



LAND USE BYLAW

Bylaw 33-2015



Home of the Bruderheim Meteorite

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GUIDE TO USING TOWN OF BRUDERHEIM LAND USE BYLAW

The Land Use Bylaw establishes the regulations on how land can be developed (that is, how land can be used and buildings can be either constructed or relocated) in Town of Bruderheim. Regulations vary depending on the location and types of development. Other Bylaws or regulations of the Town, Province or Federal Government must also be followed.

There are several parts of the Land Use Bylaw that need to be examined to understand how it works. Firstly, the Land Use Bylaw maps divide the Town into various Land Use District. Secondly, the text of the Land Use Bylaw details the uses that are allowed in each District. Thirdly, the text provides additional regulations that apply to certain uses and/or within certain Districts. The following steps may assist the user:

1. Locate the subject property on the Land Use District maps. These maps divide the Town into various Land Use Districts. Each Land Use District has a designation such as “R1” for LOW DENSITY RESIDENTIAL or “C1” for DOWNTOWN COMMERCIAL. Take note of which Land Use District the subject property is located in. Also note if the subject property is affected by an Area Structure Plan which may modify some of the uses and regulations of the land Use Bylaw or impose additional regulations. **PLEASE NOTE: Land Use Districts are often referred to as “Zones” or “Zoning.” In order to conform to the language of the Municipal Government Act, this document uses the terms “District” and “Districting.”**
2. Check the table of contents and locate the Land Use District you are interested in. Each Land Use District is listed in **Section 8**. In each Land Use District you will find a list of permitted and discretionary uses, subdivision regulations, development regulations and other miscellaneous regulations. This determines how and what can be developed in any given Land Use District. There are definitions in **Section 1.10** that should also be consulted to ensure that words and terms used in the Land Use Bylaw are understood.
3. Review the table of contents to see if there are any general regulations that apply to the situation or use in question. For example, **Section 5** describes the enforcement procedure. **Section 6.1** contains general regulations about accessory buildings and **Section 7.10** contains general regulations about Home Occupations, just to name a few.
4. Discuss your proposal/concern with Planning and Development staff. Town staff are well trained and eager to assist you with your development/subdivision or general inquiry issues and to explain procedures. They can also assist with other situations such as enforcement or a Land Use Bylaw amendment.

NOTE: THIS PAGE IS INTENDED ONLY TO ASSIST USERS AND DOES NOT FORM PART OF THIS BYLAW.

1 | General Administrative Procedures

1.1 Title

The title of this Bylaw shall be the Land Use Bylaw of the Town of Bruderheim.

1.2 Purpose

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

- (1) to divide the Town 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;
- (5) to implement the policies of the statutory plans of Town of Bruderheim;
- (6) to establish supplementary regulations governing certain specific land uses; and
- (7) to establish the procedures for making amendments to this Bylaw.

1.3 Application

The provisions of this Bylaw apply to all lands and buildings located within the Town of Bruderheim municipal boundaries pursuant to Part 17 of the Municipal Government Act.

1.4 Conformity with This Bylaw

No person shall commence any development within the Town of Bruderheim unless it is in conformance with the terms and conditions of this Bylaw.



1.5 Metric & Imperial Measurements

Whenever measurements are presented in this Bylaw, metric values are used and shall take precedence. Imperial equivalents, provided in parenthesis, are approximate and intended for information only.

1.6 Compliance with Other Legislation

In addition to the requirements of this Bylaw, an applicant must comply with any Federal, Provincial or Municipal legislation including requirements of a Development Permit or Agreement.

The applicant/landowner must also comply with the conditions of any easement or covenant which affects the development or subdivision.

1.7 Severability Clause

The invalidity or unenforceability of any provisions of this Land Use Bylaw shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

1.8 Effective Date

This Bylaw comes into effect upon the date of its third reading by Council and signing by the Mayor and the Chief Administrative Officer.

1.9 Repeal

Upon coming into force on receiving Third and Final reading by Council this bylaw repeals **Land Use Bylaw 989-98** and any resolutions made thereunder or amendments thereto, which shall cease to have effect on the day this Bylaw comes into force.

1.10 Interpretation and Definitions

(1) Interpretation

(a) The Bylaw contains “shall”, “must” and “may” policies which are interpreted as follows:

(i) “Shall” and “must” policies are required to be complied with; and



- (ii) “May” policies indicate support in principle subject to the applicable authority determining the level of compliance that is required.
- (b) Words, phrases and terms not defined in this part may be given their definition within the Municipal Government Act or the Alberta Building Code. All other words shall be interpreted with their customary dictionary meaning.
- (c) Words used in the present tense also include all other tenses and derivative forms. Words used in the singular shall also include plural and vice-versa.
- (d) All metric values within this Bylaw take precedence over imperial values, which are shown for convenience purposes only. Metric values shall be rounded up to the nearest one (1) decimal place.
- (e) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:
 - (i) Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof;
 - (ii) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line; and
 - (iii) In circumstances not covered by **subsection 5(a) and (b)** above, the location of the district boundary shall be determined:
 - (1) Where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map; or
 - (2) Where no dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

(2) Definitions

For the purposes of this Bylaw:

“**Abattoirs**” means premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped or frozen for distribution to retail stores.

“**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.

“**Accessory building**” means a building separate and subordinate to the main building and use which is incidental to the main building and is located on the same parcel of land. An accessory building to a residential use means a garage, carport, shed, storage buildings, hobby greenhouse, sundeck, patio, permanently installed private swimming pool or hot tub, and similar buildings. Where an accessory development is attached to the main building on a lot by a roof or an open or enclosed structure, except carports where vehicular access to



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the rear yard is not obstructed, said accessory development is part of the main building and not an accessory building and shall, unless otherwise specified in this Bylaw, adhere to the yard and other requirements for main buildings.

“**Accessory use**” means a use customarily incidental and subordinate to the main use or building and is located on the same parcel of land with such main use or building.

“**Act**” means the Municipal Government Act, R.S.A. 2000, c M-26, as amended.

“**Activities Designation Regulation**” means the Activities Designation Regulation, Alta. Reg. 276/2003, as amended.

“**Adjacent land**” means land that is contiguous to a particular parcel of land and includes:

land that would be contiguous if not for a highway, road, river or stream; and

- (a) Any other land identified in this Bylaw as adjacent for the purpose of this Bylaw; (see Figure 1).

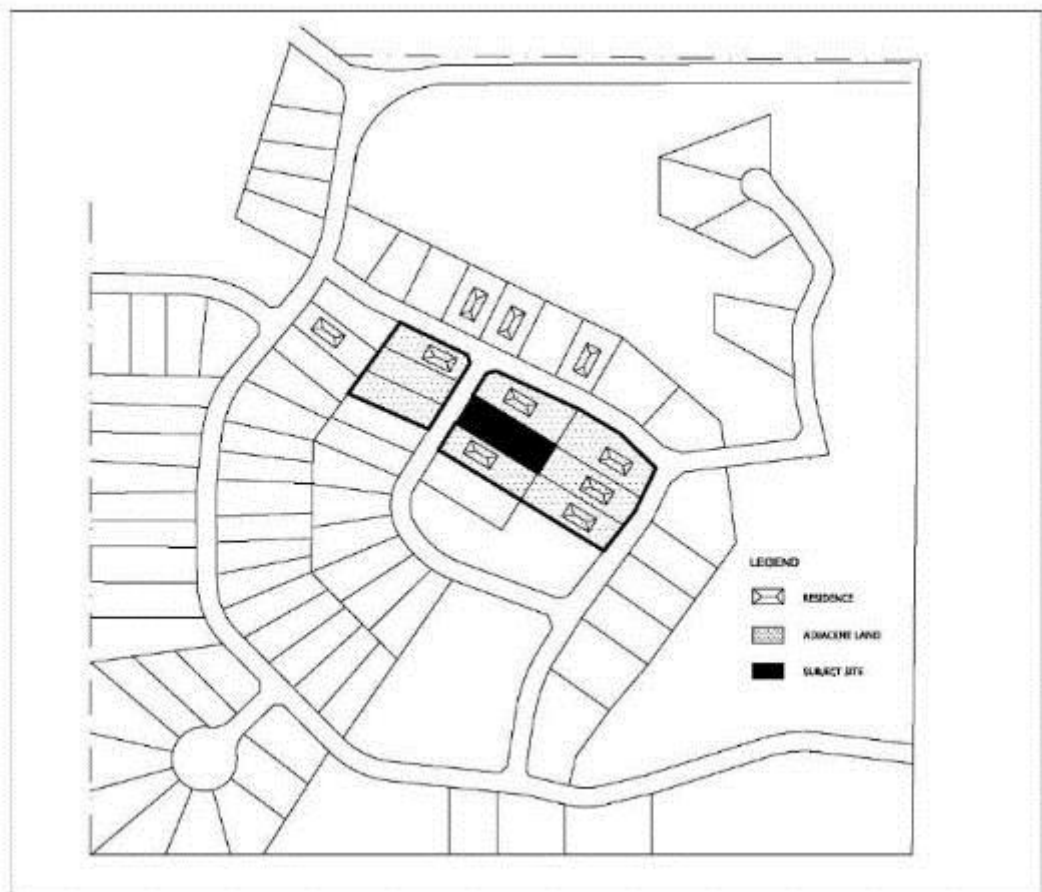


Figure 1: Adjacent Land



“**Adult entertainment**” means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, adult mini-theatres, exotic dancing, lap dancing, topless or bottomless waiters or waitresses and nude mud wrestling.

“**Adult use**” means any of the following: Adult Bookstore, Adult Motion Picture Theatre, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement. For the purposes of this definition, an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment’s inventory stock; or twenty-five percent (25%) of the subject premises’ gross floor area, or 18.6 m² (200 ft²), whichever is greater, devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement.

“**Airport**” means any area of land or water, including the frozen surfaces thereof, or other supporting surfaced used or intended to be used either in whole or in part for the arrival and departure or servicing of aircraft, and includes any building, installation or equipment in connection therewith.

“**Agricultural industry**” means an industrial activity involving the processing, cleaning, packing or storage of the results from agricultural production. 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 resulting from agricultural production or abattoirs.

“**Agricultural operation**” means an agricultural activity, (other than a confined feeding operation), conducted on agricultural land **for gain or reward** and includes:

- (a) The cultivation of land;
- (b) The raising of livestock, including game-production animals within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) The raising of fur-bearing animals, pheasants or fish;
- (d) The production of agricultural field crops;
- (e) The production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (f) The production of eggs and milk;
- (g) The production of honey;
- (h) The operation of agricultural machinery and equipment, including irrigation pumps;
- (i) The application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying for agricultural



purposes;

- (j) The collection, transportation, storage, application, use, transfer and disposal of manure; and
- (k) The abandonment and reclamation of confined feeding operations and manure storage facilities.

“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 32.4 ha (80.0 ac or more), but not including intensive agriculture or confined feeding operations;

“Agriculture, intensive” means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes greenhouses, silviculture and sod farms, but does not include confined feeding operations;

“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;

“Amateur radio communication” means the use of a communication tower/antenna by a licensed amateur radio operator for the purpose of reception and transmission of radio signals.

“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. 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;

“Amenity area, communal” means an amenity area which shall be provided in accordance with the regulations in this Bylaw but which must be developed for the active or passive recreation and enjoyment of all occupants of a building. Such area must be for communal use and accessible by all occupants of a building 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;

“Amenity area, private outdoor” means an amenity area which shall be provided in accordance with the 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;



“Amusement establishment, indoor” means a development providing recreational facilities with table games and/or electronic games played by patrons for entertainment. Indoor amusement establishments include billiard parlours and electronic games arcades with tables and/or games and bowling alleys.

“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.

“Animal breeding and/or boarding facility” means an establishment for the keeping, breeding, housing, exercising, training, and/or raising of three (3) or more animals over six months in age, that are not livestock for profit or gain, but shall not apply to the keeping of animals in a veterinary clinic for the purpose of observation and/or recovery necessary to veterinary treatment.

“Animal hospital” means a building used by veterinarians primarily for the purposes of the consultation, diagnosis and office treatment of household pets, but shall not include long-term board facilities for animals nor kennels.

“Apartment” see **“Dwelling, apartment”**.

“Area Structure Plan” means a plan adopted by Council as an Area Structure Plan pursuant to the Act.

“Assisted care housing” means a residential multi-unit building designed to provide long term housing wherein residents, who because of their circumstances cannot or do not wish to maintain their own households, are provided with meal services and may also receive such services as housekeeping and personal care assistance. Typical uses include seniors’ lodges and nursing homes.

“Auctioneering establishment” means a development specifically intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment, excluding animals/livestock. Auctioneering establishments do not include flea markets.

“Automotive and equipment maintenance and 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 maintenance and repair shops include transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This does not include automotive and heavy equipment supply, repair and body shop or automotive wreckers.

“Automotive and heavy equipment supply, repair and body shop” means a facility used for servicing and mechanical repair of commercial motor vehicles and heavy equipment such as tractor and tractor-trailer units, large recreation vehicles, motor homes,



front-end loaders, backhoes and dump-trucks. It also includes the repair or noncommercial and commercial motor vehicle bodies. It does not include automotive wreckers.

“Automotive sales and service outlet” means a facility providing for the sale, rental, service and repair of commercial and non-commercial motor vehicles including, but not limited to, cars, trucks, farm and heavy equipment, recreation vehicles, boats, snowmobiles or similar light recreation vehicles.

“Automotive wrecker” means a parcel used for storing, junking, dismantling or wrecking three or more motor vehicles and parts thereof and may include subsequent sales of such parts.

“Bareland condominium” means a condominium development containing Bareland Condominium Units, created specifically through subdivision and registered as a condominium plan in accordance with the Condominium Property Act, RSA 2000, c. 22.

“Bare land condominium unit” means a bare land unit as defined in the Condominium Property Act, RSA 2000, c. 22.

“Basement” means the portion of a development which is wholly or partially below grade, the ceiling of which is not more than 1.83 m (6.0 ft) above grade.

“Bed and breakfast establishment” means a development within a dwelling which possesses a dwelling unit, 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. A bed and breakfast establishment shall not include a boarding house.

“Berm” means a landscaped earthen mound that is utilized to attenuate the noise and visual effects of adjacent land uses and/or direct ground water flows as part of an engineered storm water management system.

“Boarding/lodging house” means a building or portion thereof where meals are served for a remuneration involving no more than four (4) persons, exclusive of the occupant and immediate family. For the purposes of this Bylaw, boarding houses shall not include an eating or drinking establishment, a drive-in restaurant, a refreshment stand, or other similar use.

“Buffer” means berms, fencing and planting for the purpose of screening noise, views, dust, sprays and uses between properties where off-site impacts may occur.

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

“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 centerline of fire walls.

“Building height” means the vertical distance between the building grade and the highest point of a building, excluding a stairway entrance, an elevator housing, a mechanical



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skylight, ventilating fan, chimney, steeple, fire wall, parapet wall, flagpole or similar device not structurally essential to the building (see figure).

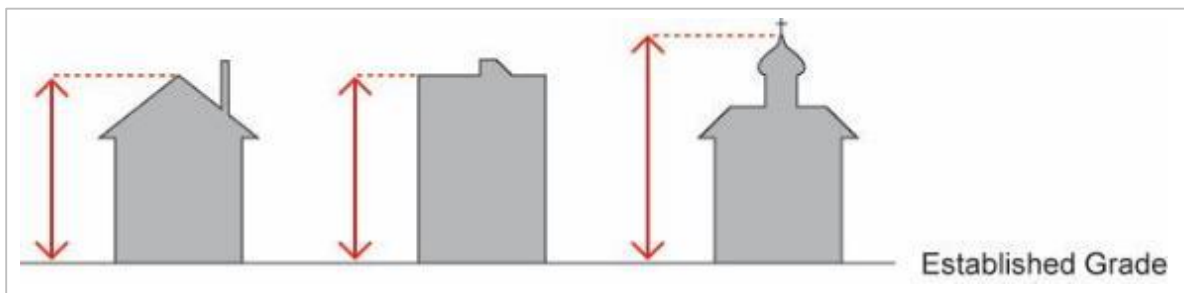


Figure 2: Building Height

“Building permit” means a permit authorizing construction and issued under the Safety Codes Act.

“Bulk fuel storage and sales” means lands, buildings and structures for the storage and distribution of fuels and oils including retail sales and key lock operations.

“Bus depot” means a facility providing for the arrival and departure of passengers and freight carried by bus or other similar passenger vehicles.

“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.

“Campground” means an area which has been planned and improved to be used and maintained for a seasonal short-term period (where the maximum occupancy shall not exceed 240 days in one year), for campers located in tents, tent trailers, holiday trailers, campers, motor homes and similar recreation vehicles within a defined area.

“Campground, recreational vehicle” means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, for not normally more than twenty (20) days in a year, and may include sites for the erection of tents for similar time frames;

“Campground, recreational vehicle, seasonal” means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, normally for no longer than an entire season operating between April to October;

“Campground, recreational vehicle workcamp” means a development consisting of stalls or sites for the location of more than three (3) recreational vehicles, used to house



camp workers by various contracting firms on a temporary basis. The units may be dismantled and removed from the site from time to time.

“Caretaker/security residence” means a dwelling unit on a parcel of land which is incidental and contained within a main building, or one manufactured home which is incidental to the main use, provided that the dwelling unit is specifically used in conjunction with the protection of private property.

“Carport” means a roofed structure used for storing or parking not more than two (2) vehicles and which has not less than forty percent (40%) of its total perimeter open and unobstructed.

“Carrier” means a company or applicant that provides wireless commercial or essential institutional communications services.

“Car wash” means a facility used for the cleaning of motor vehicles, such as passenger cars, trucks and motorcycles. A heavy vehicle wash is a separate use.

“Cemetery” means development of land for the interment or entombment of the deceased, and may include, at the discretion of the Development Authority, crematoriums, burial grounds, mausoleums, gardens of remembrance and memorial parks or a religious assembly, and one attached or separate manse.

“Co-location” means locating on a site and tower with other Wireless Communications Operators.

“Commercial use” means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, office uses, personal service shops, recreation camps, recreational vehicle parks, and resorts.

“Commercial business centre” means any group of commercial establishments planned, constructed and managed by a single or group of owners or tenants, either in a mall-type setting, where individual businesses front onto a pedestrian walkway within one building, or on a common site. Commercial business centres may have common site access/accesses and a common parking area(s) for customers and staff.

“Commercial entertainment facility” means a privately owned indoor facility or development operated for financial gain in which the public participates in and/or views an activity for entertainment/social purposes. Commercial Entertainment Facilities may offer food and beverages for sale to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, they may include facilities for display of motion pictures, live theatres, dinner theatres, dancing and cabaret entertainment, amusement arcades with mechanical and/or electronic



games, billiard or pool halls. It does not include adult entertainment, drinking establishments or recreation indoor uses.

“Commercial school” means a facility for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities.

“Commercial storage” means a self-contained building or group of buildings containing units available for rent for the storage of goods and materials.

“Communication tower/antenna” means a structure designed for the purpose of receiving and transmitting communication signals.

“Community garden” means a lot or part of a lot (publicly or privately held) that is cultivated by a group of people rather than a single family or individual. Unlike public parks and other green spaces maintained by local governments, community gardens are generally managed and controlled by a group of unpaid individuals or volunteers – usually the gardeners themselves.

“Community service facility” means a building used by the public for cultural or community activities or for the provision of community services. Such uses include, but are not limited to, museums, libraries, community halls, YMCAs, tourist information/interpretive centres, and multi-purpose facilities.

“Confined feeding operation” means a confined feeding operation as defined in the Agricultural Operation Practices Act.

“Contractor service, limited” 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 stored and sold, where all materials are kept within an enclosed building, and where there are no accessory manufacturing activities or parking or storage of more than four (4) vehicles.

“Contractor service, general” means a development where building, concrete, landscaping, electrical, excavation, drilling, heating, plumbing, paving, road, oil field, pipeline, or similar services of a construction or services nature are provided, which have on-site storage of materials, construction equipment, or vehicles normally associated with the contractor service, and which is not a limited contractor service. Any sales, display, office or technical support service areas shall be accessory to the main use only.

“Corner lot” see **“Lot, Corner”**

“Council” means the Council of Town of Bruderheim.

“Coverage” means the sum of the ground floor areas of all buildings on a lot divided by the area of the lot.

“Crematorium” means an establishment with one or more cremation chambers used only for the reduction of the human body to ashes by heat and where funeral services will not be permitted to be conducted.



“Dangerous or hazardous goods” means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act.

“Date of issue” means the date on which the notice of a decision of the Development Authority is published, or five (5) working days after such a notice is mailed.

“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, play schools and after-school or baby-sitting programs 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.

“Day home” means a provincially licensed child care facility operated from a dwelling supplying supervision to a maximum of six (6) children under the age of eleven (11) years or senior citizens, including any resident children and seniors, for periods of more than three (3) but no more than fourteen (14) consecutive hours. A day home may supply an outside recreation space that is both fenced and gated, and shall meet all fire regulations and health regulations.

“Deck” means any open structure attached to a building having a height greater than 0.6 m (2.0 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.

“Density” means a measure of the average number of persons or dwelling units per unit of area.

“Detached dwelling” see **“Dwelling, detached”**

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

“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 without restricting the generality of the foregoing, includes:



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- (i) in the case of a lot used for residential purposes, alterations made to a building or an additional building on the lot whether or not the building is a dwelling or part of a dwelling unit,
- (ii) in the case of a lot used for other than residential purposes, alterations or additions made to a building on the lot or a use of the lot which would increase either the capacity of the building or the intensity of use of the lot,
- (iii) the display of advertisements or signs on the exterior of a building or on any land,
- (iv) the deposit of earth, debris, waste materials, refuse, or any other material on any land, including land already being used for that purpose, or if the natural topography or drainage is altered,
- (v) 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,
- (vi) the placing of refuse or waste material on any land,
- (vii) the use of land for the storage or repair of motor vehicles or other machinery or equipment,
- (viii) 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,
- (ix) the demolition or removal of a building,
- (x) the placement of an already constructed or a partially constructed building on a parcel of land,
- (xi) 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,
- (xii) the removal of topsoil from land,
- (xiii) the recommencement of the use to which land or a building has been previously put if that use has been discontinued for a period of more than six months, or
- (xiv) the use of land for storage purposes or for the repair of equipment, vehicles or other kinds of machinery.

“Development Authority” means the development authority of the Town as established within this Land Use Bylaw.

“Development Officer” means an official of the Town of Bruderheim appointed, according to the procedures authorized by Town Council, to act as a development authority according to the Municipal Government Act.



“Development permit” means a document authorizing a development issued pursuant to this Land Use Bylaw.

“Detached dwelling” see **“Dwelling, detached”**.

“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.

“Discretionary use” means the use of land or a building provided for in [this](#) Land Use Bylaw for which a development permit may be issued upon an application having been made.

“District” means Land Use District.

“Domestic pets” means animals which are not livestock as defined in the Agricultural Operation Practices Act and which are often kept within a dwelling unit. Such animals include dogs, cats, and similar animals.

“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 alcohol, rather than food, is the predominant item consumed. A drinking establishment does not include an entertainment establishment.

“Drive-in food service” means an restaurant or part of a restaurant which offers a limited menu produced in a manner that allows rapid customer service and includes, but is not limited to, drive-through food and drink pick-up services, or parking primarily intended for the on-site consumption of food within a vehicle and may be served by a car attendant.

“Drive-through vehicle service” means a development which serves customers traveling 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, but does not include bulk fuel storage and sales establishments.

“Driveway” means a portion of land that is designated for and capable of providing space for parking a vehicle(s).

“Duplex” see **“Dwelling, duplex”**.

“Dwelling” means any building used exclusively for human habitation. This definition shall include single detached dwellings, duplexes, row housing, apartments, and manufactured homes.



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“ Dwelling, apartment” means a residential building consisting of at least three dwelling units, but shall not include buildings containing units with individual separate exterior entrances.

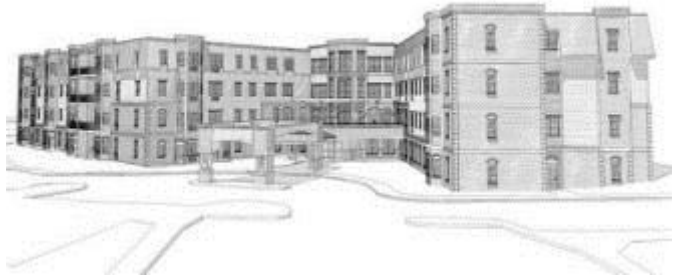


Figure 3: Apartment

“ Dwelling, duplex” means two (2) dwelling units joined side by side or one above the other by a common wall with each dwelling unit having a separate exterior entrance.



Figure 4: Duplex

Dwelling, fourplex” means an arrangement of four attached dwelling units, other than row housing, intended to be occupied by separate households with separate exterior access to grade.



Figure 5: Fourplex



“Dwelling, row housing” means a building consisting of at least three dwelling units with each unit having direct access to the outside grade, but shall not mean apartment.



Figure 6: Row Housing

“Dwelling, detached” means a building normally consisting of one (1) dwelling unit that is physically separate from any other residential building and does not include manufactured homes. A single detached dwelling is a dwelling which is normally constructed on-site. However, a single detached dwelling may be constructed in pieces off-site, or even in one piece, with the piece(s) being transported to the site for assembly on-site, and thus may be a modular dwelling.



Figure 7: Detached Dwelling

“Dwelling unit” means a complete dwelling or self-contained portion of a dwelling, set or suite of rooms which contains sleeping, cooking and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently, semi-permanently, or seasonally 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.

“Easement” means a right to use land, generally for access to other property, or as a right of way for a public utility.

“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. An eating and drinking establishment does not include either a drinking establishment or an entertainment establishment unless otherwise provided for in an approved development permit.

“End unit” means a dwelling unit which is connected to another dwelling unit on only one side.



“Encroachment Agreement” means an agreement under which a municipality permits an intrusion onto public property that is under the direction, control and management of the municipality or improvements made on land that is adjoining that public property.

“Entertainment establishment” means a development where persons are 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.

“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.

“Essential Public Service” means a development that is necessary for the continued health, safety or welfare of residents and members of the public. This includes fire stations, ambulance services, police stations and similar facilities.

“Established grade” means the average of the highest (A) and lowest (B) elevation of finished surface of the ground where it meets the exterior main walls of a building or the average elevation of the finished grade of the ground immediately surrounding a structure, exclusive in both case of any artificial embankment or entrenchment (see Figure 8).

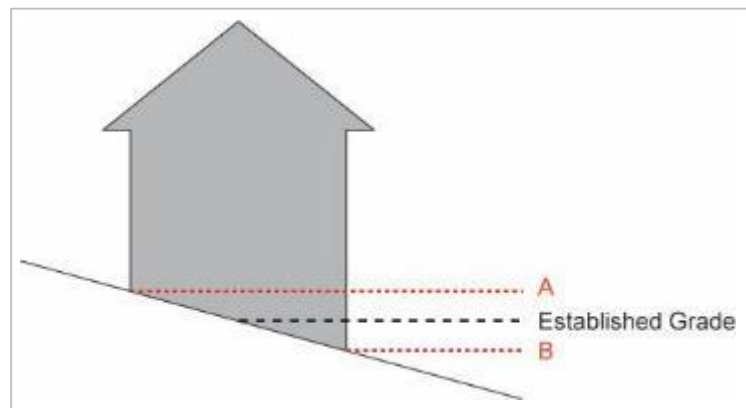


Figure 8: Established Grade

“Excavation” means any breaking of ground, except common household gardening and ground care.

“Extensive agriculture” means the use of land or buildings, including one dwelling, for an agricultural operation, but not including intensive agriculture or a confined feeding operation which requires either a registration or an approval under Part 2 of the Agricultural Operations Practices Act.

“Exterior wall” means the outermost point of a building projection, including, but not limited to, bay windows, oval windows, chimneys and verandas, but not including roof overhangs less than 0.6 m (2.0 ft).

“Family care facility” means a facility which provides resident service in a dwelling to six (6) or fewer individuals who are not related to the resident household. These individuals are physically handicapped, aged, or disabled, and in need of adult supervision for those



reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, but not group homes.

“Fence” means a vertical physical barrier constructed out of typical building material (wire, wood, plastic, or tubular steel) to prevent visual or unauthorized access or both.

“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 an apartment shall be included in the calculation of floor area.

“Floor Area Ratio” means the numerical value of the gross floor area of the building or structure divided by the area of the site. The gross floor area does not include basement areas used exclusively for storage or service to the building, parking areas below grade and floor areas devoted exclusively to mechanical or electrical equipment servicing the development.

“Fragmented parcel” means a parcel of land or a part of a parcel of land that is separated from the balance of a titled parcel by a natural barrier such as a river or a coulee which prohibits reasonable or normal access, or by a physical barrier such as a highway, road or railroad.

“Front line” means the boundary line of a lot lying adjacent to a highway or road. In the case of a corner lot, the shorter of the two boundary lines adjacent to the highway or road shall be considered the front line.

“Front yard” see **“Yard, front”**.

“Funeral services” means a business establishment where deceased are prepared for burial and where funeral services can be held. Funeral Services does not include crematory or internment services.

“Garage” means a building to be used for the storage of vehicles such as a passenger car, a truck, a recreational vehicle, a boat, or similar chattels.

“Garage suite” see **“Suite, garage”**.

“Garden suite” see **“Suite, garden”**.

“Gas Bar” means a site, or portion thereof, where vehicle fuels, lubricant and fluids and the accessory sales of convenience retail items are sold to the public, but vehicle maintenance and repairs are not done. Service station is a separate use.

“General retail establishment” means a development where, among other goods, 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/or sold, except



for any and all types of alcoholic beverages. Minor public services, such as postal services and film processing depots may also be provided.

“Golf Course” means an outdoor establishment/development designed for the game of golf. Accessory uses include a clubhouse, pro-shop, driving range and/or other practice facility, restaurant, drinking facility and other commercial uses typically associated with the golf clubhouse facility.

“Government services” means a development providing Crown Corporation, municipal, provincial or federal government services to the public. Typical uses include, but are not limited to, town halls, court houses, postal offices, social service offices and taxation offices. It does not include municipal service facilities, essential public services, schools or hospitals.

“Grade” means the ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the finished ground elevation for each face of the building.

“Gross floor area” means the total floor area of all floors, excluding the basement, of a non-residential building or structure.

“Greenhouse” means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden, plant nursery or hydroponic or aquaponics operation.

“Group care facility” means a facility which provides resident services to seven (7) or more individuals of whom one or more may be related. These individuals are physically handicapped, aged, or disabled, and in need of adult supervision for those reasons and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding homes for children, but not group homes.

“Group home” means a building or portion of a building used for the care or rehabilitation of adults or children which is not predominantly related to age or a physical disability or the care or rehabilitation of the aged or the physically disabled. Group homes include halfway houses, addiction rehabilitation centres, care which is an alternative to legal incarceration, or treatment for mental illness or mental instability.

“Guest house” means an accessory building to a single detached dwelling, which contains a dwelling unit or part of a dwelling unit which is used solely by members of the family or by temporary guests of the family occupying the single detached dwelling.

“Hard surfacing” means asphalt, concrete, paving stone or similar material satisfactory to the Development Authority which is used in the construction of a driveway or parking area.

“Health service” means a development where physical or mental health services are provided on an out-patient or on an in-patient basis. If the services are provided on an in-patient basis, health service may include room and board for the sick, injured, or infirm,



and may also include accessory staff residences. Such services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Health services include medical, chiropractic, and dental offices, health clinics and counseling services, hospitals, sanitariums, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

“Heavy truck and equipment storage” means the on-lot storage, inside a single accessory building, of heavy trucks and equipment owned and operated by a resident or residents of the single detached dwelling or manufactured home situated on the same lot.

“Heavy vehicle wash” means a facility used for the cleaning of commercial motor vehicles, such as tractor and tractor-trailer units, large recreation vehicles and motor homes.

“Highway” means a highway as defined in the Public Highways Development Act, R.S.A. 2000.

“Highway commercial use” means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels.

“Home occupation” means any occupation, trade profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications - major home occupations and minor home occupations - with specific regulations for each as indicated in this Bylaw:

- (a) A **minor home occupation** does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or accessory buildings of any paid assistant, other than the occupants of the dwelling.
- (b) A **major home occupation** may include a business which would normally attract more than five (5) clients per week, but does not include the employment at the dwelling or accessory buildings of more than two (2) paid assistants, other than the occupant and the occupant's family.

A home occupation does not include outdoor storage of any goods or stock in trade or the employment of more than one person who does not reside at the location at which the home occupation occurs. A home occupation does not include uses such as:

- (a) A bed and breakfast establishment;
- (b) Veterinary services;
- (c) Any automotive, industrial and/or recreation vehicle or equipment sales, rental, storage, service or repairs;
- (d) A dating or escort service; or
- (e) An adult entertainment service.



“Home office” means a business office in a dwelling which:

- (a) Is accessory to the primary residential use of the dwelling;
- (b) Is located in a room or partitioned area of the dwelling that does not exceed 14 m² (150.69 ft²);
- (c) Is not visited by any clients or off-site employees;
- (d) Does not have any internal or external storage of goods other than files and other papers necessary for the operation of the office;
- (e) Does not change the external appearance or residential character of the dwelling and is undetectable from the outside the dwelling unit; and
- (f) Is carried on only by the resident(s) of that dwelling.

A home office does not include a home occupation.

“Hospital” means a building used to provide in-patient and out-patient health care to the public, typically where the sick and injured are given medical or surgical care.

“Hotel” means a commercial development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels will have a check-in/registration counter and may include accessory restaurants, drinking establishments, meeting rooms, and personal service facilities. It does not include workcamps

“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.

“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.

“Indoor amusement establishment” see **“Amusement establishment, indoor”**.

“Indoor recreation facility” means a development for sports and active recreation within an enclosed building. Indoor recreation facilities include such facilities as ice arenas, gymnasiums, curling rinks, swimming pools, and similar, though smaller, facilities. As



well, indoor recreation facilities may also include meeting rooms and eating and drinking establishments as accessory uses.

“Industrial and commercial service support” means a development used for industrial and commercial service support and construction. Typical uses include oilfield support services, road construction, landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage of materials, equipment and vehicles associated with the contract business. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use.

“Industrial use, light” means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industrial uses are usually less capital intensive than heavy industrial uses, and may be more consumer-oriented than business-oriented. Light industrial uses often require only a small amount of raw materials, area and power.

For further clarification, light industrial uses include developments where:

- (a) raw materials are processed, and/or
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and/or
- (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- (e) materials, goods and equipment are stored and/or transhipped, and/or
- (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general retail establishments and/or other retail establishments for resale to individual customers, and/or
- (g) personnel are trained in all industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate the interior of the buildings located on the site of the light industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. Light industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the light industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-



three percent (33%) of the total floor area of the building or buildings devoted to the light industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

“Industrial use, heavy” means a development which would be considered to be a light or a medium industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants; and natural resource or agricultural product processing plants or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petrochemical industrial uses;

“Industrial use, heavy petrochemical” means activities involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use;

“Industrial use, medium” means development which involves the manufacturing, processing, fabrication, storage, transportation, distribution or wholesaling of goods and services, where no adverse environmental impact (noise, smoke, odor, dust or vibration) takes place beyond the boundaries of the lot on which the medium industry is located. For the purpose of this bylaw, dust refers to that which is produced as a result of the land use of the lot, rather than that which is produced as a result of travelling to and from the lot.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the light industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty-three percent (33%) of the total floor area of the building or buildings devoted to the medium industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out.

“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.



“**Institutional use**” includes but is not limited to hospitals, public offices, educational facilities, religious assemblies, libraries and senior citizen housing.

“**Intensive agriculture**” means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, but not confined feeding operations.

“**Intensive recreation**” means high density recreational activities such as campgrounds, agricultural grounds, picnic grounds, fishing lodges, beach areas, marinas, riding stables, race tracks, sports fields, golf courses, arenas, swimming pools, tennis courts and other similar activities.

“**Kennel**” see “**Animal breeding and/or boarding facility**”.

“**Land Titles Act**” means the Land Titles Act, Chapter L-5, Revised Status of Alberta 1980, as amended.

“**Land use district**” means an area as shown in Part 8 of this Land Use Bylaw.

“**Landscaped area**” means an area of land made attractive by the use of hard or soft landscaping materials; however, it shall not include areas occupied by garbage containers, storage, parking lots or driveways.

“**Landscaping**” means lawns, trees, shrubs, ornamental plantings, fences, walks, or other structures and materials used in modern landscape architecture.

“**Landscaping, hard**” means the use of non-vegetative material such as brick, stone, tile, paving stone and gravel but excluding asphalt and monolithic concrete as part of a landscaped area.

“**Landscaping, soft**” means the use of vegetative material as part of a landscaped area.

“**Landscaping plan**” means a scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and calliper of trees and shrubs, the colour and texture of hard landscaping, areas of grass, edging details, cross sections and details of any construction or features which contribute to the landscaping of a parcel.

“**Lane**” means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office.

“**Lattice tower**” means a non-solid structure made up of vertical, horizontal and diagonal members assembled in triangular or square faced sections that can be stacked to obtain height. The structure can stand by itself (self-supporting), on a foundation, or it may be of the type requiring supporting assistance of cables (guyed tower).

“**Library and cultural exhibit**” means a development where literary, artistic, municipal and/or similar reference materials in the form of books, manuscripts, recordings and films are stored, collected, available, 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.



“Liquor sales and storage establishment” means a development or a part of a development used for the retail sale of any and all types of alcoholic beverages to the public for consumption off premises. This use may include the retail sales of related products such as soft drinks and snack foods.

“Livestock” means livestock as defined in the Agricultural Operation Practices Act.

“Livestock sales yard” means any enclosed area of land, with or without accessory buildings or structures, upon which livestock is collected for sale or for market distribution.

“Living quarters” means the developed area within a dwelling but does not include basement, garage or carport, patio, or atrium.

“Loading space” means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading or unloading of goods and materials.

“Lot” means:

- (a) a quarter section,
- (b) a river lot, lake lot, or settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a Land Titles Office,
- (c) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- (d) a part of a parcel of land described in a certificate of title if the boundaries of the part are described in the certificate of title by reference to a plan of subdivision (see Figure 9).

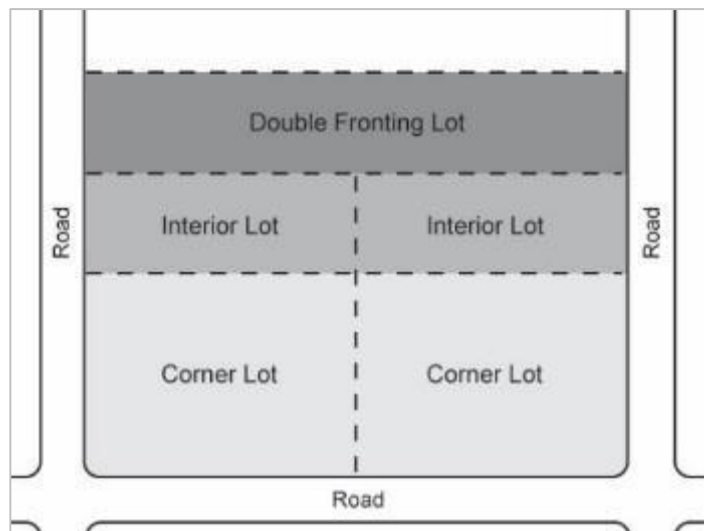


Figure 9: Illustration of lot definitions: Corner Lot, Double Fronting Lot, and Interior Lot

“Lot, corner” means a lot with boundary lines on two separate roads or highways or a single road or highway that curves at an angle of sixty (60) degrees or more at the subject lot. For the purposes of this definition, a road or highway shall not include a lane (see Figure 9).



“Lot coverage” means the percentage of the total horizontal area of a parcel that can be built upon. In calculating the site coverage this includes the enclosed portion of any structure located on the parcel, but does not include architectural features such as cantilevers, steps, stairways or balconies.

“Lot, double fronting” 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 (see Figure 9).

“Lot, interior” means a lot which abuts a road only on the front line (see Figure 4).

“Lot width” means the distance between the side parcel boundaries connecting points located at the minimum required front yard measured along each side parcel boundary.

“Main building” means a building in which the main or principal use of the site is conducted.

“Main use” means the primary purpose or purposes for which a building or lot is used.

“Maintenance” means the upkeep of the physical form of any building which does not require a permit pursuant to the Safety Codes Act. Maintenance will include painting, replacing flooring, replacing roofing materials, but will not include any activity that will increase the habitable floor area of any dwelling unit or the internal volume of any building.

“Manufacturing/processing facility” means a facility in which the fabrication, processing or assembly of goods and materials is conducted to produce items of enhanced value and may include other accessory uses related to, or supportive of, the manufacturing/processing operation such as offices, indoor and outdoor storage areas and display areas.

“Manufactured home” means a single or multiple section residential building containing one dwelling unit that is normally equipped with wheels and chassis for transport to a site. Manufactured homes must be constructed in full compliance with both the Canadian Standards Association (CSA) Z-240 MH National Mobile Home Standard and the Alberta Building Code (ABC), bearing a prominently displaced CSA Z240MH Mobile Home label AND an Alberta Municipal Affairs label that certifies compliance to the ABC. Notwithstanding the requirement regarding labels, should a building not have a label, it can still be considered a manufactured home for the purposes of this Bylaw should the inspection and upgrading procedures outlined in **Section 7.13** of this Bylaw be followed. A manufactured home is normally constructed off-site and then transported to its site. Upon arriving at the site for location, apart from incidental operations such as placement on a foundation and connection of utilities, it is ready for year round use as a dwelling for one household. A manufactured home does not include a modular home, park model or a recreational vehicle.

“Manufactured home park” means a parcel comprehensively designed, developed, operated and maintained to provide individual sites, which are not registered with Alberta Land Titles, and facilities for the placement and occupancy of manufactured homes on a long-term basis.



“Manufactured home park office” means a facility providing for the administration, management or direction of the manufactured home park and may include supplementary retail convenience sales that specifically service the manufactured home park.

“Manufactured home subdivision” means the planned division of a parcel of land into one or more smaller parcels, each of which is individually registered with the Alberta Land Titles Office, for the sole purpose of placing a manufactured home and accessory structures on each separately registered parcel.

“May” is an operative word meaning a choice is available, with no particular direction or guidance intended.

“Mixed use development” means a building designed for more than one land use, which are listed as uses within the same land use district, on the same site, such as residential and retail development, residential, office and retail development and office warehouse development.

“Mobile home” see **“Manufactured home”**

“Modular home” means a factory built or prefabricated residential building or sections of a residential building that does/do not require chassis, running gear or wheels for transport to a site. Sections of the building may be stacked side by side or vertically to form one or more complete unit(s) placed on a permanent foundation for year round occupancy. A modular home does not include a manufactured home.

“Motel” means a development where members of the travelling public are lodged for brief periods of time, normally not exceeding twenty-one (21) 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 a liquor store, an entertainment establishment, or an establishment where there is a dance floor. A motel shall not include a workcamp.

“Municipal Development Plan” means a plan adopted by the Council as a Municipal Development Plan pursuant to the Municipal Government Act.

“Municipal Planning Commission” means the Municipal Planning Commission which may be appointed pursuant to Town’s Municipal Planning Commission Bylaw and the Act.

“Municipal service facility” means a building or parcel at which the municipality maintains and/or stores equipment used to provide services to the public and may contain offices to administer such services. It does not include Government Services.

“Municipality” means Town of Bruderheim.

“Must” is an operative word, which means, similarly to the word shall, that an action is imperative or mandatory.

“Natural environmental preserve” means an environmentally sensitive or locally significant natural area which is undeveloped except for trails and associated minor



recreation facilities.

“Natural resource development” means the onsite removal, extraction, and primary processing of road materials found on or under the site. Typical uses include gravel pits, sand pits and clay pits. This does not include the processing of materials transported to the site.

“Neighbourhood commercial development” means a development where goods and services required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960 ft²). Neighbourhood commercial developments include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops.

“Non-conforming building” means a building

- (a) that is lawfully constructed or lawfully under construction at the date a Land Use Bylaw affecting the building or the land on which the building is situated becomes effective, and
- (b) that on the date this Land Use Bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with this Land Use Bylaw.

“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 this Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with this Land Use Bylaw.

“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 Municipality’s office or the Royal Canadian Mounted Police, whether or not such act or deed or omission or thing constitutes nuisance at common law.

“Obnoxious” means; when used with reference to a development; a use which may by its nature, or from the manner of carrying on the same, 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, 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 interferes with the normal enjoyment of any land, building or development.



“Occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons or property.

“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 resides thereon or conducts a business thereon.

“Off-highway vehicles” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or other natural terrain and, when designed for such travel and without limiting the generality of the foregoing includes:

- (a) 4-wheel vehicles;
- (b) Low pressure tire vehicles;
- (c) Motorcycles and related 2-wheel vehicles;
- (d) Amphibious machines;
- (e) All-terrain vehicles;
- (f) Miniature motor vehicles
- (g) Snow vehicles;
- (h) Mini-bikes; and
- (i) Any other means of transportation that is propelled by any power other than muscular power or wind; but does not include: motor boats or any other vehicle exempt from being an off-highway vehicle by regulation.

“Off-street” means, when used as an adjective, that the defined thing is not located on a road or highway, but rather a lot, and, further, that it is not directly accessory to a particular use or development on a lot.

“Offensive” see **“Obnoxious”**

“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.

“Oilfield support” means a development that provides cleaning, repairing, servicing or testing of goods, materials and equipment normally associated with the oil and gas industry and may include the storage and transshipping of such materials, goods and equipment, excluding petrochemical products and supplies. This definition applies to oil and gas support operations, including but not limited to, seismic and surveying, well servicing, oilfield haulers, pipeline contractors and welding operations.



“Open space” means land and water areas which are retained in an essentially undeveloped state and often serve one or more of the following uses: conservation of resources; ecological protection; recreation purposes; historic or scenic purposes; enhancement of community values and safety; maintenance of future land use options.

“Outdoor amusement establishment” see **“Amusement establishment, outdoor”**.

“Outdoor storage facility” means land and/or buildings designed for the storage of goods, materials or equipment and may include the distribution and collection of such goods, materials or equipment, excluding dangerous or hazardous goods or materials

“Owner” means:

- (a) the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land and, in respect of any property other than land, the person in lawful possession of it; or
- (b) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land.

“Parcel of land” see **“Lot”**.

“Parcel, corner” see **“Lot, corner”**.

“Parcel coverage” see **“Lot coverage”**.

“Parcel, interior” see **“Lot, interior”**.

“Parcel, double fronting” see **“Lot, double fronting”**.

“Parcel width” see **“Lot width”**.

“Park” see **“Public park”**

“Park model” means a type of recreational vehicle; however, for the purposes of this Bylaw, park models are not allowed in any District within this Land Use Bylaw unless either recreational vehicles or recreational vehicle parks are listed as a permitted or a discretionary use within the District, and, further, that a park model has been specifically identified and approved by the Development Authority within an approved development permit. As well, park models shall not be used as dwellings within the municipality. There are a number of types of park models. Currently, two types described below are recognized by the recreational vehicle industry:



- (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 normally fitted with a 12-volt system for fixtures and appliances. Once on site in the set-up mode it normally must be connected to the local utilities. This style is normally 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 normally does not exceed 37.2 m² (400 ft²). It conforms to the CSA Z-240 Standard for recreational vehicles.



Figure 9: Park Model Trailer 102

- (b) Park Model Recreational Unit is a unit 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 normally must be connected to those utilities necessary for the operation of installed fixtures and appliances. It normally has a floor area, including lofts, not exceeding 50 m² (540 ft²) in the set-up mode and has a width greater than 2.6 m (8.5 ft) in the transit mode. Park Model recreational units almost always 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.



Figure 10: Park Model Recreational Unit

“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.

“Parking facility” means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking lot.



“**Parking lot**” means a parking area which is located on a lot and not accessory to a particular use or development.

“**Parking space**” means an area set aside for the parking of one (1) vehicle.

“**Patio**” means an at grade structure without a roof or walls which is intended as an outdoor amenity area.

“**Permanent foundation**” means any foundation that meets the requirements of the Alberta Building Code.

“**Permitted use**” means the use of land or a building provided for in a land use Bylaw for which a development permit shall be issued upon application having been made, provided that all of the regulations of this Bylaw, and all of the matters left to the discretion or the satisfaction of the Development Authority, have been satisfied to the satisfaction of the Development Authority.

“**Personal service facility**” means a facility used for the provision of a service to individuals on a commercial basis and includes such services as photographers, travel agencies, beauty salons, massage services, dry cleaners, including their associated offices.

“**Places of worship**” means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish-halls, convents and monasteries.

“**Principal building**” means a building that, in the opinion of the Development Authority, is utilized for the main purpose for which the building was constructed on the parcel.

“**Private camp**” means social or recreational activities of members of a religious, philanthropic, athletic, business or non-profit organization or their guests, with or without on-site campsites or dwelling units, but generally with an outdoor emphasis. Private camps may include facilities for eating, drinking and assembly purposes associated with the camp.

“**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.

“**Professional, financial, office and business support service**” means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the offices of lawyers, accountants, engineers, planners, doctors and architects, as well as offices for real estate and insurance firms, clerical, secretarial, employment, telephone answering, and similar office support services. Additional uses also include banks, credit unions, loan offices, printing establishments, film processing establishments, janitorial firms and business equipment repair shops.

“**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 accessory training facilities.

“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.

“Public or quasi-public building” means a building which is owned or leased by a department or agency of the federal or provincial government, or the Municipality for purposes of public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities.

“Public or quasi-public use” means a use by a department or agency of the federal or provincial government, or the Municipality, for public administration and services and shall also include uses for the purpose of assembly, instruction, culture or enlightenment, or for community related activities.

“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 publicly 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.

“Public utility” means a public utility as defined in the Act, except that it shall not include landfills.

“Public utility building” means a building in which the proprietor of a public utility, as defined in the Act, maintains its office or offices and/or maintains or stores any equipment used in connection with the public utility.

“Real Property Report” means a plan prepared by an Alberta Land Surveyor which establishes dimensions of the boundaries of a parcel and the location of the improvements thereon.

“Rear line” means the boundary line of a lot lying opposite to the front line of the lot and/or farthest from a highway or road.

“Rear yard” see **“Yard, rear”**

“Recreation, indoor” means facilities within an enclosed building for sports, active recreation, and performing and cultural arts where patrons are predominantly participants.



Typical uses include but are not limited to arenas, athletic clubs, health and fitness clubs, gymnasiums, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

“Recreation, outdoor” means lands used for recreational activities, for profit or not, which are predominately conducted outdoors and which utilize tracts of land and may or may not require facilities or structures. Typical uses include cross-country ski trails, walking or cycling paths, ski hills, sports fields and playgrounds. A golf course is a separate use.

“Recreation, outdoor motorized vehicle” means a development or facility for primarily vehicular and/or motorized sports activities conducted outdoors on both land and water. Typical uses include sport recreational vehicle facilities such as motor bike, snowmobile, and/or motor vehicle race courses and boating facilities.

“Recreational vehicle” means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, a camper, a holiday travel trailer and a tent trailer. It does not include a manufactured home as defined in this Bylaw.

“Recreational vehicle campground” means a development on which three or more recreational vehicles are 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 part of the equipment of such recreational vehicle park. A recreational vehicle park shall include a recreation amenity, such as a park or playground and may include within it a campground.

“Recreational vehicle storage” means a development which provides fenced or indoor, secure, on-site storage of two (2) or more recreational vehicles.

“Recreational vehicle workcamp” means a development on which three or more recreational vehicles are 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 part of the equipment of such recreational vehicle workcamp.

“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.

“Recycling facility” means a ‘facility used to recycle’, as defined in the Environmental Protection and Enhancement Act, RSA 2000, c. E-12, as amended, and excludes the processing of hazardous recyclables as that term is defined in the Waste Control Regulation.

“Registered owner” means:

- (a) In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) In the case of any other land:



- (i) The purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
- (ii) In the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

“Relocated building” means a building that was constructed off-site in one piece or in pieces and relocated to another site but does not include manufactured homes.

“Renovation” means an addition to, deletion from, or change to any building which does not require a permit other than a plumbing permit or an electrical permit pursuant to the Safety Codes Act.

“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 person.

“Rental cabin” means a one-room structure (not including a washroom, bathroom, or toilet) intended for short term occupancy, often rented for short period of time to the traveling or vacationing public.

“Residential” means any building or structure, or portion thereof, used exclusively or primarily for human habitation and includes multiple dwellings, apartments, lodging, and boarding/lodging houses, and (unless more closely defined for the purposes of one or more sections of the Bylaw) includes manufactured and modular homes.

“Residential use” includes the occupation and use of land and buildings by and as dwellings, whether on a seasonal or year-round basis.

“Resource extraction” see **“Natural resource development”**

“Restaurant” means an establishment for the preparation and sale of food for consumption on the premises and may include takeout food service and entertainment, excluding adult entertainment, and may or may not include the sale of alcoholic beverages when minors are present during hours of operation.

“Retail Alcohol Sales” see **“Alcohol retail sales”**

“Retail, convenience” means the sale of those goods required by all residents or employees on a day to day basis, from a business premise that does not exceed 275 m² (2,960 ft²) in gross floor area. Typical uses include small food stores, drug stores, video sales or rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceuticals, personal care items, or printed matter.

“Retail, general” means the retail sale of groceries, beverages, household goods, furniture, appliances, hardware, printed matter, confectionery, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary, video sales and rentals and similar goods within an enclosed building. Minor government services such as postal services are permitted within general retail stores. This use excludes warehouse sales,



heavy agriculture and industrial equipment, secondhand goods and stores requiring outdoor storage.

“RF technology” means technology operating in the electromagnetic radiating frequency bands.

“Road” means land shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or used as a public road and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway or a lane.

“Roof” means the top of any enclosure, above or within the vertical walls of a building.

“Row housing” see **“Dwelling, row housing”**.

“Satellite dish” a dish shaped apparatus used for the reception of satellite transmitted television or radio waves. If it is free standing, it is considered an accessory structure. If it is attached to a principal building, it is considered part of that structure.

“School” see **“Public education facility”**

“Screen or Screening” means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites.

“Sea can” means a container, including a sea/land/rail shipping container, which is used as a storage vault. A sea can shall only be allowed on a lot and use as an accessory building and/or use to a main building or use. A sea can shall not be used for a dwelling or any part of a dwelling; and, notwithstanding any other provision of this Bylaw to the contrary, not attached, in any way, to a main building.

“Secondary suite” see **“Suite, secondary”**.

“Service station” means a building or a portion thereof for the servicing and light repair of motor vehicles and includes the sale of fuel, oils and other accessories for motor vehicles and may include the accessory sales of convenience retail items. A service station does not include automotive sales or body repair.

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

“Shall” is an operative word which means the action is obligatory.

“Shed” means a building to be used for storage.

“Shipping container” see **“Sea can”**.

“Shop” means a building to be used for light industrial purposes or the storage of vehicles larger than that allowed in a garage.

“Should” is an operative word which means that, in order to achieve local goals and objectives it is strongly advised that the action be taken. Exceptions shall be made only under extenuating circumstances.



“**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 the municipality. 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.

“**Side line**” means the boundary line of a lot lying between a front line and a rear line of a lot. In the case of a corner lot, the longer of the two boundary lines adjacent to the highway or road shall be considered a side line.

“**Side yard**” see “**Yard, side**”

“**Sign**” means any word, letter, model, picture, symbol, device or representation used as, or which is in the nature of, wholly or in part, an advertisement, announcement or direction. Any structure, or portion thereof, which is used primarily to carry, hold, maintain, support or sustain a sign is construed as being part of the sign, and except as provided for in this Bylaw, is subject to all regulations governing signs.

“**Sign area**” means the total surface area within the outer periphery of the said sign, and in the case of a sign comprised of individual letters or symbols shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area

“**Sign, A-frame**” means a type of self-supporting sign commonly referred to as “sandwich boards”, composed of two hinged or otherwise joined boards which leans on the ground.



Figure 11: A-Frame Sign

“**Sign, billboard**” means a structure, primarily self-supporting, which is used for the display of general advertising, the subject matter of which is not necessarily related to the use or ownership of the property on which the structure is located.

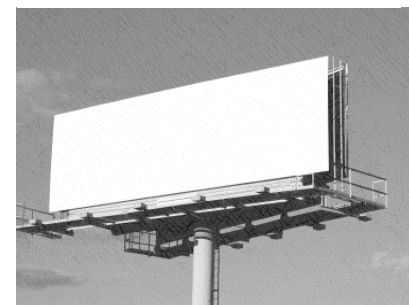


Figure 12: Billboard Sign



“**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.

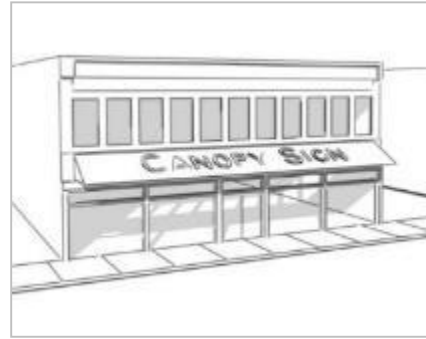


Figure 13: Canopy Sign

“**Sign, fascia**” means a sign attached to or placed flat against an exterior vertical surface of a building, and projects no more than 0.3 m (12.0”) from the surface of the building, and does not project above the roof or parapet. Fascia signs are also called wall signs.



Figure 14: Fascia Sign

“**Sign, freestanding**” means a sign supported by one or more uprights, braces or pylons, and stands independently of another structure.



Figure 15: Freestanding Sign



“**Sign, inflatable**” means a sign made of flexible material or fabric that is made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas. Commonly used as a temporary sign for special events or promotions.



Figure 16: Inflatable Sign

“**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.



Figure 17: Off-site sign

“**Sign, portable**” means a sign, excluding A-frame and temporary signs, on a standard or column fixed to its own self-contained base that can be moved from one site to another.

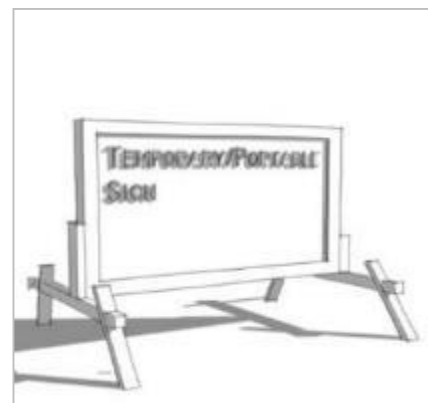


Figure 18: Portable Sign



“**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.



Figure 19: Projecting Sign

“**Sign, roof**” means a sign placed on, against or directly above the roof of a building or the top of a parapet wall.



Figure 20: Roof Sign

“**Sign, temporary**” means a sign or banner that is not permanently installed or affixed for the purpose of advertising a product.



Figure 21: Temporary Sign

“**Sign, under-canopy**” means a sign which is attached to the bottom surface or edge of a canopy.



Figure 22: Under-Canopy Sign

“**Significant**” means a use which in the opinion of the Subdivision Authority or the Development Authority may impact regional or sub-regional servicing or infrastructure.

“**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.

“**Single detached dwelling**” see “**Dwelling, detached**”.

“**Site**” means an area of land designed to accommodate, and intended to be rented for, a tent or recreational vehicle or cabin.

“**Social care home, major**” means the use of one dwelling unit as a care facility licensed by the Provincial authority to provide room and board for more than six (6) residents with physical, mental, social, or behavioural problems that require professional care, counselling, guidance and supervision. The character of the use is that the occupants live together as a single housekeeping unit and use a common kitchen. This use does not include assisted care housing.

“**Social care home, minor**” means the use of one dwelling unit as a care facility licensed by the Provincial authority to provide room and board for not more than six (6) residents with physical, mental, social, or behavioural problems that require professional care, counselling, guidance and supervision. The minor social care/group home may include any combination of staff, residents requiring care and residents not requiring care to a maximum of six (6). The character of the use is that the occupants live together as a single housekeeping unit and use a common kitchen. This use does not include assisted care housing.

“**Solar array**” means multiple solar panels used in conjunction to produce electricity.

“**Solar energy conversion system**” means the complete system required to convert solar rays into useable electricity for private use, including solar panels, mounting equipment and additional required conversion electronics.

“**Solar panel, free standing**” means a device which is used to convert energy contained within the sun’s rays into electricity, which is not mounted or attached to any other structure for support.

“**Solar panel, roof mounted**” means a device which is used to convert energy contained within the sun’s rays into electricity, which is located, mounted, or attached to the roof of a structure.

“**Stall**” means an area of land upon which a manufactured home is to be located, and which is reserved for the exclusive use of the residents of that particular manufactured home, located within a manufactured home park.



“**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.

“**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.

“**Subdivision and Development Appeal Board**” means a Subdivision and Development Appeal Board appointed pursuant to Town’s Subdivision and Development Appeal Board Bylaw and the Act.

“**Subdivision and Development Regulation**” means the Subdivision and Development Regulation (AR 43/202), as amended.

“**Subdivision Authority**” means the Subdivision Authority established pursuant to the Act through the municipality’s Subdivision Authority Bylaw and the Act.

“**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.

“**Suite, garage**” means a self-contained dwelling unit located above a detached garage which is located in a rear yard and which is accessory to a single detached dwelling. Garage suites have an entrance which is separated from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the building. Suites cannot be subdivided to become a separately owned parcel.

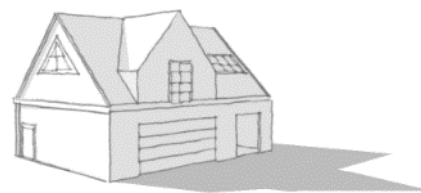


Figure 23: Garage Suite

“**Suite, garden**” means a temporary, portable detached dwelling unit, located on a lot containing an existing single detached dwelling. Suites cannot be subdivided to become a separately owned parcel.



Figure 24: Garden Suite



“**Suite, in-law**” means an additional dwelling unit intended for the sole occupancy of one (1) or two (2) adult persons, which has access to the adjoin dwelling unit. The floor area of the in-law suite shall not exceed 30 percent of the existing living area of the primary dwelling unit or 80 m² (861.1 ft²) in floor area on a residential lot, whichever is the lesser. Suites cannot be subdivided to become a separately owned parcel.

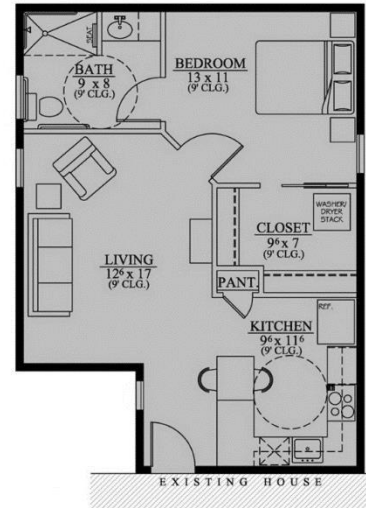


Figure 25: In-law Suite

“**Suite, secondary**” means a self-contained dwelling unit, clearly secondary in size to the main dwelling unit within a dwelling, which may or may not share access to the outside and/or other facilities with the main dwelling unit. Suites cannot be subdivided to become a separately owned parcel.

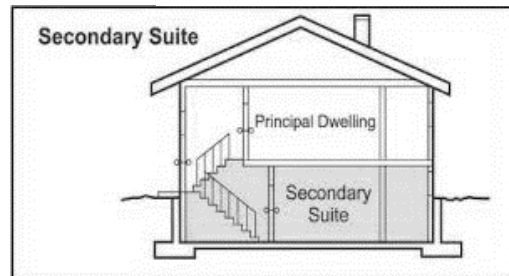


Figure 26: Secondary Suite

“**Suite, surveillance**” means a dwelling unit used to accommodate a person or persons whose function is to provide surveillance for the maintenance and security of the development, and does not include a manufactured home. Suites cannot be subdivided to become a separately owned parcel.

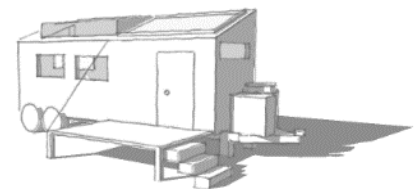


Figure 27: Surveillance Suite

“**Street**” means a road other than a lane or a highway.

“**Surveillance suite**” see “**Suite, surveillance**”.

“**Temporary development**” means a development for which a development permit has been issued and which is to exist for a limited time only.



“Tie down” means an apparatus used to firmly secure a manufactured home to the ground. This apparatus usually consists of steel cables attached to the manufactured home and concrete pylons strategically placed on the accommodating site.

“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 3,000.0 kg (6,613.9 lbs.).

“Undeveloped lot” means a lot which does not contain a residence, building or structure.

“Unsubdivided quarter section” means a quarter section, lake lot, river lot or settlement lot that has not been subdivided or had a parcel of land removed from it except for a public or a quasi-public use or solely for a purpose exempted from Part 17 of the Act.

“Unit” other than when referred to as a dwelling unit, means an area of land or a building designated as a unit in a condominium plan.

“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.

“Vehicle repair establishment” means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles, recreational vehicles, and trucks, including the sale, installation or servicing of related accessories and parts. This use class includes transmission shops, muffler shops, tire shops, automotive glass shops, upholsterer shops, and body repair and/or paint shops.

“Utility” means a public utility as defined in the Act. A utility is a development used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) Water, waste water or storm water;
- (b) Public transportation operated by, or on behalf of the municipality;
- (c) Communication;
- (d) Drainage ditch;
- (e) Natural gas;
- (f) Electrical power; or
- (g) Heat.

It includes the buildings required to operate the utility, but does not include offices used for administration of such utility.

“Veterinary clinic” means a facility for the medical care and treatment of animals, not including large animals such as livestock. This includes provision for their overnight



accommodation, but does not include kennels, outdoor pens, runs or enclosures. A Veterinary Clinic does not include an animal hospital.

“Warehouse” means a facility where a range of goods are displayed and/ or stored.

“Warehouse sales establishment” means a development where 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.

“Wind energy conversion system, large” means one or more buildings designed to convert wind energy into mechanical or electrical energy and which has a rated capacity equal to or greater than 300 Kw.

“Wind energy conversion system, micro” means a small-scale wind turbine, which is small in height and diameter and can be installed on the roof of a building or structure.

“Wind energy conversion system, small” refers to a wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to provide electrical power for use on-site (either behind the meter or off-grid) and is not intended or used to produce power for resale.

“Wind turbine tower” refers to the guyed or freestanding structure that supports a wind turbine generator.

“Wind turbine tower height” The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

“Wireless communications facility” means a facility that provides communication service using RF technology to transmit and receive voice, picture, text and data, in either digital or analogue form, on a system of elevating support structures. These structures include monopoles, lattice towers (self-supported or guyed) or other configurations as well as, although not limited to, shelters, transmitters, receivers, antennas, antenna mounts, transmission lines, waveguides, transmission line supporting equipment and material, aeronautical obstruction lights, antenna deicing equipment, antenna power dividers and matching equipment, combiners and utility power equipment, conditioners and backup power systems.

“Workcamp” means a temporary residential complex used to house workers, usually but not necessarily for a contracting firm or project, on a temporary basis of more than twenty-eight (28) days and less than one (1) year. A work camp is usually made up of a number of buildings, clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities.

“Workcamp, project-oriented” means a temporary residential complex of no more than fifteen (15) units used to house workers, for a specific project, on a temporary basis of not more than twenty-eight (28) days. A project-oriented work camp is usually made up of a



number of buildings (not including manufactured homes, modular homes or single family dwellings), clustered in such fashion as to provide sleeping, eating, recreation and other basic living facilities for short-term use related to specific projects. The buildings are designed to be dismantled and moved from location to location and from time to time.

“**Yard**” means a part of a parcel upon or over which no building is to be erected unless otherwise provided for in this Bylaw.

“**Yard, front**” means a yard extending across the full width of a parcel from the front lot line to the front wall of the main building situated on the parcel.

“**Yard, rear**” means a yard extending across the full width of a lot from the rear wall of the main building situated on the lot, to the rear lot line.

“**Yard, side**” means the portion of the site extending from the front yard to the rear yard and lying between the side lot line of the site and the nearest portion of the exterior wall of the building.

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

1.11 Definitions Not Provided

In instances where specific land uses:

- (1) Do not conform to the wording of any land use; or
- (2) Generally conform to the wording of two or more land uses;

The Development Authority shall use their discretion to include these land uses in a land use category that is most appropriate in character and purpose.

1.12 Development Authority

- (1) The Development Authority is hereby established.
- (2) The Development Authority shall be:
 - (a) The Development Officer; and
 - (b) Council for all development decisions within Direct Control Districts, unless otherwise delegated within the provisions of that District.
- (3) The Development Authority shall perform such duties that are specified in this Bylaw.

1.13 Development Officer



General Administrative Procedures | 1

- (1) The position of Development Officer is hereby established.
- (2) The Development Officer is hereby declared to be a designated officer for the purposes of inspection, remedy, enforcement or action pursuant to Section 542 of the Act.
- (3) The Development Officer shall be appointed by resolution of Council.
- (4) The Development Officer may sign any order, decision, approval, notice or other thing made or given by it.
- (5) The Development 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, the decisions thereon and the reasons therefore, and all orders for a minimum period of seven (7) years;
 - (c) Receive, consider and decide on applications for a development permit;
 - (d) Determine whether an application for a development permit is complete in accordance with the information requirements of this Bylaw;
 - (e) Review each development permit application to determine its appropriate use definition;
 - (f) Issue decisions and state terms and conditions for development permit applications for those uses listed as Permitted Uses in the applicable land use district;
 - (g) Issue decisions and state terms and conditions for development permit applications for those uses listed as Discretionary Uses in the applicable land use district;
 - (h) Issue decisions and state terms and conditions for development permit applications for those uses listed as Permitted Uses and Discretionary Uses in the applicable land use district which require a variance subject to **Section 2.12**;
 - (i) Provide notice of decisions on development permit applications in accordance with the notification requirements of this Bylaw;
 - (j) Carry out their duties as prescribed in the Act with regard to appeals or, designate a person to do the same; and
 - (k) Perform such duties as established to enforce this Bylaw, and amendments thereto, in conformance with the Act.
- (6) The Development Officer may:



- (a) Issue a letter of compliance to an applicant stating whether or not a particular development conforms to this Bylaw.

1.14 Council

The Council of Town of Bruderheim shall perform such duties as are specified for it in this Bylaw.

1.15 Subdivision Authority

The Subdivision Authority shall perform such duties as are specified in this Bylaw and Bylaw 972-96.

1.16 Subdivision and Development Appeal Board

The Subdivision and Development Appeal Board established by Bylaw shall perform such duties as specified in Bylaw 763-2007, as amended or replaced from time to time, and the Act.



2 | Development Permits, Rules, and Procedures

2.1 Control of Development

- (1) Within a Direct Control District, no development shall be undertaken unless an application for the development has been approved and Council has issued a development permit for the development.
- (2) Within the other Districts, no development other than that designated in **Section 2.2** shall be undertaken within the municipality unless a development permit authorizing the use and development has been approved and issued and has come into effect.
- (3) Notwithstanding **subsection (1)** above, where a variance to any regulation in this Bylaw is required for any development listed in **Section 2.2**, a development permit is required.
- (4) In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other such approvals or licenses that may be required by other regulatory departments or agencies.

2.2 Development Not Requiring a Permit

- (1) Except in the Direct Control District(s), no development permit will be required for any of the following types of development provided that such development complies with all applicable provisions of this Bylaw:
 - (a) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, reviewing officer's headquarters, candidate's campaign offices and any other temporary official use in connection with the federal, provincial, or municipal election, referendum or census;
 - (b) internal alterations to a residential building provided that such alterations do not result in structural alterations or additions which would require a building permit, and/or intensification or changes in use;
 - (c) mechanical, electric or maintenance alterations to a building provided that the use or intensity of the use does not change;



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- (d) the carrying out of works of maintenance or repair the exterior of any building, provided that such works do not include structural alterations or major works of renovation that would require a building permit;
- (e) the completion of a building which was lawfully under construction at the date of the first publication of the notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted, and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the notice;
- (f) the use of any such buildings as referred to in **subsection (e)** for the purpose for which construction was commenced;
- (g) the erection, construction, or maintenance, improvement or alteration of gates, fences or walls or other means of enclosure, unless the gate, fence, wall or other means of enclosure is 2.0 m (6.5 ft) or less in height in side and rear yards and 1.0 m (3.3 ft) or less in height in front yards; unless:
 - (i) gates, fences or walls or other means of enclosure the exceeds the regulations indicated in **Section 6.10** of this Bylaw; or
 - (ii) the fencing material is barb wire, or razor wire; and/or
 - (iii) the fence is electrified.

If any of provisions (i through iii) apply then a development permit is required.
- (h) 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. Such building shall be removed within thirty (30) days of substantial completion of the development or as determined by the Development Authority;
- (i) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land which is publicly owned or controlled;
- (j) 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:
 - (i) such signs are removed within seven (7) days after the election date,
 - (ii) such signs do not obstruct or impair vision or traffic,
 - (iii) such signs are not attached to fences, trees, or utility poles; and



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- (iv) such signs indicate the name and address of the sponsor and the person responsible for removal;
- (k) 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 or rent, with removal to be within one (1) month after the sale or rental agreement has been entered into, provided that such signs are a maximum of 0.6 m² (6.5 ft²) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way;
- (l) the placement of temporary signs in any district for no more than thirty (30) days, provided that such signs are a maximum of 0.6 m² (6.5 ft²) in area and provided further that such signs are placed or erected no closer than 3.0 m (9.8 ft) to a road right-of-way;
- (m) In a residential district, construction of:
 - (i) A deck with a height of less than 0.6 m (2.0 ft) above finished grade;
 - (ii) A patio;
 - (iii) A fire pit or barbeque; or
 - (iv) An accessory building no more than 10.0 m² (107 ft²) in floor area not exceeding 2.5 m (8.0 ft) in height, provided it conforms with **Section 6.1**;and which satisfy all the setback requirements of this Bylaw;
- (n) One satellite dish antennae, less than 1.0 m (3.3 ft) in diameter, per parcel provided it is sited to the satisfaction of the Development Authority;
- (o) the stripping or stockpiling of soil, installation of utilities and construction of roads in conjunction with a development for which a development permit has been issued as per the requirements of this Bylaw;
- (p) Landscaping where the existing grade and natural surface and drainage pattern is not materially altered, except where landscaping forms part of a development, which requires a development permit;
- (q) the demolition or removal of any building or structure for which erection a development permit would not be required pursuant this section;
- (r) Those developments specific in the Municipal Government Act and the Planning Exemption Regulation;
- (s) The erection of one non-illuminated sign, erected on-site, as described below for each use within a building or parcel, provided such sign does not resemble or conflict with any traffic sign:



- (i) A fascia sign for the purpose of identification, direction, or warning not exceeding 0.2 m² (2.15 ft²) in area;
- (ii) A fascia sign relating to a person, partnership or company operating a profession, business or trade, not exceeding 0.3 m² (3.23 ft²) in area;
- (iii) A fascia or freestanding sign relating to a religious, educational, cultural, recreational or similar character institution, or to a residential or apartment block, not exceeding 1.0 m² (10.76 ft²) in area; and
- (iv) A portable sign not exceeding 4.5 m² (48.44 ft²) relating to:
 - a. Sale of land or buildings in commercial or industrial districts;
 - b. Sale of goods or livestock by auction;
 - c. Informing the public of a carrying out of a construction; and
 - d. Announcement of any local event of a religious, political, governmental, educational or cultural nature.
- (t) A minor home occupation provided that:
 - (i) No individual other than the permanent resident of the dwelling unit operates the home occupation or home office;
 - (ii) No client or customer is received at the dwelling unit for business purposes;
 - (iii) The home occupation or home office does not generate any vehicular traffic nor require any additional parking;
 - (iv) There are no on-site exterior displays or advertisements of the home occupation or home offices and the home address is not advertised to the public in any form;
 - (v) No equipment, materials, goods or finished products for business purposes are stored on-site; and
 - (vi) Does not occupy more than 14 m² (150.7 ft²) of the gross floor area within the dwelling unit.

2.3 Non-Conforming Buildings and Uses

- (1) A non-conforming use of land or a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building must conform with this Bylaw.



- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made thereto or therein.
- (3) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) to make it a conforming building,
 - (b) for the routine maintenance of the building, if the Development Authority considers it necessary, or
 - (c) in accordance with the powers possessed by the Development Authority pursuant to the Act and **Section 1.12** of this Bylaw to approve a development permit notwithstanding any non-compliance with the regulations of this Bylaw.
- (5) Pursuant to the Act, when:
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building;the development permit continues in effect.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than seventy-five (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) The use of land or the use of a building is not affected by a change of ownership, tenancy, or occupancy of the land or building.

2.4 General Development Permit Application Requirements

- (1) An application for a development permit shall be made to the Development Authority in writing, on the application form provided by the municipality and shall be accompanied by:
 - (a) a site plan, to scale, showing the legal description; north arrow; municipal address; location and dimensions of property lines; existing utility rights-of-way and easements; fences; driveways; paved areas; proposed front, rear,



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- and side yards, if any; any provisions for off-street loading and vehicle parking; access and egress points to the site; and any encumbrance such as rights-of-way;
- (b) existing and proposed building dimensions, to scale, including, but not limited to, the house, garage, decks and any covered structures such as car ports;
 - (c) the type and location of water supply and sewage and waste water disposal facilities;
 - (d) a statement of existing and proposed uses;
 - (e) a statement of ownership of the land and the interest of the applicant therein;
 - (f) the signatures of at least one of the registered landowners listed on the Certificate of Title;
 - (g) the estimated commencement and completion dates;
 - (h) the estimated cost of the project or contract price;
 - (i) an application fee as established by resolution of Council;
 - (j) written consent from the registered owner authorizing the right-of-entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed development;
 - (k) information on abandoned oil and gas wells as required by the Subdivision and Development Regulation and ERCB Directive 079;
 - (l) in the case of an application for a development permit on Crown Land, Provincial authorization for the development; and
 - (m) any other information as required by the Development Authority.
- (2) 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) floor plans;
 - (b) elevations and sections of any proposed buildings;
 - (c) a Real Property Report, or other documentation indicating the exact location of all structures on the property (prepared within the last five (5) years), in a form that is acceptable to the Development Authority;
 - (d) drainage, grading and landscaping plans which provide pre- and post-construction site elevations;



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- (e) a storm water management plan approved by Alberta Environment and Sustainable Resource Development (or other appropriate provincial authority);
 - (f) a certified geotechnical report prepared, stamped and signed by a qualified professional registered in the Province of Alberta in potentially hazardous or unstable areas;
 - (g) a certified biophysical assessment prepared, stamped and signed by a professional registered in the Province of Alberta, on the impacts of the proposed development on wildlife habitat or natural environments;
 - (h) a reclamation plan for aggregate extraction or site grading and excavation;
 - (i) an environmental assessment to determine potential contamination and mitigation;
 - (j) in the case of the placement of an already constructed or partially constructed building on a parcel of land, information relating to the age and condition of the building and its compatibility with the District in which it is to be located;
 - (k) a certified hydro-geological assessment prepared, stamped and signed by a registered professional engineer or hydro-geologist, registered in the Province of Alberta, of any potential flooding or subsidence that may, in the sole opinion of the Development Authority, affect the subject site;
 - (l) a site plan detailing how vegetation, topography disturbance or erosion is to be minimized;
 - (m) an environmental impact assessment describing a development's potential environmental effects;
 - (n) a cumulative effects assessment prepared, stamped and signed by a registered professional, registered in the Province of Alberta, describing a development's potential cumulative effects;
 - (o) the identification of all rights-of-way and easements within or abutting the subject property; and/or
- any additional information as the Development Authority deems necessary.
- (3) Where, in the opinion of the Development Authority, a proposed development will have a significant impact on surrounding properties, the Development Authority may require the applicant hold a public open house to inform affected residents and landowners of the proposed development, and to provide a written summary of public open house materials and any comments received at the public open house, prepared to the Development Authority's satisfaction, prior to considering an application complete.



- (4) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a development permit, the Development Authority may, at its sole discretion, either return the application to the applicant for further details or make a decision on the application with the information it has available. An incomplete application shall be deemed to not have been submitted until all required details have been provided to the satisfaction of the Development Authority.
- (5) The Development Authority may make a decision on an application for a development permit notwithstanding that any information required or requested has not been submitted.
- (6) All applications for development permits on sites adjacent to another municipality shall be submitted to the other municipality for comments prior to rendering a decision. The Development Authority shall not be bound by the recommendation of the other municipality.
- (7) Establishment of Fees
 - (a) The Development Permit application fee and fees for other matters arising through this Land Use Bylaw shall be as established by resolution of Council. Council may at any time by resolution increase, decrease or establish new fees for matters covered by this Bylaw.

2.5 Industrial Development Permit Application Requirements

- (1) In addition to the information requirements indicated in **Section 2.4**, each application for industrial development shall be accompanied by the following information:
 - (a) type of industry;
 - (b) estimated number of employees;
 - (c) estimated water demand and anticipated source;
 - (d) estimated power and gas demand and anticipated source;
 - (e) type of effluent and method of treatment;
 - (f) type of air emissions and method of abatement;
 - (g) estimated noise generated by the development and method of abatement;
 - (h) estimated light generated by the development and (if necessary) method of abatement;
 - (i) transportation routes to be used and estimated traffic impact,



- (j) reason for specific location;
- (k) means of solid waste disposal;
- (l) any accessory works required (pipeline, railway spurs, power lines, etc.);
- (m) anticipated residence location of employees;
- (n) municipal servicing costs associated with the development;
- (o) physical suitability of site with respect to soils, slopes and drainage;
- (p) if a subdivision is involved, the size and number of parcels and proposed phasing (if any);
- (q) servicing requirements and provisions for meeting them;
- (r) 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.

2.6 Commercial & Recreation Development Permit Application Requirements

- (1) In addition to the information requirements indicated in **Section 2.4**, each application for a commercial or recreation developments 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) estimated water demand and anticipated source;
 - (e) estimated gas demand and anticipated source;
 - (f) type of effluent and method of treatment;
 - (g) type of air emissions and method of abatement;
 - (h) estimated noise generated by the development and method of abatement;
 - (i) estimated light generated by the development and (if necessary) method of abatement;
 - (j) costs associated with providing new or upgraded municipal services associated with the development;



- (k) the requirements and provisions for employee and customer parking and for site access;
 - (l) a landscaping plan;
 - (m) cross-sections and elevations for each building;
 - (n) a list of proposed uses;
 - (o) transportation routes and estimated traffic impact;
- and/or any other information as may be reasonably required by the Development Authority.

2.7 Excavation and Stripping of Land Development Permit Application Requirements

- (1) In addition to the information requirements indicated in **Section 2.4**, the Development Authority shall require each application for the excavation, stripping or grading of land proposed without any other development on the same land, to be accompanied by the following information:
 - (a) location and area of the site where the excavation is to take place;
 - (b) 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;
 - (c) the depth and variation in depth of groundwater encountered in test holes, if required at the discretion of the Development Authority;
 - (d) identification of potential for outdoor noise and the discharge of substances into the air;
 - (e) drainage and grading plans which provide pre- and post-development site elevations;
 - (f) a reclamation plan including information regarding the condition in which the site is to be left when the operation is complete, 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; and
 - (f) potential long-term costs of new or upgraded municipal services associated with the development.



2.8 Wind Energy Conversion System Development Permit Application Requirements

- (1) In addition to the information requirements indicated in **Section 2.4**, the Development Authority shall require each application for a wind energy conversion system to be accompanied by the following information:
 - (a) a fully dimensioned and scaled site plan showing and labeling information including the location of overhead utilities on or abutting the subject site, contours of the land and access roads;
 - (b) a visual representation including scale elevations, photographs and/or digital information of the proposed wind energy conversion system showing total height, tower height, rotor diameter, colour and the landscape;
 - (c) the manufacturer's specifications for the wind energy conversion system, including:
 - (i) the system's rated output in kilowatts,
 - (ii) safety features and sound characteristics, and
 - (iii) type of material used in tower, place, and/or rotor construct;
 - (d) an analysis of the potential for noise at:
 - (i) the site of installation,
 - (ii) the boundary of the lot containing the development, and
 - (iii) any habitable dwelling within 2.0 km (1.2 miles) of the subject site;
 - (e) a report regarding any public information meetings or other processes conducted by the developer;
 - (f) any impacts to the local road system including required approaches from public roads having regard to Town standards;
 - (g) a preliminary reclamation/decommissioning plan; and
 - (h) appropriate reports and/or approvals from:
 - (i) Alberta Utilities Commission,
 - (ii) Transport Canada,
 - (iii) NavCanada,
 - (iv) Alberta Energy, and
 - (v) Alberta Environment and Sustainable Resource Development.



2.9 Temporary Commercial & Recreational Development Permit Application Requirements

- (1) In addition to the information requirements indicated in **Section 2.4** and **Section 2.6**, the Development Authority shall require each application for a temporary commercial & recreational development permit application to be accompanied by the following information:
 - (a) -the type of temporary commercial and/or recreation development;
 - (b) the estimated duration of the development and hours of operation for each day the development is to remain;
 - (c) anticipated number of participants, spectators and volunteers, as applicable;
 - (d) proposed vehicle access to and parking within the site;
 - (e) anticipated route(s) to the site from provincial highways;
 - (f) internal vehicular traffic and pedestrian flow plan;
 - (g) emergency management plan;
 - (h) location of any temporary camp sites;
 - (i) location of any temporary tents or other structures;
 - (j) location of permanent and temporary potable water sources;
 - (k) location of permanent and temporary sewage disposal facilities;
 - (l) location and details of cooking facilities;
 - (m) location and anticipated number of commercial vendors;
 - (n) copies of insurance for the development;and/or any other information as may be reasonably required by the Development Authority.
- (2) Where a development permit application in any land use district is for a temporary development, the Development Authority
 - (a) may consider and decide upon a development for a specific period of time, not exceeding one year;
 - (b) shall impose a condition on such a permit that the municipality is not liable for any costs involved in the cessation or removal of the development at the expiration of the time period stated in the permit; and
 - (c) may require the applicant to post acceptable security guaranteeing the cessation or removal of the development, to the satisfaction of the Development Authority.



- (3) The Development Authority may refer any application for a development permit for a temporary commercial and/or recreational development prior to making a decision on the application to Alberta Transportation, the local Royal Canadian Mounted Police detachment, Emergency Services, or any other person, agency, or organization as deemed necessary or suitable by the Development Authority.
- (4) Where, in the opinion of the Development Authority, a proposed temporary commercial and/or recreational development will have a significant impact on surrounding properties, the Development Authority may require the applicant hold a public open house to inform affected residents and landowners of the proposed development, and to provide a written summary of public open house materials and any comments received at the public open house, prepared to the Development Authority's satisfaction, prior to considering an application complete.

2.10 Referral of Application

- (1) Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.
- (2) In addition to any sites identified in (1) above, an application for a development permit which may, in the opinion of the Development Authority, impact on any historical or archaeological site identified pursuant to (1) above within the Town will be submitted to Alberta Culture for comment.
- (3) Development permit applications within 800.0 m (2640.0 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.
- (4) All subdivision proposals and all applications for significant discretionary development permits within 1.5 km (.93 miles) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.
- (5) Shall send written notification to all adjacent landowners and may send written notification to any other landowner/agency/authority that, in the opinion of the Development Authority, may be affected by such development, for any development permit application for a Discretionary Use or variance.
- (6) Shall refer all applicable applications to the appropriate authorities according to the Act.
- (7) The Development Authority may refer any application for a development permit prior to making a decision on the application to any other person, agency, or organization as deemed necessary or suitable by the Development Authority.
- (8) For the purpose of this section, written notifications shall include the following:



- (a) Location and nature of the proposed development;
- (b) A copy of relevant drawings;
- (c) A location and date to submit comments; and
- (d) Any other relevant information as determined by the Development Authority.

2.11 Decisions on Development Permit Applications

- (1) The Development Officer shall:
 - (a) receive and review all applications for development permits;
 - (b) refer to the Council for its consideration and decision all applications for a discretionary use or any development permit application within a Direct Control (DC District); and
 - (c) consider and decide on all other applications for development permits;
 - (d) shall issue decisions for development applications for those uses listed in Direct Control District(s) when directed to do so by Council.
- (2) In making a decision, the Development Authority may approve the application unconditionally, approve the application subject to those conditions he/she considers appropriate, approve the application permanently or for a limited period of time, or refuse the application.
- (3) The Development Authority may require that as a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of roads, pedestrian walkways or parking areas which serve the development or which connect the walkway with another walkway system that serves or is proposed to serve an adjacent development, to install or pay for the installation of public utilities other than telecommunications systems or works, to pay an off-site levy, and/or to give security to ensure that the terms of the agreement noted herein are carried out.
- (4) In approving an application for a development permit, the Development Authority may impose the condition that the approved development be allowed to operate for a limited period of time, which shall be specified on the permit, and that upon the expiry of such time the use allowed shall be discontinued and any buildings that were erected as a result of the development permit shall be removed, and the site restored to its original condition prior to the issuance of the development permit.
- (5) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:



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- (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.
- (6) When a development permit application is refused, the Development Authority shall 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. However, when an application has been refused as per **subsection (7)** below the Development Authority may accept a new application without waiting six (6) months after the date of the refusal.
- (7) An application for a development permit shall be deemed to be refused when a decision is not made by the Development Authority within forty (40) days after receipt and acceptance of the completed application by the Development Authority unless an agreement to extend the forty (40) day period is established between the applicant(s) and the Development Authority.
- (8) When the Development Authority refuses an application for a development permit, the decision shall contain reasons for the refusal, the time period within which an appeal can be made, and to whom the applicant may appeal, if so desired.
- (9) Where the development of land involves a subdivision of land, no development permit shall be issued until the subdivision has received a level of approval satisfactory to both the Subdivision Authority and the Development Authority.
- (10) The Development Authority may suspend or revoke a development permit:
- (a) at any time, where the permit was issued on the basis of incorrect information, fraud, non-disclosure, or misrepresentation on the part of the applicant;
 - (b) if the conditions of the approval of the development permit have not been complied with or cease to be complied with;
 - (c) if requested to do so by the applicant; or
 - (d) within 14 days of issue of the permit, where the permit was issued in error.

2.12 Powers of Variance

- (1) In addition to the requirements of **Section 2.4**, when an application for a Development Permit application is submitted to for a Permitted or Discretionary Use which does not comply with the provisions of the Bylaw, the Development Authority may request a statement from the applicant identifying the following:



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- (a) that the applicant is aware that the proposed development requires a variance of this Land Use Bylaw; and
 - (b) why the proposed development cannot satisfy the provisions of this Bylaw and therefore, requires the proposed variance.
- (2) The Development Authority may approve or conditionally approve a variance on a discretionary or permitted use that does not comply with this Bylaw if, in the opinion of the Development Authority:
- (a) the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or,
 - (ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land, and
 - (b) the proposed development conforms with the use prescribed for that land or building in this Bylaw.

Note: Use provisions cannot be varied by the Development Authority. If a proposed development does not conform to the use requirements within the applicable district, then a Land Use Bylaw amendment will be required prior to development approval.

2.13 Discretion

- (1) The Development Authority may approve a discretionary use provided that the Development Authority determines that the proposed development:
- (a) Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by the Town;
 - (b) Is compatible with the general purpose of the district;
 - (c) Will not cause traffic impacts unsuitable for the area;
 - (d) Is serviceable with adequate capacity for drainage and other utilities;
 - (e) Is compatible with the surrounding area with regards to land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the area;
 - (f) Is appropriate having regard for geotechnical considerations such as soil type, flooding and slope stability;
 - (g) Will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health;
 - (h) Will include measures that can adequately mitigate any potential adverse effect; and



- (i) Is consistent with the municipal land, right-of-way or easement requirements.

2.14 Development Permit Conditions

- (1) The Development Authority may attach, with respect to a permitted use, conditions on the issuance of a development permit as may be required to ensure compliance with this Bylaw, including but not limited to the following:
 - (a) Arrangements satisfactory to the Development Authority for the supply of utilities including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (b) Arrangements satisfactory to the Development Authority ensuring compatibility with the surrounding land uses, including but not limited to the following:
 - (i) Vehicular and pedestrian access from public roads and trails;
 - (ii) On-site vehicular and pedestrian circulation;
 - (iii) On-site parking;
 - (iv) On-site loading;
 - (v) Landscaping;
 - (vi) Drainage;
 - (vii) Noise attenuation;
 - (viii) Building location; or
 - (ix) Any one or more of these matters, including payment of the costs of installation or construction by the applicant.
 - (c) That the developer enters into a development agreement or an interim agreement according to the Act, which shall form part of such a development permit and may be required to be registered by caveat against title to the site at the Land Titles Office;
 - (d) That the developer pays an off-site levy or redevelopment levy imposed by a bylaw adopted pursuant to the Municipal Government Act;
 - (e) That the developer provides security to ensure compliance with this Bylaw, a development permit, an agreement under this clause and/or a statutory plan, which security may include, but is not limited to, an irrevocable letter of credit or charge against the title to the site;
 - (f) That the applicant repair or reinstate or pay for the repair or reinstatement to the original condition any street furniture, curbing, boulevard landscaping



and/or tree planting which may be damaged or destroyed or otherwise harmed by development or construction operations on the site;

and

- (g) That the developer provides a real property report to the satisfaction of the Development Authority.
- (2) The Development Authority may attach, with respect to issuance of a development permit for a discretionary use, any or all conditions listed in **Section 2.4** as may be required and any other condition the development authority may deem appropriate to ensure compatibility with the amenities of the neighbourhood and the use, enjoyment and value of neighbouring parcels of land, including, but not limited to the following:
- (a) Limiting the time of operation including hours of the day, days of the week, and parts of the year;
 - (b) Specifying the period of time during which the development may continue;
 - (c) Limiting the number of patrons; and
 - (d) Requiring attenuation or mitigation of noise or any other nuisances that may be generated by the proposed development.

2.15 Validity of Development Permits

- (1) When a development permit has been granted by the Development Authority, it shall not be valid unless and until the conditions of the permit, save those of a continuing nature, have been fulfilled and no notice of appeal has been served on the Subdivision and Development Appeal Board within the appeal period.
- (2) When the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.
- (3) If the Subdivision and Development Appeal Board is served with notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by the Natural Resource Conservation Board, Energy Resources Conservation Board or Alberta Utilities Commission to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use and/or, by the Natural Resource Conservation Board, Energy Resources Conservation Board or Alberta Utilities Commission, shall validate, amend or revoke, as the case may be, a suspended development permit.



2.16 Notice of Decision

- (1) Within five (5) working days after a decision on a development permit application, the Development Officer shall send a notice by regular mail of the decision to the applicant and post a notice in a place available to public view in the Town office, indicating the disposition of the application. Mailing the notice is not required when an applicant picks up a copy of the decision.
- (2) In addition to **Subsection (1)**, within five (5) working days after a decision on a development permit application for a discretionary use or after a variance has been granted, the Development Officer shall:
 - (a) send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to all affected adjacent land owners, as identified on Town of Bruderheim Assessment Roll, to provide notice of the decision and right of appeal; and
 - (b) send notice by regular mail (or by electronic mail if agreed to in advance by the applicant) to any other landowner, business, agency, adjacent municipality, person, group, organization or similar body that the Development Authority deems may be affected to provide notice of the decision and right of appeal; or
 - (c) within ten (10) days of the date such a development permit is issued, publish a notice of the decision in a newspaper circulating in the municipality for two (2) consecutive weeks.
- (3) When the Development Authority refuses a development permit application, the decision shall contain reasons for the refusal, the method for which an appeal can be made, and the deadline of the date of appeal of the development permit..

2.17 Commencement and Completion

- (1) When a development permit has been issued by the Development Authority, it shall not be valid until the conditions of the permit, save those of a continuing nature, have been fulfilled, and no notice of appeal has been served on the Subdivision and Development Appeal board within the appeal period. For the purposes of this section, the appeal period is 14 days after the notice of decision has been published in a newspaper or posted on the property, or 21 days if such notice is given by ordinary mail, whichever occurs last.
- (2) When the Subdivision and Development Appeal Board has approved a development permit, the permit shall not be valid until the decision of the Board is issued in writing.



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- (3) If the Subdivision and Development Appeal Board is served with the notice of an application for leave to appeal its decision, such notice shall suspend the development permit, except where approval has been granted for a permitted use or, where a license, permit, approval or other authorization is granted by the province or the federal government for a use to which the Planning Exemption Act applies to the extent that the application complies with the license, permit, approval or other authorization granted. The final determination of an appeal, except for those applications approved as a permitted use and/or, by the province or the federal government shall validate, amend or revoke, as the case may be, a suspended development permit.
- (4) A development permit expires when development is not substantially commenced, in the opinion of the Development Authority, taking into account the circumstances of the development, within twelve (12) months from the date of its issuance or within such extended period that may be granted by the Development Authority.
- (5) Upon application before expiry, a Development Authority may grant only one extension of the effective period and the extension period shall not be longer than twelve (12) months.
- (6) When a permit expires, a new application is required. Such application shall be dealt with as a first application and there shall be no obligation to approve it on the basis that a previous permit had been issued.
- (7) If a use is intended to be discontinued for a continuous period of six (6) months, any subsequent use of the land or building shall comply with this Bylaw and shall require a new development permit.
- (8) A Development Authority may suspend or revoke a permit when:
 - (a) The permit was issued on the basis of incorrect information or misrepresentation by the applicant;
 - (b) The permit was issued in error;
 - (c) Requested by the applicant; or
 - (d) The development has not been completed within the required time period. All developments related to residential uses shall be completed within twenty-four (24) months of the issuance of a development permit unless otherwise prescribed on the development permit.
- (9) Where an application for a development permit has been refused, the Development Authority shall refuse to accept another application for the same or a similar use on the same lot or site until six (6) months have passed from the date of such refusal, unless in the opinion of the Development Authority the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.



2.18 Developer's Responsibility

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, sanitary and storm water disposal, water mains, electricity and all other permits required in connection with the proposed development.
- (2) The applicant shall be financially responsible during construction for any damage by the applicant, his/her servants, suppliers, agents or contractors to any public or private property.
- (3) The applicant shall prevent excess soil or debris from being spilled on public road allowances, streets, lanes and sidewalks.
- (4) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Authority, has been undertaken.

2.19 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 work nor commence the development until the Development Authority is satisfied that such services or improvements will be undertaken according to the standards and specifications of the Town. In order to satisfy the Development Authority, the developer will be required to enter into a development agreement with the Town as a condition of development permit approval.
- (2) The Development Authority may refer plans for on-site services or improvements, or any off-site local improvements to public works, the Town's engineers or other qualified professional for review in order to determine that the proposed improvements will be undertaken according to the standards and specifications of the Town. Any costs associated with external review will be borne by the proponent of the development.
- (3) No development permit shall be considered valid for a development to be serviced by private sewer and water systems until the systems have been approved by the appropriate agency.
- (4) All future development areas must be serviced to the satisfaction of the Development Authority.
- (5) All infrastructure improvement costs associated with the development will be borne by the proponent of the development.



2.20 Letters of Compliance

- (1) The registered landowner, or an agent acting on behalf of a registered landowner, may apply to the Town for a Letter of Compliance stating that a particular development conforms to the requirements of this Bylaw.
- (2) An application for a Letter of Compliance shall include sufficient information to determine conformance with this Bylaw, including, but not limited to the following:
 - (a) Completed application form signed by the registered owner or authorized agent;
 - (b) Application fee as determined by Council;
 - (c) Legal description and property address;
 - (d) Use and occupancy of all parts of the site and buildings; and
 - (e) Two (2) copies of a Real Property Report prepared by an Alberta Land Surveyor within the last 12 months, which shows the details and relation to the property lines of all development located on the property.
- (3) The Development Authority may issue a Letter of Compliance, when in the opinion of the Development Authority, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw, or the yard and building setbacks specified in any development permit which may have been issued for the site.
- (4) The Letter of Compliance shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- (5) The Development Authority may refuse to issue a Letter of Compliance when:
 - (a) Information provided on the Real Property Report is unclear or vague, and/or is insufficient to determine if the buildings as shown are located in accordance with the yard and building setbacks specified in any development permit which may have been issued for the site;
 - (b) The Real Property Report provided is older than twelve (12) months from the date of application and is not accompanied with an affidavit confirming all information provided on the Real Property Report is true and accurate;
 - (c) The Real Property Report does not indicate all developments that are located on the lot;
 - (d) Developments on the lot were constructed without a development permit; or
 - (e) There are outstanding infractions with this or any other Town of Bruderheim Bylaw.



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- (6) The Development Authority shall rely on the information on the Real Property Report submitted by the applicant and is not required to undertake independent site inspections. The Development Authority shall not be liable for any damages arising from the use of a Letter of Compliance where the errors are the result of incorrect or incomplete information provided by the surveyor.



3 | Appeals

3.1 Development Appeals and Procedures

- (1) Any person applying for a development permit or affected by an order may appeal, subject to the provisions of the Act and the Subdivisions and Development Appeal Board Bylaw, to the Subdivision and Development Appeal Board, when:
 - (a) The Development Authority does not render a decision within forty (40) days of receipt of the completed application;
 - (b) The Development Authority does not render a decision within the specified time granted by the applicant in writing past the forty (40) day limit;
 - (c) The Development Authority issues a development permit subject to conditions; or
 - (d) The Development Authority issues a stop under **Section 5.1(1)** of this Bylaw.
- (2) In addition to the applicant, any person affected by an order, decision, or development permit made or issued by a Development Authority may appeal the decision to the Subdivision and Development Appeal Board.
- (3) Notwithstanding **subsections (1) and (2)** 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.
- (4) Notwithstanding **Subsections (1) and (2)** above, no appeal lies to the Subdivision and Development Appeal Board in respect of the issuance of a development permit by Council in the Direct Control Districts.
- (5) An appeal shall be made by serving a written notice of appeal to the Secretary of the Subdivision and Development Appeal Board within fourteen (14) days after:
 - (a) the date on which the person is notified of the order or decision or the issuance of the development permit; or
 - (b) if no decision is made with respect to the application within the 40-day period or within any extension issued under Section 684 of the Act.
- (6) Each notice of appeal shall be accompanied by a fee as set by Council and shall contain at least one reason for appeal.



3.2 Appeal Hearing Procedure

- (1) Within thirty (30) days of receipt of a notice of appeal, the Subdivision and Development Appeal Board shall hold an appeal hearing respecting the appeal. The thirty day appeal period may be extended, subject to the written consent of the appellant, the development permit applicant (if different than the appellant), and the Development Authority.
- (2) The Subdivision and Development Appeal 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) the applicant and/or landowner(s);
 - (d) those adjacent land owners who were notified under this Bylaw and any other person who, in the opinion of the Subdivision and Development Appeal Board, are affected by the order, decision or permit; and
 - (e) such other persons as the Subdivision and Development Appeal Board specifies.
- (3) The Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the appeal hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, the decision and the notice of appeal; or
 - (b) the order of the Development Authority under **Section 5** of this Bylaw or Section 645 of the Act;as the case may be.
- (4) At the appeal hearing referred to in **Section 3.2**, the Subdivision and Development Appeal Board shall hear:
 - (a) the appellant or any other person acting on his/her 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 pursuant to **Section 3.2** and who wishes to be heard or a person acting on his/her behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Subdivision and Development Appeal Board agrees to hear or a person acting on his/her behalf.



3.3 Decision

- (1) In determining an appeal, the Subdivision and Development Appeal Board:
 - (a) shall have due regard for any applicable statutory plans and the Town's Land Use Bylaw;
 - (b) shall comply with the Province's Land Use Policies and applicable regional plans;
 - (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (d) must have regard for, but is not bound by, the Subdivision and Development Regulation;
 - (e) may make an order or decision or issue or confirm the issuance of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Subdivision and Development Appeal Board, the proposed development would not:
 - (i) unduly interfere with the amenities of the neighbourhood;
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - (iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw.
- (2) The Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the appeal hearing.
- (3) If the decision of the Development Authority to approve a development permit application is reversed by the Subdivision and Development Appeal Board, the development permit shall be null and void.
- (4) If the decision of the Development Authority to refuse a development permit application is reversed by the Subdivision and Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- (5) If the decision of the Development Authority to approve a development permit is varied by the Development Appeal Board, the Development Authority shall forthwith approve the development permit application in accordance with the decision of the Subdivision and Development Appeal Board.
- (6) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to the Act. An application for leave to the Court of Appeal shall be made:
 - (a) to a judge of the Court of Appeal; and



- (b) within thirty (30) days after the issuance of the order, decision, permit or approval sought to appealed.



4 | Amendment to the Land Use Bylaw

4.1 Application for Amendment

- (1) Subject to the provisions of the Municipal Government Act, any Section or Part of this Bylaw may be amended.
- (2) 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 Officer to prepare an amendment application, reports and recommendations.
- (3) Any person may apply to have this Bylaw amended by applying in writing, using the application form provided by Town of Bruderheim, and request that the Development Authority submit the application to Council.
- (4) An applicant proposing to amend this Bylaw for a purpose of clarification of an existing provision must provide the following information:
 - (a) pay Town of Bruderheim an application and advertising fee as set by Council;
 - (b) undertake in writing on a form provided by Town of Bruderheim to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - (c) reasons in support of the application;
 - (d) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - (e) the sequence of land servicing (may include, among other elements, site grading plan, infrastructure servicing concept, development concept, development phasing and landscaping), if applicable;
 - (f) if applying for a map amendment for a parcel of land, a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable; and
 - (g) where the applicant is an agent acting for the owner, a letter from the owner(s) authorizing the agent to make the application.
- (5) 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 Town of Bruderheim an application and advertising fee as set by Council;



Amendment to the Land Use Bylaw | 4

- (b) undertake in writing on a form provided by Town of Bruderheim to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges;
 - (c) reasons in support of the application;
 - (d) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable;
 - (e) the program of land servicing, if applicable;
 - (f) information regarding any potential impact of the development that would be allowed by the proposed amendment on the existing natural or man-made environment;
 - (g) information respecting the suitability of the subject site for the development that would be allowed by the proposed amendment;
 - (h) a recent title search (dated within thirty days of the date the application is received) of the land affected and/or other documents satisfactory to the Development Authority showing the applicant's interest in the said land, if applicable;
 - (i) sign a statement authorizing the right of entry by the Development Authority to such lands and/or buildings as may be required for investigation of the proposed amendment; and
 - (j) any other information deemed necessary by the Development Authority or Council.
- (6) 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; and
 - (b) prepare a detailed report including all maps and relevant materials for Council to consider.
- (7) In order to carry out any necessary investigation or analysis of the problems involved in or related to the amendment, the Development Authority may refer the application to such agencies as they consider necessary for comment.
- (8) Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
- (a) he/she wishes to make revisions to their submission (if required by the Development Authority and/or Council) prior to proceeding to Council for first reading and public hearing;
 - (b) he/she wishes the Council to proceed with the amendment as originally submitted by the person, or



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- (c) he/she wishes to withdraw the application for an amendment.
- (9) As soon as reasonably convenient, the Development Authority shall 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 the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- (10) During deliberation on the Bylaw amendment application, Council may refer the application to such agencies as it considers necessary for comment.
- (11) Council may request such information as it deems necessary to reach a decision on the proposed amendment.
- (12) If an amendment to the Bylaw is refused, a similar application may not be received for six (6) months following the final date of the decision.
- (13) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding the enactment of Bylaws.
- (14) 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.

4.2 Public Hearing Process

- (1) At the discretion of Council, first reading of a proposed amendment may be given before the Public Hearing process, and Council may require that the applicant pay a fee for advertising according to the governing Land Use Bylaw advertising fee schedule as amended from time to time by resolution of Town Council.
- (2) All amendments to this Bylaw shall be made by Council, by Bylaw, and in conformity with the requirements of the Act with regard to the holding of a Public Hearing.



5 | Enforcement, Penalties, and Fines

5.1 Contravention and Stop Orders

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

- (a) the Municipal Government Act or the regulations there under; or
- (b) a development permit or subdivision approval;
- (c) the Land Use Bylaw;

the Development Authority shall, in accordance with the Act, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; and/or
- (b) demolish, remove or replace the development; and/or
- (c) 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 Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw,

within the time frame specified by the notice, as the case may be.

(2) Where a notice is issued under **Section 5.1(1)**, the notice shall state the following and any other information considered necessary by the Development Authority:

- (a) an explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being cared out;
- (b) the alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
- (c) a time frame in which the contravention must be corrected prior to Town of Bruderheim pursuing action; and
- (d) advise the person of his/her right to appeal the notice to the Subdivision and Development Appeal Board.



- (3) Where a person fails or refuses to comply with an order directed to him/her pursuant to **Section 5.1(1)** or an order of the Subdivision and Development Appeal Board, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.
- (4) Where the Development Authority carries out an order, the Town shall, as part of its process, ask the courts to allow it to cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on land.
- (5) The Town may register a Caveat under the Land Titles Act pursuant to the Order against the certificate of title that is subject to the Order in accordance with Section 646(2) of the Act.
- (6) If the Town is required to perform a stop order, the Town shall, in accordance with the Act, register all such costs incurred in executing the stop order against the tax roll of the land that is the subject of the stop order.

5.2 Enforcement

- (1) This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.
- (2) A person who:
 - (a) contravenes any provision of the Act or the regulations under the Act;
 - (b) contravenes this Bylaw;
 - (c) contravenes an order under **Section 5.1** of this Bylaw and/or Section 645 of the Act;
 - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylawis guilty of an offense and subject to a fine as prescribed in Section 566 of the Act as described in **Section 5.3** of this bylaw.
- (3) If a person is found guilty of an offense under **Section 5.1** of this Bylaw (Section 557 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act;
 - (b) this Bylaw;



- (c) an order under **Section 5.1** of this Bylaw and/or Section 645 of the Act; and/or
 - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.
- (4) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
- (a) delivered personally to the person or their agent it is directed to; or
 - (b) mailed by regular mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.
- (5) Development Permit applications submitted after development has commenced, as determined by the Development Authority, including but not limited to site preparation or construction of buildings, shall be subject to double fee provisions, as determined in the fee schedule established and revised from time to time by Council.

5.3 Violation Tickets and Fines

- (1) 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.
- (2) The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within twenty-one (21) days from the date of issue of the violation ticket, of a fine to the Town.
- (3) Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of \$100.00 for the first offence and \$250.00 for a second or subsequent offence. **Each day that a breach of the Bylaw has occurred shall be considered to be a separate offence.**
- (4) Notwithstanding 5.3(3) above, persons contravening any provision of this Bylaw related to industrial uses and/or development shall be liable for a penalty of \$500.00 for the first offence and \$1,000.00 for a second or subsequent offence. **Each day that a break of the Bylaw has occurred shall be considered to be a separate offence.**
- (5) The violation ticket shall be served upon the alleged offender personally or delivered by regular mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.



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- (6) 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.
- (7) If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than \$125.00, plus court costs, for each offence.



6 | General Provisions

6.1 Accessory Buildings

- (1) In all Districts:
 - (a) Accessory structures are permitted when accessory to a permitted use and discretionary when accessory to a discretionary use.
 - (b) An accessory structure or use is not permitted without a principal building or use.
 - (c) Where a structure is attached to the principal building by a roof, an enclosed structure, or a foundation, it is to be considered a part of the principal building and is not an accessory building;
 - (d) Notwithstanding **Subsection (b)**, the Development Authority may, at their sole discretion, approve the development of a garage prior to the construction of the main use or building on the property, where a development permit has been issued for the development of a main use or building on the property.
 - (e) An accessory building shall not be used as a dwelling unit, unless a development permit has been issued allowing the use of the accessory building as a garage suite, or garden suite and the garage suite or garden suite meets the provisions of **Section 7.32 and or 7.33** of this Bylaw.
 - (f) The siting of an accessory building on an irregularly-shaped lot shall be as required by the Development Authority.
 - (g) Where a structure is attached to the main building on a lot by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the main building and is not an accessory building.
 - (h) No part of an accessory structure, including eaves, cantilevers and other projections, shall be located on or over an easement or utility right-of-way registered by the Town unless authorized by the Development Authority and an “Encroachment Agreement” between the Town and the landowner has been registered on the Title of the subject parcel
 - (i) No accessory structure or any portion thereof shall be erected or placed within the front yard of a parcel unless otherwise approved by the Development Authority;
- (4) In addition to all other requirements of this section, accessory buildings, where listed as permitted or discretionary in the Residential Districts, shall comply with the following requirements:



- (a) No accessory structure or any portion thereof shall be erected or placed within the front yard of a parcel;
 - (b) An accessory structure on an interior parcel shall be situated so that the exterior wall is at least 1.0 m (3.3 ft) from the side and rear boundaries of the parcel;
 - (c) Notwithstanding **Subsection (4)(b)**, for lots that have rear lane access and where an accessory structure is used as a detached garage, access to the detached garage shall be gained from the rear lane and such detached garage shall be setback a minimum 2.0 m (6.6 ft) from the rear property line;
 - (d) The height of an accessory building shall not normally exceed 5.0 m (16.0 ft) or one (1) storey and shall not exceed the height of the main building. However, the maximum height for an accessory building may be exceeded, at the sole discretion of the Development Authority, for the height of a garage in order to facilitate the development of a garage suite on a parcel of land where it can reasonably be determined by the Development Authority that the additional height will not impact the quality of life or enjoyment of adjacent properties.
 - (e) an accessory building shall not:
 - (i) have an eave overhang within 0.3 m (1.0 ft) of a lot line; and
 - (ii) exceed more than 15% of the total site area and
 - (iii) shall not be larger than the total floor area of the principal building.
 - (f) The minimum separation distance between a dwelling and an accessory building in the Residential Districts shall be a minimum of 2.43 m (8.0 ft).
 - (g) Notwithstanding **Subsections (4)(f)** and Figure 29, in districts that allow for zero lot-line development, an accessory structure that is a mutual garage may be developed on a common property boundary line. A minimum side yard of 1.0 m (3.3 ft) is required for the other side lot line that is not attached to another building by a mutual wall.
- (5) The maximum height of accessory buildings in all districts not listed in **Subsection (4)** above, shall be at the discretion of the Development Authority.
- (6) Development permits for non-permanent structures including but not limited to portable garage shelters shall be issued on a temporary basis for a period not to exceed three (3) years.



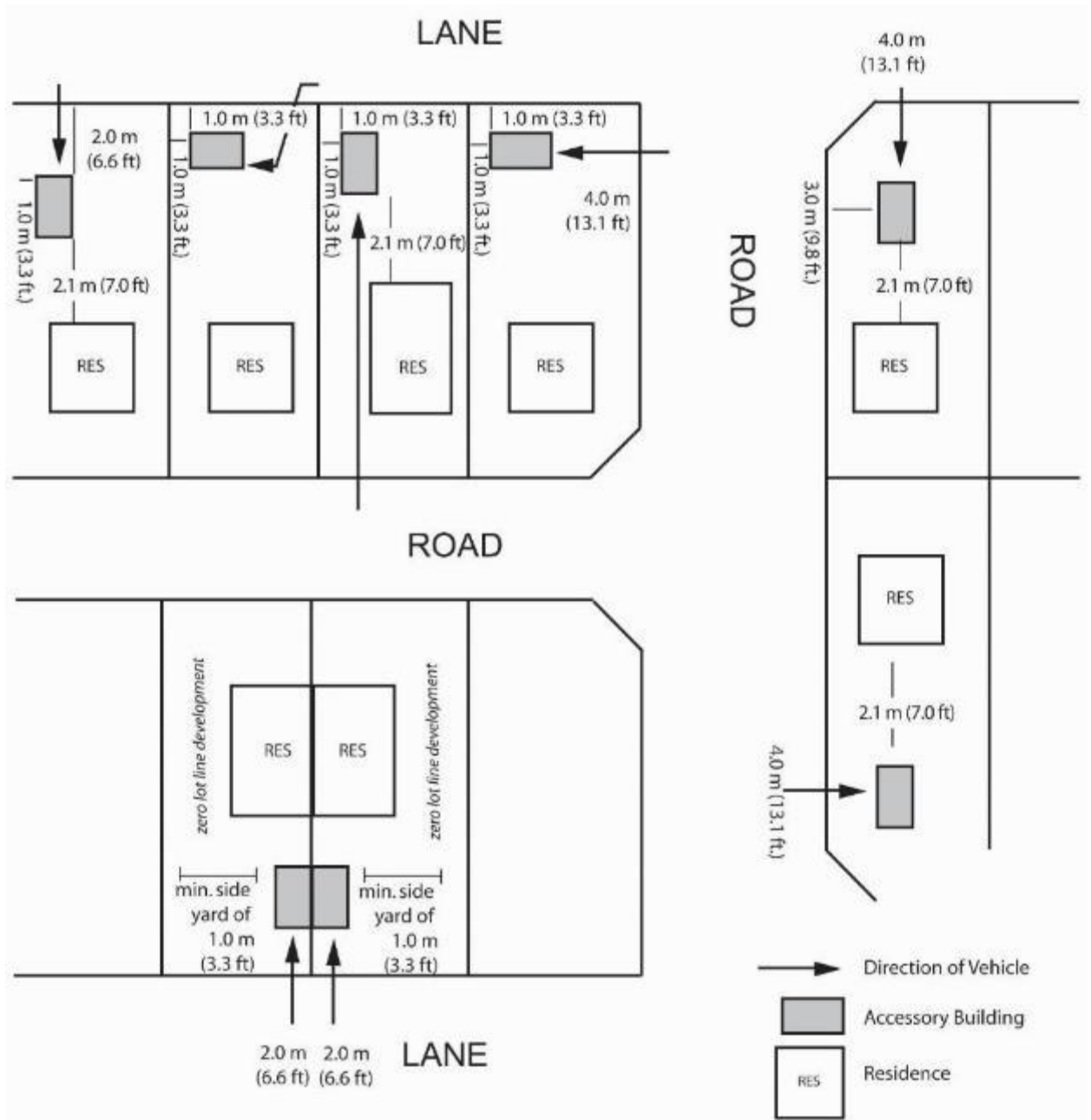


Figure 28: Siting of accessory buildings in the Residential Districts



6.2 Corner and Double Fronting Lots in Residential Districts

- (1) Within the Low Density Residential R1, Medium Density Residential R2, High Density Residential R3, Manufactured Home Subdivision MHS and Manufactured Home Park MHP Districts, the following regulations shall apply:
 - (a) In the case of double fronting lots, the front yard shall be that portion of the lot 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 (see Figure 30).
 - (b) Notwithstanding any other provision of this Bylaw to the contrary, the Development Authority may require that a development on a corner lot or on a double fronting lot provide two (2) minimum required front yards, after having regard to the orientation of adjacent lots and to the location of accesses to the development.
 - (c) Notwithstanding any other provision of this Bylaw to the contrary, where a second minimum front yard is not required on a corner lot, the minimum required side yard on the side adjacent to the road shall not be less than 4.0 m (13.1 ft).



Figure 29: Permitted Encroachments within Side Yards on a Corner Site



- (d) Notwithstanding **subsection (c)**, features under 0.5 m (1.6 ft) in height may project to the sideline where a second minimum front yard is not required on a corner lot (see Figures 30 & 31).

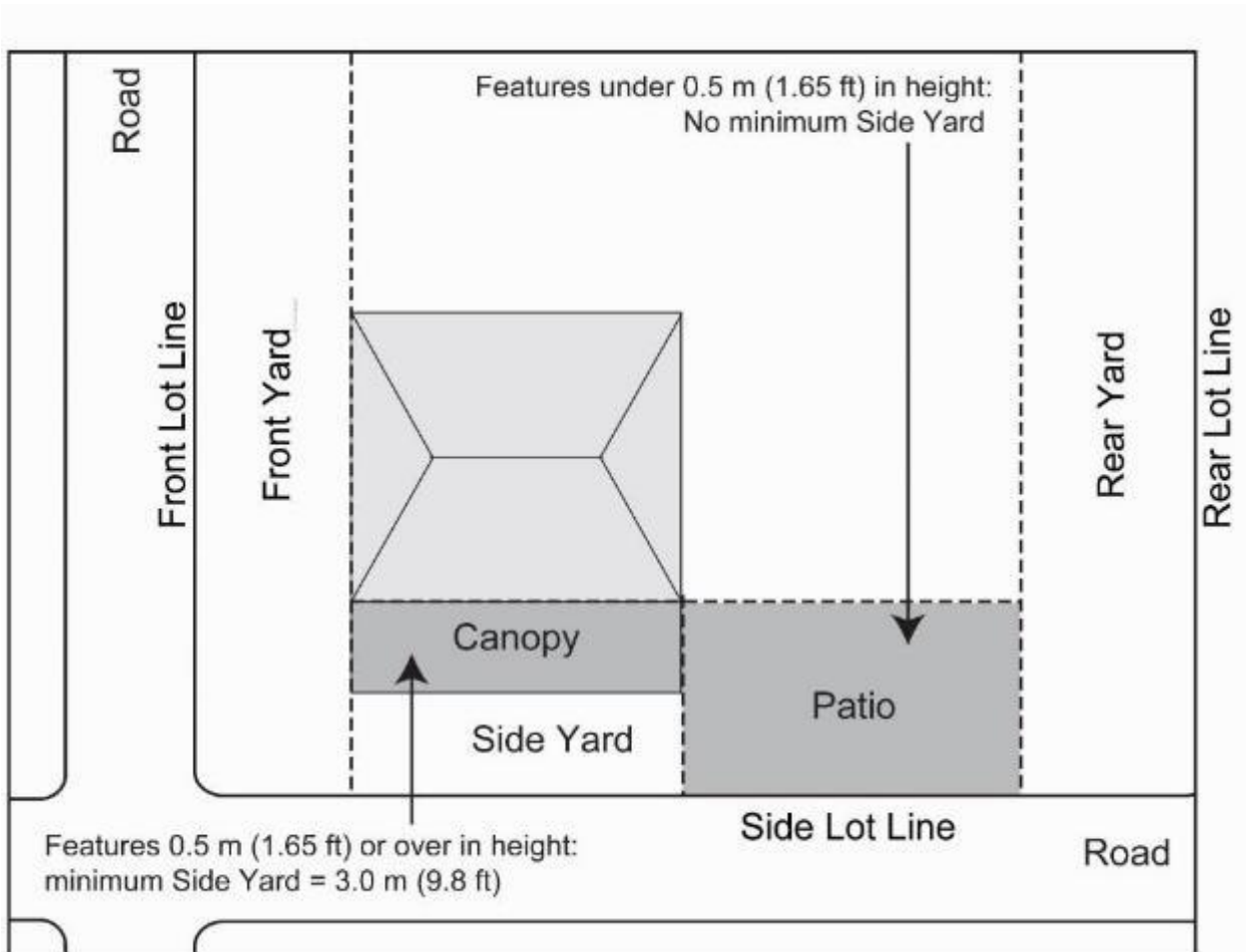


Figure 30: Permitted Encroachments within Side Yards on a Corner Site

6.3 Corner Sites and Site Line Protection

- (1) Within the Low Density Residential R1, Medium Density Residential R2, High Density Residential R3, Mobile Home Subdivision MHS and Mobile Home Park MHP Districts no person shall erect, place or maintain a wall, fence, shrub, tree, hedge, or any other object within the sight triangle. Sight triangles are determined as follows (see Figures 31 and 32).



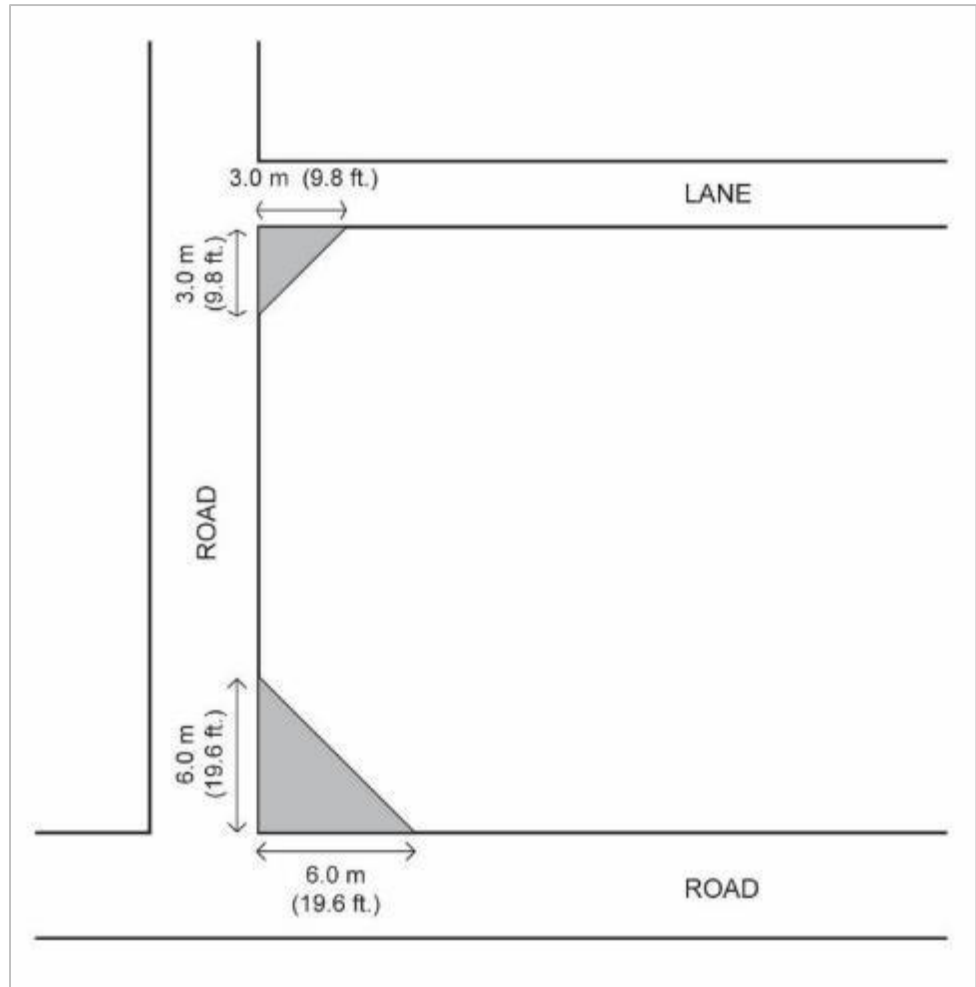


Figure 31: Corner Site Line Protection in Residential Districts

- (2) In the Downtown Commercial (C1) District, no structure or vegetation except a supporting column, pillar, sign, or pylon/pole shall be erected or permitted to grow between the heights of 1.0 m (3.3 ft) and 3.0 m (9.8 ft) above the street grade that abuts the lot line adjacent to the road of line for a distance of 3.0 m (9.8 ft) from their point of intersection: (see Figure 33).



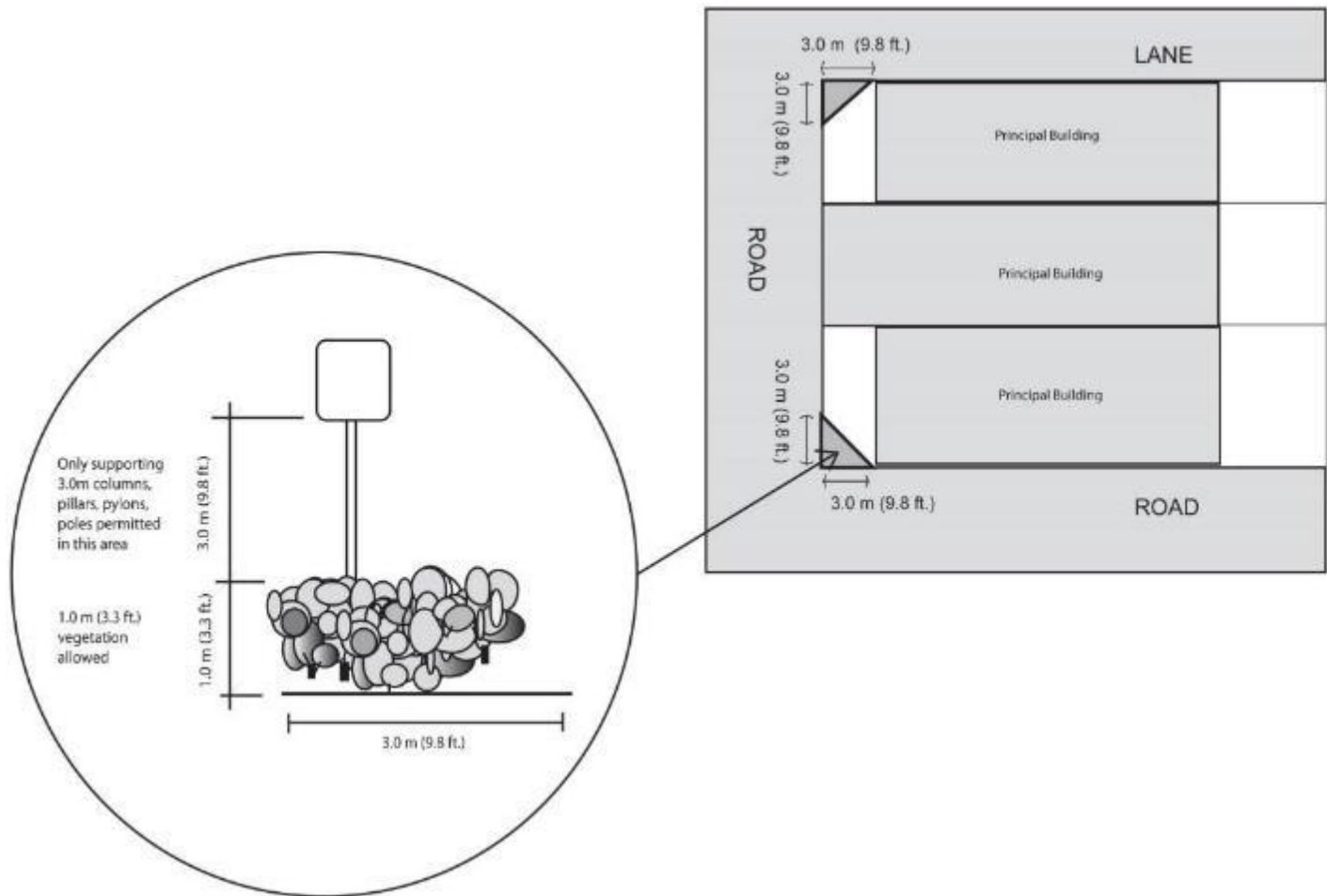


Figure 32: Corner site line protection in the Downtown Commercial District

6.4 Design, Character and Appearance of Buildings

- (1) The exterior finish on all buildings shall be of a permanent material, and be of a character and quality satisfactory to the Development Authority.
- (2) Pursuant to **subsection (1)**, 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 land use district in which it is located; and/or
 - (c) the building shall comply with any provisions of any statutory plan which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area;



- (3) The Development Authority shall encourage buildings to be sited and constructed so as to maximize passive solar energy gain.
- (4) The Subdivision Authority or the Development Authority may, where it desires to achieve a higher standard of design and appearance in a specific Area Structure Plan, Subdivision, or Development, require the developer to provide detailed architectural control guidelines.
- (5) The Subdivision Authority may require at the time of subdivision that the developer register a restrictive covenant against the subdivision in order to ensure ongoing conformance with the architectural control guidelines.

6.5 Development and Access Permit Requirements Adjacent to Municipal Roads and Highways

- (1) No development permit shall be issued for development within 800.0 m (0.5 miles) of the boundary of the right-of-way of a highway until any necessary permits for the development have been issued by Alberta Transportation.
- (2) All new approaches must be constructed to current Town standards and/or Alberta Transportation.

6.6 Development Setback Requirements

The following regulations shall apply to all buildings in all land use districts unless otherwise stated in the respective land use district or at the discretion of the Development Authority.

- (1) Where a lot is separated from a roadway by a buffer strip (ie. Municipal Reserve, Environmental Reserve, Environmental Reserve Easement, or Public Utility Lot) the lot is considered adjacent to the roadway for the purpose of setbacks.
- (2) A municipal service road shall be treated as a Town Road for the purposes of applying setback regulations.
- (3) When a parcel of land is adjacent to a Highway, all residential and accessory buildings shall be setback a minimum distance of 40.0 m (131.0 ft.) from the highway right-of-way unless a variance has been granted by AB Transportation.

6.7 Driveway/Access to a Parcel

- (1) Hard Surfacing (concrete, asphalt or other similar material provided to the satisfaction of the Development Authority) of a driveway shall be provided in all districts where access is gained onto a hard surfaced public road.



- (2) Notwithstanding **Subsection (1)** above, in circumstances where the length of the driveway, measured from the parcel boundary, exceeds 9.0 m (29.53 ft), the Development Authority may allow all weather surfacing for the remainder of the driveway.

6.8 Dwelling Units on a Parcel

- (1) The number of dwelling units allowed on a parcel shall not exceed one (1).
- (2) Notwithstanding **Subsection (1)**, the Development Authority may issue a permit for the construction or location of more than one (1) dwelling unit on a parcel if the use conforms to the uses prescribed for the District in which the parcel is located and:
 - (a) such unit(s) are contained in a building that, or in buildings each of which, are designed for or divided into two (2) or more dwelling units;
 - (b) it is a manufactured home forming part of a manufactured home park for which a development permit has been issued;
 - (c) is a building as defined in the Condominium Property Act that is subject to an approved condominium plan registered in the Land Titles Office;
 - (d) is a garage suite, garden suite, in-law suite or secondary suite as defined in this Bylaw and meets the requirements for such development as established in **Sections 7.32, 7.33, 7.34, 7.35 and 7.36**, respectively; and
 - (e) the development complies with the provisions of this Land Use Bylaw a development permit is issued for the use.

6.9 Existing Substandard Lots

- (1) Development on existing substandard lots may be allowed by the Development Authority. Compliance with the Alberta Safety Codes Act and any applicable Provincial Board of Health Regulations shall be required.

6.10 Fences, Walls and Hedges

- (1) Notwithstanding any regulation respecting required yards to the contrary in this Bylaw, a fence or hedge may be constructed along a boundary line of a lot.
In any District, other than a residential district, the maximum height of a fence or screen as measured from grade shall be 2.0 m (6.56 ft).
- (2) No fence, wall or hedge in any Residential District shall be:



- (a) Higher than 2.0 m (6.5 ft) in side yards and rear yards, such height to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this Bylaw; or
 - (b) Higher than 1.0 m (3.3 ft) in front yards, except in the case of a corner lot, the side yard adjacent to the road shall be deemed to be a front yard for the purpose of this subsection; or
 - (c) Higher than 1.0 m (3.3 ft) within 6.0 m (20.0 ft) of the intersection of lanes, roads, or any combination of them.
- (3) Notwithstanding **Subsection (6.10)(2)**, the Development Authority may approve a higher fence having regard to the location of fences in the surrounding area and the requirement for screening.
 - (4) All apartment or row housing developments shall provide, to the satisfaction of the Development Authority, a wall, hedge or wooden fence, or landscaping of not less than 1.2 m (4.0 ft) nor more than 2.0 m (6.5 ft) in height, along any side or rear lines adjacent to any residential use.
 - (5) The Development Authority may require screening in the form of fences, hedges, landscaped berms or other means along the property lines of all commercial and industrial parcels which are adjacent to any residential property line or are adjacent to lanes or roads which abut a neighbouring residential parcel. Such screening shall be at least 2.0 m (6.5 ft) in height and developed in a manner which adequately blocks the view of the industrial parcel to the satisfaction of the Development Authority.
 - (6) All drive-in businesses, car washing establishments, service stations and gas bars shall provide, to the satisfaction of the Development Authority, solid fences of not less than 1.2 m (4.0 ft) in height nor more than 2.0 m (6.5 ft) in height, along any side or rear property lines adjacent to any residential district.
 - (7) All other commercial developments shall provide, to the satisfaction of the Development Authority, a wooden fence of not more 2.0 m (6.5 ft) in height along any side or rear lines adjacent to any residential district.
 - (8) For outdoor storage yards located adjacent to a non-industrial District, including but not limited to auto wrecking, lumber yards, pipe storage and similar uses, and where because of the height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to substantially block the view of the stored materials to the satisfaction of the Development Authority shall be required
 - (9) Barbed wire fences, or partially barbed wire fences are not permitted in any residential District. The Development Authority may approve barbed wire fences around areas of storage located in commercial and industrial Districts that meet the following requirements:



- (a) In the opinion of the Development Authority, the barbed wire fence is required for security purposes;
 - (b) The barbed wire fence consists of a maximum of three (3) strands located on the top of a chain link or a board fence with a minimum height of 2.4 m (7.9 ft) measured below the lowest strand of barbed wire; and
 - (c) The entire fence and barbed wire are completely contained within the property lines of the parcel being fenced.
- (10) Razor wire shall not be used in the municipality without a development permit having been issued to allow its use.
- (11) The electrification of fences shall not be allowed in any District.

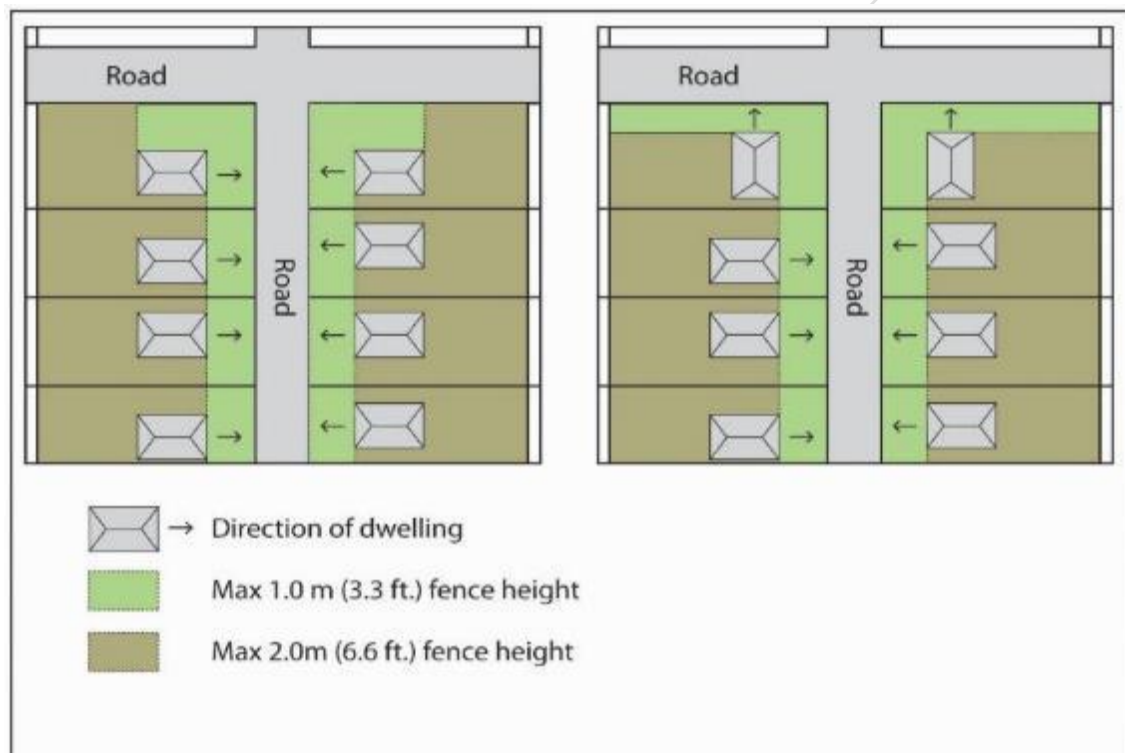


Figure 33: Maximum fence heights in residential yards

6.11 Garbage Storage

- (1) A commercial garbage bin shall be provided on every parcel containing commercial, industrial or institutional uses and any residential building containing three (3) or more dwellings on a parcel. The bin shall be placed in a screened enclosure, to the satisfaction of the Development Authority, in the side or rear yard at a location accessible by garbage collectors.



- (2) In the C1 Downtown Commercial District garbage screening requirements will be at the discretion of the Development Authority and will have regard for maximizing parking availability on existing legal non-conforming lots.

6.12 Height

- (1) In non-residential districts, the following may be exempt from height restrictions: industrial processing towers, chimney stacks, steeples, monuments, elevator housings, roof stairway entrances, ventilating equipment, sky lights, fire walls, parapet walls, receiving or transmitting towers, amateur radio antenna and support structures.
- (2) In a residential district, satellite dishes shall not exceed the maximum height specified.

6.13 Landscaping and Amenity Area Requirements

- (1) General Landscaping Standards
 - (a) In all land use districts no person shall commence or continue the removal or addition of topsoil without first obtaining an approved development permit.
 - (b) Landscaping, to the satisfaction of the Development Authority, shall be required in all Land Use Districts, on all lands within a parcel not covered by buildings, parking areas including driveways, walking paths, and storage areas.
 - (c) Development permit applications for landscaping shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction.
 - (d) The developer shall provide upon occupancy of the development, a minimum topsoil coverage of 15.2 cm (6 in) and the affected area shall be landscaped to the satisfaction of the Development Authority.
 - (e) In any residential land use district, acceptable landscaping for the front yard shall include manicured lawns, rock gardens, xeriscapes, vegetable gardens and ornamental plants, or a combination thereof.
 - (f) Landscaping may include the planting of trees, shrubs, flowers and similar vegetation and may include other landscaping materials such as grass/sod, crushed rock, wood chips, rock gardens, vegetable gardens and ornamental plants, or a combination thereof to the satisfaction of the Development Authority.



- (g) Trees and shrubs provided for landscaping shall meet the following minimum requirements:
 - (i) A minimum height of 3.0 m (9.8 ft) for coniferous trees;
 - (ii) A minimum height of 0.45 m (1.5 ft) for coniferous shrubs;
 - (iii) A minimum caliper width of 8.0 cm (3.4 in) for deciduous trees; and
 - (iv) A minimum height of 0.6 m (2.0 ft) for deciduous shrubs.
 - (h) Unless otherwise specified in this Bylaw mature deciduous and coniferous trees shall be provided in a proportion of approximately 50:50.
 - (i) All trees shall be separated a minimum distance from each other to allow sufficient space for the tree's maximum potential growth radius at maturity and to ensure healthy, uninhibited growth.
 - (j) All landscaping requirements must be completed within one (1) year of completion of construction or the commencement of the use, whichever occurs first.
 - (k) The Development Authority may, as a condition of a development permit, require submission of a security up to the value of the estimated cost of providing the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence. The condition of the security is that, if the landscaping is not completed in accordance with this Bylaw and development permit within one (1) growing season after completion of the development, then the specified security amount shall be made available to the Town to use to ensure the landscaping is installed according to the Town's standards.
 - (l) Any landscaping and/or re-contouring shall occur so that the finished grade does not direct surface drainage or cause the impounding of drainage into an adjoining site unless otherwise approved by the Development Authority.
 - (m) Prior to issuing a development permit the Development Authority may require submission of a detailed landscape plan to a standard satisfactory to the Development Authority, outlining, but not limited to, the following:
 - (i) The location of the trees and shrubs to be planted, including distance between trees and the anticipated full growth radius at maturity;
 - (ii) The number of trees and shrubs to be planted;
 - (iii) The common name of the trees and shrubs to be planted; and
 - (iv) The materials proposed for the landscaped area i.e. sod, crushed rock, wood chips etc.
- (2) Residential Landscaping Standards



UNIT TYPE	LANDSCAPING REQUIREMENT
Fourplexes	A minimum one (1) tree shall be provided in the front yard on each parcel developed with a fourplex as per the requirements of Subsection (1) above.
Apartments and Assisted Care Housing	<p>Trees shall be provided on each parcel developed with an apartment or assisted care housing according to the following:</p> <p>15% of the total parcel area with one (1) tree/50 m² and four shrubs/100 m²;</p> <p>Trees shall be located within the landscaped area(s) on the parcel to the satisfaction of the Development Authority; and</p> <p>Trees shall meet the requirements of Subsection (1).</p>

(3) Residential Amenity Area Standards

Means an area available to the occupants of a residential development located on that particular lot for their personal enjoyment and recreation. Amenity areas shall be provided for according to the following schedule:

UNIT TYPE	AREA REQUIRED
Fourplexes	At the discretion of the Development Authority
Apartments and Assisted Care Housing	
Bachelor Unit	19 m ² (204 ft ²)
One Bedroom Unit	28 m ² (301 ft ²)
Two Bedroom Unit	70 m ² (753 ft ²)
Three Bedroom Unit	93 m ² (1001 ft ²)

Minimum apartment amenity area includes hard and soft landscaping areas, balconies, recreational facilities or communal lounges. A minimum 25% of the required apartment amenity area shall be provided outdoors at ground level. The



front yard landscaping on the parcel may be used towards the minimum 25% required outdoor amenity area, however car parking areas and landscaping provided in the side and rear yard shall not be considered as part of, or contributing to any amenity area.

(4) Commercial Landscaping Requirements

Notwithstanding **Subsection (1)**, landscaping in any Commercial District shall be required as follows:

- (a) In any Commercial District, except the Downtown Commercial (C1) District:
 - (i) A 4.0 m (13.1 ft) wide area adjacent to a residential parcel shall be landscaped to the satisfaction of the Development Authority having regard to buffering any nuisance or objectionable affect and may include any or all of the following; the planting of trees and/or other vegetation; the construction of landscaped berms; the construction of fencing or other acceptable screening; and
 - (ii) A minimum 4.0 m (13.1 ft) wide area adjacent to any street shall be landscaped to the satisfaction of the Development Authority.
- (b) In the case of car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Authority. Solid fences shall be provided at least 1.5 m (4.9 ft) in height and no higher than 2.0 m (6.5 ft) adjacent to residential areas.
- (c) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.8 m² (2000.0 ft²) of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Authority. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

(5) Industrial Landscaping Requirements

Notwithstanding **Subsection (1)**, landscaping in any Industrial District shall be required as follows:

- (a) A 4.0 m (13.1 ft) wide area adjacent to a residential parcel shall be landscaped having regard to buffering any nuisance or objectionable affect through the planting of trees and/or other vegetation, and the construction of landscaped berms and/or fencing or other acceptable screening to the satisfaction of the Development Authority;
- (b) A minimum 4.0 m (13.1 ft) wide area adjacent any street shall be landscaped to the satisfaction of the Development Authority; and



- (c) Outdoor Storage Facilities or any outdoor storage adjacent to any road or non-industrial district shall be screened in a manner that substantially blocks the view of the stored materials to the satisfaction of the Development Authority.

6.14 Livestock

- (1) No livestock shall be kept in any district except for Urban Reserve (UR) District. This provision does not apply to auction marts, animal hospitals, or farming operations that existed prior to the adoption of this Bylaw.

6.15 Objects Prohibited or Restricted in Yards

The following regulations shall apply to all lots within the Residential Districts, unless otherwise specified.

- (1) No person shall keep or permit in any part of any yard:
 - (a) Any dismantled or wrecked vehicle for more than fourteen (14) successive days;
 - (b) Any vehicle weighing in excess of 6803.9 kg (15,000 lbs) gross vehicle weight (except recreation vehicles) for longer than is reasonably necessary to load or unload such a vehicle;
 - (c) Any object, chattel, or other use of land which, in the opinion of the Development Authority is unsightly or tends to adversely affect the amenities of the district;
 - (d) Any excavation, stockpiling or storage of materials, required during the construction stage of a development unless all necessary safety measures are undertaken to the satisfaction of the Development Authority. 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.;
 - (e) Any explosives, flammable liquids, diesel fuel, propane and gasoline products.
- (2) Notwithstanding **subsection (1)(d)** above the short term storage of gunpowder and black powder will be permitted if the storage of these explosive materials is:
 - (a) For the purpose of reloading shells used with a registered firearm; and
 - (b) The amount of material on the site conforms to the provisions of the Explosive Regulation and Explosives Act.
- (3) No person shall keep or permit in a yard adjacent to a dwelling, either:



- (a) a propane tank that is larger than 68.2 kg (150 lbs.); or
- (b) any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.);

without first obtaining a development permit.

- (4) Notwithstanding **Subsection (3)** above, on lots in a residential district which are:

- (a) greater than 1.2 ha (3 ac) in area; and
- (b) where the proponent can prove to the satisfaction of the Development Authority that the location and use of the propane tanks meets acceptable fire code and safety standards;

the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a capacity which exceeds 68.2 kg (150 lbs.) to be located on a lot.

- (5) Notwithstanding **Subsection (3)** above, in Commercial Districts, where the applicant for a development permit can prove to the satisfaction of the Development Authority that the location and use of the proposed propane tanks meets acceptable fire code and safety standards as well as emergency response requirements, the Development Authority may, at its sole discretion, allow more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.) to be located either:

- (a) within an individual lot; or
- (b) within each recreational vehicle stall located in an approved campground/recreational trailer park.

- (6) All development permit applications to allow more than four (4) propane tanks, or any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.), to be located within individual stalls, in an approved campground or recreational vehicle park, will be required to include an Emergency Response Plan, prepared by the developer, at no cost to the municipality. The Emergency Response Plan will be circulated to the municipality's Fire Department for approval prior to issuance of a development permit.

- (7) Development permits issued for more than four (4) propane tanks or any number of propane tanks with a total capacity which exceeds 68.2 kg (150 lbs.) will only be granted for a period of one year. New development permit applications must be submitted annually if the proponent wishes to extend the development period.

- (8) No person shall keep or permit in a yard adjacent to a dwelling, either:

- (a) a gasoline or diesel container with a capacity greater than 20 L;
- (b) more than four (4) gasoline or diesel containers; or
- (c) any number of gasoline or diesel containers with a total capacity which exceeds 80 L;



without first obtaining a development permit.

6.16 Parking and Loading Regulations

- (1) In all Districts, vehicular entrances and exits onto roads shall only be allowed at locations approved by the Development Authority. Where the development is adjacent to a highway, an approach permit must be obtained from Alberta Transportation.
- (2) An off-street parking area:
 - (a) shall be designed to the satisfaction of the Development Authority with regard to the dimensions, and layout of parking stalls and maneuvering aisles; and
 - (b) shall not be located within 0.9 m (2.95 ft) of a lot line common to the lot and to a street; and
 - (c) shall be constructed so that adequate access to, and exit from each stall is provided at all times by means of maneuvering aisles; and
 - (d) shall have adequate street access, curbs and curb cuts (where required) located to the satisfaction of the Development Authority; and
 - (e) shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority. In no case shall drainage be allowed to cross a sidewalk unless otherwise permitted by the Development Authority.
- (3) Parking for the physically handicapped shall be provided as provincial regulations require and shall be considered part of the number of stalls required for the development.
- (4) When a building is enlarged or the use of a parcel or a building is changed or increased in intensity, the additional parking spaces to be provided shall be limited to the difference between the requirement of the original use or building and that of the enlarged building or changed use.
- (5) Parking spaces shall be located on the same parcel as the use for which they are being provided except, subject to the approval of the Development Authority, the spaces may be located on another parcel within 50 m (164 ft) of the boundary of the subject parcel, provided that a restrictive covenant, ensuring that such parking stalls shall remain as long as the use remains, is registered against the Certificate of Title of both parcels or the Development Authority has agreed to allow parking in an off-site public lot.
- (6) Parking in front yards within residential districts shall be prohibited other than on driveways.

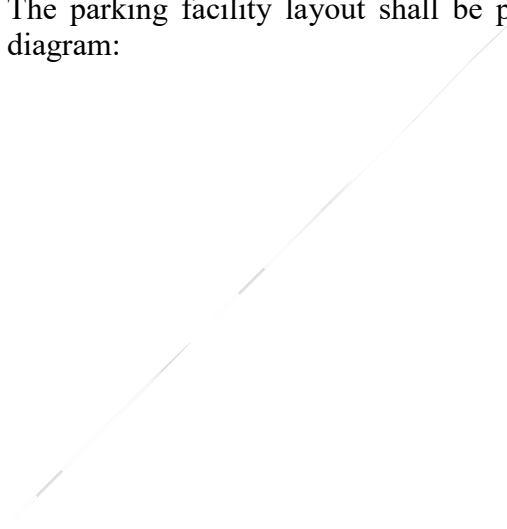


- (7) In all Districts, an off-street parking space shall be provided in accordance with the minimum requirements of each use as determined by the Development Authority. The following specifications shall be adhered to:

Parking Angle in Degrees	Width of Stall	Depth of Stall (Perpendicular to Maneuvering Aisle)	Width of Stall (Parallel to Maneuvering Aisle)	Overall Depth	Width of Maneuvering Aisle (one-way)
a	b	c	d	e	f
0	3.0 m (9.8 ft)	3.0 m (9.8 ft)	7.0 m (22.3 ft)	10.0 m (32.8 ft)	4.0 m (13.1 ft)
30	3.0 m (9.8 ft)	5.0 m (16.4 ft)	5.5 m (18.0 ft)	14.0 m (45.9 ft)	4.0 m (13.1 ft)
45	3.0 m (9.8 ft)	6.0 m (19.7 ft)	4.0 m (13.1 ft)	15.5 m (50.9 ft)	4.0 m (13.1 ft)
60	3.0 m (9.8 ft)	6.0 m (19.7 ft)	3.0 m (9.8 ft)	19.0 m (62.3 ft)	6.0 m (19.7 ft)
90	3.0 m (9.8 ft)	6.0 m (19.7 ft)	3.0 m (9.8 ft)	19.0 m (62.3 ft)	7.0 m (23.0 ft)

Table 1: Table 1: Parking Stall Requirements

- (8) The parking facility layout shall be provided in accordance with the following diagram:



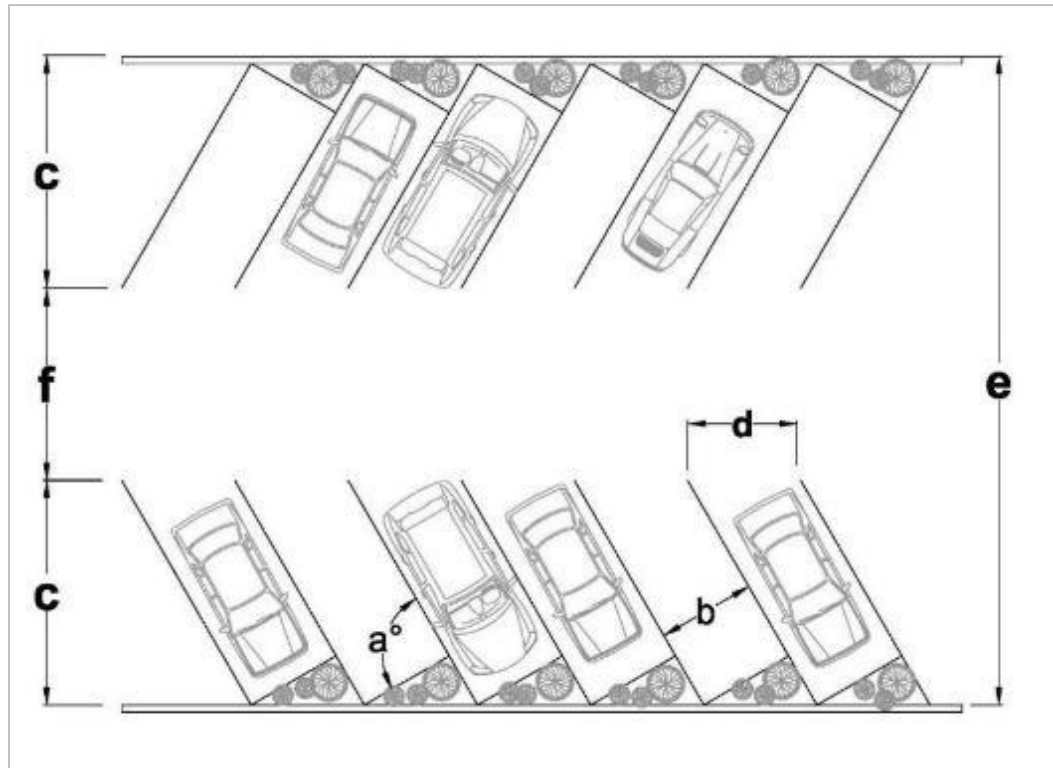


Figure 34: Diagram Showing the Definitions of Column Headings in Table 1

- (9) The following minimum number of parking spaces shall be provided and maintained upon the use of a parcel or a building in any District as described in **Part 8** of this Land Use Bylaw and, unless otherwise stated, shall be calculated on the basis of gross floor area according to the table below. Any calculation of the number of parking spaces which produces a requirement for part of a space shall be rounded to the closest integer.

In determining the parking requirement for a parcel:

- (a) if a specific use is not mentioned below, the requirement shall be the same as for a similar use, as determined by the Development Authority; and
- (b) if a parcel consists of multiple uses, the required parking shall be the sum of the requirements for each use, unless it is demonstrated to the satisfaction of the Development Authority that a shared parking facility with a reduced number of spaces will be sufficient. The required parking may be combined or shared parking provided that a legal agreement is entered into between the users or land owners, and further that the parking arrangements are acceptable to the Development Authority; and
- (c) the minimum number of parking stalls for any development shall be as follows:



Residential Uses

Uses	Parking Spaces
One or two unit dwelling	2 per dwelling unit
Multi-unit dwelling with one bedroom or less per unit	1.5 per dwelling unit plus 1 visitor space per 7 units
Multi-unit dwelling with two or more bedrooms per unit	2 per dwelling unit plus 1 visitor space per 7 units
Assisted care housing	0.1 per dwelling unit + 1 per 2 employees + 0.2 per patron (minimum 4)
Garage, garden, in-law, secondary and surveillance suites	1 per suite
Manufactured home parks	2 per manufactured home unit plus 1 visitor space per 7 manufacture home unit
Bed and Breakfast Establishments	1 per guest room or in the case of dorm style accommodations (3 beds or more per room) 1 per 3 beds + stalls required for the primary dwelling unit
Boarding/lodging house	1 per 3 beds (minimum of 1 stall) + stalls required for the primary dwelling
All other uses	2 per dwelling unit

Table 2: Parking Requirements for Residential Uses

Commercial Uses

Uses	Parking Spaces (# of stalls/Gross Floor Area)
Retail sales	3.5/100 m ² (1076.4 ft ²)
Commercial business centres	4.0/100 m ² (1076.4 ft ²)
Offices	2.0/100 m ² (1076.4 ft ²)
Personal Services	2.0/100 m ² (1076.4 ft ²)



Restaurants & drinking establishments	1.0/5 seats and 1.0/3 employees
Hotels & motels	1.0/guest room and 1.5/3 employees
Automobile and equipment sales	2.0/100 m ² (1076.4 ft ²)
Repair services	2.0/100 m ² (1076.4 ft ²)
Drive-in services including car/truck wash	1.5/3 employees + queing requirements
Service station	1.5/3 employees + queing requirements
Commercial recreation, indoor	5.0/100 m ² (1076.4 ft ²)
Commercial recreation, outdoor	As required by the Development Authority
Commercial entertainment facility	5.5/100 m ² (1076.4 ft ²)
Veterinary services	2.0/100 m ² (1076.4 ft ²)
Golf course	5.0/golf course hole + requirements of other accessory uses occurring at the golf course (i.e. retail, lounge, restaurant etc.)

Table 3: Parking Requirements for Commercial Uses

Public

Uses	Parking Spaces
Places of worship	1 per 4 seats
Hospitals & other health care institutions	1 per 4 beds + 1 per 4 works per shift
Schools	
Elementary & junior high	1 per staff + 5 visitor stalls
Senior high	1 per staff and 1 per 10 students + 5 visitor stalls
Community service facility	3.5/100 m ² (1076.4 ft ²)



Government service	3.5/100 m ² (1076.4 ft ²) + 0.5 stall/10m ² reception area
Municipal Service facility	4 stalls
Other service facilities	As determined by the Development Authority but not less than 1 per 10 seats

Table 4: Parking Requirements for Public Uses

Industrial

Uses	Parking Spaces
Manufacturing Industry	
Minimum provision	6 stalls
Office area	2/100 m ² (1076.4 ft ²)
Other area	1/100 m ² (1076.4 ft ²)
Warehousing and Storage	
Minimum provision	4 stalls
Office area	2/100 m ² (1076.4 ft ²)
Other area	0.7/100 m ² (1076.4 ft ²)
Contractor Services	2/100 m ² (1076.4 ft ²)
Industrial & commercial service support	2/100 m ² (1076.4 ft ²)
Commercial storage	2/100 m ² (1076.4 ft ²) for office & retail space
Outdoor storage facility	2/100 m ² (1076.4 ft ²) for office space

Table 5: Parking Requirements for Industrial Uses

(10) Off-Site and Communal Parking Facilities

Notwithstanding the above parking requirements, for uses listed in the Downtown Commercial District (C1) and subject to approval of the Council, required parking for any development(s) may be provided on another parcel, separate from the development(s) in accordance with the following:

- (a) the parking, in the opinion of the Development Authority, must be suitable, easily accessible and within a reasonable distance of the associated development(s);



- (b) Future use of the parcel must be ensured to the satisfaction of the Development Authority. This may be done by a restrictive covenant registered on the title, a suitable bond posted by the developer(s), or by any other legal method;
- (c) Payment may be made to the Town in lieu of the number of off-street parking spaces deficient for the proposed use or uses as required by this Bylaw given a minimum of 75% of the total required off-street parking spaces are provided. The rate per space shall be determined by Council and shall be based on the current market value of the land.

(11) Off-Street Loading Facilities

- (a) Off-street loading spaces shall be required for all non-residential developments and apartments.
- (b) A loading space shall be designed and located so vehicles using it can park and maneuver entirely within the bounds of the parcel before moving onto a public road.
- (c) A loading space shall be at least 4.0 m (13.12 ft) wide, 8.0 m (26.24 ft) long, and 4.3 m (14.10 ft) high.
- (d) A loading area shall be graded, drained, compacted and surfaced to the satisfaction of the Development Authority.
- (e) Loading spaces shall be located in the rear and side yards only.
- (f) A loading space shall be at least 4.0 m x 8.0 m (13.12 ft x 26.25 ft), with an overhead clearance of at least 4.6 m (15.09 ft).
- (g) Hard surfacing of the loading space shall be required where a loading space enters a hard surfaced public road; otherwise, the surfacing may be all-weather.
- (h) Loading spaces may be required to be screened by a method approved by the Development Authority.
- (i) Loading spaces shall be provided in accordance with the following:

Retail, industrial and the like, under 465 m ² (5,000 ft ²); and	1 space
between 465 m ² (5,000 ft ²) and 2,323 m ² (25,000 ft ²); and	2 spaces
each additional 2,323 m ² (25,000 ft ²) or fraction thereof;	1 space
Office, place of assembly, institution, club, school, or any other use up to 2,787 m ² (30,000 ft ²); and	1 space
each additional 2,787 m ² (30,000 ft ²) or fraction thereof	1 additional space
neighbourhood commercial stores	1 loading space



- (12) Sight line calculations shall be in accordance with the Roads and Transportation Association of Canada methods for determining crossing sight distances for roadways.

6.17 Pipeline and Other Utility Corridor Setbacks

- (1) Any development involving pipeline and/or power line rights-of-way shall be sited to comply with all relevant Federal and Provincial legislation and regulations. Setbacks from pipelines and other utility corridors shall be in accordance with appropriate Provincial legislation and regulations and any regulations established by the Alberta Energy Regulator (AER) and Alberta Utilities Commission.

6.18 Projections into Yards

- (1) Except as provided in this Section, and except for fences as noted in **Section 6.10** of this Bylaw, no portion of a building shall be located or project into a required yard.
- (2) Architectural features such as unenclosed steps, chimneys, awnings, eaves, cornices, leaders, gutters, pilasters, belt courses, sills, or satellite dishes less than 1.0 m in diameter may project into a required side yard provided they meet the provisions of the Alberta Building Code and do not project more than 0.5 m for required yards equal to or less than 1.5 m or project more than 0.6 m in the case of required yards greater than 1.5 m.
- (3) Cantilevered projections, with or without windows, may project up to 0.6 m into a required yard greater than 1.5 m, but in all cases at least 1.2 m must be maintained between the wall of the projection and the property line.
- (4) Where the cantilevered projection in **subsection (2)** above is in a required side yard that is not flanking a road, the horizontal length of any one projection shall not exceed 3.0 m. In the case of more than one (1) projection on a particular wall, the aggregate shall not exceed one-third (1/3) of the length of the building wall exclusive of garage walls.
- (5) Balconies and decks may project up to 2.0 m into required yards with a minimum depth of 4.0 m, and 0.5 m for required yards less than 4.0 m provided they do not encroach over an easement or right-of-way.
- (6) Utilities, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into required yards provided such underground encroachments are covered by sufficient soil depth or surface treatment to foster landscaping.



6.19 Sign Regulations

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

- (1) Limitations
 - (a) Except as provided in **Section 2.2** 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 Section and any other relevant provisions of this Bylaw, and has been issued a development permit in respect thereof.
 - (b) 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.
 - (c) Provisions for election signs and property for sale or rent signs are provided in **Section 6.19** of this Bylaw.
- (2) Information Requirements for a Development Permit for a Sign

In addition to the requirements of Part 2 of this Bylaw, a development permit application for a sign shall include the following information:

 - (a) written consent from the property owner,
 - (b) two copies of colour drawings, drawn to scale, showing the sign, any structural supports, and the dimensions, thickness, area, and colours, of the sign,
 - (c) any animation, moving copy, or other moving features of the sign, if applicable,
 - (d) method of illumination, if applicable,
 - (e) mounting details,
 - (f) the location and size of all other existing and proposed signs on the building façade or site,
 - (g) mounting heights and clearances to grade, and
 - (h) the amount of projection of the sign from a building, if any.
- (3) Signs as Permitted or Discretionary Uses
 - (a) No sign, other than an off-site sign in the Districts indicated in **subsection (b)** below, or a sign which is otherwise exempted from the requirement of



- obtaining a development permit as indicated in **Section 2.2** of this Bylaw, shall be allowed unless it is accessory to an existing use.
- (b) Notwithstanding any other provision of this Bylaw to the contrary, except as otherwise indicated in this section, off-site signs shall be considered to be discretionary developments in all Commercial Districts, in the Light Industrial (M1) District, and in the Urban Reserve (UR) District.
- (4) Procedures for the Consideration of Development Permit Applications for Signs
- (a) All development permit applications for signs shall follow the process outlined in **Part 2** of this Bylaw and be subject to appeal if applicable in accordance with **Part 3** of this Bylaw.
- (5) General Sign Regulations
- (a) A sign shall not be erected, operated, used or maintained if, in the opinion of the Development Authority:
 - (i) 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,
 - (ii) 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
 - (iii) it would be situated within the area regulated by **Section 6.3** of this Bylaw.
 - (b) 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.
 - (c) Where possible, signs shall not cover architectural details such as arches, sills, mouldings, cornices and transom windows.
 - (d) A sign or sign structure shall be set back a minimum of 0.5 m (1.6 ft) from any property boundary and no part of a sign may encroach onto an adjacent lot or a road or lane.
 - (e) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 18.0 m² (193.6 ft²).
 - (f) At the discretion of the Development Authority a maximum of five (5) signs may be allowed on a lot, including temporary signs and portable signs.
 - (g) Signs will not be allowed on fences in Residential Districts or Commercial Districts.



- (6) Care and Maintenance of Signs
- (a) All signs shall be maintained in good and safe structural condition and shall be periodically repainted.
 - (b) Where the Development Authority determines that a sign is abandoned or in an overall state of disrepair they 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:
 - (i) remove the sign and all related structure components within what the Development Authority deems to be a reasonable period of time, or
 - (ii) take such measures as they may specify in the notice to alter and/or refurbish and/or repair the sign.
 - (c) Failure to remove the sign or to comply with the measures specified in the notice described in **subsection (b)** above may result in the issuance of a violation ticket as described in this Bylaw.
 - (d) The notice described in **subsection (b)** above shall be considered to be a stop order for the purposes of this Bylaw.
- (7) Type of Signs
- (a) A-Frame Signs
 - (i) Notwithstanding any other provision of this Bylaw to the contrary, A-frame signs shall be allowed only in Commercial Districts.
 - (ii) The maximum area of each A-frame sign face which is located on a sidewalk shall be 0.7 m² (7.5 ft²). **Figure 36** illustrates area and height requirements for A-frame signs.
 - (iii) The maximum area of each A-frame sign face located in another location, approved by the development authority, shall be 1.5 m² (16.0 ft²).
 - (iv) The maximum height of an A-frame sign which is located on a sidewalk shall be 1.0 m (3.3 ft).
 - (v) No A-frame sign shall be located on a sidewalk in such a manner so as to obstruct pedestrian flow.
 - (vi) The maximum height of an A-frame sign placed in other locations shall be 1.8 m (6 ft), measured perpendicular distance from the ground to the highest point of the sign when set up.
 - (vii) No more than one (1) A-frame sign shall be allowed per business frontage.



- (viii) 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.
- (ix) 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.
- (x) A-frame signs are not to be used in conjunction with projecting signs at grade level.

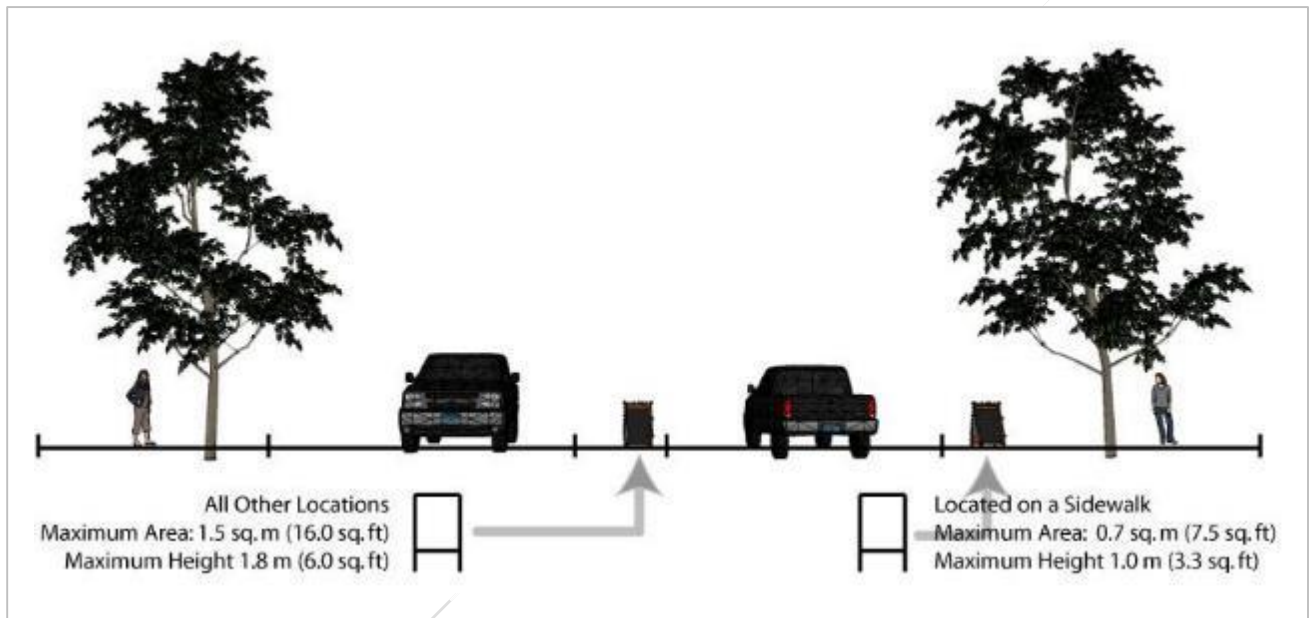


Figure 35: A-frame Sign Height and Area Requirements

(b) Canopy Signs

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

- (i) 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,
- (ii) the bottom of the canopy shall be not less than 2.5 m (8.2 ft) above grade,
- (iii) no part of the canopy shall project over a road or lane,
- (iv) unless otherwise approved by the Development Authority, the vertical dimension of the canopy shall not exceed 1.5 m (4.9 ft),



- (v) signs suspended under a canopy shall have a vertical clearance of a minimum of 2.5 m (8.2 ft) from grade,
 - (vi) each tenant of a building shall be allowed one (1) under-canopy sign of no more than 0.5 m² (5.4 ft²) in area, and
 - (vii) 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, guy wires or similar support elements are visible from a road or lane.
- (c) Freestanding Signs
- (i) The sign area for a single or multi-faceted freestanding sign shall be the average of the total area of all freestanding sign faces.
 - (ii) One (1) freestanding sign per business frontage may be erected on a site having a minimum business frontage of 15.0 m (49.2 ft) at road level.
 - (iii) Notwithstanding **subsection (b)** above, a maximum of one (1) freestanding sign may be allowed per site except:
 - (A) where a site has more than a 90.0 m (295.3 ft) frontage, one (1) additional freestanding sign may be erected at the discretion of the Development Authority.
 - (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 90.0 m (295.3 ft) apart.
 - (C) Additional signs may be allowed at the discretion of the Development Authority.
 - (iv) The total sign area of all freestanding signs on a site shall not exceed 0.3 m² (3.2 ft²) in area for each lineal metre of frontage, to a maximum of 8.4 m² (90 ft²).
 - (v) The maximum height of a freestanding sign shall be 7.0 m (23.0 ft).
 - (vi) 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.
 - (vii) 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.
- (d) Portable Signs



- (i) 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.
 - (ii) No more than one (1) portable sign shall be located on a site.
 - (iii) Notwithstanding **Subsection (ii)** above, one (1) portable sign may be allowed for each business in a multiple-occupancy development provided that no portable sign is located closer than 15.0 m (49.2 ft) to another portable sign.
 - (iv) All portable signs shall be double-faced.
 - (v) No portable sign shall exceed a height of 2.5 m (8.2 ft) above grade.
 - (vi) Portable signs shall not be placed on a site so as to conflict with or take up space for parking, loading, or walkways.
 - (vii) Notwithstanding any other provision of this Bylaw to the contrary, portable signs shall not be allowed in any Residential District.
- (e) Projecting Signs
- (i) No projecting sign shall project over another site, a road, or a lane.
 - (ii) A projecting sign shall have a vertical clearance of a minimum of 3.05 m (10 ft) from grade.
 - (iii) No more than one (1) projecting sign of 0.5 m² (5.4 ft² in size shall be allowed for each frontage of a commercial or industrial use.
 - (iv) 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.
- (f) Roof Signs
- (i) 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.
 - (ii) 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.
 - (iii) 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.
- (g) Fascia Signs



- (i) 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.

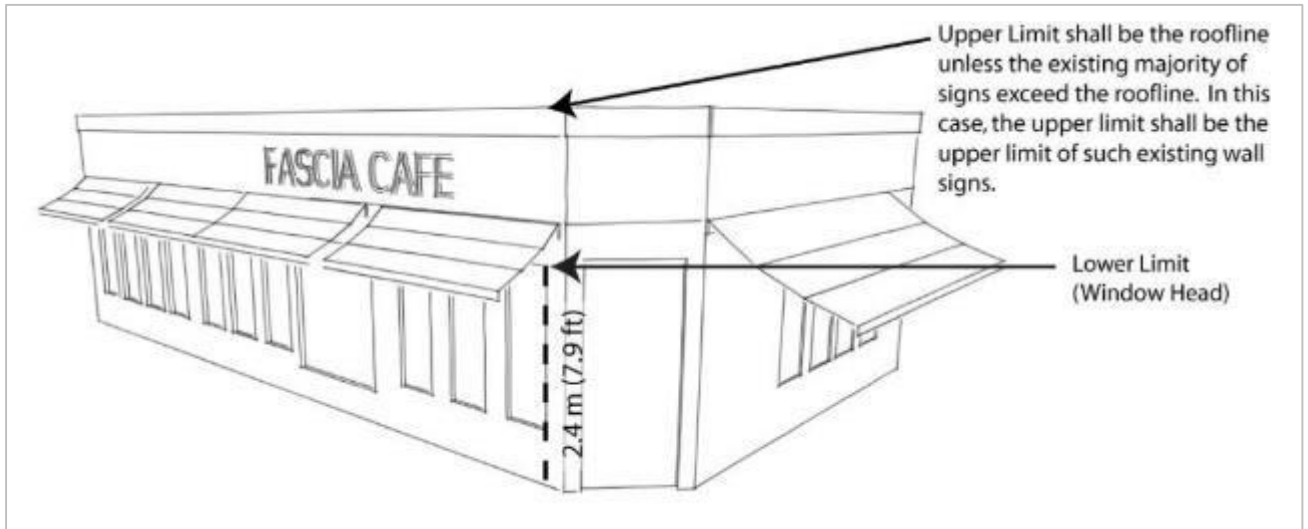


Figure 36: Fascia Sign placement on a One Storey Building

- (B) in the case of a one storey building, the upper limit of the portion shall be either:
 1. 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, or
 2. 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



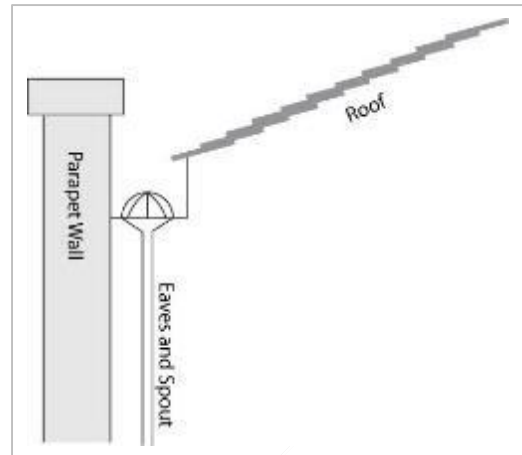


Figure 37: Example of a Parapet Wall and Eaves

3. 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.

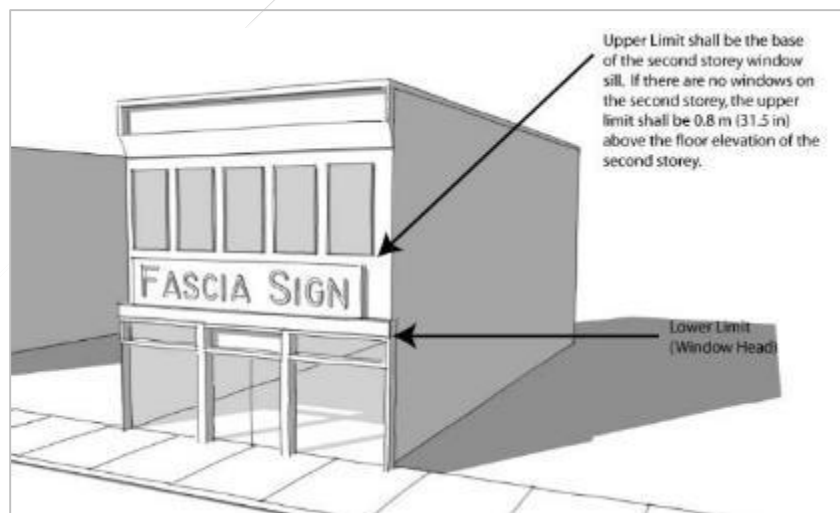


Figure 38: Fascia Sign Placement on a Two Storey Building

- (ii) Notwithstanding **subsection (a)** above, a wall sign may be located:
- (A) below the area defined in **subsection (a)** above, provided:
1. the sign consists of individual letters, symbols, or logos that are directly attached to the building face,



2. the sign states no more than the name of the building or the principal tenant of the building, and
 3. the sign area does not exceed 20% of the building face below the area defined in **subsection (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:
1. the sign states no more than the name of the building or the principal tenant of the building, and
 2. the sign area does not exceed 2.5 m² (26.9 ft²), or
- (C) above the third storey window sill, provided:
1. the sign states no more than the name of the building or principal tenant of the building, and
 2. there is no more than one (1) sign per building face above the third storey.
- (iii) 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.
- (iv) 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.
- (h) **Inflatable Signs**
- (i) A small inflatable style sign can be placed on an approved temporary sign location, and does not require a development permit, provided it is, no larger than 5.5 m² (59.2 ft²) as applicable.
 - (ii) Larger inflatable signs require that a development permit be applied for, and approval obtained before installation.
 - (iii) One inflatable sign may be located on a site and must be tethered or anchored so that it is touching the ground surface to which it is anchored.
 - (iv) The maximum height of an inflatable sign shall be the allowed height of a freestanding sign for the site.
 - (v) An inflatable sign can only be located on a site twice in a calendar year and not for longer than 30 consecutive days.



- (vi) Inflatable signs cannot be located on the roof of a structure.
- (8) Signs in or Adjacent to Residential Districts
 - (a) Except as provided in **subsections (b) and (c)** below, no sign shall be permitted in Residential Districts except for places of worship, schools or other public institutions.
 - (b) An approved major home occupation may display a sign, not larger than 0.2 m² (2 ft²) in the window of the dwelling.
 - (c) An approved bed and breakfast may display a sign, not larger than 0.2 m² (2.0 ft²). If outside, the sign shall be placed in a location that is satisfactory to the Development Authority. Alternatively, the sign may be displayed from inside a window of the dwelling.
 - (d) 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:
 - (i) the sign area does not exceed 5.0 m² (53.8 ft²),
 - (ii) the height of the sign does not exceed 2.0 m (6.6 ft), and
 - (iii) the sign is not internally illuminated, though it may be lit from the front.
 - (e) Name or number signs shall have a surface area of no more than 0.3 m² (3.0 ft²).
 - (f) 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.
 - (g) When, in the 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 they deem necessary, to protect the amenities of the Residential District.
- (9) 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 m² (53.8 ft²) in area shall be allowed to be erected on the site occupied by the place of worship, school, or other institutional use.

6.20 Site Circulation

- (1) The space for the maneuvering and circulation of vehicles on a parcel shall be sufficient to ensure that vehicles do not drive onto roads, other than lanes, or onto



adjacent parcels when maneuvering and circulating, except where an easement is registered for these purposes against the title to the adjacent parcels.

6.21 Site Conditions and Buffering Requirements

- (1) The proponent for a development may be required to submit a site drainage plan and/or elevation plan to ensure that finished grades on the site shall prevent drainage from one site to adjacent sites except where drainage conforms to an acceptable local standard or a subdivision drainage plan.
- (2) The Development Authority may prescribe setback and/or buffering requirements for uses, which may be physically or visually incompatible with nearby land uses.
- (3) The Development Authority may require or approve screening for uses, which involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar materials.
- (4) In considering the approval of an application, the Development Authority may require the retention of trees or additional planting of such type and extent as considered necessary for the purpose of ensuring buffering, erosion and/or dust control.
- (5) The Town will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
- (6) The amount of Reserves/Easement lands shall be at the discretion of the Town and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
 - (a) The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see **Appendix A**); or
 - (b) If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the Town and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
- (7) Notwithstanding **subsection (6)**, additional reserves/easements may be required by the Town based on the recommendations of any engineering and/or geotechnical study provided for the subject site.
- (8) Normally, no buildings of any kind shall be allowed within required setback areas.



- (9) However, notwithstanding **subsection (6)** the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
- (a) The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (see **Appendix A**); or
 - (b) If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.

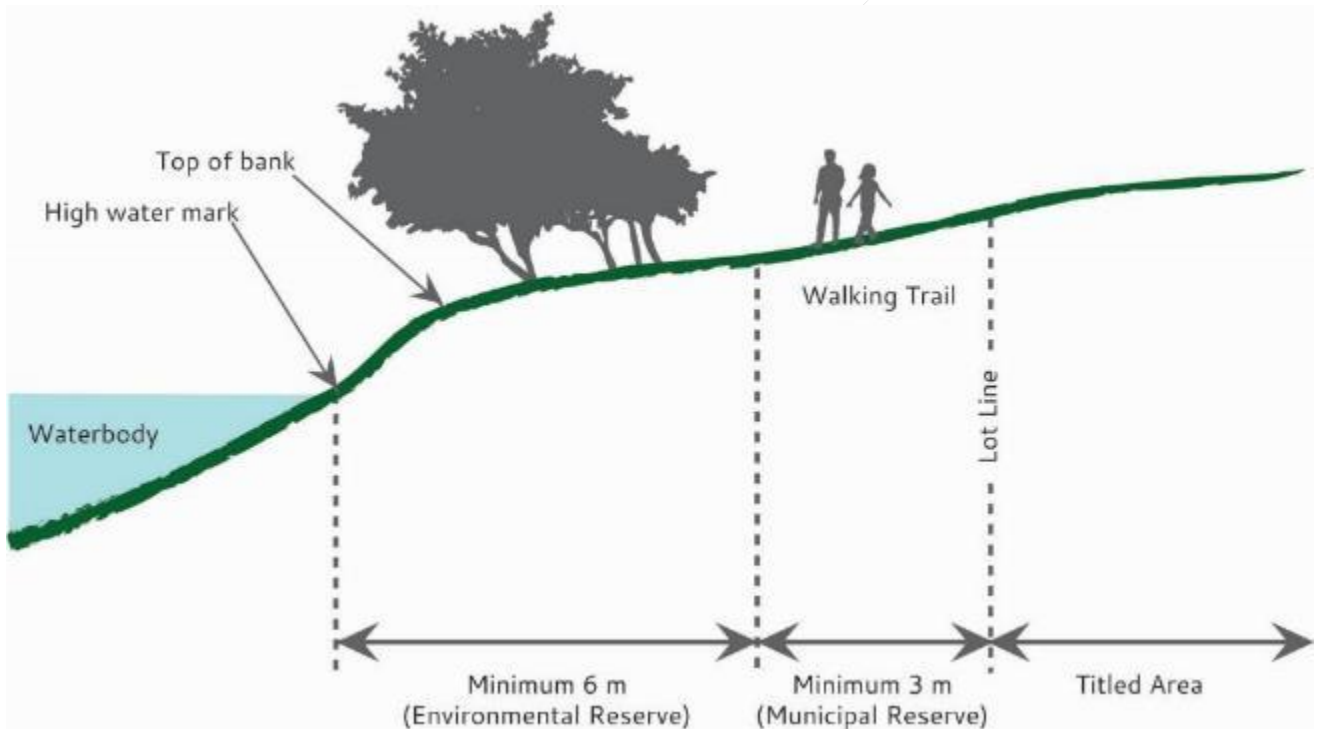


Figure 39: Setbacks from Watercourses and Water Bodies

- (10) The Development Authority may require the applicant to submit as part of a development permit application an assessment by a registered professional engineer practicing in Alberta indicating the stability of the soils and slopes for the development proposed, and how sufficient stability for the development can be ensured in order to determine the appropriate setback distance and/or site specific building requirements.



- (11) If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Development Authority may, at their sole discretion, approve a development with a lesser setback.
- (12) If the development is approved with the lesser setback, the Development Authority may require, as a condition of the approval of the permit, that the developer construct those works or abide by those conditions necessary to ensure the stability of the soils and slopes as determined in the assessment.
- (13) If any development is damaged or threatened with damage from flooding from a water body, a river, creek or watercourse, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- (14) If any development is damaged or threatened with damage from erosion or the effects of erosion, or from flooding or the effects of flooding, whether or not a development permit has been issued in respect of the development, the landowner will be entirely responsible for any damage and for any works necessary for protecting the development from damage.
- (15) The Development Authority will not approve a development permit application for the development or placement of permanent buildings within the 1:100 year flood way of any lake, river, creek, watercourse or water body.
- (16) Development shall not be permitted on steep slopes (in excess of 15%), on unstable slopes or land characterized by soil instability, or on lands exhibiting evidence of poor drainage or flooding unless it can be demonstrated to the satisfaction of the Development Authority that unique site requirements warrant otherwise by providing a geotechnical report provided by a professional engineer registered in the Province of Alberta.
- (17) No person shall remove topsoil without first obtaining a development permit. A temporary fence shall be erected around all excavations that, in the opinion of the Development Authority, may be hazardous to the public.
- (18) There shall be provided upon occupancy of the development, minimum topsoil coverage of 6 inches and the affected area shall be landscaped to the satisfaction of the Development Authority.

6.22 Site Lighting

- (1) Any outdoor lighting for a development shall be located and arranged so that no direct rays of light are directed at an adjoining lot or site, street or pathway or interfere with the effectiveness of any traffic control device.



6.23 Site Protection from Exposure Hazards

- (1) The location of an anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 7570.8 litres (2000 gal.) shall be in accordance with the requirements of the Development Authority but in no case shall be less than 121.9 m (400 ft) from adjacent institutional, commercial or residential uses.
- (2) No anhydrous ammonia (AA) storage shall be permitted within Town boundaries.
- (3) AA or LPG containers with a water capacity of less than 9,080 L (2,000 gal.) shall be located in accordance with regulations under the Safety Codes Act.
- (4) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Safety Codes Act.
- (5) Setbacks from pipelines and other utility corridors shall be at the discretion of the Development Authority and be in accordance with all appropriate Provincial legislation and regulations.

6.24 Sour Gas Facilities

- (1) No development shall be allowed within 100 m (328 ft) of a Level 1 sour gas facility (consisting of a well) as determined by Alberta Energy Regulator (AER).

6.25 Subdivision of Land

- (1) Where the development of land requires a subdivision, no development permit shall be issued until the subdivision has been registered
- (2) Development agreements shall be required as a condition of approval for subdivision of land within the Town.
- (3) Property taxes must be up to date prior to final endorsement of any subdivision within the Town.

6.26 Water Supply, Sanitary Facilities and Natural Gas

- (1) All development within the Town shall be provided, at no cost to the Town, with sanitary facilities to the satisfaction of the Plumbing and Drainage Regulations and any other Provincial legislation or regulations.



- (2) A development permit shall not be issued for residential, commercial, industrial or recreational uses unless the Development Authority is satisfied that water supplies of sufficient quality and quantity are or will be made available to support the proposed development.



7 | Special Provisions

7.1 Adult Entertainment Establishments

- (1) In considering an application for approval of a development permit for an adult entertainment establishment as a principal or accessory use, the Development Authority shall require the development to be located on a parcel, the boundary of which is not less than 150 m (492 ft) from the boundary of any parcel located in a residential district, any parcel with an existing institutional use, including schools and places of worship, or any parcel developed as a park or playground.

7.2 Alcohol Retail Sales

- (1) Alcohol Retail Sales uses should not be located in close proximity to any site being used for community recreation, parks, public or private education, or religious assembly. In exercising discretion, the Development Officer will have regard for the suitability of proposed site location and for site orientation and access.

7.3 Bare Land Condominiums

- (1) A Bare Land Condominium development must comply with all the general regulations of this Bylaw, including the regulations of the applicable Land Use District.
- (2) An application for a Bare Land Condominium development shall include a comprehensive site plan, in accordance with **Section 2.4** of this Bylaw.
- (3) For the purposes of this Bylaw, a Bare Land Condominium Plan is a plan of subdivision and a unit on a Bare Land Condominium Plan is a lot.

7.4 Basic Campgrounds

- (1) Where a campground proposal will ultimately exceed sixty (60) campsites and/or cabins and is located on a parcel greater than 8.0 ha (19.8 ac), a development concept plan for the development of the entire tract of land shall be submitted and approved by the Development Authority prior to submitting a development permit application for any specific development. The development concept plan shall include detailed plans and specifications (i.e. servicing, traffic, environmental considerations, etc.) for the initial stage, as well as any subsequent stages of development.



- (2) A minimum of 10% of the gross lot area of the campground shall be set aside for a common recreation area and shall be developed and maintained as a park, playground or other useable open space. No portion of any other use and/or facility shall be included in this area.
- (3) Visitor parking shall be provided in common areas within a campground area, to the satisfaction of the Development Authority.
- (4) All campgrounds shall be provided with safe and convenient vehicular access and all roadways within a campground shall be of a surface and standard acceptable to a Development Officer for the purposes of accommodating emergency, fire and maintenance vehicles.
- (5) Within a campground development, the roadway system will be sensitive to the topography and site characteristics of the site and shall be “signed” to avoid confusion.
- (6) All campsites shall be accessible by means of an access at least 3.0 m (9.8 ft) in width where the access is for one-way traffic, or at least 6.0 m (19.7 ft) in width where the access is for two-way traffic.
- (7) Trees and natural vegetative cover shall not be removed without an approved development permit or development concept plan. The Development Authority may prevent the removal of trees or shrubs adjacent to environmentally sensitive areas.
- (8) Any adjoining residential area(s) shall be screened by a solid fence or year-round vegetation with a minimum height of 2.0 m (6.6 ft), to the satisfaction of the Development Authority.
- (9) Fires shall only be permitted in facilities which have been provided for such purpose or where open fires are allowed by the Town’s fire department.
- (10) Fireplaces, fire pits, charcoal and other barbeque equipment, wood burning stoves, or any other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighbouring properties.
- (11) Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings.
- (12) A suitable access and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four (24) hour emergency communication service (e.g. telephones) shall be provided.
- (13) Pedestrian walkways having a width of not less than 1.2 m (3.9 ft) shall be provided from campground stalls to all service buildings, facilities, refuse collection areas and recreation areas. The walkways shall be well drained, well lighted, and the surface shall be constructed to a standard to the satisfaction of the Development Authority.



- (14) The storage, collection and disposal of solid waste in campgrounds shall be so conducted as to create no health hazards, rodent harbourage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened to the satisfaction of the Development Authority.
- (15) Campgrounds with less than sixty (60) campsites and no permanent cabins shall be required to provide sewage disposal and water service facilities to the satisfaction of the Development Authority.
- (16) Campgrounds with more than sixty (60) campsites and with permanent cabins shall provide on-site services as follows:
 - (a) A water supply system shall be provided for each campsite designed to accommodate the campground user occupying a self-contained recreational vehicle or a cabin and shall be connected to a community water supply system. The water system for a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - (b) Alternatively, a campground may provide one or more easily accessible supply outlets for filling potable water storage tanks. The water supply outlets shall be located within 100.0 m (328.1 ft) of the campsites. The water supply outlets shall be constructed to the satisfaction of the Town Engineer and the Development Authority in accordance with all applicable Provincial and Town regulations.
 - (c) An adequate and safe sewage disposal system shall be provided in a campground for each campsite designed to accommodate the campground user occupying a self-contained vehicle or cabin and shall be connected to a community sewage system and/or sanitary dumping station, to the satisfaction of the Development Authority. The sewage disposal system in a campground shall be constructed to the satisfaction of the Town Engineer and the Development Authority, and shall comply with all applicable Provincial and Town regulations, and shall be maintained to the standards of the regulatory approvals.
 - (d) A campground shall be provided with sanitary dumping stations in the ratio of one for every one hundred recreational vehicle spaces or fractional part thereof. The sanitary dumping stations shall be designed and maintained to Town regulations and standards to the satisfaction of the Town Engineer and the Development Authority. Each station shall provide a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only. Sanitary stations shall be separated from any campsite or cabin by a distance of not less than 20.0 m (65.6 ft).



- (e) In no case shall less than one (1) toilet and lavatory be provided for each gender for every ten (10) campsites.
- (17) Campgrounds, containing campsites, cabins, hotels and/or motels are considered temporary occupancies, and consequently, the maximum occupancy is two hundred and forty (240) days per calendar year.
- (18) The minimum size for a campsite shall be:
 - (a) 10.0 m (32.8 ft) in width;
 - (b) 25.0 m (82 ft) in depth; and
 - (c) 325.0 m² (3500 ft²) in area.
- (19) A recreational vehicle/travel trailer on a campsite shall be separated a minimum of 3.0 m (9.8 ft) from:
 - (a) another recreational vehicle/travel trailer on an adjacent site;
 - (b) other structures; and
 - (c) an interior roadway.
- (20) Each campsite shall provide two parking spaces on the campsite.
- (21) All campsites shall be required to provide an acceptable form of ground cover to prevent erosion.

7.5 Bed and Breakfast Operations

- (1) A bed and breakfast establishment, which shall be considered to be major home occupation, shall, in addition to the regulations for major home occupations, comply with the following regulations:
 - (a) A bed and breakfast establishment shall not change the principal character or external appearance of the dwelling involved.
 - (b) A bed and breakfast establishment shall have a maximum of four (4) sleeping units.
 - (c) Cooking facilities shall not be located within the sleeping units. All facilities shall meet public health regulations.
 - (d) Off-street parking spaces shall be provided in addition to the parking spaces required for a detached dwelling as listed in **Section 6.16**. Spaces shall not be tandem unless otherwise stated in this Bylaw.
 - (e) A bed and breakfast establishment or guest ranch shall be operated by a live-in owner(s) and shall not change the character of the surrounding area.
- (2) One (1) sign with a maximum size of 0.56 m² (6.0 ft²) and a maximum height of 1.2 m (3.9 ft) shall be permitted on the site of a bed and breakfast; and



- (3) A bed and breakfast shall not be permitted on a parcel where another home occupation, a care centre or a social care home exists.

7.6 Confined Feeding Operations and Manure Storage Facilities

- (1) Confined feeding operations and manure storage facilities for which an approval or a registration is required pursuant to the Agricultural Operations Act are not permitted within the Town of Bruderheim.

7.7 Crime Prevention Through Environmental Design

- (1) During the review of a development permit application, the Development Authority may consider the following Crime Prevention Through Environmental Design (CPTED) principles, and make recommendations for the proposed development:
 - (a) the reduction of concealment opportunities;
 - (b) the provision of lighting to minimize unlit areas;
 - (c) the placement of windows to maximize informal surveillance; and
 - (d) easily-identified street addresses.

7.8 Day Use and Picnic Areas

- (1) A sufficient number of picnic tables, fire pits and garbage cans shall be provided to accommodate the design capacity of the site. Exact numbers of such facilities shall be at the discretion of the Development Authority.
- (2) Day use and picnic facilities shall be designed and landscaped in order to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- (3) Where the day use area directly adjoins a residential development, adequate screening or fencing, to the satisfaction of the Development Authority, will be required between the uses.
- (4) Parking areas should be physically separated from the rest of the day use or picnic areas by landscaping or natural vegetation buffers.

7.9 Drive – In (Through) Oriented Businesses

- (1) Queuing space shall be provided on the same site as the development as follows:



- (a) For drive-in food services and other development having a service window, a minimum of six (6) inbound queuing spaces shall be provided for vehicles approaching the service window. One (1) outbound queuing space shall be provided on the exit side of the service window;
 - (b) For drive-through vehicle services, a minimum of five (5) inbound queuing spaces shall be provided and a minimum of two (2) outbound queuing spaces shall be provided prior to exiting unto a public roadway; and
 - (c) Each queuing space shall be a minimum of 5.5 m (18 ft) long and 3.0 m (9.84 ft) wide. Queuing lanes shall provide sufficient space for turning and maneuvering.
- (2) Service Stations and Gas Bars:
- (a) A canopy over a pump island may extend to within 3.0 m (9.84 ft) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section.

7.10 Home Occupations

- (1) All development permits issued for home occupations shall be revocable at any time by the Development Authority, if, in his/her opinion, the use is or has become detrimental to the amenities of the neighbourhood in which it is located.
 - (2) A permit issued for a home occupation is valid for one year or longer as determined by the Development Authority. It is the obligation of the developer to seek renewal of a development permit prior to the expiry of the time period for which the initial permit was issued. The Development Authority shall consider the renewal on its merits.
 - (3) A stop order may be issued at any time if, in the opinion of the Development Authority, the operator of the home occupation has violated any provision of this Bylaw or conditions of the approval of the development permit.
 - (4) General Regulations
- All home occupations shall comply with the following requirements;
- (a) In addition to a development permit application, each application for a home occupation shall be accompanied by a description of the business to be undertaken in the dwelling, an indication of the anticipated number of business visits per week, and details for the provision of parking along with other pertinent details of the business operation.
 - (b) 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.
 - (c) 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.
- (d) No offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance detectable beyond the boundary of the lot on which the home occupation is located shall be produced by the home occupation.
- (e) There shall be no exterior signage, display or advertisement other than a business identification sign which shall not exceed 1.0 m² (10.8 ft²) in size unless otherwise granted in a separate development permit.
- (f) In the Residential Districts, no more than one (1) commercial vehicle, up to the size of a tandem truck, to be used in conjunction with the home occupation, shall be parked on the site. The parking space for the commercial vehicle shall be either within a garage or adequately screened and sited behind the main building to the satisfaction of the Development Authority.
- (g) In the Urban Reserve (UR) District, not more than four (4) commercial vehicles, each with one (1) accessory trailer, to be used in conjunction with a major home occupation, shall be parked or maintained on the site.

(5) Additional Regulations Affecting Minor Home Occupations

In addition to the requirements of **subsection (4)** above, a minor home occupation shall comply with the following regulations:

- (a) A minor home occupation shall not occupy more than 20% of the gross floor area or 30 m² (323 ft²) of the main building, whichever is greater.
- (b) There shall be no outdoor business activity or outdoor storage of material or equipment associated with the minor home occupation allowed on the site. Storage related to the minor home occupation shall be allowed in either the dwelling or accessory buildings.
- (c) Up to five (5) business visits per day are allowed.
- (d) Exterior alterations or additions to accommodate a minor home occupation shall not be allowed.
- (e) A minor home occupation shall not employ any person on-site other than the occupants of the dwelling.

(6) Additional Regulations Affecting Major Home Occupations

In addition to the requirements of **subsection (4)** above, a major home occupation shall comply with the following regulations:



- (a) The number of non-resident employees working on-site shall not exceed two (2).
- (b) Up to eight (8) business visits per day are allowed.
- (c) Any interior or exterior alterations or additions to accommodate a major home occupation may be allowed at the discretion of the Development Authority, as long as such alterations comply with this Bylaw and the Alberta Safety Codes thereunder.

7.11 Industrial Developments

- (1) The Development Authority may request advisory comment from various departments within the Provincial and Federal Government and/or from the Health Authority, when considering an application for the establishment of an industrial use.
- (2) All site regulations and development requirements, including any requirement for buffers, shall be based upon the type of industrial development proposed and shall be at the discretion of the Development Authority.
- (3) A development permit for an industrial use may only be issued if, in the opinion of the Development Authority, the applicant can satisfy the Development Authority with respect to any concerns about:
 - (a) The type and level of exhaust that may be emitted into the atmosphere by the proposed development;
 - (b) Servicing requirements and provisions for meeting them; and
 - (c) Any costs associated with providing new or upgraded municipal services associated with the proposed development.

7.12 Manufactured Home Parks

- (1) Manufactured home stalls shall be located minimum of 3.0 m (10.0 ft) from the manufactured home park boundary. The setback strip shall be landscaped and/or fenced to the satisfaction of the Development Authority.
- (2) The minimum size for a manufactured home stall shall be 464.5 m² (5000.0 ft²).
- (3) All roads shall be constructed and maintained to the satisfaction of the Development Authority. The minimum road right-of-way width shall be 9.14 m (30.0 ft).
- (4) There shall be safe, convenient, all-season pedestrian access of not less than 1.0 m (3.3 ft) in width for the intended use between individual manufactured homes, the park streets and all community facilities provided for park residents.



- (5) Visitor parking spaces shall be provided as required by the Development Authority, and shall not be used for the storage of boats, recreational vehicles, trailers, etc.
- (6) Two (2) off-street parking spaces shall be provided on or adjacent to each recreational space as required by the Development Authority.
- (7) A minimum of 10% of the gross site area shall be devoted to recreational use or recreational space as required by the Development Authority.
- (8) All areas not occupied by manufactured homes and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities, shall be fully landscaped to the satisfaction of the Development Authority. Screen fences or walls shall be erected where deemed necessary by the Development Authority around laundry yards, refuse collection points and playgrounds.
- (9) No part of the park shall be used for non-residential purposes except such uses as are required for the direct servicing and well-being of the park resident and for the management and maintenance of the park.
- (10) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
- (11) Street lighting shall be to the same standard as that in a conventional residential neighbourhood.
- (12) Manufactured homes shall be separated from each other by at least 6.10 m (20.0 ft) side-to-side and at least 3.05 m (10.0 ft) from either front or rear stall line, provided further that any porch or addition to the manufactured home is regarded as part of the manufactured home for the purpose of spacing. Notwithstanding the above, the minimum side yard requirement shall be 3.05 m (10.0 ft).
- (13) The minimum site area shall be 2.02 ha (5.0 ac).
- (14) The maximum permissible density shall be fifteen (15) manufactured home spaces per gross developable hectare (6 per acre) of the area actually being developed at each stage of the development.

7.13 Manufactured Homes

- (1) Before a development permit is issued for a manufactured home, the Development Authority shall normally receive verification that the home fully complies with both the CSA Z240 MH National Manufactured Home Standard and the Alberta Building Code (ABC). If the CSA Z240 sticker or the Alberta Municipal Affairs sticker verifying compliance to the ABC is missing, the Development Authority may require an inspection by an Alberta Safety Codes Officer or structural engineer certified to conduct such inspection.
- (2) Should an inspection by an Alberta Safety Codes officer be required, and should the inspection indicate that upgrades to the manufactured home are necessary to



bring the home into compliance with the CSA Z240 standard or the ABC, all required upgrades shall be made before the issuance of a development permit.

- (3) In addition to the requirements of **subsection (1)**, a manufactured home located within a residential District must meet the following aesthetic regulations:
- (a) The height of the main floor above grade shall be consistent with the height of the main floor of dwellings in the immediate and general area.
 - (b) The roof pitch shall be consistent with the roof pitch of dwellings in the immediate and general area.
 - (c) Exterior finishing materials used on the roof and exterior walls shall be consistent with the materials used on dwellings in the immediate and general area and in good condition.
 - (d) Minimum roof overhang or eaves should be consistent with the overhang or eaves of dwellings in the immediate or general area.
 - (e) The design of each manufactured home shall ensure the side or end facing the street on which the home fronts contains a prominently placed front door, and windows in quantity and size that are consistent with dwellings in the immediate area.
 - (f) Every manufactured home shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed.
 - (g) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
 - (h) All accessory structures, such as patios, porches, additions and skirting, shall be:
 - (a) factory-prefabricated units or the equivalent thereof, and so designed and erected as to harmonize with the manufactured homes, and
 - (b) considered as part of the main building; and
 - (c) erected only after obtaining a development permit.
 - (i) The floor area of porches and additions shall be proportionate to the floor area of the manufactured home unit and this relationship shall be determined by the Development Authority.
 - (j) No accessory building, use or parking space shall be located in the front yard of a manufactured home use.



- (k) For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered storage or screening either individually on the lot or communally, and shall conform to the Alberta Building Codes (ABC) standards.
- (l) The following regulations also apply to manufactured home uses located in residential subdivisions and manufactured home parks:
 - (a) The hitch and wheels are to be removed from the manufactured home.
 - (b) All manufactured homes shall be placed on a full perimeter foundation that complies with the Alberta Building Code unless the manufactured home is designed to be supported on longitudinal floor beams, in which case an alternate skirted foundation system as described in CSA Z240.10.1 may be employed; and
 - (c) The full perimeter foundation or the skirting material utilized on an alternative skirting foundation should be parged in order create the same finished appearance customarily found on concrete basements of single detached dwellings in the immediate and general area.
 - (d) The property is to be grassed and landscaped within one (1) year from the date of issue of the development permit.
 - (e) Minimum lot area and width may be less in the case of existing registered substandard lots, with the approval of the Development Authority.
- (4) Any required aesthetic upgrades to the manufactured home must be completed before the issuance of the development permit. The completion of foundation or skirting material must be completed within thirty (30) days of the placement of the manufactured home on a site.
- (5) With the exception of driveways, no accessory building or use shall be located in the front yard of a manufactured home park or any Residential District.

7.14 Motels & Hotels

- (1) A person applying to develop a site as a motel or hotel where permitted under this Bylaw shall comply with the following provisions of this section.
- (2) Site Requirements for Motels and Hotels:

MINIMUM SITE AREA	YARDS	MINIMUM FLOOR AREA / UNIT
One Storey		



139.3 m² (1500 ft²)	Front 7.6 m (25 ft)	26.4 m ² . (285 ft ²)
	Side 3 m (10 ft)	
	Rear 3 m (10 ft)	
Two Storey		
93 m² (1000 ft²) per floor	Front 7.6 m (25 ft)	26.4 m ² (285 ft ²)
	Side 3 m (10 ft)	
	Rear 3 m (10 ft)	

Table 6: Site Requirements for Motels

(3) **Space Between Buildings**

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.6 m (12.0 ft) of clear and unoccupied space shall be provided between each rentable unit and any other building on the site.

(4) **Driveways**

Each rentable unit shall face onto or abut a driveway not less than 6 m (20 ft) in width and shall have unobstructed access thereto.

(5) **Entrances and Exits**

Not more than two (2) motor vehicle accesses, each with a minimum of width of 7.5 m (25 ft) and a maximum width of 12 m (40 ft) shall be permitted.

(6) **Maintenance of Site and Buildings and Business**

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

- (a) Maintain the site and the buildings, structure and improvements thereon in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
- (b) Maintain refuse and/or incineration facilities to the satisfaction of the Development Authority.
- (c) Maintain an appropriate fence where required, no less than 0.9 m (3 ft) in height around the boundaries of the site and shall landscape and keep the site landscaped, to the satisfaction of the Development Authority.



7.15 Multi-Dwelling Developments

- (1) The following application procedure applies to apartments and duplex development:
 - (a) Before any development permit application can be considered by the Development Authority, the applicant must submit:
 - (i) design plans and working drawings including elevations which have been done or endorsed by a registered architect;
 - (ii) site plans showing the proposed:
 - (A) location and position of structures on the site, including any “For Rent” or identification signs;
 - (B) location and number of parking spaces, exits, accesses and drives from public roads;
 - (C) location of an access to refuse storage areas and incinerators and the fencing and landscaping of such facilities; and
 - (D) landscaping plan of the entire site which shall show intended surfacing for drives and parking areas.
 - (b) The plans identified above will append the application and, once approved, shall be deemed conditions of approval. The Development Authority may require a performance bond from the developer if deemed necessary.

7.16 Neighbourhood Commercial Developments

- (1) Neighbourhood commercial developments located entirely within a standalone building or located within a building that also contains residential use may be allowed to locate in the R1, R2, R3, MHS and MHP Districts provided the development meets all of the other regulations of this Bylaw and, further, that the development:
 - (a) does not include as part of its operation a gas bar or vehicular servicing component, and/or
 - (b) is situated on a corner lot with safe access to a collector road.
- (2) The façade of a building containing a neighbourhood commercial development that is located in a Residential District must be integrated with the surrounding residential area.
- (3) The height of a building containing a neighbourhood commercial development in a Residential District may not exceed twice the height and massing of adjacent buildings.





Figure 40: Neighbourhood Commercial Development

7.17 Pet Keeping and Animal Breeding and/or Boarding Facilities

- (1) No fur bearing animals, fowl or livestock other than small domestic pets such as cats and dogs may be permitted within the Residential Districts.
- (2) No livestock, whether or not the keeping of such livestock is considered to be a confined feeding operation for which neither an approval nor a registration is required pursuant to the Agricultural Operations Practices Act, other than small domestic pets such as cats and dogs, may be allowed in any Residential District.
- (3) The keeping of more than three (3) dogs on any lot, whether the dogs are being bred or boarded, shall be allowed at the discretion of the Development Authority only in those Districts where animal breeding and/or boarding facilities are listed as discretionary use in this Bylaw.
- (4) The maximum number of dogs to be kept on-site in each of the above Districts shall be in accordance with the Animal Control Bylaw.
- (5) In determining the number of dogs, pups less than six (6) months of age shall not be included.
- (6) For animal breeding and/or boarding facilities, an exercise area shall be provided for each dog as follows:
 - (a) breeds weighing 16 kg (35 lbs.) or less – at least 2.3 m² (25.0 ft²) per dog; and
 - (b) breeds weighing more than 16 kg (35 lbs.) – at least 4.6 m² (50.0 ft²) per dog.
- (7) No building or exterior exercise area to be used to accommodate dogs shall be allowed within 25.0 m (82.0 ft) of any lot line of the lot for which an application is made.
- (8) No building or exterior exercise area to be used to accommodate dogs shall be allowed within 300 m (1000 ft) of any dwelling located on adjacent lots.



- (9) All exterior exercise areas (runs) shall be enclosed with an acceptable fence with a minimum height of 2.0 m (6.5 ft).
- (10) All dogs in animal breeding and/or boarding facilities shall be kept within buildings or a fenced area at all times when not leashed.
- (11) All dog facilities shall be cleaned on a daily basis, and all feces shall be stored in an enclosed container and disposed of in a sanitary manner.
- (12) Pens, rooms, exercise runs and holding stalls shall be soundproofed where possible to the satisfaction of the Development Authority.
- (13) A separate air extractor system shall be provided in the animal shelter or holding area where heating and air conditioning is necessary.
- (14) All facilities and operations shall be in compliance with applicable Provincial regulations.
- (15) All development permits issued for animal breeding and/or boarding facilities shall be subject to cancellation if any of the above requirements, or any other condition of the development permit, is not adhered to.

7.18 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 930 m² (10,010 ft²) except in the case where a building for a clergy person's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1400.0 m² (15,069.5 ft²).
- (2) Front, side and rear yards shall be those permitted within the district in which the place of worship site is located.

7.19 Recreational Uses

- (1) Recreational development shall be required to:
 - (a) maintain an open space buffer of sufficient size and composition to act as a visual and noise barrier from adjacent uses which may be incompatible; and
 - (b) install, when necessary, adequate on-site water supply and sewage disposal systems which have been approved by the authority having jurisdiction.

7.20 Recreational Vehicle Campgrounds

In addition to the requirements of **Section 7.22**, Recreational Vehicle Campgrounds shall comply with the following regulations:



- (1) Development of roads, facilities and recreational vehicle sites shall occupy no more than two-thirds of the proposed site, leaving a minimum of one-third of the site in its natural state (or landscaping one-third to the satisfaction of the Development Authority).
- (2) Recreational Vehicle Campgrounds should be designed and landscaped to minimize disturbance to the natural environment and to protect heavy use areas from damage.
- (3) The entire site design shall be at the discretion of the Development Authority.
- (4) Where the campground directly adjoins a residential area, adequate screening or fencing shall be provided, to the satisfaction of the Development Authority.
- (5) A sufficient number of picnic tables, fire pits and refuse facilities shall be provided to accommodate the design capacity of the campground. Exact numbers shall be at the discretion of the Development Authority.
- (6) On recreational vehicle campgrounds located next to a lake, if boat launching and swimming facilities are not provided, alternative locations for the same should be indicated on a map or sign on the site.
- (7) An adequate potable water supply and sewage disposal facilities shall be provided, in accordance with Provincial regulations and/or the Alberta Safety Codes Act, as applicable.
- (8) A portion of the campsites should be serviced by electrical, water or sewage disposal hookups.
- (9) Each recreational vehicle parking stall shall be a minimum width of 10.0 m (32.8 ft) and a minimum area of 250.0 m² (2691.0 ft²).
- (10) 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.
- (11) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service the development, including Town roads, water and waste water infrastructure, and solid waste management facilities, either on- and/or off-site of the development.
- (12) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft) usable top, except for one-way roads, which shall have a minimum of a 3.7 m (12.0 ft) usable top.

7.21 Recreational Vehicle Campground, Workcamps

- (1) Provisions in this section apply to recreational vehicle campground, workcamps.



- (2) Each space for a recreational vehicle shall have a minimum width of 10.0 m (32.8 ft) and a minimum area of 250.0 m² (2,691.0 ft²),
- (3) All spaces for recreational vehicles shall maintain a minimum setback of 30.0 m (98.4 ft) from the shoreline of any body of water.
- (4) Minimum Yard Setbacks:
 - (a) Front, side, corner and rear yard setbacks on the site shall be 7.6 m (25.0 ft).
- (5) The maximum number of recreational vehicles allowed per space shall be one (1).
- (6) All recreational vehicle campground, workcamps shall be considered temporary developments.
- (7) All recreational vehicle campground workcamps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (8) A development permit for a recreational vehicle campground workcamp may be issued for up to three (3) years. If all conditions have not been satisfied to the satisfaction of the Development Authority then the permit will no longer be considered valid. The permit must be renewed after the three (3) year period. An application may be made for a continuance of the use for one (1) additional year, after which a new development permit approval is required.
- (9) The Development Authority may establish whatever conditions for the approval of a recreational vehicle campground, workcamp that it, at its discretion, deems reasonable to ensure that the workcamp will be a temporary development.
- (10) If all of the conditions of the development permit have not been fulfilled to the satisfaction of the Development Authority then the permit will not be considered valid.
- (11) In addition to the requirements of **Section 2.4 of the Bylaw**, an application for a development permit for a recreational vehicle campground workcamp must provide the following information:
 - (a) the location, type and purpose of the camp,
 - (b) adjacent land uses,
 - (c) the method for connecting the proposed development to municipal water, sewage, waste disposal and storm water systems,
 - (d) the number of persons proposed to live in the camp,
 - (e) the start date for the development, date of occupancy by residents, and removal date for the camp, and
 - (f) reclamation measures to be completed once the camp is no longer needed to the satisfaction of the Development Authority.



- (12) 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 Safety Codes Act that may be applicable.
- (13) As a condition of approval, the Development Authority may require that the developer construct, upgrade, or pay to construct or upgrade any necessary municipal infrastructure to service to the development.
- (14) All internal roads shall be the responsibility of the Developer for both construction and future maintenance. Also, internal roads shall have a minimum of a 6.0 m (20.0 ft) usable top, except for one-way roads, which shall have a minimum of a 3.65 m (12.0 ft) usable top.
- (15) The developer shall provide on-site potable water supply in accordance with the municipality's Master Services Plan as well as all applicable Provincial regulations.
- (16) The developer shall provide sewage disposal facilities in accordance with the municipality's Master Services Plan as well as all applicable Provincial regulations.
- (17) All stalls designated for year round use must have on-site connections to municipal sewer and water systems.
- (18) The developer shall be required to enter into a development agreement with the municipality as a condition of development approval. The development agreement will include provisions requiring the developer to construct, upgrade, or pay to construct or upgrade the necessary municipal roads to access the development when determined necessary by the Development Authority.
- (19) A site plan detailing the protection of existing treed areas and site topography is required prior to issuance of a development permit.
- (20) All other site requirements shall be as required by the Development Authority.
- (21) All recreational vehicle campground, workcamps must:
 - (a) ensure that all required access, including internal roadways and intersection improvements, are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (b) be designed so that all points of access and egress are located to the satisfaction of the Development Authority and when required, Alberta Transportation;
 - (c) be able to accommodate a minimum of twenty (20) persons and a maximum of five hundred (500) persons;
 - (d) be secured by the installation of appropriate security and buffering measures such as berms, fences and landscaping. The form of the buffering will be determined by and to the satisfaction of the Development Authority;



- (e) if required by the development authority, provide on-site security staff to the satisfaction of the Development Authority;
 - (f) provide and develop all parking on the lot to the satisfaction of the Development Authority. Normally, on site parking for private vehicles will adhere to the same standard as parking for a hotel or motel;
 - (g) post security with the municipality sufficient to ensure removal of the development and/or reclamation of the site if needed after the recreational vehicle campground, workcamp has been removed from the site; and
 - (h) be separated from adjacent land uses.
- (22) Maximum site coverage shall be such that space is available for all the parking on the site, together with the applicable setbacks and required landscaping as determined by the Development Authority.
- (23) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.
- (24) The development must comply with current Building and Fire Code requirements as amended from time to time.
- (25) Because of the number of temporary workers and related traffic impacts the applicant will also be required to provide a report which details the following:
- (a) discussions with and impact on the local RCMP,
 - (b) discussions with and impact on the local Emergency Medical Services,
 - (c) discussions with and impact on the local Fire Department, and
 - (d) discussions with and impact on the local road system including a Traffic Impact Assessment.
- (26) Any other conditions required to the satisfaction of the Development Authority.

7.22 Recreational Vehicles

- (1) No person shall use any vehicle for occupancy within the Town limits, other than within an approved campground in the Parks and Recreation District.
- (2) One (1) recreational vehicle may be stored in the required front yard in any residential district or in the case of a corner lot, in a required front yard or flanking side yard in any residential district. The following provisions apply:
 - (a) The recreational vehicle must be entirely located within the boundaries of the subject site; and
 - (b) The recreational vehicle must be located on a hard surfaced driveway or pad



- (3) No person shall keep more than one (1) recreational vehicle on a residential lot at any time.
- (4) No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.

7.23 Recreational Vehicles Located in Recreational Vehicle Campgrounds & Recreational Vehicle Campgrounds, Workcamps

- (1) No recreational vehicle, whether located within a recreational vehicle park or on a lot, may have associated with it any more than two (2) accessory structures, buildings or other paraphernalia, in addition to fences, benches, fire pits and picnic tables. A small shed with a maximum size of 18.58 m² (200 ft²) and a screened or roofed patio around or beside the recreational vehicle is permitted.
- (2) Except for a recreational vehicle on a lot, the total gross floor area or ground area covered by all accessory structures, buildings or other paraphernalia (other than those indicated in **subsection (1)**) shall not exceed 50% of the lot size.

7.24 Relocation of Buildings & Moved on Modular Housing

- (1) No person shall alter the location of a building on a parcel already constructed on that parcel, unless a development permit has been issued.
- (2) No person shall place on a parcel of land a building formerly erected or placed on a different parcel, including portable pre-fabricated buildings and/or modular homes without an approved development permit.
- (3) In addition to the requirements of **Section 2.4**, the Development Authority may require an application for a development permit for a relocated building, or a modular home to be accompanied by:
 - (a) Recent colour photographs showing all sides of the building;
 - (b) A statement on the age and general condition of the building;
 - (c) A statement prepared and signed by a qualified person on the structural condition of the building;
 - (d) A statement of proposed improvements to the building; and
 - (e) A certificate confirming compliance with the Alberta Building Code; and



- (f) Any other requirements or conditions as required by the Development Authority.
- (4) An application for a development permit may be approved by the Development Authority if the proposal meets all of the regulations specified under the appropriate Land Use District in which it is proposed to be located and, in the opinion of the Development Authority, is consistent with the form and character of the structures and developments in the neighbourhood in which it is to be placed.
- (5) Where a development permit has been granted for modular housing or the relocation of a building either on the same parcel or from another parcel, the Development Authority may require the applicant to provide a security in the form of an irrevocable letter of credit of such amount to ensure completion of any renovations or other construction set out as a condition of approval of a permit.
- (6) Where a relocated building, modular housing or other structures are placed on a permanent foundation that elevates the modular home/structure above grade, such relocated building, modular home/structure shall be enclosed as to completely screen the underside and foundation from view. The enclosure shall be constructed using the same or similar material from which the modular home/structure is constructed and shall compliment the appearance and character of the modular housing/structure, site and surrounding structures in the neighbourhood to the satisfaction of the Development Authority.
- (7) All structural and exterior renovations shall be completed within one year of the issuance of a development permit.

7.25 Residential Uses

- (1) In all residential districts, residential development shall not be allowed on land having critical development constraints. The following list of development criteria shall be used in determining the suitability of land for seasonal and permanent residential development:
 - (a) development shall be prohibited on slopes in excess of 15%, except where a geotechnical report prepared by a certified engineer which identifies any slope stability issues and mitigation requirements is provided to the satisfaction of the Development Authority.
- (2) Development for multi-lot residential purposes shall be prohibited:
 - (a) on sites where adequate year-round access is not available by either a paved road in good condition
 - (b) on sites where necessary services are not provided at the sole expense of the developer



- (3) Where there is an approved Outline Plan or Area Structure Plan, regulations in that Plan will apply.

7.26 Satellite Dishes

- (1) A satellite dish antenna with a dish diameter greater than 1.0 m (3.3 ft) shall:
 - (a) Only be located in a rear yard, or a side yard which does not abut a street;
 - (b) On an interior parcel, be situated so that no part of it is closer than 1.0 m (3.3 ft) from the side or rear boundaries of the parcel;
 - (c) On a corner parcel, be situated so that no part of it is closer to the street than the main building, or closer than 1.0 m (3.3 ft) from the other side parcel boundary or the rear parcel boundary;
 - (d) Display no other advertising than the manufacturer's name/logo; and
 - (e) Require an approved development permit.
- (2) A satellite dish antenna with a dish diameter equal to or less than 1.0 m (3.3 ft) shall be located to the satisfaction of the Development Authority.
- (3) A site plan, showing the location for the satellite dish in relation to other buildings on the lot, shall be submitted at the time of development permit application.

7.27 Sea Cans and Shipping Containers

- (1) The permanent placement of sea cans or shipping containers shall not be allowed on any parcel within a Residential District.
- (2) Notwithstanding the above, a development permit may be issued for the temporary placement of one sea can or shipping container on a parcel within a Residential (R1, R2 and R3) District on a temporary basis during the construction of the principal dwelling.
- (3) If a temporary development permit for a sea can or shipping container has been approved by the Development Authority then the sea can or shipping container may be placed on a site for a period of six (6) months. After that period has expired the developer will be required to apply to the Town for an extension for the permit. Extensions may be issued for up to six (6) month intervals at the discretion of the Development Authority.
- (4) The maximum number of sea cans or shipping containers that may be placed on an urban reserve, commercial or industrial parcel is at the discretion of the Development Authority.
- (5) The placement of a sea can or shipping container on any urban reserve, commercial or industrial parcel requires a development permit.



- (6) Sea cans or shipping containers may not be stacked. The maximum height for a sea can or shipping container allowed on a parcel is 3.0 m (10.0 ft).
- (7) Sea cans or shipping containers located in a residential district may be a maximum of 6.0 m (20.0 ft) in length.
- (8) Sea cans or shipping containers cannot be used as a dwelling, bunk house or guest house within the Town.
- (9) No human or animal habitation will be permitted within a sea can or shipping container.

7.28 Service Stations and Gas Stations

- (1) A person applying to develop a site as a service station or gas station establishment where allowed under this Bylaw shall comply with the following provisions of this section.
- (2) Service and gas stations shall be located in such a manner that:
 - (a) No entrance or exit thereto for motor vehicles shall be within 60.9 m (200.0 ft) of an entrance to or exit from a public or quasi-public use.
 - (b) No part of a service station or gas station building or any pump or other accessory building shall be within 6.0 m (20.0 ft) of a side or rear property line.
 - (c) Service stations shall have a front yard of not less than 12.2 m (40.0 ft), and no gasoline pump shall be located closer than 6.0 m (20.0 ft) to the front property line.
 - (d) Storage tanks shall be set back from adjacent building in accordance with applicable provincial requirements.
- (3) Site Area and Coverage
 - (a) The minimum site area shall be 743.2 m² (8,000.0 ft²) and the maximum building coverage shall be 25% of the site area. For service stations including car washes the minimum site area shall be 1114.9 m² (12,000 ft²).
 - (b) In the case of a service station designed and built as part of a shopping centre, the ratio of building space to parking space shall be as determined by the Development Authority.
- (4) Surfacing
 - (a) All parts of the site to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Authority.
- (5) Lighting



- (a) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.
- (6) Use and Maintenance of Service Station Site and Building

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

 - (a) Be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour, smoke or vibration.
 - (b) Be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or when repaired or serviced thereat, and without restricting the generality of the foregoing, shall see:
 - (i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service stations, and
 - (ii) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere.
 - (c) Maintain on the boundaries of the site, where required by the Development Authority, an appropriate fence not less than 1.5 m (5.0 ft) in height.

7.29 Show Homes

- (1) In addition to the information required for a development permit application, the following additional information shall be submitted to the Development Authority for a development permit application for a show home:
 - (a) Proposed hours of operation;
 - (b) Anticipated number of clients expected at the show home on a daily basis and the location and number of parking stalls on site;
 - (c) Location of all proposed exterior lighting; and
 - (d) Location of any signs proposed for the site.
- (2) The building shall not be operated as a show home or sales office for a period in excess of twelve months without the renewal of the Development Permit.
- (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.



7.30 Small Radio Communication Facilities

- (1) A Small Radio Communication Facility, where allowed as a discretionary use under this Bylaw, shall require an application for a development permit and may be approved provided that the structure and apparatus:
 - (a) have Industry Canada approval;
 - (b) be camouflaged and, as far as possible, have the appearance and aesthetic of other buildings permitted in the District;
 - (c) meet the setback requirements of the District or meet setback requirements that are satisfactory to the Development Authority;
 - (d) be limited to a maximum height of 18.0 m (59.0 ft) at its highest point. The height of a ground-mounted antenna and support structure shall be determined by measurement from the point at which the support structure enters the typical ground surface to the top of the antenna at its highest position;
 - (e) be a free-standing, ground-mounted unit;
 - (f) notwithstanding (e) above, a roof-mounted unit shall be allowed where the applicant can demonstrate that a ground-mounted unit would prohibit adequate transmission or reception of radio signals. The antenna and support structure of a roof-mounted unit shall be installed on the roof of a building to a maximum combined height of 18.0 m (59.0 ft) from the typical ground surface to its highest point;
 - (g) be located in a rear yard only;
 - (h) not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
 - (i) be landscaped to screen the base of the antenna and reduce the negative visual impact on adjacent properties. The Development Authority may require screening and landscaping around the lower portion of the support structure where, in the opinion of the Development Authority, such measures would reduce potential negative visual impact of the structure on adjacent properties.
- (2) All Telecommunication Facilities shall have landscaping that reflects the typical landscaping in the District.
- (3) The development of all Telecommunication Facilities shall follow the regulations of Industry Canada including public consultation as required.



7.31 Solar Energy Collection Systems

- (1) Location
Ground mounted solar collectors shall be located in a side or rear yard only.
- (2) When a solar energy collection system is installed on a lot, accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is the portion which:
 - (a) is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical 12-foot obstruction located on the lot line; and
 - (b) has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, to be served.
- (3) **Subsection (2)** above does not apply to structure or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or the effective date of this Bylaw, whichever is later. Said subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

7.32 Suite, Garage

- (1) A garage suite shall be restricted to a site occupied by a single detached dwelling.
- (2) A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- (3) A maximum of one garden suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- (4) A garage suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).
- (5) A garage suite shall remain accessory to and subordinate to the use of the garage and the floor areas of the garage suite.
- (6) The minimum floor area for an at-grade garage suite is 30.0 m² (322.9 ft²).
- (7) The minimum floor area for an above-grade suite is 30.0 m² (322.9 ft²).
- (8) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garage suite.
- (9) A garage suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet and bathing facilities.



- (10) A garage suite shall have an entrance separate from the entrance to the garage, either from a common indoor landing or directly from the exterior of the structure.
- (11) At-grade garage suites shall be a maximum height of 4.5 m (14.8 ft).
- (12) Above-grade garage suites shall be a maximum height of 5.5 m (18.0 ft) for suites with a flat roof, and 7.3 m (24.0 ft) for suites with a sloped roof, provided that the maximum height is not higher than the height of the main dwelling.
- (13) A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.

7.33 Suite, Garden

- (1) A maximum of one garden suite may be situated on a single lot in districts where the use is provided for as permitted or discretionary.
- (2) A garden suite shall only be allowed on a lot occupied by a single family dwelling.
- (3) A garage suite shall not be constructed on a lot with a duplex, fourplex, row housing or apartment housing.
- (4) If a permit for a garden suite is approved by the Development authority then no additional garage suite, in-law suite or secondary suite shall be allowed on the same lot.
- (5) Notwithstanding any other provisions in this Bylaw, a garden suite shall only be permitted to be constructed on a lot concurrently with the main use or after the main use on the lot has been built.
- (6) The exterior finish of a garden suite must be well maintained and consistent with the finish of the primary building.
- (7) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the garden suite.
- (8) A garden suite includes, but not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove (or provision of 220 volt wiring) and toilet with bathing facilities.
- (9) The minimum floor area for a garden suite shall be 30.0 m² (322.9 ft²).
- (10) A garden suite shall remain accessory to and subordinate to the principal dwelling and shall not exceed 80.0 m² (860.0 ft²) in floor area.
- (11) Garden suites shall have a maximum height of 4.3 m (14.1 ft).
- (12) A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.



- (13) Windows contained within a garden suite shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
 - (a) off-setting window placement to limit direct views of abutting rear or side yard amenity areas, or direct view into a Garden Suite window on an abutting site;
 - (b) strategic placement of windows in conjunction with landscaping or the placement of other accessory buildings; and
 - (c) placing larger windows such as living room windows, to face a lane, a flanking street, or the larger of any side yard abutting another property.
- (14) A garden suite shall not be subject to separation from the principal dwelling through a condominium conversion or subdivision.

7.34 Suite, In-Law

- (1) An in-law suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- (2) An in-law suite is prohibited from being constructed within a multi-attached dwelling or apartment housing.
- (3) A maximum of one in-law suite shall be permitted on any single detached dwelling of semi-detached dwelling lot.
- (4) An in-law suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.0 ft²).
- (5) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the in-law suite.
- (6) An in-law suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (7) An in-law suite does not have an entrance separate from the entrance to the main dwelling.
- (8) The minimum floor area for an in-law suite is 30.0 m² (322.9 ft²).



7.35 Suite, Secondary

- (1) A secondary suite shall be restricted to a site occupied by a single detached dwelling or a duplex.
- (2) A secondary suite shall not be constructed within Row housing or Apartment housing.
- (3) A maximum of one secondary suite is permitted on any single detached dwelling lot.
- (4) A secondary suite shall remain accessory to and subordinate to the main dwelling and shall not exceed 80.0 m² (860.1 ft²).
- (5) Shared mechanical rooms and common areas shall be excluded from the floor area calculation of the secondary suite.
- (6) A secondary suite includes, but is not limited to, a food preparation area, counter/cupboard space, sink, refrigerator, stove or provision of 220 volt wiring and toilet with bathing facilities.
- (7) A secondary suite has an entrance separate from the entrance to the main dwelling, either from a common indoor landing or directly from the exterior of the structure.
- (8) A secondary suite may include the conversion of a portion of existing space in the main dwelling, or the addition of new floor space to an existing dwelling.
- (9) The minimum parcel size for a secondary suite is 360.0 m² (3875.0 ft²).
- (10) The minimum lot width requirement for secondary suites is 12.2 m (40.0 ft).
- (11) The minimum area for a secondary suite is 30.0 m² (322.9 ft²).
- (12) A secondary suite cannot exceed the maximum height of the main dwelling.
- (13) Prior to development permit approval the developer must submit, along with an application for a development permit, a parking plan that indicates the location and size of the onsite parking spaces.
- (14) A minimum of three (3) on-site parking spaces shall be required for lots with approved garage suite development. Tandem parking may be permitted at the discretion of the Development Authority.

7.36 Suite, Surveillance

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
 - (a) A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the main use of the subject parcel. Moreover, in the opinion of the Development



Authority, the placement of a surveillance suite shall be compatible with all existing, main development/land uses on adjacent properties and shall not interfere with future main development/land uses of adjacent properties.

- (b) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Authority may issue a development permit for one surveillance suite per associated development or parcel.
- (c) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - (i) a minimum of 1.8 m (6.0 ft) from any buildings; and
 - (ii) a minimum of 1.8 m (6.0 ft) from the rear and side property lines; and
 - (iii) no closer than the front line of the main building to the front property line.
- (d) The maximum floor area of any non-basement surveillance suite, as defined in this Bylaw, shall be 46.6 m² (500.0 ft²).
- (e) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Authority, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

7.37 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 in ground swimming pool or hot tub. All private swimming pools and hot tubs equal to or greater than 60.96 cm (24.0”) in depth require building and safety code approval(s). If the Alberta Building and Safety Code Act is revised to change the requirements for a building permit for a pool or hot tub then the current building and safety code requirements will apply.
- (2) Private swimming pools and hot tubs shall not be located within any required minimum front yard.
- (3) Every private swimming pool or hot tub shall be secured against entry by the public other than owners, tenants, or their guests.
- (4) No private swimming pool or hot tub may be constructed except within an enclosed building unless it is entirely fenced, except that a wall of a building may be



considered to replace any part of the required fence provided that the wall is a minimum of 1.8 m (6.0 ft.) in height for the length that it replaces the fence.

- (5) Every fence enclosing a private swimming pool or a hot tub constructed outside of an enclosed building shall be 1.8 m (6.0 ft.) in height or, at the discretion of the Development Authority, higher, and shall be of appropriate design to limit the ability of persons to use the fence parts to climb the fence or to crawl through or under the fence. Gates shall be equipped with a self-latching device and a lock mechanism located on the inside of the gate.
- (6) No barbed wire or electrification of any part of a fence or gate enclosing a swimming pool or hot tub shall be allowed.

7.38 Vehicle Washing Establishments

- (1) A person applying to develop a site as a car washing establishment where allowed under this Bylaw shall comply with the following provisions of this Section.

- (2) Site Location

In addition to those Districts where vehicle washing establishments are permitted or discretionary, a vehicle washing establishment may be allowed as a discretionary use as part of a shopping centre if the Development Officer is satisfied that it will not adversely affect an adjoining land use or the function for the shopping centre in relation to traffic circulation.

- (3) Site Area

The minimum site area shall be 557.4 m² (6,000.0 ft²) and shall contain storage space for ten (10) vehicles prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations including car washes, a minimum site area shall be 111.5 m² (1,200.0 ft²).

- (4) Site and Building Requirements

All site and building requirements shall be to the satisfaction of the Development Authority.

7.39 Wind Conversion Systems, Large

- (1) Prior to making a decision on an application for a development permit for a large wind energy conversion system, the Development Authority shall consider input from:
 - (a) any adjacent municipality should the proposed development be located within 2 km (1.2 miles) of the municipality; and
 - (b) landowners within 2 km (1.2 miles) of the proposed development.



- (2) When making an application for a development permit for a Large Wind Energy Conversion System, the developer shall provide to the Development Authority appropriate reports and/or approvals from the following:
 - (a) Transport Canada
 - (b) NavCanada
 - (c) Alberta Culture and Community Spirit
 - (d) Alberta Environment
 - (e) Alberta Sustainable Resource Development
 - (f) Alberta Tourism, Parks and Recreation
 - (g) Alberta Transportation
- (3) Should a large wind energy conversion system discontinue producing power for a minimum of two (2) years, the system operator shall be required to provide a status report to the Development Authority. The Development Authority may then require that the system be decommissioned. Failure to comply with a decommissioning requirement shall be considered to be a breach of this Bylaw, and subject to the enforcement provisions of this Bylaw.
- (4) A large wind energy conversion system shall comply with all the setbacks related to roads and highways that govern the principal use in the district in which it is located.
- (5) Where, in the opinion of the Development Authority, the setbacks referred to in **Section 7.37(4)** above are not sufficient to reduce the impact of a large wind energy conversion system from a road or highway, the Development Authority may increase the required setback.
- (6) The turbine base shall be no closer to the property line than four times the height of the wind turbine tower. Where in the opinion of the Development Authority the setback from the property line should be varied, the Development Authority may require an acoustical study to establish appropriate setbacks.
- (7) The minimum vertical blade clearance from grade shall be 7.4 m (24.6 ft) for a wind energy conversion system employing a horizontal axis rotor unless otherwise required by the Development Authority.
- (8) To ensure public safety, the Development Authority may require that:
 - (a) a secure fence not less than 1.8 m (5.9 ft) in height with a lockable gate surround a wind energy conversion system tower if the tower is climbable or subject to vandalism that could threaten tower integrity;
 - (b) no ladder or permanent tower access device be located less than 3.7 m (12.1 ft) from grade;
 - (c) a locked device be installed on the tower to preclude access to the top of the



tower; and

- (d) such additional safety mechanisms or procedures be provided as the Development Authority may consider reasonable and appropriate.

The use of tubular towers, with locked door access, may, at the sole discretion of the Development Authority, make unnecessary the above requirements.

- (9) All power lines on the site of a large wind energy conversion system to the power grid or a power substation will be underground except where the Development Authority specifically approves overhead or above grade installations.
- (10) Unless otherwise required by the Development Authority, a large wind energy conversion system shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a system to the sole requirements of the Development Authority.
- (11) No lettering, advertising or other symbol shall appear on the towers or blades. On other parts of the large wind energy conversion system, the only lettering or symbol allowed will be the manufacturer's and/or owner's identification or symbol and then, only upon the approval of and at the sole discretion of the Development Authority.
- (12) The Development Authority may approve a large wind energy conversion system on a case-by-case basis having regard for:
 - (a) information provided in the application;
 - (b) the proximity of the proposed development to other land uses;
 - (c) the cumulative effect of all wind energy conversion systems approved or proposed in the area;
 - (d) underlying utilities; and
 - (e) information received from the circulation of the application and from the public.
- (13) Large wind energy systems must comply with applicable air traffic safety regulations. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.

7.40 Wind Conversion Systems, Micro

- (1) Notwithstanding any other provision in this Land Use Bylaw, micro wind energy conversion systems, which are systems which have a rated capacity of less than 0.5 kW, may only be roof-mounted or ground-mounted within a side or rear yard.
- (2) Micro wind energy conversion systems shall be required to conform to setback requirements for accessory buildings.



- (3) Maximum height shall be the maximum height provisions that apply within the District in which the micro wind energy conversion system is located.
- (4) One micro wind energy conversion system is allowed per lot. A second system may be permitted at the discretion of the Development Authority if the applicant can demonstrate that there is adequate room on the site.

7.41 Wind Conversion Systems, Small

- (1) Small wind energy conversion systems shall only be allowed as accessory developments.
- (2) For property sizes between 0.1 ha (0.25 ac) and 0.2 ha (0.5 ac) the wind turbine tower height shall be limited to 25.0 m (82.0 ft). For property sizes of 0.2 ha (0.5 ac) or more, there is no limitation on wind turbine tower height, subject to the setback requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or any distributor of the system.
- (3) The turbine base shall be no closer to the property line than the height of the wind turbine tower, and no part of the system structure, including guy wire anchors, may extend closer than 3.0 m (9.8 ft) to the property boundaries of the installation site. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2.0 m (6.6 ft) above the guy wire anchors. The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on current and future owners.
- (4) The mean value of the sound pressure level from small wind energy systems shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except during short-term events such as utility outages and/or severe wind storms.
- (5) Development permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- (6) Small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.



Small wind turbine towers shall not be artificially lit except as required by Nav Canada.

- (7) Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes. This information is frequently supplied by the manufacturer.
- (8) No small wind energy system that is tied into a grid shall be installed until evidence has been given that the utility has been informed of the customer's intent to install an interconnected customer-owner generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from the requirement.
- (9) One Small Wind Energy System is allowed per single detached dwelling on a lot.

7.42 Work Camps

- (1) Work camps may be allowed in Districts where they are listed as discretionary uses only:
 - (a) in areas within or immediately adjacent to existing hamlets;
 - (b) where the development of a work camp will not unduly conflict with adjacent uses and/or developments; and
 - (c) where the development of a work camp will extend or upgrade municipal services.
- (2) Notwithstanding any other provision in this Bylaw, project-oriented work camps of fifteen (15) sleeping units or less may be permitted for a maximum of twenty-eight (28) days.
- (3) All work camps shall be considered temporary developments.
- (4) All work camps require a development permit and the Development Authority shall give due regard to the need, location and type of camp, prior to rendering its decision.
- (5) No development permit for a work camp shall be approved unless:
 - (a) it is for a temporary period of time as specified by the Development Authority;
 - (b) all required access provisions are provided to the satisfaction of the Development Authority at the sole cost to the developer;
 - (c) it is connected to municipal services including, sanitary sewer, water and gas;



- (d) the developer provides undertakings and guarantees acceptable to the Development Authority, that the work camp will be removed and the subject site returned to its state before the work camp was developed upon its removal; and
 - (e) it is an accessory development to an approved industrial or commercial development for construction employees and located on the site of that industrial or commercial development.
- (6) The Development Authority may establish whatever conditions for the approval of a work camp that it, at its sole discretion, deems reasonable to ensure the work camp will be a temporary development.
 - (7) The Development Authority may, at its sole discretion, establish any conditions of approval for a work camp to ensure that the site of the development will be restored to its previous situation after the development ceases operations.
 - (8) Work camps shall not be allowed in close proximity to residential developments, determined at the sole discretion of the Development Authority.
 - (9) All parking must be provided on the lot and areas for parking developed to the satisfaction of the Development Authority.
 - (10) All points of access and egress shall be located to the satisfaction of the Development Authority.
 - (11) Maximum parcel coverage shall be such that space is available for all the parking on the lot, together with the applicable setbacks and such area as required for landscaping as determined by the Development Authority.
 - (12) Adjacent buildings in work camps shall be located sufficient distance from each other as required for fire protection purposes as determined by the Alberta Safety Codes Act and by the Development Authority.
 - (13) Screening and fencing of storage areas shall be to the satisfaction of the Development Authority.



8 | Land Use Districts

8.1 Establishment of Land Use Districts

- (1) For the purposes of this Bylaw, Town of Bruderheim is divided into the following districts:

Low Density Residential	R1
Medium Density Residential	R2
High Density Residential	R3
Manufactured Home Subdivision	MHS
Manufactured Home Park	MHP
Downtown Commercial	C1
General Commercial	C2
Business Service Transition	BST
Industrial	M1
Parks and Recreation	P
Institutional and Public Service	IPS
Utilities	U
Urban Reserve	UR
Direct Control	DC

- (2) For the purposes of this Bylaw, the R1, R2, R3, MHP and MHS Districts shall be considered to be Residential Districts, the C1, C2 and BST Districts shall be considered to be Commercial Districts, and the M1 District shall be considered the Industrial District.
- (3) The boundaries of the districts listed in this Bylaw are as delineated in the **LAND USE DISTRICT MAP**, which is **Section 9** of this Bylaw.
- (4) Where uncertainty exists as to the boundaries of districts as delineated in the **LAND USE DISTRICT MAP**, the following rules shall apply:



- Rule 1** Where a boundary is shown as following a street or lane, it shall be deemed to follow the centre line thereof.
- Rule 2** Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- Rule 3** In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:
- (a) where dimensions are set out on the LAND USE DISTRICT MAP, by the dimensions so set, or
 - (b) where no dimensions are set out on the LAND USE DISTRICT MAP with respect to such boundary, by measurement of and use of the scale shown on the LAND USE DISTRICT MAP.
- (5) 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 the measurements and directions as the circumstances may require.
- (6) The Development Authority shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.



8.2 R1 – Low Density Residential District

- (1) General Purpose

To provide areas for development of detached dwellings and complementary uses on individual lots.
- (2) Permitted Uses
 - (a) Buildings and uses accessory to permitted uses
 - (b) Day homes
 - (c) Care centre, minor
 - (d) Dwelling, detached
 - (e) Home occupation, minor
 - (f) Modular home
 - (g) Public park
 - (h) Suite, secondary
 - (i) Suite, in-law
 - (j) Solar energy conversion systems
 - (k) Wind energy conversion systems, micro
 - (l) Social care home, minor
- (3) Discretionary Uses
 - (a) Buildings and uses accessory to discretionary uses
 - (b) Amateur radio communication
 - (c) Bed and breakfast establishments
 - (d) Boarding/lodging house
 - (e) Dwelling, duplex
 - (f) Family care facilities
 - (g) Group home
 - (h) Home occupation, major
 - (i) Neighbourhood commercial development
 - (j) Places of worship
 - (k) Public utilities that have no office or workshop as a part of the development
Show home
 - (l) Relocated buildings



- (m) Sea cans (for temporary construction only)
- (n) Suite, garage
- (o) Suite, garden
- (p) Social care home, major
- (q) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(4) Subdivision and Development Regulations for Detached Dwellings

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

- (a) Minimum Parcel Size: 360 m² (3875 ft²)
- (b) Minimum Parcel Width
 - (i) Interior Parcels: 12.0 m (39.4 ft)
 - (ii) Corner Parcels: 13.5 m (44.3 ft)
- (c) Minimum Front Yard: 6.0 m (19.7 ft)
- (d) Minimum Rear Yard: 7.5 m (24.6 ft)
- (e) Minimum Side Yard: 1.5 m (4.9 ft)

Except 4.0 m (13.1 ft) on the street facing side of a corner parcel; 3.0 m (9.8 ft) for one side yard in a laneless subdivision where no front attached garage has been provided.

- (f) Maximum Site Coverage: 40%
- (g) Maximum Height: 10 m (32.8 ft)
- (h) Minimum Floor Area
 - (i) Single family dwellings
 - (A) 1 storey: 80.0 m² (861.1 ft²)
 - (B) 1½ storey and split level
 - Upper floor: 37.0 m² (398.3 ft²)
 - Lower floors: 70.0 m² (753.5 ft²)
 - (C) 2 storey
 - Each floor: 61.0 m² (656.6 ft²)
 - (ii) Other uses - at the discretion of the Development Authority
- (i) Parking



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) Subdivision & Development Regulations for Duplexes

(a) Minimum site depth for duplexes

- (i) In the case of road and lane systems: 30.5 m (100 ft)
- (ii) In the case of laneless systems: 33.5 m (110 ft)

(b) Minimum site width for each duplex -per duplex unit

(A site for an up-down duplex (which has 2 dwelling units within it) must be the same width as a site for a side-by-side duplex (which has 2 dwelling units within it)).

- (i) In the case of road and lane systems
 - (A) internal sites: 7.62 m (25.0 ft) per duplex
 - (B) corner sites: 8.38 m (27.5 ft) per dwelling unit
- (ii) In the case of laneless systems
 - (A) internal sites: 7.62 m (25.0 ft) per duplex unit
 - (B) corner sites: 8.38 m (27.5 ft) per dwelling unit

(c) Minimum site area for each duplex containing two (2) dwelling units

(A site for an up-down duplex (which has 2 dwelling units within it) must be the same area as a site for a side-by-side duplex (which has 2 dwelling units within it)).

- (i) In the case of road and lane systems
 - (A) internal sites: 232.4 m² (2500 ft²) per dwelling unit
 - (B) corner sites: 255.6 m² (2750.0 ft²) per dwelling unit
- (ii) In the case of laneless systems
 - (A) internal sites –255.3 m² (2750.0 ft²) per dwelling unit
 - (B) corner sites –280.7 m² (3025.0 ft²) per dwelling unit

(6) Additional Regulations

- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
- (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.



- (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.3 R2 – Medium Density Residential District

- (1) General Purpose

To provide areas with a mixture of medium density housing types and complementary uses.
- (2) Permitted Uses
 - (a) Day homes
 - (b) Care centre, minor
 - (c) Dwelling, duplex
 - (d) Social care home, minor
 - (e) Home occupation, minor
 - (f) Public parks
 - (g) Solar energy collection systems
 - (h) Wind energy conversion systems, micro
 - (i) Buildings and uses accessory to permitted uses
- (3) Discretionary Uses
 - (a) Bed and breakfast establishment
 - (b) Boarding/lodging house
 - (c) Buildings and uses accessory to discretionary uses
 - (d) Dwelling, detached
 - (e) Dwelling, fourplex
 - (f) Day care facilities
 - (g) Family care facilities
 - (h) Group care facilities
 - (i) Group homes
 - (j) Home occupation, major
 - (k) Modular home
 - (l) Neighbourhood commercial development
 - (m) Places of worship
 - (n) Public utilities that have no office or workshop as a part of the development
 - (o) Sea cans (for temporary construction use only)
 - (p) Show home



- (q) Social care home, major
- (r) Suites, in-law
- (s) Suites, secondary
- (t) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply: (note: du = dwelling unit):

- (a) Minimum Parcel Size

Detached dwelling & Modular home:	440 m ² (4736 ft ²)
Duplex (no rear lane access):	285 m ² (3068 ft ²)/du
Duplex (rear lane access):	230 m ² (2476 ft ²)/du
- (b) Minimum Parcel Width

Detached dwelling & Modular home	
Interior parcels:	2 m (39.4 ft)
Corner parcels:	13.5 m (44.3 ft)
Duplex (no rear lane access)	
Interior Parcels:	9.5 m (31.2 ft)/du
Corner Parcels:	11.0 m (36 ft)/du
Duplex (rear lane access)	
Interior Parcels:	7.5 m (24.6 ft)/du
- (c) Corner Parcels: 9.0 m (29.5 ft)/du

Minimum Front Yard:	6.0 m (19.7 ft)
Minimum Rear Yard:	7.5 m (24.6 ft)
Side Yard Setback:	1.5 m (4.9 ft)

Except where the building is placed over a common property line: 0 m on the common property line and 1.5 m (4.9 ft) on the opposite side; 4.5 m (14.8 ft) on the street facing side of a corner parcel; 3.0 m (9.8 ft) for the non-adjointing side yard in a laneless subdivision where no front attached garage has been provided.

- (d) Maximum Height: 10 m (33 ft)
- (e) Maximum Site Coverage: 40%



- (5) Additional Regulations
 - (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.4 R3 – High Density Residential District

- (1) General Purpose
To provide areas for multi-family residential development and complementary uses.
- (2) Permitted Uses
 - (a) Apartment
 - (b) Care centre, minor
 - (c) Buildings and uses accessory to permitted uses
 - (d) Dwelling, fourplex
 - (e) Home occupations, minor
 - (f) Public park
 - (g) Solar energy conversion system
 - (h) Wind energy conversion systems, micro
 - (i) Row housing
 - (j) Social care home, minor
- (3) Discretionary Uses
 - (a) Assisted care housing
 - (b) Boarding and lodging house
 - (c) Buildings and uses accessory to discretionary uses
 - (d) Day care facility
 - (e) Day home
 - (f) Group care facility
 - (g) Home occupation, major
 - (h) Neighbourhood commercial development
 - (i) Places of worship
 - (j) Public utilities that have no office or workshop as a part of the development
 - (k) Sea cans (for temporary construction use only)
 - (l) Show home
 - (m) Social care home, major
 - (n) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses



(4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply: (note: du = dwelling unit):

(a) Minimum Parcel Size:

Row housing

Interior parcels: 185 m² (1991 ft²)/du

Corner/End parcels: 275 m² (2959 ft²)/du

Fourplexes: 135 m² (1453 ft²)/du

Apartments & Assisted care housing: 500 m² (9149 m²)

(b) Minimum Parcel Width

Row housing

Interior parcels: 6.0 m (19.7 ft)/du

Corner/End parcels: 9.0 m (29.5 ft)/du

Fourplexes: 15.0 m (49.2 ft)

Apartments & Assisted care housing: 15.0 m (49.2 ft)

(c) Minimum Front Yard

Row housing & Fourplexes

Rear lane access: 4.5 m (14.8 ft)

No rear lane access: 6.0 m (19.7 ft)

Apartments & Assisted care housing 6.0 m (19.7 ft)

(d) Minimum Rear Yard: 7.5 m (24.6 ft)

(e) Minimum Side Yard

Fourplexes: 1.5 m (4.9 ft)

Except 4.5 m (14.8 ft) on the street facing side of a building on a corner parcel.

Apartments & Assisted care housing: 3.0 m (9.8 ft)

Except 6.0 m (19.7 ft) on the street facing side of a building on a corner parcel

Row housing: 1.5 m (4.92 ft) for the unattached side of a building on an interior parcel

Except 4.5 m (14.76 ft) on the street facing side of a building on a corner parcel; 3.0 m (9.84 ft) for the non-adjointing side of a building on an interior



parcel in a laneless subdivision where no front attached garage has been provided.

*Note that interior row housing units shall have a 0 m side yard.

(f) Maximum Site Coverage: 40%

(g) Maximum Height

Apartments & Assisted care housing: 14.0 m (45.9 ft)

Row housing & Fourplexes: 10.0 m (32.8 ft)

(5) Additional Development Regulations

(a) Minimum Floor Area

Apartments (bachelor suite): 42 m² (452.0 ft²)

Apartments (other suites): 50 m² (538.2 ft²) plus 11 m² (118.4 ft²) per bedroom

(6) Additional Regulations

(a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.

(b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.

(c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.

(d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.5 MHS – Manufactured Home Subdivision District

(1) General Purpose

The purpose of this district is to provide areas for manufactured home subdivisions in which each manufactured home unit is located on a separately registered lot.

(2) Permitted Uses

- (a) Buildings and uses accessory to permitted uses
- (b) Day homes
- (c) Manufactured home
- (d) Home occupation, minor
- (e) Public park
- (f) Solar energy conversion system
- (g) Wind energy conversion system, micro

(3) Discretionary Uses

- (a) Care centre, intermediate
- (b) Care centre, minor
- (c) Buildings and uses accessory to permitted uses
- (d) Home occupation, major
- (e) Neighbourhood commercial development
- (f) Places of worship
- (g) Public utilities that have no office or workshop as a part of the development
- (h) Show home
- (i) Small radio communications towers
- (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses

(4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

(a) Minimum Parcel Size

Internal parcel: 440 m² (4736 ft²)

Corner parcel: 480 m² (5167 ft²)

(b) Minimum Parcel Width



- | | | |
|-----|---|------------------|
| | Internal parcel: | 12.0 m (39.4 ft) |
| | Corner parcel: | 13.5 m (44.3 ft) |
| (c) | Minimum Front Yard: | 4.5 m (14.8 ft) |
| (d) | Minimum Rear Yard: | 4.5 m (14.8 ft) |
| (e) | Minimum Side Yard: | 1.5 m (4.9 ft) |
| | Except 4.5 m (14.8 ft) on the street facing side of a corner parcel; 3.0 m (9.8 ft) for one side yard in a laneless subdivision where no front attached garage has been provided. | |
| (f) | Maximum Site Coverage: | 40% |
| (g) | Maximum Height: | 6.0 m (19.7 ft) |
| (h) | Landscaping: | |
| | To the satisfaction of the Development Authority | |

(5) Special Requirements

- (a) A plan for the area must first be reviewed and approved by the Development Authority having jurisdiction prior to considering a subdivision or a development permit application for this district.
- (b) It shall be the responsibility of the owner to place the manufactured home on a foundation or base in accordance with the requirements of the Alberta Building Code.
- (c) No propane is to be used for heating or other indoor purposes in a manufactured home subdivision.
- (d) All accessory structures such as patios, porches, additions, etc. shall be constructed to compliment the appearance and character of the manufactured home and site to the satisfaction of the Development Authority.
- (e) The undercarriage of the manufactured home shall be screened from view to the satisfaction of the Development Authority with materials that, in the opinion of the Development Authority, compliment the appearance, design and construction of the manufactured home.

(6) Additional Regulations

- (f) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
- (g) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
- (h) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.



- (i) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.6 MHP – Manufactured Home Park District

- (1) General Purpose
To provide for development of manufactured home parks where stalls are provided on a rental/lease basis.
- (2) Permitted Uses
 - (a) Buildings and uses accessory to permitted uses
 - (b) Manufactured home park
 - (c) Manufactured homes in a manufactured home park for which a development permit has been issued
 - (d) Manufactured home park office
 - (e) Home occupation, minor
 - (f) Public park
 - (g) Solar energy conversion system
 - (h) Wind energy conversion system, micro
- (3) Discretionary Uses
 - (a) Care centre, minor
 - (b) Day care
 - (c) Day home
 - (d) Home occupation, major
 - (e) Neighbourhood commercial development
 - (f) Places of worship
 - (g) Public utilities that have no office or workshop as a part of the development
 - (h) Show home
 - (i) Small radio communications towers
 - (j) Other uses which, in the opinion of the Development Authority, are similar to the above mentioned permitted and discretionary uses
- (4) Development Regulations
In a manufactured home park, “unit” means an area of land for the placement of a manufactured home for the exclusive use of its occupants.
In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:
 - (a) Maximum Density



17 manufactured homes per ha (7 per acre)

(b) Lot and Park Area

Minimum Manufactured Home Park site area shall be 2 ha (5 acres)

(c) Minimum unit size for manufactured homes

372 m² (4,004 ft²)

(d) Minimum Setbacks

Manufactured homes shall be at least:

4.5 m (14.8 ft) From one another

3.0 m (9.8 ft) From front lot line

3.0 m (9.8 ft) From rear lot line

1.5 m (4.9 ft) From one side lot line

3.0 m (9.8 ft) From the other side lot line

Except 4.5 m (14.8 ft) on the street facing side of a corner parcel.

(e) Maximum Height: 6.0 m (19.7 ft)

(f) Maximum Site Coverage: 50%

(5) Additional Regulations

Additional development regulations include but are not limited to the following:

(a) A fully dimensioned and labelled comprehensive site plan shall be submitted to the Development Authority prior to issuance of a Development Permit and shall include the following:

(i) Location of lots, including lot numbers;

(ii) Access points, roads, laneways and walkway systems;

(iii) Proposed location the manufactured home on each lot;

(iv) Location of parking aprons for each lot;

(v) Provision for an area open space according to **subsection (b)** listed below;

(vi) Provision for a minimum 4.0 m (13.1 ft) landscaped perimeter;

(vii) Provision of visitor parking provided at a ratio stated in **subsection (d)** below;

(viii) Provision of outdoor lighting;

(ix) Location of directional signs;

(x) Location of all existing and proposed easements and rights-of-way;



- (xi) Location of garbage storage containers; and
 - (xii) Any other information the Development Authority deems necessary.
 - (b) An open space area consisting of a minimum 5% of the total manufactured home park shall be provided as a contiguous recreational and playground use area for the enjoyment of the park residents;
 - (c) All roads within a manufactured home park shall be well drained, surfaced and maintained to the satisfaction of the Development Authority. Minimum right-of-way width shall be 7.5 m (24.6 ft);
 - (d) Visitor parking spaces shall be provided throughout the park at a ratio of at least one space for every two manufactured home units. Each visitor parking area shall provide at least three (3) parking spaces and shall be located at convenient locations throughout the manufactured home park. These spaces shall not be used for the storage of boats, trailers, etc.
 - (e) All municipal utilities shall be provided underground to stalls in a manufactured home park.
 - (f) Each manufactured home stall shall be clearly marked off by means of stakes, countersunk steel posts, fences, curbs or hedges.
 - (g) Only one main, free-standing, identification sign shall be erected at the entrance to a Manufactured Home Park and shall be subject to the sign regulations of this Bylaw.
 - (h) 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.
- (6) Building Appearance
- (a) All accessory structures such as patios, porches, additions, etc shall be constructed to compliment the appearance and character of the manufactured home to the satisfaction of the Development Authority.
 - (b) The undercarriage of each manufactured home shall be screened from view by skirting or such other means satisfactory to the Development Authority.
 - (c) All areas of a Manufactured Home Park not developed or occupied by park roads, walkways, driveways, parking aprons, buildings or other developed facilities, shall be landscaped to the satisfaction of the Development Authority.
- (7) Landscaping
- (a) Notwithstanding **Section 7.13**, a 4.0 m (13.1 ft) strip along the perimeter of the manufactured home park shall be landscaped to the satisfaction of the Development Authority.



(8) Additional References

- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
- (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.7 C1 – Downtown Commercial District

- (1) General Purpose

To provide pedestrian-orientated commercial development that offers a wide variety of services appropriate for the Central Business District in a mixed use environment.
- (2) Permitted Uses
 - (a) Alcohol retail sales
 - (b) Buildings and uses accessory to permitted uses
 - (c) Business support services establishment
 - (d) Commercial business centre
 - (e) Commercial use
 - (f) Eating and drinking establishment
 - (g) General retail
 - (h) Government services
 - (i) Library and cultural exhibit
 - (j) Office use
 - (k) Personal service facility
 - (l) Professional, financial, office and business support services
 - (m) Protective and emergency services
 - (n) Public or quasi-public building
 - (o) Public or quasi-public use
 - (p) Restaurant
 - (q) Retail, convenience
 - (r) Retail, general
 - (s) Solar energy conversion system
 - (t) Wind energy conversion system, micro
- (3) Discretionary Uses
 - (a) Amusement establishment, indoor
 - (b) Automotive and equipment maintenance and repair shop
 - (c) Assisted care housing
 - (d) Bed and breakfast establishment



- (e) Buildings and uses accessory to discretionary uses
 - (f) Bus depot
 - (g) Care centre, intermediate
 - (h) Care centre, major
 - (i) Day care facility
 - (j) Caretaker/security residence
 - (k) Commercial business centre
 - (l) Commercial entertainment facility
 - (m) Commercial school
 - (n) Contractor service, limited
 - (o) Drinking establishment
 - (p) Drive-in food service
 - (q) Dwelling, apartment
 - (r) Dwelling, detached (existing as of the approval date of this bylaw)
 - (s) Entertainment establishment
 - (t) Essential public service
 - (u) Funeral services
 - (v) Health service
 - (w) Hotel
 - (x) Household repair service
 - (y) Liquor sales and storage establishment
 - (z) Mixed use development
 - (aa) Parking facilities (public or private)
 - (bb) Places of worship
 - (cc) Private club
 - (dd) Recycling depot
 - (ee) Recreation, indoor
 - (ff) Service station
 - (gg) Social care housing
 - (hh) Utility
- (4) Development Regulations



In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

- (a) Minimum Parcel Size: 280 m² (3013 ft²)
- (b) Minimum Parcel Width: 9.0 m (29.5 ft) per lot
- (c) Maximum Height: 14.0 m (45.9 ft) or 4 storeys
- (d) Minimum Front Yard:
No front yard setback is required except where the Development Authority may deem it necessary to conform to existing adjoining development
- (e) Minimum Side Yard:
None required; except 3.0 m (9.8 ft) where abutting a residential district; 6.0 m (19.7 ft) on one side where no rear lane exists.
- (f) Minimum Rear Yard:
None required; except 6.0 m (19.7 ft) where loading, parking, and waste disposal requirements are required; and 3.0 m (9.8 ft) where abutting a residential district.
- (g) Minimum Floor Area:

Apartments (bachelor suite):	50 m ² (538.2 ft ²)
Apartments (other suites):	50 m ² (538.2 ft ²) plus 11 m ² (118.4 ft ²) per bedroom

All other uses as determined by the Development Authority
- (h) Maximum Site Coverage:
100% provided that provision has been made for parking, loading, storage, and waste disposal to the satisfaction of the Development Authority.

(5) Additional Development Regulations

Additional development regulations include but are not limited to the following:

- (a) Dwelling units within mixed use developments shall:
 - (i) Have an entrance that is separate and distinct from the entrance to any non-residential component of the building;
 - (ii) Not be located below the second storey; and
 - (iii) Not be located on the same floor as a non-residential use unless there is a physical separation of uses and separate entrances to the satisfaction of the Development Authority;
- (b) Notwithstanding **Section 6.16** and the maximum site coverage regulation of this District, assisted care facilities, commercial entertainment facilities,



funeral services, hotels, mixed use developments incorporating residential dwelling units, and places of worship shall provide all parking on-site.

- (c) Where possible a building(s) within a commercial business centre shall front directly onto the street with parking provided at the rear of the building or buildings.
 - (d) No outdoor/open storage or display of goods or other material shall be permitted, except for special occasions that occur on a temporary basis. Such occasions shall be subject to approval of the Development Authority.
- (6) Additional References
- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.



8.8 C2 – General Commercial District

(1) General Purpose

To provide development that serves the travelling public and businesses that benefit from exposure to large volumes of vehicular traffic, and where limited outdoor storage is permitted.

(2) Permitted Uses

- (a) Amusement establishment, indoor
- (b) Animal hospital
- (c) Automotive and equipment maintenance and repair shop
- (d) Automotive sales and service outlet
- (e) Automotive accessory supply and repair
- (f) Buildings and uses accessory to permitted uses
- (g) Business support services establishment
- (h) Car wash
- (i) Commercial use
- (j) Commercial entertainment facility
- (k) Commercial school
- (l) Contractor service, limited
- (m) Drive-in food service
- (n) Drive-through vehicle services
- (o) Eating and drinking establishment
- (p) Entertainment establishment
- (q) Equipment establishment
- (r) Funeral services
- (s) Gas bar
- (t) Government services
- (u) Greenhouse
- (v) Health services
- (w) Highway commercial use
- (x) Household repair service



- (y) Hotel
- (z) Library and cultural exhibit
- (aa) Motel
- (bb) Municipal service facility
- (cc) Office use
- (dd) Personal service facility
- (ee) Professional, financial, office and business support services
- (ff) Public or quasi-public building
- (gg) Public or quasi-public use
- (hh) Recreation, indoor
- (ii) Recycling depot
- (jj) Restaurant
- (kk) Retail, convenience
- (ll) Retail, general
- (mm) Service station
- (nn) Solar energy conversion system
- (3) Discretionary Uses
 - (a) Abattoirs
 - (b) Alcohol retail sales
 - (c) Amateur radio communication
 - (d) Amusement establishment, outdoor
 - (e) Animal breeding and boarding facility
 - (f) Auctioneering establishment
 - (g) Automotive and heavy equipment repair and auto body shop
 - (h) Buildings and uses accessory to discretionary uses
 - (i) Bulk fuel storage and sales
 - (j) Care centre, intermediate
 - (k) Care centre, major
 - (l) Crematorium
 - (m) Commercial business centre
 - (n) Commercial storage



- (o) Drinking establishment
 - (p) Essential public service
 - (q) Indoor recreation facility
 - (r) Liquor sales and storage establishment
 - (s) Parking facility (public or private)
 - (t) Suite, surveillance
 - (u) Trucking and cartage establishment
 - (v) Vehicle repair establishment
 - (w) Veterinary clinic
 - (x) Warehouse
 - (y) Wind energy conversion system, micro
 - (z) Sea cans
- (4) Development Regulations
- In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:
- (a) Minimum Parcel Size: 0.2 ha (0.5 ac)
 - (b) Maximum Height: 7.0 m (23.0 ft)
 - (c) Minimum Front Yard: 6.0 m (19.7 ft)
 - (d) Minimum Side Yard: 6.0 m (19.7 ft)
 - (e) Minimum Rear Yard: 7.0 m (19.7 ft)
 - (f) Maximum Site Coverage: Floor area ratio shall be 2.0
- (5) Additional Regulations
- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
 - (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw



- (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.9 BST – Business Service Transition District

- (1) General Purpose
To permit commercial and light industrial business uses that do not create a nuisance which extends beyond the lot on which it occurs.
- (2) Permitted Uses
 - (a) Amusement establishment, indoor
 - (b) Animal hospital
 - (c) Automotive and equipment maintenance and repair shop
 - (d) Automotive sales and service outlet
 - (e) Automotive accessory supply and repair
 - (f) Buildings and uses accessory to permitted uses
 - (g) Business support services establishment
 - (h) Car wash
 - (i) Commercial storage
 - (j) Commercial use
 - (k) Commercial entertainment facility
 - (l) Commercial school
 - (m) Contractor service, limited
 - (n) Drive-in food service
 - (o) Drive-through vehicle services
 - (p) Eating and drinking establishment
 - (q) Entertainment establishment
 - (r) Gas bar
 - (s) Government services
 - (t) Greenhouse
 - (u) Health services
 - (v) Highway commercial use
 - (w) Household repair service
 - (x) Municipal Service facility
 - (y) Office use
 - (z) Professional, financial, office and business support services



- (aa) Public or quasi-public building
- (bb) Public or quasi-public use
- (cc) Recreation, indoor
- (dd) Recycling depot
- (ee) Restaurant
- (ff) Retail, convenience
- (gg) Retail, general
- (hh) Service station
- (ii) Solar energy conversion system
- (jj) Wind energy conversion system, micro
- (kk) Warehouse
- (3) Discretionary Uses
 - (a) Abattoirs
 - (b) Alcohol retail sales
 - (c) Amateur radio communication
 - (d) Amusement establishment, outdoor
 - (e) Animal breeding and boarding facility
 - (f) Auctioneering establishment
 - (g) Automotive and heavy equipment repair and auto body shop
 - (h) Buildings and uses accessory to discretionary uses
 - (i) Bulk fuel storage and sales
 - (j) Care Centre, intermediate
 - (k) Care Centre, major
 - (l) Crematorium
 - (m) Commercial business centre
 - (n) Drinking establishment
 - (o) Essential public service
 - (p) Indoor recreation facility
 - (q) Industrial use, light
 - (r) Liquor sales and storage establishment
 - (s) Parking facility (public or private)



- (t) Suite, surveillance
 - (u) Trucking and cartage establishment
 - (v) Vehicle repair establishment
 - (w) Veterinary clinic
 - (x) Wind energy conversion system, small
 - (y) Sea cans
- (4) Development Regulations
- In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:
- (a) Minimum Parcel Width: 30.0 m (98.4 ft)
 - (b) Maximum Height: 10.0 m (32.8 ft) 2 ½ storeys
 - (c) Minimum Front Yard: 6.0 m (19.7 ft)
 - (d) Minimum Side Yard: 3.0 m (9.8 ft)
Except 6.0 m where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way
 - (e) Minimum Rear Yard: 3.0 m (9.8 ft)
Except 6.0 m (19.7 ft) where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way
 - (f) Maximum Site Coverage: Floor area ratio shall be: 1.0
- (5) Additional Regulations
- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
 - (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw
 - (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.10 M1- Industrial

(1) General Purpose

To provide an area for light and medium industrial uses that may require a large area of land to conduct their operations which are likely to generate a nuisance.

- (a) Agriculture, extensive
- (b) Animal breeding and boarding facility
- (c) Animal hospital
- (d) Auctioneering establishment
- (e) Automotive and equipment maintenance repair shop
- (f) Automotive and heavy equipment repair and auto body shop
- (g) Automotive sales and service outlet
- (h) Automotive accessory supply and repair
- (i) Buildings and uses accessory to permitted uses
- (j) Bulk fuel storage and sales
- (k) Bus depot
- (l) Business support services establishment
- (m) Car wash
- (n) Commercial storage
- (o) Commercial use
- (p) Contractor service, limited
- (q) Drive-through vehicle services
- (r) Essential public service
- (s) Eating and drinking establishment
- (t) Gas bar
- (u) Government services
- (v) Greenhouse
- (w) Heavy truck and equipment storage
- (x) Highway commercial use
- (y) Household repair service
- (z) Industrial use, light
- (aa) Municipal service facility



- (bb) Office use
 - (cc) Outdoor storage facility
 - (dd) Parking facility
 - (ee) Professional, financial, office and business support services
 - (ff) Protective and emergency services
 - (gg) Public or quasi-public building
 - (hh) Public or quasi-public use
 - (ii) Recycling depot
 - (jj) Retail, convenience
 - (kk) Service station
 - (ll) Shop
 - (mm) Solar energy conversion system
 - (nn) Trucking and cartage establishment
 - (oo) Wind energy conversion system, micro
 - (pp) Warehouse
 - (qq) Warehouse sales establishment
- (3) Discretionary Uses
- (a) Abattoirs
 - (b) Airport
 - (c) Agricultural industry
 - (d) Amateur radio communication
 - (e) Automotive wrecker
 - (f) Buildings and uses accessory to discretionary uses
 - (g) Care Centre, intermediate
 - (h) Care Centre, major
 - (i) Crematorium
 - (j) Essential public service
 - (k) Industrial and commercial service support
 - (l) Industrial use, medium
 - (m) Liquor sales and storage establishment
 - (n) Manufacturing/processing facility



- (o) Oilfield support
 - (p) Parking facility (public or private)
 - (q) Recreational vehicle storage
 - (r) Suite, surveillance
 - (s) Vehicle repair establishment
 - (t) Veterinary clinic
 - (u) Wind energy conversion system, small
 - (v) Sea cans
- (4) Development Regulations
- In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:
- (a) Minimum Parcel Area: 0.2 ha (0.5 ac)
 - (b) Minimum Parcel Width: 30.0 m (98.4 ft)
 - (c) Maximum Height: 18.0 m (59.1 ft)
 - (d) Minimum Front Yard: 6.0 m (19.7 ft)
 - (e) Minimum Side Yard: 6.0 m (19.7 ft)
 - (f) Minimum Rear Yard: 6.0 m (19.7 ft)
 - (g) All other regulations At the discretion of the Development Authority
- (5) Additional Regulations
- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
 - (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw
 - (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.11 P – Parks and Recreation District

- (1) General Purpose
 - To provide an area for public leisure, recreation and enjoyment.
- (2) Permitted Uses
 - (a) Buildings and uses accessory to permitted uses
 - (b) Public Park
 - (c) Public and quasi-public buildings
 - (d) Public and quasi-public uses
 - (e) Municipal service facility
 - (f) Natural environmental preserve
 - (g) Utility
- (3) Discretionary Uses
 - (a) Buildings and uses accessory to discretionary uses
 - (b) Campground
 - (c) Community services facility
 - (d) Essential public service
 - (e) Exhibition grounds
 - (f) Golf course
 - (g) Recreation, indoor
 - (h) Recreation, outdoor
 - (i) Surveillance suite
- (4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

- | | |
|---------------------------|--|
| (a) Minimum Parcel Width: | At the discretion of the Development Authority |
| (b) Minimum Front Yard: | 7.0 m (23.0 ft) |
| (c) Minimum Side Yard: | 4.5 m (14.8 ft) |
| (d) Minimum Rear Yard: | 7.0 m (23.0 ft) |
| (e) Maximum Height: | 15.0 m (49.2 ft) |



- (f) All other regulations At the discretion of the
Development Authority
- (5) Additional Regulations
 - (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
 - (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
 - (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw.
 - (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.12 IPS – Institutional and Public Service District

- (1) General Purpose
 - To permit development of uses which provide a variety of community services to the Town.
- (2) Permitted Uses
 - (a) Amusement establishment, indoor
 - (b) Amusement establishment, outdoor
 - (c) Assisted care housing
 - (d) Buildings and uses accessory to permitted uses
 - (e) Community service facility
 - (f) Government service
 - (g) Place of worship
 - (h) Public park
 - (i) Public and quasi-public buildings
 - (j) Public and quasi-public uses
 - (k) Municipal service facility
 - (l) School
 - (m) Utility
- (3) Discretionary Uses
 - (a) Assisted care facility
 - (b) Buildings and uses accessory to discretionary uses
 - (c) Campground
 - (d) Cemetery
 - (e) Essential public service
 - (f) Exhibition grounds
 - (g) Golf course
 - (h) Hospital
 - (i) Outdoor storage facility
 - (j) Recreation, indoor
 - (k) Recreation, outdoor



(4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

- | | |
|---------------------------|---|
| (a) Minimum Parcel Width: | 30.0 m (98.4 ft) |
| (b) Minimum Front Yard: | 6.0 m (19.7 ft) |
| (c) Minimum Side Yard: | 3.0 m (9.8 ft) except 4.5 m (14.8 ft) where abutting a residential district or a public road right-of-way (not including a lane) or railway right-of-way. |
| (d) Minimum Rear Yard: | 7.0 m (23.0 ft) |
| (e) Maximum Height: | 15.0 m (49.2 ft) |
| (f) All other regulations | At the discretion of the Development Authority |

(5) Additional Regulations

- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
- (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw
- (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.13 U – Utilities District

- (1) General Purpose

To provide for public and private utilities necessary to serve the Town and the surrounding area.
- (2) Permitted Uses
 - (a) Buildings and uses accessory to permitted uses
 - (b) Municipal service facility
 - (c) Public and quasi-public buildings
 - (d) Public and quasi-public uses
 - (e) Public park
 - (f) Utility
- (3) Discretionary Uses
 - (a) Buildings and uses accessory to discretionary uses
 - (b) Essential public service
 - (c) Outdoor storage facility
- (4) Development Regulations

In addition to the General Provisions contained in **Section 6** and the Special Provisions in **Section 7**, the following standards shall apply:

(a) Minimum Front Yard:	6.0 m (19.7 ft)
(b) Minimum Side Yard:	6.0 m (19.7 ft)
(c) Minimum Rear Yard:	7.0 m (23.0 ft)
(d) Maximum Height:	10.0 m (32.8 ft)
(e) All other regulations	At the discretion of the Development Authority
- (5) Additional Regulations
 - (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
 - (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
 - (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.



- (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw
- (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.14 UR – Urban Reserve District

(1) General Purpose

The purpose of this district is to restrict subdivision and development until such time as the lands can be planned for and developed for urban uses in an orderly and efficient fashion.

(2) Permitted Uses

- (a) Agriculture, extensive
- (b) Building and uses accessory to permitted uses

(3) Discretionary Uses

- (a) Building and uses accessory to discretionary uses
- (b) Day homes
- (c) Detached dwelling existing at the time of adoption of this Bylaw
- (d) Home occupation

(4) Development Regulations

No subdivision or development other than for the above uses shall take place until an overall plan for the area has been adopted by Council. At a minimum, this plan should identify: a proposed plan of subdivision; an outline plan of subdivision; the proposed land use classification; public reserve dedications; road layout; and utility policies.

(5) Additional Regulations

- (a) Fences shall be developed in accordance with **Section 6.10** of this Bylaw.
- (b) Landscaping shall be provided in accordance with **Section 6.13** of this Bylaw.
- (c) Grading and drainage of the site shall be provided in accordance with **Section 6.21** of this Bylaw.
- (d) Accessory buildings shall be developed in accordance with **Section 6.1** of this Bylaw.
- (e) Parking and loading shall be developed in accordance with **Section 6.16** of this Bylaw.
- (f) Site circulation, buffering and lighting shall be developed in accordance with **Sections 6.20, 6.21 and 6.22** of this Bylaw.



8.15 DC – Direct Control District

(1) General Purpose

To provide for the development of land uses under individually unique or special circumstances requiring site-specific controls where the application of conventional land use districts would be inappropriate or inadequate.

(2) Uses

In approving a bylaw for a Direct Control District for a particular site, Council shall specify those uses that may be allowed.

(3) Development Regulations

In approving a bylaw for a Direct Control District for a particular site, Council shall establish the development standards that apply.

(4) Administrative Provisions

(a) This District shall only be applied where the following conditions are met:

- (i) The development is, in the opinion of Council, considered appropriate for the site having regard for the policies and objectives of any statutory plans applicable to the site and surrounding area and its compatibility with the scale and character of surrounding development;
- (ii) The use of any other District on the site would, in the opinion of Council, result in potential conflicts with existing or future surrounding developments, should the full development potential of uses in the District be realized; and
- (iii) The development is of a unique form or nature not contemplated or reasonably regulated by another District.

(b) In addition to the information required by this Bylaw for an amendment application, the applicant shall also provide the following:

- (i) Support rationale explaining why the proposed District is desirable for the site having regard for the conditions listed in (4) above;
- (ii) A list of uses proposed for the site;
- (iii) An explanation of the methods used to obtain public input and written documentation of the opinions and concerns of surrounding property owners and residents and how the proposed development responds to those concerns;
- (iv) Plans and elevations that would help substantiate the need for the District and establish the development standards that would apply to the site; and



- (v) Any other information as required by the Development Authority to evaluate the proposed development and its potential impacts.
 - (c) In approving a bylaw for a Direct Control District for a particular site, Council may specify:
 - (i) The Development Authority for those uses to be decided upon; and
 - (ii) Those development standards for which a variance may be granted.
- (5) Sites Subject to Direct Control
- The allowable uses and specific regulations for a particular site subject to Direct Control are described in the applicable bylaw (listed below, if any).



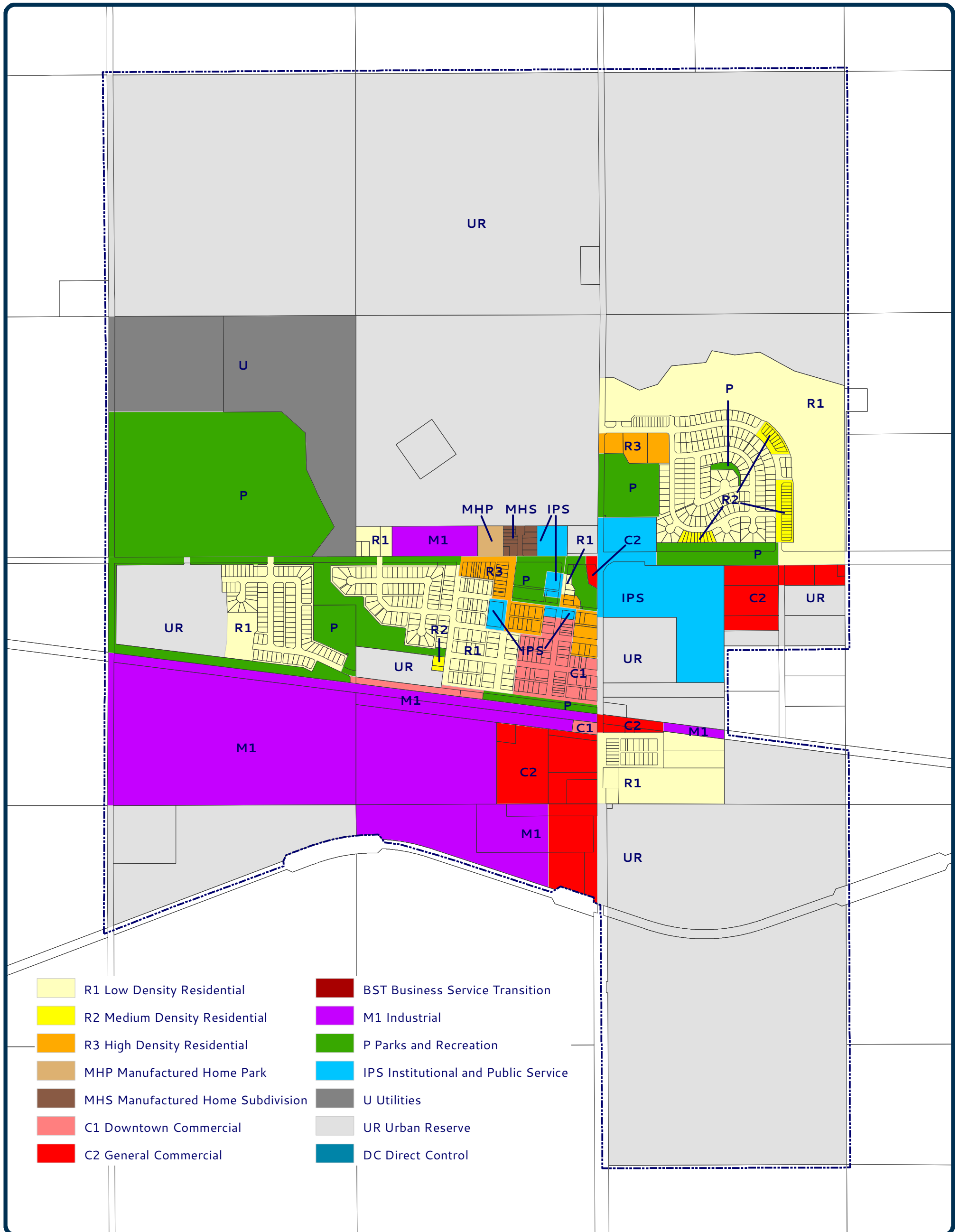
9 | Land Use District Map
















Town of Bruderheim



Land Use Bylaw Map



- | | |
|---|--|
|  R1 Low Density Residential |  BST Business Service Transition |
|  R2 Medium Density Residential |  M1 Industrial |
|  R3 High Density Residential |  P Parks and Recreation |
|  MHP Manufactured Home Park |  IPS Institutional and Public Service |
|  MHS Manufactured Home Subdivision |  U Utilities |
|  C1 Downtown Commercial |  UR Urban Reserve |
|  C2 General Commercial |  DC Direct Control |

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FOR MORE INFORMATION: www.munplan.ab.ca

10 | Appendix



10.1 Appendix A | Sustainable Resource Development Guidel

Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.

Water Feature	Minimum ER Width ²	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland ¹	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use by law to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

¹ Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

² In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.

Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less. The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley. 	<ul style="list-style-type: none"> Residential development within a floodplain is discouraged. Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines). The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

