | Maximum height of principal building - No building height shall exceed 10.0 metres (32.8 feet) from grade to roof peak. |
| Front Yard Setback | The main building shall be set back at least 6 metres (19.7 |

| | |
|-------------------|---|
| | <p>feet) from the front boundary of the lot, and no accessory buildings shall be constructed in the front yard.</p> <p>Where a lot abuts two or more roads, the Development Authority may require that front yard setbacks be observed from more than one road.</p> |
| Rear Yard Setback | <p>The main building shall be set back at least 6.0 metres (19.7 feet) from the rear boundary of the lot. Accessory buildings shall be set back at least 1.0 metre (3.3 feet) from the rear boundary of the lot.</p> <p>Garages shall be situated so that there is a parking stall at least 6.0 metres in length between the vehicle doors and the road or lane used for vehicular access, as shown in Figure 34.1.</p> |
| Side Yard Setback | <p>The main building shall be set back at least 1.5 metres (4.9 feet) from the side property line.</p> <p>On a lot which is not served by a lane or flanking street, one side yard shall be at least 3.0 metres (9.8 feet) to provide vehicle access to the rear yard.</p> <p>Accessory buildings shall be set back at least 1.0 metre (3.0 feet) from the side property line.</p> |
| Parking | See Section 42. |

Section 47: C Downtown Commercial District

47.1 Purpose:

The purpose of the C1 district is to provide land for high density commercial activities.

47.2 Uses:

| Permitted Uses | Discretionary Uses |
|---|---|
| <ul style="list-style-type: none"> ▪ Government buildings ▪ Clubs, associations, churches and lodges except those listed as discretionary ▪ Professional, financial and service businesses except those listed as discretionary ▪ Residences above the main floor ▪ Retail stores except those listed as discretionary ▪ Restaurants ▪ Buildings and uses accessory to the above | <ul style="list-style-type: none"> ▪ Amusement arcades ▪ Businesses selling agricultural products, lumber or other flammable products ▪ Day care and group care facilities ▪ Drive-in businesses ▪ Establishments selling or dispensing alcohol for consumption on or off the premises ▪ Gambling establishments ▪ Hotels and motels ▪ Pawnbrokers ▪ Residences at street level ▪ Signs ▪ Temporary structures |

47.3

Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

| | |
|-------------------------|---|
| Lot Width | <p>A lot for a commercial use shall have a width of at least 5.0 metres (16.4 feet).</p> <p>A lot for residential use shall have a width of at least 10.0 metres (32.8 feet).</p> |
| Site Coverage | <p>Commercial buildings may cover 100% of the lot.</p> <p>Allowable site coverage for residential buildings shall be set by the Development Authority in each case.</p> |
| Maximum Building Height | <p>The maximum allowable building height shall be determined by the Development Authority bearing in mind the requirements of the Alberta Building Code and the recommendations of the fire department.</p> |

| | |
|---------------------|--|
| Front Yard Setback | Residences shall be set back at least 6.0 metres (19.7 feet) from the front property line. No front setback is required for other buildings. |
| Rear Yard Setback | Residences shall be set back at least 6.0 metres (19.7 feet) from the rear property line. No rear setback is required for other buildings. |
| Side Yard Setback | If the walls of a building are constructed of concrete block or other incombustible material, no side setback is required by this bylaw, but the Alberta Building Code shall govern. If the walls of a building are constructed of combustible material, the building shall be set back at least 1.5 metres (4.9 feet) from the side property line. |
| Parking and Loading | See Section 42. |

Section 48: LIB Light Industrial Business District

48.1 Purpose:

To provide an area for planned light industrial business areas containing clean industrial uses with compatible commercial areas.

48.2 Uses:

| Permitted Uses | Discretionary Uses |
|---|---|
| <ul style="list-style-type: none"> ▪ Auction markets ▪ Automobile, truck, and farm implement sales and service ▪ Car and truck washing establishments ▪ Clubs, associations, churches, and lodges except those listed as discretionary ▪ Drive-in businesses ▪ Dwelling single detached - new ▪ Fabrication ▪ Government buildings ▪ Lumber yards ▪ Manufacturing ▪ Processing ▪ Professional, financial, and service businesses except those listed as discretionary ▪ Recreational vehicle sales and service ▪ Retail stores except those listed as discretionary ▪ Sectional home - new ▪ Service stations ▪ Services to agriculture ▪ Trade workshops ▪ Transportation, communications, and utilities industries ▪ Warehousing and storage ▪ Veterinary clinics ▪ Buildings and uses accessory to the above | <ul style="list-style-type: none"> ▪ Auto body and paint shops ▪ Auto wreckers ▪ Bulk fuel sales ▪ Establishments selling or dispensing alcohol for consumption on or off the premises ▪ Gambling establishments ▪ Pawnbrokers ▪ Day care and group care facilities ▪ Dwelling single detached – moved in ▪ Hotels and motels ▪ Other commercial and industrial activities which in the opinion of the Development Authority are compatible with the purpose of the district and the surrounding land uses ▪ Recycling industries ▪ Residences ▪ Sectional home ▪ Buildings and uses accessory to the above |

48.3 Site Regulations:

In addition to the Regulations contained in Parts Seven, Eight and Nine, the following regulations shall apply to every development in this district.

| | |
|-------------------------|--|
| Lot Width | Except as noted below, all lots shall have a width of at least 15.0 metres (49.2 feet) (but see Section 48.4 regarding flammable materials). No minimum lot width is required for unattended utility installations. |
| Site Coverage | All buildings combined shall not cover more than 75% of the area of the lot. |
| Maximum Building Height | The maximum allowable building height shall be determined by the Development Authority bearing in mind the requirements of the Alberta Building Code and the recommendations of the fire department. |
| Front Yard Setback | All buildings shall be set back at least 6.0 metres (19.7 feet) from the front property line (but see Section 48.4 concerning flammable materials) |
| Rear Yard Setback | Where a lot backs on to a lot classified as commercial or industrial, no rear yard setback is required (but see Section 48.4 concerning flammable materials). In all other cases, all buildings must be set back at least 6.0 metres (19.7 feet) from the rear property line. |
| Side Yard Setback | Where a lot is adjacent to a lot classified as commercial or industrial, no side yard is required (but see Section 48.4 concerning flammable materials). In all other cases, all buildings must be set back at least 2.5 metres (8.2 feet) from the side property line. |
| Parking and Loading | See Section 42. |

48.4 Flammable materials

Where flammable or explosive materials are stored on site, the Development Authority shall consult the fire department may increase the required lot size, building setbacks, or other requirements to minimize the danger to the public.

48.5 Screening

The Development Authority may require a lot to be fenced or landscaped if in his opinion this is needed to protect the values of nearby businesses.